

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.1**

Date of Meeting	01 July 2015
Application Number	14/07623/VAR
Site Address	Weston Nurseries Coomb View Corton Warminster Wiltshire BA12 0SZ
Proposal	Removal of condition 1 (Agricultural Tie) of planning permission W/87/01777/FUL
Applicant	Mr William Harrison-Allan
Town/Parish Council	BOYTON
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	393448 140743
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

Councillor Newbury has requested that the application be considered by the Planning Committee if recommended for Approval for the following reasons:

- To consider whether the removal of the agricultural tie is justified by the information provided to Wiltshire Council

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Principle

3. Site Description

The property in question is a three bedroomed detached bungalow of traditional brick under a pitched roof which is accessed via a gravel surfaced area that is shared with the nursery/cattery and lies within the village of Corton. The site is located in the open countryside and within an Area of Outstanding Natural Beauty

4. Planning History

W/87/1777 – Construction of a single storey dwelling for occupation by nurseryman –

Approved 16/02/1988

5. The Proposal

This application is to remove condition 1 of Planning Consent W/87/1777 to remove the agricultural tie from the dwelling. Condition 1 states:

As the site is within an area within which it is the policy of the Local Planning Authority to limit residential development to that which is essential for agricultural or forestry purposes, the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed before retirement, in the locality of agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or in forestry (including any dependents of such person residing with him or her) or a widow or widower of such a person.

6. Planning Policy

Wiltshire Core Strategy

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP48 – Supporting Rural Life

CP60 – Sustainable Transport

CP61 – Transport and New Development

National Planning Policy Framework 2012

Planning Practice Guidance 2014

7. Consultations

Boyton Parish Council – Object – the property was lived in by a horticultural worker until approximately 2009 and the property is in the middle of a horticultural business.

Wiltshire Council Highways Officer – if the occupation of the dwelling cannot be justified then an objection would be raised as the dwelling is located in the open countryside.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. 2 letters of objection have been received by the Local Planning Authority raising the following concerns (summarised):

- The property is situated within the centre of agricultural land with access through the land not belonging to the said property.
- No attempt has been made to market the house to agricultural workers and the price is not fair to the current economic climate
- The owner bought the property knowing of the agricultural ties and has since been allowing his staff who work at the nearby pub to live there.

9. Planning Considerations

9.1 Background

The applicant bought the property in November 2010 knowing the property had an agricultural tie as a cash sale due to the owners being in dispute with each needing to resolve their personal issues with debt. The property was bought by the applicant some £30,000 under the asking price due to a quick sale required by the previous owners. The applicant then significantly refurbished the property internally (new kitchen, bathroom, boiler redecorating etc) and has since January 2011 let the property to staff employed by him who were not complying with the agricultural tie. There is an ongoing enforcement complaint dealing with the latter issue.

Since January 2013 Davis & Latcham have been marketing the agriculturally tied property for offers in excess of £235,000. The property was advertised in the local media/newspapers and various property search engines such as google which has attracted little interest. Those who have been interested did not take it any further due to the agricultural tie.

This application was submitted in October 2014 and the Councils Agricultural Advisor was of the opinion that the marketing of the property had not targeted the agricultural community and that there was a lack of evidence regarding what price the property has been marketed at.

Davis & Latcham have since confirmed that the above price of the property reflects a 25-30% discount on the market value. The applicant in December 2014 also requested Acorus to advertise the property in Farmers Weekly and the Farmers Guardian. A questionnaire was also sent to agricultural holdings (61 in total) within a 10km radius of the property postcode to further identify the need for agricultural dwellings in the locality. 10km was estimated to be an appropriate travelling time for an agricultural worker. A total of 5 surveys were returned, 1 of which requested further information but no further interest was received. No viewings or subsequent offers have been received.

9.2 Principle

The site is located in Corton which is located in the open countryside where under CP1 and CP2, new dwellings are not considered to be appropriate. The nearest large village as identified in the Wiltshire Core Strategy is Heytesbury. It is a material consideration that the existing use of the dwelling is residential and the removal of the tie would not change the vehicular movements associated with the dwelling for education, business and recreational uses. It is therefore considered that the proposal would not result in unsustainable development compared to what is existing.

CP48 states: *Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:*

- i) The buildings are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and*
- ii) The use would not detract from the character and appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and*
- iii) The building can be served by adequate access and infrastructure; and*
- iv) The site has reasonable access to local services or*
- v) The conversion or reuse of a heritage asset would lead to its viable long term safeguarding*

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.

It is clear that the proposal is not the conversion/re-use of an existing rural building as it is existing but the criteria above still applies and it is considered that the proposal complies with part i – v. The proposal therefore has to provide clear evidence as to why the above uses are not practical propositions and justify special circumstances for the Local Planning Authority to provide a positive recommendation.

In assessing whether the removal of a tie is appropriate, the following questions should be asked:

1. Is there still a need for the dwelling on the holding?
2. How has the property been marketed?
3. What evidence of demand has been shown?

The separation of the freehold of the dwelling from Weston Nurseries and the minimal land area/garden now associated with the dwelling means that there is no current or future agricultural need for the dwelling at the holding.

The property has been marketed for approximately 18 months using various communication methods (website, newspapers etc) and more importantly to the rural community. The opinion of the Councils Agricultural Advisor is that the dwelling has been marketed at an appropriate price and the marketing has shown that there is a lack of demand from the local agricultural community.

It is therefore considered that clear evidence has been provided to justify special circumstances for the Local Planning Authority to provide a positive recommendation in line with CP48.

10. Conclusion

It is considered that the lack of demand demonstrated by the marketing of the agriculturally tied dwelling over the 18 month period demonstrates a lack of need of an agriculturally tied dwelling in the wider community. Also removing the tie when compared to the existing use would not result in an unsustainable development. The proposal therefore complies with the relevant policies of the Core Strategy and the NPPF and as such is recommended for Approval.

RECOMMENDATION: Approve with the following conditions

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received on 6th October 2014

REASON: For the avoidance of doubt and in the interests of proper planning.