



Committee Report

Planning committee - 28 January 2020

Application no DC/19/4471/ROC

Location

Cowpasture Farm
Gulpher Road
Felixstowe
Suffolk
IP11 9RD

Expiry date 9 January 2020

Application type Removal of Conditions

Applicant Mrs J and Miss H Stennett

Parish Felixstowe

Proposal Removal of Condition 5 of C6583/2 - Erection of farmhouse (submission of details under Outline Planning Permission C6583. - Removal of Agricultural Occupancy Condition

Case Officer Michaelle Coupe
(01394) 444440
michaelle.coupe@eastsuffolk.gov.uk

1. Summary

- 1.1. This application seeks to remove an agricultural occupancy condition imposed on the original outline planning consent for this single storey dwelling.
- 1.2. Given the sites location in the countryside outside the settlement boundary of Felixstowe to retain the dwelling without any restriction would be contrary to the provisions of the Development Plan.
- 1.3. The application is recommended for approval, as the occupancy of the dwelling without compliance with the occupancy condition has been established through the granting of a Certificate of Lawfulness.

- 1.4. Also relevant is that planning permission has been granted for residential development on the agricultural holding that this dwelling served and the dwelling lies within the proposed North Felixstowe Garden Neighbourhood within the emerging Local Plan.

2. Site description

- 2.1. The single storey detached dwelling was originally built to house an agricultural worker in the 1980's. A condition restricted the occupation to a person employed or last employed in agriculture.
- 2.2. In December 2018 a certificate of lawful development was issued that confirmed the lawful occupation of the dwelling without compliance with that condition (DC/18/4174/CLE). A S52 agreement that also restricted the occupation of the dwelling has also been rescinded (DC/18/5160/VLA).
- 2.3. The site is alongside land granted planning permission on appeal for up to 560 dwellings, north of Candlet Road (DC/15/1128/OUT). This land is largely in equestrian use. Part of the land has in the past been used as a golf driving range.
- 2.4. Access to the property is via the track leading to the main equestrian buildings from Gulpher Road.

3. Proposal

- 3.1. The application is seeking to remove condition 5 which restricts the occupation of the property to those employed or last employed in agricultural.

4. Consultations/comments

- 4.1. No third party representations have been received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	20 November 2019	6 December 2019
Summary of comments: Recommend approval.		

6. Publicity

- 6.1. The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Departure	12 December 2019	7 January 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: 10 December 2019 Expiry date: 3 January 2020
General Site Notice	Reason for site notice: General Site Notice Date posted: 26 November 2019 Expiry date: 17 December 2019

7. Planning policy

- 7.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 7.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 7.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan Development Plan Document (Adopted January 2017);
- and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- 7.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP21 - Felixstowe with Walton and the Trimley Villages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 7.5. The relevant policies of the Suffolk Coastal District Local Plan – The relevant policies of the Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan Development Plan Document (Adopted January 2017) are:

FFP2 – Physical Limits Boundaries – Suffolk Coastal District Local Plan - Felixstowe Peninsula Area Action Plan Development Plan Document (Adopted January 2017)

- 7.6. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination.
- 7.7. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019).
- 7.8. At this stage in the Plan Making process, the policies which received little objection (or no representations) can be given more weight in decision making if required, as outlined under paragraph 48 of the NPPF. There are no policies of that nature relevant to the consideration of this application, but there are policies which received some or more objection that are relevant to the consideration of this proposal, which are:

SCLP5.6: Rural Workers Dwellings

SCLP12.3: North Felixstowe Garden Neighbourhood

8. Planning considerations

- 8.1. Planning consent was originally granted for the dwelling in this countryside location, as an exception to policy on the basis it was essential for an agricultural worker to reside on site, the original farmhouse having been sold away.
- 8.2. Current Development Plan policy DM3 lists the exceptions where new housing in the countryside would be acceptable and refers to development that would otherwise accord

with the special circumstances in the NPPF which includes where there is an essential need for a rural worker to live permanently at or near their place of work.

