

STATEMENT IN SUPPORT

of a

**Planning Application for
the removal or variation of a condition
following grant of planning permission**

Town & Country Planning Act 1990

In respect of

**New Cottage
The Common
Stuston
Diss
Norfolk IP21 4AH**

Prepared on behalf of

Mr Grahame Sutton

Dated: November 2023

C O N T E N T S

1. Introduction
2. The Applicant
3. The Application
4. Planning History
5. Marketing
6. Conclusion

Appendices

1. Location Plan
2. Site Plan
3. Planning Permission
4. Marketing Particulars

1. Introduction

- 1.1 Lacy Scott & Knight are instructed by Mr Grahame Sutton to prepare and submit a planning application for the removal or variation of a condition appertaining to a planning permission granted by East Suffolk County Council for a Farm workers cottage at Stuston Hall, Stuston, Diss, Norfolk.
- 1.2 The main objective of the Statement is to ensure that Mid Suffolk District Council have sufficient information available to enable the consideration of all planning and other additional issues against both Local and National Planning Policies when advising members as part of the decision making process.

2. The Applicant

- 2.1 The applicant is Mr Grahame Sutton whose address is Keepers Cottage, West Stow, Bury St Edmunds, Suffolk, IP28 6UX.
- 2.2 Mr Sutton purchased the property in December 2011.
- 2.3 The property has remained unoccupied since the date of acquisition.

3. The Application

- 3.1 Planning permission (outline) was granted on 21st July 1973 by East Suffolk County Council for the erection of a farm worker's cottage at Stuston Hall, Stuston. Planning reference number W/135/2.
 - A plan showing the location of the property is attached in **Appendix 1**.
 - A plan showing the extent of the site is attached in **Appendix 2**.
 - A copy of the Planning Permission is attached in **Appendix 3**.
- 3.2 The property comprises a detached two storey two bedroom house.

The accommodation includes:

- On the ground floor: entrance hall, sitting room, kitchen.
- On the first floor: 2 bedrooms and a bathroom.
- Outside: an open fronted carport.

The plot extends to 0.1 hectares or thereabouts.

- 3.3 Condition 6 of the Planning Permission requires that *“The occupation of the dwelling shall be limited to a person solely or mainly employed locally in agriculture as defined by Section 209(1) of the Town & Country Planning Act 1971 or family or a dependent of such a person residing with him (but includes a widow or widower of such a person).”*

4. Planning History

- 4.1 In October 2008 a planning application was submitted to Mid Suffolk District Council for a Lawful Development Certificate on the basis that the property had been occupied for a number of years without compliance with Condition 6 of the said planning permission (W/135/2). Written statements in support of the application were submitted.
- 4.2 The application was withdrawn prior to determination.
- 4.3 The property was offered for sale on the open market by private treaty between July 2010 and December 2011 – a period of 17 months. The property failed to sell. During this period the property was unoccupied.
- 4.4 The property was then offered for sale by public auction and was purchased by the applicant in December 2011.
- 4.5 In January 2014 a planning application was submitted for the removal of the agricultural occupancy planning condition (Condition 6) following a consultation with a Planning Officer. The application was considered to be invalid.
- 4.6 A further application was submitted for the removal or variation of the condition in August 2016, again upon the recommendation of a Planning Officer. A Statutory Declaration accompanied the application.
- 4.7 On the advice of the Planning Officer, the application was withdrawn.
- 4.8 Upon the recommendation of the Planning Officer the property has been offered for sale on the open market for a period of 17½ months at a price to reflect the agricultural occupancy condition but despite interest being expressed in the property, it has not been possible to secure a sale or letting.

5. Marketing

- 5.1 On 15th May 2022 Lacy Scott & Knight were instructed by Mr Sutton to offer the property for sale on the open market by private treaty.
- 5.2 A copy of the marketing particulars is attached in **Appendix 4**.
- 5.3 The property has now been marketed for a continuous period of 17½ months.
- 5.4 Throughout this period the property has been marketed on the Lacy Scott & Knight website and the Rightmove website.
- 5.5 A total of 24 enquires have been received.
- 5.6 A total of 10 accompanied viewings have been conducted.

