READING AGRICULTURAL CONSULTANTS
Gate House
Beechwood Court
Long Toll
Woodcote
Reading RG8 0RR
Tel: 01491 684 233
rac@reading-ag.com
www.reading-ag.com

Your Ref: DC/24/1790
Our Ref: 10630-hc

30 January 2025

For the attention of Halima Chowdhury
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Ms Chowdhury,

Site: **Chalk Farm Bungalow, Okehurst Lane, Billingshurst, West Sussex RH14 9HR**
Application: **DC/24/1790**
Proposal: **Removal of Condition 3 of previously approved application BL/128/99 (Erection of 1 agricultural bungalow) relating to the agricultural worker occupation restriction.**

Thank you for your letter dated 15 January 2025 requesting Reading Agricultural Consultants Ltd (RAC) comments on the above planning application.

In preparing this response I have had regard to:

- the application form and associated plans;
- a Planning Statement (dated November 2024) produced by NJA Town Planning Ltd (the applicant's agent); and
- previously permitted planning application BL/128/99.

I have not visited the site or discussed the application with the applicant or their agent.

This is a planning application under s73 of the Town and Country Planning Act 1990 for the removal of Condition 3 of a previously approved planning application BL/128/99 which approved the erection of a bungalow on site at Chalk Farm.

Condition 3 of BL/128//99 states:

> *"The occupation of the dwelling shall be limited to a person solely employed or, retired and last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including dependants od such a person residing with him or her or a widow or widower of such a person.*

Reason: The site lies in an area where, in accordance with the policies principally in the Structure Plan development unrelated to the essential needs of agriculture or forestry would not normally be permitted"

Background

1. Planning application BL/128/99 was approved for the erection of a bungalow at Chalk Farm, Okehurst Lane, Billingshurst. The original site location plan submitted with that application (BL/128/99) identified the site as an agricultural holding demonstrating the relationship between the permitted bungalow and the land and agricultural buildings at Chalk Farm.

2. The Planning Statement (PS), the subject of this appraisal, notes that the application site has been reduced in size from 25 acres down to 6 acres (of which approximately half is woodland) and by that reason there is minimal land associated with the agricultural dwelling. In addition, planning permission has been granted for the conversion of the former agricultural buildings.

3. It is detailed that the applicant, Mr G Houghton, currently complies with the occupancy condition as he is a retired agricultural worker.

Proposal

4. The applicant's proposal is for the removal of Condition 3 of approved application BL/128/99:

Relevant Planning Policies

5. National planning policy guidance for development in the countryside is set out in the National Planning Policy Framework (NPPF) updated in December 2024.

6. Paragraph 11 of the NPPF sets out the core land-use planning principles that should be adopted and these expressly include:
    - A presumption in favour of sustainable development;
    - Positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change;
    - Provide for objectively assessed needs for housing and other uses;
    - Approving development proposals that accord with an up-to-date development plan without delay; and,
    - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission.
7. Section 4 requires that decision makers:
    - should approach decisions on proposed development in a positive and creative way;

      work proactively with applicants to secure developments that will improve the economic; social and environmental conditions of the area;
    - seek to approve applications for sustainable development where possible.
8. At paragraph 57 it notes:

    "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."

9. Paragraph 82 et seq deals with housing in the countryside and notes;

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs…

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services…".

10. However, paragraph 84 maintains the presumption against isolated new dwellings in the countryside unless they are essential, noting:

    "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances 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…"

11. Section 6 of the NPPF is concerned with 'Building a strong, competitive economy' and at paragraph 85 it notes:

    "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt…"

12. At paragraph 88 'Supporting a prosperous rural economy' it notes:

    "Planning policies and decisions should enable:

    a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

    b) The development and diversification of agricultural and other land-based businesses;…"

13. Planning Practice Guidance titled 'Housing Needs of Different Groups' (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section 'How can the need for isolated homes in the countryside for essential rural workers be assessed'?

14. These include:

    - *Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
    - *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
    - *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*

15. Policy 10 of the Horsham District Planning Framework looks at rural economic development and states:

    "Sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities.

