

APPLICATION NO. P06/W0807
APPLICATION TYPE FULL
REGISTERED 20.07.2006
PARISH STANTON ST JOHN
WARD MEMBER(S) Ms Anne Purse
APPLICANT New College
SITE 4 Cotterills Close, Middle Road Stanton-St-John
PROPOSAL Removal of agricultural occupancy condition 4 of P73/M1033 (That the dwellings be occupied only by a person solely or mainly employed, or last 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 dependents of such a person residing with him, or a widow or widower of such a person).
AMENDMENTS None.
GRID REFERENCE 457904/209030
OFFICER Miss S Bird

1.0 INTRODUCTION

- 1.1 This application has been referred to Planning Committee as the officer recommendation differs from the views of the Parish Council.
- 1.2 This application seeks the removal of an agricultural occupancy condition on a semi-detached dwelling. The property lies within the village of Stanton St John as shown on the **attached** location plan. The site lies within the Stanton St John Conservation Area and the Oxford Green Belt.

2.0 PROPOSAL

- 2.1 Planning permission was granted in 1973 for the erection of a pair of agricultural worker's dwellings, with gardens and shared entrance drive on land belonging to New College, Oxford, within Stanton St John. The property forms one half of a non-symmetrical pair of semi's. It is a three bedroom house with integral garage.
- 2.2 The conditions of the planning permission state:

"That the dwellings be occupied only by a person solely or mainly employed, or last 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 dependents of such a person residing with him, or a widow or widower of such a person."

- 2.3 The proposal seeks planning permission to remove the agricultural worker's occupancy restriction on this property.
- 2.4 The applicant's agent has submitted documentation to support their case that there is no longer a demand for an agricultural dwelling either on the holding or within the locality. The agent's report, submitted on 20 July 2006, is **attached** to this committee paper. Two further letters of support have been submitted by the agent during the processing of this application, dated 28 March 2007 and 12 April 2007, and these are also **attached**.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 **Stanton St John Parish Council** – Considers that the application should be refused as there is still a demand in the village. Highlights that Rectory Farm employs many workers who live in caravans. The Parish was sent details of the further information received during the processing of this application but still considers that insubstantial evidence has been provided to prove the applicants case.

Neighbour Objectors (1) – Advises of potential demand at Breach Farm and Rectory Farm and that the property could be easily adapted to house many seasonal workers.

Neighbour Representations (1) – Expressed an interest in the property to be told it was no longer on the market. Considers that demand may be transitory and that the rental asking price is too high.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted in the 1973 for the erection of an agricultural worker's dwelling under P73/M1033. The conditions of the planning permission state that the dwelling must be occupied "only by a person solely or mainly employed, or last solely or mainly employed, in the locality in agriculture".

- Earlier planning applications sought permission for the erection of open-market residential development under P66/M0257 and P69/M0751. Both applications were refused permission and an appeal on the former was also dismissed.
- 4.2

- P04/W0684 sought permission to lift the agricultural occupancy restriction on this property but was refused planning permission in August 2004. This application provided very scant information relating to the limited marketing exercise that was carried out to satisfy the requirements of PPS7 and was refused planning permission on these grounds.
- 4.3

5.0 POLICY & GUIDANCE

- 5.1 Adopted South Oxfordshire Local Plan 2011 Policies:

G2 – Protection of the Environment

A7 – Agricultural Workers' Dwellings

National Planning Guidance:

PPS7 – Sustainable Development in Rural Areas

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the planning history, it is clear that this dwelling would not have been permitted if there had not been a genuine agricultural case put forward to support the need for an agricultural worker's dwelling. When such a permission is granted, the dwelling should be kept available to ensure it meets that need by the imposition of an agricultural occupancy condition.
- 6.2 In line with national planning policy, Policy A7 of the adopted Local Plan states that permission will normally only be given for the removal of such a restrictive condition if the Council is satisfied that the dwelling is no longer required to serve the needs of the holding and that there is no general demand for an agricultural dwelling in the locality.
- 6.3 The report submitted in support of the application highlights that 4 Cotterills Close is no longer associated with a commercial agricultural enterprise. Consequently there is no arable cropping, keeping of livestock or need for the input of agricultural labour associated with the property.
- 6.4 In order to assess the general demand for an agricultural dwelling in the locality, the supporting text to Policy A7 requires the removal of occupancy conditions to be accompanied by evidence that the property has been unsuccessfully offered for rent or sale on the open market at a price that reflects the restrictive condition for a period of 12 months.
- 6.5 The property has been vacant since June 2005. It has been marketed by Acorus Rural Property Services Limited since 22 July 2005. An independent valuation of the property was carried out by Hunt and Nash estate agents, who determined that the property was valued at £220,000 or could be rented for £750-£800 per calendar month. To take account of the effect of the agricultural occupancy restriction, the property was therefore marketed at "offers in the region of £175,000" and with a rental guide price of £600 per month. Officers would not dispute the appropriateness of the valuation, nor the discount used to reflect the occupancy restriction: this is consistent with how the Council has previously approached such proposals. The property was not re-valued during the marketing period such that in real terms the dwelling was "progressively discounted" during this time.
- 6.6 The agents marketed the property widely in both local and national papers between September 2005 and June 2006 and clearly displayed the property on websites including the Acorus rural property sales site from June 2005. This approach is felt to represent a fairly comprehensive marketing strategy which was not solely limited to the local area. A direct marketing campaign was also

undertaken within the locality. Local agricultural holdings were contacted with a postal survey which sought to identify the nature of their agricultural activities, the accommodation used for workers and the level of interest in further agricultural accommodation.

- 6.7 All forms of marketing generated 20 requests for particulars. These respondents were then screened for compliance with the agricultural occupancy restriction which resulted in one prospective purchaser. The agent's report states that there was one request to view 4 Cotterills Close and no offers were received for the property either to purchase or to rent.
- 6.8 During the processing of this application, correspondence from one farmer in Aylesbury was received regarding the proposal. This stated that he had expressed an interest in the property, but had been informed by the selling agents that the property was no longer on the market. Correspondence was also received from a further local resident and from the Parish Council indicating that there may be demand for accommodation to house agricultural workers in the area, particularly for nearby Breach Farm and seasonal workers at Rectory Farm. This correspondence was passed on to the agents to follow up. Particulars of the property were subsequently sent to these "interested" parties in January 2007, and further contact was made in April 2007 with the owners of Breach Farm. No further interest has been raised in the property. As owners of the property, New College, Oxford is still offering the property for rent.
- 6.9 Whilst it is acknowledged that there is a demand for agricultural workers' accommodation within Stanton St John, as the Parish has highlighted, the Council is not in a position to force farm workers to take up available accommodation nor is it reasonable to force owners of housing subject to agricultural occupancy restrictions to sell or rent their property at a derisory sum.
- 6.10 Officers therefore consider that the applicant has undertaken a comprehensive and professional marketing exercise over a reasonable period and has demonstrated that there is no identified need for this dwelling in the locality. PPS7 highlights that dwellings should not simply be kept vacant by virtue of planning conditions restricting occupancy which have outlived their usefulness. Officers therefore recommend that condition 4 of planning permission P73/M1033 be removed to allow for unrestricted occupancy of 4 Cotterills Close.

7.0 CONCLUSION

- 7.1 The application should be approved because the proposal complies with the relevant Development Plan policies. The property has been adequately marketed and sufficient evidence has been provided to show that there is no general demand for this agricultural occupancy-restricted dwelling in the locality.

8.0 RECOMMENDATION

- 8.1 **That planning permission be granted for the removal of Condition 4 of planning permission P73/M1033.**
 1. **No conditions.**

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