The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 04 July 2017

Appeal Ref: APP/C1625/W/17/3172529
Chestal Farm, Chestel, Dursley GL11 5HB.

- 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 Colin Clifford against the decision of Stroud District Council.
- The application Ref S.16/2082/COU, dated 20 September 2016, was approved on 29 November 2016 and planning permission was granted subject to conditions.
- The development permitted is conversion of existing farm buildings to form 1 dwelling and 1 office with ancillary storage.
- The condition in dispute is No 13 which states that:
  The occupation of the new dwelling shall be limited to a person solely or mainly working, or last working, if currently unemployed, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependant.
- The reason given for the condition is:
  To take account of the needs of agriculture at a location where new residential development would not normally be permitted in accordance with Policy CP3, CP14 and CP15 of the adopted Stroud District Local Plan, November 2015.

Decision

1. The appeal is allowed and planning permission Ref S.16/2082/COU for the conversion of existing farm buildings to form 1 dwelling and 1 office with ancillary storage at Chestal Farm, Chestel, Dursley GL11 5HB, granted on 29 November 2016 by Stroud District Council, is varied by deleting condition No 13.

Background and Main Issue

2. The appeal concerns a farm which is situated in the countryside close to the town of Dursely. The site consists of an established farmhouse and a number of associated farm buildings. Planning permission has been granted for one of the farm buildings to be converted into an office whilst another building has permission for conversion to residential use. The new residential unit is subject to a condition which would restrict occupancy to a person employed in agriculture or forestry. It is this condition which is in dispute.

3. The Council argue that the condition is necessary in order to comply with the terms of the Stroud District Local Plan 2015 (the Local Plan). Of particular relevance is Policy CP15, which only allows new residential development in the countryside under exceptional circumstances.

4. The main issue is therefore whether the disputed condition reasonable and necessary in the interests of development plan policies which seek to control residential development within the countryside.

Reasons

5. Policy CP15 indicates that development outside identified settlement limits will not be permitted unless it meets any one of six criteria. The first of these refers to development which is essential to the maintenance or enhancement of a sustainable farming or forestry enterprise.

6. The policy takes account of situations where it is essential for a rural worker to live at or near their place of work in the countryside. If a new dwelling were to be permitted on the basis that it was needed to accommodate an essential rural worker, it is highly likely that it would be necessary to impose a condition to restrict occupancy for that purpose. In the absence of such a condition, the dwelling could potentially be occupied by a person who was not a rural worker and the objectives of Policy CP15 would not be met.

7. However, in this particular instance, planning permission was not granted on the basis that the development would provide a dwelling for a rural worker. Indeed, the appellant states that farming activities do not warrant a full time worker and there is little evidence to show that the business necessarily requires a worker to live on the site.

8. Planning permission was instead granted on the basis of a business plan which was submitted as part of the application. This indicates that the proposed development is essential to generate additional income necessary to sustain the maintenance and enhancement of the farm. The findings of the business plan are not disputed by the Council and, in light of this evidence, the officer report concludes that the terms of Policy CP15 would be met. I have been given few reasons to question that conclusion.

9. It therefore seems to me that the disputed condition is unnecessary as there is little evidence that the dwelling needs to be occupied by a rural worker. The proposal has been found to comply with Policy CP15 for separate reasons unrelated to agricultural occupancy. In reaching this decision, I am mindful that the Local Plan aims to protect the countryside from encroachment and encourage sustainable patterns of growth. In this instance, the proposed development utilises existing buildings and the site is situated close to local services at Dursley. Although these matters are not decisive in this particular case, they nonetheless add further weight to my conclusion that removal of the condition would not undermine the objectives of the Local Plan.

10. I therefore conclude that the disputed condition is not reasonable or necessary in the interests of development plan policies which seek to control residential development within the countryside. The planning permission is therefore varied by the removal of condition 13.

Colin Cresswell

INSPECTOR