

Lower Church Farm, Speldhurst Hill,  
Speldhurst, Tunbridge Wells, Kent TN3  
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## Supporting Statement

11-13 High Street | Tunbridge Wells | Kent | TN11UL  
December 2023





## John Bullock Design

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## 1.0 Introduction

This document has been prepared by John Bullock Design on behalf of our clients to support a planning application in connection with a proposal to vary the agricultural occupancy condition at Lower Church Farm.

The site is subject to a lengthy planning history. In 1990 a chalet bungalow was erected by a previous owner (TW/90/0716), subject to an agricultural occupancy condition requiring the house to be occupied by someone solely or mainly employed, or last employed, in the location in agriculture. At this time the farm comprised an intensive calf-rearing enterprise (300 a year), 20 store cattle, and 400 free-range hens.

In 2003 (TW/03/200/FUL), the wording of this condition was amended under Condition 1, to an alternative Agricultural Occupancy Condition, to the effect that *“the occupation of the dwelling shall be limited to (a) a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 2336 of the Town and Country Planning Act 1990, or in forestry; or (b) a person solely or mainly employed in agriculture, or in forestry and in the operation of a commercial horse livery enterprise undertaken at Lower Church Farm, Speldhurst, or a widow/ widower of such a person or a dependant of such a person residing with him or her”*.

This allowed the equestrian use in conjunction with an agricultural activity to support the compliance with the condition.

In 2010 (TW/10/01201/FUL) an application was approved to vary the condition to:

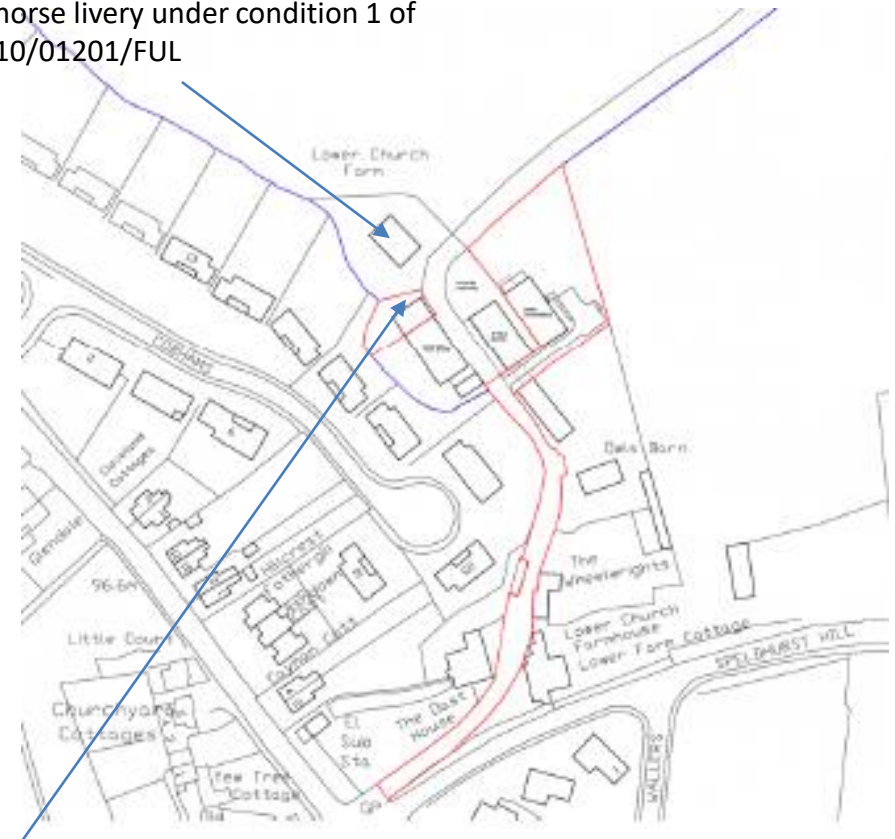
*“The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) and/ or in the locality in forestry and/ or in the operation of a commercial horse livery enterprise undertaken at Lower Church Farm, Speldhurst, or a widow/ widower of such a person or a dependant of such a person residing with him or her.*

*Reason: The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry area in accordance with Policies LBD1 and H9 of the Local Plan”.*

In 2020, planning permission was granted for the removal of existing outbuildings, conversion of agricultural barn C to residential use, conversion of part of the existing barn A to residential use, proposed alteration to existing stable building B. A revised application for this has recently been approved under 23/01411/FULL.