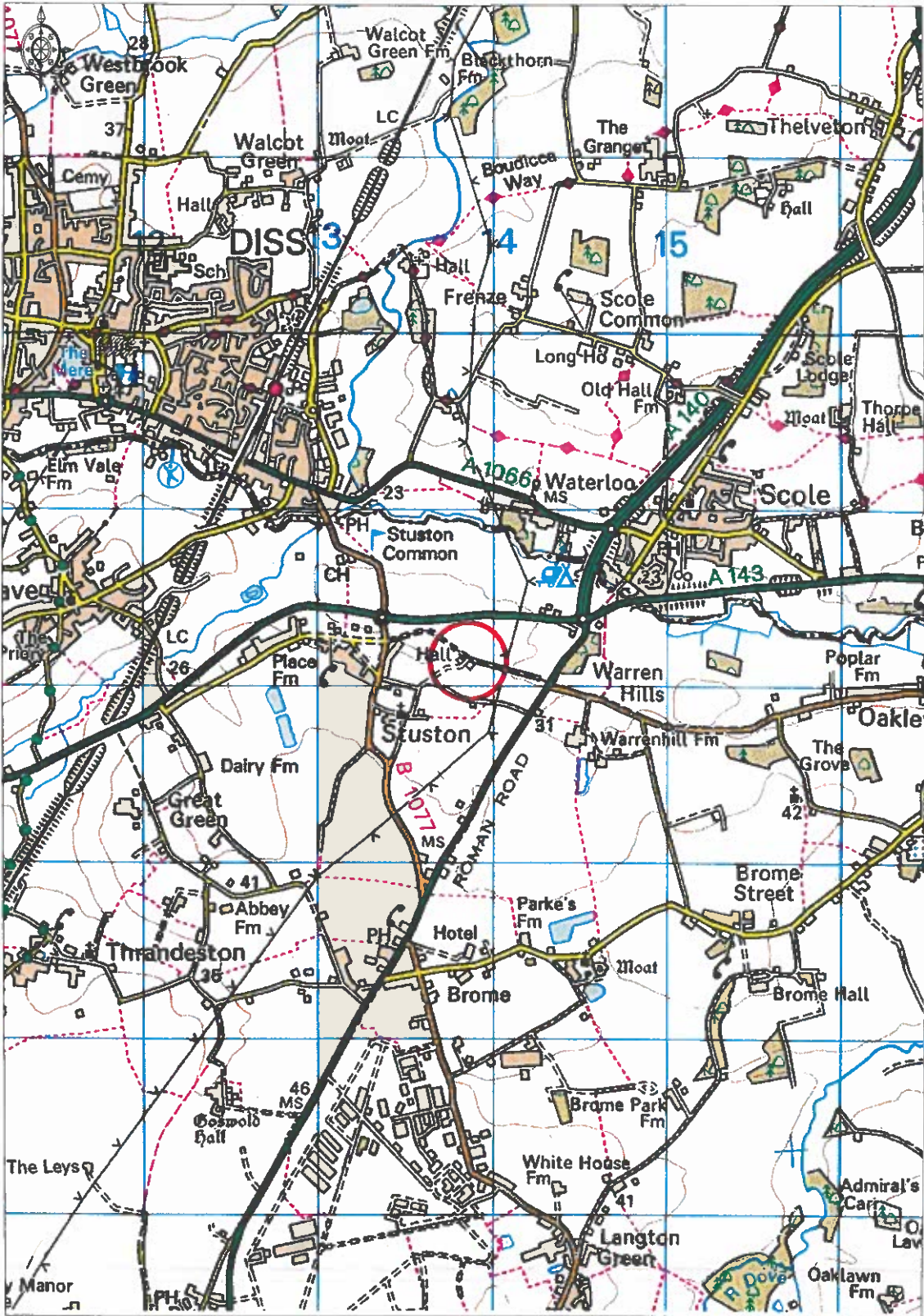
- 5.7 In August 2022 an offer at the guide price of £295,000 was received and accepted by Mr Sutton. The offer was submitted subject to the sale of the prospective purchaser's house. Selling agents were instructed but have not been successful in concluding a sale.
- 5.8 In May 2023 an offer of £260,000 was received and accepted. The offer was subject to the sale of a property in Norfolk. There have been no further developments.

