MRS Y D BALL
THE CROFT
DILHORNE ROAD
DILHORNE
S-ON-T
STAFFS
ST10 2PH

16TH AUGUST 2016

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
MOORLANDS HOUSE
STOCKWELL STREET
LEEK
STAFFORDSHIRE MOORLANDS
ST13 6HQ

ATTENTION: PLANNING SUPPORT/CUSTOMER SERVICES

DEAR SIRS

I WRITE WITH REFERENCE TO THE PLANNING APPLICATION NUMBER SDM/2016/0436, MR CHRISTOPHER SLAYTOR, WHYMPENNY FARM, GODLEY LANE, DILHORNE, S-ON-T, STAFFS, ST10 2PH.

I LIVED ALL MY YOUNGER LIFE AT WHYMPENNY WITH MY PARENTS UNTIL 1986 THATS WHEN I GOT MARRIED AND MOVED AWAY. I AM AN EQUAL BENEFICIARY TO MY LATE FATHER'S ESTATE, WHICH HAS BEEN ONGOING NOW FOR SOME 15 YEARS, TO WHICH THE ABOVE PROPERTY AND LAND WAS PART OF BEFORE BEING SOLD TO MR CHRISTOPHER SLAYTOR.

I TOTALLY OBJECT TO THIS PLANNING APPLICATION TO RELEASE THE TIE DUE TO THE REASONS DETAILED BELOW:-

OCCUPATIONAL HISTORY

THE HOUSE AND PADDOCK WAS RENTED OUT BY A LOCAL RETIRED FARMER FROM DECEMBER 2001 UP UNTIL APRIL 2005 WHO MADE AN OFFER BUT THEY WERE TURNED DOWN THEREFORE THEY MOVED ON.

PLANNING HISTORY

REFERENCE TO THE STATEMENT BY MR BRUCE DANIELS (CONSULTANT).

WE WOULD LIKE TO DRAW YOUR ATTENTION TO THE FACT THAT AN ENFORCEMENT NOTICE WAS ISSUED AGAINST THE BENEFICIARIES RELATING TO MY LATE FATHER'S ESTATE (REF. 07/00081/BOC DATED 20TH JULY 2009).

THIS RESULTED IN THE EXECUTORS HAVING TO REMOVE THE TENANTS FROM THE PROPERTY TO ENABLE SALE OF THE PROPERTY TO THE APPROPRIATE BUYER MEETING THE CONDITIONS AS YOU OUTLINE.

PREVIOUSLY WE APPLIED FOR THE REMOVAL OF TENANCY AND WERE GUIDED THROUGH THIS REMOVAL OF OCCUPANCY CONDITION USING A CONSULTANT "MR M SUTCLIFFE" AND WAS TURNED DOWN BY SMDC FOR THE FOLLOWING REASONS (COPY ATTACHED).

AS STATED THE PROPERTY WAS ADVERTISED AS A WORKERS OR RETIRED WORKERS DWELLING BY PREFERABLY A LOCAL PERSON, THIS CONDITION WAS NOT MET FROM THE DAY OF SALE TO MR & MRS SLAYTOR. WE HAVE WRITTEN TO SMDC TO DOCUMENT OUR CONCERNS OVER THE LAST YEAR FROM 14TH JULY 2015 AND AGAIN I HAVE DOCUMENTARY EVIDENCE.

PURCHASE OF PROPERTY BY MR SLAYTOR

WE WOULD SUGGEST THAT MR SLAYTOR SHOULD HAVE HAD A WRITTEN CONFIRMATION FROM SMDC PLANNING DEPARTMENT TO CONFIRM HIS SUITABILITY TO OCCUPY THE PROPERTY.

WE WOULD ALSO SUGGEST THAT THE PROPERTY AND ADJOINING LAND HAS NOT BEEN USED IN ANY WAY FOR THE ACTIVITY OF AGRICULTURAL/FORESTRY CONDITIONS AS IMPLIMENTED.

MARKETING HISTORY

CAN I DRAW YOUR ATTENTION TO THE COMMENTS MADE WHEN THE PROPERTY WAS VALUED AND ADVERTISED AT £250,000 (HOUSE AND PADDOCK) AND THE £150,000 (FARM BUILDINGS AND LAND). IT HAS BEEN SUGGESTED THAT THERE WAS NO FIRM OFFER, WE HAVE GOT DOCUMENTARY EVIDENCE THAT WE GOT A FIRM OFFER OF £151,000 WHICH WAS SUBMITTED FOR THE FARM BUILDINGS AND LAND ON THE 26TH JULY 2012, BY A LOCAL FARMER WHO WANTED TO EXPAND HIS LAND AND BUILDING OPERATIONS (THIS WAS TURNED DOWN).

REFERENCE OF SALE FILE - 10 VIEWINGS & CONVERSATIONS (APRIL 2011 TO SEPT 2012)

IT IS STATED THAT ALL THESE ENQUIRIES WERE UNFRUITFUL, AGAIN I WOULD DRAW YOUR ATTENTION TO THE FACT THAT MYSELF AND MY 2 BROTHER'S MADE AN OFFER ON 30/08/2012 FOR THE FULL ASKING PRICE OF £400,000 FOR BOTH LOTS,WHICH WAS TURNED DOWN EVEN THOUGH WE ALL MET THE PLANNING CONDITION "**(THE OCCUPATION OF THE DWELLING SHALL BE LIMITED TO A PERSON SOLEY OR MAINLY EMPLOYED LOCALLY ON AGRICULTURAL/ FORESTRY)"**

THIS WAS EVENTUALLY TURNED DOWN BY OURSELVES DUE TO ALL THE CONDITIONS OF SALE AS DETAILED BELOW WHICH WERE NOT ENFORCED ON OTHER OFFERS OF SALE RECEIVED OR ANY OTHER ESTATE AGENT SALES PARTICULARS, OR ON THE EVENTUAL SALE TO MR C. SLAYTOR AS FAR AS WE ARE AWARE:-

1 THE SALE WAS SUBJECT TO THE EXISTING TENANCY AND IT WILL BE FOR THE PURCHASER TO TERMINATE THE TENANCY AFTER COMPLETION.

