

**APPLICATION NO** PA/2022/1684

**APPLICANT** Lisa White

**DEVELOPMENT** Planning application to remove condition 2 of 7/1979/1026 to allow for occupation of the dwelling other than by a person solely or mainly employed, or last employed, in agriculture

**LOCATION** Bridge Farm, Butterwick Road, Messingham, DN17 3PA

**PARISH** Messingham

**WARD** Ridge

**CASE OFFICER** Scott Jackson

**SUMMARY RECOMMENDATION** **Grant permission**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Messingham Parish Council

## **POLICIES**

**National Planning Policy Framework:** Section 5

**North Lincolnshire Local Plan:** Policies RD2, RD12 and DS1 apply.

**North Lincolnshire Core Strategy:** Policy CS3 applies.

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023. Policies SS1, SS2, SS3 and SS11 apply.

## **CONSULTATIONS**

**Highways:** No objection or comments.

**LLFA Drainage:** No objection or comments.

**Environmental Protection:** No objection or comments.

## **PARISH COUNCIL**

Object on the grounds that the site is part of an existing agricultural business.

## **PUBLICITY**

A site notice has been displayed; no comments have been received.

## ASSESSMENT

### Planning history

- PA/2019/702 Application for a Lawful Development Certificate for an existing use as a dwellinghouse (Use Class C3) in breach of a planning condition – refused 02/02/2021
- PA/2007/1209 Application for determination concerning prior approval of the siting and appearance for the relocation of a portal-framed farm shed – not required 15/08/2007
- PA/2003/1908 Planning permission to change the use of a disused barn into a workshop for repairing touring caravans and caravan sales – refused 29/03/2004
- PA/2002/0694 Planning permission to remove conditions 2 (discontinuance of use by 31 July 2002), 3 (no more than 30 caravans) and 4 (construction of internal access road and hardened surface to storage area) of planning permission PA/1999/0582 dated 23/07/1999 – approved 06/09/2002
- PA/1999/0582 Planning permission to change the use of part of a smallholding to an area for touring caravan storage – approved 23/07/1999
- PA/1998/1109 Planning permission to use two existing ponds for public fishing. – approved 23/10/1998
- 7/1986/0689 Planning permission to retain the use of land for the parking of two lorries – approved 11/12/1986
- 7/1992/0218 Allow the parking and operation of four HGVs – approved 14/05/1992.

The application site comprises a detached bungalow located outside the defined settlement boundary for Messingham, in close proximity to Catchwater Crossroads. The land surrounding the bungalow is used for various purposes including caravan storage and fishing ponds. The bungalow is located to the west of the vehicular access (from Butterwick Road) and the site is well screened by an existing line of mature trees and hedges along all of its boundaries, particularly along its northern and western sides and by an area of woodland planting to the south. Planning permission is sought to remove condition 2 of 7/1979/1026 to allow the dwelling to be occupied by people who are not solely, mainly or last employed in agriculture.

**The main issues in the determination of this application are the principle of development and whether the removal of the agricultural occupancy condition is acceptable in principle.**

### Principle

Policy RD2 of the North Lincolnshire Local Plan states that development in the open countryside will only be permitted subject to specific criteria set out within the policy. The development proposals relate to an existing dwelling in the open countryside and as such it is considered that policy RD2 is relevant to the principle of development to the extent it relates to development being essential to the efficient operation of agriculture and that

diversification of an established agricultural business has previously taken place at the site. In this case the proposal relates to the potential removal of an agricultural occupancy condition and policy RD12 of the North Lincolnshire Local Plan is the most relevant policy to consider in this regard.

### **Removal of condition**

Planning permission is sought to remove condition 2 from the 1979 planning permission, which relates to agricultural occupancy and reads as follows:

“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 290 of the Town and Country Planning Act 1971, or in forestry or a dependant of such a person residing with him, (but including a widow or widower of such a person).”

Policy RD12 of the North Lincolnshire Local Plan applies and sets out the criteria for the removal of agricultural occupancy, stating that the local planning authority will only consider the removal of an agricultural occupancy condition if conclusive evidence is submitted by way of an independent report that includes:

- (i) a substantiated reason why there is no longer a justified need for an agriculturally tied dwelling on the holding; and
- (ii) evidence of attempts made to sell the dwelling at a price which reflects the effect of the occupancy condition on the property market for the twelve months prior to the application being made to remove the condition.

The supporting statement submitted with the planning application makes reference to the recent refusal of a Certificate of Lawful Development (PA/2019/702) which was refused on 2 February 2021 on the basis the supporting information failed to demonstrate that the applicant wasn't last employed in agriculture and therefore the existing use as a dwellinghouse had not been occupied in breach of an agricultural occupancy condition for a continuous period of 10 years immediately preceding the date of the application.

Notwithstanding the refusal of the Certificate of Lawful Development, the supporting statement sets out the case of the applicant, which relates to their changing circumstances and the advertising exercise they have undertaken to meet the guidance within policy RD12. The report states the applicant has not farmed the land associated with the farm holding for a number of years, there are changing circumstances in that the applicant's father (who was the farmer established in the family) has passed away, the site on which the dwelling is located is used for HGV and caravan storage, and the applicant only derives a small income from the rental of some farmland (extending to 45 acres) external to where the dwelling is located. The report goes on to state the applicant accepts they derive a small amount of their income through the rental of arable farmland, but the rental of this land has not included any demand for the farmhouse on the site (from those who rent the land) and the majority of the income is derived from the caravan and HGV storage.

