

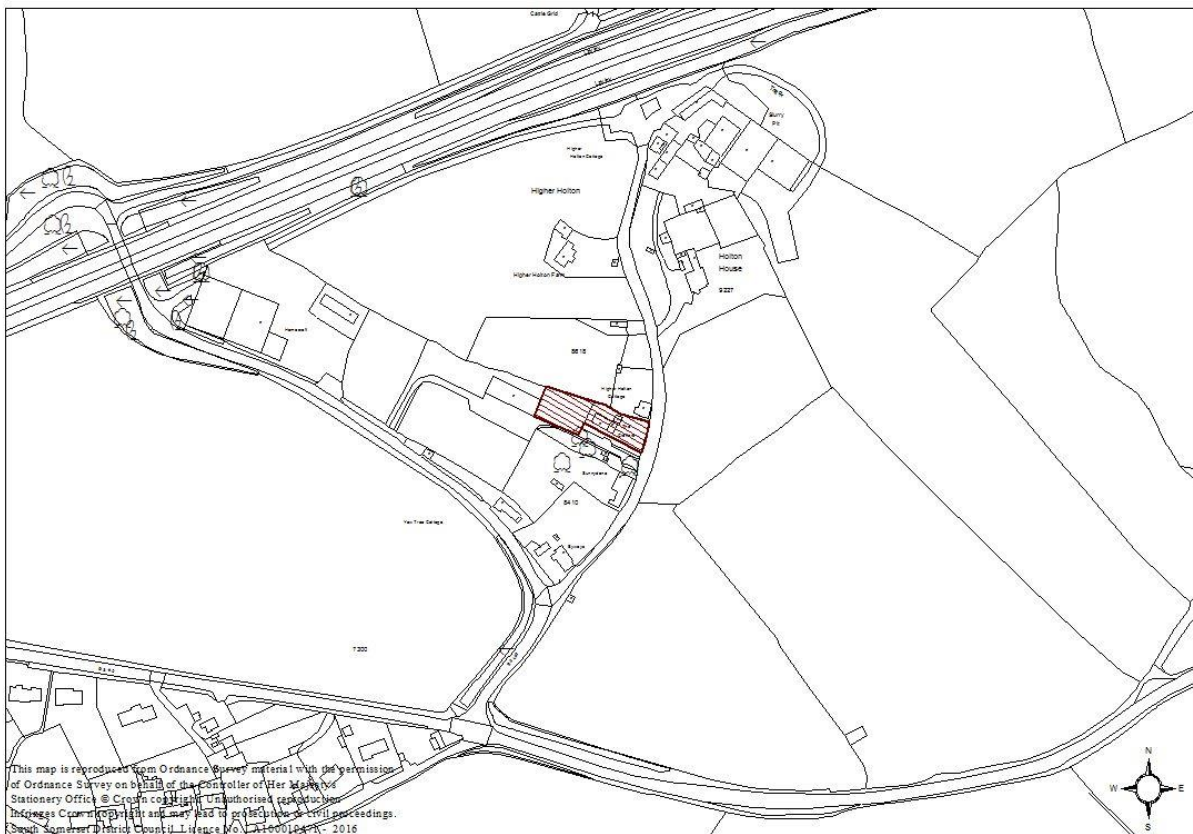
## **Officer Report On Planning Application: 16/02009/S73**