2 THE EXECUTORS WOULD WISH FOR A DEVELOPMENT CLAWBACK PROVISION TO BE INCLUDED IN THE TRANSFER TO THE PURCHASER TO THE EFFECT THAT IF PLANNING PERMISSION WAS GRANTED ON THE PROPERTY OR ANY PART THEREOF WITHIN A PERIOD OF 21 YEARS THEN THE CLIENTS SHOULD EACH RECEIVE 20% OF THE DEVELOPMENT VALUE.

3 IF THE AGRICULTURAL OCCUPANCY CONDITION IS REMOVED THEN AGAIN OUR CLIENTS WOULD EACH RECEIVE 20% OF THE INCREASE IN THE VALUE OF THE PROPERTY ARISING FROM THE REMOVAL OF THE CONDITION.

THE EXECUTORS OF THE ESTATE HAVE ALWAYS TAKEN A TENANCY OUT FROM THE 1ST AVAILABLE APPLICANT AND HAVE NOT MARKETED THE PROPERTY THROUGH THE CORRECT CHANNELS TO ATTRACT A SUITABLE TENANT WHO CONFORMS TO THE CORRECT REGULATIONS WITHIN THE AGRICULTURAL TIE.

REFERENCE APPLICANT OFFER £220,000

WE FEEL THIS WAS MASSIVELY UNDER PRICED BY THE EXECUTORS AND IF IT HAD BEEN PUBLICALLY MARKETED THAT THIS DETACHED PROPERTY WITH 2.04 ACRES COULD BE PURCHASED AND OCCUPIED BY SOMEONE NOT IN A FARMING/FORESTRY INDUSTRY, THIS WOULD HAVE REACHED A MINIMUM OF £350,000. IN FACT WE KNOW OF LOCAL PEOPLE WITHIN THE VILLAGE WHO HAVE STATED THAT THEY WOULD HAVE PURCHASED THE HOUSE AND PADDOCK.

JUSTIFICATION OF REMOVAL

AS STATED PREVIOUSLY AN OFFER BY OURSELVES WAS MADE TO THE FULL ASKING PRICE £400,000 BUT DID NOT COME TO FRUITATION DUE TO THE ADDITIONAL CLAUSES THAT WERE ADDED TO THE SALE PARTICULARS, AS DETAILED WITHIN THE ABOVE NUMBERS 1, 2 & 3

AGENTS ATTESTATION

WE HAVE DOCUMENTARY EVIDENCE THAT THE FULL ASKING PRICE OFFER WAS SUBMITTED ON THE 30TH AUGUST 2012 FOR THE HOUSE AND PADDOCK PLUS FARM BUILDING AND LAND. THIS IS NOT AS PER DANIEL & SONS OPINION THAT DURING THE PERIOD 2011 - 2013 THERE WAS NO SUBSTANTIAL DEMAND!

THEREFORE AS YOU WILL APPRECIATE THE HOUSE AND PADDOCK HAS BEEN SOLD TO SOMEONE WHO DOES NOT MEET ANY OF THE CRITIERA, HAS NO LOCAL CONNECTIONS AND WHEN MR C SLAYTOR GETS THE TIE REMOVED HE WILL PUT THE HOUSE AND PADDOCK BACK ON THE MARKET AND BE GONE DOWN THE ROAD WITH A SMILE ON HIS FACE, HAVING FOOLED THE LOCAL COUNCIL.

YOURS FAITHFULLY

Y D BALL (MRS)

1. Asking price of £450,000 is not transparent with respect to the discounting % and the resultant price appears to be somewhat excessive,

2. Property has not been offered for rent,

3. Catchment and number of farms is restrictive with respect to assessing the wider demand within the locality - an 8 km radius can be viewed as acceptable and therefore the submitted list is not considered to be exhaustive. There is also no evidence of any responses from the 10 farms contacted, which were detailed as local farmers / dairy farmers.

4. It is considered that there remains a demand for agricultural dwellings within the locality as planning history records illustrate. Of note, Heywood Farm, Dilhorne (ref. 07/00228/FUL) were not contacted with reference to their recently withdrawn application for an additional farm workers dwelling.

5. Land and buildings may be capable of more intensive forms of agricultural and therefore the size of land holding should not be viewed as overly restrictive. Additionally, buildings may be replaced and enlarged where appropriate.

6. Occupancy condition may be fulfilled by retiring tenant farmers.

The alleged breach of condition will be forwarded to the Planning Enforcement Team for investigation.

The application has therefore been recommended for refusal for the reasoning set out below.

TOWN/PARISH COUNCIL VIEWS:

Has been discussed in the main body of the report.

PUBLIC VIEWS:

N/A

PLAN NOS: Location Plan.

1. Lack of agricultural / forestry demand for the dwelling has not been demonstrated in accordance with the advice contained within Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas (2004) and Policies N2 and H7 of the Adopted Staffordshire Moorlands Local Plan 1998.

Date 21 November 2007 **Signed** _____
Rachael Simpkin

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date 21/11/07 **Signed** _____