

APPLICATION NO.	P16/S2292/FUL and P16/S2293/FUL
APPLICATION TYPE	FULL APPLICATIONS
REGISTERED	6.7.2016
PARISH	STANTON ST JOHN
WARD MEMBER(S)	John Walsh
APPLICANT	Mr & Mrs J Belcher
SITE	The Farmhouse and Breach Farm Barn Breach Farm, Wheatley Road, Stanton St John, OX33 1FG
PROPOSAL	<p>The Farmhouse: Application to remove condition 9 (agricultural occupancy) on P10/W1125. (Erection of an agricultural worker's dwelling APP/Q3115/A/10/2140369)</p> <p>Breach Farm Barn: Application to remove condition 5 (agricultural occupancy) on application P11/W0903. (Alterations and extensions to stone barn to form a dwellinghouse for occupation by an agricultural worker and associated ground works.)</p> <p>NB. A unilateral undertaking has been drawn up to transfer the agricultural occupancy conditions (above) to Bramble Cottage and Blackberry Cottage (previously approved as open market residential accommodation). This legal agreement forms part of the current application.</p>
AMENDMENTS	None
GRID REFERENCE	458607/208409
OFFICER	Katherine Canavan

1.0 **INTRODUCTION**

- 1.1 The applications have been referred to Planning Committee because the officer recommendation conflicts with the views of Stanton St John Parish Council and Forest Hill with Shotover Parish Council. The objections raised are summarised in section 3.1, and can be viewed in full under the case files [P16/S2292/FUL](#) and [P16/S2293/FUL](#) on the Council's website at www.southoxon.gov.uk.
- 1.2 The application site, Breach Farm, is located to the north of Forest Hill and to the south of Stanton St John, accessed via a track off the B4027. The site comprises a number of agricultural buildings, as well as four residential buildings; two of which have agricultural occupancy restrictions attached. The site has developed through a series of recent applications set out in section 4.0, which are relevant to the current application.
- 1.3 The site is located within the Oxford Green Belt.
- 1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission to remove the agricultural occupancy conditions on the Farmhouse and Breach Farm Barn, and to transfer the agricultural tie to Bramble Cottage and Blackberry Cottage by means of a unilateral undertaking.
- 2.2 The relevant buildings and a summary of the transfer of conditions is indicated on the site plan **attached** at Appendix 2. Full copies of the plans, planning statement and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1

Stanton St John Parish Council	Object: Permission has only recently been granted for the agricultural workers dwellings, and the operation has continued to expand. Concern has been raised that the smaller units would not meet the future agricultural needs of the enterprise, when the larger units are being transferred out of agricultural occupancy.
Forest Hill with Shotover Parish Council	Object: The reasoning behind the agricultural need, on which the residential use was previously approved, has altered since previous applications. The agricultural need was based on biosecurity reasons and the positioning of The Farmhouse alongside the track, which would no longer be the case with the agricultural workers' units being located centrally within the site.
Neighbour representations (4 received)	Object: <ul style="list-style-type: none"> • Over-expansion of the site within the green belt, which sets a dangerous precedent for other farms in the green belt • The current conditions protect against loss of the farm in the long-term and should be maintained. Development to date has altered it from a small agricultural holding to a residential development. • Further incremental development of the site would harm the openness of the green belt, and increase congestion on the main road, conflicting with existing residential streets in Forest Hill.

4.0 **RELEVANT PLANNING HISTORY**

4.1

REFERENCE	PROPOSED DEVELOPMENT	DWELLING	DATE	DECISION
P06/W1353	Use of land for stationing a mobile home for occupation by agricultural worker	Breach Farm	2008	Approved
P08/W0590/RET	Erection of temporary accommodation	Breach Farm	2008	Approved
P09/W1141	Erection of a pair of semi-detached agricultural workers dwellings	Breach Farm	2010	Withdrawn prior to determination
P10/W1125	Agricultural workers dwelling	The Farmhouse	20/10/10	Refused
PINS Ref 2140369	Agricultural workers dwelling	The Farmhouse	03/03/11	Appeal allowed Approved
P11/W0382/DIS	Details reserved by	The	28/03/11	Approved

