



Committee Report

Planning Committee - 26 November 2019

Application no DC/19/3489/VOC

Location

1 Hill Farm Cottages
Hill Farm Road
Playford
Suffolk
IP6 9DT

Expiry date 30 October 2019

Application type Variation of Conditions

Applicant c/o Watkins, Stewart & Ross Solicitors

Parish Playford

Proposal Variation of Condition 2 of E/6694 - Build a pair of agricultural worker's cottages. Removal of condition 2

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1. Summary

- 1.1. This application seeks a variation of condition 2 of application E/6694 to remove the agricultural occupancy from 1 Hill Farm Cottages. The other cottage granted under E/3394 is proposed to retain the occupancy condition.
- 1.2. The removal of this condition would be contrary to planning policy and therefore it has come before planning committee for determination.
- 1.3. This application is recommended for approval as the occupancy of this cottage without compliance with this condition has been established through a certificate of Lawfulness application (DC/19/1979/CLE).

2. Site description

- 2.1. The site lies at the end of Hill Farm Road in an elevated position overlooking the Fynn River Valley. There is no physical limits boundary to the settlement of Playford, however for an agricultural workers cottage it is reasonably well-related to the core of the village and occupiers would not be physically isolated from the community.
- 2.2. The site relates to a pair of cottages numbers 1 and 2 Hill Farm Cottages, Hill Farm Road in Playford.
- 2.3. The dwelling was built following the grant of outline planning consent; E6694 to build a pair of agricultural workers cottages, and detailed planning consent E7309. A standard condition (2) was imposed requiring their occupation to be limited to a person solely or mainly employed in agriculture or forestry.
- 2.4. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: 'horticulture, fruit growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land).
- 2.5. A previous Certificate of Lawfulness application (DC/19/0510/CLE) was withdrawn following the officers recommendation to submit additional financial information in support.
- 2.6. A Certificate of Lawfulness (DC/19/1979/CLE) was subsequently submitted with additional information, for *“Certificate of Lawfulness (Existing) - Occupation of 1 Hill Farm Cottages in non compliance with agricultural occupancy condition”* . This was granted 25 June 2019.
- 2.7. An ROC (DC/18/0738/ROC) was refused which sought to lift the agricultural tie (condition 2) because it would have removed the occupancy restriction from both cottages, which would have been contrary to planning policy relating to dwellings in the countryside and there was no justification to remove the condition on the other property (2 Hill Cottages) as an established breach of the occupancy condition had not been established.

3. Proposal

- 3.1. The application seeks to vary condition 2 of the original planning permission relating to agricultural occupancy.
- 3.2. The condition applies to One and Two Hill Farm Cottages. The applicants' therefore propose a variation to the overall condition to exclude 1 Hill Farm Cottages from being restricted.
- 3.3. The wording of the condition is proposed to be varied to:-

'The occupation of the dwellings shall be limited to persons solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such persons, and to any resident dependents with the exception of Number 1 (One) Hill Farm Cottages.'

4. Consultations/comments

4.1 There have been no third party comments.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	9 September 2019	23 September 2019
Summary of comments: <i>"Playford Parish Council fully support this application"</i>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	9 September 2019	30 September 2019
Summary of comments: No Comments		

5. Publicity

None

6. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 12 September 2019

Expiry date: 3 October 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. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 7.4. The Development Plan for the District 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 - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017)
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
 - Policies of any relevant Neighbourhood Plan.
- 7.5. 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))
- SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP3 - New Homes (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))
- SP28 - Other Villages (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))
- 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 . 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). The policies that are now considered to have some weight in determining applications are not applicable to the consideration of this scheme.

8. Planning considerations

- 8.1. Application DC/19/1979/CLE granted a lawful development certificate for an existing use; in breach of planning condition under the Town and Country Planning Act 1990; Section 191 as amended by section 10 of the planning compensation act 1991. The breach relates to planning consent E/7309; condition:

“ The dwellings shall be occupied by persons whose employment or latest employment is or was employment in agricultural, as defined by Section 119 (1) of the Town and Country Planning Act, also the dependants of such persons as aforesaid.”

- 8.2. The lawful development certificate confirmed that there has been in breach of the Condition 2 for a minimum of 10 years where the council have not taken any enforcement action against them as such the use should continue to be lawful. This is a material consideration in this current application.
- 8.3. There is no physical limits boundary to the settlement of Playford, however for an agricultural workers cottage it is reasonably well-related to the core of the village and occupiers would not be physically isolated from the community. As such, an unrestricted dwellinghouse on this site would not significantly conflict with the aims of NPPF paragraph 79 (which seeks to avoid isolated new homes in the countryside). However it would not meet any of the other criterion under policy DM3 (Housing in the Countryside), and an unrestricted dwellinghouse would not accord with current settlement policies in respect of housing (SP19 and SP28).
- 8.4. Given the above it is important for the council to consider the fallback position which in this instance was the granting of the certificate of lawfulness. The council are unable to take any action against the occupants for breach of condition as it has been in excess of 10 years, as such the property can be continually lived in without compliance. The granting of this permission would not change the existing use allowed on the property. The history for the site demonstrates that there is limited need for the agricultural occupancy condition in this area.
- 8.5. Originally the applicants applied for a ROC; however the condition they sought to change covers both the dwellings at nos. 1 and 2. It was therefore not possible to remove the condition as it would also de-restrict the dwelling at 2 Hill Farm Cottages. As such this Variation of Condition was submitted to overcome this issue.
- 8.6. If the current variation of condition were to be granted, the occupancy condition would remain on the other dwelling (2 Hill Farm Cottages).

