

8 SW2003/0886/F - REMOVAL OF AGRICULTURAL OCCUPATION RESTRICTION (CONDITION 2) OF PLANNING PERMISSION SH901391PF, CRICKADARN, THRUXTON, HEREFORD, HR2 9BD

For: Mr & Mrs G Watkins per Williams Parry Richards, Windsor House, St Mary's Street, Ross on Wye, Herefordshire HR9 5HT

Date Received: 19th March 2003 Ward: Valletts

Grid Ref: 4388 3483

Expiry Date: 14th May 2003

Local Member: Councillor P. G. Turpin

1. Site Description and Proposal

- 1.1 The application site is a 4 bedroom house with integral double garage set back between 23 to 24 metres from the grass verge bounding the northern side of the B4348 road and on the western side of the junction of the C1222 road that leads north-eastward from the B4348 road and southward towards Thrupton.
- 1.2 This dwelling house was approved in 1990, subject to an agricultural occupancy condition restricting the occupation of the dwelling. The dwelling was approved to serve a horticultural enterprise on the 6.45 acres on which this house was sited. The buildings/polytunnels being sited to the north or rear of the dwelling.
- 1.3 An application to remove the occupancy condition was refused in 2002. This was for the reason that the property had not been marketed at a value that reflected the agricultural occupancy condition.

2. Policies

2.1 Planning Policy Guidance

PPG.7 - The Countryside: Environmental Quality and Economic And Social Development

2.2 South Herefordshire District Local Plan

Policy SH.19 - Removal of Agricultural Occupancy Condition

3. Planning History

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| 3.1 | SH891831PO | One dwelling for use of applicant | - | Refused 20.12.89 |
| | SH900173PO | Horticultural dwelling | - | Approved 19.04.90 |
| | SH901391PF | Erection of four bedroom house and integral garage for occupation in connection with a horticultural enterprise | - | Approved 21.11.90 |

SW2002/1676/F Removal of agricultural occupation - Refused 15.08.02
restriction (removal of Condition 2 of
planning permission SH901391PF)

4. Consultation Summary

4.1 None applicable.

5. Representations

5.1 In a letter that accompanied the application, the applicant's agent makes the following main points:

- will recall last year Council rejected a similar application on the grounds that the property had been marketed at too high a price
- marketed at £240,000 for 6 months in accordance with your valuer's opinion
- modern residence built in 1991, extending to 6.45 acres, now pasture
- started horticultural venture in 1989, initially lived in mobile home on site
- in 1994 horticultural business to whom they were suppliers expanded their own premises, less supplies required. The business declined
- now growing under 8,000 square feet of twin skinned heated tunnels, 70,000 pot plants and up to 400,000 starter plugs, sought contracts to supply trade but were unsuccessful
- even advertised polytunnels individually for rent
- due to loss of income took work outside horticulture to supplement income
- close to retirement and with work commitments finding the maintenance and upkeep of Crickadarn a burden
- in late 2000 property placed in hands of Williams Parry Richards of Ross-on-Wye, Williams Watkins and Richards of Ross-on-Wye and Stooke Hill and Walshe of Hereford, marketed by all firms from late January 2001
- marketed for £300,000, £150,000 less than agents opinion of unrestricted market price
- advertised by Williams Parry Richards (with their 7 offices) in Gloucestershire Newspapers, Hereford Times, Gloucester Citizen and Farmers Weekly. Messrs Stooke Hill and Walshe also advertised in Hereford Times a number of times
- lack of interest due to occupancy restriction and only 6.45 acres
- more people willing to pay £300,000, however Solicitors and local planning authority advised them against proceeding as they did not comply with the occupancy condition
- since August 2002, following refusal, marketed at £240,000. Still prospective buyers deterred by restriction
- property has now been on the market for 2 years and two months, unsaleable due to restriction, even at lower attractive figure
- general depression since 1996, aggravated by 2001 Foot and Mouth outbreak contributed to lack of interest by farmers
- also should be noted possibly 80 - 90 per cent of farming businesses have had to diversify, with most young farmers seeking a job outside the industry.

5.2 In a further letter, the applicant's agent states that:

- considerable negotiations with people from Weston-Super-Mare and from Kingstone, Walterstone and Bath, all of whom could not satisfy the condition
- also had 13 further applications for particulars, but no further interest was shown once the applicants became aware of the restriction.

5.3 Allensmore Parish Council make the following observations:

"The Parish Council are still in agreement that the property was granted planning as an agricultural holding and therefore feel it cannot support the lifting of these restrictions."

5.4 Thruxton Parish Council has no objection to this application.

5.5 One letter of representation has been received from:

D. A. Leefarr, Wigmore Cottage, Thruxton, Allensmore, Hereford, HR2 9BD

The following main points are made:

- no objection, with proviso that conditions are imposed restricting further development of commercial or private housing
- if de-regulation leaves it open, could not approve the application.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main issue relates to whether or not sufficient grounds have been established for allowing the removal of the agricultural occupancy condition, and whether or not the property has been marketed in accordance with the provisions of Policy SH.19 contained in the South Herefordshire District Local Plan.

6.2 It is evident that this property has been marketed at a valuation reflecting a 4 bedroom house with integral garage and the land available with an agricultural tie. This is following refusal of a proposal to remove the agricultural occupancy condition in 2002. The names of those people who pursued the property through agents acting on behalf of the applicants, as confirmed in a letter submitted to the planning authority, do tally with members of the public who contacted the planning department. Therefore, attempts have been made to market the property in accordance with Policy SH.19 in South Herefordshire District Local Plan.

6.3 The enterprise that began in the late 1980s and then collapsed in the 1990s, and the attempts made by the applicants to overcome their financial predicament are noted, and it is considered that planning permission was probably granted earlier for a dwelling without the enterprise being given an opportunity to establish itself. This is a requirement of Annex I, contained in PPG.7. It is also noted that an ADAS appraisal commissioned by the planning authority at the time of the first planning approval in 1990 stated the proposal did not meet the viability criteria.

6.4 It is considered, notwithstanding the objections raised by Allensmore Parish Council, that for the reasons set out above the removal of the condition can be supported.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1. **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.