In terms of the second part of satisfying policy RD12, the applicant has undertaken a marketing exercise for the year beginning 21 September 2021, and this shows the dwelling was advertised with a 30% reduction in the valuation, taking into account the effect of the agricultural occupancy condition. This is supported by a separate letter from an estate agent which confirms there was some interest during that period but only one firm offer was

received; this was withdrawn due to a combination of the potential purchaser not understanding the effect of the occupancy condition and being unable to finance the purchase with a traditional mortgage.

Furthermore, no comments or objections have been made by the Lead Local Flood Authority, Environmental Health or the Highways department of the council.

Whilst the applicant still derives some income from the rental of farmland, it is considered that a clear and substantiated reason why there is no longer a justified need for an agriculturally tied dwelling on the holding has been put forward with the planning application and that the property has been marketed for the period permissible under policy RD12 with the effect of the occupancy condition being taken into account. The dwelling on the site is no longer associated with agricultural activity, the buildings and land around it being used (and subsequently generating an income) from non-agricultural-related operations. To this end it is considered the application complies with policy RD12 and it has been demonstrated to the satisfaction of the local planning authority that the agricultural occupancy condition can be removed in this case.

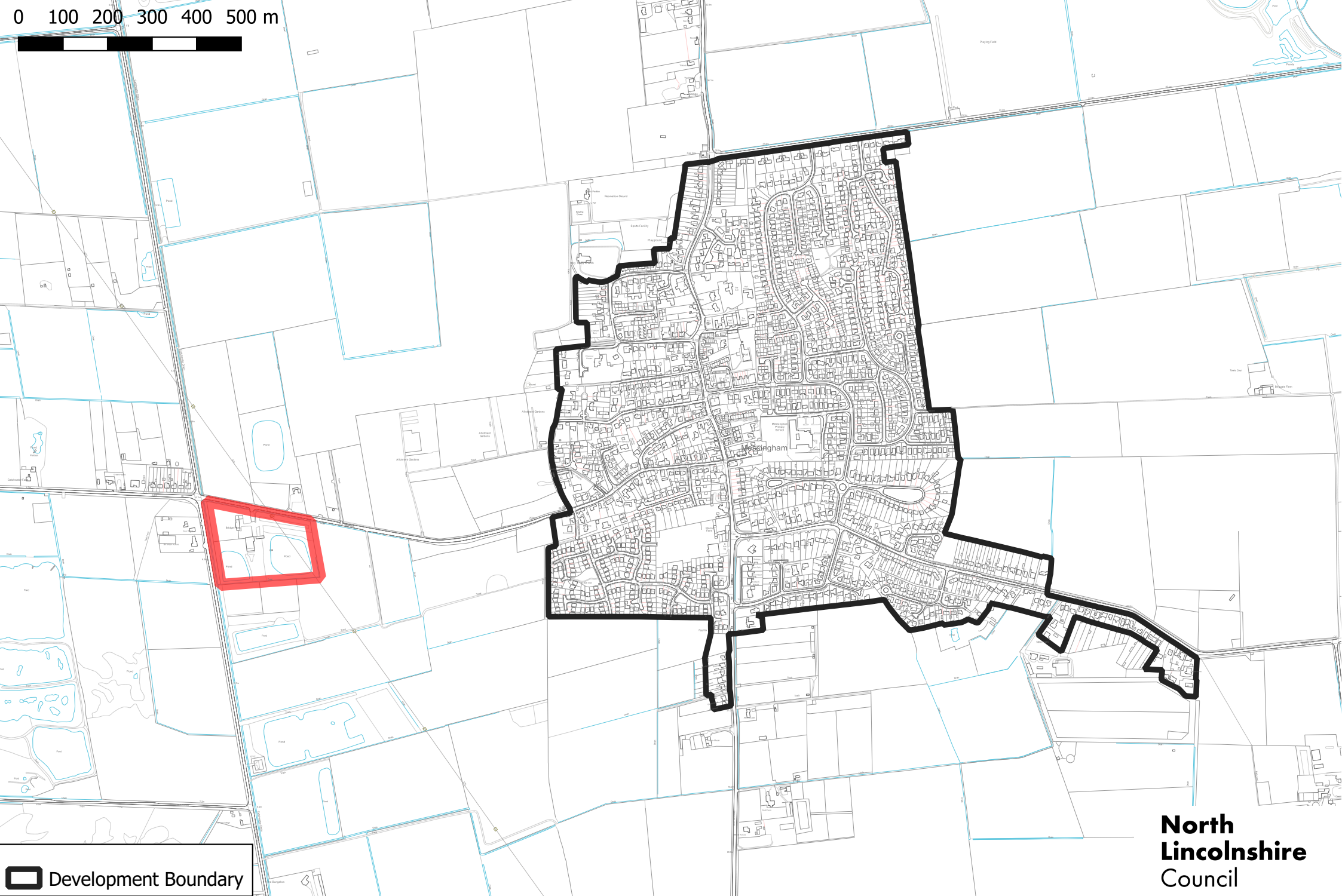
There is no requirement to re-impose any of the other conditions on the 1979 planning permission as the dwelling was erected on the site within the stipulated time frame on the decision notice and provision has been made within the site for the parking and turning of vehicles. Therefore, the recommendation is to grant permission with no conditions attached.

**RECOMMENDATION      Grant permission.**

#### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2022/1684**

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