- 8.7. There is no need to reimpose the other conditions from the original planning permission (E7309) as they relate to pre-construction and/or pre-occupation matters, and as the dwellings have been built and occupied they are no longer applicable.

9. Conclusion

- 9.1. An unrestricted dwellinghouse in this location does not significantly conflict with the aims of NPPF paragraph 79, it would not accord with core strategy policies SP19, SP28 and DM3, however the council consider in this instance the fallback position in terms of the certificate of lawfulness means that the granting of this application would not alter the current allowed use of the site.

10. Recommendation

- 10.1. Officers recommend approval of the VOC given the fallback position set out above.

11. Conditions:

- 1) The occupation of the dwellings shall be limited to persons solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such persons, and to any resident dependents with the exception of Number 1 (One) Hill Farm Cottages.

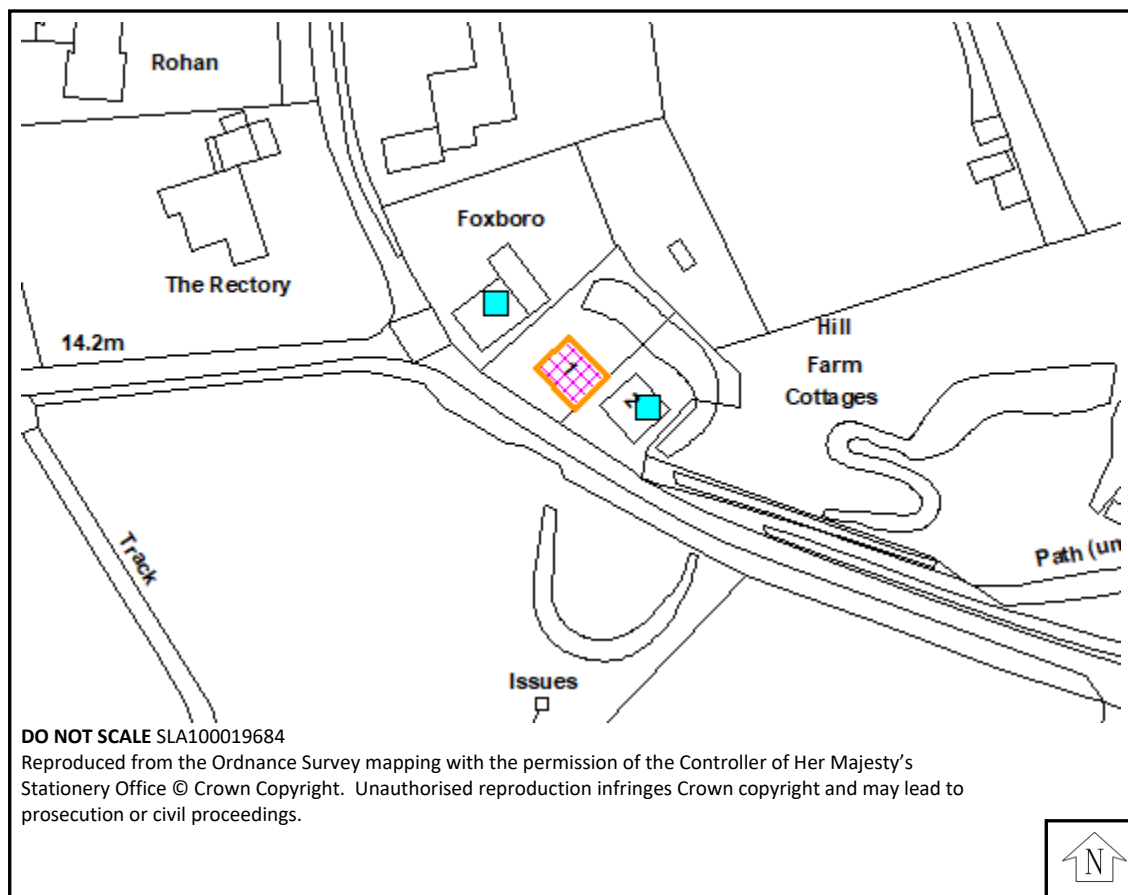
12. Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





13. Background information

- 13.1. See application reference DC/19/3489/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXCZY2QXMBJ00>

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support