



Mr David Pickering

**Removal of Condition 3
(agricultural occupancy condition)
of
planning permission W/80/492**

**Gracedieu Cottage
Lyons Farm
Rowington Green
Warwick
CV35 7DB**

February 2024

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Appendix A: W80/492 Notice of Decision

Appendix B: MAFF response on application W/80/492

Appendix C: Appeal decision re Hazel Head Farm, Arkendale

1 INTRODUCTION

- 1.1 This Planning Statement supports the planning application by Mr David Pickering for the removal of Condition 3 (agricultural occupancy restriction) of planning permission W80/492 which permitted the “erection of a farm manager’s house”, with the property now being known as Gracedieu, Lyons Farm, Rowington Green, Rowington, Warwick, CV35 7DB. Removal of the condition would therefore create an unrestricted open-market dwelling.
- 1.2 Our Statement comprises the following sections:
- this section which sets out the background to the current application;
 - Section 2 which sets out the planning policy context which is most relevant to the proposed removal of the occupancy condition;
 - Section 3 which considers the main issues arising from the application; and
 - Section 4 which sets out our conclusions.

Background to the current application

- 1.3 Gracedieu Cottage is a two-storey detached house which lies on the western side of the access to Lyons Farm, both of which lie within the built-up area of Rowington Green, as defined within the adopted Warwick District Local Plan (2017).
- 1.4 At the time of planning application W/80/492, Lyons Farm was in the ownership of a company called Andrews Farms Ltd. At that time the farm extended to 216 acres and the company intended to develop a new dairy enterprise at the farm, with the then recently consented very large cow shed being able to accommodate a herd of 130+ cows (application reference W/80/0411). The granting of planning permission for the farm manager’s house reflected the need for a farm manager to live on-site and to be readily available to look after the large dairy herd.
- 1.5 Condition 3 of the W/80/492 consent states:

“The occupancy of the dwelling shall be limited to persons solely or mainly employed or last employed locally in agriculture, as defined in Section 290 (1) of the Town and Country Planning Act 1971, or in forestry, or the dependant of such persons residing with him (but including the widow or widower of such person).”

Reason: The site is within the West Midlands Green Belt, and the development is only permitted to meet the needs of agriculture, forestry or of the rural community, in accordance with the Green Belt policy, as defined in the County Structure Plan.”

- 1.6 A copy of the Notice of Decision for application W/80/492 is attached at Appendix A for information.
- 1.7 The farm manager's house was subsequently constructed and is now known as Gracedieu Cottage. Its location in relation to other buildings within the vicinity is shown within Image 1 below.

Image 1: Gracedieu Cottage



- 1.8 The current applicant, Mr Pickering, purchased Lyons Farm in 2010. The purchase comprised the farmhouse and farm buildings including Gracedieu Cottage, and 96 acres of land. The remaining acres of the previous 216 acre holding were sold to other parties.
- 1.9 Since 2010 Mr Pickering's 96 acres have been in mixed arable and pastureland use, being let to an adjoining farmer. The grazing is by sheep, with there being no dairy herd or cattle on the land.
- 1.10 Mr Pickering has recently been granted planning permission for the redevelopment of the underused agricultural buildings within the Lyons Farm site to provide three dwellings, application W/23/1705, see Image 1 above.

- 1.11 Gracedieu Cottage has been continuously let since 2010 to a succession of tenants, none of whom met the requirements of Condition 3 of W/80/492. In the light of this and the fact that the condition no longer serves a planning purpose, Mr Pickering has decided to apply for removal of the agricultural tie from the Cottage.
- 1.12 The removal of the occupancy condition will also allow a loan to be raised against the property to help fund the construction of three new houses permitted by application W/23/1705.

2 RELEVANT PLANNING POLICY

- 2.1 In this section we outline the planning policy context against which the proposed removal of the occupancy restriction must be assessed.

National planning guidance

- 2.2 The latest version of the Government's National Planning Policy Framework (NPPF) was published in December 2023. Paragraph 11 sets out a *"presumption in favour of sustainable development"* and requires that proposals for sustainable development which accord with the development plan *"should be approved without delay"*.
- 2.3 The NPPF also sets out the Government's objective of *"significantly boosting the supply of homes"*.
- 2.4 To achieve a sustainable pattern of development, paragraph 84 of the Framework requires that *"planning authorities should avoid the development of isolated homes in the countryside"* unless one of several exemption categories applies, including:

"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."

- 2.5 The Framework also sets out the requirement for the use of planning conditions, with paragraph 56 requiring that 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."

- 2.6 The NPPF provisions are confirmed in the Government's National Planning Practice Guidance which repeats the requirement that planning conditions should only be used where they satisfy the following tests:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Enforceable
5. Precise; and
6. Reasonable in all other respects."