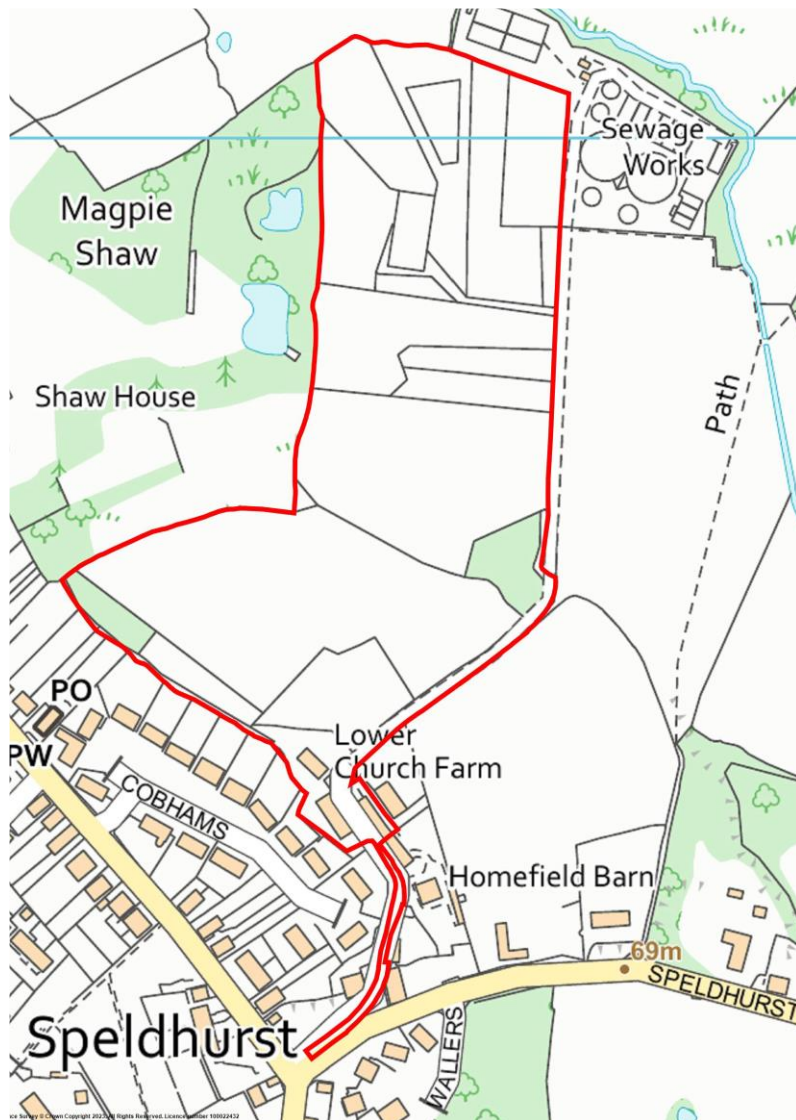
Given the difficulties faced with successfully marketing the existing 4-bedroom farmhouse with the Agricultural Occupancy Condition intact, which is demonstrating that the price range (with a 30% discount on the market price) is too high for potential purchasers who would satisfy the condition, it is proposed to transfer the agricultural occupancy condition to the 1-bedroom flat, approved in Barn A (20/01115/FULL).

Farmhouse currently required to be occupied by a person solely or mainly employed or last employed in the locality in agriculture/ forestry/ commercial horse livery under condition 1 of 10/01201/FUL



One bedroom flat – proposed to transfer Agricultural Occupancy Condition to relate to this property

## 2.0 Site Location



The site forms part of an Historic Farmstead and is located Outside of the Limits to Built Development (LBD), where the LBD boundary for Speldhurst is located immediately to the west of the site. The site falls within the Metropolitan Green Belt (MGB) and an Area of Outstanding Natural Beauty (AONB). The sites access point and track from Speldhurst Hill which serves the site partly falls within the Speldhurst Conservation Area and an area of Potential Archaeological Importance.

There are no proposals to amend these policy designations within the emerging Local Plan.

The land at Lower Church Farm mainly consists of grass, a livery yard, a manage, orchard and paddocks. The land extends to 5.82ha. The land is accessed by a concrete track located to the eastern boundary, which is within the applicant's ownership.

