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Development Service
Barnsley Metropolitan Borough Council
PO Box 604,
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Dear Sir or Madam,

REMOVAL OF CONDITION 3 (AGRICULTURAL OCCUPANCY) FROM PLANNING PERMISSION REFERENCE: 85/0106/PU AT PENN HAVEN, HALIFAX ROAD, PENISTONE, S36 7EY

Please find enclosed a planning application for the removal of condition 3 of planning permission 85/0106/PU which is the enabling planning permission for the erection of the dwelling at Penn Haven, Halifax Road, Penistone.

Planning permission reference 85/0106/PU was granted on the 1st March 1985, and is subject to condition 3 which is a standard agricultural occupancy condition. The wording of condition 3 is as follows:

"The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed, in agriculture as defined in section 290(1) of the Town and County Planning Act, 1971, or in forestry (including the dependants of such a person residing with him), or widow or widower of such a person".

Planning policy guidance does provide for the removal of agricultural occupancy conditions from dwellings, where the condition has outlived its usefulness. The Barnsley Unitary Development Plan, adopted 2000 provides policy guidance in policy GS8C regarding the removal of agricultural occupancy conditions, quoted below:

"Where an agricultural occupancy condition has been imposed it will not normally be removed upon subsequent application unless it is shown that the long term needs for agricultural workers, both on the particular farm and in the locality, no longer warrant its reservation for that purpose".

Barnsley MBC also have in force a supplementary planning guidance note (SPG15) which relates to removal of agricultural occupancy conditions. The SPG broadly outlines the information required by the Local Planning Authority in order to make the assessment against UDP policy GS8C.

Essentially, UDP policy GS8C requires that two tests are satisfied, firstly, that there is no longer a need for an agricultural workers dwelling on the holding; and secondly there is no demand for agriculturally tied properties from qualifying occupiers in the wider locality.

Need for a Dwelling of the Agricultural Holding

In terms of the first test, this relates to the needs of the individual farm holding upon which the dwelling is situated. The SPG requires a statement from an agricultural consultant assessing the existing viability of the farm and its continuing need for an agricultural workers dwelling.

Penn Haven was granted planning permission in 1985 for an agricultural worker associated with Well House Farm. The applicant was Mr Arthur Stanley.

At the time of the application, Well House Farm was an operational dairy farming business by Mr Arthur Stanley and his son Paul. The farming business has since ceased to trade, and the farm buildings at Well House Farm have been converted to residential use. There is no longer a farming unit or any farm land attached to Penn Haven.

The current owners of Penn Haven (Mrs Angela Banks and Mrs Joanne Salmon-Bockin) inherited the dwelling from their father Arthur Stanley on his death in 2010. Given the existence of the agricultural occupancy condition, neither of the current owners qualify to reside in the dwelling due to their employment status being outside of agriculture.

In terms of the first test in policy GS8C, this is categorically passed, due to the fact that the dwelling is not connected to any farming enterprise.

Need for Agricultural Dwelling in the Wider Locality

In terms of the assessment of the need for agricultural workers dwellings in the wider locality, the applicants have followed the guidance within SPG15 in order to provide a realistic assessment of the demand for such property in the locality.

The property was placed on the market on 10th August 2012 at an asking price of £345,000. This price was set at a discount of 22.5% against an open market value without the agricultural tie in the order of £445,000. The discount applied reflects the range of discount suggested within SPG15.

The property has been advertised for sale continuously since 10th August 2012, with frequent advertisement in the Farmers Guardian and the Barnsley Chronicle. The range of adverts include: 7th September 2012 – Barnsley Chronicle, 12/10/12 - Farmers Guardian, 19/10/2012 - Barnsley Chronicle, 23/11/12 – Barnsley Chronical, 30/11/12 – Farmers Guardian, 21/03/2013 – Farmers Guardian and Barnsley Chronical, 17/05/2013 Farmers Guardian and Barnsley Chronical. Evidence of all advertising is included with the planning application.

The dwelling was also advertised for sale on the internet. All advertising and sales details show the agricultural occupancy condition.

Marketing reports have been produced by the Estate Agents, detailing all interest in the property. The marketing reports show that one person has viewed the property,

and one viewing was arranged then cancelled due to the agricultural occupancy condition.

Marketing and activity reports from the Estate Agents have been included with this planning application. The information shows that a serious and comprehensive marketing campaign for the property, with the presence of the agricultural tie has been carried out. The marketing campaign has been targeted at the appropriate market, and provides a significant discount on the open market value to reflect the tie, in accordance with the guidance in SPG15. The marketing campaign has clearly demonstrated the lack of demand for agricultural dwellings from qualifying occupiers in the locality.

This planning application includes robust information to demonstrate compliance with UDP policy GS8C and SPG15.

Kind Regards

Ian Pick

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