

## FURTHER INFORMATION

For further information please contact Planning Services on (01226) 772584 or 772590 in the first instance.

The addresses below are provided to enable you to select a consultant of your choice:-

- 1 ADAS Northern,  
Lawnswood,  
Otley Road,  
Leeds LS16 5PY.  
Tel: (0113) 2611222
- 2 Rural Practice Division,  
Royal Institution of Chartered Surveyors,  
12 Great George Street,  
Parliament Square,  
London SW1P 3AD.  
Tel: (0171) 2270000
- 3 The British Institute of Agricultural Consultants,  
Wrest Park,  
Silsoe,  
Bedford MK45 4HS.  
Tel: (01525) 860000

Note: The Council will revise this guidance in accordance with any revision to national guidance in PPG 7.



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Metropolitan Borough Council

Planning and Transportation Service

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# REMOVAL OF AGRICULTURAL OCCUPANCY CONDITIONS

## SUPPLEMENTARY PLANNING GUIDANCE 15

May 2003

## ABOUT THIS GUIDANCE

PPG 12 advises that supplementary planning guidance can be taken into account as a material consideration in deciding planning applications which can be given substantial weight. PPG 1 advises that applicants should be able to demonstrate that they have had regard to development plan policies and supplementary planning guidance.

In accordance with PPG 12 this guidance has been prepared in consultation with all those who might use it. A statement of the consultations undertaken, representations received and the Council's response to those representations is available on request. The Explanatory Note that accompanies the SPG series contains a list of all consultees.

## POLICY

This advice note supplements Policy GS8C in the Unitary Development Plan which states that:-

WHERE AN AGRICULTURAL OCCUPANCY CONDITION HAS BEEN IMPOSED IT WILL NOT NORMALLY BE REMOVED UPON SUBSEQUENT APPLICATION UNLESS IT IS SHOWN THAT THE LONG TERM NEEDS FOR AGRICULTURAL WORKERS, BOTH ON THE PARTICULAR FARM AND IN THE LOCALITY, NO LONGER WARRANT ITS RESERVATION FOR THAT PURPOSE.

## POLICY JUSTIFICATION

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. Government advice in PPG 7 (paragraph 118) states that the purpose of imposing this condition is to "ensure that the dwelling is kept available to meet the needs of other farm or forestry business in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside."



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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. To this effect, DoE Circular 11/95 (paragraph 104) advises "Where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality, no longer warrants reserving the house for that purpose." 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.

### **INFORMATION REQUIRED TO SUPPORT PLANNING APPLICATIONS**

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 condition relates. In order to collate this information, the Local Planning Authority suggests the following guidelines be followed:  
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.  
The sales price of the property should reflect the restrictive nature of the agricultural occupancy condition.  
Copies of all advertisements and details of all enquiries from prospective purchasers (including occupancy and place of work) should be retained and submitted as part of the statement.  
Prospective purchasers who consider they meet the requirements of the occupancy condition should be advised to contact the Council to establish their eligibility.

### **JUSTIFICATION**

Government advice in PPG 7 states in paragraph 121 that "Changes in the scale and character of farming and forestry in response to market changes may affect the longer term requirement for dwellings for which permission has been subject to an occupancy condition of the type set out above. 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 continuing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.

In terms of need on the particular farm a report from an agricultural consultant is considered essential to facilitate this part of the assessment.

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.