Local planning policy

- 2.7 The adopted development plan covering the application site is the Warwick District Local Plan 2011-2029 (adopted 2017). Policy H1 *'Directing New Housing'* sets out the planning authority's approach to locating new housing development, advising that the following locations for new housing will be acceptable in principle:

¹ Paragraph 60

- within the Urban Areas;
 - within allocated housing sites;
 - within the boundaries of Growth Villages and Limited Infill Villages, and
 - in 'open countryside' where the site is adjacent to the boundary of an urban area or growth village.
- 2.8 Gracedieu Cottage lies within the village boundary for Rowington which the Local Plan identifies as a Limited Infill Village.
- 2.9 Clearly, Policy H1 relates principally to the construction of new houses, rather than the lifting of an occupancy restriction on an existing house. However, the policy is relevant as, if approved, the application will result in the creation of an open market dwelling.
- 2.10 Also relevant is Local Plan Policy H12 '*Housing for Rural Workers*' which states that:
- "permanent housing for rural workers in the open countryside will be permitted where applicants can demonstrate that there is an essential need to live permanently at or near their place of work"*.
- 2.11 In assessing this need, the planning authority will consider whether:
- a) *"there is a clear functional need for the applicant to be readily available on site at most times;*
 - b) *the worker is fully or primarily employed on the site to which the proposal relates;*
 - c) *the business is financially sound and has a clear prospect of remaining so;*
 - d) *the dwelling sought is of an appropriate size; and*
 - e) *the need cannot be met by "other existing accommodation in the area"*.
- 2.12 Policy H12 only applies to proposals for new rural worker's dwellings within the open countryside – which Gracedieu Cottage is not.
- 2.13 The Local Plan does not contain any guidance regarding the removal of agricultural occupancy conditions but it is reasonable to assume that any such assessment should be informed whether the property lies within the open countryside and whether any of the justification arguments are still applicable.

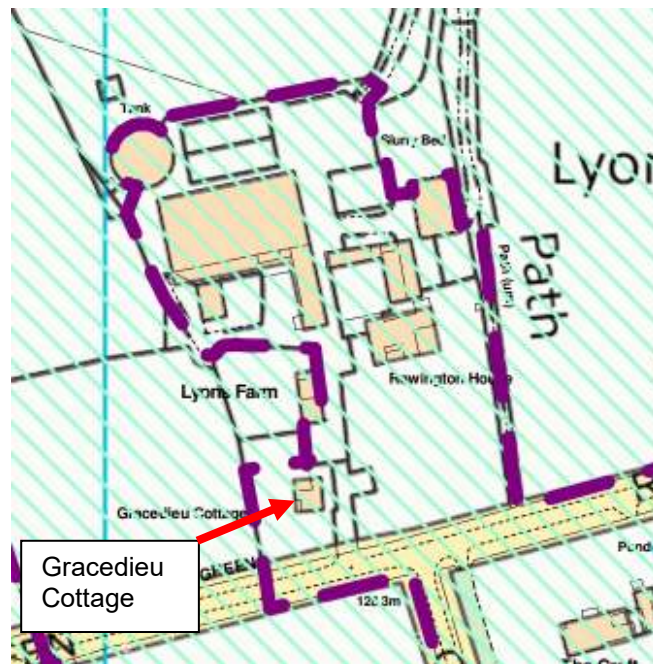
3 MAIN ISSUES

- 3.1 Taking account of the planning policy set out in Section 2, for the occupancy restriction to remain in place the restrictive condition would have to meet all of the six tests set out in national planning policy. In particular, the condition must be shown to be still “*necessary*” and “*reasonable*” i.e. it would have to serve a useful planning purpose.
- 3.2 The reasons why we consider the occupancy restriction to be no longer necessary or to serve a useful planning purpose are set out below.

The proposal is compatible with Local Plan Policy H1

- 3.3 As noted in Section 2, Local Plan Policy H1 seeks to direct housing development to sustainable locations, one of which is within the defined boundaries of Limited Infill Villages. Rowington Green is identified as one such village and Gracedieu Cottage lies within the defined boundary, see Image 2 below.

Image 2: Rowington Green Village Boundary



- 3.4 Lifting of the restriction would therefore not result in a market dwelling in an isolated or open countryside location.
- 3.5 Retention of the occupancy condition therefore serves no purpose.

