

Planning Committee: 06 April 2011

Item Number:

Application No: W 11 / 0224

Town/Parish Council: Lapworth

Registration Date: 11/03/11

Case Officer:

Steven Wallsgrove

Expiry Date: 06/05/11

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Hill Barn Farm, Irelands Lane, Lapworth, Solihull

Removal of Condition 3 (occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or forestry) of planning permission W/79/0903 (retrospective) FOR Mrs Green

This application is being presented to Committee due to a contrary recommendation by the Parish Council.

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: The condition should not be removed as the property was built to farm and support the adjacent land and may be required to do so in the future if and when the land changes ownership.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

The dwelling was originally granted planning permission in 1980, on appeal, subject to an agricultural occupancy condition. An application for a Certificate of Lawfulness for its occupation contrary to that condition was granted in October 2010 (W10/1115).

KEY ISSUES

The Site and its Location

The property is a detached farmhouse and has a large farm building adjoining it. It lies in an isolated position in the Green Belt.

Details of the Development

The proposal is to remove the occupancy condition from the original consent (under W79/903).

Assessment

The issue in this case is simple, namely, since the Certificate of Lawfulness confirms that the dwelling can be occupied without compliance with the agricultural occupancy condition, why should the condition itself now not be removed since it cannot be enforced?

I am of the opinion that there is no planning justification, under these circumstances, not to remove the condition since, in law, it is now an unencumbered dwelling. The possibility that it may be needed by a future owner is accepted, as suggested by the Parish Council, but the removal of the condition does not prevent it being used by an agricultural worker.

RECOMMENDATION

GRANT.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, there is no legal basis not to grant consent due to the existence of the Certificate of Lawfulness.
