

Supplementary Planning Document

**Removal of Agricultural
Occupancy Conditions**

Adopted May 2019



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Supplementary Planning Document: Removal of Agricultural Occupancy Conditions

1. About this Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

2. Policy

- 2.1** This document supplements policy GB4 in the Local Plan which states that:-

Policy GB4 Permanent Agricultural and Forestry Workers Dwellings

Proposals for agricultural and forestry workers dwellings will be allowed provided that:

- They support existing agricultural or forestry activities on well established agricultural or forestry units;
- There is clearly an established existing functional need which relates to a full time worker;
- The unit and the agricultural activity concerned have been established for at least 3 years and profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; and
- The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

Development will be expected to:

- Be of a size commensurate with the established functional need;
- Be sited directly adjacent to existing buildings wherever possible;
- Be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials; and

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- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Where permission is granted we may remove permitted development rights, and impose occupancy conditions as appropriate.

- 2.2** Supporting text to this policy in the Local Plan states *"Where occupancy conditions are imposed they will not normally be removed unless it can be shown that the long term needs, both on that unit and in the locality, no longer warrant the dwelling's reservation for that purpose"*
- 2.3** Agricultural occupancy conditions are imposed only where a dwelling which is intended to serve the needs of agriculture is proposed for a site where a house would not normally be permitted.
- 2.4** In this context, it is clear that in order to safeguard the countryside from future encroachments there is a need to retain existing agricultural workers dwellings to serve the needs of that sector of the population, even if there is no longer agricultural justification for the dwelling upon the farm for which it was built. It is therefore clear that agricultural occupancy conditions should only be removed where the long term needs for such a dwelling can be explicitly proven to no longer exist.

3. Information Required to Support Planning Applications

- 3.1** All planning applications for the removal of agricultural occupancy conditions should be accompanied by relevant information from which the Council can make a rational assessment of the long term needs for the agricultural workers dwelling, both on the particular farm and in the locality. The onus for the provision of this information lies with the applicant and it should comprise:-
- i. A statement from an agricultural consultant assessing the existing viability of the farm and its continuing need for an agricultural workers dwelling; and
 - ii. A statement of the methods employed to dispose of the dwelling to which the conditions relate. In order to collate this information, the Local Planning Authority suggests the following guidelines be followed:
 - a. The property should be advertised for sale as an agricultural workers dwelling, at frequent intervals, for a period of at least 12 months in both the Farmers Guardian or Farmers Weekly and the local press. The sales literature and advertisements should clearly refer to the agricultural occupancy condition.
 - b. The sales price of the property should reflect the restrictive nature of the agricultural occupancy condition. Copies of all advertisements and details of all enquires from prospective purchasers (including occupancy and place of work) should be retained and submitted as part of the statement.

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- c. Prospective purchasers who consider they meet the requirements of the occupancy condition should be advised to contact the Council to establish their eligibility.

- 3.2** Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the continuing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly of last working in agriculture in an area as a whole and not just on the particular holding that is relevant.
- 3.3** In terms of need on the particular farm a report from an agricultural consultant is considered essential to facilitate this part of the assessment.
- 3.4** In respect of need within the locality the Council can provide details such as the number of applications for agricultural workers dwellings and the number of agricultural workers on the Housing Department's waiting list. However, this information alone is inconclusive and as such, if arguing lack of demand, the applicant should illustrate that unsuccessful attempts have been made to sell the property and that the marketing has been correctly targeted, financially realistic and sustained. It should be noted that a large number of appeals are dismissed due to failure by the appellant to undertake an appropriate selling campaign or due to failure to set a realistic asking price, as the value for an encumbered property is somewhere between 15-50% less than that of an unencumbered dwelling.

4. Further Information

- 4.1** For further information please contact Development Management on (01226) 772595 the first instance.
- 4.2** The contact details below are provided to enable you to select a consultant of your choice:-
 1. ADAS Northern
Planning@adas.co.uk
Tel: (0113) 232 1630
 2. Royal Institute of Chartered Surveyors
www.ricsfirms.com
Tel: (0113) 394 5980
 3. British Institute of Agricultural Consultants
info@biac.co.uk
Tel: (01275) 375559