

Appeal Decision

Site visit made on 6 February 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th March 2017

Appeal Ref: APP/H0520/W/16/3163000

Poplar Farm, Chapel Road, Ramsey Heights, Huntingdon, Cambridgeshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr A Butler against the decision of Huntingdonshire District Council.
 - The application Ref 16/00876/FUL, dated 15 April 2016 was approved on 16 August 2016 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of existing and erection of replacement dwelling with garage.
 - The condition in dispute is No 4 which states that: *"The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents"*.
 - The reason given for the condition is: *"The site lies in an area within which the Local Planning Authority would not normally grant permission for residential development. This permission is granted in recognition of the special agricultural need for the dwelling in accordance with Policy H23 of the Huntingdonshire Local Plan, 1995, and should only be occupied by persons connected with agriculture"*.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The Appellant states that the decision of the Planning Committee to impose the disputed condition was unreasonable and unnecessary. However no application for costs has been made and therefore my role is to simply assess whether the disputed condition itself is necessary and reasonable rather than the process that led to its imposition.
3. When I conducted my site visit, the road serving the appeal site was clearly marked as 'Chapel Road'. I did not see any signage along the way to suggest the road changes its name to 'Heights Drove Road'. I have therefore taken the street name from the Council's Decision Notice as this is consistent with my own observations.

Main Issue

4. The main issue is whether the agricultural occupancy condition is necessary and justified, given the circumstances of the case and local and national planning policy.
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Background

5. The appeal site comprises a dilapidated two-storey dwelling which occupies a remote location on agricultural land to the south of Chapel Road. The surrounding area is remote and unmistakably rural. The dwelling has been unoccupied for a significant period of time.
6. A previous application in 2008 to extend and alter the property was dismissed on appeal in December 2009¹. At that time the Inspector commented on the poor condition of the building as one of the principle barriers to bringing it back into residential use.
7. In 2013 information submitted with the application suggested the building was capable of being brought back into residential use. On this basis the Council granted planning permission for the re-use of the farmhouse². However, since that time an up-to-date survey has confirmed that the cost of bringing the building back into use would be prohibitive due to its continued deterioration. It is therefore no longer viable to implement the 2013 consent and hence the appellant submitted the application subject of this appeal to rebuild it.

Reasons

8. Based on everything I have seen and read including notably; the appellant's failure to take meaningful steps to protect the building, the current condition of the building and the prolonged period of inoccupation, I see no reason to disagree with the Council's assessment regarding the abandonment of the residential use. Consequently, rebuilding the dwelling would, for all intents and purposes, amount to a new dwelling in the countryside. In these circumstances the 2013 previous planning permission which related to the re-use of the building is largely irrelevant as it does not represent a viable fall-back position.
9. In that context there can be little doubt that the appeal site is situated in an area where a restrictive approach to new housing applies. Policy CS3 of the "*Local Development Framework: Core Strategy 2009*" (the CS) and En17 and H23 of the "*Huntingdonshire Local Plan 1995*" (the LP) seek to control new development in the open countryside unless an essential need in connection with, inter alia, forestry and agriculture has been demonstrated. Paragraph 55 of the "*National Planning Policy Framework*" (the Framework) advises Local Planning Authorities to avoid allowing new isolated homes in the countryside unless there are special circumstances. These include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The Council's Committee Report sets out the putative reasons why the application should have been refused in line with the above policies.
10. According to the Council, the appellant stated at the Planning Committee Meeting on the 15 August 2016 that there was a need for an agricultural dwelling in connection with his farming business. Rather than deferring the application to enable Officers to fully consider this new evidence, the Committee accepted what was said on face value and approved the application subject to the disputed occupancy condition.

¹ LPA Ref: 0803347FUL

² LPA Ref: 1301352FUL

11. The appellant's version of events differs to that provided by the Council. The minutes of the meeting are scant and limited to a record of who spoke and the outcome. Whilst it is not for me to speculate, it is apparent from the evidence before me that whoever initiated it there was some form of discussion about agricultural need and the farming business.
12. Irrespective of what was said by whom and when, it appears that this discussion and the verbal evidence offered by the appellant was pivotal in gaining the Committee's support for the scheme. The fact that condition 4, which in turn cites Policy H23, was subsequently imposed adds credence to this view. I have carefully considered the appellant's submissions on the matter but I find it difficult to imagine that the Council would have approved the application and imposed condition 4 if the appellant had not offered some verbal evidence regarding the agricultural need for the dwelling. Similarly, there is no persuasive evidence before me that the appellant protested at the imposition of the disputed condition by the Planning Committee.
13. Given the context outlined above, I see nothing untoward in the Council's approach or the imposition of condition 4. That is not to say however that in hindsight it might have been more prudent to have deferred the application to enable the appellant to produce the necessary evidence and for this to be properly considered. However, that is a matter for the appellant to resolve with the Council.
14. The appellant now takes the view that there is no agricultural need for the dwelling. However, if I were to simply remove the condition it would result in the erection of an isolated new dwelling in the countryside where no such special circumstances have been demonstrated. This would cause material environmental harm to the character and appearance of the countryside as well as promoting unsustainable travel patterns contrary to the Framework's Core planning principles and Policy H26 of the LP. In the circumstances this would be quite perverse and would significantly undermine public confidence in the planning system.
15. In relation to the main issue, I therefore conclude that condition No 4 is both necessary and reasonable in the interest of sustainable development and the protection of the countryside. I am therefore satisfied that on the basis of the evidence which has been placed before me, that the removal of the condition would result in conflict with Policy CS3 of the CS, Saved Policies En17 and H23 of the LP and paragraph 55 of the Framework, as it would result in an isolated dwelling in the countryside.
16. In coming to that view I have considered the provisions of Policy L26 of the emerging "*Huntingdonshire Local Plan to 2036*". This states that: "*proposals to remove occupancy conditions will only be supported where evidence demonstrates that the dwelling is not needed for the enterprise to which it relates and has been appropriately marketed at a value reflecting the occupancy condition to meet the needs of another qualifying person from another rural enterprise*". However, there is little evidence before me to demonstrate that the dwelling is not required for the appellant's agricultural enterprise and the appellant would only be able to comply with the marketing requirement once the dwelling has been constructed and occupied.
17. Finally, the appellant has drawn my attention to a 2013 planning permission for a replacement dwelling at Sherwood House. However, few details have been

submitted and from what I saw when I visited the area, its location is not comparable to the appeal site. In any event, I am required to assess the appeal before me on its own merits in the light of the particular circumstances which apply in this case and this is what I have done.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector