Planning Inspectorate

Appeal Decision

Hearing held on 17 March 2026

Site visit made on 17 March 2026

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2026

Appeal Ref: APP/P2365/W/25/3375574
Mea, 65 The Marshes Lane, Mere Brow, Tarleton, Lancashire PR4 6JR

- 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 Mrs Mary Ashcroft against the decision of West Lancashire Borough Council.
- The application Ref is 2025/0441/FUL.
- The application sought planning permission for erection of one agricultural workers dwelling, without complying with a condition attached to planning permission Ref 8/77/59, dated 5 February 1978.
- The condition in dispute is No 3, which states that:
  The occupation of the dwelling shall be limited to a person solely or mainly 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 dependents of such person residing with him) or a widow or widower of such a person, or a person last employed before retirement on the holding of which the dwelling hereby approved forms part.
- The reason given for the condition is:
  The site lies within an area where the local planning authority are only proper to permit the erection of a dwelling because of special agricultural needs.

Decision

1. The appeal is allowed and planning permission is granted for the erection of one agricultural workers dwelling at Mea, 65 The Marshes Lane, Mere Brow, Tarleton, Lancashire PR4 6JR, in accordance with the application Ref 2025/0441/FUL, without compliance with condition number 3 previously imposed on planning permission Ref 8/77/59, dated 5 February 1978.

Applications for Costs

2. An application for costs has been made by Mrs Mary Ashcroft against West Lancashire Borough Council and is the subject of a separate decision.

Preliminary Matter

3. The appeal was initially made in the name of Edward Gammell. It was later confirmed that the appeal would proceed in the name of the original applicant, Mrs Mary Ashcroft. Mr Gammell is acting as the agent for the appeal.

Background and Main Issue

4. The appeal relates to a detached bungalow to the east of The Marshes Lane and to the south of the village of Mere Brow. Planning permission was granted for the bungalow in February 1978 subject to a condition (Condition No 3) restricting the

occupancy of the dwelling to a person employed locally in agriculture or forestry, or a dependant of such a person, and including a widow or widower of such a person, or a person last employed before retirement on the holding of which the dwelling forms part.

5. In pursuing the appeal, the appellant seeks to remove this occupancy restriction. In effect, this would result in an unfettered open market dwelling.

6. Therefore, the main issue is whether a condition restricting occupancy remains necessary and reasonable, with particular regard to whether there is a need or demand for the property in its existing restricted use.

Reasons

Policy Context

7. The signed Statement of Common Ground (SoCG) identifies Policy GN4 of the West Lancashire Local Plan 2012-2027 Development Plan Document (the LP) as the sole planning policy relevant to the appeal. Policy GN4 seeks to retain existing agricultural workers' dwellings unless one of three specified tests is met. During the hearing, the parties agreed that the matter in dispute is further narrowed to whether the proposal would accord with the test at Part 1.c) of that policy, which requires that marketing of the property indicates there is no demand for the property in its existing use.

8. Policy GN4 also sets out the expected scope of the marketing exercise. In summary, this should demonstrate that: i) the property has been marketed by an appropriate agent or surveyor at a price reflecting current market value and that no reasonable offer has been refused; ii) that the property has been marketed for an appropriate period of time, which will usually be 12 months; and iii) that the property has been regularly advertised and targeted at the appropriate audience.

9. Although the Council made occasional reference to the adequacy of the marketing strategy, during the discussion it conceded that the only issue in dispute was whether the guide price reflected the market value, as required by criterion i) of Policy GN4. Therefore, I have considered the appeal with a focus on that sole dispute.

10. There was also some discussion in relation to the wording of the Council's reason for refusal, which cited a failure to demonstrate no "continuing need" for the condition. However, Policy GN4 expressly references demand rather than need. The Council acknowledged this distinction, though it considered that need and demand cannot be intrinsically separated. The appellant also acknowledged that the terms are often used interchangeably. Both parties agreed that, whilst the reason for refusal was worded to reflect the general thrust of the policy, the applicable test is whether there is no demand for the dwelling in its restricted use.

Whether the disputed condition remains necessary and reasonable

11. Prior to the commencement of marketing on 15 April 2024, the dwelling was valued by P Wilson & Company Chartered Surveyors, who inspected the property, identified available comparables, and applied a 30% reduction to reflect the agricultural occupancy condition. Their Planning Statement and Marketing Report, submitted as part of the planning application, concluded that £350,000 represented an appropriate value accounting for the occupancy restriction

imposed by the condition. Therefore, this figure was adopted as the guide price when the property was placed on the market.

12. Following refusal of the planning application, the appellant commissioned an independent valuation from Armitstead Barnett LLP[1]. Although the inspection took place in September 2025, the valuation was undertaken on a retrospective basis, with an agreed valuation date of 15 April 2024, aligned with the start of the marketing period. It applied a detailed methodology, using a broader range of comparable evidence and considering agricultural labour market conditions. It concludes that agricultural ties, which restrict occupancy, typically warrant a 15 to 20% discount in this part of Lancashire, which is a lesser discount than that applied initially. Nevertheless, having regard to this and the observed market response, it valued the property at £350,000, with this including a discount to reflect the occupancy restrictions imposed by the condition.

13. The Council's decision to refuse planning permission relied principally on the advice of its Estates and Valuation Team. This was dated 30 June 2025 and comprised an email and an accompanying list of recent sales and asking prices for properties within 1 mile of the appeal property. The Council's Officer Report summarised this response, suggesting that a lower asking price of between £270,000 and £300,000 would be more appropriate.

14. The appellant questioned the relevance of many of the Council's cited comparators, highlighting notable differences in size, location and dwelling type, compared to the appeal property. Those concerns have a reasonable basis, and the Council offered no compelling evidence to persuade me otherwise.

15. The appellant nevertheless accepted that the reference to "Oakfield", a smaller three-bedroom bungalow on The Marshes Lane that sold for £370,000 in May 2022, was of some relevance. The Council suggested that an adjusted figure of around £340,000 for the appeal property could be appropriate, when compared to Oakfield and accounting for differences between the properties. However, taking wider local sales and current asking prices into account, it considered a more realistic restricted asking price for the appeal property to be in the region of £270,000 to £300,000. The author of the response from the Council's Estates and Valuation Team described its assessment as "very broad brush" and prepared without specialist familiarity with agricultural occupancy restrictions.

16. At the hearing, the appellant addressed this evidence, explaining that Oakfield had an approximate net internal floor area (excluding the garage) of 972 sq ft, compared to 1,494 sq ft for the appeal property. The evidence suggests both properties were in similar condition at the time of marketing, being habitable but requiring modernisation. The Council did not dispute this.

17. On that basis, the appellant argued that, if Oakfield sold for £370,000 in 2022, adjusting for size would point to a higher market value for the appeal property, not a lower one as suggested by the Council. This seems logical. The appellant also suggested that some market uplift might also be expected between 2022 and 2024. Whilst this also seems logical, the appellant acknowledged this was based on generalised market trends rather than substantive area-specific data.

[1] Report and Valuation. 65 The Marshes Lane, Marshes Road, Mere Brow, Tarleton, Preston PR4 6JR. Ref 6076/01/JEF.

18. When asked at the hearing to justify its restricted valuation range of £270,000 to £300,000, the Council referred only to the schedule of sold and asking prices and was unable to provide any further detailed or robust explanation of the analytical steps taken. Nevertheless, the Council maintained its view that a valuation of £350,000 appeared too high for a dwelling with a condition restricting occupancy. It also confirmed that the officer providing the Estates and Valuation response was RICS-qualified and emphasised that the advice was given in good faith.

19. During the hearing, the appellant acknowledged that even if the valuation had been too high, they would have expected speculative interest to increase over time. However, the marketing log records only 11 enquiries and one viewing, none of which could proceed due to the occupancy restriction. It was confirmed that no additional enquiries or offers, irrespective of the amount, had been received beyond those set out in the written evidence.

20. The Council questioned the retrospective nature and impartiality of the Armitstead Barnett valuation, noting that it arrived at the same discounted figure as the initial appraisal. However, the report was prepared in accordance with recognised RICS Red Book-compliant professional standards, and there is no compelling evidence before me to undermine its methodology or conclusions. In any event, the relevant requirement of Policy GN4 is that the price reflects current market value. Although the later valuation employed a different and more detailed methodology, it ultimately corroborated the initial valuation figure used for the marketing exercise, thereby supporting compliance with Policy GN4.

21. I therefore conclude that the disputed condition no longer remains necessary or reasonable because the marketing and valuation evidence demonstrates that there is no longer a need or demand for the dwelling to remain subject to an agricultural occupancy restriction. The proposal to remove the condition would therefore accord with Policy GN4 of the LP, the aims of which have previously been set out.

Conditions

22. Permission granted under section 73 (S73) of the Town and Country Planning Act 1990 (as amended) takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The Planning Practice Guidance makes clear that any permission granted under S73 should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.

23. The original permission was granted subject to 3 conditions. Condition No 3 is the disputed condition in this case, which I have found to be no longer necessary or reasonable.

24. Condition No 1 set out the timetable for the submission of the reserved matters and the implementation of the development. Condition No 2 listed the reserved matters to be approved under Condition No 1. Reserved matters approval was obtained under application Ref 1978/0132 and the development was subsequently commenced. Therefore, these conditions are no longer necessary.

Conclusion

25. There are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed.

26. I shall therefore allow the appeal and grant a new planning permission without the disputed condition, as set out in my formal decision.

P Storey

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Edward B Gammell	Rural Practice Chartered Surveyor & Partner P Wilson & Company Chartered Surveyors LLP

FOR THE LOCAL PLANNING AUTHORITY

Steve Faulkner	Planning Services Manager West Lancashire Borough Council
Andrew Voss	Commercial Estates and Facilities Manager West Lancashire Borough Council