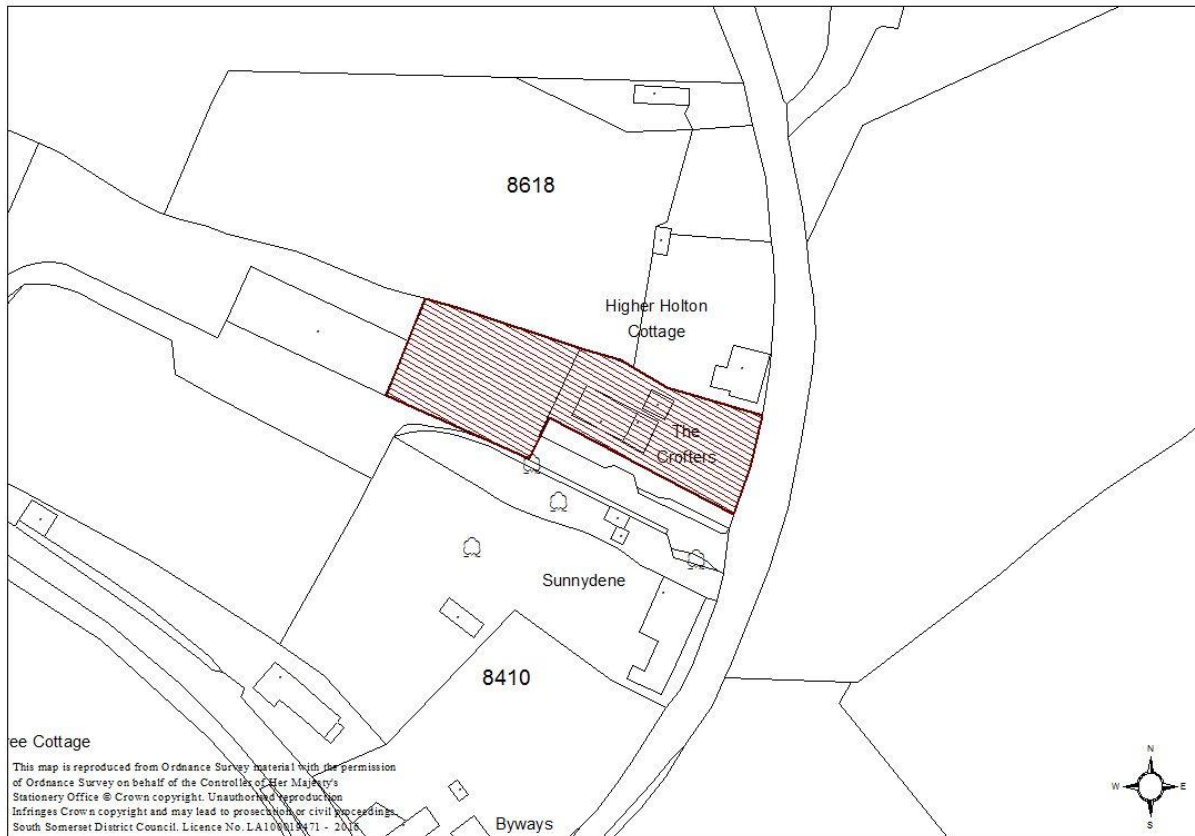
<b>Proposal:</b>	Application to remove Condition 4 (Agricultural occupancy) of approved planning permission 45934/ A dated 26th June 1964.
<b>Site Address:</b>	Crofters Higher Holton Lane Holton
<b>Parish:</b>	Holton
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr Tim Inglefield Cllr William Wallace
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date:</b>	24th June 2016
<b>Applicant:</b>	Mr D A Young
<b>Agent: (no agent if blank)</b>	Mr John Loosemore 16 Eldridge Close Dorchester Dorset DT1 2JS United Kingdom
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### **REASON FOR REFERRAL TO COMMITTEE**

This application is referred to committee at the request of Ward Members with the agreement of the Area Chairmain to enable Members to debate the issues.

### **SITE DESCRIPTION AND PROPOSAL**





The application site is located in the countryside beyond development limits, south of the duelled A303 and is one of several dwellings and agricultural buildings in the immediate locality that is set apart from the adjacent settlement of Horton.

The application comprises a resubmission of an earlier refusal ref: 16/00111/S73, and proposes the removal of condition 4 (agricultural occupancy) of approved planning permission 45934/A dated 26 June 1964.

Condition 4 reads:

- 'The occupation of the dwelling shall be limited to persons employed or last employed locally in agricultural, as defined in Section 221 of the Town and Country Planning Act, 1962, or in forestry, and the dependents of such persons.'

The reason for refusal ref: 16/00111/S73 that needs to be addressed reads:

- The applicant has failed to demonstrate that the restricted occupancy dwelling is not needed to meet the needs of agricultural business in the area as a whole. No marketing for a reasonable period of time, taking into account resale price, the condition of the dwelling and the likely price, which an agricultural/forestry worker could pay for the actual value of the property, has been conducted, contrary to policy HG10 of the South Somerset Local Plan 2006- 2028.

