

MR A PULSFORD

TRANSFER OF AGRICULTURAL TYING CONDITION (CONDITION 04 OF PERMISSION 50/1977/010) FROM THE BUNGALOW, MAUNDOWN, WIVELISCOMBE TO CORDINGS FARMHOUSE, WHITEFIELD, WIVELISCOMBE AS AMPLIFIED BY LETTER DATED 4TH JULY, 2002

07200/30420

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Planning permission was granted on Appeal in 1978 for the erection of an agricultural dwelling. The Inspector concurred with the then MAFF's view that a person responsible for the day to day running of the farm should live on the holding. A condition was imposed on the permission that occupation of the bungalow be restricted to persons solely or mainly employed or last employed locally in agriculture. The applicant is actively engaged in agriculture and lives in the bungalow granted on appeal. At the time of the Appeal he did not own land but rented from adjoining owners. He now owns 35 acres of land adjacent to The Bungalow at Maundown, rents a further 70 acres and has recently become the owner of an additional 100 acres of land, together with the farmhouse, which is centred on Cordings Farmhouse. The land is predominantly used for the raising of beef cattle with approximately 15 acres as arable. Livestock numbers are presently 40 beef cattle at The Bungalow, with 30 offspring on the applicant's land holding, together with an additional 60 cattle using the land at Whitefield. The applicant does not have any employees. Presently there is a general purpose shed on the land holding at The Bungalow. There are no agricultural buildings on the land at Cordings, however the applicant intends submitting planning applications in due course for additional farm buildings. It is the applicant's intention to continue his farming activities with single sucklers and calves. It is the applicant's intention, not wishing to own two houses, to sell The Bungalow. The purpose of the application is to transfer the tying condition imposed on The Bungalow to Cordings Farmhouse. The applicant considers that his farming activities will be more efficient with living accommodation in the present farmhouse at Cordings. Planning permission has recently been granted under delegated powers for the erection of a two-storey extension at Cordings.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL do not object to the application, but point out that the site is in a sensitive area of high amenity value and that the property may be listed.

POLICY CONTEXT

Policy WD/HO/1 of the West Deane Local Plan indicates that where agricultural dwellings are permitted, appropriate conditions will be used to retain the dwelling for agricultural occupation and that such conditions will only be removed where certain criteria are met. H15 of the emerging Taunton Deane Local Plan contains a similarly

worded policy. As there is no net change to the stock of agriculturally tied dwellings, it is considered that there is no breach of this policy.

ASSESSMENT

The agricultural tying condition was properly imposed originally on the basis of a lesser amount of freehold land than is currently owned by the applicant. Although the two areas of land currently owned are not contiguous with one another they are reasonably close together and are currently both farmed by the applicant. On the basis that there will be no net change to the stock of agriculturally tied dwellings in the area I consider the proposal to be acceptable.

RECOMMENDATION

Permission be GRANTED.

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: