

Planning Statement

for

Anchor Farm, Elmhirst Lane, Dodworth, Barnsley, S75 4LD

Prism Agriculture Ltd



Removal of Agricultural Occupancy Condition

September 2019

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Background

The agricultural occupancy condition (condition 4) of the 13 July 2005 Householder Planning Consent (ref: B/05/0496/DO) for the property known as Anchor Farm states as follows:

“The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in horse breeding, agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.”

In April 2018 a Certificate of Lawfulness application (ref: 2018/0490) was submitted regarding a breach of the agricultural occupancy condition. The Certificate of Lawfulness was approved on 28 August 2018 on the basis that the occupiers of the dwelling had been in breach on the occupancy condition for over 10 years.

Following the Certificate of Lawfulness being granted in August 2018 the circumstances regarding the property have not changed (see below).

The details and the history of the occupiers of the property are as follows: -

- Mr Haywood and Ms McGuigan acquired Anchor Farm in 1992. Initially they lived in a caravan at the farm from 13 March 1999, and as of then the property became their home.
- The dwelling at the property is a house – planning permission was granted on 13 July 2005 and the house was built and watertight (roofed, doors and windows installed) by 24 December 2005 and was occupied by March 2006. The property comprises of the dwelling, grazing paddocks and associated buildings. The total land area of the property is circa 4 acres.
- The property is occupied by Mr Haywood, his partner Nicola McGuigan and their three sons (Mr Jimmy-Lee Haywood [19], Master Sonny Haywood [11] and Master Tommy Haywood [8]). Mr Jimmy-Lee Haywood works with his father and is a director of Silkstone 4x4.
- Mr Haywood farmed cattle, sheep and pigs at Anchor Farm prior to the foot and mouth outbreak in 2001. However, livestock movements were banned on 23rd February 2001 and thereafter the land area farmed, and livestock kept were reduced. He currently keeps some poultry, i.e. Guinea Fowl, Chickens and Geese, on the farm.
- Mr Haywood started breeding ‘Dales Cobs’ (pit pony type horses) in 2002 until May 2006. He had 15 brood mares and 1 stallion. The last foals were born in March, April, May and June 2007.
- From March 2007 there were no equestrian sales from the holding. All of Mr Haywood’s breeding horses were stolen in November 2007. Consequently, the horse breeding activity at Anchor Farm ceased when the horses were stolen.
- Mr Haywood has one old 21 year old brood mare as a pet, which is not used for breeding due to old age.
- Mr Haywood has been involved in the motor trade for 30 years. In 2000 he rented a Land Rover garage at Penistone which ceased trading at the end of 2014. Eight Land Rovers were transferred to Anchor Farm from the garage at Penistone to create an internet sales business in 2015, which goes by the name ‘Silkstone 4x4’. This business continues to operate from Anchor Farm. In 2002, Mr Haywood also owned a Land Rover garage at Millhouses which ceased trading in 2011.
- Following the construction of the house and agricultural buildings at Anchor Farm, Mr Haywood was left with a lot of locally sourced stone and architectural salvage. Consequently, He started the business ‘Silkstone Reclamation’ in July 2015, which trades in reclaimed stone and garden antiques. This business is registered to Anchor Farm, but sales are now from the rear of Cannon Hall Garden Centre.
- Mr Haywood’s main source of income since the farm land and livestock was reduced and the horse enterprise ceased has been from the motor trade business (i.e. Silkstone 4x4) at Anchor Farm, alongside income from Silkstone Reclamation.

- Mr Haywood's common-law wife, Ms Nicola McGuigan is a housewife and mother of their three boys, two of whom are aged under 12 years old (born 17/07/07 and 08/02/11).
- Alongside managing the family home Ms McGuigan is a part time administrator for Mr Haywood's businesses that he runs from Anchor Farm; Silkstone 4x4 and Silkstone Reclamation.
- The dwelling at Anchor Farm has been occupied in breach of the occupancy condition since November 2007 - when horse breeding at the property ceased following the horses being stolen.

Following the approval of the Certificate of Lawfulness on 28 August 2018 the property is able to be occupied lawfully by persons who are not involved in agriculture or forestry.

Paragraph 55 of the NPPF (as revised July 2018) states as follows regarding planning conditions: -

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

The above is known as the '6 tests' in the Planning Practice Guidance (Paragraph: 003 Reference ID: 21a-003-20140306).

The agricultural occupancy condition (Condition 4) of the Planning consent) no longer meets the tests, i.e. it is not enforceable, and therefore should be removed.

Conclusion

Given the history of the property, following the consent for the dwelling (as subject to the occupancy condition) and the Certificate of Lawfulness having been granted, it is considered that the agricultural occupancy condition (Condition 4) is now obsolete and serves no useful purpose, and therefore should be removed.

Referring to Paragraph 55 of the NPPF regarding planning conditions, and the '6 tests' in the Planning Practice Guidance, the agricultural occupancy condition is now no longer relevant because it is not enforceable.

As per the submission it is deemed that the application should be granted for the removal of the agricultural occupancy condition.