

Planning Committee: 03 February 2021

Item Number: 8

Application No: [W 20 / 1842](#)

Town/Parish Council: Baginton

Case Officer: Helena Obremski

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Registration Date: 02/11/20

Expiry Date: 28/12/20

Stags Head Farm, Bubbenhall Road, Baginton, Coventry, CV8 3BB

Removal of Agricultural occupancy condition (condition 2) attached to planning permission ref- W/84/0578. FOR Mr M Thompson

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission for the reasons set out in the report.

PROPOSED DEVELOPMENT

Planning permission is sought for the removal of the agricultural occupancy condition attached to planning permission ref: W/84/0578.

THE SITE AND ITS LOCATION

The application relates to the farmhouse associated with Stags Head Farm. Part of the former barn was converted to a farmhouse under the 1984 permission, subject to an agricultural occupancy condition. The remaining outbuildings/barn associated to the holdings are in use as workshop, store etc. The site is situated within Green Belt to the south of Coventry Airport.

PLANNING HISTORY

Planning permission was granted under application ref: W/84/0578 for the change of use of part of barns to farmhouse at Stags Head Farm. It was subject to a number of conditions including Condition 2, which states that:

"The occupancy of the dwelling shall be limited to persons solely or mainly employed or last employed locally in agriculture, as defined in section 290 (1) of the Town and Country Planning Act 1971, or in forestry, or the dependant of such persons residing with him (but including the widow or widower of such persons)."

The reason given for the condition is: *"The site is within the West Midlands Green Belt and the development is only permitted to meet the needs of agriculture, forestry, or of the rural community, in accordance with the Green Belt policy as defined in the County Structure Plan."*

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- H1 - Directing New Housing
- BE4 - Converting Rural Buildings
- H12 - Housing for Rural Workers

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Supports application, with the significant loss of agricultural land in the immediate area to allow the vast industrial developments such as Whitley South, Gateway South, HS2, King's Hill Housing etc, it is becoming increasingly difficult to justify an 'agricultural only' condition that was valid 36 years ago in a very different environment. The applicant has made significant efforts to market the property with the condition imposed, but there has been no interest. This condition must now be removed.

KEY ISSUES

The main issues relevant to the consideration of this application are:

- Principle of the removal of the condition;
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Principle of the removal of the condition - provision of an unrestricted new dwelling

The farmhouse to which this application relates was granted planning permission in 1984 and 1997 subject to an agricultural occupancy condition. The need demonstrated at that time was to accommodate the owner of the 27 acre (approx.) holding for the purposes agricultural and horticultural use at and in close proximity to Stags Head Farm.

The site is located outside of any defined settlement and therefore on a site where, in accordance with Council's current settlement strategy, planning permission would only be granted in accordance with the provisions of the National Planning Policy Framework and the Warwick District Local Plan. Paragraph 79 of the NPPF seeks to avoid isolated homes in the countryside, unless it meets one of the 5 exceptions set out:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Policy H1 of the Warwick District Local Plan draws from Para 79 of the NPPF and sets out where new housing is to be directed. The location of the site does not meet the criteria in H1 (d). Nevertheless, part (e) of the policy states that elsewhere in the countryside housing development will be permitted where the development would re-use redundant or disused buildings in accordance with Policy BE4 and there would be an enhancement to the immediate setting.

The property is currently vacant, and as a rural workers dwelling, could be considered as a disused rural building. However, the proposal would not result in an enhancement to the immediate setting, which is a specific requirement of both the NPPF and policy H1 in permitting new residential development within the countryside.

The applicant proposes that condition 2 is no longer reasonable or necessary and seeks its removal. The information provided with the application confirms that the property has been empty since August 2018. The following advertising of the property has been carried out according to the agent:

- 1st April 2019 - 1st September 2019: property advertised by Fine and Country Estate Agents, **without** the agricultural occupancy advertised, or reflected in the sale price of £650,000 (details provided).
- 13th September 2019 - present: marketing of the property by Course and Shelton at a price of £450,000 to reflect the agricultural occupancy tie on Rightmove, On the Market, company website, within the company office, newspaper articles (for 4 weeks), and a "for sale" board was erected at the property. The agricultural tie is detailed within the advertising information (details provided).

The agent informs that there have been approximately 100 enquiries regarding the property, but none of the interested parties have been able to fulfil the agricultural tie requirements. The agent states that all prospective viewers of the property are required to fill out a form in relation to their employment, and that none have met the necessary requirements. A copy of the form is provided, which includes requests for proof of employment in agriculture and employers details, amongst other information. However, none of the responses have been submitted

for the Council to assess. A sample of the property enquires were provided by the agent which consist mainly of electronic requests to view the property.