    In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

    1. contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of the countryside; and either

a. *be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
b. *result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first."*

16. Policy 20 considers rural workers' accommodation and states that:

"Outside the defined built-up area new housing for rural workers will be supported provided that:

1. *there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.*
2. *evidence is submitted to demonstrate the viability of the rural business for which the housing is required."*

17. Policy 26 of the Horsham District Planning Framework (excluding South Downs National Park) deals with countryside protection and enhancement and states:

"Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. *support the needs of agriculture or forestry;*
2. *enable the extraction of minerals or the disposal of waste;*
3. *provide for quiet informal recreational use; or,*
4. *enable the sustainable development of rural areas.*

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including:

1. *the development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;*
2. *the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and*
3. *the landform of the area."*

18. There is no specific policy within the current Local Plan for the removal of occupancy conditions.

19. The emerging Local Plan 2023-2040 dealt with the removal of occupancy conditions in Policy 44, however this has now been withdrawn following the opening days of the Local Plan Examination Hearing:

"*Where applications are received to remove occupancy conditions associated with rural workers' accommodation, evidence will be required to demonstrate why the condition is no longer required. This evidence should include details of a suitable period of marketing the property at a realistic market price, taking into account average incomes and the existence of the occupancy condition"*

Appraisal

20. The longstanding principle relevant to residential development in the countryside is that it should be avoided unless special circumstances dictate otherwise. One such circumstance is

the essential need for a rural worker to live permanently at or near to their place of work in the countryside.

21. Where a special need for an agricultural worker or rural worker is demonstrated, it has been and remains the case that the occupancy of the relevant property is restricted to ensure that it is occupied in compliance with the need and is retained as an available property to meet wider compliant needs in the interest of reducing the unnecessary proliferation of residential property in the open countryside.

22. Prior to the introduction of the NPPF, national policy guidance referred specifically to occupancy conditions and to the appropriate assessment of any continuing demand for agricultural accommodation where the release of such conditions was sought. While the NPPF no longer makes specific reference to this issue, it is axiomatic in the terms of paragraph 84 of the NPPF that, if special circumstances need to be demonstrated in order to allow a dwelling against the general restriction of development in the countryside, the converse must equally be the case, and special circumstances demonstrated for a restricted property to enter the general open market housing stock.

23. It continues to be the case that appropriate marketing remains a central aspect of the demonstration of the absence of need for the occupation of a dwelling in compliance with the occupancy condition(s). In these circumstances an absence of 'demand' is taken as a proxy for the absence of 'need'. Market testing would only apply were there to be no continuing agricultural functional need for a dwelling on the holding with which it was associated at the time of the granting of planning permission.

24. Where a restricted property is placed on the market for sale, the accepted practice which has been adopted over many years is that it is valued as an open market property, and then to discount that valuation by 25%-30% to reflect the constraint of the occupancy condition. The normal period of market testing adopted is from 6 to 12 months.

25. It is understood that the applicant has sold off 19 acres of the agricultural holding and no longer keeps livestock on the site. In addition, the former agricultural buildings have been converted into dwellings and sold off. The reduction in size of the holding and loss of agricultural buildings is likely to have an impact on the number of potential purchasers coming forward to purchase the property with a view to establishing an agricultural business.

26. The use of the remaining 6 acres is unknown from the submission documents. In addition, it is unknown at what point the applicant ceased agricultural activities on the land.

27. No marketing campaign or valuation of the dwelling has been provided as part of the submission documents. As such it is not possible for RAC to comment on the affordability of an agricultural or forestry worker.

28. No assessment of the need in the locality has been submitted. Without a full and proper marketing campaign of the property at the discounted rate it is difficult to conclude that there is no demand within the locality for such an agricultural property.

Conclusion

29. There is no longer explicit relevant national planning policy relating to the removal of agricultural occupancy conditions, but Paragraph 57 of the NPPF states that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

30. It is implicit that the absence of a continuing need for an occupancy condition should be tested before releasing a property into the open market.

31. RAC considers that the use of the holding has changed since the Applicant sold off 19 acres and converted the former agricultural buildings. As such, the holding is no longer solely

agricultural. This effective change of use of the property has prejudiced its use for agricultural purposes and so limits the market for the dwelling.

32. No detailed valuation has been submitted as part of this application and RAC is unable to comment in any detail on the marketing of the property.

33. In the absence of such detail, RAC is unable to conclude from the submitted documents and information provided whether Condition 3 of BL/128/99 is no longer appropriate

I trust these comments are helpful in your deliberations.

Yours sincerely,

Olivia Wojniak