

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 19 JULY 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/0679/VAR

MEADOW FARM, NORTHAW ROAD WEST, NORTHAW ROAD, POTTERS BAR, EN6
4QX

VARIATION OF CONDITION 2 AND 3 ON PLANNING PERMISSION E6/1973/1887/
DATED 16/08/1973

APPLICANT: Mr A Best

(Northaw and Cuffley)

1 Site Description

- 1.1 The application site is situated on the south side of Northaw Road West and consists of a detached two storey dwelling. It is important to note that none of the land that surrounds the dwelling is included within the application site. The property is set back from the road by approximately 40m and is accessed by a driveway to the north west of the property. The dwelling is located approximately 1.5km from Northaw and approximately 1.8km from the shops in Cuffley.
- 1.2 In order for the applicant to be able to establish whether they are able to use the land that surrounds the dwelling for a residential purpose they would need to submit either a full planning application for the change of use of this land or a certificate of lawfulness, if sufficient evidence exists, to prove that the residential use of this land has occurred for more than 10 years.

2 The Proposal

- 2.1 The proposal relates to the variation of conditions 2 and 3 from planning permission E6/1973/1887 to allow the property to be occupied by people who are not involved in agriculture. Condition 2 states:

“The occupation of the dwelling shall be limited to persons wholly or principally employed or last employed locally in agriculture as defined in Section 2909(i) of the Town and Country Planning Act 1971, or in forestry, and the dependants of such persons residing with them (including a widow or widower of such a person).

Condition 3 states:

“The dwelling shall not be occupied except by a person who is primarily engaged in carrying out or directing agricultural operations on a holding which includes not less than 85 acres of the agricultural land comprised in the holding which forms the subject of this application and consisting of fields Ordinance Survey numbers, 7725, 9814, 6700, 0005, 0700, 2265,

4263, on the Ordinance 1:1250 scale sheets numbers TL 2901 and TL 2902, 1970 edition.

- 2.2 The proposal does not relate to any material change of use of any of the land that surrounds the dwelling or to any operational development.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council has objected.

4 Relevant Planning History

Application Number: E6/1973/1887

Decision: Granted

Decision Date: 16 August 1973

Proposal: Erection of agricultural workers cottage

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)

6 Site Designation

- 6.1 The site lies within the Metropolitan Green Belt and the Northaw Common Parkland Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters and a site notice. No representations have been received.

8 Consultations Received

- 8.1 **Welwyn Hatfield Borough Council, Housing** – No objection to the dwelling becoming market housing.

9 Parish Council Representations

- 9.1 Northaw and Cuffley Parish Council has objected with the following: *“This parish is unusual in that we are unaware of any social housing in Cuffley. The existing social housing in Northaw has the equivalent access to public transport as this property. Due to the limited amount of social housing in the parish, we recommend that this property should be first considered for social housing to assist lower income households.”*

10 Analysis

- 10.1 The main planning issue to be considered in the determination of this application are:

1. Impact on agricultural accommodation and affordable housing delivery (NPPF and Policies SD1, GBSP1, R1, RA20)

- 10.2 Paragraphs 11 to 16 of the National Planning Policy Framework (NPPF) 'The presumption in favour of sustainable development' and Part 1: 'Achieving Sustainable Development' are directly relevant to this application and particular account is taken of Sections 6 (Delivering a wide choice of high quality homes); 9 (Protecting Green Belt land); and 11 (Conserving and enhancing the natural environment) therein.
- 10.3 It is noted that the Government policy and guidance contained in the NPPF and the (National Planning Practice Guidance (NPPG) does not contain any provision in the respect of the removal of such conditions. Policy RA20 of the Council's District Plan requires that planning permission for the removal of agricultural occupancy conditions should only be granted in exceptional circumstances and evidence must be submitted to prove that there is no longer any agricultural or forestry demand.
- 10.4 It is considered that occupancy conditions that have outlived their usefulness should not be retained. Assessing whether there is a continuing agricultural need for the condition will entail a consideration of the present and long-term need for a dwelling in the locality.
- 10.5 It is not clear historically what agricultural use the land that surrounds the application site was used for and no information about this has been provided within this application. The applicant states that since 2005 he is unaware of any substantial agricultural activity occurring on the land associated with the application property but that the land has instead been used for the grazing of horses. The applicant does not specify whether he considers that this grazing of horses is an agricultural use or whether these horses were grazing the land in association with a livery use of the land. It is therefore not clear from this information as to whether this use of the land has placed the application property and associated land in breach of the conditions that this application seeks to vary.
- 10.6 Planning records for application property and its associated land indicate that since at least 2013 the use of this land has been considered as being no longer solely agricultural but instead a mixed use of equestrian and agriculture uses. This can be seen within the officer report from S6/2013/2275/MA which states that the application site for this application, which included Meadow Farm and its associated land, states that the land included in this application contained an established equestrian and livery use, as well as agricultural uses. In addition, it is important to note that as part of this application the applicant stated, within the application form, that the existing use of the land was equestrian and not agricultural.
- 10.7 With regards to the occupancy of the dwelling, it is not clear from the information that has been provided as to when the property was last occupied in compliance with the condition. What the evidence provided by the applicant does demonstrate is that the property has been unsuccessfully marketed for the last two years and that the sale of the property has been frustrated by the conditions restricting the dwellings use. The applicant has also provided details of the numbers of people who visited the property during this time and a letter from the

