

20/2006/003

MR & MRS WHITE

REMOVAL OF CONDITION 04 OF PLANNING PERMISSION 20/1979/005 (AGRICULTURAL TIE) ON THE OLD CIDER HOUSE, PICKNEY, KINGSTON ST MARY.

19421/29035

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

It is proposed to remove the agricultural tie in respect of this barn conversion which was approved in 1979. The building is 3 bedroomed, 3 reception, with garage and workshop. The farmland to which the house related was sold off in 1991, leaving only the immediate garden area. The property has been occupied since 1979 by the original farmer and wife. They are now more elderly and wish to move into Taunton nearer facilities. As background evidence, the applicants have provided details of numbers of agricultural workers currently and in June 1980, showing a substantial fall in numbers, (3,376 to 1,104 in Somerset MAFF/DEFRA). The applicants have also surveyed a number of local farmers in order to see if there is any demand for a dwelling with an agricultural tie. The applicants also refer to PPS 7 stating that there have been changes in the scale and character of farming...which may affect the long term requirement for dwellings (with tie)...they should not be kept vacant, nor should their present occupants be unnecessarily obliged to remaining occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. The property has been on the market since July 2005 for a guide price of £400, 000 - £425,000; other estate agents suggested, at that time, that with an agricultural tie, the marketing price should be around £275,000 to £325,000.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommends refusal, objects on basis that the building is remote from services etc., occupiers are likely to be dependant on private cars, which would be contrary to Government Advice. The asking price might be achievable but only without the agricultural tie. RIGHTS OF WAY OFFICER no observations.

PROPERTY SERVICES OFFICER concerned that the sale price is excessive given the size of property and its agricultural tie, should be in the region of £325,000 to £350,000 maximum.

PARISH COUNCIL supports as it considers that the agricultural tie is no longer necessary. This is suggested by the information attached.

POLICY CONTEXT

PPS 7 Sustainable Development in Rural Area.

S1 General requirements, S7 outside settlements, H12 and H13 Agricultural Workers – dwellings for agricultural workers will be permitted outside the limits of settlements provided

there is a proven functional need for the dwelling there and the farm for which it is sought ...viable, and appropriate tie condition, H13 Where agricultural or forestry dwellings are permitted in accordance with H12, appropriate conditions will be used to retain the dwelling for agricultural occupation. Applications to remove these conditions will not be permitted unless: (A) the dwelling is no longer needed on that unit for the purposes of agriculture or forestry; (B) there is no current demand for dwellings for farmers, farm workers and foresters in the locality; and (C) the dwelling cannot be sold or let at a price which reflects its occupancy condition within a reasonable period.

ASSESSMENT

The building is in open countryside, and previously was used in association with farmland which has now been sold off. The applicants have shown marketing details and have done a survey of local demand for buildings with an agricultural tie. They have found no demand and no demand for the property with its tie and asking price of £400,000 - £425,000. It is considered that this figure is excessive given the agricultural tie, and that as such this attempt is not in line with Policy H13(C). The property services officer has been asked to carry out a full assessment which includes internal viewing, in order that a formal valuation is considered.

RECOMMENDATION

That subject to the formal valuation by the Property Services Officer, that permission be REFUSED on the basis of the marketing being at an excessive level, contrary to Policy H13(C) relating to buildings with agricultural tie.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES: