

R&PUB

RECOMMENDATION : NO OBJECTION

REFERENCE: P/15/576/RLX

APPLICANT: MR JOHN ROACH
TYNYCAEAU FARM HEOL GOEDOG CEFN CRIBWR BRIDGEND

LOCATION: TIRYCOED HEOL GOEDOG CEFN CRIBBWR

PROPOSAL: REMOVE THIRD SCHEDULE OF SECTION 52 AGREEMENT (AGRICULTURAL USE) - 82/482

RECEIVED: 2nd September 2015

SITE INSPECTED: 30th September 2015

APPLICATION/SITE DESCRIPTION

The application seeks consent to remove the requirement for the bungalow to be occupied by a person employed in the locality in agriculture or forestry. This restriction was imposed by a legal agreement attached to the outline consent for the bungalow in 1982 (82/482 refers). A subsequent detailed application was submitted for the bungalow (82/853 refers).

RELEVANT HISTORY

82/482 - 1 Bungalow for disabled person (Outline)
Approved 22 July 1982

82/853 - 1 Bungalow for disabled person (Detailed)
Approved 7 October 1982

PUBLICITY

Neighbours have been notified of the receipt of the application.
The period allowed for response to consultations/publicity expired on 13 October 2015.

NEGOTIATIONS

None.

CONSULTATION RESPONSES

Town/Community Council Observations
Notified on 15th September 2015

Cllr Huw David

I fully support the application. The house is currently empty and has been empty for nearly a year because there is no interest or need for such a tied property. I believe if the schedule is not removed the property will continue to be empty and will be a wasted resource. This when there is a significant long term need and interest in general housing provision in the community of Cefn Cribwr and very limited new build in the community. Removing the schedule would make an additional property available to help meet that need and prevent the property becoming potentially a problematic empty property. It has been 33 years since the original condition was imposed and

there has been a dramatic change in the local rural economy (further mechanisation, larger and consolidated farms, etc.) in that time that has significantly reduced the demand and need for tied properties for agricultural workers. Also the applicant has made extensive efforts over a long period to meet the original condition but there has been no interest in purchasing the property by eligible purchasers. Finally I do not believe this sets a precedent because the original condition has been met for the last 33 years, this application only reflects the very different circumstances of the present day.

REPRESENTATIONS RECEIVED

None.

COMMENTS ON REPRESENTATIONS RECEIVED

None.

APPRAISAL

The application seeks consent to remove the requirement for the bungalow to be occupied by a person employed in the locality in agriculture or forestry. This restriction was imposed by a legal agreement attached to the outline consent for the bungalow in 1982 (82/482 refers). A subsequent detailed application was submitted for the bungalow (82/853 refers).

At the time, the applicant's family solely resided at Ty'n y Caeau Farm. This dwelling was unsuitable to the needs of the father of the applicant, who was disabled and in a wheelchair. It was not feasible to refurbish the existing dwelling and, consequently, a purpose-built bungalow was constructed within the farm holding. This also sustained the ability of the family to farm the land and, subsequently, a legal agreement ensured that the bungalow could only be occupied by a person employed in agriculture or forestry.

The information submitted by the applicant provides a reasonable overview of the circumstances of the site. This includes: the reasons for the initial granting of the bungalow, its occupation throughout the years and an explanation as to why a request has been made to remove the occupancy requirement imposed by the legal agreement. Evidence has been provided to demonstrate that attempts have been made to market and sell the bungalow with the legal agreement but it has proven unsuccessful to find an eligible buyer.

Whilst the bungalow has been marketed for less than 12 months, a variety of methods have been used to find an eligible buyer. The methods used include: word of mouth, local estate agent, a variety of estate agent websites and specialist agricultural sources. Such attempts are considered reasonable, especially since the wording of the legal requirement requires the bungalow to be occupied by a person employed 'in the locality' in agriculture or forestry.

The valuation of the bungalow does not appear to be unduly excessive. The bungalow has been valued lower than other bungalows of this size in the locality and without any occupancy restriction. Additionally, evidence has been submitted showing the asking price of the bungalow being reduced by approximately 10%. This, however, has not resulted in finding an eligible buyer, most likely due to the lack of eligible buyers in the locality in the first instance rather than the valuation of the bungalow, which could be negotiated.

Notwithstanding the above, this bungalow was granted planning consent primarily on the basis that it provided appropriate accommodation for a disabled person who worked in agriculture. The bungalow has fulfilled its purpose by being occupied by the late parents of the applicant until October 2014. Throughout this time, the surrounding land has continued to be farmed by the applicant's family.

Having regard to the information contained within the application, the circumstances that led to

the granting of the bungalow in the first instance, and the unsuccessful attempts to find an eligible buyer, there is no compelling evidence to justify the retention of the occupancy restriction imposed by the legal agreement attached to 82/482.

Correspondence with the Legal Officer for the Council has explained that an agreement under Section 52 is a Deed registered as a local land charge. In order to remove this Deed, there is a need to enter into another Deed which would be between the Council and the landowner(s), to the effect that the Section 52 Deed is of no further effect. Once such a deed is executed, the original entry can be removed from the Local Land Charges Register.


Having regard to the above, it is concluded that there is no objection from a planning perspective to remove the restriction imposed by the Section 52 Deed. However, the applicant will be informed of the instructions issued by the Council's Legal Officer, in order to formally remove the occupancy restriction.


CONCLUSION


Having regard to the information contained within the application, the circumstances that led to the granting of the bungalow in the first instance, and the unsuccessful attempts to find an eligible buyer, there is no compelling evidence to justify the retention of the occupancy restriction imposed by the legal agreement attached to 82/482. It is, therefore, concluded that there is no objection from a planning perspective to remove the restriction imposed by the Section 52 Deed. However, the applicant will be informed of the instructions issued by the Council's Legal Officer, in order to formally remove the occupancy restriction.

RECOMMENDATION

That the applicant be informed that the County Borough Council has NO OBJECTION to this proposal to remove the restriction imposed by the Section 52 Deed. However, the applicant will be informed of the instructions issued by the Council's Legal Officer, in order to formally remove the occupancy restriction.

 29/10/2015

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