

### **Officer Report On Planning Application: 20/01996/S73**

<b>Proposal :</b>	Application to remove planning condition 4 (agricultural tie) of approval 781603.
<b>Site Address:</b>	Pilgrims Weir Lane Yeovilton
<b>Parish:</b>	Yeovilton
<b>NORTHSTONE, IVELCHESTER &amp; ST MICHAEL'S Ward (SSDC Member)</b>	Cllr A Capozzoli Cllr C Hull Cllr P Rowsell
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462462 Email: planningcaseteam@southsomerset.gov.uk
<b>Target date :</b>	27th August 2020
<b>Applicant :</b>	Mr R Wetherall
<b>Agent: (no agent if blank)</b>	Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

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

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman as the comments of the Parish Council are contrary to the officer's recommendation.

#### **SITE DESCRIPTION AND PROPOSAL**

Pilgrims is a detached, two storey dwelling constructed of reconstituted stone under a concrete tile roof, located within the village of Yeovilton. An occupation tie condition is attached to the dwelling that limits occupation to local agricultural workers as part of the original planning approval, 781603. Planning permission is sought for the removal of said agricultural occupancy condition.



## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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 is the South Somerset Local Plan (2006-2028).

On this basis the following policies are considered relevant:-

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

SD1 Sustainable Development

SS2 Rural Settlements

EQ2 General Development

HG10 Removal of Agricultural and Other Occupancy Conditions

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 4 - Decision-making

Guidance

Planning obligations

## **CONSULTATIONS**

YEOVILTON PARISH COUNCIL - No objection

COUNTY HIGHWAY AUTHORITY - Standing advice applies

HIGHWAY CONSULTANT - Acceptance to the development proposal (removal of an agricultural tie) is largely a planning matter to determine based on the evidence and justification provided by the applicant. There appears to be adequate parking and turning within the site.

## **REPRESENTATIONS**

One letter of representation has been received making the following observations:

Whilst I appreciate the need for further housing, I believe the ethos behind this application is to allow further developments on the land concerned which in theory could manage several dozen properties.

Pilgrims is a good sized family home in its existing format and would sell easily.

I am neutral in regards to the planning application for the property on the site next door- I believe it should be single storey due to the land height about the existing neighbouring properties.

## **CONSIDERATIONS**

Agriculturally tied dwellings are permitted as exceptions to general rural housing restraint policies. Provision is made for this in both adopted policy HG9 of the adopted South Somerset Local Plan and the NPPF (Para. 79). It is recognised that the circumstances that generated the

need for an agriculturally tied dwelling can change in a way that makes them no longer valid. In South Somerset applications for removal of an agricultural tie are considered, in the first instance, against the provisions of Policy HG10 and, for interpretation, the supporting text in para. 10.60.

Policy HG10: Removal of agricultural and other occupancy conditions states:-

Planning permission for the removal of a restrictive occupancy condition for an agricultural, forestry or other similar worker on a dwelling will only be given where it can be evidentially shown:-

- That 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 with restricted occupancy to serve local need in the locality;
- The property has been marketed locally for an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.

This is augmented by supporting paragraph 10.60 which states:-

'In order to retain property for its intended use, a restrictive condition will be included on any such planning approval limiting its occupation to a person solely or mainly, or last working in agriculture, forestry or a rural enterprise. It is accepted that there will be circumstances where these dwellings are no longer required for the purpose for which they were originally intended. However, to ensure the planning concession for this type of dwelling in the countryside will need to demonstrate that the need for which the dwelling was approved originally, no longer exists. An applicant would be expected to appropriately market the dwelling for a reasonable period at a realistic market price for an agricultural tied dwelling [normally a discount of at least 35% against open market price] to establish whether it could meet the existing functional needs of another local farm or rural business. Evidence demonstrating how this requirement has been investigated will need to support any application to vary or remove a restrictive occupancy condition.

The application is supported by a planning statement from the agent. Within this he advises the property has not been marketed as this requirement was not considered necessary given other dwellings have been approved within the village, therefore, it is considered sustainable and given this a replacement dwelling would arguably be allowed. The village of Yeovilton is defined in the local plan as a Rural Settlement, Policy SS2, where development will be strictly controlled, limited to that which provides employment opportunities, creates or enhances community facilities and services, or meets an identified housing need and subject to this has access to two or more key services. The village is a very small settlement which is devoid of local facilities or services, with even the Church in the village owned by the Navy. Given this, it is considered that the village does not meet the criteria of being a Rural Settlement as set out within LP policy SS2, and due to its lack of day to day services and facilities must be considered to be unsustainable. Any development for new dwellings within the village would be assessed on their own merits. Any application for a replacement dwelling at the site could be considered, but with the continued inclusion for the occupancy condition.

He has also noted the criteria set out within planning policy HG9 (Housing for Agricultural and Related Workers), advising that there is no longer a functional need for the dwelling based on the various parcels of land/buildings associated with the original farm enterprise having been sold off/distributed to family over the years leaving only 5 acres with the subject dwelling. This policy is not relevant to this application as it only applies to applications being considered for new agricultural workers dwellings and the justification for their approval. Likewise, the lack of land associated with the dwelling is not a consideration in as such that many agriculturally tied dwellings are not tied to the land around them. The tie is there to ensure the availability of affordable housing for occupation by an agricultural worker within the locality.

The observations of the neighbour have been noted.

## Conclusion

Issues raised by the applicants agent have been addressed in terms of other policies within the local plan, however, none of these are relevant to this specific application and the only relevant policy for consideration is policy HG10. The information provided by the applicant's agent is credible that an agriculturally tied dwelling may no longer be required in connection with the farming enterprise. However, the applicant has not gone through the mechanisms in place to demonstrate there is no long term need for a dwelling with restricted occupancy to serve local need in the locality. The property has not been properly marketed for a satisfactory period at a realistic price. As such the proposal is contrary to Policy HG10 of the South Somerset Local Plan.

## **RECOMMENDATION**

Refuse planning permission for the following reason:

01. The applicant has not demonstrated that there is no long term need for a dwelling with restricted occupancy to serve local need in the locality. The property has not been marketed for a satisfactory period at a realistic price. As such the proposal is contrary to Policy HG10 of the South Somerset Local Plan.