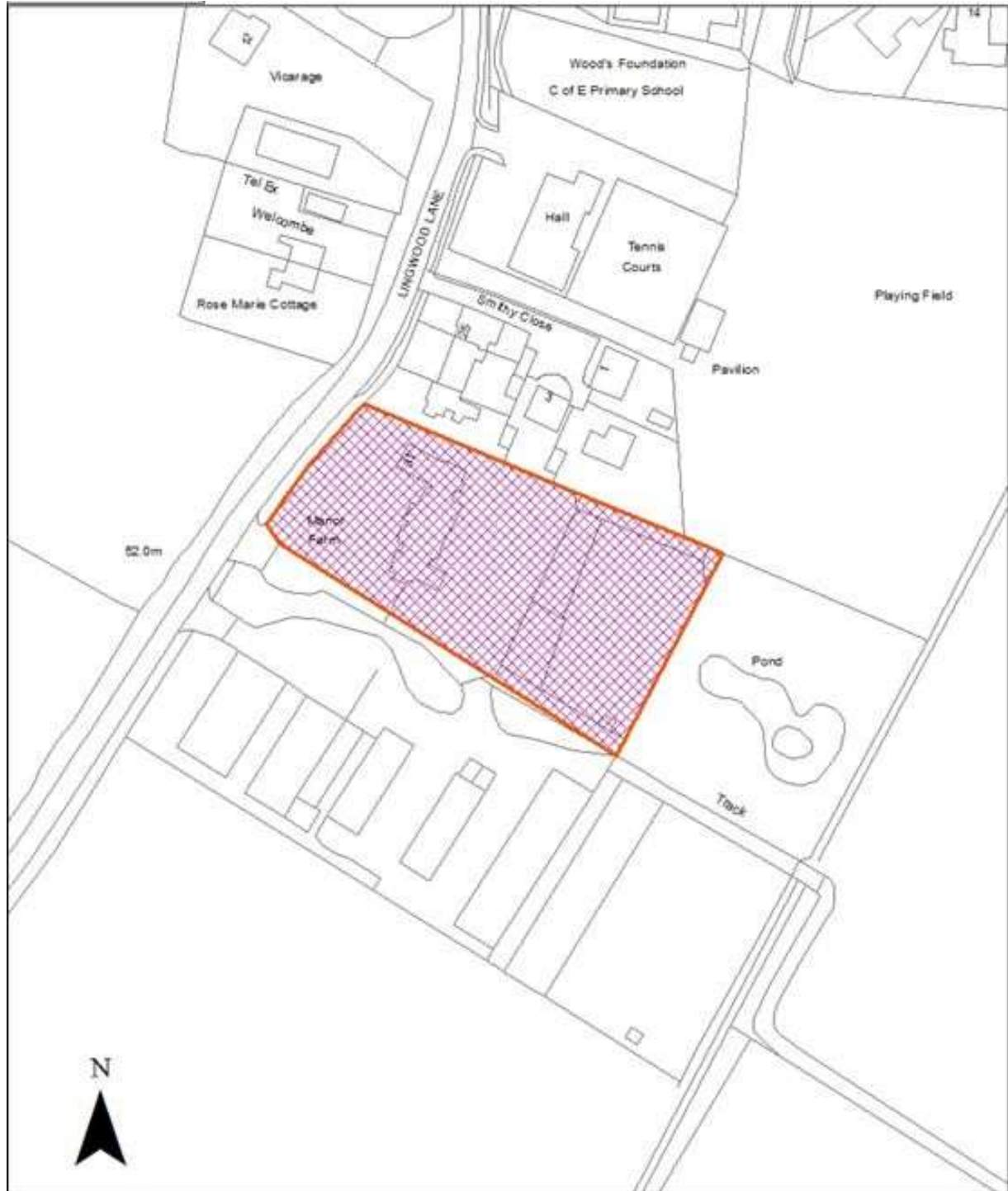




Application Number: 2014/0698
Location: 31 Lingwood Lane Woodborough Nottinghamshire NG14 6DX



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2014/0698
Location:	31 Lingwood Lane Woodborough Nottinghamshire NG14 6DX
Proposal:	Remove condition 5 of planning consent no. 1991/0127 (agricultural tie).
Applicant:	Mrs W Kemp
Agent:	Mr Peter Diffey

Site Description

The application relates to Manor Farm, 31 Lingwood Lane a large detached property situated on the east side of Lingwood Lane on the edge of Woodborough Village. The property has 4 bedrooms, a self contained annex, a farm office and double garage. To the south of the site are agricultural buildings, previously forming Manor Farm, served by a separate access.

The property is located within the Nottinghamshire Green Belt and lies just outside the infill boundary and Conservation Area for Woodborough village as identified on the proposals map for the Replacement Local Plan (2005).

Relevant Property History

Outline Planning Permission was granted on 28/04/93 for the erection of one dwelling (App. No. 91/0127). This was subject to a S106 Agreement.

An application for Reserved Matters was approved on the 19/10/93 (App. No. 93/1120).

Building of the dwelling commenced in 1998 and completed in 2010 (Building Regs app. no. 98/0435).