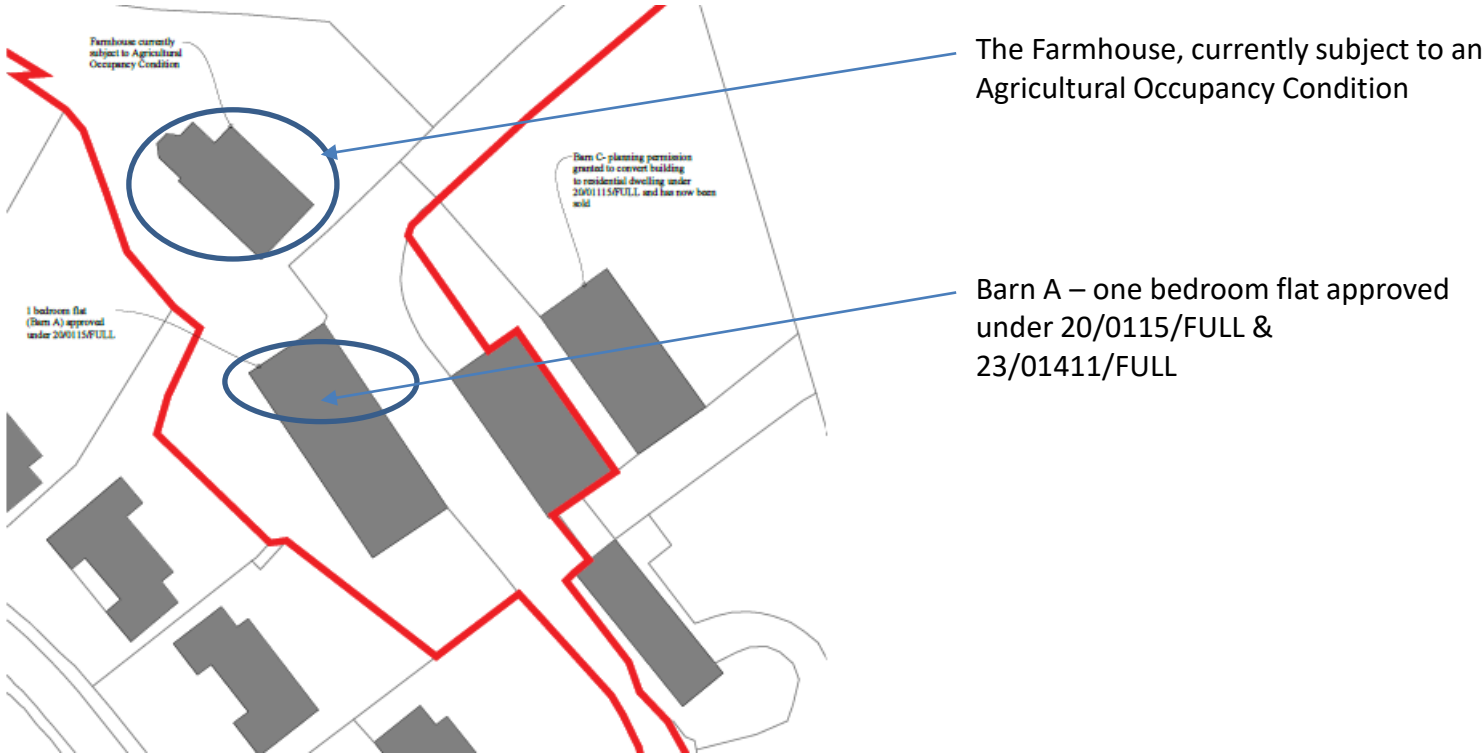
### 3.0 Existing Buildings

#### *The Farmhouse*

The building that is currently subject to the Agricultural Occupancy Condition (AOC) is a 5 bedroom chalet bungalow, approved under (TW/90/0716).

#### *Flat at Lower Church Farm*

In 2020, planning permission was granted for the removal of existing outbuildings, conversion of agricultural barn C to residential use, conversion of part of the existing barn A to residential use (1 bedroom flat), proposed alteration to existing stable building B:



## 4.0 Planning History

The site has a lengthy planning history. The following applications are most relevant to the proposal:

