

**North Northamptonshire Area Planning Committee  
(Thrapston)  
17 January 2022**

<b>Application Reference</b>	NE/21/01490/VAR
<b>Case Officer</b>	Sunny Bains
<b>Location</b>	Kemps Close, Church Street, Hargrave, Northamptonshire, NN9 6BW
<b>Development</b>	Variation of Condition 3 - Agricultural occupancy requirement pursuant to application 72/0142/2/OTR: Establishment of agricultural holding with ancillary dwelling and workshop
<b>Applicant</b>	Mrs Marie Rawlings
<b>Agent</b>	Westside Services Limited - Mr Westley Robinson
<b>Ward</b>	Raunds
<b>Overall Expiry Date</b>	3 December 2021
<b>Agreed Extension of Time</b>	28 January 2022

**Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer recommendation is contrary to the Parish Council.

**1. Recommendation**

---

1.1 That planning permission be GRANTED subject to conditions.

**2. The Proposal**

---

2.1 This application seeks to remove condition 3 (agricultural occupancy) of planning permission 72/0142/2/OTR to allow occupancy of the residential dwelling by a non-agricultural worker(s).

2.2 Condition 3 stipulates:

*“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing within him (but including a widow or widower of such a person).”*

### **3. Site Description**

---

- 3.1 The site is situated near the built form of Hargrave and is located to the south of Church Street. A large residential dwelling is located on the site that has an agricultural occupancy condition tied to it and a large outbuilding. The application site is of a generous size and has a boundary treatment of mature trees.
- 3.2 Residential dwellings are located to the north, north-east and north west of the site whilst to the east, south and west lies agricultural land.

### **4. Relevant Planning History**

---

- 4.1 72/0142/OTR – Establishment of agricultural holding with ancillary dwelling and workshop – Approved – 07.03.1974.
- 4.2 88/000461/FUL – Conversion of garage to granny annex and formation of garage – Approved – 23.05.1988.

### **5. Consultation Responses**

---

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Hargrave Parish Council

The Parish Council objects to the proposed variation of the condition due to the site comprising of an extensive 'garden' and would in their view be appropriate either as a vineyard again or a small holding. The Parish Council does not want to debase the status of an 'agricultural tie' and does not want to set a precedent for removing agricultural ties.

5.2 Neighbours / Responses to Publicity

No representation received.

5.3 Highways

Further information is required in respect to the current use i.e. whether the agricultural use is current in use as well as the residential use. If this was the case then This would be contrary to NNC adopted highway policy which does not permit private residential dwellings sharing an access with commercial and or agricultural interests, and the LHA would object based on this.

#### 5.4 Environmental Protection

No comments.

#### 5.5 Waste Management

Bins should be presented at Church Road.

#### 5.6 Planning Policy

No representation received.

### **6. Relevant Planning Policies and Considerations**

---

#### 6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

#### 6.2 National Policy

National Planning Policy Framework (NPPF) (2021)  
National Planning Practice Guidance (NPPG)  
National Design Guide (NDG) (2019)

#### 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development  
Policy 8 - North Northamptonshire Place Shaping Principles  
Policy 11 - The Network of Urban and Rural Areas

#### 6.4 East Northamptonshire District Local Plan (DLP) (1996)

No relevant policies.

#### 6.5 Emerging Hargrave Neighbourhood Plan

No weight can be given to the Neighbourhood Plan due to it being at an early stage of the examination process.

#### 6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)  
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

### **7. Evaluation**

---

The key issues for consideration are:

- Principle of Development and Character
- Highway Matters

## 7.1 Principle of Development and Character

7.1.1 The National Planning Practice Guidance (Paragraph:013 Reference ID: 17a-013-20140306) states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated within a planning permission.

7.1.2 The principle of the site being suitable for a residential dwelling has already been established and accepted under planning permission 72/0142/OTR. The permission stipulated an agricultural occupancy condition (stated below), which the applicant wishes to remove.

