

# DELEGATED DECISION REPORT

## APPLICATION NUMBER 201279

The Old Fruit Farm, Queenswood, Hope-Under-Dinmore, Leominster, HR6 0PX

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**CASE OFFICER:** Mr Ollie Jones

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Local Member	X				

### PLANNING OFFICER'S APPRAISAL:

#### Site Description

The Old Fruit Farm was previously known as Winyard Farm and is found within the Parish of Hope under Dinmore, 9 miles to the north of Hereford. The bungalow subject to this application was granted planning permission on 19 September 1990 on the basis of it providing accommodation for a rural worker associated with the Winyard Fruit Farm. An occupancy condition was attached to the permission limiting the occupancy to a person solely or mainly employed, or last employed, in the locality in agriculture or forestry.

On 1 March 2000, a variation of condition application was made to vary condition 1 (occupancy condition). The varied condition reads as follows;

*1. The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or in the keeping and breeding of horses, or a widow or widower of such a person, and to any resident dependants.*

*Reason: It would be contrary to the Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.*

#### Proposal

This application is for a Certificate of Lawful Use relating to the non-compliance of Condition 4. The application has been supported with the submission of the following;

- Covering Letter - Submitted May 2020
- Details of Planning History - Submitted May 2020
- Site Location Plan - Submitted May 2020
- Formal records of occupants employment/residence (confidential) – Submitted July 2020

Appraisal


In this case, the application needs to demonstrate that “on the balance of probabilities”, the applicant has not been mainly employed in agriculture for a period of 10 years prior to the submission of the application.

The occupants of the Old Fruit Farm moved in 2001 and the supporting documentation clearly evidences the fact that they have not be solely or mainly employed in agriculture, forestry or the keeping and breeding of horses as required by Condition 1 of the planning permission.

The evidence supporting this application suggests that on balance, the applicants have never complied with the occupancy condition. They have occupied the property on a continuous basis and as such there has been no break in use to interrupt that period. There is no evidence before the LPA to the contrary and therefore based upon the principle of passing the test on the “balance of probabilities”, it is considered that there has been a continuous breach of Condition 1 of the planning permission and as such a Certificate can be issued.


**RECOMMENDATION:**      **PERMIT** ☒      **REFUSE** ☐

In relation to the evidence submitted, the Local Planning Authority is satisfied on the balance of probabilities, that the dwelling known as The Old Fruit Farm (previously Winyard Farm), has been continuously occupied in breach of Condition 1 of planning permission C1999/3050/F given that the occupants have not been employed mainly in the locality in agriculture, forestry or for the keeping or breeding of horses for a period of 10 years prior to the submission of this application.

Signed:  ..... Dated: 21 August 2020

**TEAM LEADER'S COMMENTS:**

**DECISION:**      **PERMIT** ☒      **REFUSE** ☐

Signed:  ..... Dated: 21<sup>st</sup> August 2020