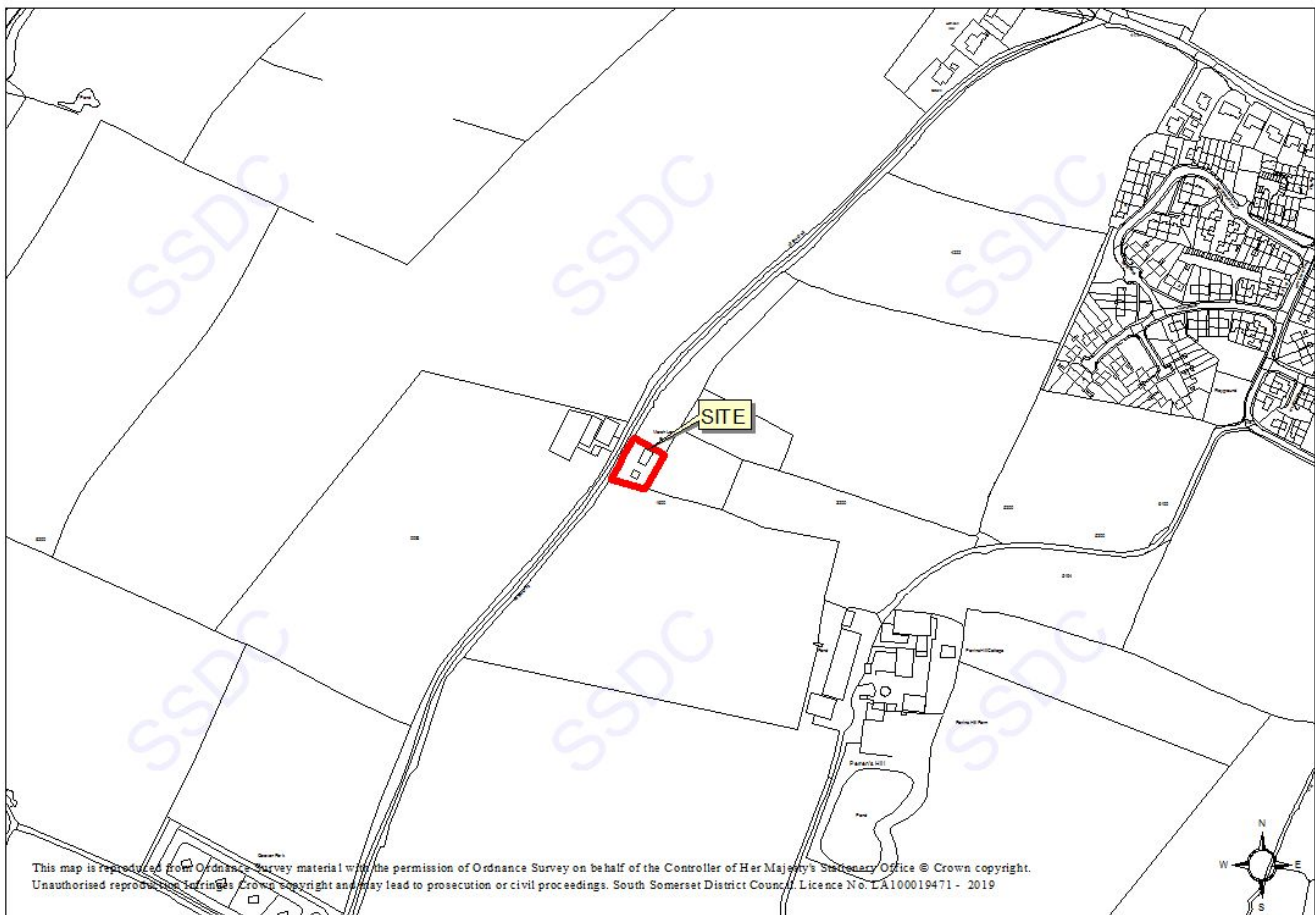


Officer Report On Planning Application: 19/01505/S73

Proposal :	Application to remove agricultural occupancy condition (condition 1) of permission 780953.
Site Address:	Marsh Lane Farm Marsh Lane Tintinhull
Parish:	Tintinhull
Northstone, Ivelchester & St Michaels Ward (SSDC Member)	Cllr Charlie Hull Cllr Tony Capozzoli Cllr Paul Rowsell
Recommending Case Officer:	Ian Cousins Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	12th July 2019
Applicant :	Mrs Laura Steggles
Agent: (no agent if blank)	Battens Solicitors Ltd Mansion House Princes Street Yeovil Somerset BA20 1EP
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Members Cllrs Hull, Rowsell and Capozzoli and with the agreement of the Area Chair Cllr Hobhouse to allow the merits of the application to be considered further.





SITE DESCRIPTION AND PROPOSAL

The site comprises a brick built, single storey dwelling located in a rural location.

This application seeks to remove Condition 1 of planning application 780953 that restricts the occupation of the dwelling to persons employed or last employed full time locally in agriculture.

RELEVANT HISTORY

780953 - Erection of an agricultural bungalow - Application permitted - May 1978

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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

HG10 - Removal of Agricultural and Other Occupancy Conditions

CONSULTATIONS

Tintinhull Parish Council: Support the application.

County Highway Authority: Referred to their standing advice.

SSDC Highway Consultant: The acceptance of this proposal must be largely a planning matter based on evidence and justification.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The acceptability of the proposal is considered against Policy HG10 of the South Somerset Local Plan (2006-2028). This states that Planning Permission for the removal of a restrictive occupancy condition will only be given where there is no longer a continued need for the property on the holding or for the business; There is no long term need for a dwelling to serve local need in the locality and the property has been marketed locally for an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.

A valuation report has been undertaken and submitted in support of the application. This outlines that, internally, the dwelling is in a poor state of repair but does not make any reference to the structural condition of the building. It also gives a valuation of the dwelling and the holding both with and without the agricultural tie.

The original application was also subject to a Section 52 agreement that tied surrounding land to the dwelling. This agreement is no longer in force as such agreements are no longer considered to be fair or necessary.

No evidence has been submitted in support of the application demonstrating that the dwelling is no longer required within the local agricultural community or that any form of marketing has been undertaken for the requisite period of time at a price that reflects the presence of the agricultural restriction or the internal state of the building.

Whilst the removal of the Section 52 agreement is noted, this is not a reason to remove the occupancy condition as there may still be a need within the community for such a dwelling.

In addition to this, it is not disputed that internally, the dwelling is in a poor state of repair, however, this is not a reason in itself to relieve the applicant of the requirements of the policy.

Accordingly, it is considered that the requirements set out in policy HG10 have not been satisfactorily met.

Conclusions and Planning Balance

Given the absence of any evidence demonstrating that the dwelling is no longer required within the local agricultural community or that any form of marketing has been undertaken for the requisite period, the application, as submitted, is considered to be contrary to policy HG10 of the Local Plan.

RECOMMENDATION

Refuse permission for the following reason:

01. It is considered that the application fails to demonstrate that the dwelling is no longer required within the local agricultural community or that any form of marketing has been undertaken for the requisite time period. As such, the proposal is considered to be contrary to policy HG10 of the South Somerset Local Plan (2006 - 2028).
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