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Supporting Information

Removal of the Occupancy Condition at
The Croft, Cheadle Road, Draycott in the Moors,
Stoke on Trent, ST11 9RQ

PREPARED FOR:

Mr T Beech
The Old Farmhouse
Hollow Farm
Cheadle Road
Draycott in the Moors
Stoke on Trent
ST11 9RQ

October 2024

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REMOVAL OF THE AGRICULTURAL OCCUPANCY CONDITION REGARDING THE CROFT, CHEADLE ROAD, DRAYCOTT IN THE MOORS, STOKE ON TRENT, ST11 9RQ

The agricultural occupancy condition (condition 3) of 22 April 1968 (ref: 7328) for the property known as The Croft, states as follows:-

The occupation of the house shall be limited to a person employed or last employed locally in agriculture as defined in Section 221 (1) of the Town and Country Planning Act, 1962, and the dependents of such a person (but including a widow or widower of such a person).

A Certificate of Lawfulness application (ref: SMD/2024/0372) was submitted to Staffordshire Moorlands Council in August 2024 regarding breach of the agricultural occupancy condition. The Certificate of Lawfulness was approved on 8th October 2024 in respect of the property being occupied in breach of the condition for over 10 years.

Subsequent to the Certificate of Lawfulness being submitted in August, and granted on 8th October, the situation regarding the property has not changed (as detailed below). As a consequence of the Certificate of Lawfulness being approved, the property can be occupied lawfully by persons who are not involved in agriculture or forestry.

The details and the history of the occupiers of the property are as follows:-

The Croft is a bungalow which is owned by Trevor Beech and his family (i.e. wife and two children).

The Croft was originally occupied by Trevor Beech's grandparents, up until 1997. The property was then owned and occupied by Trevor Beech's parents, until January 2013.

Since September 2013 the property has been let-out, and let-out to people who have no involvement in agriculture.

From September 2013 to September 2017 the property was let to Andrew Boulton-Briggs, who was Operations Director for Turbine Controls Ltd.

Since September 2017 the property has been let to Howard Corns and Samantha Rowley-Corns, both of whom have commercial business interests. Howard Corns and Samantha Rowley-Corns continue to live at The Croft with their young child.

Since September 2013, when the property has been let-out, The Croft has been occupied by people in breach of the agricultural occupancy condition.

Paragraph 56 of the NPPF (as updated Dec 2023) states as follows regarding planning conditions:-

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

The above is known as the '6 tests' in the Planning Practice Guidance (Paragraph: 003 Reference ID: 21a-003-20190723).

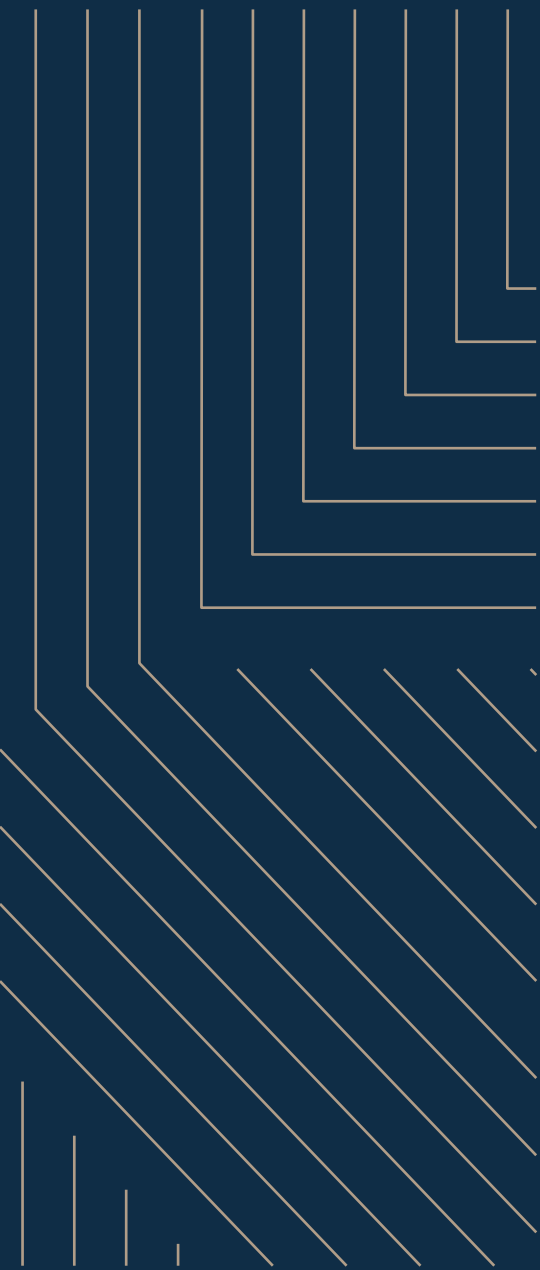
The agricultural occupancy condition relating to the dwelling, The Croft, no longer meets the tests, i.e. it is not enforceable, and therefore should be removed.

Conclusion

Given the history of the property, following the consent for the dwelling (subject to the occupancy condition) and the Certificate of Lawfulness having been granted, it is considered that the agricultural occupancy condition is now obsolete and serves no useful purpose, and therefore should be removed.

Referring to Paragraph 56 of the NPPF regarding planning conditions, and the '6 tests' in the Planning Practice Guidance, the agricultural occupancy condition is now no longer relevant because it is not enforceable.

As per the submission it is deemed that the application should be approved for the removal of the agricultural occupancy condition.



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