
APPLICATION NO.	P11/V1730
APPLICATION TYPE	Modification of Planning Obligation
REGISTERED	23 August 2011
PARISH	Appleton
WARD MEMBER(S)	Cllr Dudley Hoddinott, Cllr Judy Roberts, and Cllr John Woodford.
APPLICANT	Mr & Mrs Corke
SITE	Thames View, Millway Lane, Appleton
PROPOSAL	Application to remove planning obligation attached to planning permission P80/V1401 which applied an agricultural occupancy restriction and a tie to the land
AMENDMENTS	Statutory declaration submitted 24 January 2012
GRID REFERENCE	443374 200974

1.0 INTRODUCTION

1.1 This is an application to remove a planning obligation that imposes an agricultural occupancy restriction. The application site lies in Millway Lane, Appleton approximately 180 metres from the junction with Netherton Lane. The site is approximately 1.5 hectares in area and lies in the green belt. A site plan is **attached** as appendix 1.

1.2 The application comes to committee because Appleton Parish Council objects.

2.0 PROPOSAL

2.1 On the site is a small single storey bungalow that was permitted in March 1981 for a Mr L G Heredge for the purpose of running a market garden on the land. A planning obligation was drawn up between the council and Mr Heredge that tied the bungalow to the site and restricted occupancy to someone employed or last employed in agriculture.

2.2 The current occupiers, Mr and Mrs Corke, have submitted a statutory declaration. This states that they purchased the land from Mr Heredge, built the bungalow and have subsequently occupied it since the early 1980's. In all that time they state the site has never been used as a market garden and is too small to be a viable farm unit. They have, therefore, applied to remove the planning obligation.

3.0 CONSULTATIONS & REPRESENTATIONS

3.1 Appleton Parish Council objects for the reasons **attached** as appendix 2.

3.2 Local Residents – no letters have been submitted

4.0 RELEVANT PLANNING HISTORY

4.1 As in section 2 above

5.0 POLICY & GUIDANCE

5.1 Not applicable

6.0 PLANNING CONSIDERATIONS

6.1 The main issue for committee to consider is whether it has been demonstrated that the planning obligation no longer serves a useful planning or other purpose. The statutory declaration by the applicants is supported by available evidence from aerial photographs over the period. Analysis of these shows no evidence of market gardening

taking place on the site, such as the presence of greenhouses or planted crops. Instead the photographs show that the site has been largely laid to lawn for several decades.

- 6.2 Officers have reached the conclusion that the lawful use of the site is a domestic dwelling and garden. Moreover, officers agree that there is no reasonable prospect of the site being used for agriculture in the future - it is not realistic to expect an agricultural enterprise to be viable on a site that is only 1.5 hectares in area. Consequently it is accepted that the planning obligation should be removed.

7.0 **CONCLUSION**

- 7.1 The available evidence is that the site has been used as a domestic residence since the 1980's, and not as a market garden. It is not reasonable to expect the site to support a viable agricultural enterprise.

8.0 **RECOMMENDATION**

- 8.1 **It is recommended that authority to remove the planning obligation is delegated to the Head of Planning in consultation with the Chairman and Vice-Chairman.**

Author / Officer: Martin Deans Team Leader (Applications)
Contact number: 01235 540350
Email address: martin.deans@southandvale.gov.uk