



Appeal Decision

Site visit made on 8 February 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/F3545/W/22/3306055

Napthens House, Eriswell, Suffolk IP24 3TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline 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 Elveden Farms Limited against the decision of West Suffolk Council.
 - The application Ref DC/22/0650/VAR, dated 08 April 2022, was refused by notice dated 4 July 2022.
 - The application sought planning permission for outline application: erection of estate managers dwelling without complying with a condition attached to planning permission Ref F/98/507, dated 1 December 1998.
 - The condition in dispute is No 7 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 is in an area where dwellings would not normally be permitted unless shown to be necessary for the specific needs of agriculture.
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Decision

1. The appeal is allowed and outline planning permission is granted for outline application: erection of estate managers dwelling at Napthens House, Eriswell, Suffolk IP24 3TX in accordance with the terms of the application, Ref DC/22/0650/VAR, dated 08 April 2022, and the plans submitted with it.

Preliminary Matters

2. My formal decision above refers to the erection of a dwelling even though the property has been constructed. I have used this wording as it was the description of development relating to planning permission ref: F/98/507. The proposal before me is for the same development but without the disputed condition.
3. Marketing information was submitted by the appellant during the appeal process. The information does not change the nature of the proposal, and the Council have been afforded an opportunity to comment. I am satisfied that no party is disadvantaged by the late submission of this information, and have therefore considered the appeal on this basis.

Background and Main Issue

4. Outline planning permission ref: F/98/507 ("the original permission") was granted to Elveden Farms Ltd in 1998 for an estate manager's dwelling.

Reserved matters approval was given on 08 March 1999 (ref: F/99/016). Occupation of the dwelling was limited by condition 7 of the original permission.

5. Restructuring of the estate management structure has removed that position of Estate Director, and the appellant advises there are no longer any staff that require Napthens House, either now or in the future. The property is vacant, and the appellant seeks removal of the condition to allow it to be let on the open market, or to be used as holiday accommodation.
6. The main issue is therefore whether the condition limiting occupation of the dwelling is reasonable and necessary to meet the specific needs of agriculture.

Reasons

7. Napthens House is located in the centre of the 22,000 acre Elveden Estate, 4km from the public highway, and only accessible via private estate roads. It is an 8 bedroom dwelling of more than 11,000 sq/ft over three floors with 8ha of formal and informal gardens/paddocks, with swimming pool, tennis courts, and outbuildings containing a bar and entertainment area.
8. The appellant advises that the annual oil heating, electricity, maintenance and Council Tax costs amount to tens of thousands of pounds and that, even accounting for the agricultural tie, a market rent would be around £4000 per calendar month.
9. The original permission was granted specifically for an agricultural/forestry worker, given its location in the countryside and outside a settlement, where dwellings would not normally be permitted. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) ("DMPD") Policy DM26 permits removal or variation of an occupancy condition only where it is demonstrated there is no long-term need for such a dwelling associated with the enterprise, and that it has been offered for sale and to let for a period of at least 12 months at a price reflecting the occupancy condition.
10. The appellant advises the estate employs around 50 staff in agriculture and forestry, but there are other dwellings on the estate, and none of the employees could afford the costs associated with living at the property. I have seen no evidence to the contrary, and have no reason to find otherwise. A seven month period of marketing for rent (but not sale) has also been undertaken but, from the information before me, none of those who expressed an interest during that period meet the requirements of the condition.
11. I understand it may not be desirable for the appellant to market the property for sale, for historic or commercial reasons and given its position on the fenced estate, but not doing so weakens the case for removal of the condition. I have also not seen a compelling case that sale, as opposed to rent, of the property would have greater security or disease control risks as an agricultural/forestry worker's dwelling.
12. Nevertheless, the reason given for imposing the condition was to permit development necessary for the specific needs of agriculture. Considering this purpose, I note the comments of the appellant's property consultant who advises of the rarity of an agricultural dwelling of this size and scale, and its location within a private estate.

13. With all the information before me, I consider it very unlikely that Naphens House would make a meaningful contribution to agricultural or forestry enterprises in the area. Given its size and scale, and the costs associated with its upkeep, it is highly unlikely that an agricultural or forestry worker will be found in the locality with the means required to occupy the dwelling. Even if such a person were found, a person with such means is unlikely to be limited to dwellings with an agricultural tie, and the benefits to agriculture would therefore be limited. In addition, the dwelling's position at the heart of a large agricultural estate limits the degree to which it is separable as a functional agricultural dwelling associated with a farm elsewhere, particularly given the potential risks in terms of disease control.
14. In conclusion, in the absence of 12 months of marketing the property for sale and rent, the development conflicts with DMPD Policy DM26. However, for the reasons above I find that the retention of the condition would be unlikely to make a meaningful contribution to agricultural or forestry enterprises in the locality. As a consequence, the condition is neither reasonable nor necessary to meet the specific needs of agriculture. The condition therefore fails to meet the tests for conditions set out in paragraph 56 of the National Planning Policy Framework.

Conditions

15. Considering the conditions imposed on the original permission, reserved matters have been submitted and approved, the development has commenced, and landscaping and the physical development have been carried out. There are therefore no other conditions imposed on the original permission which remain in force, and I have therefore imposed no conditions.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition.

Peter White

INSPECTOR