

Recommendation Report for Planning Permission

REF NO: BE/113/18/PL

LOCATION: Springfields
Chichester Road
Bersted
PO21 5EE

PROPOSAL: Application for removal of a condition following grant of planning permission BE/19/61/A relating to condition no.2 - agricultural worker occupancy

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the removal of Condition 2 Application for removal of a condition following grant of planning permission BE/19/61/A relating to condition no.2 - agricultural worker occupancy which states that:
	The occupation of the dwelling shall be limited to persons employed or last employed, locally in agriculture as defined in section 119 (I) of the Town and Country Planning Act, 1947, or in forestry, and the dependants of such persons.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development as the proposal does not propose new development.
BOUNDARY TREATMENT	The site is bounded by a mix of fencing/railings and a planting/trees. Of note are the swathe of TPO Holm Oak trees roughly forming a boundary between the application site and the site for the recently approved dwelling under application ref: BE/51/18/PL.
SITE CHARACTERISTICS	The application site features Springfields, a single storey bungalow featuring a red tiled roof and white painted render to the elevations, which was granted permission under previous application ref: BE/19/61/A with an agricultural worker tie condition no. 2
CHARACTER OF LOCALITY	The application site forms part of a ribbon of residential properties on the northwest/eastern side of Chichester Road. This area is considered to be a semi-rural locality with agricultural fields to the rear and on the opposite side of Chichester Road.

RELEVANT SITE HISTORY

BE/51/18/PL	1 No. dwelling. This application is a Departure from the Development Plan.	App Cond with S106 07-09-18
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BE/75/16/CLE	Lawful development certificate for existing land to be used as residential.	Withdrawn 27-07-16
BE/105/15/PL	Continuance of use without compliance with condition 2 imposed under BE/19/61/A relating to occupancy of dwelling.	Withdrawn 27-07-15
BE/27/15/PL	Application for the removal of condition 2 imposed under BE/19/61/A for agricultural occupancy.	Inc Docs Ret'nd 07-04-15
BE/19/61/A	Outline Application For Agricultural Workers Dwelling And Garage	ApproveConditionally 04-07-62
BE/19/61	Outline Application For Agricultural Workers Cottage	Refused 04-04-62

Planning history noted. Of particular note is previously granted application ref: BE/5/18/PL for a new dwelling unrelated to agriculture adjacent to the application site. No agricultural workers tie was imposed upon this permission. Officers also note the previous applications to remove the agricultural tie that were withdrawn. Additionally Officers note the originally granted outline application for the dwelling Known as Springfields ref: BE/19/61/A and the granted follow-up detail applications ref: BE/19/61/B and BE/19/61/BB. Also noted are the 2 g approved applications for revised plot plans ref: BE/19/61/C and BE/19/61/C/B.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council: Do not object after considering the history of the site.

No neighbour consultation responses have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATION RESPONSES RECEIVED:

Comments noted.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
 Outside the Built Up Area Boundary;
 Within a Strategic Gap;
 Class A Road;
 Archaeological Notification Area;
 Areas of Special Control of Adverts;
 Gas Pipeline Notification Area;
 WSCC Mineral Consultation Area; and
 Tree Preservation Order TPO/BE/1/14.

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The Bersted Neighbourhood Plan applies. From an assesment of the Neighbourhood Plan policy ES7 would apply.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that it would be located outside of the built up area boundary. However, it is not considered to have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor is it considered to have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

PRINCIPLE:

The Application dwelling was previously granted planning permission under application ref: BE/19/61/A (outline) . This outline application was granted with the imposition of condition in particular the agricultural tie condition no.2 - agricultural worker occupancy which states that:

The occupation of the dwelling shall be limited to persons employed or last employed, locally in agriculture as defined in section 119 (I) of the Town and Country Planning Act, 1947, or in forestry, and the dependants of such persons.

The application seeks the removal of the aforementioned agricultural occupancy condition attached to the detached dwelling known as Springfields.