- |   |                                       |
|---|---------------------------------------|
| 23/01411/FULL   | Approved 22/09/2023                   |
| Conversion of agricultural barn (C) into residential use with rear patio area, Retrospective conversion of part of existing barn (A) into residential use, Alterations to existing stables (B), Removal of outbuilding, New fence, Associated landscaping |                                       |
| 20/01115/FULL   | Approved 24/07/20                     |
| Removal of existing outbuilding; Conversion of agricultural barn C to residential use; Conversion of part existing barn A to residential use; proposed alteration to existing stable building B   |                                       |
| 10/01201/FUL  | Approved 09/06/10                     |
| Variation of Condition 1 of TW/03/00200 - to allow either agricultural or livery activities   |                                       |
| 09/02709/CPD  | Refused 28/10/09                      |
| Lawful Development Certificate (Proposed): Compliance with condition of agricultural occupancy  |                                       |
| 07/03932/CPD  | Approved 04/01/08                     |
| Lawful development certificate - Proposed - Proposed equine and agricultural enterprises to be run from Lower Church Farm in order to comply with the occupancy condition   |                                       |
| 06/03220/CPD  | Planning Permission Required 01/12/06 |
| Lawful Development Certificate (proposed): Proposed farm plan for agricultural and livery use (condition 10 of TW/90/00716 as varied by condition 1 of TW/03/00200 refers)  |                                       |
| 05/02371/FUL  | Not Proceeded With 07/09/05           |
| Removal of agricultural restriction condition (TW/90/00716 refers) Refused 21/11/05 05/01949/FUL Removal of agricultural restriction condition (TW/90/0716 refers)  |                                       |
| 03/01866/FUL  | Approved 28/05/03                     |
| Relocation of sand school from site originally approved by TW/99/01283 Approved 01/10/03 03/00200/FUL Variation of Condition 10 - to include equestrian activities (TW/90/00716 refers)   |                                       |



03/00200/FUL Approved 28/05/2003  
Variation of Condition 10 – to include equestrian activities (TW/90/00716 refers)

99/01283/FUL Approved 01/12/99  
Change of use of part of land to sandschool & erection of a chicken house for 600 chickens and a conservatory

98/00985/FUL Approved 15/03/99  
Renewal of consent (TW/95/0239 refers) - stabling for up to 8 horses as a dual use in agricultural building

90/01660/REM Approved 15/02/91  
Reserved Matters - Agricultural dwelling

90/00716/OUT Approved 21/09/90  
Outline (means of access not reserved) - Agricultural dwelling

## 5.0 Proposals

In 1990 a chalet bungalow was erected by a previous owner (TW/90/0716), subject to an agricultural occupancy condition requiring the house to be occupied by someone solely or mainly employed, or last employed, in the location in agriculture. At this time the farm comprised an intensive calf-rearing enterprise (300 a year), 20 store cattle, and 400 free-range hens.

In 2003 (TW/03/200/FUL), the wording of this condition was amended under Condition 1, to an alternative Agricultural Occupancy Condition, to the effect that *“the occupation of the dwelling shall be limited to (a) a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry; or (b) a person solely or mainly employed in agriculture, or in forestry and in the operation of a commercial horse livery enterprise undertaken at Lower Church Farm, Speldhurst, or a widow/ widower of such a person or a dependant of such a person residing with him or her”*.

This allowed the equestrian use in conjunction with an agricultural activity to support the compliance with the condition.

In 2010 (TW/10/01201/FUL) an application was approved to vary the condition to:

*“The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) and/ or in the locality in forestry and/ or in the operation of a commercial horse livery enterprise undertaken at Lower Church Farm, Speldhurst, or a widow/ widower of such a person or a dependant of such a person residing with him or her.*

*Reason: The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry area in accordance with Policies LBD1 and H9 of the Local Plan.*

