

Representations

Eccleston Parish Council have not made any comments on the application.
In total one representation has been received which are summarised below
Not specified
Total No. received: One
The only concern would depend on what sort of business or development were to take over there. Frequent movement of lorries or caravans would seem inappropriate and intrusive and cause further damage to the grass verge

Consultees

Consultee	Summary of Comments received
LCC Property Group	<ul style="list-style-type: none">• There is not an essential need for a dwelling on the farm unit. LCC Property group did not support the original application for a dwelling and no agricultural; operations are being carried out from the site;• The application was received by the local planning authority on the 27th of November, at which point the necessary;• The property was identified as being Sold Subject to Contract (to someone who does not comply with the condition) prior to this submission which would have further reduced the period of active marketing;• No advertisements were placed in the Farmers Guardian since February 2014, including after the price had been reduced. Therefore the marketing campaign may not have been satisfied this criterion of the policy;• From the inspections carried out as part of the site visit it may be possible that the extension is being used as a separate dwelling, meaning non-compliance of the condition;• The asking price is unrealistic. This opinion is supported by the fact that the property is under offer at a figure close to the asking price, but on the basis that the occupancy condition is removed. It is generally accepted that the presence of an agricultural occupancy condition generally reduces the open market value by 30%.
Property Services	<ul style="list-style-type: none">• The property has been marketed on the agent's own website, Rightmove and UK land and Farms websites. It has on occasion been advertised in the farmer's Guardian.• The property is towards the top end of the selling market for the type of property, however the arguments that the applicant puts forward for the price reached are accepted and no objections raised. Similar properties in the northwest are found to have a similar sales price;• The report provided demonstrates a lack of interest or demand for the property.

Assessment

Background

1. This application seeks to remove an agricultural occupancy condition that is attached to planning consent 87/00744/OUT. The application property is located within the Green Belt, immediately adjacent to the settlement of Eccleston. The application property is a detached true bungalow, known as Winter View Farm. Since the late 1990s until early 2014 the site has been used as an agricultural contracting business. From 2010 a beef cattle rearing enterprise has also been run from the premises. This has now ceased. The building that was used for cattle rearing (granted consent by application 10/001238/FUL) is now the subject of an application to change its use to the storage and blending of fertiliser (ref. 14/01316/FUL). This application has been recently approved.

Principle of the Development

2. Policy HS10 of the emerging Local Plan sets out the criteria that must be satisfied before the Council will consider granting applications to remove such conditions. The policy states:

Where existing dwellings are subject to conditions restricting occupancy, applications to remove such conditions will not be permitted unless the applicant can demonstrate that there is no longer any realistic agricultural or forestry need both from the enterprise and the locality for the restriction to be maintained by meeting all the following criteria:

- i. The essential need which originally required the dwelling to be permitted no longer applies in relation to the farm unit and that the dwelling will not be required similarly in the longer term;*
- ii. The property has been actively marketed in specialist and local press and estate agents at least once a month for a minimum of 12 months; and*
- iii. The advertised selling price is realistic given the age, size, condition and location of the property; and*
- iv. Following marketing that meets criteria ii and iii above, no realistic offers have been made to the vendors from people eligible to occupy the dwelling meeting the terms of the planning condition concerned.*

The Framework does not contain any specific guidance with regard to the removal of agricultural occupancy conditions.

3. The applicant has provided a report with the application which outlines the efforts of the marketing exercise that has been undertaken. The findings of this report can be summarised as follows:
 - Given the nature of Winter View farm in its current form, it would not provide full time employment for even one agricultural worker. It has reduced in size since the original application by some 40.3 acres (to 12.67 acres) & the applicants were unable to provide enough land to support a profitable beef enterprise;
 - The results of a marketing exercise may not be a reliable indicator of continuing need for an agricultural workers dwelling;
 - P Wilson & Company LLP, a chartered surveyors with local and regional presence and reputation as rural; property consultants were appointed to market the property in January 2014.
 - Winterview Farm has been continuously marketed through Rightmove, UK Land & Farms and on pwcsurveyors.co.uk since January 2014. P Wilson & Company have advertised in the Farmers Guardian on separate occasions throughout this period in line with our standard marketing strategy for property of this type (whether they be subject to an agricultural occupancy condition or not);
 - A full market appraisal was carried out prior to the property being placed on the market which included method of sale, marketing strategy and guide price. This has been reviewed at regular intervals since the property was first marketed;
 - None of the future occupants or potential purchasers were/are able to comply with the agricultural occupancy condition. All serious offers were subject to the occupancy condition being removed. Ten parties have viewed the property and four offers have been received, all subject to the occupancy condition being removed.
 - The 'locality' for the purposes of the agricultural occupancy condition affecting Winterview farm can be considered to encompass part of Chorley Borough, south

Ribble and West Lancashire. Research has therefore been undertaken of all three local planning authority's planning registers to identify the number, frequency and outcome of planning application submitted for permanent Agricultural Workers Dwellings since 01 January 2004;

