

**PROPOSED REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION  
NUMBER THREE**

**CONTAINED WITHIN PLANNING PERMISSION BR/185/72  
RELATING TO**

**ARDGRAFT, KIRTON HOLME, BOSTON,  
LINCOLNSHIRE, PE20 1TT.**

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

**Report prepared for**

**Mr and Mrs R Palmer  
Ardgraft  
Kirton Holme  
Boston  
Lincolnshire  
PE20 1TT**

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## **FOREWORD**

This report has been written by Acorus Rural Property Services Ltd.

Acorus Rural Property Services Ltd was founded in 2002. 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 in the locality of Kirton Holme, Boston, Lincolnshire and on the holding.

### **A. 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;
- identification of the type of agriculture in the locality and the associated labour requirements; and
- The use of comparable properties in the locality.

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

#### **Marketing Campaign**

The property has been marketed for sale in two tranches from October 2019 to May 2020 and from June 2020 to the end of January 2021.

The property was advertised at an initial guide price of £210,000 and subsequently reduced to £204,000. When the property returned to the market in June 2020, the same guide price of £204,000 was adopted. The agricultural occupancy condition was clearly emphasised throughout.

In total, both marketing campaigns generated limited interest with one request to view the property. No offers were received.

### **B. NEED ON HOLDING**

There is no longer a need on the holding for an agricultural dwelling.

## **LIST OF APPENDICES**

<b>Appendix 1</b>	<b>Planning permission BR/185/72</b>
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## **1. INTRODUCTION**

This report has been prepared at the request of Mr and Mrs R Palmer.

The report has been written on an impartial basis with the intention of outlining the facts considered relevant to the removal of the agricultural occupancy condition contained within planning permission BR/185/72.

Planning permission was obtained on the 10 May 1972 for a 'Bungalow, garage and vehicular access at Swineshead Road, Kirton Holme, Kirton' subject to eight conditions, one of which was an agricultural occupancy condition. See **Appendix 1**.

Condition three states:-

*'The occupation of the dwelling shall be limited to a person wholly or mainly employed, or last employed, locally in agriculture as defined in section 221(1) of the Town and Country Planning Act 1962, or forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).'*

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 occupied by Mr and Mrs R Palmer

The report should allow the Local Authority to assess both issues related to the proposal to remove the agricultural occupancy condition.

## **2. SITE VISIT AND INSPECTION**

A site visit and inspection was undertaken on the 2 October 2019 when the property was discussed with Mr Palmer.

This report is based on the information as obtained at that visit together with personal observations where appropriate.

## **3. BACKGROUND**

Planning permission was obtained for Ardgraft on 10 May 1972 reference BR/185/72 subject to eight conditions.

Mr Palmer purchased the property in 2013. Initially the property was rented out. It was then significantly extended and upgraded in 2016 for Mr and Mrs Palmer's own occupation. They have lived in the property since.

#### **4. BASIS OF ASSESSMENT**

This report considers the need for an agricultural dwelling in the surrounding area of Kirton Holme, Boston, Lincolnshire and on the holding.

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

##### National Planning Policy

##### **National Planning Policy Framework (NPPF)**

(Updated 19 February 2019)

Paragraph 79 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 circumstance 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 dwelling; or*
- e) the design is of exceptional quality, in that it:*
  - is truly outstanding or innovative, reflecting the highest standard 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.'*

Paragraph 55 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.'*

## **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.

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.

### Local Policy

The South East Lincolnshire Local Plan adopted March 2019 contains no information in terms of removal of agricultural occupancy conditions.

## **5. NEED ON THE HOLDING**

There is no holding, or agricultural business, associated with Ardgraft and therefore no need for an agricultural dwelling.

## **6. 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.
- iiiv) The use of local comparable properties.

## **7. MARKETING OF THE PROPERTY**

### **7.1 Marketing campaign through an Estate Agent**

Acorus has marketed the property in two tranches from October 2019 to May 2020 and from June 2020 to the end of January 2021.

An important aspect of marketing is price. Research was undertaken by Acorus to arrive at an appropriate guide price.

A number of comparable properties for sale were looked at, see **Appendix 2**, together with reference to the next door property which was sold in 2015 for £230,000 (£275,000 as in 2019).

Based on these, it was decided that the unencumbered value of £280,000 was reasonable. A guide price of £210,000 was adopted reflecting a discount of 25%, although allowing for offers of 5% - 10% below this (typical in the market place) would be up to 32% discount.

The guide price was reviewed at the end of February 2020 and subsequently reduced to £204,000 to generate further interest.

