

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2018	Item No: 5.5
Report Originator	James Wilson Development Officer	Application No: KET/2018/0442
Wards Affected	Welland	
Location	Bowd Lodge Farm, Desborough Road, Stoke Albany	
Proposal	s.73 Application: Removal of condition 6 of KE/82/65 in respect of agricultural tie	
Applicant	Mrs S Mason	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED

1. The existing provision for a garage and hardstanding together with space for the parking of at least one additional vehicle clear of the highway shall be kept permanently available for ancillary parking purposes at all times.

REASON: To ensure the relevant provision is retained and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0442

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KE/82/065,, Erection of Farm workers dwelling at O.S 6885, APPROVED,, 08.06.1982

Site Description

Officer's site inspection was carried out on 15/06/2018.

The site is a residential plot with a large 4 bedroom detached property and garage located in the middle of the site which is approximately 0.55 acres in size. The plot is within the parish of Stoke Albany approximately 1.2 miles south of the village of Stoke Albany and 1.5 miles north of Desborough. The property was constructed in the early 1980s and is located adjacent to a farmstead and other residential property to the south, otherwise it is completely surrounded by agricultural fields.

Proposed Development

The proposal is for the removal of condition 6 of the original planning permission (KE/82/065) which ties the dwelling to agricultural farm workers.

Any Constraints Affecting the Site

Outside village boundary

4.0 Consultation and Customer Impact

Stoke Albany Parish Council

Objection – believes there is still good reason to retain the agricultural nature of properties within the village.

Neighbours

No response received

5.0 Planning Policy

National Planning Policy Framework

Section 3: Supporting a Prosperous Rural Economy

Section 6: Delivering a Wide Choice of high Quality Homes (Para 55)

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: North Northamptonshire Place Shaping Principles

Policy 13: Rural Exceptions

Local Plan

RA5. Rural Area: Housing in the Open Countryside

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
- 2 The impact on the availability of residential accommodation for agricultural workers.

1. The principle of the development

The principle for the development of a residential dwelling in this location was established through the approval of the original planning application on the site, referenced KE/82/65. This was subject to a condition limiting its occupation to '*a person solely or mainly employed or last employed in the locality in agriculture..*' to protect against unrestricted development within the open countryside. Policy RA5 of the present Kettering Borough Local Plan (adopted 1995) provides the current justification for an agricultural tie condition together with Policy 13 of the North Northamptonshire Joint Core Strategy.

The applicant's agent has submitted information stating that the original occupier of the property for whom the house was built passed away in 2016. His widow has continued to occupy the property as an agricultural worker's widow until now deciding to sell the property on the open market. There is no further requirement within the family to occupy this property with a member being solely or mainly employed in agriculture and the agent provides evidence that the property is no longer associated with an agricultural holding or any farmable land.

S73 of the Town and Country Planning Act 1990 allows for applications to vary or remove conditions associated with a planning permission. If the circumstances for the imposition of a condition have changed since it was originally required then it is relevant to review evidence in this regard and to assess whether the continued justification for the condition remains in place. If the assessment is that it is not, then the principle to allow the dwelling to be occupied by others not linked to agricultural employment is likely to be acceptable.

2. The impact on the availability of residential accommodation for agricultural workers.

The application property, Bowd Lodge Farm, is no longer occupied by agricultural workers and the widow of the original occupier wishes to relocate. The property has been actively marketed on Rightmove, Zoopla, Primelocation and the agent's own website (Berry's – a rural property

practice) since 24/04/2017. The property has been marketed at 30% below the guide price for open market residential properties to reflect the agricultural tie condition. The advertising makes explicit that the occupation of the property is subject to an agricultural tie. There have been a total of 5 viewings of the property during this 13 month period and none of the prospective buyers complied with the occupation restriction.

The agent has confirmed that “there has been no agricultural land associated with Bowd Lodge Farm since 2013”.

The son of the original occupier has his own agricultural business and continues to farm the land around Bowd Lodge Farm under a tenancy with Rockingham Estate. He does not require this property for his own purposes or other agricultural workers he employs.

The agent concludes that there is a lack of demand for this size of property in the Stoke Albany area and the removal of the condition will allow the property to be sold more easily at a fair market value.

The Parish Council objects to the proposals stating they believe there is good reason to retain agricultural properties in the villages.

However, the evidence suggests that there is no direct demand for the property for agricultural workers either from the original occupiers, and the business that employed them, or the current farmers of the land. The property has been marketed for in excess of 12 months at a price which reflects the agricultural tie condition and there has been very limited interest and none from people who would comply with the condition. The property has been marketed on both residential and a specialist rural property websites without success.

Further information has been supplied by the agent in respect of the valuation of the property to support the marketing guide price of £390,000. The report indicates that during the period 25th May 2017 to 21st August 2018 the average asking price of 120 properties within the LE16 8PT postcode area was £541,000. The agents (Berry's) have therefore applied a 30% discount on the market asking price and then adjusted this by £10,000 to allow for negotiation. In doing so the price was adjusted to reflect the agricultural tie, however, there were no offers from individuals or families who are linked locally with working the land. A further factor in relation to the viability of this restriction is raised by the agent in the fact that there is no land which could be available or owned by the present occupier as part of a farm or agricultural holding. The property is not part of an available agricultural, forestry, or horticultural unit and therefore will be less attractive and necessary for agricultural workers.

Consequently, there is unlikely to be an impact on the availability of accommodation for agricultural workers arising from these proposals and therefore it is recommended that condition 6 requiring the continuation of the agricultural tie can be removed.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with their Development Plans unless material planning considerations indicate otherwise. In light of the above the proposal is considered to comply with the Development Plan and is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: