

**Planning Statement in support of Section 73 Application for the Removal of an
Agricultural and Forestry Occupancy Condition Subject of Condition 1
of Planning Permission A/4188**

At:

Hazelcombe
Silver Street Lane
Brokerswood
Westbury
Wiltshire
BA13 4EY

Supporting submission on behalf of the Applicant:

Mr and Mrs M Cassidy

Statement Prepared by:

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1.0 **Background**

- 1.1 In 1965 planning permission was granted for the erection of a Forestry Worker's dwelling at Hazelwood under reference A/4188. The permission was subject of three planning conditions. One of these conditions (Condition 1) imposed an occupancy restriction on the dwelling. This stated:

"The occupation of the cottage shall be limited to persons employed locally in agriculture as defined by Section 221(1) of The Town and Country Planning Act 1962, or in forestry, and the dependents of such persons."

- 1.2 The property was believed to have been constructed in 1967 and subsequently extended in 1988. The Applicant's purchased the site in August 2024 as an investment. They have not occupied the property as their place of residence. At risk, they have allowed their son and partner to temporarily occupy it, neither of whom comply with the occupancy condition.



2.0 The Application

- 2.1 The Application is made under Section 73 of the Act for the continued occupation of Hazelcombe, without complying with Condition 1 of the planning permission granted in 1965 under reference A/4188.
- 2.2 The condition in dispute limits the occupation of Hazelcombe to persons locally employed in agriculture or forestry and dependents thereof. The condition is particularly restrictive, because it excludes persons last employed in agriculture or forestry and thus can only be occupied by active workers in the industry and their dependants.



3.0 Planning Policy Considerations

- 3.1 The site lies outside of any defined limits of development. Core Policy 2 of the adopted Wiltshire Core Strategy (2015) states that development will not be permitted unless permitted by other policies of the Plan.
- 3.2 Core Policy 48 permits dwellings located outside of defined limits where the accommodation meets the need for workers to live at, or near their place of work in the interests of agricultural or forestry or other employment essential in the countryside.
- 3.3 A similar policy guidance is contained in paragraph 84 of the National Planning Policy Framework (NPPF). This states that decisions should avoid the development of isolated homes in the countryside unless, inter alia:
- "There is an essential need for a rural working including those taking majority of control of a farm business, to live permanently at or near their place of work in the countryside."*
- 3.4 There are no policies in the adopted Local Plan relating to the consideration of applications to remove agricultural occupancy conditions.
- 3.5 Paragraph 57 of the NPPF requires planning conditions to be kept to a minimum and only imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 3.6 Paragraph 61 of the Framework refers to significantly boosting the supply of housing.



4.0 The Case for Allowing the Removal of the Occupancy Condition

- 4.1 The site lies well beyond the development limits of any recognised settlement and located in a rural area with scattered housing. In planning policy terms, the property lies within an area of countryside.
- 4.2 It must be assumed that the planning permission for the dwelling was granted by the local planning authority because of the need for a dwelling for forestry management, but there is no documentary evidence to confirm this. For the purposes of this application, it is assumed the occupancy condition was properly imposed. The validity of Condition 2 of permission A/4188 is not therefore in dispute.
- 4.3 It is further acknowledged that following the High Court decision in 1995 (**Sevenoaks DC v Secretary of State for the Environment and Mr and Mrs Geer**) all applications for the removal of agricultural occupancy conditions should be subject of examination as to whether or not there is a continuing need for the dwelling in the locality.
- 4.4 In the absence of any policy guidance on how the local planning authority would consider applications for removal of agricultural/forestry occupancy conditions, the evidence submitted with the application examines whether or not there is a continuing need for Hazelcombe to be occupationally restricted.
- 4.5 The land associated with Hazelcombe comprises its garden and small area of woodland extending to 0.53 ha. The permission was originally granted for a forestry workers' dwelling, but the planning condition also allows the dwelling to be occupied by agricultural workers.
- 4.6 There is no prospect that the very small landholding could provide employment for a forestry or agricultural worker. This being the case, it has been necessary to establish whether there is a wider need in the locality for the property to be retained for forestry and agricultural workers who are currently in employment in these sectors.
- 4.7 To test this, the property has been professionally marketed by Symonds and Sampson Estate Agents. The LPA has no published guidance on an appropriate methodology for the marketing but as a general rule of thumb, a 12-month marketing exposure is judged to be appropriate.



- 4.8 The marketing needs to be focused. This would involve advertisement placed in farming and forestry industry publications.
- 4.9 The other important parameter in the carrying out of a marketing campaign is the valuation of the property to reflect the incumbrance of the occupancy restriction.
- 4.10 The above marketing timeframe, marketing exposure and valuation factors were adapted by the marketing agents who have now completed 12 months of marketing have published their findings in their report. This report prepared by Symonds and Sampson dated July 2026, is submitted in support of this application.
- 4.11 The property was marketed and valued as two separate lots. Lot 1 the three-bedroom bungalow and garden and Lot 2 the adjoining 0.4 Ha of woodland.
- 4.12 The bungalow was constructed by Woolaway. A prefabricated reinforced concrete construction, popular after the Second World War, to provide low-cost, temporary housing. They have since been identified as being vulnerable to concrete carbonation. These structural weaknesses result in Woolaway structures being a high risk to lenders, increasing mortgage costs which supresses their open market value.
- 4.13 On this basis, and having regard to the sales values of similar, small rural bungalows in the area, the open market value was placed at £395,000. A 25% discount was applied to reflect the restrictive occupancy condition resulting in a guide price market valuation of £295,000. Lot 2 was valued at £70,000.
- 4.14 The property was advertised in local publications, South-West Farmer and the Forestry Journal. Sample advertisements from both publications and dates the advertisements were placed are set out in the agent's Marketing Report.
- 4.15 The marketing campaign commenced on 1st July 2025. The outcome of the campaign is detailed in the Marketing Report. It resulted in thirty property enquiries. Twenty-three were from applicants who would not comply with the occupancy condition. Of the seven who could comply, only one offer had been received for £395,000. As described in paragraph 6.3.5 of the Marketing Report, this offer did not materialise, and the property marketing resumed. During this period, the marketing of the property continued, including advertisements in the farming press.



- 4.16 Market testing is a proven technique to disproving market demand for occupationally restricted dwellings. The duration of the marketing for the 12 months up to the production of the Marketing Report, and the continuing availability of the property during the planning application determination period is judged to be reasonable. The 25% discount from a realistic open-market valuation has been fully justified. The reasonably high level of interest testifies the robustness of the marketing campaign.
- 4.17 The absence of any offer that would lead to a sale is not just attributable to the nature of the construction of the building but also to the restrictive terms of the occupancy condition, which does not embrace retired forestry or farm workers being able to lawfully occupy the property. The proposal will also contribute to the supply of single-storey dwellings and meet the housing policy requirements of the NPPF.



5.0 Conclusion

- 5.1 New dwellings in the countryside are only permitted in exceptional circumstances, such as providing housing for forestry or farm workers. These also provide a stock of rural dwellings at an affordable price for workers employed in these sectors.
- 5.2 The marketing exercise provides demonstratable evidence that there is no continuing demand for the property to meet the needs of forestry or farm workers who are in active employment. Consequently, the disputed condition to limit the occupation of Hazelcombe is neither reasonable nor necessary.
- 5.3 It is therefore requested that planning permission is granted for the 'erection of forest worker's dwelling' at Hazelcombe, without complying with Condition 1 of planning permission A/4188.