7.1.3 Condition 3 of the permission states:

*“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).“*

7.1.4 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

7.1.5 The Applicant has provided a timeline of events relating to the use of site and the rational for removing the agricultural occupancy, as follows:

- *The Vineyard was established in 1972 by Mr & Mrs Rawlings. The vineyard produced wines for personal and community usage until large scale production stopped toward the end of the 1990s with limited harvest in the years after that.*
- *During this period, it became reasonably apparent that there was no commercial viability for wine production due to the labour-intensive work involved in small scale wine production. The majority of the wine produced was stored in vats, then bottled and donated to local groups including the Parish Council for village events until the vats were drained and subsequently removed in circa 2012*
- *Mr. Rawlings undertook the majority of the wine making himself up until the early 2000's when his health deteriorated, and he had to stop. Mr. Rawlings passed away in 2019 and following this event Mrs. Rawlings has undertaken the basic maintenance of vineyard however, her own age and failing health has meant this has had to stop too.*
- *Mrs Rawlings has considered turning the land back to arable farming however, given that the whole plot is only 4.5 acres, the considerable cost of returning the land to arable use makes this an unviable option. The majority of the site borders large residential properties and is located within the centre of the village and*

*therefore it has been concluded that the site is better suited for residential occupation.*

- *Mrs. Rawlings has endeavoured to maintain the estate however, without any viable form of income this has become increasingly challenging, and Mrs. Rawlings reluctantly concluded some time ago that she would have to sell the property and downsize in preparation for her later years. Mrs. Rawlings has begun the process of marketing the property with local estate agents however, the AOC is severely limiting the interest in the property as most of the interested parties wish to occupy the land as a large family dwelling, hence the application for its removal.*

7.1.6 It is noted from the supporting statement that agricultural activity has not taken place since late 1990's and the agricultural holding is relatively small for meaningful arable use which would result in it being an unviable option.

7.1.7 The site is located within close proximity to residential dwellings that are general market housing and do not have an agricultural occupancy condition.

7.1.8 Give the above, it is considered that the imposition of the agricultural occupancy condition is not necessary or reasonable in line with Paragraph 55 of the NPPF.

7.1.9 The Parish Council has expressed concerns with the size of the land being used for residential curtilage. In light of this the Applicant has provided a land use plan to clarify the residential curtilage, shown via the red outline (1.67 acres) and the agricultural land shown in the blue outline (2.91 acres). The residential curtilage depicted is considered to be reasonable in connection to the size of the dwelling. The removal of the agricultural occupancy condition would not by default result in the agricultural land being classified as residential. Planning permission in its own right would be required for the change of use of the agricultural land to domestic curtilage.

7.1.10 The removal of the condition is also considered not to cause harm to the character of the local area and would be in accordance with Policy 8(d) of the JCS.

## 7.2 **Highway Matters**

7.2.1 The existing access arrangement off Church Street would remain the same. Highways comments are noted. The Applicant has confirmed that the access has not been used by agricultural vehicles since wine production ceased in the late 1990's and is currently used for residential use only.

7.2.2 Therefore, the removal of the agricultural condition would cause no more harm than existing and therefore complies with Policy 8(b) of the JCS.

## 8. **Other Matters**

---

- 8.1 The Parish Council has expressed concerns with the removal of the agricultural occupancy condition setting a precedent. However, this would not be the case as each case is assessed on its own merits.
- 8.2 Waste: Refuse / recycling collections will continue to take place as they do currently; no changes are proposed.
- 8.3 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

## **9. Conclusion / Planning Balance**

---

- 9.1 The removal of the agricultural occupancy condition, as denoted above, is not considered to result in harm to the character of the local area. Also, its imposition through the passage of time has become unnecessary and unreasonable and would not adhere with Paragraph 55 of the NPPF.
- 9.2 As such, it is considered the proposal complies with local and national policies and therefore it is recommended that planning permission is granted.

## **10. Recommendation**

---

- 10.1 That planning permission be GRANTED subject to conditions.

## **11. Conditions**

---

- 1 Any gates to be provided at the access shall be hung to open inwards only and shall be sited a minimum 5.5 metres away from the public highway.

Reason: In the interests of highway safety.

2. This approval relates to the following plans:

- Location Plan – received 7 October 2021; and
- Site Plan – received 22 December 2021, denoting:
  - Residential curtilage within the red line (1.67 acres); and
  - Agricultural land within the blue line (2.91 acres)

Reason: For the avoidance of doubt and in order to define the extent of residential curtilage.

## **12. Informatives**

---

- 1 The removal of the agricultural occupancy condition does not by default result in the agricultural land being classified as residential curtilage. Planning permission would be required for the change of use from agricultural land to domestic curtilage.