

Application Number: X/21/92081
Case Officer: Summer Sharpe
Received Date: 9 December 2021
Site Address: Fieldfare, Winchester Road, Fair oak, Eastleigh, SO50 7HD
Applicant: Mr & Mrs Hunt
Proposal: Removal of condition 6 (permanent dwelling for agricultural worker) of planning permission Z/29632/005/00 for erection of agricultural workers dwelling.

Recommendation: Permit

CONDITIONS AND REASONS:

1. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 the garage(s) shall not be converted to living accommodation without the prior written permission of the Local Planning Authority.

Reason: In order to provide adequate on-site parking.

2. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no extensions to the dwelling hereby permitted shall be constructed without the prior written permission of the Local Planning Authority.

Reason: In order to control the impact of the dwelling on the countryside.

1. Report:

2. This application has been referred to Committee by Councillors Tidridge, Parker-Jones and Broomfield.

3. Site Characteristics and Character of the Locality

4. The application site comprises a detached dwellinghouse located to the east of Winchester Road, set back by a field and polytunnels which are associated with the usage of the current dwellinghouse, as 'Fieldfare Nursery'. The site itself falls within countryside designation.

5. The wider surroundings comprise a mixture of uses. To the north of the site is a Caravan Dealership, nursery and commercial complex. To the south-west of the site are residential properties.

6. Description of Application

7. Removal of condition 6 (permanent dwelling for agricultural worker) of planning permission Z/29632/005/00 for erection of agricultural workers dwelling.

Condition 6:

The occupation of the dwelling must be limited to a person solely or mainly employed, or, if retired from employment, 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 any dependants of such a person residing with him) or a widow or widower of such a person.

Reason:

The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry.

8. Relevant Planning History

9. Planning application referenced: Z/29632/005/00

Proposed: erection of agricultural workers dwelling

Decision: permitted 15 December 1993

10. Representations Received

11. Objection Comment: the property is outside of the settlement boundary and should remain so due to the already too many 'rogue infill' planning permissions. Similar housing surrounding this property of the single dwelling type and it would be uncharacteristic to build multiple buildings on this single property.

12. Consultation Responses

13. Parish Council: no objection.

14. Policy Context and Designations Applicable to Site

- Within Designated Countryside

15. Development Plan Saved Policies and Emerging Local Plan Policies

16. Eastleigh Borough Local Plan Review (2001-2011) Saved Policies:

- 1.CO (Countryside Protection);
- 7.CO (Removal of agricultural ties)

17. Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

18. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be

considered to have extremely limited weight in the determination of this application.

19. Submitted Eastleigh Borough Local Plan 2016-2036

20. The 2016-2036 Local Plan was submitted by the Council to the Planning Inspectorate on 31st October 2018 with hearings in public having commenced in November 2019 and concluded in early 2020. The Council subsequently received the Inspector's feedback and recommended action points on the plan in April and May 2020. On 25 June 2020, the Council's Cabinet resolved to progress the examination on the basis of the main modifications outlined in the Inspector's letter and action points and/or any other main modifications which may be necessary.

21. The Council's Planning Policy Team subsequently prepared further evidence and drafted the main modifications in response to each of the Inspector's letters and points. The Inspector also held an additional hearing in January 2021 in relation to Mercury Marina. Following on from this, the Inspector has now finalised the main modifications for public consultation and the Council has also prepared modifications to the policies map and proposed additional modifications. A report of the Planning Policy Senior Specialist was considered at Cabinet and Full Council on 27 May 2021 which recommended approval of the modifications proposed for public consultation.

22. Consultation on the Main Modifications took place between 8 June 2021 and 21 July 2021. Adoption of the plan is anticipated Summer 2022. It is considered that overall considerable weight can be attributed to it. The most relevant policies are:

Strategic policies:

- S7 (Development in the countryside)

Development Management policies:

- DM29 (Rural workers dwelling).

23. Hampshire Minerals and Waste Plan

24. Policy 15 – Safeguarding of Mineral Resources.

25. National Planning Policy Framework

26. At national level, the National Planning Policy Framework (NPPF) is a material consideration of significant weight in the determination of planning applications.

27. National Planning Practice Guidance

Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

28. Assessment of Proposal: Development Plan and / or Legislative Background

29. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

30. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

31. Principle:

32. Saved Policy 1.CO of the Eastleigh Borough Local Plan Review (2001-2011) states that planning permission will not be granted for development outside the urban edge unless (i) it is necessary for agricultural, forestry or horticultural purposes and a countryside location is required; or (ii) it is for an outdoor recreational use or is genuinely required as ancillary to such a use and does not require the provision of buildings, hardstanding or structures which are of a form, scale or design which would demonstrably harm the character of the locality. The main aim of this policy is to protect the countryside. This is broadly echoed within Draft Policy S7 of the Submitted Eastleigh Borough Local Plan (2016-2036).

33. Saved Policy 7.CO specifically relates to planning applications for the removal of agricultural occupancy conditions. This stipulates that the Borough Council must be satisfied that there is no longer a long-term need for an agricultural, horticultural or forestry workers dwelling in the locality and there is no evidence of a continuing need for housing for persons employed or last employed in the locality in these categories, and every reasonable effort has been made to sell or lease the property at a reasonable price reflecting the restriction on occupancy to people who could occupy it in accordance with the agricultural occupancy condition. Draft Policy DM29 of the Submitted Eastleigh Borough Local Plan (2016-2036) stipulates that provision of dwellings for rural workers in the countryside will only be permitted in certain circumstances, this Policy also addresses agricultural occupancy conditions, which are in line with those requirements set out within Saved Policy 7.CO.

