

PLANNING STATEMENT

IN SUPPORT OF

FULL PLANNING APPLICATION

FOR

**Removal of Condition 2 (Agricultural Occupancy Condition)
Planning Application Ref. W14597/03 (Case No: 9701835FUL)**

AT

**SOUTH SIDE FARM
BOTLEY ROAD
SHEDFIELD
HAMPSHIRE
SO32 2HN**

APPLICANT: Mrs Glennis Taylor

Prepared by:

**Giles Wheeler-Bennett Ltd.
West Court
Lower Basingwell Street
Bishop's Waltham
Southampton
Hampshire
SO32 1AJ**

March 2024

This is an application for the removal of Condition 2 of Planning Application Ref: W14597/03 (Case No: 9701835FUL) relating to the dwelling at South Side Farm, Botley Road, Shedfield, SO32 2HN. This application was determined and approved on 5th March 1998. The wording of Condition 2 was as follows:

2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry or a widow or widower of such a person, and to any resident dependants.

The removal of Condition 2 is being requested as there is no longer a need for an agricultural worker's dwelling at South Side Farm and hasn't been since before 3rd November 2005. Since at least this time, the property has been occupied by persons who do not satisfy the occupancy condition. This was proved within an application for a Certificate of Lawfulness which was granted on 19th March 2024 (REF 24/00210/LDC). A copy of the Lawful Development Certificate is provided with this application.

There are numerous examples of agricultural tie conditions being completely removed following the grant of a Lawful Development Certificate in the Winchester Planning area including Planning Application References: 20/00246/FUL, 16/01001/FUL and 11/02638/SFUL. To refuse this application would therefore go against precedent as regards previous decisions and appeals.

The following is a quote from a Planning Officer's Report relating to an application to remove an agricultural tie condition following the granting of a Lawful Development Certificate. This sums up the planning situation well:

"As part of the lawful development certificate application, the applicant suitably evidenced to the satisfaction of the Local Planning Authority that the property had been occupied by persons who did not meet the requisite restriction imposed by condition of the original approval for a period in excess of 10 years. Accordingly, the certificate was issued, and the unrestricted occupancy of the dwelling thereby deemed lawful in planning terms. Taking account of this, it is considered that it would not be reasonable or justifiable for the local planning authority to refuse the current submission which seeks to formalise the removal of condition given that the dwelling has already been lawfully deemed as able to be occupied not in compliance with this".

In light of the above and the granting of Lawful Development Certificate (REF 24/00210/LDC), I trust that this application can be approved without delay.