The agricultural enterprise which justified a need to live on-site no longer exists

- 3.6 Notwithstanding that the property does not lie within an open countryside location, Local Plan Policy H12 sets out the circumstances which are required to justify an agricultural worker's dwelling. None of these circumstances apply to the current situation at Gracedieu Cottage. In particular there is no functional need whatsoever for somebody to live on site.
- 3.7 'Functional need' is described at paragraph 4.83 of the Local Plan as whether it is essential *"for one or more workers to be readily available at most times, both during the day and night"*. The W/80/492 case for a need to live on-site was predicated on the needs of a much larger holding, 216 acres, and on an intensive dairy farm operation. In accepting that there was a functional need to live on-site, the response of the Minister of Agriculture, Fisheries and Food (MAFF) referenced the keeping of over 132 cattle, with over-wintering within the large cow barn. The full text of MAFF's response is set out at Appendix B².
- 3.8 However, the 216 acres dairy farm holding on which MAFF's advice was based no longer exists. The majority of the land has been sold off and no cattle have been kept on the remaining 96 acres since Mr Pickering purchased Lyons Farm in 2010. Furthermore, the agricultural buildings that theoretically might accommodate such a large number of cattle are shortly to be demolished, following approval of planning permission for the redevelopment to provide three new dwellings, application reference W/23/1705.
- 3.9 The only agricultural activity which currently takes places on land within Mr Pickering's ownership is cereal crops and pastureland for sheep, something which does not require a functional need to live on-site.
- 3.10 Notwithstanding the above, were there ever a functional need to live on-site for agricultural purposes, Mr Pickering's property Lyons Farmhouse provides the opportunity to do so.
- 3.11 Therefore, the enterprise which gave rise to the need for the agricultural worker's dwelling no longer exists.
- 3.12 There is therefore no demonstrable need for a rural worker to live on the site and Gracedieu Cottage is no longer required to provide such accommodation.
- 3.13 The occupancy condition therefore serves no useful purpose and is neither reasonable nor necessary.

² At the time of writing, it is not possible to obtain prints from the District Council's microfiche records for this historic application. The text is therefore taken from photographs of the microfiche. The text is not always clear but every attempt has been made to reflect the wording as accurately as possible.

Whether the tied house could serve the needs of any other rural worker

- 3.14 There is no reference within Policy H12 or the supporting text to the need to provide specific support for lower cost housing for agricultural workers. The purpose of agricultural ties is for the efficiency and operation of agriculture: it is not to secure low-cost housing for agricultural workers. Consequently, there is no need to market the property as being potentially available to other rural workers.
- 3.15 The potential need to conduct a marketing exercise to establish if any interest exists from rural workers in a wider area was considered in a recent appeal relating to the lifting of an agricultural tie on a property in Arkendale in Yorkshire, a copy of which is set out at Appendix C. The Inspector concluded that in the absence of a specific Local Plan policy requiring marketing, that such a requirement would not be justified, stating:
- “However, the Council conceded that there is no policy requirement or other guidance which stipulates that a marketing exercise is required to be undertaken in order to lift an agricultural occupancy condition. Moreover, at the Hearing, the Council was unable to indicate what size of area would reasonably constitute the locality in the sense it is used in the disputed condition. As such, there is no published information to advise an applicant that a marketing exercise is required, or what the parameters of such an exercise would be.”*
- (paragraph 23 of Inspector’s decision)
- 3.16 As noted above, there is no such marketing requirement or policy set out in the Local Plan.
- 3.17 Notwithstanding the above, if Local Plan policy supports marketing exercises to indicate wider need, these typically relate to properties that lie in isolated open countryside locations where the removal of an agricultural tie would result in an isolated unrestricted policy in an unsustainable location. For the reasons previously outlined, such an argument clearly does not apply in the case of Gracedieu Cottage.
- 3.18 We also refer to part e) of Policy H12 which states that a rural worker’s dwelling in open countryside will only be justified if *“the need cannot be met by other existing accommodation in the area”*. Given that there is no functional need to live on site and that the application house immediately adjoins a large number of houses within Rowington Green and Rowington, there is a choice of alternative accommodation within the area. Gracedieu Cottage therefore offers no special locational advantage over any other house within the vicinity.

4 CONCLUSION

4.1 The proposed removal of Condition 3, the agricultural occupancy restriction, of planning permission W/80/492 is compatible with planning policy as:

- Gracedieu Cottage lies within the defined village boundary and does not lie in an open countryside or isolated location.
- The proposal therefore benefits from the “*presumption in favour of sustainable development*” set out at paragraph 11 of the NPPF.
- The lifting of the occupancy condition would therefore also be compatible with Local Plan Policy H1, part c) of which supports new housing within defined village boundaries.
- The enterprise which gave rise to the need for an agricultural worker’s dwelling no longer exists and there is no demonstrable need for a rural worker to live on the site.
- In addition, the main agricultural buildings within Lyons Farm are shortly to be demolished following the granting of planning permission W/23/1705.
- Given the sustainability of the site and the range of available housing nearby there is no need to demonstrate any ‘wider need’ to retain the site for other rural workers.
- Even if the planning authority disregarded these considerations, it has been held in a recent appeal that such a marketing exercise is unjustified in the absence of a particular and specific Local Plan policy setting out such a requirement in detail. There is no such policy within the current Local Plan.

4.2 For all of the above reasons, we consider that the agricultural occupancy condition is neither reasonable nor necessary and its retention will not serve any useful planning purpose.

4.3 We therefore request that planning permission be granted.