



Appeal Decision

Hearing held on 22 October 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th November 2025

Appeal Ref: APP/J0405/W/25/3367706

Cavan Farm, Cane End Lane, Bierton, Buckinghamshire HP22 5BH

- 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 T McBrien against the decision of Buckinghamshire Council.
- The application Ref is 24/01264/VRC.
- The application sought planning permission for erection of an agricultural dwelling without complying with a condition attached to planning permission Ref 04/00058/APP, dated 3 March 2004.
- The condition in dispute is No 6 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 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 site is within an area where permission for a dwelling unconnected with or not required in the essential interests of agriculture or forestry would not normally be permitted and because permission is granted having regard to the special circumstances of the case in accordance with Aylesbury Vale District Local Plan: policy RA20.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Bierton Neighbourhood Plan (the BNP) was made in July 2025, and I have been provided with a copy. Although not referred to in the Council's reasons for refusal the BNP has been included in their statement of case and the appellant has been provided with an opportunity to comment on the relevant policies. I have therefore afforded full weight to the BNP in my decision.

Main Issue

3. The appeal seeks to remove the condition to allow unrestricted occupancy of the property. The main issue is, therefore, whether the disputed condition is necessary and reasonable, having regard to local and national planning policies which seek to restrict housing development in the countryside.

Reasons

4. The appeal relates to a detached, four bedroom, dwelling with a detached garage. At the time of the original planning permission the site was part of an agricultural holding with farm buildings and additional land farmed under tenancies.
5. Policy H3 of the Vale of Aylesbury Local Plan 2013-2033 (the VALP) sets out the policy for the consideration of new rural workers' dwellings. The dwelling was constructed in association with the farm and was approved as it met the

requirements of the relevant policy at the time. It has been occupied by the appellant since construction, in compliance with the condition as detailed in the banner heading above. The planning condition was deemed necessary on the original permission given that the property lies outside of any of the identified settlement boundaries.

6. Following the loss of most of the rented land through the end of the tenancies, or the sale of the land for development, farming at the holding ceased around 2021 and the farm buildings associated with the property now have planning permission to be converted to commercial use. However, even if I were to accept that the land associated with Cavan House would no longer form a viable farm enterprise, the cessation of farming at the property would not be sufficient grounds to remove the condition.
7. Subsections j) and k) of Policy H3 of the VALP provide specific advice on applications to remove such ties and requires both of the detailed criteria to be met. These are, in summary, that the property needs to have been marketed at a price that reflects the occupancy restriction for a period of at least 12 months, and that the dwelling no longer serves a need in connection with the holding or elsewhere. Even where an agricultural business fails the policy requires every reasonable effort to be made to retain the occupational dwelling. It is clear within the wording of the policy that the presumption is in favour of retaining the dwelling for occupation by a rural worker.
8. This appeal, therefore, turns on whether there is sufficient evidence to demonstrate that the dwelling is no longer required for an agricultural or forestry worker in the local area, not just on Cavan Farm itself.
9. I have been provided with the details of the marketing of the property and the selling agent's professional opinion on the results of the marketing, including the letter dated 6 October 2025, which was presented at the start of the hearing. By the time of the hearing the property had been marketed for over 12 months and the evidence provided confirms that the only enquiries made about the property were from individuals who could not comply with the occupancy condition.
10. Nevertheless, the appellant confirmed at the hearing that the valuation and sales price of the property, albeit reduced during the marketing exercise, had not been discounted to take into consideration the restrictive condition. The valuation and the sales price were based on the value of similar open-market properties which is also reflected in the price of local properties noted by the Council. Although the marketing details included the fact that the property has a condition restricting its occupation the price did not take account of the condition.
11. This is clearly contrary to the requirements of Policy H3 of the VALP and, therefore, the appeal property has not been marketed at a price that reflects the occupancy restriction, even though it has been marketed for over 12 months.
12. Furthermore, although the property was marketed on the internet, the selling agent's offices, and through a telephone and email marketing campaign I have no compelling evidence that it was marketed in any agricultural publications. Such marketing could have attracted individuals that would have complied with the condition. In this regard the marketing was not sufficient in terms of its spread or its direction towards the agricultural community.

13. While the appellant stated that they would have considered lower offers, from people that would have complied with the condition, the price in the marketing details may have deterred compliant individuals from making an enquiry or an offer. The appeal property is a four-bedroom dwelling and would be ideally suited to an agricultural or forestry worker who has a family. In such circumstances the partner of an agricultural or forestry worker may also be able to contribute financially towards the property; as is the case with many open market dwellings. Moreover, there is nothing within the condition to stop a rural worker from supplementing their rural work income with other work as the condition stipulates that a person should be 'solely or mainly working' in agriculture or forestry. Although the appellant contends that a rural worker would not be able to afford the property, without marketing it at a suitable price, there is insufficient evidence of this.
14. For the above reasons, I am not convinced that the dwelling has been marketed to reflect its agricultural nature, or to best attract it to agricultural workers. At the hearing, the Council advised that they are still receiving applications for rural workers' accommodation. However, there is limited information before me on the other schemes and I therefore give them limited weight in my decision.
15. Policies S1, S2 and S3 of the VALP, amongst other matters, do support the re-use of buildings. Nevertheless, these policies are aimed at supporting underused and vacant land/buildings, which the appeal property is not. Moreover, these policies seek to steer development to sustainable locations within or next to identified settlements and strictly limit development in the countryside. Consequently, although the property is not occupied by a family anymore, the support in S1, S2 and S3 would not outweigh the need to consider the proposal against Policy H3 of the VALP.
16. In the absence of a more thorough marketing exercise, which includes marketing the appeal property at a price that reflects the occupancy restriction condition and more targeted marketing at the farming community, I am not convinced that the appeal property is not required for an agricultural or forestry worker or someone last working in these sectors. Accordingly, I find that the condition restricting the occupancy of the dwelling remains necessary and reasonable, having regard to local and national planning policies which seek to restrict housing development in the countryside. To remove the condition would be contrary to the spatial strategy of Buckinghamshire as set out in Policies S1, S2 and S3 and specifically the requirements of Policy H3 of the VALP.
17. For the same reasons, the removal of the condition would also fail to comply with Policies P1 and HO2 of the BNP which, taken together, seek to carefully control development outside the designated development boundaries. The condition also complies with the tests set out in the National Planning Policy Framework.

Other Matters

18. The appellant has put forward personal circumstances that they consider are relevant to the appeal. However, their desire to downsize following retirement from farming would not justify the removal of the condition. I have not been provided with any compelling evidence that the appellant would not be able to live in the appeal property while it is marketed at an appropriate price.

19. The appellant also referred to a proposed link road which, if built, would be near to the appeal property. Even if I accept that the link road would sever the dwelling from the agricultural land near to it the requirements of Policy H3 would still apply.

Conclusion

20. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations which would outweigh that conflict. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Tony McBrien Appellant

Mr Ian Mills Agent, IS Mills Associates

FOR THE LOCAL PLANNING AUTHORITY:

Kirstie Elliot Senior Planning Officer, Buckinghamshire Council

HEARING DOCUMENTS

H1 – Letter from Michael Anthony of Village Homes Ltd, dated 06/10/2025

H2 – Page 193 of the VALP providing the continuation of the wording of Policy H3