

UTT/19/0551/FUL (THAXTED)

(This application has been referred to Committee as the applicant is a former Councillor)

PROPOSAL: **Removal of condition 1 of application DUN/10/64 to allow use as a separate residential dwelling**

LOCATION: **Hammer Hill Farm, Stanbrook Road, Thaxted**

APPLICANT: **Mr John Freeman**

AGENT: **Phase 2 Planning & Development Ltd**

EXPIRY DATE: **29.4.19**

CASE OFFICER: **Jonathan Doe**

1. NOTATION

1.1 Countryside.
The site fronts a Protected Lane.

2. DESCRIPTION OF SITE

2.1 The application relates to a bungalow on a generous plot. Immediately to the north is the Hammer Hill Business Park, a collection of former agricultural buildings. To the south and to the rear, to the east, is open agricultural land.

3. PROPOSAL

3.1 The application seeks the removal of an agricultural occupancy condition, condition 1 of planning permission DUN/10/64.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

5.1 The application consists of the following documents:

- Site location plan
- A covering letter/supporting statement

6. RELEVANT SITE HISTORY

6.1 DUN/0010/64 Site for agricultural bungalow Approved 17.02.1964

7. POLICIES

Uttlesford Local Plan (2005)

H13 - Removal Agricultural Occupancy Conditions
S7 - The Countryside

Supplementary Planning Documents/Guidance

Not applicable.

National Policies

National Planning Policy Framework.

Other Material Considerations

Government guidance on the use of planning conditions set out in Planning Practice Guidance published 6 March 2014, updated 15 June 2018.

8. PARISH COUNCIL COMMENTS

8.1 RESOLVED to SUPPORT the application

9. CONSULTATIONS

Essex County Council Highways

9.1 No objection.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter and a notice was displayed near the site. No representation has been received in response.

11. APPRAISAL

The issues to consider in the determination of the application are:

A Whether the proposal is acceptable with regard to the relevant policy for this matter (H13)

A Removal of agricultural occupancy conditions

11.1 In 1964 planning permission, DUN/10/64, was granted for "Site for agricultural bungalow". One of the conditions, condition 1, was that "The dwelling shall only be occupied by a bona fide agricultural worker and/or his dependants, employed at Hammer Hill Farm, Thaxted." The reason for the condition referred to the site being outside any area intended for residential development at Thaxted, and the permission being granted only in order to provide accommodation essentially required for workers employed at Hammer Hill Farm. The proposal is therefore to remove an agricultural condition. The relevant policy, Policy H13, for this states that the removal of agricultural conditions will not be permitted unless both of two criteria are met.

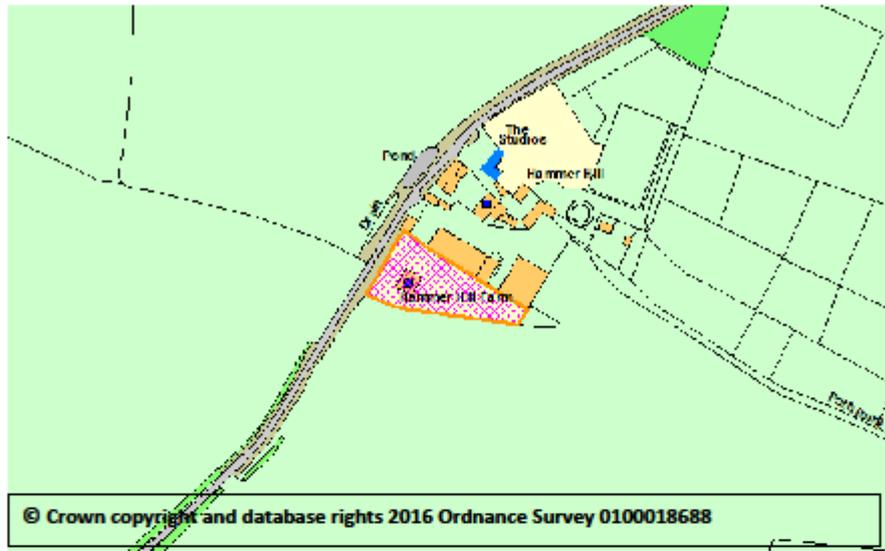
- 11.2 The first criterion is that the dwelling is genuinely surplus to the current and foreseen future agricultural needs of the holding, neighbouring locality and local farmers. This cannot be met since the precise wording of the condition in question limits occupation to employees of Hammer Hill Farm and therefore even if there were a need for an agricultural dwelling in the neighbouring locality the property could not be used to meet this need. Furthermore, the dwelling could not accommodate an agricultural worker for Hammer Hill Farm as there is now no agricultural holding at Hammer Hill Farm. The agent has confirmed in writing, in a letter dated 4th March 2019, that there is no agricultural holding that forms part of Hammer Hill Farm, and has not been for the last 3 years.
- 11.3 The second criterion of Policy H13 is that the dwelling has been widely advertised for at least six months on terms reflecting its occupancy condition. The criterion has also not been met for the same reasons as set out above.
- 11.4 Government guidance, from the Ministry of Housing, Communities and Local Government, last updated 15 June 2018, sets out an application of the 6 tests in National Planning Policy Framework policy. Paragraph 55 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are: necessary; relevant to planning, and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.” Whilst this advice applies to the imposition of conditions, it is considered that it provides some illumination to whether an existing condition should remain in place.
- 11.5 In the light of current circumstances, which could be summarised as there being a condition requiring a farm worker to live at the bungalow and work at a specific farm which no longer exists, the condition is considered to be no longer necessary and it could be argued to no longer be reasonable or even enforceable. Accordingly it is recommended that the condition be formally removed.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The effusion of time has made the condition no longer reasonable.

RECOMMENDATION – UNCONDITIONAL APPROVAL



Organisation: Uttlesford District Council

Department: Planning

Date: 12 June 2019