- 8.3. Emerging Local Plan policy SCLP5.6: Rural Workers Dwellings, supports the provision of houses for rural workers subject to certain criteria being met including a functional need and the rural activity is established and viable. The policy also lists criteria that would have to be met to remove occupancy conditions related to rural workers.
- 8.4. Given the agricultural holding that this dwelling served has planning consent for residential development it is accepted the original need for an agricultural workers dwelling no longer exists.
- 8.5. Whilst there would normally be an expectation to market the property to assess demand for agricultural workers dwellings in the area before removing the condition, given the certificate of lawful use has been granted for occupancy of the dwelling without compliance with the agricultural workers condition, it would be unreasonable to require marketing of the property in this case.
- 8.6. Furthermore, the site is within the area allocated in the emerging Local Plan for North Felixstowe Garden Neighbourhood (policy SCLP12.3), although this has not yet been adopted and has limited weight.
- 8.7. The extant planning permission for residential development on the land around this property will mean the dwelling will be surrounded by new residential development and will no longer appear as an isolated dwelling in the countryside.
- 8.8. Having regard to all the above considerations the removal of the condition is considered acceptable.

9. Conclusion

- 9.1. There have been significant changes in circumstances since the dwelling was approved for an agricultural worker, such that it would be difficult to justify a dwelling with any restriction on occupation and therefore the removal of the condition is supported.

10. Recommendation

- 10.1. Approve

11. Conditions:

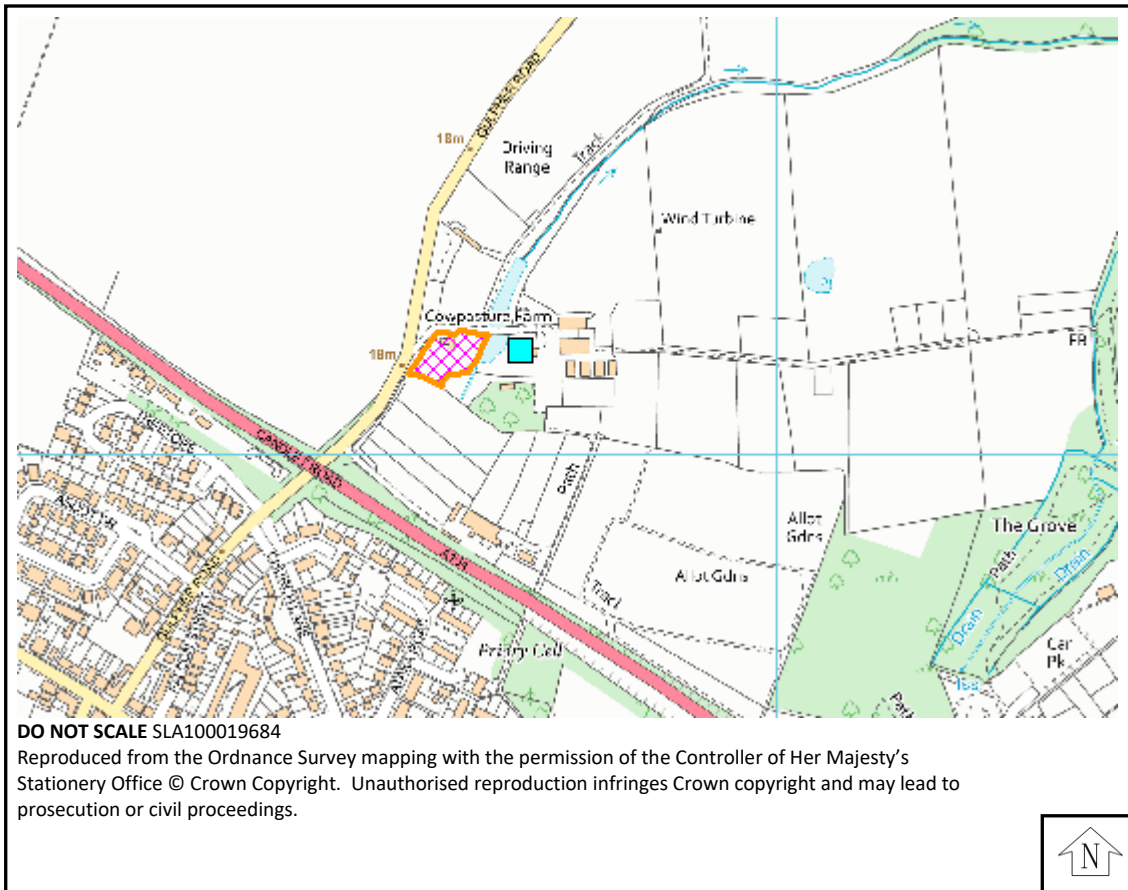
The development hereby permitted relates to the site plan approved under outline planning consent C6583 received 18/03/1982

Reason: For the avoidance of doubt as to what has been approved.

12. Background information

See application reference DC/19/4471/ROC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1065BQXG2000>

Map



Key



Notified, no comments received



Objection



Representation



Support