



Appeal Decision

Site visit made on 31 August 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/C2708/W/20/3262099

New Laithe Cottage, Church Road, Thornton in Craven, Skipton BD23 3TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Susan Wallace against the decision of Craven District Council.
 - The application Ref 2020/21839/VAR, dated 15 July 2020, was refused by notice dated 26 October 2020.
 - The application sought planning permission for erection of dwellinghouse for agricultural worker's occupation in connection with Rectory Farm without complying with a condition attached to planning permission Ref 5/69/108, dated 20 May 1991.
 - The condition in dispute is No 3 which states that: *The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined by Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.*
 - The reason given for the condition is: *The proposed dwelling has been permitted only in recognition of the need for a dwelling for an agricultural or forestry worker. A dwelling on this site would not otherwise have been permitted.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Both main parties have had the opportunity to comment on any relevant implications for this appeal.

Main Issue

3. The main issue is whether the disputed condition is reasonable and necessary to meet an essential need for a dwelling to accommodate a rural worker.

Reasons

4. Planning permission for the appeal dwelling was originally granted in connection with the nearby agricultural operation of Rectory Farm. The site is located in the open countryside remotely from defined settlements.
5. Based on the evidence before me, the intention was that the occupants of Rectory Farm would be able to move into the dwelling on retirement when the

- farm passed to their son. However, the circumstances of that family have changed, and the dwelling is no longer required for that purpose.
6. The appellant purchased the property for their own retirement, which is anticipated to be in 2026. As a current agricultural worker in a tied property, the appellant would meet the requirement of the disputed condition. It is proposed to remove the condition so that the property can be let in the period leading up to their retirement.
 7. The appellant submits that the dwellinghouse was built due to the personal circumstances of the applicant at that time, and due to changes in those circumstances the condition is now obsolete. However, there may be a wider need for rural worker's housing in the locality. The appeal property could potentially meet that need, even in the short to medium term.
 8. The appellant refers to a marketing exercise undertaken between November 2017 to March 2018, when the property was marketed with a reference sale value but for rental only. They contend that the property proved difficult to let due to the disputed condition. However, the evidence in respect of marketing is limited. The submitted details do not include substantive evidence to justify the identified guide price or the terms on which the property was advertised for rent.
 9. Nevertheless, a tenant who complies with the condition was found for the property, although the evidence suggests that this was by contact directly with the appellant rather than marketing. I am also mindful that the appellant meets the terms of the disputed condition. These matters indicate that a need for rural worker accommodation remains, and that the property is viable for that accommodation in accordance with the condition.
 10. Should the circumstances of the current occupant change, there would be further opportunity to carry out a robust marketing exercise to identify potential tenants, even up to the period leading to occupation by the appellant. I am mindful of the wish to provide certainty for the current tenant should their employment status change, although there is no certainty that this would occur and in any event such personal circumstances would not override the valid planning reasons behind the condition.
 11. No substantive evidence has been provided to support the appellant's contention that the 3-bedroom dwelling would not be affordable to most agricultural workers, particularly in respect of the limited evidence provided regarding the previous marketing exercise. Whilst employment levels in agriculture have fallen, this does not demonstrate that there is no need for a dwelling of this type in the locality.
 12. The appellant refers to the provisions of the Framework in respect of diversification of agricultural and other land-based rural businesses. However, this relates to business uses rather than the provision of open-market housing in the countryside. In any event, the evidence provided by the appellant does not demonstrate that the dwelling has outlived an agricultural purpose, even within the changed circumstances since the original permission.
 13. I have had regard to the case law referred to by the appellant. However, I have not been provided with the details of the marketing in that case or whether the circumstances are a direct parallel to the appeal proposal, including with

regards to Council policy. In any event, the case referred to is of some age and pre-dates the Framework.

14. I conclude that it has not been demonstrated that the disputed condition is no longer reasonable and necessary to meet an essential need for a dwelling to accommodate a rural worker. The removal of the disputed condition would result in an open-market dwelling located within the countryside, and would conflict with policy SP4 of the Craven Local Plan 2019 (the Local Plan) which seeks to limit residential development in the open countryside unless it would meet the need for a rural worker to live permanently at or near their place of work, amongst other things. The proposal would also be contrary to the Framework which seeks to avoid isolated homes in the countryside except in a number of circumstances, including meeting an essential need for a rural worker. Whilst the proposal would not result in a new building, these policies are relevant to the consideration of this proposal which would in effect result in a new open-market dwelling.
15. The Council also refers to policy ENV1 of the Local Plan, although this relates to landscape considerations and is not relevant to the issues raised by this appeal.
16. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR