



acorus[®]

**PROPOSED REMOVAL
OF AGRICULTURAL
OCCUPANCY CONDITION**

**ASSESSMENT OF NEED
ON THE HOLDING AND
IN THE LOCALITY**

PREPARED FOR

**Ms Rosie Cable
Threeways
Badingham Road
Laxfield
Woodbridge
IP13 8HT**

February 2024

PREPARED BY:

BRIAN BARROW BSc (Hons) MRICS
Rural Planning Consultant

ADDRESS:

Acorus Rural Property Services Ltd
Old Market Office
10 Risbygate Street
Bury St Edmunds
Suffolk IP33 3AA

TELEPHONE:

07774 972627

EMAIL:

brian.barrow@acorus.co.uk

CONTENTS

- Foreword**
- Summary**
- 1. Introduction**
- 2. Background**
- 3. Basis of Assessment**
- 4. Need on the Holding**
- 5. Need in the Locality**
- 6. Marketing of the Property**
- 7. Comparable Evidence on Agriculture in the Area**
- 8. Acorus Comments**

LIST OF APPENDICES

- Appendix 1: Decision Notice**
- Appendix 2: Independent Market Appraisals and associated documentation**
- Appendix 3: Property Sales Brochures**
- Appendix 4: Advertising evidence**
- Appendix 5: Property pages from Acorus Web Site**
- Appendix 6: Zoopla Property Group property performance report**
- Appendix 7: Direct Marketing**
- Appendix 8: Agricultural Statistics**

DISCLAIMER

This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

FOREWORD

This report has been written by Acorus Rural Property Services Ltd. The company trade as Chartered Surveyors and are governed by The Royal Institution of Chartered Surveyors rules of conduct.

SUMMARY

This report considers the need for an agricultural dwelling on the holding at Threeways, Badingham Road, Laxfield, Woodbridge, IP13 8HT.

Need on Holding

There is no agricultural business associated with the holding anymore. The dwelling is in separate ownership and not attached to any farm business. There was a small nursery enterprise on the site historically but this has gone. Therefore, it is concluded, that there is no need for an agricultural dwelling on the holding.

Need in Locality

Various methods can be employed to assess the need for an agricultural dwelling in a certain locality such as:

- efficient marketing of the property on the open market;
- direct marketing to local agricultural businesses; and
- identification of the type of agriculture in the locality and the associated labour requirements.

The above methods have been looked at in this case with the following results.

Marketing Campaign

The property has been marketed at an initial guide price of £280,000, reduced to £272,000, with the agricultural occupancy condition clearly emphasised.

One party requested particulars of the property during the marketing period of over 12 months along with a number of on -line views, however no in person viewings were requested or offers made.

Direct Marketing to Agricultural Businesses in the Locality

A questionnaire was undertaken relating to agricultural dwellings in the area around this property to ascertain potential demand.

No forms were returned as a result of this exercise and particulars.

It is concluded that there is no need in the locality.

1. INTRODUCTION

- 1.1 This report has been prepared at the request of Ms Rosie Cable the owner of Threeways, Badingham Road, Laxfield, Woodbridge, Suffolk, IP13 8HT.
- 1.2 The report has been written with the intention of outlining the facts considered relevant to the removal of the agricultural occupancy condition contained within planning permission by Mid Suffolk District Council reference W/10481 for 'Erection of bungalow' dated 22 October 1973. The permission was granted subject to conditions, one of which was an agricultural occupancy condition.
- 1.3 Condition 6 states:
- “The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined by Section 290 (1) of the Town and Country Planning Act 1971, or in forestry , or a dependent of such a person residing with him (but including a widow or widower of such a person).*
- 1.4 A copy of the decision notice can be viewed at **Appendix 1**.
- 1.5 The report outlines the facts related to whether there is a need on the holding or in the locality for the dwelling which is currently unoccupied.
- 1.6 The report should allow the Local Planning Authority to assess both issues related to the proposal to remove the agricultural occupancy condition.

2. BACKGROUND

- 2.1 Threeways is a two bedroom detached bungalow with good size garden, parking and detached garage.
- 2.2 The dwelling was permitted by Mid Suffolk District Council in October 1973 to serve an agricultural enterprise run from the holding at that time.
- 2.3 The applicant, Ms Rosie Cable, has occupied Greenways for around 5 years. The first 3 years was under a rental agreement until she purchased the property 2 years ago.

The property extends to one third of an acre of land with a couple of sheds. There was an old polytunnel, from which the previous owner grew plants to sell at the gate, which has been removed.

Ms Cable looked at whether she could undertake an agricultural enterprise from the property, however there is not enough land available to make an agricultural enterprise viable.

