

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2022/1263/F	CASE OFFICER Lisa ODonovan
LOCATION:	SHIPDHAM Meadow Bank Carbrooke Lane	APPNTYPE: Full
APPLICANT:	Mrs Helen Crane Meadow Bank Carbrooke Lane	POLICY: Out Settlemnt Bndry
AGENT:	Clayland Architects The Glass House Lynford Gardens	CONS AREA: N
PROPOSAL:	To transfer an existing agricultural restriction from Meadow Bank to the adjacent new dwelling The Granary	LB GRADE: N
		TPO: N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee as the applicant is a Breckland Councillor.

KEY ISSUES

The acceptability of the transfer of the agricultural restriction from one property to another

DESCRIPTION OF DEVELOPMENT

The application seeks the transfer of an agricultural restriction from Meadow Bank to an adjacent new dwelling.

SITE AND LOCATION

Meadow Bank is a two-storey dwelling set back approximately 65m to/from Carbrooke Lane to the west. The dwelling the agricultural restriction will be transferred to is a recently converted Class Q dwelling sited to the south-east of Meadow Bank.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PN/2021/0058/UC - Prior approval for conversion of agricultural building to one dwelling - General Permitted Development England Order 2015 as amended Schedule 2, Part 3, Class Q - Prior Approval Given

3PL/2000/0175/O - Erection of an agricultural workers dwelling - Permission

3PL/2000/1171/D - Erection of an agricultural workers dwelling - Permission

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

HOU13	Rural Workers Dwellings
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

SHIPDHAM P C

Shipdham Parish Council have no objections to this application.

REPRESENTATIONS

Site notice erected: 16-11-22
Consultations issued: 16-11-22

No representations received.

ASSESSMENT NOTES

1.0 Assessment

1.1 The farmhouse has been separated from the main farm holding and now has no link. A Part Q dwelling has been permitted, application reference 3PN/2021/0058/UC, which lies within the main agricultural yard. The farm is run and operated from this dwelling and given its former use has a closer link to the wider agricultural holding.

1.2 This proposal seeks a transfer of obligation to change the agricultural tie from the farmhouse to the newly permitted and constructed Part Q dwelling. Therefore, the only consideration is the acceptability of this change and there are no other material planning issues to consider.

1.3 Policy HOU13 of the Breckland Local Plan (adopted 2019) states:

Applications for the removal of an occupancy condition related to rural workers will only be permitted where it

can be demonstrated that:

- *There is no longer a need for accommodation on the holding/business and in the local area*
- *The property has been marketed for a reasonable period (at least 1 year) and at a price which reflects the existence of the occupancy condition. The applicant will be required to submit an independent valuation to justify the market price, for which the applicant will bear the cost.*

1.4 However, the proposals are not to remove this restriction but to transfer it to another dwelling, better related to the agricultural business and holding and where it is currently being managed from. On this basis, no agricultural dwelling will be lost and the needs of the rural business will be better met, in accordance with the requirements of Policy HOU13 of the Breckland Local Plan (adopted 2019). The proposals are therefore considered acceptable and a deed of variation can be sought to secure the Part Q dwelling with an agricultural tie.

2.0 Conclusion

2.1 The proposal seeks a transfer of a restriction from one, now disassociated dwelling to a dwelling with a clear link to the wider farm holding, therefore the application is recommended for approval subject to a legal agreement to formally administering this change.

RECOMMENDATION

The application is recommended for APPROVAL with delegated authority to issue the decision once the legal agreement has been finalised.

CONDITIONS

- 1 Note: S106 - Agricultural restriction transfer**
This permission is subject to a legal agreement requiring that the agricultural restriction attached to Meadow Bank is transferred to the property identified on the submitted site and location plan.
- 2 Variation of approved plans**
Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.