Proposed Development

The application seeks planning permission to remove planning condition No. 5 imposed on the original grant of outline planning permission for the house (App. No. 91/0127) which states:-

'The occupation of the dwelling shall be limited to a person solely or mainly employed or retired from employment on the adjoining holding and in agricultural as

defined in Section 336 of the Town and Country Planning Act 1990 or in forestry or a dependent of such person residing with him or her or a widow or widower of such a person.'

The permission was also subject to a Section 106 agreement requiring the occupancy of the dwelling to be for a person engaged in agriculture and specifically in the farming activity of the adjoining holding (beef farming which extended to some 210 acres).

Information has been submitted to support the claim that there is no longer an established need for an agricultural tenancy. This states, amongst other things:

The agricultural holding was worked as a single holding from 1993. The viability of the holding declined over that period because of changes in farming practice and the present farm has become unviable. The owner (the applicant) now contracts out the farmland to an adjacent farm business. Because of this change in management many of the farm buildings have become redundant; at present alternative uses for the buildings are being investigated. In the future parts of the farm may be disposed of.

As the farm buildings are no longer generally used for agricultural purposes the house no longer acts as a necessary dwelling to manage, supervise and provide security for these buildings.

As the farmland is no longer managed by the applicant and as the applicant does not permanently live in the farmhouse the dwelling has become surplus and redundant.

The Section 106 agreement and associated condition were imposed partially because they were offered by the applicant and partially because, at that time, the Council were not convinced that the farm would be a profitable agricultural holding and they wished to ensure the dwelling was tied to the property because of the special circumstances associated with granting permission for a dwelling in the Green Belt and to ensure the best opportunity existed to make the holding viable.

A marketing report has been produce by Savills. The dwelling has been marketed with a 30 per cent discount on the open market guide price since July 2013. Adverts have been placed in the Farmers Guardian and the Nottingham Evening Post.

Following discussions with this office the Agent has submitted an amended red line site plan to correspond with the site granted permission in 1991.

Consultations

Woodborough Parish Council – Objection, agricultural tie should remain.

A site notice has been posted and adjoining neighbours notified – One letter received as a result, in summary:

Have consulted with neighbours, the majority of whom have lived in the village for many years, and the consensus is that we are opposed to the lifting of the restriction.

We are concerned that the removal of the agricultural tie will have a long term effect on the use to which the land is put and that this will impact significantly on the character of the village.

We note that despite the fact that planning permission to build a house on the site was granted to Mr Taylor, the previous owner, some 20 years ago, on the basis of the need for housing for those working the farm, the house itself was built by the present owner and completed sometime after the original planning permission was granted, the style and size of the house is not such as one might expect given planning permission granted on the basis of agricultural need and occupancy in the past has been sporadic.

Notwithstanding these observations, we believe that keeping the agricultural tie will preserve the intended integrity of the farm and surrounding farmland and help ensure that arable farming continues to be a significant part of the village landscape.

Planning Considerations

The main planning consideration in the determination of this application is whether sufficient justification exists for the removal of the planning condition imposed when the property was first granted permission in the 1990s.

At national level Section 9 'Protecting Green Belt Land' of the National Planning Policy Framework (NPPF) is relevant to this planning application. At local level Policy ENV26 of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008) which set out the types of development which are considered appropriate in the Green Belt.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD) which it considers to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

It is considered that the following policy is relevant:

Policy 16 'Green Infrastructure Parks and Open Space' which requires that 'existing and potential Green Infrastructure corridors and assets are protected and enhanced'.

As the building is of permanent construction the proposal would not be inappropriate in terms of Green Belt policy as it would involve the retention of an existing building in residential use and would not therefore prejudice the openness of the Green Belt.

Appendix A of the Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS 7) previously provided advice on agricultural occupational dwellings. This PPS7 has now been replaced by the NPPF and its accompanying National Planning Policy Guidance (NPPG). Unlike Annex A of PPS7, the NPPG does not provide specific guidance on agricultural occupational dwellings. However, I consider that the guidance in Annex A is relevant, in particular advice in paragraph 3 stating that in order to sustain an agricultural dwelling it must be supported by a functional need and for the enterprise to be financially viable. PPS7 also recognised that changes in farming may affect the need for dwellings which are subject to occupancy conditions and if such conditions are no longer relevant the dwellings should not be kept vacant.

In terms of financial viability the property has been marketed since July 2013 at a 30 percent discount on the open market price on the basis that it is subject to the agricultural occupancy condition. The marketing report submitted states that there has been no interest from any individuals who can comply with the existing condition. The property was originally granted in 1991, I consider that the change in circumstances since the original permission was granted mean that the holding is no longer financially viable to support the dwelling.

I note the farmland is no longer managed by the applicant and therefore the functional need for an agricultural dwelling at the holding is also no longer required.

On the basis of this information this would demonstrate that there is no longer a need for a dwelling for an agricultural worker at this holding and therefore I consider that a removal of the condition is justifiable.

Recommendation:

Grant Consent to Remove Condition 5 of Planning Permission Number 1991/0127

Reasons for Decision

In the opinion of the Borough Council insufficient demand exists to justify the retention of the planning condition restricting the occupation of the dwelling. The removal of the condition would be in accordance with the advice as set out in the National Planning Policy Framework.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively

with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.