	conditions on P11/W1125	Farmhouse		
P11/W0903	Alterations and extension to stone barn to form a dwellinghouse	Breach Farm Barn	15/08/11	Approved
P11/W1685/DIS	Details reserved by conditions on P11/W0903	Breach Farm Barn	27/10/11	Approved
P14/S1278/PAR	Prior Notification Approval Class MB(a) and (b) Change of use from agricultural building to class C3 (dwellings) with associated external changes	Bramble Cottage and Blackberry Cottage	18/06/14	Approved
P14/S2748/DIS	Details reserved by conditions on P14/S1278/PAR	Bramble Cottage and Blackberry Cottage	14/01/15	Approved

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies (SOCS)

CS1 – Presumption in favour of sustainable development

CSS1 – Overall strategy and distribution of development

CSQ3 – Design

CSR1 – Housing in villages

CSEN2 – Green Belt

5.2 South Oxfordshire Local Plan policies (SOLP)

G2 – Protect district from adverse development

H4 – Proposals for houses

GB4 – Green Belt

5.3 South Oxfordshire Design Guide (SODG)

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

5.5 The Town and Country Planning (General Permitted Development) (England) Order 2015

Section 73 of the Town and Country Planning Act 1990

6.0 **PLANNING CONSIDERATIONS**

6.1 The key considerations in determining the applications are:

- Process to remove or vary a condition
- Background to the applications
- Original justification for conditions
- Policy / site changes since approval
- Impact of varying the conditions

6.2 **Process to remove or vary a condition**

6.2i The application is being made under section 73 of the Town and Country Planning Act 1990 to vary / remove conditions associated with a planning permission.

Where an application under section 73 is granted, the effect is the issue of a new

planning permission, sitting alongside the original permission, which remains intact and unamended, including all other previous conditions.

- 6.2ii When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition.

6.3 **Background to the application**

- 6.3i In recent years Breach Farm has been subject to a number of planning permissions, as set out in section 4.1. As it currently stands the site functions as a farm and has permission for two agricultural workers' dwellings, and two open market residential units, as follows:

- The Farmhouse: Agricultural workers dwelling approved under P10/W1125 by appeal, with agricultural workers condition.
- Breach Farm Barn: Alterations and extension to stone barn to form a dwellinghouse approved under P11/W0903, with agricultural workers condition.
- Bramble Cottage and Blackberry Cottage: Residential change of use approved for 2 units by prior approval process under P14/S1278/PAR. No requirement for agricultural occupancy conditions as the proposal met the permitted development limitations and was granted approval for open market residential use.

The above permissions have been implemented and the four units are habitable.

6.4 **Original justification for conditions**

- 6.4i The farm lies within the green belt and is set away from any settlements. As a general rule, development in the green belt is normally considered to be inappropriate from the outset unless very special circumstances exist to override the presumption against such development, for example there is an agricultural need and it is essential that farm workers live on the site.

- 6.4ii In considering the appeal for The Farmhouse, the Planning Inspector took account of the rationale for the dwelling in preventing theft and criminal damage as well as bio-security, and concluded there was agricultural need for a dwelling. The evidence provided amounted to very special circumstances for development in the green belt and in a rural location. The development was only acceptable subject to a condition restricting the occupancy of the dwelling to someone engaged in agriculture as it was on this basis that the dwelling was justified in a location where normal unrestricted housing is strictly controlled:

The occupation of the dwelling shall be limited to a person solely or mainly 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.

- 6.4iii With regard to the application at Breach Farm Barn, the officer's report at the time concluded that sufficient evidence had been submitted to establish agricultural need, and that conversion of a redundant rural barn to residential would have less of an impact on the green belt than a new building, as proposed in earlier applications. As above, the rationale for the building was reliant on agricultural need, and could only be justified with an agricultural occupancy condition.

