



Appeal Decision

Site visit made on 24 January 2022

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 FEBRUARY 2022

Appeal Ref: APP/X3540/W/21/3281828

Meadow View, Wash Lane, Beccles NR34 8TP

- 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 conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Philip Cossey against the decision of East Suffolk Council.
- The application Ref DC/21/2292/ROC, dated 10 May 2021, was refused by notice dated 6 July 2021.
- The application sought planning permission for construction of a new farmhouse without complying with a condition attached to planning permission Ref W14887, dated 4 June 1990.
- The condition in dispute is No 2 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 in section 290(1) of the Town and Country Planning Act 1971 or in forestry, (including any dependants of such person residing with him) or a widow or widower of such a person."
- The reason given for the condition is:
"The site is in an area where dwellings would not normally be permitted unless special circumstances had been submitted which would accord with Structure Plan Policy 12.2.23."

Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Outline permission was granted in 1990 for a farmhouse, which was subsequently built. Condition 2 of that permission restricts its occupation to a person employed in the locality in agriculture or forestry, their dependants or a widow or widower of such a person.
3. The house was occupied by a farmer, who died in 2018 and since then it has been occupied by his widow. Most of the farm holding was sold in 2006. The occupant suffers from health problems which mean that she cannot use the stairs easily and lives on the ground floor. She is dependent on others for transport. She wishes to sell the property so that she can move to a more suitable bungalow. The property has been with an estate agent since 2017.
4. Although the application form states that the application relates to conditions 1, 2 and 3 of the planning permission, the appellant has made it clear in his statement that the application relates only to condition 2. No evidence has been provided in relation to conditions 1 or 3 which concern the period for

submission of reserved matters and a landscaping scheme. The Council's decision relates only to condition 2 and I shall consider the appeal on this basis.

Main Issue

5. The main issue in the appeal is whether or not condition 2 meets the tests set out in the National Planning Policy Framework (the Framework) with particular reference to the test of necessity.

Reasons

6. The property is in the countryside but is close to the urban area of Beccles. Since the permission was granted employment development has taken place close to the property and there are major allocations in the Local Plan¹ (LP) for housing and mixed use developments nearby. Although the character of nearby parts of southern Beccles have changed, the site is outside the settlement boundaries as defined in the development plan. As such it is in the countryside for planning policy purposes. The land to the west of the railway line in the vicinity of the site has the character of open countryside and is fully consistent with this status.
7. Policy WLP1.2 of the LP restricts residential development in the countryside but Policy WLP8.8 allows for rural workers dwellings. That policy requires that occupancy is restricted by condition, but it also sets out requirements in respect of applications to remove occupancy conditions. These include marketing for at least one year at a price which reflects the occupancy condition. A further requirement of that policy is that the dwelling must be made available to a minimum of three Registered Providers for occupation by a rural worker as an affordable dwelling. Guidance is provided in Appendix 4 to the LP as to the information that should be submitted, which should be provided in a marketing report.
8. Although the property has been with an estate agent since 2017, no details have been provided in respect of any marketing that has been undertaken. The agent has stated that only one person, who had no agricultural connection has expressed an interest. However, no information has been provided regarding any period(s) of active marketing, of the methods used, sales particulars, asking price or any discount applied to reflect the occupancy restriction.
9. Neither is there any submitted evidence that the dwelling has been made available to Registered Providers in accordance with the policy. For these reasons the requirements of Policy WLP8.8 have not been met and it has not been adequately demonstrated that there is no longer a need for the dwelling to house a rural worker. The fact that the dwelling is no longer on a farm holding does not alter this planning policy requirement.
10. While I note the appellant's submission that the dwelling is now unsuitable for the occupant's needs, I do not find that this consideration outweighs the need for affordable rural workers housing as set out in planning policy.
11. For these reasons I conclude that condition 2 is necessary and meets the other tests set out in the Framework.

¹ East Suffolk Council Waveney Local Plan (2019)

Conclusion

12. For these reasons I dismiss the appeal.

Nick Palmer

INSPECTOR