

**Newland Bungalow, Newlands Farm, Widdington  
Development Control Committee, item 7**

**Committee:** Development Control **Agenda Item**  
**Date:** 1 February 2006 **7**  
**Title:** Newland Bungalow, Newlands Farm,  
Widdington  
**Author:** K Hollitt ext 495 Item for  
decision

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### **Summary**

This item seeks Members consent to release a property at Newlands Farm, Widdington, from the restrictions imposed by an agreement dated 2 May 1968, under the provisions of Section 13 of the Essex County Council Act 1952. Planning permission to amend a condition which imposed the same restrictions has already been granted by this authority.

### **Recommendations**

That members agree to the release from the restrictions of the Agreement dated 2 May 1968 the building included in the Planning Application UTT/1567/05/FUL to the extent of the restrictions permitted by that Permission.

### **Background Papers**

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- Request from Applicant
- Decision Notice UTT/1567/05/FUL
- Agreement dated 2 May 1968

### **Impact**

Communication/Consultation	Public consultation undertaken at time of Planning Permission application
Community Safety	None
Equalities	None
Finance	None
Human Rights	Article 1 First Protocol Schedule 1 Human Rights Act 1998 provides that every natural or legal person is entitled to peaceful enjoyment of his possessions. This does not impair the right to enforce such laws as it deems

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	necessary to control the use of property in accordance with the general interest. However, planning permission having been granted it cannot be in the general interest to rely upon the agreement to prevent the terms of the application. Failure to discharge the agreement upon payment of the Council's legal fees would be an unjustified interference with the applicant's human rights.
Legal implications	Agreement would not be enforceable on this property, but the development would still be subject to planning control in the usual way.
Ward-specific impacts	Widdington
Workforce/Workplace	None

#### Situation

- 1 The applicant is the owner of a property known as Newlands Farm, Widdington. Within the grounds of the property is a bungalow known as Newland Bungalow.
- 2 Permission was granted under delegated authority by officers on 22 November 2005 to vary a restrictive condition imposed under planning permission SWR/291/67. At the time of making the planning application the applicant did not request the removal of the restrictions of an agreement dating back to 2 May 1968.
- 3 The Agreement was made by the Rural District Council of Saffron Walden under their powers under Section 13 of the Essex County Council Act 1952 which ensured that occupation of the dwelling was restricted to persons employed at Newlands Farm, Widdington, and that it would not be subject of sale as a separate hereditament.
- 4 The farm is no longer a working unit and as such the applicant applied to vary the restrictive condition imposed on SWR/291/67. This was varied to a new restrictive condition which limited the occupation of the property to single family occupancy only in conjunction with Newlands Farm, Widdington, and restricted the plot to being one planning unit only.
- 5 The applicant has now requested the release of the restrictions contained in the agreement in respect of this particular development. The occupation of this property now proposed by the applicant and within the terms of the new planning consent, would appear to be in breach of the terms of the agreement.
- 6 Planning Officers in their consideration of the original application were satisfied that the proposals met the Council's Development Plan policies, and all the necessary consultations were carried out at that stage.

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- 7 The release from the restrictions of the agreement in respect of this specific development is necessary to enable the residential occupation of the property to be carried out in accordance with the permission granted. The release from the restrictions would be limited to this property which would be constrained by the revised restrictive condition imposed on the consent granted under UTT/1567/05/FUL.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
<b>The Committee refuse to discharge the agreement</b>	Low	There is a high likelihood that if the agreement is not discharged the Council would face a claim under the Human Rights Act.	Agree the recommendation.