



Appeal Decision

Site visit made on 01 December 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/C3240/W/25/3369101

Millington Lodge, Lodge Road, Donnington Wood, Telford, Telford and Wrekin TF2 7QL

- 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 Oliver and Rosanna Wadlow against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2025/0272
 - The application sought planning permission for one two storey dwelling without complying with a condition attached to outline planning permission Ref W89/0584, dated 23/01/1990.
 - The condition in dispute is No 3 which states that "The occupation of the dwelling shall be limited to a person solely employed or mainly employed or last employed locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, 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 erection of a dwelling for normal residential purposes would be contrary to the housing policies in the Shropshire County Structure Plan and the Wrekin Rural Area District Plan.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission for development described in the banner heading was approved on 23/01/1990. This permission included a number of conditions, one of which required that the occupancy of the dwelling be limited to persons solely or mainly or last employed locally in agriculture or forestry. The appellant wishes to remove this condition. Whilst reference is made to the removal of a condition pursuant to the related reserved matters application W/92/10309, it has not been established that that permission was subject to the same condition. My decision therefore relates to the removal of condition 3 on the outline application W89/0584.
3. The reason for the condition given on the decision notice sets out that the condition is necessary as a dwelling for normal residential purposes would be contrary to housing policies in specified development plans. The Council's evidence indicates that the condition is necessary to ensure that the dwelling remains as an agricultural/ forestry worker's dwelling. In light of this, the main issue is whether the disputed condition is necessary and reasonable to ensure that there is adequate provision of accommodation for agricultural/ forestry workers in the area.

Reasons

4. Millington Lodge is a large dwelling in the open countryside constructed to provide accommodation for a farm worker at New Lodge Farm. The main parties agree that the property is no longer required to oversee an agricultural enterprise at New Lodge Farm. Nonetheless, as the condition in dispute did not tie the dwelling to the farmstead it is necessary to consider whether the condition is necessary to provide accommodation for agricultural/forestry workers locally. The appellant states that, due to changes in agriculture, there is no longer a need for an agricultural worker's dwelling in the area. Reference is also made to the site's unattractive location for an agricultural business and the closure of a nearby agricultural business.
5. The property was marketed between July 2023 and August 2024. The marketing campaign was extensive and involved advertisements on various property portals, a display within the estate agent's shop window and a listing in The Farmer newspaper. The evidence before me indicates that the marketing campaign generated a number of enquiries, 2 of which were from enquirers who considered they met the requirements of the occupancy condition and who submitted enquiries to the Council regarding their eligibility. One enquirer made a certificate of lawful proposed use application¹ (the certificate) to confirm compliance with the occupancy condition. This was approved by the Council, establishing that the certificate's applicant met the requirements of the occupancy condition at the time of the certificate application.
6. However, the appellant suggests that the certificate's applicant is not employed in agriculture locally and concerns regarding the validity of the certificate decision are raised. The full details of the certificate are not before me, including the location and nature of the applicant's employment. It is not for me as part of this section 78 appeal to question the Council's approach in the determination of that application, including in relation to whether the applicant was employed locally. I therefore afford due weight to the Council's decision in the certificate application which establishes that an eligible person expressed an interest in the property. Thus, it cannot be said that there was no interest in the property from eligible persons.
7. In support of the proposal, the appellant references the requirement for investment in repairs and renovation works in the next 5-10 years. The cost of these works has not been detailed and there is no evidence before me that this would be unnecessarily prohibitive or that it would render the purchase of the dwelling unachievable to those on an agricultural/ forestry worker's salary. There is no evidence that the property is too large to be suitable for the purpose of an agricultural/ forestry worker's dwelling or that its size would render it undesirable to the target occupiers.
8. In support of the proposal reference is made to other applications for the removal of an agricultural tie² in which the Council identified that there were no eligible persons in the locality. There is limited information before me regarding the planning policy context in which these applications were determined or details of any marketing which took place. I therefore afford these decisions limited weight. I am unable to give weight to appeal decisions³ to which my attention has been drawn: I have not been provided with copies of these decisions, and I have been

¹ TWC/2024/0400

² TWC/2014/0074, TWC/2014/0533 and 09/02523/VAR

³ APP/F2605/A/14/2222943 and APP/J1860/W/18/3215117

unable to identify any decisions which match the references provided. Whilst reference is made to 'the Maddox case' I have not been provided with any details of this case to give substantial credence to.

9. My attention has also been drawn to a tribunal decision⁴ in Wales for the removal of a restrictive covenant which confirmed that it is necessary to rigorously market a property to establish that there is no demand for an agricultural occupancy condition. I have not been presented with any cogent reason why this judgement would draw me away from my above findings.
10. Drawing on the above the marketing campaign did not demonstrate that there is no interest in the property by agricultural/ forestry workers. Thus, there is no compelling evidence that the dwelling is no longer needed to meet the needs of agricultural/forestry workers employed in the area. It is therefore necessary for the disputed condition to be retained to ensure that adequate accommodation is available in the locality for agricultural/forestry workers. I am satisfied that the condition is necessary and reasonable and meets the tests set down in the PPG⁵.

Other Matters

11. There is no suggestion that the proposal would result in harm to landscape character or the character and appearance of the area. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, this is not a matter which weighs in favour of the proposal.

Conclusion

12. For the above reasons, the appeal is dismissed.

N Robinson

INSPECTOR

⁴ [2012] UKUT 246 (LC) Case No LP/40/2010

⁵ Paragraph: 003 Reference ID: 21a-003-20190723