6. Conclusion

- 6.1 The property comprises a modest two bedroom house providing just under 1,000 sq ft of accommodation on a large plot in a rural location.
- 6.2 The guide price of £295,000 is considered to be an appropriate figure in order to reflect a 20% discount on an unrestricted market value for the freehold property.
- 6.3 An offer at a figure below the guide price has been considered and accepted subject to contract and this has demonstrated the intent to sell the property subject to the planning condition.
- 6.4 Despite a comprehensive marketing exercise over a period of 17½ months has demonstrated that there is no demand for the property subject to the restricted occupancy planning condition.
- 6.5 The grant of the application for planning permission for the release of Condition 6 of the permission dated 21st June 1973 reference W/135/2 will enable the property to be brought into the much needed housing stock for either sale or letting purposes.

Appendix I

Location Plan



Ordnance Survey © Crown Copyright 2014. All rights reserved.
Licence number 100022432. Plotmap Scale - 1:95000

Appendix 2

Site Plan



Ordnance Survey © Crown Copyright 2014. All rights reserved.
 Licence number 100022432. Plotted Scale - 1:1250

Appendix 3

Planning Permission

EAST SUFFOLK COUNTY COUNCIL -
TOWN & COUNTRY PLANNING ACT 1971

Register No. W/135/2.

Town/Parish STUSTON

Date of Application 11.4.73.

Applicant's Name & Address D. Laurie and Sons Limited,
Stuston Place, Diss, Norfolk.

Agent's Name & Address

Description and Situation of Development Farm worker's cottage,
Stuston Hall, Stuston.

PERMISSION IS HEREBY GRANTED by the EAST SUFFOLK COUNTY COUNCIL as the Local Planning Authority for the purposes of the TOWN AND COUNTRY PLANNING ACT 1971 to development in accordance with the application shown above, subject to the development being carried out in accordance with the plan(s) and information contained in the application, and to the following conditions:

1. This permission is an outline permission issued in accordance with paragraph 5 (2) of the Town and Country Planning General Development Orders, 1963 to 1969, and before work on the development is begun satisfactory details concerning the siting, design and external appearance of the building(s) and the means of access thereto (hereinafter called "the reserved matters") shall be submitted concurrently to the County Council and their approval obtained thereto.
2. Application for approval of the reserved matters shall be made to the County Council not later than two years from the date of this permission.
3. The development hereby permitted shall be begun on or before whichever is the later of the following dates :-
 - (a) 4 years from the date of this permission, or
 - (b) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Continued ... see attached sheet


The reasons for the conditions are as follows:-

1. To enable the County Council to retain control over the external appearance and details of siting of the proposed development, and the means of access thereto, in the interests of amenity and road safety.
2. & 3. These conditions are imposed in accordance with Section 42 of the Town and Country Planning Act, 1971, as considered appropriate by the County Council.

Continued ... see attached sheet

Date 21 JUN 1973

IMPORTANT - PLEASE READ THE NOTES OVERLEAF


Clerk & Chief Executive
County Hall, Ipswich.
IP4 2JS

P/121(A)