- This showed that need has only been proven on two occasions in the last 10 years and in none of these cases would the functional need have been met by the dwellinghouse at Winterview Farm. This clearly demonstrates that the need for agricultural workers dwellings in the locality of Winterview Farm is at such a low level that the retention of the agricultural occupancy condition cannot be justified.
4. The applicant's agent has also provided comments in response to the matters raised by the County Land Agent:
- The property details were amended to show sold subject to contract from the 18th of December 2014, and is still currently being marketed. The date of submission of the application is irrelevant as it is the assessment at the date of decision that is important;
 - The property has been marketed via specialist, local and estate agent marketing for over 12 months. The County Land Agent's only comments are on the paper version of the Farmer's Guardian. The majority of sales are agreed through online advertisements now. Chorley's policy does not specify that it has to be advertised in the Farmer's Guardian;
 - The offer of £500,000 was not formally made, progressed, nor was any indication given as to whether they could meet the terms of the occupancy condition;
 - The County Land Agent report suggests that the marketing was for two separate bungalows, however in the planning section of the sale particulars it clearly states that one of the bungalows is subject to a planning condition that it must be used in conjunction with the other bungalow and not to be used as a separate dwelling;
 - The County Land Agent does not comment on the difference between 'guide' and 'value', however, in this instance no firm offers progressed other than those subject to removing the occupancy condition.
5. Each of the criteria of policy HS10 shall be considered individually below.

Need

6. The first criterion requires that the essential need which originally required the building to be permitted should no longer exist in relation to the farm unit and that the dwelling will not be similarly required in the longer term. Farming operations have presently ceased at Winter View, and until recently the principal activity on site was an agricultural contracting business. Planning consent has been granted for the change of use of the two principal agricultural buildings on the site to non-agricultural uses (13/00421/FUL & 14/01316/FUL), however it is understood that neither of these have been implemented to date. The applicant for the most recent application proposes to live on site and run the business.
7. It also considered worth noting that at the time the original consent for the dwelling was granted (ref. 87/00744/OUT) the County Land Agent felt that there was insufficient agricultural justification for a dwelling. The farming activities at the time consisted primarily of a cattle rearing and fattening business, with 12.5 acres of land owned by the applicant and approximately a further 45 acres tenanted. The application was recommended for refusal and refused at a past Committee.
8. The County Land Agent has commented on the current application that they do not consider there to be an essential need for the dwelling on the farm unit. It is therefore considered that this criterion has been met.

Marketing

9. The applicant has provided evidence to show that the application property, together with the associated land and buildings, has been marketed in a variety of ways since January 2014:

- Advertisement on the following websites: UK Land and Farms; Farmers Guardian; Rightmove & P Wilson & Company (the agent, a chartered surveyor specialising in rural land and property);
 - Advertisement in the office window of P Wilson & Company;
 - Visible sign board on Parr Lane;
 - Three advertisements in the Farmers Guardian (in January and February 2014);
 - Sent out 340 sets of sale particulars to parties on their client database.
10. The County Land Agent has expressed some concerns regarding the extent of the marketing that has taken, in particular the frequency with which the property has been marketed within the Farmers Guardian. The Council's Policy does state that the property should be marketed in specialist and local press at least once a month for a minimum of 12 months. The property has not been advertised in the press with this frequency, however, it is acknowledged that the property has been marketed online in a number of appropriate places for over 12 months.
11. The sale particulars for the property describe the property as 'two bungalows'. This is incorrect. The extension that was granted consent in 2009 (ref. 08/01236/FUL) was intended to be used as an annex for the applicant's son and a condition was attached requiring that it should only be occupied and used in conjunction with the existing building. A link between the extension and the original bungalow was proposed.
12. The full sales particulars do include details of the condition attached to this consent. Whilst the initial description could be considered to be misleading there is no evidence to suggest that the dwelling is being occupied in breach of this condition. On balance it is considered that this would not be sufficient reason to conclude that the marketing exercise that has been undertaken is so fundamentally flawed that the application should be rejected.

Selling Price

13. The County Land agent has expressed some concerns that the selling price of the property is too high. However, advice from the Council's Property Services Section is that the advertised price is reasonable.

Offers

14. The applicant has stated that all offers received for the property (four) have been subject to the agricultural occupancy condition being removed. No evidence to the contrary has been received.

Overall Conclusion

15. It is clear that the agricultural enterprise associated with the application property has been at a minimal level for some time. It is also considered that the prospects of such a use resuming, with a need for an agricultural worker to be located on site, is unlikely.
16. Whilst the comments of the County Land Agent are noted, it is clear that the property has been marketed, in a variety of appropriate places, for over 12 months. Property Services have advised that the selling price is reasonable. It is therefore considered that the requirement of policy HS10 have been met.
17. Accordingly it is recommended that the condition be removed.

Planning Policies

18. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained within the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
87/00744/OUT	Outline application for erection of bungalow and garage	Approved	
88/00399/FUL	Erection of bungalow and garage	Approved	6 September 1986
06/00161/AGR	Erection of replacement agricultural building (for storage purposes).	Approved	7 March 2006
08/01236/FUL	Proposed single storey extension to side and rear	Approved	11 February 2009
10/00758/FUL	Erection of agricultural livestock building	Approved	3 November 2010
11/01091/FUL	New agricultural livestock building	Approved	22 March 2012 (not built)
13/00421/FUL	Change of Use of Agricultural Building to B8 Caravan Storage	Approved	29 July 2013
14/01316/FUL	Change of use from an agricultural building to the storage and blending of fertiliser and transfer into containers (including the addition of two roller shutter doors and an outer cladding of green box profile sheets).	Approved	2 April 2015