

Recommendation Report for Planning Permission

REF NO: K/1/21/PL

LOCATION: 2 Gorse View  
Peak Lane  
Kingston  
BN16 1RW

PROPOSAL: Removal of planning condition imposed under K/50/60/ relating to the occupation of the property by agricultural workers'.

## SITE AND SURROUNDINGS

|                            |                                                                                     |
|----------------------------|-------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                           |
| SITE CHARACTERISTICS       | A semi detached house.                                                              |
| CHARACTER OF LOCALITY      | A semi detached house on a rural lane with a number of neighbouring dwellinghouses. |

## RELEVANT SITE HISTORY

|         |                                                                                                                                                                                          |                                  |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| K/50/60 | Outline Pair Of Cottages For Agricultural Workers                                                                                                                                        | ApproveConditionally<br>06-01-61 |
| K/6/83  | Continuance Of Use Without Complying With Condition No 1 Imposed On Planning Permission K/12/62                                                                                          | ApproveConditionally<br>27-04-83 |
| K/4/96  | Continued use of dwellinghouse without compliance with Condition 1 of planning permission K/12/62. (Restricting occupation to persons employed or last employed locally in agriculture). | Approve<br>19-04-96              |
| K/16/92 | Removal of agricultural occupancy condition No 2 imposed on Planning Permission K/50/60                                                                                                  | Approve<br>17-11-92              |

K/50/60 was the original planning permission which contained the agricultural occupancy condition. A number of neighbouring houses have had the agricultural occupancy condition removed;

1 Gorse View - K/16/92  
1 Meadow View - K/4/96  
2 Meadow View - K/6/83

**REPRESENTATIONS**

KIngston Parish Council - No objection

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

Noted.

**POLICY CONTEXT**

Designation applicable to site:

ADOPTED LOC PLN

SPEC CONT ADVTS

OUTS BUILT AREA

NO PUBLIC SEWER

PD RESTRICTION

**DEVELOPMENT PLAN POLICIES**

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

|      |                                                              |
|------|--------------------------------------------------------------|
| DDM1 | D DM1 Aspects of form and design quality                     |
| CSP1 | C SP1 Countryside                                            |
| HDM3 | H DM3Agricultural forestry and horticultural Rural dwellings |
| DSP1 | D SP1 Design                                                 |

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**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.

No policies in the Neighbourhood Plan are considered relevant to this application

**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 considered to comply with relevant Development Plan policies in that no harm would result in the removal of the agricultural occupancy condition.

#### OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

#### CONCLUSIONS

The removal of the agricultural occupancy condition will not involve any alteration to the buildings and will need to comply with policy D DM1 and H DM 3 of the Arun Local Plan and the NPPF Conditions test.

The house has a garden and a garage and off road parking spaces such that it complies with policy D DM1.

The development has been marketed for over 12 months since November 2019 and a buyer with an agricultural tie cannot be found therefore this application is being made in accordance with policy H DM3 of the Arun Local Plan which requires that agricultural dwellings should have an occupancy condition as in this case.

The NPPF Conditions test requires that a condition be

- 1.necessary;
- 2.relevant to planning;
- 3.relevant to the development to be permitted;
- 4.enforceable;
- 5.precise; and
- 6.reasonable in all other respects.

The condition subject of this application is no longer considered reasonable as no agricultural buyer can be found for the property and not necessary as there is no longer a functional need for an agricultural worker on site.

It is noted that several properties adjacent to the applicants property have had their agricultural occupancy conditions removed and so it is considered reasonable to remove the condition in this case.

#### SUMMARY

The proposed removal of the agricultural occupancy condition is considered to be in accordance with the development plan and as such the application is recommended for approval.

#### 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 CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: H M Land Registry Title Number SX 48043.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 2 INFORMATIVE: This permission removes the condition imposed under K/50/60/ relating to the occupation of the property by agricultural workers only. All other conditions to K/50/60 remain in force.
- 3 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.