3. BASIS OF ASSESSMENT

3.1 This report considers the need for an agricultural dwelling in the surrounding area of Knaptoft and on the holding.

3.2 This report has been written with regard to National and Local Planning Policies.

3.3 National Planning Policy

National Planning Policy Framework (NPPF)

Paragraph 84, Rural Housing, within Section 5, Delivering a Sufficient Supply of Homes, of the NPPF states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

3.4 Paragraph 56, Planning Conditions and Obligations, within Section 4, Decision Making, of the NPPF states:

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. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

3.5 **Planning Practice Guidance**

(Updated 23 July 2019)

Use of Planning Conditions

Explains how conditions attached to a planning permission should be used and discharged effectively...

- Why and how are conditions imposed?
- What approach should be taken to using conditions?
- Conditions relating to time limits.
- The use of pre-commencement conditions.
- Discharging and modifying conditions once planning permission is granted.
- Deemed discharge.

3.6 The National Planning Policy Framework and Planning Practice Guidance only contain key aspects on the use of conditions. However, it is considered that if a condition can be proven to have outlived its usefulness it is no longer reasonable or necessary.

3.7 **Local Policy**

Local Policy

Policy LP05 – Rural Workers Dwellings of the Babergh Mid Suffolk Local Plan Part 1, Adopted November 2023 states:-

1. Where residential accommodation for a rural worker, outside settlement boundaries, is proposed, it must demonstrate the following:

- a) The essential need for residential accommodation to be located with the existing or proposed use;*
- b) There being no other suitable building(s) or nearby available residential accommodation to serve the proposal;*
- c) The enterprise has been established for at least three years and there is an agreed sustainable business plan to ensure the enterprise will remain financially viable for the foreseeable future;*
- d) New permanent accommodation can only be justified if the enterprise is economically viable and is likely to remain viable for the foreseeable future. Where the business has not been established long enough to demonstrate financial soundness, permission may be granted for a temporary dwelling in the form of a residential caravan, mobile home or other prefabricated structure which can easily be dismantled and removed from the site;*

- e) *The residential accommodation is proportionate in scale to the use proposed; and f) The proposal must not have an unacceptable impact on highway safety.*

4. NEED ON THE HOLDING

- 4.1 There is no agricultural business associated with the dwelling any more and there hasn't been for several years.
- 4.2 There is no requirement for an agricultural dwelling on the holding as there is no holding. The land only extends to one third of an acre.

5. NEED IN THE LOCALITY

There are various methods that can be employed to assess the need for an agricultural dwelling in a certain locality:

- i) Efficient marketing of the property.
- ii) Direct marketing to local agricultural/horticultural businesses.
- iii) Assessment of agriculture (including labour) in the county, how it has changed and resultant potential need.
- iv) Cases where other similar conditions have been removed indicating a lack of need in the locality.

6. MARKETING OF THE PROPERTY

6.1 Marketing campaign through an Estate Agent

Acorus Rural Property Services has marketed the property from February 2023 to February 2024.

An important aspect of marketing is price. An independent market appraisal is generally sufficient in order to arrive at an appropriate guide price. In this case, an independent market appraisal was obtained by Clarke and Simpson in January 2023 which gave an unencumbered value of £375,000.

After deducting a suitable discount to reflect the encumbrance of the condition, a guide

price of £280,000 was agreed with the applicants.

In our experience, a 25% discount to reflect the imposition of an agricultural occupancy condition is appropriate and used as an average guide. Allowing for offers, which in the residential market typically ranges from 5% to 10% below the guide price, increases this discount further. In the actual market place, discounts, to the extent they can ever be identified, vary. The key issue is judging what a compliant purchaser will pay. Often compared to a non-tied property, a 25% discount is substantial and is a good base for inviting offers.

The market valuation can be viewed at **Appendix 2**.

A guide price review was undertaken in August 2023 and an £8,000 price reduction applied giving a revised guide price of £272,000, which allowing for offers of say 5% gives an availability discount of circa 31%.

Overall, it is considered that the price of Threeways was set at the right level to encourage suitable offers.

A copy of the sales brochures for the property can be seen at **Appendix 3**.

As with any marketing exercise, the aim must be to ensure that the target 'audience' know the property is for sale. In this case the audience being those that satisfy the condition in the locality, although qualifying persons from everywhere are potential purchasers. The procedure outlined at Section 6.2 is particularly useful as part of this process.

In addition, however, national advertising was undertaken in the Farmers Weekly, Farmers Guardian and local advertising. See copies of adverts at **Appendix 4**.

All our properties are placed on our website throughout the marketing period and an example of this can be found at **Appendix 5**.

The property also appeared on the various property portals associated with the Zoopla Property Group which includes Primelocation.com. **Appendix 6** contains the Zoopla Property Group Property Performance Report.

6.2 Direct Marketing Campaign

Identification of 'the locality' is fundamental to a direct marketing campaign to assess the need for an agricultural dwelling in the locality.

It is our experience that many Local Planning Authorities are of the opinion that 'locality'

should generally reflect an approximate ten to fifteen minute drive to the furthest point from the subject dwelling. This is estimated to be an appropriate travelling time for an agricultural worker on his/her journey to work, bearing in mind he/she may be required at short notice. This equates to approximately 10 km (6.2 miles) from the property.

After identification of the locality, Acorus extracted a list of agricultural businesses in the area around this property from a publicly available database. This list contained a total of 26 holdings.

Each holding was contacted through a postal questionnaire which was designed to identify the need for an agricultural dwelling by individual agricultural businesses in the locality.

No forms were returned in response to this exercise.

All details of the Direct Marketing campaign can be viewed at **Appendix 7**.

6.3 Interested Parties

In total, all forms of marketing generated only 1 direct request for further details, this excludes the number of times the property details were viewed on-line via our website and Zoopla Property Group.

No viewings or offers were made.

7. COMPARABLE EVIDENCE ON AGRICULTURE IN THE AREA

Appendix 8 contains details of agriculture within the county of Suffolk, the information being extracted from DEFRA statistical data.

The figures for 2010 and 2021 show falls in the more labour intensive livestock like dairy and pigs

	2010 Nos	2021 Nos	
Total holdings	2,668	2,556	-4.0%
Poultry	8.16m	8.16m	0%
Pigs	407,000	390,000	-4%
Dairy	6689	2924	-56%

This will have an effect on the demand for agricultural dwellings and ability for people to comply.

This is shown in the labour figures. Total labour fell from 1,725 to 1,517 full time employees (minus 12%) over the same period. Persons employed in agriculture are very low especially as this figure is for the whole County. Numbers will have been expected to drop further during subsequent years where detailed data is not yet available.

8. ACORUS COMMENTS

The two key tests when looking at the removal of agricultural occupancy conditions are **'need on the holding'** and **'need in the locality'**.

8.1 Need on the Holding

There is no agricultural business or land associated with the holding and therefore no requirement for an agricultural dwelling.

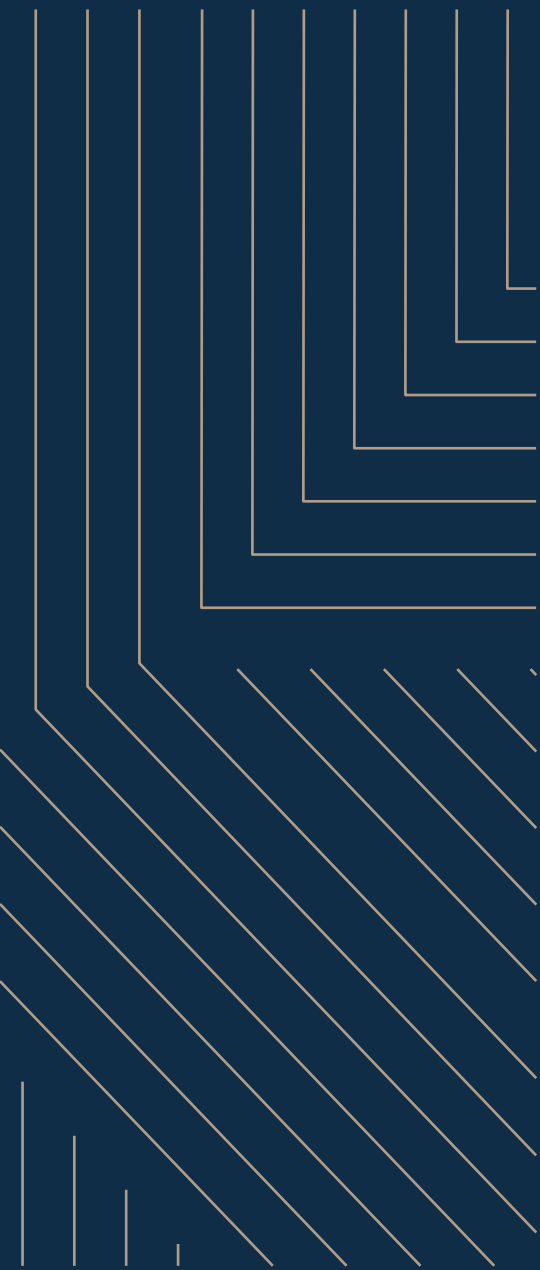
8.2 Need in the Locality

In this case a number of tasks have been undertaken to assess demand.

- a) Agricultural businesses have been contacted providing details of the property with a questionnaire to complete. The details specified no price and as such those that responded represented a fair reflection of interest for such a dwelling.
- b) The property was advertised nationally and locally on-line and in print during the marketing period.
- c) An assessment of agriculture (including labour) in the county was undertaken, how it has changed and the resultant potential need.

Only one direct request for further details were received and provided over the course of the marketing period excluding on-line enquiries with no requests made in response to the direct marketing. There were no viewings or offers on the property resulting from these.

Overall, it is considered that the activity undertaken over the course of the marketing period together with other evidence demonstrates there is no requirement for this dwelling in the locality.



acorus[®]

www.acorus.co.uk