



Appeal Decision

Hearing held on 12 March 2025

Site visit made on 12 March 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal Ref: APP/M9496/W/24/3355121

Thornyleigh Green Farm, Roche Grange Road, Meerbrook, Leek, Staffordshire ST13 8XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Gregory against the decision of Peak District National Park Authority.
 - The application Ref is NP/SM/0824/0849.
 - The application sought planning permission for erection of farm workers dwelling without complying with a condition attached to planning permission Ref SM1192113, dated 01 March 1993.
 - The condition in dispute is No 3 which states that: the occupation of the present farmhouse at Thornyleigh Green Farm shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture, as defined in 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: to ensure that the existing farmhouse remains as an agricultural worker's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of farm workers dwelling at Thornyleigh Green Farm, Roche Grange Road, Meerbrook, Leek, Staffordshire ST13 8XW in accordance with the application Ref NP/SM/0824/0849 without compliance with condition 3 previously imposed on planning permission Ref SM1192113, granted on 01 March 1993 by Peak District National Park Authority, but otherwise subject to the following conditions:
 1. The occupation of the dwelling approved under application reference SM1192113 shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture, as defined in 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.
 2. The development hereby permitted shall not be carried out otherwise than in accordance with the amended plans TLG 01.02.03.04 and 05 submitted in relation to application reference SM1192113.

Background and Main Issue

2. Planning permission for development described in the banner heading was approved on 01 March 1993. This permission included a number of conditions,

one of which required that the occupation of the farmhouse be limited to a person solely or mainly employed, or last employed in the locality in agriculture, 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 appellants wish to remove this condition. A similar restrictive condition is also imposed on the new dwelling approved by application SM1192113. That condition is not the subject of this appeal.

3. The Council's evidence indicates that the condition is necessary to ensure that the dwelling remains as an agricultural worker's dwelling. This is consistent with the reason for the condition given on the decision notice. The condition did not tie the property to a particular farm holding and the main parties agree that, through severance of the dwelling from the main farmstead, the appeal property is no longer necessary to oversee the agricultural enterprise at Thornyleigh Green Farm. Taking this into account, the main issue is whether the disputed condition restricting the occupancy of the dwelling as an agricultural or forestry worker's dwelling is necessary and reasonable to ensure that there is adequate provision of accommodation for agricultural/forestry workers in the area.

Reasons

4. The supporting text to Policy HC2 of the Core Strategy (2011) (CS) sets out that applications to remove key worker occupancy restrictions must be carefully assessed. The main parties agree that a discount of 25% of the market value is appropriate to reflect an agricultural occupancy restriction. However, the Council consider that the price at which the property has been marketed does not reflect this discount.
5. The appellants have provided evidence of a marketing campaign from December 2023 onwards in which the property has been marketed at £600,000. This represents an increase of £175,000 since its purchase for £425,000 in 2021. It is stated that this uplift reflects extensive alterations to the property, costing approximately £150,000, necessary to render the building habitable following years of vacancy and decay, including the stabilisation of a gable end, rebuilding of the chimney, re-roofing of outbuildings, rewiring, plumbing, damp proofing and the replacement of windows. There is no compelling evidence that the uplift in the value of the property isn't reflective of the extent of alterations carried out or that these alterations went beyond what was reasonably necessary to bring the building back into a habitable use.
6. The Council suggest that a valuation of £490,000 would be more realistic to reflect the occupancy restriction. This is based on the assertion that the appellant overpaid for the property in 2021. The Council also provide 2 alternative online valuations for the property, which value the property at between £461,000 and £472,000 (as of March 2025). However, the Council's valuations did not follow an internal inspection of the property and do not appear to have taken into account any increase in value arising from the alterations which have taken place.
7. In support of the asking price the appellant has provided valuations from 3 local estate agents, each of which value the property at approximately £600,000 with the occupancy restriction. The process for these valuations involved the valuers seeking comparable evidence and using that evidence to come to a valuation, after making any suitable adjustments. The appellants paid £25,000 under the asking price in 2021 and there is no evidence that that asking price was not a

realistic for a property with an occupancy restriction. I am not persuaded by the Council's alternative valuations and been presented with no compelling evidence to suggest that the appellant's valuations are unreasonably high having regard to the condition of the property and the particulars of the site.

8. In respect of this case, the property was marketed by a local agent with relevant expertise at a discounted price to reflect the occupancy condition. The evidence demonstrates that there was no local interest raised by those eligible to purchase the property. Moreover, the evidence before me is that other similarly priced or less expensive dwellings are available for sale within nearby settlements. Noting the site's remote location, these dwellings might be more accessible to those employed in agriculture or forestry in the area and thus may be more desirable than the property subject of this appeal. It is therefore arguable that the appeal property is not strictly needed to meet the needs of agriculture/ forestry workers in the area, as irrespective of the appeal dwelling, any potential purchaser would not be short of alternative options for new homes, with or without an occupancy tie.
9. In light of the above I conclude there is no need for the disputed condition to be retained to ensure that adequate accommodation is available in the locality for agriculture/ forestry workers. Therefore, having regard to the specifics of this case, the condition is not necessary or reasonable. The development would be in substantial compliance with those aims of CS Policies HC1 and HC2 and Policy DMH4 of the Development Management Plan (2019) which aim to support housing development in rural areas where there is an essential need for an agricultural worker.

Other Matters

10. The appeal property is a grade II listed building, and I am required to pay special regard to the desirability of preserving a listed building or its setting¹. The removal of the condition would have no effect on the historic interest of the building or its setting.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed and grant a new planning permission omitting the disputed condition but retaining the non-disputed conditions from the previous permission that appear still to be relevant, including an agricultural occupancy condition relating to the occupation of the new farm worker's dwelling approved under application SM1192113 and a condition setting out the approved plans list set down in condition 4 of that permission.
12. Conditions relating to the commencement of development, the seeding of an area of curtilage and the completion of the drystone boundary wall are not needed since the development has already been carried out and occupied.

N Robinson

INSPECTOR

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

APPEARANCES

FOR THE APPELLANT:

Richard Pigott, Agent

Christopher Gregory, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Gareth Alan Griffiths, Planner