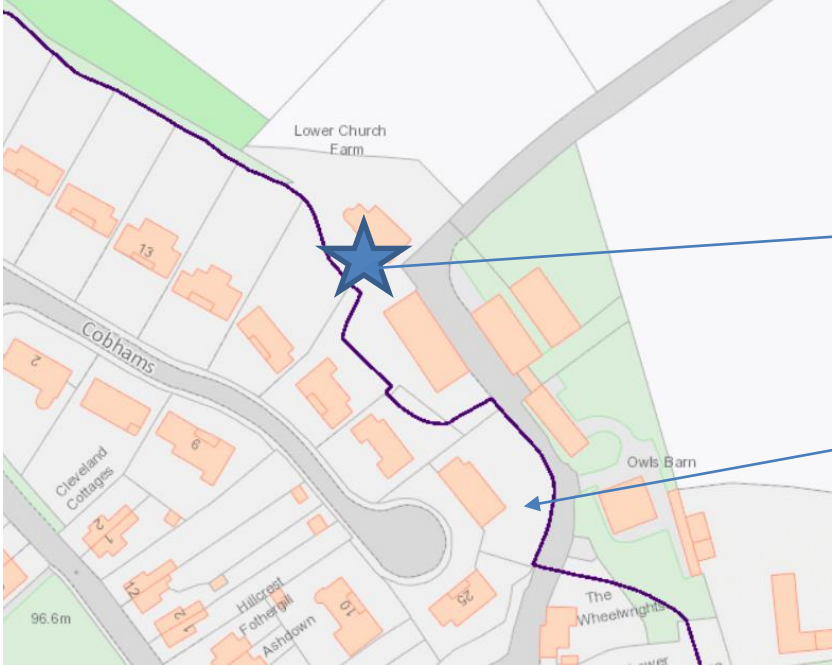
In 2020, planning permission was granted for the removal of existing outbuildings, conversion of agricultural barn C to residential use, conversion of part of the existing barn A to residential use, proposed alteration to existing stable building B. Work has now been completed to convert part of Barn A to a one-bedroom flat (Building Regulation ref: 21/04450/OTHBN).

Given the difficulties faced with successfully marketing the existing 5-bedroom farmhouse with the Agricultural Occupancy Condition intact, which is demonstrating that the price range (with a 30% discount on the market price) is too high for potential purchasers who would satisfy the condition, it is proposed to transfer the agricultural occupancy condition to the 1-bedroom flat, approved in Barn A (20/01115/FULL & 23/01411/FULL).

A 1-bedroom flat is a much more affordable price for an agricultural worker to be able to afford whilst satisfying the criteria of being mainly employed in agriculture/ forestry/ equestrian use of the associated farm or locally. This is particularly so, given the rising house prices and cost of living that have occurred recently in this part of the country.

The proposal would not result in any additional residential properties, and would therefore not harm the openness of the Green Belt. In addition to this, the property lies adjacent to the Limits to Built Development and would therefore not be harmful to the countryside.

The site is located adjacent to the Limits to Built Development of Speldhurst. Therefore, it does not lie within a remote location. Whilst the proposal will not result in an additional residential unit, the proposal will result in the delivery of sustainable development.



Application site

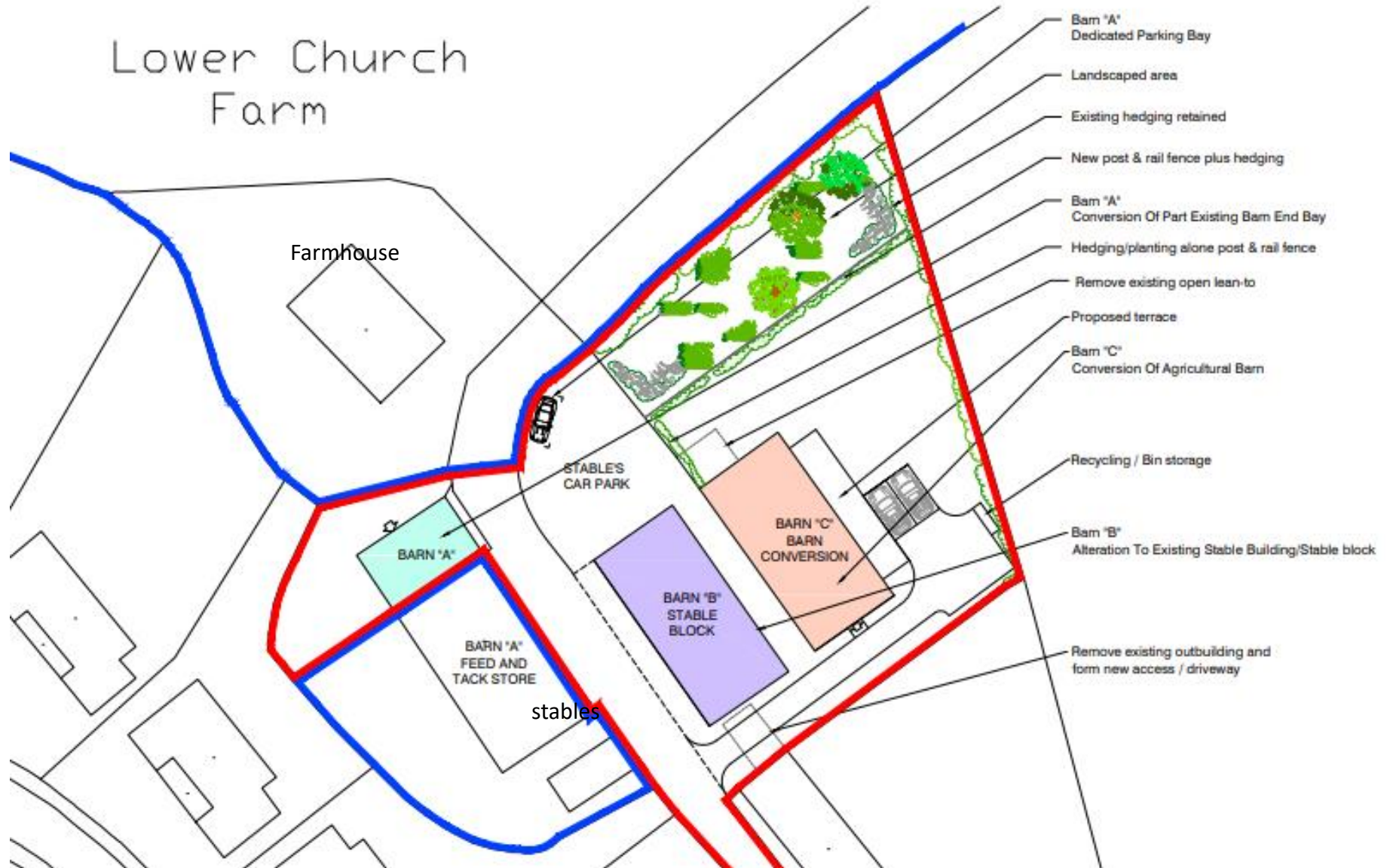
Boundary line showing Limits to Built Development



