

Removal of agricultural occupancy clause

The application is to specifically remove the Condition 3 of SM92-1066 from the farm workers dwelling at what was formally Hermitage Farm, Froghall, known as “Ruelow Cottage”.

The approved planning application stated: -

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990, or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

History

The history of Hermitage Farm is within the heritage statement, it also includes the site description. Of particular note is section 3.20 of the heritage statement because it is relevant to this planning application.

Rationale for the application to remove the occupancy clause

1. Agricultural tie no longer relevant to “Ruelow Cottage”.
2. Ruelow Cottage is not an independent building.
3. Ruelow Cottage for dependents to use

1. Agricultural tie no longer relevant to Ruelow Cottage

Subsequent to the purchase in June 2021 by the current owners the agricultural land was severed from the holding which originally justified an agricultural dwelling. The business is now solely tourism based and has no agricultural attributes whatsoever.

There is no requirement for an agricultural workers' dwelling on this holding as the farmer has a separate dwelling. Located to the north of Hermitage and approved under planning application SMD/1999/0255.

The nature and character of farming has also changed and the long-term need for homes for agricultural workers no longer has the same importance as in past decades.

There is insufficient agricultural land remaining with the Hermitage and the holding is now less than 2 acres of agricultural land. We believe that the location and the land remaining is insufficient to support a resident farmer who would continue to comply with the condition.

2. Ruelow Cottage is not an independent building

We do not believe that “Ruelow Cottage” would be suitable for an agricultural worker in the local area because it is entirely dependent on the main house.

The property is land locked and does not enjoy any rights of access over the driveway leading from the public highway.

The property does not enjoy any rights or easements to receive a mains water supply, electricity supply, heating oil supply or independent sewage connection. These are all shared with an adjoining property. Specifically the: -

- Sewage – this is shared by means of a septic tank with the main house and not connect to the mains sewage.
- Electricity – this is also shared and does not have its own metred supply
- Water – also shared and does not have its own independent supply
- Heating oil – there is a shared tank for heating oil.

Effectively this makes Ruelow Cottage an annex to the main house.

Despite the reasons above the property is subject to council tax and we have no viable method to cover this cost through any form of occupancy.

3. Ruelow Cottage – for dependents to use

Due to increasing ill-health of dependent aging relatives there is a need for them to move closer to the family to provide care facilities. Specifically: -

- Two parents are now in their late 80's with increasing ill-health.
- Currently parents live over 40 miles away and its difficult to provide regular care.
- One of the parents is wheelchair bound and Ruelow Cottage is a single floor dwelling with ramped access and would be ideal to allow independent supported living.
- Further to this at some time in the future we would hope to retire and move into Ruelow Cottage and allow the next generation to move into the main house and continue running the business.

Summary and Conclusion

We believe there is a strong case to remove the clause because it has become obsolete and there is no longer an agricultural undertaking, nor the land to operate a viable one in the future.

We believe it would be far more suitable for us to use the property for dependent and supported living for our elderly parents.

It is evident that when the planning permission for Ruelow Cottage was granted the need to provide dwellings for agricultural workers has changed substantially. Like most sectors of society agricultural workers are now much more mobile and can live anywhere within reasonable travelling distance of the land on which they may be employed and may work between various areas of land as independent contractors and travelling between them as necessary. The requirement to be 'on site' no longer has the same relevance as it did, and such persons are free to live where they like.

As society is generally more mobile and the use of cars and transport connections is more easily available it is no longer the case that persons living in rural locations need to be as isolated as may previously have been the case. Access to the services found established settlements such as shops schools and medical facilities are available with relative ease.