

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

2nd June 2004

AUTHOR/S: Director of Development Services

S/0470/04/F- Bourn

Removal of agricultural occupancy condition (condition 1 of planning permission S/0017/86/fF, Beck Farm, Toft Road for Mr C White

Recommendation: Approval

Site and Proposal

1. The application relates to a two-storey chalet-style bungalow located at Beck Farm to the south of the B1046 at Bourn.
2. The accommodation includes five bedrooms and a separate single bedroomed annex. The holding consists of 4.8ha (12 acres) pasture land and a range of agricultural buildings. In addition the applicant rents pasture land at Caldecote, which brings the total current holding to 17.0ha (42 acres). The applicant has a herd of 24 cattle.
3. When the Beck Farm dwelling was approved in 1986 the applicant farmed some 36.4 ha (90 acres). In 1993 the applicant took on full-time employment in Cambridge as the farm was not providing sufficient income. He and his wife now wish to move away from the area.
4. The property has been marketed in the national farming press and in the Cambridge Evening News. Potential farmers in the locality were contacted to bring the property to their attention. The property has also been placed on the agent's website. Marketing started in September 2002 and continued until February 2004. There were 33 requests for particulars and 2 viewings, but no offers.
5. The applicant is seeking to have the condition that restricts the occupation of the dwelling to a farmer or forestry worker, and their dependants, lifted. The application is supported by a detailed statement from the agent that sets out the circumstances of the applicant and the steps that have been taken to market the property.

Planning History

6.

S/0841/04/LDC	Continuation of existing use without compliance with agricultural occupancy condition	In progress
S/0017/86/F	Agricultural dwelling	Approved
Condition 1 reads " <i>The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such person residing with him) or a widow or widower of such person</i> ".		
S/0773/85/O	Agricultural dwelling	Approved
S/1118/82/F	Mobile home for stockman	Approved
S/1034/81/O	House and garage	Refused/ appeal dismissed

Planning Policy

7. Governmental advice contained in Planning Policy Guidance (PPG) 7 “The Countryside” states that:

“Changes in the scale and character of farming in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for someone solely, or mainly, or last working in agriculture in an *area* as a whole and not just on the particular holding that is relevant.”
8. **Policy P1/2 – Environmental Restrictions on Development** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy HG17** of the South Cambridgeshire Local Plan 2004 states that the relaxation of an agricultural occupancy condition will only be permitted where it can be demonstrated that the dwelling is no longer required by the unit or those working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependants. When considering applications to relax such a condition, the District Council will require evidence of the steps taken to market the dwelling with the occupying condition.

Consultation

10. **Bourn Parish Council** recommends refusal of the application. It is of the view that “approval would be inappropriate considering the recent date (1986) of the permission and that having 12 acres attached is very different from a small dwelling divorced from any land”.
11. **The Senior Farms Manager, Cambridgeshire County Council** has provided a detailed appraisal of the proposal. He considers that this large house and small-sized holding would have only limited interest to a potential farmer. He considers that the property has been marketed fully and at a reasonable asking price. He is of the opinion that it is now unlikely that a willing buyer who would comply with the planning restriction will be found. This report is attached as Appendix 1.

Representations

12. None received.

Planning Comments – Key Issues

13. The key issue is whether the agricultural occupancy condition has effectively outlived its usefulness.

14. Members will no doubt share the concern of the Parish Council that the holding ceased to generate a full-time farming income within seven years of the provision of the house. However, in line with PPG7 advice, an independent appraisal has been undertaken which is unequivocal in concluding that there is no realistic prospect of the dwelling being occupied by a full-time farmer in the current market conditions. In these circumstances the approach set out in PPG7 and Policy HG17 indicate that the occupancy condition should be lifted.
15. Members will note that an application for a Certificate of Lawfulness of Existing Use or Development (S/0841/04/LDC) has been submitted on the grounds that the agricultural occupancy condition has not been complied with for ten years. This application is still being considered, on the evidence and facts of the case.
16. The application to discharge the condition is a matter of judgement based on the circumstances of the case. But I am satisfied that the application and supporting information complies with the requirements of Policy HG17 of The Local Plan.

Recommendations

17. Approval (no conditions).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: Policy P1/2 –** (Environmental Restrictions on Development.)
 - **South Cambridgeshire Local Plan 2004: Policy HG17** (Relaxation of agricultural occupancy condition.)
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - size of the house and holding and the potential for full-time farming income to be derived from it;
 - the marketing of the property and the valuation placed upon it, and the offers to purchase received.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report:

- PPG7 The Countryside: Environmental Quality and Economic and Social Development (1997);
- Cambridgeshire and Peterborough Structure Plan 2003;

- South Cambridgeshire Local Plan 2004; application forms, documents, plans and correspondence on file. Ref: S/0470/04/F.

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