agent who marketed the property stating that potential buyers have not wanted to purchase the property because of the restrictive conditions.

- 10.8 Further to the above, the Council has no register for agricultural workers who need accommodation within the area. As a consequence, the Council is unable to prove that there is an unmet need for agricultural housing within the borough.
- 10.9 Given the above discussed history of the site it would appear that the land referred to within planning permission E6/1973/1887 is no longer within an agricultural use and has not been for a number of years. The agricultural tie which relates to the 1973 permission has served its purpose and ensured an agricultural occupancy whilst the farm business existed. The time elapsed shows that the original permission was not a ruse to circumnavigate the planning system. However, the situation and farming practices have changed considerably since the original decision reducing the need for tied residential accommodation.
- 10.10 As a consequence of the fact that the land associated with the original permission is no longer in an agricultural use and this has been the case for a number of years, it would appear that the conditions have outlived their usefulness. In addition, as the Council has no evidence to demonstrate that there is an unmet need for agricultural workers accommodation within the borough it is unable to prove that there is an agricultural need for the property. As the Council is unable to prove that there is an unmet agricultural need for the dwelling it would be unreasonable and inappropriate for the Council to require that the use of Meadow Farm be restricted solely for the purposes of agriculture.

Affordable Housing

- 10.11 The Parish Council have not objected to the removal of the agricultural tie from the property but have instead requested that the property first be considered for social housing before it is allowed to be used for market housing. In addition, Policy RA20 requires that consideration then be given as to whether the dwelling can satisfy an identified need for local affordable housing.
- 10.12 As part of this application the Council's Housing Team have been consulted to establish whether they would be interested in acquiring the dwelling for affordable housing. The response from the Housing Team was that they would not be interested in taking on this property because of the costs of purchasing it on a competitive open market, as well as the costs of converting and remodelling the property, would not be value for money. In addition they stated that they do not seek to provide detached affordable homes.
- 10.13 In this case, notwithstanding the level of need in the vicinity, the potential and suitability for the dwelling to be used as social housing is very limited. As a consequence, it is considered that although there may be a need for local affordable housing, for the reasons discussed above, this dwelling is not appropriate for this need. As a consequence, it is considered that the allowing this dwelling to be used as an market dwelling, with no agricultural tie would not be in conflict with District Plan Policy RA20

11 Conclusion

- 11.1 The Local Planning Authority hold no evidence that is contrary to the information provided with regards to the demand for agricultural tenancy dwellings in the area. It is felt that the evidence sufficiently proves, within the specific context of the site, that there is no longer any agricultural or forestry demand for the

dwelling either by associated or un-associated holding in the locality. In addition, it is considered that the consultation response from the Council's Housing Team that the dwelling is unable to satisfy an identified need for local affordable housing. Accordingly, the proposed development would comply with policy RA20 of the Welwyn Hatfield District Plan 2005 and relevant parts of the National Planning Policy Framework 2012 and it is recommended that the application is approved and condition 4 of planning permission referenced E6/1973/1887 is removed.

