

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### **TOWN AND PLANNING ACT 1990 (AS AMENDED) COUNTRY**

**Macushia House, Lyminster Road, Lyminster**

#### **PLANNING STATEMENT**

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Application Site:

Macushla House, Arundel Vinyard, Church Lane,  
Lyminster BN17 QJ

#### **Application to remove condition 2 from planning approval LY/16/02**

**"The occupancy of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined by S336 (i) of the Town and Country Planning Act 1990 or in forestry including any dependents of such a person residing with him or her, or a widow or widower of such a person."**

*On behalf of: Mr & Mrs Byrne*

*Prepared by:*

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*Associate*

*September 2017*

**PLANNING STATEMENT**

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## CONTENTS

| <u>SECTION:</u>                                          | <u>PAGE:</u> |
|----------------------------------------------------------|--------------|
| 1.0 Introduction and Background                          | 3            |
| 2.0 Description of the Site                              | 3            |
| 3.0 Planning History                                     | 4            |
| 4.0 Description of the Proposed Development              | 4            |
| 5.0 Planning Policy Framework                            | 4            |
| (i) National                                             | 4            |
| (ii) The Development Plan                                | 5            |
| 6.0 The Reasons that Planning Approval should be granted | 5            |
| 7.0 Summary and Conclusion                               | 6            |

## **1.0 Introduction and Background**

- 1.1 Neame Sutton Limited, Chartered Town Planners, are instructed by Mr & Mrs Byrne ("the Applicant") to prepare and submit this full detailed planning application to remove a condition at Macushla House, Church Lane, Lyminster, West Sussex:
- 1.2 This application is made in reference to Arun District Local Plan to remove a restricted agricultural workers occupancy condition from the dwelling, as this condition is no longer applicable or relevant to the residents or future potential residents or the site as a whole.
- 1.3 A house was originally granted consent following the use of the site as a vinery growing grapes commercially for wine which was processed off site.
- 1.4 When the current owners moved onto the site, they applied and were granted consent for a replacement dwelling reference LY/16/02 with condition 3 imposing an agricultural workers occupancy condition, as per the original dwelling. The scale and size of this replacement dwelling permitted far exceeded the original dwelling. The dwelling is not designed as an average agricultural workers dwelling.
- 1.5 Mr & Mrs Byrne have never been employed in agriculture and the site was abandoned for the growing of vines commercially in 2000 when the site was left in a dilapidated state. A few vines were retained for personal use between 2003 and 2010.
- 1.6 The vines were removed from the site in October 2010 and the land laid out to garden area with lawns and flower borders.
- 1.7 Therefore this application seeks to remove this agricultural workers occupancy condition as it has not been complied with since being built and the size of the dwelling approved is far greater than the average agricultural worker could afford and is not suitable to be offered as such accommodation.
- 1.8 To support the application, a marketing statement has been included from Clarkes Estate Agency which states that the house is valued at approximately £1.4m to £1.6m.
- 1.9 An average Grade III worker would earn £7.66 per hour or £15,932.80pa, or £19,552 pa for a Grade VI agricultural worker, which is insufficient income to enable an average farm worker to purchase this house. The market value of the house therefore far exceeds a realistic expectation that this house could be available to an agricultural worker in accordance with the condition.

## **2.0 Description of the Site and Location**

- 2.1 The site comprises approximately 1 hectare.
- 2.2 Lyminster is a village that is the main settlement of Lyminster and Crossbush parish. It borders, to the south, Littlehampton, which is 2 miles away.
- 2.3 The village is in a rural location and the settlement is around the parish church of Lyminster.

### **The Application Site:**

- 2.4 The application site is part of the Arundel Vineyard, and is accessed from Church Lane, Lyminster. The drive sweeps round to the house.
- 2.5 The site consists of a large house and large garden. The vineyard is now disused and the land has been laid out and used as garden land since 2010.
- 2.6 Also within the site is Parkgate Barn which was brought to the site from the A279 at Lower Beeding prior to the applicant's purchase of the site. This was used during the operation of the

**PLANNING STATEMENT**

commercial vineyard as a café serving visitors to the vineyard. The barn is currently used only for domestic use for the dwelling.