6.5 **Policy / site changes since approval**

- 6.5i Since permission was granted for The Farmhouse and Breach Farm Barn there have been national and local changes to policy, namely the introduction of the National Planning Policy Framework, the adoption of the South Oxfordshire Core Strategy, and relaxation of national permitted development legislation to allow conversion of

agricultural units to residential use.

- 6.5ii In terms of the previously approved development and the agricultural occupancy conditions, current policy continues to resist development in the green belt and outside the built limits of settlements, unless very special circumstances exist to override the presumption against such development, for example there is an agricultural need and it is essential that farm workers live on the site. On this basis a similar proposal assessed in respect of current policy would still require agricultural occupancy to be secured by condition, if the sole justification for the development were agricultural need.
- 6.5iii Since permission was granted, the relaxation of permitted development legislation has allowed for the conversion of an agricultural unit on-site to two residential units as open market housing. Under the legislation there is no requirement for an agricultural tie to be attached to these dwellings.
- 6.5iv In summary the policy changes have not altered the need for agricultural occupancy conditions to be attached to two dwellings. The site itself has changed in that two open market dwellings have been provided, by conversion.

6.6 Impact of varying the condition

- 6.6i The complete removal of the agricultural occupancy conditions from the site's dwellings could not be supported as the justification continues to be based on the agricultural need established under applications P10/W1125 and P11/W0903; there has been no substantial change in policy substance to alter this position. However, the two prior approval conversions as open market housing open up the use of the site, and scope for the agricultural ties to be transferred.
- 6.6ii The transfer would result in Bramble Cottage and Blackberry Cottage (the two smaller dwellings) being secured for agricultural workers associated with the farm, or working in agriculture within the local area. The removal of the conditions would release The Farmhouse and Breach Farm Barn as open market housing, but retain the two workers' units on-site (secured by unilateral undertaking).
- 6.6iii While it is recognised that the agricultural workers' units would be smaller than the existing units, the provision of accommodation continues to be available in respect of the agricultural need, and there is no prescribed size for such units. The larger residential units are existing buildings and would have no greater impact on the openness of the green belt in terms of their scale, and given the principle of open market residential housing (2 units) was found to be acceptable through the prior approval process. The removal of the conditions would not allow for additional residential units over and above existing, or release the agricultural workers' tie currently associated with the site.
- 6.6iv The removal of the agricultural occupancy conditions on The Farmhouse and Breach Farm Barn would have no greater impact than existing, as long as the agricultural tie is transferred and secured to Bramble Cottage and Blackberry Cottage. A unilateral undertaking has been drawn up (September 2016) and would form part of the approval requirements, if permission were to be granted.

6.7 Community Infrastructure Levy (CIL) liability

The council's CIL charging schedule has been adopted and applies to residential proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the

development. The CIL charge applies to new build residential development. In respect of both applications, the residential footprints were approved and implemented prior to the introduction of the CIL charge. The removal and transfer of the agricultural occupancy tie would not result in any additional residential floorspace, and the CIL charge does not apply.

7.0 CONCLUSION

7.1i Your officers recommend that planning permission is granted because the proposed development is considered to be acceptable for the following reasons:

7.1ii The removal of the agricultural occupancy conditions on The Farmhouse and Breach Farm Barn would have no greater impact than existing, subject to the agricultural tie being transferred and secured to Bramble Cottage and Blackberry Cottage. The provision of accommodation for two units continues to be available in respect of the agricultural need, and the principle of two open market units on site was established through the prior approval process. The removal of the conditions would not allow for additional residential units over and above existing, or release the agricultural workers' tie currently associated with the site, or have any greater impact on the openness of the green belt.

Subject to conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2008).

8.0 RECOMMENDATION

8.1 To grant planning permission subject to the unilateral undertaking signed September 2016, and the following advisory notes:

8.2i [P16/S2292/FUL](#)
Conditions

1. No conditions

Informatives

1. Following the removal of condition 9, the applicant is advised that all other conditions on P10/W1125 continue to apply.

8.2ii [P16/S2293/FUL](#)
Conditions

1. No conditions

Informatives

1. Following the removal of condition 5, the applicant is advised that all other conditions on P11/W0903 continue to apply.

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