Housing backing onto site

farmhouse

The 2020 application (removal of existing outbuilding; Conversion of agricultural barn C to residential use; Conversion of part existing barn A to residential use; proposed alteration to existing stable building B) has reduced the capacity of the livery.



If a planning application were being made today for an agricultural worker's dwelling to support the land, a 5-bedroom house would be unlikely to be permitted to support that area of land.

With the site being adjacent to the Limits to Built Development, there are likely to be other affordable opportunities for residential accommodation within walking distance of the farm. Nonetheless, following the approval of 20/01115/FULL & 23/01411/FULL, there are 3 permitted dwellings on the site:

- The farmhouse (subject to the current AOC);
- A one-bedroom flat (referred to as Barn A, under 20/01115/FULL & 23/01411/FULL); and
- A residential barn conversion (referred to as Barn C, under 20/01115/FULL & 23/01411/FULL).

The supporting valuation, carried out by Lambert & Foster, demonstrates that despite the variation of the original agricultural occupancy condition, to include equestrian activities, and the fact that the buildings and sand school on site have been kept in good condition, the farmhouse (which has been valued at £922,000) is unlikely to be affordable for a farm equestrian worker. It is considered that the one-bedroom flat (which has been valued at £465,00) is an affordable property for such a worker, taking into account the extent of land owned by Lower Church Farm, and other farming/ forestry/ livery opportunities available locally.

The proposal will not result in an increase of residential units on the site. It will provide greater potential for the farm to be supported by an agricultural/ livery worker living on site, given that the flat will be more affordable by a worker farming the area of land within the site.

The proposal will not impact the appearance of the street scene or character of the rural area, nor will the proposal result in any harm to neighbouring residential amenity. The proposal will not have a detrimental impact upon the openness of the Green Belt given that it is not proposed to alter the built form.

## 6.0 Conclusion

In light of these considerations, it is considered that to provide the maximum opportunity for the owners of Lower Church Farm the potential to comply with the condition through future house sales, it would be reasonable to transfer the Agricultural Occupancy Condition that currently applies to the farmhouse, to relate to the one bedroom flat, and therefore the wording of the condition should be amended to:

*The occupation of the flat (as granted planning permission under application 20/01115/FULL & 23/01411/FULL) shall be limited to a person solely or mainly employed or last employed in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) and/ or in the locality in forestry and/ or in the operation of a commercial horse livery enterprise undertaken at Lower Church Farm, Speldhurst, or a widow/ widower of such a person or a dependant of such a person residing with him or her.*

*Reason: The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry area in accordance with Policies LBD1 and H9 of the Local Plan.*



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