### 3.0 Site History

3.1 The relevant site history is as follows:

3.2

| Application Number | Description                                                                                                                                     | Decision               |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| LY/15/88           | Change of use of barn for retail sale Of English wine in accordance with license granted and vineyard tours. On-site parking for visitors cars. | Refused                |
| LY/16/02           | Replacement of existing agricultural dwelling                                                                                                   | Approved Conditionally |
| LY/33/03           | Modifications to house type previously approved under LY/16/02                                                                                  | Withdrawn              |
| LY/3/04            | Modifications to house type dwelling – amendment to planning permission LY/3/04                                                                 | Approved Conditionally |
| LY/25/04           | Alterations to roof of proposed dwelling – amendment to planning permission LY/3/04                                                             | Approved Conditionally |
| LY/15/05           | Proposed demolition of existing wall and gate piers and construction of new wall, gate piers and new gate                                       | Approved Conditionally |
| LY/12/10           | New conservatory extension                                                                                                                      | Approved Conditionally |

### 4.0 Description

4.1 This application seeks the removal of condition 3 of LY/16/02 which states “**The occupancy of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined by S336 (i) of the Town and Country Planning Act 1990 or in forestry including any dependents of such a person residing with him or her, or a widow or widower of such a person.**”

4.2 The reason for submitting this application is that the applicants, who purchased the site in 2000, have never been employed in agriculture and the value of the house far exceeds that which could be reasonably purchased by an average agricultural worker.

### 5.0 Planning Policy Framework

5.1 The relevant policy framework is the National Planning Policy Framework (NPPF), the Arun District Local Plan, and the Emerging Local Plan Publication Version October 2014.

#### National Planning Policy Framework

5.2 The overriding principle of this policy is the presumption in favour of sustainable development. Paragraph 14 states that local planning authorities should positively seek opportunities to meet the development needs of their area.

5.3 Paragraph 17 states that local authorities should take account of market signals, such as land prices and housing affordability.

### PLANNING STATEMENT

- 5.4 Paragraph 19 states that planning should encourage and not act as an impediment to sustainable growth.
- 5.5 This application is in accordance with this policy in that the dwelling is considered to be too large and expensive to be within the affordability of the average agricultural workers. The condition which has not been adhered to cannot reasonably be upheld. The design and scale of the house permitted far exceeds that normally considered acceptable as an agricultural workers dwelling.

#### The Local Development Plan

- 5.6 The current Development Plan comprises the saved policies of Arun District Local Plan and the emerging Local Plan Publication Version October 2014.

#### Arun District Council Emerging Local Plan Publication Version October 2014

#### **Policy Dev 6 Agricultural Workers Dwelling**

**Outside the built-up area, planning permission may be granted for dwellings for agricultural or forestry workers, subject to the following criteria:**

- (i) that an essential need exists, satisfying a functional test and, where appropriate, a financial test, which cannot be met by existing accommodation in the area;**
- (ii) the accommodation is of a size and type appropriate to the needs of the holding and occupiers;**
- (iii) the dwellings are not required to replace farm or nursery workers' dwellings which have been released for occupation by others.**

**Any planning permission granted will be subject to an occupancy condition, limiting occupation to a person solely or mainly employed, or last employed, in the locality in agriculture or forestry. Such conditions will only be removed if it can be demonstrated that the dwelling is no longer required for agricultural/forestry purposes and that reasonable attempts have been made to market the dwelling for that use.**

**Where appropriate, permission may be subject to a legal agreement preventing the future separation of the farmhouse and adjoining farm buildings/land.**

- 5.7 This application is in accordance with this policy in that it seeks the removal of the condition which has never applied to the residents (applicant) as they have never been employed in agriculture. The dwelling is no longer required for agricultural or forestry purposes as no agricultural activity is taking place on the land, nor has done since before 2000. Further the estate agents letter states **"a typical tied property will be owned by a major land holder (such as the Duke of Norfolk) and will be a small terraced cottage with relatively low capital value. They are rarely for sale, but subject to their location, these cottages are likely to be in the region of £200,000 to £350,000, this being much more reflective of what the industry personnel and their employers are able to fund".** This dwelling is valued at £1.4m to £1.6m.
- 5.8 The size of the dwelling is considered to be considerably larger than any agricultural worker or small holding could reasonably afford or substantiate.

