



Appeal Decision

Site visit made on 19 November 2020

by **S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/R3325/W/20/3255645

Riverside Stables, Lovington, Castle Cary BA7 7PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs D and S Bennett against the decision of South Somerset District Council.
 - The application Ref 20/01014/S73, dated 9 March 2020, was refused by notice dated 26 May 2020.
 - The application sought planning permission for "the continued use of bungalow without compliance with condition 4 of Decision notice 82773 dated 13.5.69 (Agricultural Occupancy Condition) without complying with a condition attached to planning permission Ref 30/88/2203, dated 14 September 1988".
 - The condition in dispute is No 2 which states that: *The occupation of the dwelling shall be limited to persons employed or last employed full time locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971 or in forestry or the keeping of horses for livery (including any dependants of such a person residing with him/her or a widow or widower of such a person).*
 - The reason given for the condition is: *The site is within an area where general residential development is not normally permitted and the District Planning Authority wish to ensure that the dwelling remains associated to the needs of agriculture.*
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Decision

1. The appeal is allowed and planning permission is granted for continued use of bungalow without compliance with condition 4 of Decision notice 82773 dated 13.5.69 (Agricultural Occupancy Condition) at Riverside Stables, Lovington, Castle Cary BA7 7PS, in accordance with the application Ref 20/01014/S73 dated 9 March 2020, without compliance with condition number 2 previously imposed on planning permission Ref 30/88/2203 dated 14 September 1988.

Main Issues

2. The main issue is whether the condition restricting the occupancy of the dwelling to agricultural, forestry or the keeping of horses for livery is necessary, reasonable and enforceable having regard to local and national planning policies which seek to restrict housing development in the countryside.

Reasons

3. The appeal site comprises a single storey detached dwelling, and includes a stable block with 6 stalls and large riding area. The appeal site is located approximately 1.1 miles north of the village of Lovington. The appeal site is a