W/135/2 CONDITIONS continued

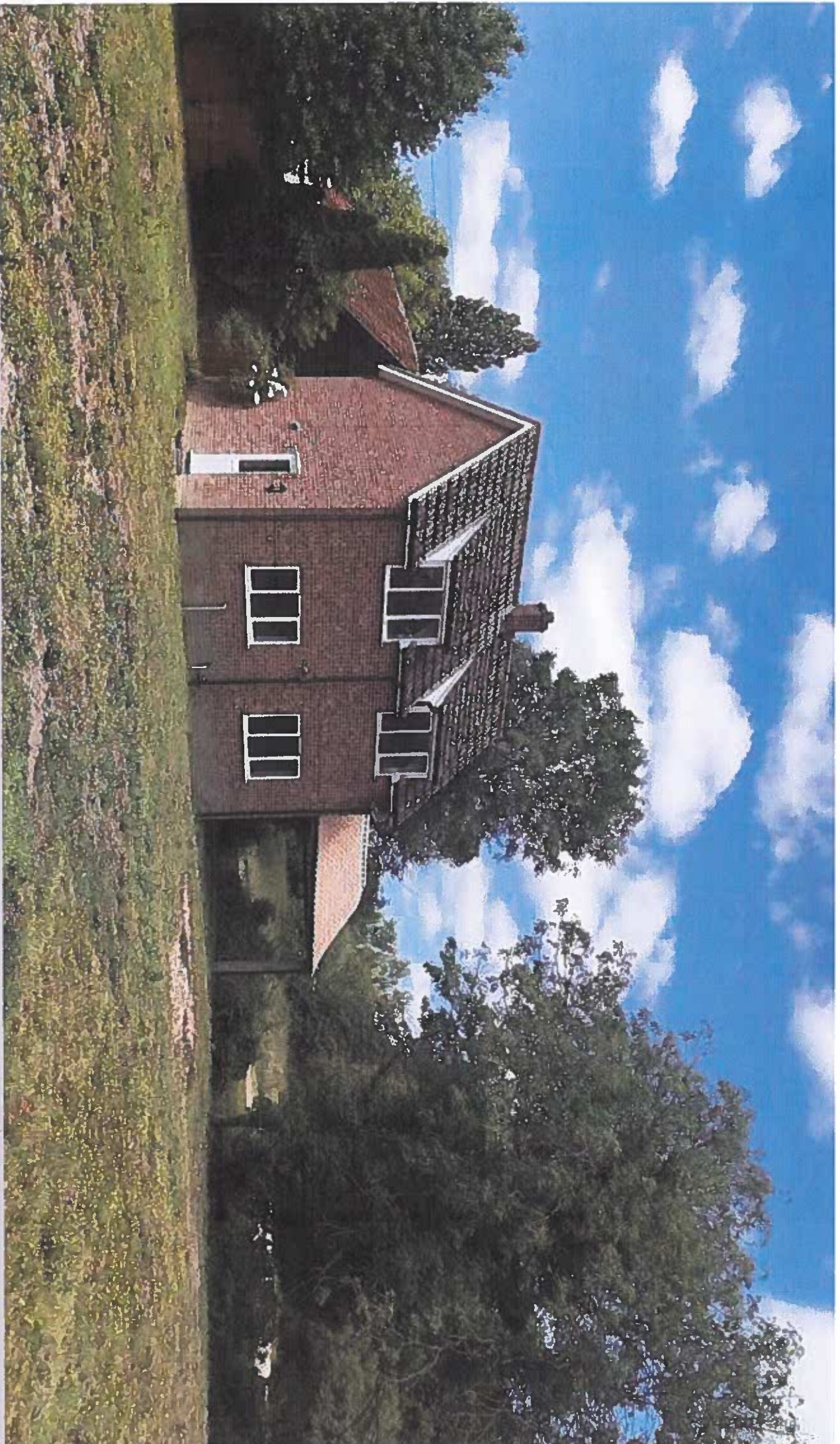
4. Any garage(s) or car port(s) on the site may be built only in accordance with detailed plans showing the design and siting of the building(s) which shall have been previously submitted to and approved by the County Council.
5. Adequate arrangements shall be made for the provision of a minimum of one garage or garage space, plus one car standing space for the new dwellinghouse, before occupation, to the satisfaction of the County Council.
6. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined by section 290(1) of the Town and Country Planning Act, 1971, or forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).

REASONS continued

4. In the interests of amenity; the application does not include the necessary details for consideration.
5. In accordance with the car parking standards adopted by the County Council, car parking should be provided for each residential unit.
6. As the County Council would not allow a dwelling to be built in this area for occupation by persons other than those connected with agriculture or forestry.

