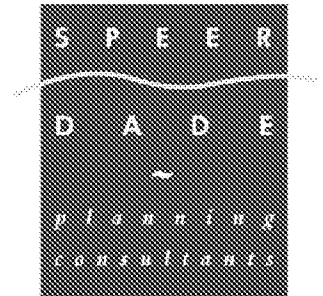


16 June 2020

Group Head of Planning
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
BN17 5LF



Dear Sir

**EASTLANDS, LITTLEHAMPTON ROAD, FERRING BN12 6PB
PLANNING APPLICATION – PP - 08798440**

On behalf of our client, we attach a planning application to vary condition 4 (occupancy) attached to planning permission FG/8/20/PL.

We include:

- application form
- relevant ownership/agricultural certificate
- application fee £234.00 (to be paid by applicant)

Condition 4 states:

The occupation of the residential unit shall be limited to a person solely or mainly working at the equestrian centre at Eastlands.

Reason: In the interests of preserving the residential unit for agricultural/equestrian purposes in accordance with policy C SP1 of the Arun Local Plan.

This would have unacceptable consequences including:

- allowing only one person to live in the house
- not allowing a retired person or a person no longer able to work through ill health to remain in occupation
- not allowing anyone to occupy, if the business ceased operating
- not allowing a surviving spouse to remain in occupation
- excluding occupation by dependants

As explained in application FG/8/20/PL, the applicant and his wife both work at the equestrian centre and their son lives with them. Neither the applicant's wife nor their son would be able to live in the house under the condition as currently worded.

Paragraph 55 of the NPPF sets out six tests for imposing conditions. The unduly restrictive elements of the condition are not necessary to ensure the permitted dwelling is occupied by a rural worker or to protect the countryside from inappropriate development. It would be unreasonable to impose a condition which would have all the defects set out above, especially one which prevents the applicant's family to occupy what is obviously intended to be a family home.

When granting temporary permission FG/84/15/PL for a caravan at the property, the inspector adapted the model condition wording from circular 11/1995. Condition 2 of FG/84/15/PL states:

The occupation of the caravan shall be limited to a person solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants.

Paragraph 003 of Use of planning conditions in Planning Practice Guidance refers to the model conditions attached to circular 11/95. Paragraph 45 of appendix A to circular 11/95: Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances, provides a model condition for agricultural workers' dwellings. This reads:

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Taking into account the inspector's wording, the model condition and to allow occupation by more than one equestrian worker, the occupancy condition should read:

The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants.

An appeal decision is attached which concerned an occupancy condition more restrictive than that set out in the circular 11/95 model conditions. We refer particularly to paragraphs 11-14 and to condition 4 of the attached schedule of conditions.

Also attached is the associated costs decision in which costs were awarded against the council. Paragraph 6 of the costs decision stated:

In this case, the Council's action in imposing condition no. 4 was clearly contrary to that advice and I found that there was no special and precise justification for it. I also found that the requirements of the condition was unnecessary and unreasonable and thus failed two of the critical tests set out in the Circular. I concluded that the house could reasonably have been permitted in the original decision resulting in

permission TA/2005/635 with the model agricultural occupancy condition imposed.

The reason for attaching condition 4 to permission FG/8/20/PL refers to local plan policy C SP1. There is nothing in that policy which would provide justification for a more restrictive occupancy condition.

Local plan policy H DM3 Rural workers' dwellings (g) states:

Any planning permission granted will be subject to an occupancy condition, limiting occupation to a person solely or mainly employed in the locality in agriculture or forestry.

Clearly, this policy criterion is not intended to set out the full wording of a planning condition. The wording used in the policy is shorthand. In considering the appeal, in respect of the caravan FG/84/15/PL, the inspector had regard to the then emerging local plan policy which, in respect of criterion (g) (criterion (h) in the draft policy) of policy H DM3 was the same. The inspector, evidently, did not believe this required a more restrictive occupancy condition.

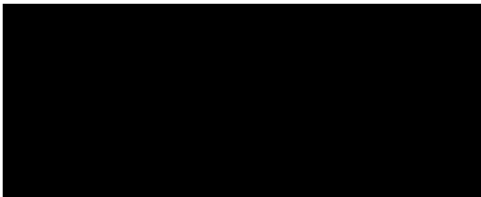
If you have any questions about the application, please contact Roy Speer.

Yours faithfully

Speer Dade

Speer Dade

SPEER DADE Planning Consultants
Chartered Planning & Development Surveyors
29 Kings Drive Hassocks BN6 8DX



Attached: Starline Farm appeal decision notice

Starline Farm costs decision