

I.S. Mills Associates

Architectural Design & Surveying Services

Telephone and Facsimile: Bicester(01869)246383
e-mail : ian.ismassociates@googlemail.com

Brookdale.
34 Bucknell Road
Bicester
Oxfordshire
OX26 2DG

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Project ref : 2310.

Nos 5, 7 & 8 Shackerley Lane, Cosford, Albrighton, WV7 3AB.

Grounds for removal of Agricultural Occupancy Condition.

The cottages form part of a small enclave of dwellings at Shackerley Lane, with 4 number detached homes.

Number 6 Shackerley Lane, which is in separate ownership, has been the subject of a recent application by others to removal the agricultural tie, planning reference 23/05167/CPE, granted on the 13th April 2023, setting a precedent for this submission.

The three cottages subject to these submissions are in the ownership of;
Numbers 5 and 8, Brian Parry;
Number 7, Martin Parry.

Originally, all four cottages formed part of an agricultural holding, Arthur Parry (farmers) Ltd, with Donnington Farm being the principal farmstead.

In 1967, a formal permission for development was granted for the erection of 4 number detached dwellings for agricultural workers, reference 75/67/851 (separate document), the approval dated 10th March 1967. This permission allowed for the demolition of the original cottages and replacement with the new dwellings. It is understood that the new dwellings were completed and occupied by 1969.

Condition 3 of the approval, stated that :

“Occupation of the dwellings shall be limited to persons employed, or last employed, locally in agriculture as defined in section 221(1) of the Town and Country Planning Act, 1962, or forestry, or dependants of such persons residing with them (but including a widow or widower of such a person)”.

It is not known or clear why this condition was attached as the original cottages being replaced did not have any agricultural residency tie on them at all.

In archives, there is also a certificate for permission for development of land, reference 8709, dated 3rd May 1954, which relates to alterations and additions to dwelling houses, which is assumed related to work to the original cottages that were replaced in 1967.

The original farm holding no longer exists, with the land and buildings split up and sections sold, whilst others areas retained and now owned by individual family members. As such, these cottages now do not form part of any registered agricultural holding.

In respect of the condition 3 of the approval for the current dwellings, this wording is considered very old fashioned, appropriate at the time, but considerably restricts the potential pool of persons who can be considered as being able to meet the agricultural tie. Generally and tested through case law, this tie/restriction was meant to be interpreted and mean occupancy within the parish where the dwelling is stated or in a neighbouring parish.

Since 1967, there has been considerable change in the planning act.

The change in ownership (following the disbursement of the original farm holding) was undertaken in June 2010. In separate documentation, each dwelling will identify occupation dates, tenants and their occupation/employment status.

It is evidently clear that each of the properties have not had any occupancy in line with the condition 3 of the approval, with employment in agriculture, each exceeding the statutory 10 year timeframe generally used to consider such removal of conditions, change of use, or certificate of lawful use.

In addition, the current owners have provided affidavits to confirm tenancy agreements, plus additional information to prove that in 2009, a copy of a letter to confirm that the properties were marketed for sale with no success.

The author of this statement and the agent for this submission can confirm that he was first involved on the original holding back in 2004. At that time, a visit was made to view first hand these cottages at Shackerley Lane, and he is aware that certainly since 2010, no occupier has had employment within the agricultural spheres of work.

In conclusion, it is clear that no agricultural tenancy has occurred for over 10 years, the usual timeframe accepted under planning legislation, plus the recent approval for no 6 Shackerley Lane, gives further evidence and confirmation to this and sets a precedent for planning to be granted for this certificate of lawful use.

Partners: I.S. Mills, L.J. Mills.