The applicant has provided further information by means of a revised Planning Statement.

## RELEVANT PLANNING HISTORY

16/00111/S73 - Remove condition 4 (Agricultural occupancy) of approved planning permission 45934/A dated 26 June 1964, Refused.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

HG10 - Removal of Agricultural and Other Occupancy Conditions

EQ2 - General development

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

National Planning Policy Guidance

## **CONSULTATIONS**

**North Vale Parish Council:** After much discussion the council decided in favour of the Agricultural Occupancy Condition 4 being removed.

**County Highway Authority:** No observations

**SSDC Economic Development Officer** previously commented that they would expect to see this property marketed for a minimum period of one year to determine the demand. It is imperative that the valuation of the property reflects the agricultural tie.

**Holton Heritage Trust** strongly supports the application. The type of small business which is run is no longer viable, nor are the premises.

## **REPRESENTATIONS**

None

## **APPLICANT'S CASE**

The applicant's Planning Statement seeks to make the case that agricultural working practices since 1964 have seen significant change, the land holding has been reduced while the location is claimed to be a sustainable location, and that these conditions given the minimum wage and cautious mortgage lenders, are now very historic having little or no relevance in the modern day. The revised application draws attention to what is claimed to be similar recent permissions and an appeal decision, and contrasts property 'for sale' prices and the reduced value that results from the occupancy restriction.

## **CONSIDERATIONS**

**Principle of Development:**

The applicant's case set out in their Planning Statement is noted, however, notwithstanding the additional information that is submitted, the lack of land associated with the agricultural workers dwelling is considered irrelevant, while the property continues to provide an opportunity for agricultural workers to buy into a more affordable home.

Policy HG10 is the applicable policy context in considering an application for the removal of an agricultural occupancy condition. This requires that a period of marketing is involved to test the market as part of a marketing appraisal. The council's Economic Development Officer previously confirmed that a minimum of one year, in this case, is required. On the basis that the application fails to provide any marketing appraisal evidence there can be no 'in principle' support. We have therefore to consider whether there are any material circumstances that might outweigh the lack of support from Policy HG10.

**Sustainable Location:**

The application site is part of a small group of built form that is stood apart from the village of Horton while the applicant submits evidence of similar case studies where permission has been given elsewhere. In this case the application site is 0.5 km from the village pub whereas the specific example quoted at West Camel had the site centrally located across the road from the village pub. The Appeal decision also quoted is noted although this post-dates a certificate of lawfulness that was issued and it was the certificate of lawfulness central to the subsequent application to remove the occupancy that was central to the reason supporting removal. While noting the information that has been submitted the particular circumstances of the current site are considered different, mindful that each application for planning permission is to be considered on its own individual merits.

**Other Matters:**

The applicant also seeks to compare the difference in property prices while the whole purpose of an occupancy condition seeks to achieve a lower price in support of agricultural workers. While 'worker' is referred to in effect much housing is occupied by owners, and while the legal agreements that seek non-fragmentation have and are being removed, invariably the same sites retain the accompanying agricultural workers occupancy condition that is recognised by the Inspectorate to protect the relevant interest. It is therefore difficult to argue that devoid of its land holding that the relevant condition is no longer required. Local Plan Policy HG10 remains relevant to the considerations raised by the current proposal. Notwithstanding the applicant has not sought to address the previous refusal reason and without the presence of other material circumstances attracting greater weight there remains a fundamental concern with releasing the occupancy condition without having addressed Policy HG10.

Removal of the occupancy condition is considered would not have any negative impact on character and appearance, highway safety and neighbour amenity.

**RECOMMENDATION**

Refuse

**FOR THE FOLLOWING REASON:**

01. The applicant has failed to demonstrate that the restricted occupancy dwelling is not needed to meet the needs of agricultural business in the area as a whole. No marketing for a reasonable period of time, taking into account resale price, the condition of the dwelling and the likely price, which an agricultural/forestry worker could pay for the actual value of the property, has been conducted, contrary to policy HG10 of the South Somerset Local Plan 2006- 2028.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions
  
  - In this case, the applicant/agent has not taken the opportunity to enter into pre-application discussions following the previous refusal.