The Council has to consider what circumstances will have changed since the original granting of permission including the consideration of the proposal against current guidance including the Arun Local Plan and the updated National Planning Policy Framework. Any decision to approve the removal of the condition would not set a precedent for further development in the locality since the main issue is whether it is reasonable on planning grounds to retain the occupancy condition .

Criterion (g) of Policy H DM3 provides guidance on considering applications which seek to remove occupancy conditions in rural areas. The policy states that such conditions will only be removed if it can be demonstrated that the rural workers dwelling is no longer required and that reasonable attempts have been made to market the dwelling with the restriction.

Within the submitted statement the applicant notes that farm land has been previously sold with out the agricultural dwelling. In the information submitted with the application the agent states that the current occupiers are not employed in agriculture.

From an assesment of the applicants submitted statement no reference has been made to any reasonable attempts to market the property with the agricultural tie. Thesite is not in a defined built up area as defined by the Local Plan and therefore notwithstanding the more permissive policy context of the NPPF 2018, the granting of permission to remove the occupancy conditions would currently be contrary to the aims and intentions of policy H DM3 (g)e. However, Officers consider that there are material considerations which the Council believes would indicate that a decision should be made other than in strict accordance with the Local Plan. Officers note that since the granting of Planning permission for application ref: BE/19/61/A, a number of dwellings have been granted planning permission without agricultural ties and as such the application dwelling now sits within a ribbon of residential properties on the north eastern/eastern side of Chichester Road. One such dwelling has fairly recently been granted under planning application ref: BE/51/18/PL. This dwelling was granted, without agricultural ties, next to the application dwelling Springfields. Additionally, within the nearby area permission has previously been given for a number of houses at a site known as 'Site 6' for hundreds of homes over a number of phases. Officers consider that there now a number of homes available, potentially more suitable to a modern family, that could be lived in by potential farm workers and their families.

It is noted that sometimes farmers need to live on extremely close to farms so that they can look after livestock especially around lambing, calving time etc. However, the applicant has detailed, as aforementioned, that Springfields is no longer connected with Elbridge Farm on the Chichester Road as it was previously. The previous owner of Springfields has apparently sold the Estate at Elmbridge Farm but retained the dwelling at Springfield. Therefore should Elbridge Farm or any other farm in close

proximity to spingfields require a agricultural workers dwelling close to or on the farm they would have to submit a planning application for an agricultural workers dwelling, which would be assessed in line with all relevant national and local planning Policy.

The applicant has stated that the farm was sold to the Church Land Commission in 1986 and that the former agricultural buildings have been granted permission for alternative uses such as B1/B2/B3/B8 under previously granted planning applications ref: BE/56/06 and BE/55/10. Officers note that farming practices in the immediate area have reduced over the years.

SUMMARY:

With regard to the aove assesment, Officers note that farming activity has decreased/diversified away from 'traditional farming' activities and that the dwelling is no longer tied to the Elbridge Farm Estate as it was originally intended for. Additionally Officers note the variety housing options that have since been granted within the area within the area, particularly the dwelling recently granted under application BE/51/18/PL (Outside the Built Up Area Boundary and on farmland). Therefore, it is considered that the need for the occupation of the property known as Springfield to be to limited to persons employed or last employed, locally in agriculture as defined in section 119 (l) of the Town and Country Planning Act, 1947, or in forestry, and the dependants of such persons.

The applicant has not provided evidence that reasonable attempts have been made to market the rural workers dwelling for that use and as such the removal of the agricultural tie condition would be contrary to Policy Criterion (g) of Policy H DM3. However, as a result of the above assessment Officers are satisfied that given the levels of C3 residential dwellings within the wider area, there is plant of suitable family dwellings such that farm and forestry workers to find suitable accommodation in relatively close proximity to agricultural land./Farms. Therefore, Officers are satisfied that the removal of the agricultural tie, condition number 2 of application ref: BE/19/61/A would not lead to the loss of essential agricultural workers accommodation. Therefore it is considered that this application should be approved.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE

- 1 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.