11. Recommendation

11.1 It is recommended that planning permission be granted subject to the following condition:

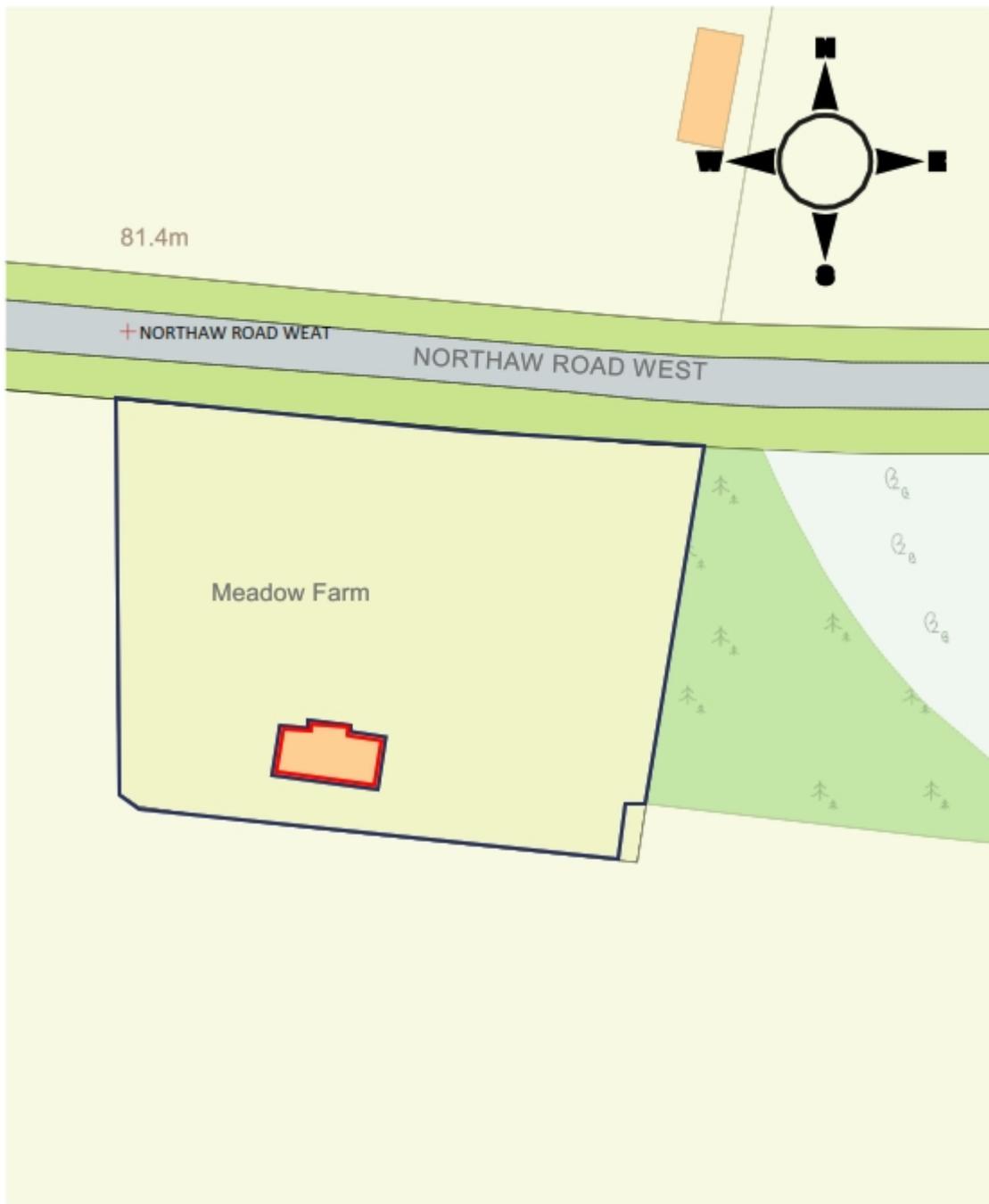
1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
#00303580- C5F452		Site Location plan	21/06/2018

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

William Myers, (Development Management)
Date 22/06/2018



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 5AE</p>	Title: Meadow Farm Northhaw Road West Northaw Potters Bar		Scale: DNS	
			Date: 2018	
	Project: DMC Committee	Drawing Number: 6/2018/0679/VAR	Drawn: Ida Moesner	
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