The agent proposes the following reasons for allowing the removal of condition 2:

- within the local area there has been a large amount of commercial development (and likely to be continuing development), and therefore there is a greater demand for unrestricted dwellings.
- the above marketing exercise shows that there is no requirement for the restriction as no-one can fulfil the requirements.
- it is more preferable to use the property to contribute towards the national housing shortage, rather than it be empty for a continued period of time, where it is likely to become derelict and incapable of occupation. Furthermore, the property has been vandalised.
- those who have been interested in the property have stated that the land available with it would not sustain an agricultural unit.
- the purchase price is beyond that which a rural worker could afford, and the property is worth more now than previously advertised at.

Although the agent states that the land associated with the dwelling would not provide a sustainable agricultural unit, no formal evidence has been presented to demonstrate this, other than comments from prospective viewers that this is the case. However, as confirmed by the agent, none of these parties meet the requirements of the agricultural tie, so are not considered to provide an informed view on this. However, even if this were the case and the land offered with the dwelling provided an unsustainable unit, it also has to be considered whether there is a need for an agricultural dwelling in the wider area. In terms of the wider need, no specific details have been provided to indicate the level of existing stock of restricted properties in the area, and the marketing focuses purely on the application property.

Officers have doubts regarding the marketing strategy provided by the agents, who are a traditional residential estate agent - the marketing appears to have been carried out in the same way of that as an open market property. The application property is an agricultural property for which there will be a more limited and specific market, whereas the platforms used to advertise the property are for general residential properties.

Furthermore, the property has not been advertised in any specialist agricultural publications, whether online or in a traditional format, which would offer some potential as a resource to find another compliant occupier for the property. Moreover, the advertisements in the local papers by the applicant have only been for a limited period of 4 weeks.

Based on the above, it is considered that the lack of bespoke targeted advertising has prevented the market being properly tested as to the need for this agricultural workers dwelling.

In terms of the sales value, the agent relies on the fact that there was a sale agreed at the value of £650,000 when the agricultural tie had not been properly advertised, then the value was reduced by 34% to £450,000 accordingly. Whilst a reduction of 30-35% of the market value is typically accepted as the discount for a restricted occupancy condition, it would be appropriate in this instance where open market housing generates high house prices, and where a property is attractive because of its setting in the countryside, to apply a higher discount. The

applicant goes on to say that the value is above that which most rural workers can afford, however, the price has not been reduced in order to test the market at a lower level. It may well be the case that the property, even at a reduced price, is unaffordable for persons on a basic agricultural wage, however the condition allows for the occupier to be mainly or lastly employed in agriculture, which could be someone with other income sources available, or a retired farmer.

Furthermore, it is understood that the property has not been marketed for rent at any stage. The rental market for agricultural dwellings represents an alternative source of future occupants that has not been tested. In making this assessment, Officers are mindful of appeal decision APP/D0840/W/19/3220751 for removal of an agricultural occupancy condition which bares similarities to this case, which was dismissed.

It is concluded that there is insufficient substantive evidence to demonstrate that there is no realistic prospect of there being a need or demand for an agricultural workers dwelling at the holding or in the wider area. The potential market for the property as an agricultural worker's dwelling has not been sufficiently tested. Condition 2 still remains reasonable and necessary and its removal would be contrary to Local Plan policy H1.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As the proposal represents the reuse of an existing building, there would be no harm caused to the openness of the Green Belt. As the property already has lawful use as a dwelling (albeit restricted to an agricultural worker), it is unlikely that the removal of condition 2 would materially alter the way in which the property was used in relation to the openness of the Green Belt.

The development is therefore considered to represent appropriate development within the Green Belt and is considered to be in accordance with Local Plan policy DS18.

Conclusion

To conclude, Officers consider that there is insufficient substantive evidence to demonstrate that there is no realistic prospect of there being a need or demand for an agricultural workers dwelling at the holding or in the wider area. The potential market for the property as an agricultural worker's dwelling has not been sufficiently tested. Condition 2 still remains reasonable and necessary and its removal would be contrary to Local Plan policy H1.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the urban areas, allocated housing sites, Growth Villages and Limited Infill Villages. Policy H1 also sets out criteria where new housing will be permitted in the open countryside.

The removal of condition 2 of application W/84/0578 would lead to the provision of a unrestricted new dwelling. Insufficient substantive evidence has been provided to demonstrate that there is no realistic prospect of there being a need or demand for an agricultural worker's dwelling at the holding or in the wider area. The potential market for the property as an agricultural worker's dwelling has not been sufficiently tested.

The application site is not located within any of the identified sites for new housing development and fails to meet the criteria set out for new housing within the open countryside under Policy H1. This would therefore lead to the provision of an isolated dwelling and unsustainable form of development which is contrary to Local Plan policy H1 and paragraph 79 of the NPPF.
