

E/0239/34/13

**NON COMPLIANCE WITH AGRICULTURAL TIE AT MANOR FARM,
STAPLEGROVE**

OCCUPIER:

OWNER: MR & MRS I CULVERHOUSE
MANOR FARM, MANOR MEADOW, STAPLEGROVE
TAUNTON
TA2 6EF

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the vacation of an Agricultural tied property being occupied by persons not complying with the agricultural tie.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action should the notice not be complied with, to secure the cessation of the property being occupied by persons not complying with the agricultural tie.

The Enforcement Notice shall require:-

- the cessation of the property being occupied by persons not complying with the agricultural tie.

Time for compliance: 18 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is off a private road off Manor Road which is the road through the center of the village of Staplegrove. The site is at the end of the private road and over the years other houses have been erected either side of the private road.

BACKGROUND

In March 2011, an enquiry was received regarding the procedure for the removal of the agricultural tie on Manor Farm, Staplegrove. The Local Planning Authority advised that it would be necessary to submit a planning application together with evidence to demonstrate that an agricultural workers dwelling in the locality was no longer needed.

It transpired that a family bought the property in the full knowledge that there was an agricultural tie on the property. They suggested that the wife would comply as it was her intention to set up as an organic chicken producer. This never happened and the family are in the property not complying with the condition attached to the planning permission.

A site visit was carried out in early January 2014 and the owners were made aware of the procedure they needed to follow. No response has been received.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Occupation of a dwelling that has an agricultural tie and neither of the occupants comply with the condition.

RELEVANT PLANNING HISTORY

Conditional planning permission was granted for the erection of a bungalow, private garage and a fruit packing shed and store on land adjoining Staplegrove Manor, and formation of access thereto on 10th February 1970. Condition 05 states that the occupation of the dwelling shall be limited to persons employed or last employed full-time locally in agriculture as defined in Section 221 of The Town and Country Planning Act 1961, or in forestry, and the dependants of such persons.

RELEVANT PLANNING POLICES

Taunton Deane Core Strategy

DM1 - General Requirements

DM2 - Development in the Countryside

National Planning Policy Framework

Paragraph 207 - Enforcement

Paragraph 55 - Sustainable development in rural areas.

DETERMINING ISSUES AND CONSIDERATIONS

In March 2011, an enquiry was raised regarding the removal of the agricultural tie on Manor Farm, Staplegrove. The advice given by the Local Planning Authority at that point was that it would be necessary to submit a full planning application to demonstrate that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose.

It was therefore advised that any future planning application should be accompanied by evidence to demonstrate that this is the case. In order to achieve this, it would be necessary to market the property for a minimum of 12 months at a realistic price reflecting the occupancy condition.

It is understood that the marketing subsequently commenced and in October 2011, an enquiry was received from Mr Culverhouse as to whether the tie could be met if his wife started to keep chickens. At that time neither he nor his wife had any connection with agriculture and this was therefore a suggestion for the future in order to comply with the condition. The Local Planning Authority raised concerns about this and highlighted that unless this constituted a full-time job, it was not considered that the condition would be complied with. On 18 November 2011, a Solicitor's letter was received stating that Mrs Culverhouse would be engaged full-time as an organic chicken producer and requesting written confirmation that his clients would comply. The Council advised that his clients (the current occupiers) would need to be satisfied that their occupancy would comply by being engaged full-time locally in agriculture (and not on a part-time basis) and be able to provide evidence to this effect, if required.

In October 2013 that Mr Culverhouse told the Council that no form of agriculture had

taken place at any time since they had commenced occupation and therefore the agricultural occupancy condition was not being met. As stated, in order for the Local Planning Authority to grant permission for the removal of the agricultural tie, it would be necessary for them to be satisfied that there was no longer a need for this property to remain available for agricultural workers. This does not just apply solely to proving that the agricultural holding is not of sufficient size to sustain an agricultural activity, it is also necessary to prove that there is no need for the dwelling to remain available for other farm workers in the area.

To demonstrate this, an applicant is expected to provide supporting evidence to demonstrate the existing demand or lack of it by agricultural or forestry workers; vacant agricultural dwellings; recent applications for agricultural dwellings or recent applications for Council, Housing Association or other forms of affordable housing by agricultural workers.

Some marketing took place in 2011 and this resulted in the current occupiers purchasing the property. The marketing did not therefore demonstrate that there was no demand from an agricultural worker.

As such, the local planning authority is not satisfied that it has been adequately demonstrated that there is no longer a need for an agricultural workers dwelling in the area. On the basis that the occupiers are not complying with the agricultural tie in any way, despite being made fully aware of the restrictions on the property prior to purchase, it is considered expedient to serve an enforcement notice. A long compliance time has been recommended in order to give the applicant time to market the property at a realistic price that reflects the agricultural tie.

Whilst the owner has suggested personal reasons for wishing to remain living in the property regardless of the agricultural tie, these are not planning matters that the Local Planning Authority can take into account in this assessment.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Mrs K Walker
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479