

Appeal By John Newbury  
Relating to a dwelling Called Greenclose  
At Wangfield Lane Southampton SO32 2DA

Appeal Ref  
APP/1765/C/22/3313363

Statement of John Newbury

LPA Ref 17/00362/BCOND Notice 1

## **Introduction**

The Enforcement Notice was attached to the appeal form.

The grounds of appeal are (a) and (d)

The property is called Greenclose

The plan attached to The Notice does not appear to portray what exactly exists on the ground. A new plan is required

Any red lined plan should only reflect the curtilage of the dwelling. Evidence is produced by way of a photograph dated June 2009 and a further photograph dated April 2011, which shows fencing separating the residential use from the agricultural use of the surrounding land. (appx 1 and 2)

## **HISTORY**

1 Planning permission was granted for the erection of a bungalow, to be occupied by “ a person solely or mainly employed, or last 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 dependents of such persons residing with him) or a widow or widower of such a person “

2 The application was made by Peter Hill, who was a member of the family that farmed Lower Wangfield Farm which is situated immediately opposite the land that Greenclose was built on.

3 Peter Hill never occupied the property.

## **Ground (d)**

4 The Father and mother of Peter took up occupation in 1988.

5 At that time Mr Hill senior satisfied the condition above, attached to the approval.

6 The family farming activities were struggling to survive to generate sufficient income from beef farming to provide for all the family.

7 The beef enterprise was run down, and Mr Hill snr started a contracting business

8 This involved some agricultural activities, but also included the construction of buildings ,providing concrete roadways , cattle pens, silage clamps, and such like, not the rearing of livestock or growing crops.

9 At this time the occupation condition of the dwelling was not satisfied.

10 He was not solely employed in agriculture, according to the act Section 290 (1), as he was not mainly employed in agriculture.

11 Mr Hill passed away in 1990.

12 Mrs Hill his widow was left occupying the dwelling. She was severely disabled and had been for several years.

13 Due to Mr Hill's last employment, Mrs Hill continued to breach the condition.

14 Mrs Hill's health began to deteriorate and in 2013 she went into a nursing home, and soon passed away.

15 Peter Hill decided to move to the West Country to sheep farm.

16 The property was not in a good state and had no heating.

17 Peter decided to sell it and let the purchaser bring the dwelling up to a habitable standard.

18 The property was marketed immediately and Mr Newbury the appellant purchased it.

19 The sale was completed on the 24<sup>th</sup> March 2014.

20 The property was not available between the death of Mrs Hill and the time of completion, as Mr Newbury's offer was accepted and both parties were locked in contract

21 Mr Newbury carried out all the modernisation and installed heating.

22 The property was then rented, and the condition continued to be breached.

23 It is the appellant's case that the breach exceeded 10yrs from 1999 until the present day. A total of 34 years. From 1999 for 10 yrs, it was possible to take enforcement action.

### **Ground (a)**

24 This property has only satisfied the occupancy condition for 1 year in 34 years. This was the first year it was built

25 Within 1kilometre of the site 2 tied properties have had the same condition lifted

25 The criteria followed in 1998 is very different to that which exists today.

26 Any new agricultural workers dwellings permitted today are to meet a functional need. This need is met by the proposed dwelling being within sight and sound of the main activity of the agricultural enterprise.

27 Greenclose and Lower Parklands are no longer part of an agricultural enterprise, so Greenclose has become redundant filling a functional need. The condition also required that the occupant worked locally.

28 There are no farms locally, of a sufficient size to warrant a second dwelling as they all have dwellings meeting the need.

29 As this dwelling will never be required to meet a functional need on a holding, all that which is left is to home a retired worker.

30 The property even with a 30% discount in value will be in the region of five hundred thousand pounds. This would be well out of the reach of a retired farm worker. The council tax is band F.

31 The location of the dwelling would not be attractive to a retired person. There are no bus routes, or shopping facilities nearby.

32 By maintaining the occupancy condition will mean the property could remain unoccupied for anything up to 2 years

33 The Inspector is requested to remove condition 3 of planning permission 86/01902/OLD.

John Newbury