#### Arun District Adopted Local Plan 2003

#### **POLICY DEV7 Agricultural Workers' Dwellings**

**Outside the built-up area, planning permission may be granted for dwellings for agricultural or**

**PLANNING STATEMENT**

forestry workers, subject to the following criteria:

- (i) that an essential need exists, satisfying a functional test and, where appropriate, a financial test, which cannot be met by existing accommodation in the area;
- (ii) the accommodation is of a size and type appropriate to the needs of the holding and occupiers;
- (iii) the dwellings are not required to replace farm or nursery workers' dwellings which have been released for occupation by others.

Any planning permission granted will be subject to an occupancy condition, limiting occupation to a person solely or mainly employed, or last employed, in the locality in agriculture or forestry. Such conditions will only be removed if it can be demonstrated that the dwelling is no longer required for agricultural/forestry purposes and that reasonable attempts have been made to market the dwelling for that use.

Where appropriate, permission may be subject to a legal agreement preventing the future separation of the farmhouse and adjoining farm buildings/land.

- 5.9 Whilst policy DEV 7 is not a saved policy, it was applicable at the time the condition was imposed.
- 5.10 The application demonstrates that the applicants cannot comply with this condition as they have never been employed in agriculture and the market value of the house is not within the income of the average agricultural workers, as supported by a Marketing Statement.

## 6.0 The Reason that Planning Approval should be granted

*(i) Reason that the Condition should be removed*

- 6.1 The current occupiers and owners of the site have never been employed in agriculture.
- 6.2 The land ceased being used for commercial growing of grapes prior to 2000 when Mr & Mrs Byrne purchased the site. The land was in a dilapidated state when they took over the site.
- 6.3 Between 2002 and 2010 the applicants made several successful applications to make amendments to the design of the house. The house has further been enlarged to provide a substantial family home way in excess of the average market house.
- 6.4 After the purchase of the land the applicants retained a few vines for personal use, but these were finally removed in 2010 when the land was laid out as garden land.
- 6.5 Since before the year 2000 the agricultural use of the land has ceased and no one has occupied the house who has been employed or last employed in agriculture.
- 6.6 The average house price in West Sussex is £350,000. The market value of the house exceeds an average house by 4 times the value, it is therefore no longer reasonable to retain this condition which realistically can never be achieved.
- (iii) Marketing
- 6.7 The applicants sought the marketing advice of Clarkes Estate Agents from Arundel with regards to the potential of selling the property to an agricultural worker. The advice received is as follows:

**PLANNING STATEMENT**

**"It is in my view entirely certain that you will need to remove the agricultural tie before successfully selling Macushla House: not only will the agricultural tie severely limit the eligible purchasers who will qualify just to be able to make the purchase at all, it is unlikely that the property will be suitable for the typical agricultural tied worker.**

**I have zero expectation that a tied sale can be arranged at all.**

**Accordingly I recommend that you arrange for the removal of the agricultural tie before even considering bring the property to the market. You will appreciate that a typical tied worker or their employers will simply not consider Macshula House as a credible alternative."**

- 6.8 This is pragmatic advice from the land agent who has experience in the marketing of such agricultural workers dwellings.

## **7.0 Summary and Conclusions**

- 7.1 The occupants and owners of the house have never been employed in any agricultural activity, therefore they have been in breach of this condition for over 17 years. It is exempt from enforcement action.
- 7.2 The land ceased being used as a commercial vinery before its dilapidation when the applicant purchased the site in 2000. The vines have been removed and the land laid to garden.
- 7.3 The house is far larger and would market at a price which exceeds the average agricultural worker's income.
- 7.4 It is therefore considered that the restrictive condition is no longer applicable or reasonable to be applied to this dwelling and consent should be granted to remove it.