

2026/0553

Mr William Addy

Burntwood Hall Farm, Moor Lane, Brierley, Barnsley, S72 9HB

Removal of condition 3 (agricultural occupancy) of application B/80/0975/HR: Outline for proposed erection of farmhouse.

Site Description

The application site is to the south of Brierly outside of the settlement boundary. It lies directly east of the B6723 which leads towards Doncaster. The application site sits within a small residential unit which was previously farm buildings which have now been converted to residential use. Directly to the south of the farmhouse also lies Burntwood Court Care Home.

Planning History

80/0975 – Outline application for Erection of farmhouse – Approved

80/2010 - Erection of dwelling and double garage (reserved matters) – Approved

2016/1114 - Conversion and alterations/extension of 2 farm buildings to form 2 no residential dwellings. – Approved

2017/1181 - Conversion and alterations/extension of 2 farm buildings to form 2 no. residential dwellings (Listed Building Consent) – Approved

2021/0777 - Conversion and alterations/extension of 2 farm buildings to form 2 no residential dwellings – Approved

2021/1685 - Conversion and alterations/extension of 2 farm buildings to form 2 no residential dwellings (Listed Building Consent) – Approved

2024/0933 - Discharge of conditions 3, 4, 5 and 6 relating to application 2021/1685 (Conversion and alterations/extension of 2 farm buildings to form 2 no residential dwellings). (Listed Building Consent) – Approved

2024/1027 - Discharge of conditions 3, 4, 5 and 6 relating to application 2021/0777 (Conversion and alterations/extension of 2 farm buildings to form 2 no residential dwellings). – Approved

Consultations

Great Houghton Parish Council:
No comments received.

Darfield & Great Houghton Ward Councillors:
No comments received.

Assessment

The 'Removal of Agricultural Occupancy Conditions SPD' states that:

All planning applications for the removal of agricultural occupancy conditions should be accompanied by relevant information from which the Council can make a rational assessment of the long term needs for the agricultural workers dwelling, both on the particular farm and in the locality.

The onus for the provision of this information lies with the applicant and it should comprise:

- i. A statement from an agricultural consultant assessing the existing viability of the farm and its continuing need for an agricultural workers dwelling; and
- ii. A statement of the methods employed to dispose of the dwelling to which the conditions relate. In order to collate this information, the Local Planning Authority suggests the following guidelines be followed:
 - a. The property should be advertised for sale as an agricultural workers dwelling, at frequent intervals, for a period of at least 12 months in both the Farmers Guardian or Farmers Weekly and the local press. The sales literature and advertisements should clearly refer to the agricultural occupancy condition.
 - b. The sales price of the property should reflect the restrictive nature of the agricultural occupancy condition. Copies of all advertisements and details of all enquires from prospective purchasers (including occupancy and place of work) should be retained and submitted as part of the statement.
 - c. Prospective purchasers who consider they meet the requirements of the occupancy condition should be advised to contact the Council to establish their eligibility.

According to the supporting Planning Statement, the applicant spent 3 years marketing the dwelling. The sales particulars are included at appendix 4 in their submission and they detail the fact that the dwelling has an agricultural occupancy tie. The dwelling was not sold within the recent three year period and was taken off the market in January 2026 in order to resolve the issue of the occupancy condition.

In relation to point (i), the wider site, including the former agricultural buildings that were associated with the farm operation, has since been converted to residential use. The applicant has progressively reduced their farming activities over the past 20 years, having primarily worked as a digger driver while disposing of additional agricultural land and scaling back the remaining operation to a hobby farm. Given that the agricultural enterprise has substantially ceased and no longer operates as a commercial farming business, it is not considered necessary for the applicant to submit detailed financial information regarding the viability of the farm. In this case, the application seeks the removal of the agricultural occupancy condition due to the absence of an ongoing agricultural need, rather than on the basis of farm viability, and therefore such information is not considered material to the assessment of the proposal.

In relation to point (ii), whilst the property was not marketed in the specific agricultural publications referred to within the SPD, the available evidence demonstrates that the dwelling was actively marketed for sale for a substantial period of time, exceeding the timeframe set out in the SPD. The sales particulars clearly identified the existence of the agricultural occupancy condition, ensuring that prospective purchasers were made aware of the restriction. Despite this prolonged marketing exercise, the property failed to attract a purchaser and was subsequently withdrawn from the market in January 2026 to enable the applicant to pursue the removal of the occupancy condition.

It is acknowledged that the marketing exercise does not fully accord with the requirements of the SPD. However, significant weight is attached to the fact that the original decision notice imposing the agricultural occupancy condition is no longer available and, consequently, the precise wording of the condition cannot be confirmed. In the absence of the original decision notice, it is not possible to establish with certainty the extent of the restriction or to reasonably enforce compliance with its terms. In this instance, it is considered unreasonable to expect the applicant to further publicise the property in accordance with the SPD when the condition cannot be enforced.

Taking the above into account, it is considered that sufficient evidence has been provided to demonstrate a lack of demand for the property as an agricultural workers' dwelling. Given the

uncertainty surrounding the wording and enforceability of the condition, together with the unsuccessful marketing of the property over a prolonged period, there is adequate justification to support the removal of the agricultural occupancy condition. The application is therefore acceptable and is recommended for approval.

Recommendation - Approve