

**LOCATION:** PINEGROVE FARM, FORD ROAD, WEST END, WOKING,  
GU24 9LX

**PROPOSAL:** Removal of Condition 2 of BGR3370 requiring Agricultural  
Occupancy of Pinegrove Farm.

**TYPE:** Reserved Matters

**APPLICANT:** Mr P & Mrs S Hounsham

**OFFICER:** Ross Cahalane

The application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Mansfield.

## **RECOMMENDATION: GRANT**

### **1.0 SUMMARY**

- 1.1 This application seeks permission for the removal of Condition 2 of BGR 3716 requiring Agricultural Occupancy of Pinegrove Farm. No operational development is proposed. This condition requires occupants of the dwelling to be employed locally in agriculture or in forestry, as defined in Section 119(1) of the Town and Country Planning Act 194.
- 1.2 The certificate of existing lawful development allowed under application 17/0418 confirmed that the use of the application dwelling without compliance with the agricultural occupancy condition (condition 2 of BGR 3370) was lawful, as the applicant demonstrated that this use had been undertaken for a continuous period of ten years before the date of the application.
- 1.3 Consistent, therefore, with the lawful use of the dwelling this agricultural occupancy condition no longer has any need or weight. Given this lawful position there is no need with this submission to consider the impacts of removing this condition upon the Green Belt, the character of the area, residential amenities or the highway. As such, the proposed removal of the condition is recommended for approval.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a detached dormer bungalow located on the southern side of Ford Road, set back at some distance from the highway and accessed by a shared private laneway. The agricultural land forming the original site was sold in the early 1990s to the occupiers of Lucas Green Farm immediately to the southwest. The existing site is therefore considerably smaller than the original holding, and also contains a double garage and single storey side and rear extensions to the main dwelling.
- 2.2 The application site is in a rural location within the Green Belt, beyond any defined settlement and within the parish boundary of West End.

### **3.0 RELEVANT PLANNING HISTORY**

#### **3.1 BGR 3370 Erect one bungalow**

Decision: Granted (17 July 1961)

Condition 2 states the following:

*The occupation of the bungalow shall be limited to persons employed, or last employed locally in agriculture as defined in Section 119(1) of the Town and Country Planning Act, 1947, or in forestry, and the dependents of such persons.*

The decision notice does not state the formal reason in which this condition was imposed.

#### **3.2 92/0206 Erection of garage.**

Decision: Granted (implemented)

#### **3.3 17/0418 Lawful Development Certificate for the existing use of Pinegrove Farm without compliance with the agricultural occupancy condition attached to the dwelling.**

Decision: Granted

### **4.0 THE PROPOSAL**

4.1 Permission is sought for the removal of Condition 2 of BGR 3370 requiring Agricultural Occupancy of Pinegrove Farm. This condition requires occupants of the dwelling to be employed locally in agriculture or in forestry as defined in Section 119(1) of the Town and Country Planning Act.

4.2 The Certificate of Existing Lawful Development (17/0418) confirmed that the use of the application dwelling without compliance with the agricultural occupancy condition (condition 2 of BGR 3716) was lawful, as the applicant demonstrated that this use had been undertaken for a continuous period of ten years before the date of the application.

4.3 The planning statement advises that the applicant plans to make alterations to the property to modernise it. To finance this work, a mortgage is required, but the bank requires that the agricultural occupancy condition is formally removed as a condition of approving this loan. However, no operational development is proposed under the current application.

4.4 The planning statement also advises that the original agricultural occupier sold the bungalow sometime between 1990-1992, with its surrounding agricultural land sold to the occupiers of Lucas Green Farm immediately to the southwest. The existing site shown on the location plan is therefore considerably smaller than the original holding, and comprises of the dwelling and surrounding garden curtilage with no agricultural land.

### **5.0 CONSULTATION RESPONSES**

5.1 West End Parish Council No objection.

## **6.0 REPRESENTATION**

6.1 At the time of preparation of this report, no representations have been received.

## **7.0 PLANNING ISSUES**

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies CP1, CP2, CP6, CP12, CP14, DM9, and DM11. The National Planning Policy Framework (NPPF) is also a material consideration to the determination of this application.

7.2 The main issue to be considered is whether there remains a need for this agricultural occupancy condition. If there does remain a need then further consideration needs to be given to the impacts on the Green Belt; the character of the area; residential amenity; access, parking and highway safety; and, infrastructure.

### **7.3 Agricultural occupancy need**

7.3.1 When the agricultural workers dwelling was permitted in 1962, there was clearly a genuine and demonstrable need with the dwelling relating to a much larger site, and thus the agricultural occupancy condition was both reasonable and necessary. However, with the subsequent selling off of the agricultural land to the adjoining Lucas Green Farm, this direct functional need has been diluted over time.

7.3.2 It is accepted that in normal circumstances, removal of an agricultural occupancy condition would typically only be acceptable if a marketing exercise proves that there is a lack of demand for the property as an agricultural worker's dwelling. However, this course of action is not necessary in this instance, given that the existing residential use without compliance with the agricultural occupancy condition has been deemed lawful under the ten year rule (application 17/0418).

7.3.3 Given the lawfulness of the site, retaining this condition would fail to meet the tests of imposing conditions, under paragraph 206 of the NPPF i.e. they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable and reasonable in all other respects. Retaining this condition would clearly not be enforceable, is unnecessary and would be unreasonable. Given that there is no need for this condition to remain, in the officer's opinion no further assessment is required on the planning merits or impacts of this proposal.

## **8.0 CONCLUSION**

8.1 Certificate 17/0418 established that the occupation of the dwelling house by persons with no agricultural connection is lawful. Therefore condition 2 of BGR 3370 no longer has any weight.

## **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

9.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development;
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

### RECOMMENDATION

GRANT subject to the following conditions:-

1. The Section 73 application hereby permitted relates to the application site and dwelling as shown on the location plan accompanying the application received on 15 December 2017.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

### Informative(s)

1. Decision Notice to be kept DS1