In June 2020 for the second tranche of marketing the guide price of £204,000 remained in place.

In terms of discounts, in our experience a 25% discount to reflect the imposition of an agricultural occupancy condition is appropriate and used as an average guide.

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% guide is substantial and is a good base for inviting offers.

It should be noted that the property market has been quite buoyant during parts of the total marketing campaign due to the Stamp Duty holiday and the effects of the Covid crises, with persons wanting to relocate to the countryside. The Nationwide House Price Index from Quarter four of 2019 to Quarter four of 2020 confirms an 8.57% increase in house prices in the East Midlands. See **Appendix 3**. This in turn substantially increases the overall discount on the property given the increase in non-tied value.

A copy of the sales brochures for the property can be seen at **Appendix 4**.

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 7.2 is particularly useful as part of this process.

In addition however, national advertising was undertaken in the Farmers Weekly (**Appendix 5**) and Farmers Guardian (**Appendix 6**), and local advertising in the Boston Standard (**Appendix 7**).

All our properties are placed on our website throughout the marketing period and an example of this can be found at **Appendix 8**.

The property also appeared on zoopla.co.uk and primelocation.com. Attached at **Appendix 9** are the reports detailing property performance.

## **7.2 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 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 holdings in the area around this property from a database. This list contained a total of 58 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.

A total of seven forms were returned, four of which requested further details. Further details of the property were sent to these respondents accordingly.

All details of the Direct Marketing campaign can be seen at **Appendix 10**.

## **7.3 Interested Parties**

In total, all forms of marketing generated the following direct requests for further details.

Ms K N----- 28.01.20

G----- Farming Ltd – 03.02.20

Mr S C----- – 03.02.20

P. D----- & Son Ltd – 03.02.20

Mr D M----- – 18.01.21

The above excludes the number of times the property details were viewed on line.

In total, both marketing campaigns generated limited interest with one request to the view the property. No offers were received.

## 8. COMPARABLE EVIDENCE ON AGRICULTURE IN THE AREA

**Appendix 11** contains details of agriculture within Lincolnshire, the information being extracted from DEFRA statistical data.

The figures for 2005 and 2016 show falls in agricultural production, in particular:-

	2005		2016		+/- %
	Nos./ Hectares		Nos./Hectares		
Total Holdings	6,615		3,749		-43%
Peas and Beans	10,951	ha	8,160	ha	-25%
All other veg & salad	19,239	ha	16,699	ha	-13%
Total Cattle	87,874		85,944		-2.2%
Total Pigs	178,948		168,042		-6.1%
Total sheep & lambs	152,800		149,201		-2.3%

All of these factors 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 has fallen from 15,170 to 13,575 (-10.5%). Full time workers has reduced from 3,252 to 2,967 (-8.8%) and part time workers from 1,231 to 1,048 (-15%).

## 9. COMPARABLE PROPERTY IN THE LOCALITY

On the 12 November 2018 an application was submitted to remove an agricultural occupancy condition from a dwelling in Swineshead following an unsuccessful marketing campaign. The Council granted planning permission on the 29 January 2019 reference B/18/0459.

This property is 3.1 miles from Ardgraft.

Additionally, on the 20 December 2018 an application was submitted to Boston Borough Council to remove an agricultural occupancy condition from a dwelling in Benington, Boston following an unsuccessful marketing campaign. The Council granted planning permission on the 20 March 2019 reference B/18/0525.

This property is 11.6 miles from Ardgraft.

Furthermore, on the 9 March 2020 an application was submitted to the Council to remove an agricultural occupancy condition from a dwelling in Butterwick, Boston following an unsuccessful marketing campaign. The Council granted planning permission on the 7 May 2020 reference B/20/0103.

This property is 8.8 miles from Ardgraft.

This gives some additional indication regarding the lack of need.

## **10. ACORUS COMMENTS**

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

### **10.1 Need on the Holding**

There is no agricultural/horticultural business associated with Ardgraft.

### **10.2 Need in the Locality**

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

- a) All known 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 demand for such a dwelling.
- b) The property was advertised nationally on line during the marketing period, in print several times and locally.
- c) An assessment of agriculture (including labour) in the county was undertaken, how it has changed and the resultant potential need.

Six direct requests for further details were received and provided over the course of the marketing period, excluding on-line enquiries. One request to view the property was received. No offers were forthcoming despite the price reduction and overall availability price.

Overall, it is considered that the activity undertaken over the course of the marketing period has demonstrated there to be no requirement for agriculturally tied dwelling in the locality.