34. This application seeks to remove condition 6 of planning permission Z/29632/005/00 which permitted the erection of agricultural workers dwelling. This tie was imposed in recognition of the development having been allowed as an exception to the countryside policy.

35. The effect of the removal of this condition would be to take away the agricultural tie and thereby allow the dwelling to be occupied unrestricted. Saved Policy 1.CO of the adopted Eastleigh Borough Local Plan (2001-2011)

and Draft Policy S7 of the Submitted Eastleigh Borough Local Plan (2016-2036) sets out a presumption against residential development in the countryside that is not necessary for agricultural, forestry or horticultural purposes and a countryside location is required. Whilst Saved Policy 7.CO and Draft Policy DM29 set out strict criteria for the allowing of the removal of agricultural occupancy conditions for agricultural workers dwellings. As set out above, these policies state that such proposals will not be permitted unless: *(i) the Borough Council is satisfied that there is no longer a long-term need for an agricultural, horticultural or forestry workers dwelling in the locality and there is no evidence of continuing need for housing for persons employed or last employed in the locality in these categories; and (ii) every reasonable effort has been made to sell or leave the property at a reasonable price reflecting the restriction on occupancy to people who could occupy it in accordance with the agricultural occupancy condition.*

36. The application has been accompanied by; a viability report, valuation appraisals, agriculture appraisal, and supporting letter from the applicants. It is also noted that reference has been made to a previous application (referenced X/17/80709 at Cricketwood, Tanhouse Lane) and an appeal decision which was based in Newquay.

37. Fieldfare was purchased by Mr & Mrs Hunt (the applicants) in 1988. Permission for the agricultural workers dwelling was permitted in 1993. The work to the dwelling began in 1999, however Mr Hunt was taken ill with life changing consequences, thus impacting upon the works to the dwelling, which were eventually completed in 2010. The commercial nursery provided wholesale flowers to many business and retailers however due to the competition within the industry the business is no longer viable. Opportunities to acquire more land were investigated but were not fruitful.

38. The viability report provides a table showing that in 2015, 2017 – 2019 the business made a loss, which increased from 2017 to 2019. In this table it notes that in 2020 business was not able to trade due to Covid-19. In addition to these losses, the viability report notes that there are several competitors nearby (In-Excess Garden Centre, Hampshire Hedges Ltd, Brambridge Garden Centre, Haskins Garden Centre, A E Roberts Woodlea Nurseries, B&Q Garden Centre, and Allington Nursery). The report also notes the potential for other uses; however, it was concluded that residential is the most suitable.

39. A valuation appraisal has been undertaken; this sets out that should the property be sold with an agricultural tie the estimated value would be between £750,000 - £850,000. With reference to planning application X/17/80709 the Officer concluded that the value of Cricketwood, Tanhouse Lane, which had a value of between £650,000 - £675,000 (with the tie in place) would be beyond the affordability of most agricultural workers. The application site has a higher value than that of Cricketwood and therefore can be concluded that this valuation would exceed what could be afforded by an agricultural worker.

40. An agricultural appraisal has been submitted, which has investigated alternative agricultural uses for the site; fruit production. The statistics provided show that this use would not be able to generate a sufficient income to employ a full-time farm worker “*even if the whole of Fieldfare were to be covered with polytunnels or glasshouses*”.

41. Based on the evidence provided, it is considered that the stipulations of Saved Policy 7.CO and Draft Policy DM29 are met; in that there is no long-term need for such a dwelling in the locality. A valuation has been undertaken; however, the applicants are not seeking to sell the property, further the value of the dwelling even with the tie still in place is beyond the reach of the agricultural worker which the restriction was intended for. It would therefore be difficult to argue that the policy requirements have not/ could not be met. This being the case, it is considered that the information provided does satisfy the criteria of Saved Policy 7.CO and Draft Policy DM29 and that the agricultural tie can reasonably be lifted, and the condition removed.

42. Other Matters:

43. The proposal is not considered to have an adverse impact upon the surrounding amenities, landscape, highways, ecology, nitrates impact or drainage as no physical development is proposed, this application solely relates to the removal of the agricultural occupancy condition.

44. Climate Impact and Sustainability

45. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council’s own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council’s procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

46. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. It is not part of development plan or emerging plan policy, but it is a material consideration to be considered alongside all other material considerations. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

47. The NPPF, Saved Policies 34.ES and 37.ES of the local plan, Draft Policies S1, DM2 and DM3 of the Emerging local plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use,

climate change and energy use. When considering the impact of climate change, the proposed development is not expected to be directly impacted by the potential effects of climate change and is expected to have a negligible impact on the climate as a result of the development or its use.

48. Equalities Implications:

49. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- A public authority must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

50. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

51. Conclusion

52. For the reasons given above, it is considered that the agricultural tie can reasonably be lifted, and the condition removed.

X/21/92081



Address: Fieldfare, Winchester Road
Fair Oak Eastleigh SO50 7HD

Date: 22/02/2022 Scale: 1:1250