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CORPORATE DIRECTOR - COMMUNITIES  
DEVELOPMENT

Application for planning permission to remove a planning obligation.

### Supporting Statement

I am the owner of Tirycoed and received planning permission for the disabled person's bungalow with a legal agreement in 1982. The third schedule of the legal agreement (Town & Country Planning Act 1971 Section 52, Attachment 1) states :-

*The occupation of the dwelling to be erected on the said property shall be limited to the owner's parents or either of them or to a person solely or mainly employed in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.*

My parents ( my father a paraplegic) had suffered, over a long period, severe neighbour aggression difficulties in their purpose built council flat in the village. I applied for permission in 1982 for a purpose built bungalow on land at Tynycaeau Farm for my parents. The Planning Department agreed to the application but was concerned about the precedent that it would set by encouraging further development in the area against planning policies. Agreement was reached where the above schedule was included in the planning permission.

The disabled person's bungalow was completed in 1984 and my father survived another two years in a peaceful environment before he died in 1986. My mother continued to live in the property until she also died on 1<sup>st</sup> October 2014. I then cleared the contents of the property with the intention of selling.

For 6 months to April 2014 the property was marketed by word of mouth to local residents, local farmers and a local farm contractor in the area and there was considerable interest. Over this period, in particular, three interested and financially capable purchasers, who wanted the property, eventually backed out because they were not eligible to be residents of the property. Details of two interested persons are shown in Attachment 8.

The estate agents Watts & Morgan were then employed, because of their agricultural experience, to market the property. They had already assessed its value, taking into account the schedule 3 legal agreement mentioned above, and are marketing the property at their offices all over South Wales and have placed the property Property News, on their website and the national property websites Mitula, Rightmove, OnTheMarket and Nestoria (Attachment 2).

The property has been advertised in Farmers Weekly (Attachment 3). This included one week in the magazine and a month (August) on the Farmers Weekly website.

The property has been advertised in August in the local Agricultural College at Pencoed (Attachment 4).



Although there has been high interest, there has, as yet, been no interest shown from eligible purchasers.

Since the May 1<sup>st</sup> 2015 the web page advert for the property has received consistently more than average hits (Attachment 5). In the first two weeks it received more than 3500 hits (Attachment 6). This is far higher (around 50%) than average and an indicator of the attractiveness of the property and of the price. Although there have been many direct enquiries at Watts & Morgan, not one has been from a prospective purchaser who is eligible to live at the property. John Morgan of Watts & Morgan confirms the above facts in Attachment 7.

There has been one estate agent organised viewing, arranged for someone who did not understand the legal agreement on the property. When this was explained at the viewing, she left immediately.

I have seen numerous "drive by" viewings of the property (it is situated along the private track to Tynycaeu Farm) who usually simply drive away but I have personally shown ad hoc visitors around the property, two of whom definitely wish to purchase but are not eligible to occupy. If necessary I can provide contact details.

On June 1<sup>st</sup> Watts & Morgan suggested that some land be added to the property to make it possibly more attractive. The offering was changed to include more than 1 acre to include a small wood and pony paddock for the same asking price. There has still been no enquiry from anyone eligible to live there under its present legal agreement. The enquiry contacts history from interested parties is shown in Attachment 7.

I am also concerned that the property is standing empty for a long period and is at risk of deterioration. I try to keep it in good condition with visits on a daily basis, but I am worried by the possibility of malicious acts such as vandalism or squatting and so try to keep the property looking as if it is "lived in" by daily drawing curtains and switching lights night and morning. However, the property is in a dark quiet location and out of sight from neighbours. After this long period it is probably more vulnerable than the average vacant property.

In summary the property has been for sale for 9 months ( 6 months locally and 3 nationally) with one estate agent organised viewing and five personally organised viewings. None of this interest has resulted in an offer of purchase. I fear that this situation may continue indefinitely with no eligible buyers coming forward while the property, remaining unoccupied, is at constant risk. I was so pleased and grateful to be given planning approval to provide a suitable home for my parents at a time of need, but now circumstances have changed. Since 1982 the rural workplace has changed to reduce the numbers of eligible people employed in agriculture or forestry.

The legal restriction attached to the planning permission in 1982 to prevent further residential development in the vicinity has served the purpose for 33 years as there has been no new residential development in that time.



However, it seems the legal restriction no longer serves a useful purpose in deterring further residential development . This is because if Tirycoed today had its agricultural tie removed, it could not reasonably be used as a precedent to justify any new nearby residential development proposal. The legal restriction also limits the ability to sell the existing property, even at a lower than market price adding to local vacant housing stock. My attempts to market Tirycoed have exhaustively included all known avenues by various means to find eligible purchasers, to no avail. The legal restriction has left the property vacant and vulnerable for 11 months to date.

I attempted to arrange a meeting with officers from the Planning department to discuss whether they could help with possibly withdrawing the legal agreement for the bungalow. After discussing with Mr Eilian Jones of the Planning Department the bare details of the case, he advised that it would be more effective and economical to simply make a planning application outlining my case. I have taken his advice with this application.

For these reasons I hope that you will consider my case favourably and grant my request that Bridgend Planning Committee allow this application for an amendment to the original planning permission conditions to exclude schedule 3 of the conditions listed in the section 52 agreement shown in Attachment 1

Attachment 1 Schedule 3 of the Section 52 agreement for Tirycoed

Attachment 2 The sales brochure available for possible purchasers

Attachment 3 Property advertised in Farmers weekly Magazine and online

Attachment 4 Advert placed at Pencoed Agricultural College

Attachment 5 The Tirycoed sales record from May 1<sup>st</sup> 2015

Attachment 6 The Tirycoed sales record for the first two weeks at Watts & Morgan estate agents

Attachment 7 Statement from John Morgan Director of Watts & Morgan estate agents

Attachment 8 People financially capable but not eligible by Schedule 3