Appendix 4

Marketing Particulars



The Common

Stuston

Guide Price £295,000

LACY SCOTT
& KNIGHT

est. 1869

New Cottage

Oakley Road | The Common | Stuston | Diss | IP21 4AH

Diss 1 mile, Eye 3 miles

A detached 2 bedroom house subject to an Agricultural Occupancy Planning Restriction

Entrance Hall | Sitting Room | Kitchen | 2 Bedrooms | Bathroom | Double Carport | 1/2 Acre Gardens

New Cottage

New Cottage enjoys a rural position close to Stuston Common yet conveniently located for the market towns of Diss and Eye. The property is of brick construction under a tiled roof, UPVC windows throughout and oil-fired central heating system. The house also benefits from cavity wall insulation.

The Accommodation Comprises:

On the ground floor:

Entrance Hall 12'0" x 7'1" Staircase to first floor with cupboard under.

Sitting Room 18'5" x 11'0' Open fireplace.

Kitchen 12'0" x 11'0" Fully fitted, built in cupboard, combi (Grant) oil-fired boiler. Door to garden.

On the first floor:

Landing Area: 12'1" x 7'2" max. Airing Cupboard.

Bedroom 1: 11'11" x 10'10"

Bedroom 2: 10'10" x 10'5"

Bathroom: Bath, hand basin and wc.

Outside

Double carport. Gardens ready for landscaping



Location

New Cottage is situated at the end of a no through tarmac surfaced road. It lies about 2 miles south of Diss with its mainline railway station connecting Norwich to London (Liverpool Street Station) and about 5 miles north of Eye. The property is also well situated for access onto the A143 road.

Services

Mains electricity and water, private drainage. Oil-fired central heating.

Local Authority
Mid Suffolk District Council. Council Tax Band A.

Agricultural Occupancy Planning Restriction

Planning consent for the erection of the property was granted in June 1973 subject to a condition which states that the occupation of the dwelling shall be limited to a person solely or mainly employed locally in agriculture or forestry or a dependent.

Directions

From Diss take the B1077 south towards Eye. Continue over the roundabout (A143) and after about 500 metres turn left into the gated no through road. New Cottage will be found at the end of the road on the right-hand side.

Energy Efficiency Rating		Current	Potential
Very energy efficient - lower running costs			
A	(92-100)		
B	(81-91)		
C	(69-80)		
D	(55-68)		
E	(39-54)		
F	(21-38)		
G	(1-20)		
Not energy efficient - higher running costs			
England, Scotland & Wales		EU Directive 2002/91/EC	

Plans, Areas and Schedules

These are based on the Ordnance Survey and are for reference only. They have been checked and computed by the Agents, and the Purchaser(s) shall be deemed to have satisfied themselves as to the description of the property, and any error or misstatement shall not annul the letting, nor entitle either party to compensation. The plans are for the purpose of identification only. In the event of any discrepancy between the plans and schedule of areas, the schedule of areas shall prevail.

Misrepresentation and Notices Lacey Scott & Knight for themselves and as Agents for the Seller of the property give notice that:

- These Particulars are intended to give a fair and substantially correct overall description for the guidance of Intending Purchaser(s) and do not constitute, nor constitute part of, an offer or contract. No responsibility is assumed for the accuracy of individual items.
- All descriptions, dimensions, references to condition and necessary permissions for use and occupation and other details are given in good faith and are believed to be correct, but any Intending Purchaser(s) should not rely on them as statements or representations of facts, but must satisfy himself by inspection or otherwise as to the correctness of each item.
- No person in the employment of Lacey Scott & Knight has any authority to make or give any representation or warranty whatever in relation to this property or these particulars not to enter into any contract relating to the property on behalf of Lacey Scott and Knight nor any contract on behalf of the Sellers.
- No responsibility can be accepted for any expenses incurred by any Intending Purchaser(s) in inspecting properties which have been sold or withdrawn.
- Should any dispute arise as to the boundaries or an pre-contract points on the General Remarks and Stipulations, Schedule, Plans or the interpretation of any of them, the questions will be referred to the arbitration of the Agents, whose decision shall be final.



