

AGENDA ITEM 9/3(b)

Parish:	Tilney St Lawrence	
Proposal:	REMOVAL OF CONDITION 5 OF PLANNING CONSENT M.3950 : Site for Erection of Bungalow (Outline Application)	
Location:	60 School Road Tilney St Lawrence King's Lynn Norfolk	
Applicant:	Mr M Whitear	
Case No:	24/01136/F (Full Application)	
Case Officer:	Kirsten Jeavons	Date for Determination: 15 August 2024 Extension of Time Expiry Date: 9 September 2024

Reason for Referral to Planning Committee – Applicant is related to a member of staff involved in the planning process.

Neighbourhood Plan: No

Case Summary

The application seeks permission for the removal of Condition 5 of Planning consent M.3950: Site for Erection of Bungalow (Outline Application).

Condition 5 states 'The occupation of the dwelling shall be limited to persons employed or last employed locally in agriculture as defined in Section 221(1) of the Town and Country Planning act 1962, or in forestry and the dependants of such person'.

The application site is located within the development boundary of Tilney St Lawrence, which is classed as a Key Rural Service Centre within Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP 2016).

The application site is located to the west of School Road and the site consists of a detached, single storey, buff brick bungalow.

Key Issues

Principle of Development
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located within the development boundary of Tilney St Lawrence.

The site consists of a detached, single storey, buff brick bungalow and the dwelling is located to the west of School Road.

Planning permission is sought for the removal of condition 5 attached to planning consent M.3950: Site for the Erection of Bungalow. Condition 5 restricts the occupation of the dwelling to those employed in agriculture.

No alterations or other amendments have been proposed as part of this application.

SUPPORTING CASE

The dwelling at 60 School Road, Tilney St Lawrence was approved under planning permission M.3950. The permission included condition 05 which limited the occupation of the dwelling to a person(s) employed in agriculture or a dependent of such a person.

Since M.3950 was approved a different Development Plan for the area was adopted. This included development boundaries and a policy, namely DM2, which supports development in principle inside of these boundaries with no special justification required.

60 School Road now sits within the defined development boundary for the area and accordingly, under the current Development Plan and Policy DM2, it is an acceptable development in principle and no special justification by means of an occupational restriction is required. Accordingly, condition 05 of the original planning permission M.3950 is no longer reasonable or necessary.

The National Planning Policy Framework and the associated Planning Practice Guidance states that where conditions are not reasonable or necessary they should not be used. As such given that condition 05 of M.3950 is no longer reasonable or necessary as a result of the current Development Plan, it is not National Planning Policy Framework compliant and accordingly the condition can be removed.

PLANNING HISTORY

M.3950: Site for Erection of Bungalow (Outline Permission) - Approved 11th November 1969

M.4021: Erection of Detached Three-Bedroom Bungalow - Approved 23rd January 1970

Both permissions were conditioned with an agriculture employment occupation restriction.

RESPONSE TO CONSULTATION

Parish Council: NO COMMENT

REPRESENTATIONS

None received.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Other material considerations

Principle of Development:

The application is for the removal of condition 5 attached to planning permission: M.3950: Site for Erection of Bungalow (Outline Application) at 60 School Road, Tilney St Lawrence.

Planning consent M.3950 as approved on the 11th of November 1969 was for the erection of a bungalow at land west of School Road, Tilney St Lawrence. Condition 5 attached to this permission stated that 'The occupation of the dwelling shall be limited to persons employed or last employed locally in agriculture as defined in Section 221(1) of the Town and Country Planning act 1962, or in forestry and the dependants of such person'. The reason for this condition was to ensure that the bungalow was only used in connection with the agricultural use of the adjoining land, and it was the policy of the Local Planning Authority to only approve the erection of dwellings outside the village settlement in cases of special agricultural needs.

Policy DM6 of the SADMPP 2016 includes criteria for the relaxation or removal of agricultural occupancy conditions. At the time of the original outline application, the bungalow did not fall within the village settlement of Tilney St Lawrence. Since this application, the village settlement has developed and grown, resulting in the bungalow being located in the Development Boundary (where the development is acceptable in principle), as shown in the 2016 adopted Site Allocations & Development Management Policies Plan (SADMPP), inset G94. It is therefore considered that condition 5 is no longer applicable and necessary.

Other material considerations:

The previous conditions attached to planning consent M.3950 have been reviewed as part of this application. These conditions are stated as followed:

Condition 1: No development whatsoever shall take place until full details of the siting, design, external appearance and means of access of that development have been submitted to and approved by the Local Planning Authority and the development shall conform to such approved details.

Condition 2: This permission shall not be taken as an approval of any details which may be shown on the deposited plan (other than that relating to the location and boundaries of land) unless they have been stated in the application to form an integral part of the application.

Condition 3: Application for approval of any matters reserved in this permission shall be made not later than the expiration of three years beginning with the date of this permission.

Condition 4: The development to which this permission relates shall be begun not later than whichever is the later of the following dates: -

- (i) The expiration of five years from the date of this permission; or,
- (ii) The expiration of two years from the final approval of any matters reserved in this permission or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Condition 6: No development whatsoever, including the erection of gates, walls or fences, or the installation of septic tanks, soakaways or cesspools shall take place within a distance of thirty-six feet from the opposite highway boundary, and.

Condition 7: The development shall conform to a building line of not less than twenty-two feet behind the new highway boundary, and.

Condition 8: The access gates shall be set ten feet behind the new highway boundary with the side fences splayed at an angle of forty-five degrees.

Previous conditions 1, 2, 3, 4, 6, 7 and 8 are no longer relevant to the development, and it is therefore considered re-imposing these conditions would not be necessary or reasonable.

CONCLUSION:

The proposal complies with Policies DM2 and DM6 of the SADMPP 2016, and the bungalow falls within the development boundary of Tilney St Lawrence, as such condition 5 of planning consent M.3950 can be removed. Since the other 7 conditions will not be re-imposed, this permission would be unconditional. On the basis of the above, the application is recommended for approval.

RECOMMENDATION:

APPROVE