SUPPORTING STATEMENT

FOR A

LAWFUL DEVELOPMENT CERTIFICATE (EXISTING USE) RELATING TO THE BREACH OF THE AGRICULTURAL OCCUPANCY CONDITION

AT

MANDERVILLE AND SHANDON,
LLYNDIR LANE,
BURTON,
ROSSETT,
WREXHAM,
LL12 0AY

Prepared on behalf of

R A Rogers (Rossett Limited)
8 Belgrave Garden Mews
Pulford

Cheshire
CH4 9GH

Prepared by: Sarah Gerrard

West View House
Whitchurch Road
Hatton Heath
Chester
CH3 9AU
Telephone: 01829 773000
Facsimile: 01829 773001
Email: sarahgerrard@rostons.co.uk

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1. INTRODUCTION

1.1. This report has been prepared by Rostons following instructions from Mrs Jenny Rogers.

Qualifications and Experts Duty

1.2. I, Sarah Gerrard, am a Rural Chartered Surveyor who works for the firm Rostons.

1.3. I understand my duties in the preparation of this report and have complied with that duty. The substance of the instruction I have received and the information I have been provided with are set out within this report and its appendices.

1.4. I am also a probationer member of the Central Association of Agricultural Valuers and have a degree in Rural Enterprise and Land Management from Harper Adams University. I have been involved in the agricultural sector and country matters for the majority of my life. I act on behalf of farmers and landowners throughout Cheshire and surrounding counties and I specialise in agricultural planning matters.

Purpose of Report

1.5. The purpose of this report is to fully justify the planning application for a Lawful Development Certificate for the existing use of the pair of cottages known as Manderville and Shandon, Llyndir Lane, Burton, Rossett, LL12 0AY. The cottages are occupied in breach of the Agricultural Occupancy Condition (AOC) which was imposed on the original planning consent for the properties.

1.6. The AOC mandates the occupancy of the dwellings is to be restricted to persons working, or last working in agriculture or forestry, detailed further in the full document in Schedule 4.

1.7. The occupation of Manderville and Shandon has been in breach of the condition continuously for more than twenty years.

2. PROPERTY CONTEXT

2.1. Manderville and Shandon are a pair of two bedroomed semi-detached cottages within a rural location. The properties are located in the borough of Wrexham County Borough Council and are not subject to any designations.

2.2. The properties were built on land owned and farmed by Mr R A Rogers trading as R A Rogers (Rossett) Ltd Collynie Farm and Broadoak Farm, and the properties lie approximately 300m to the South-East of Broadoak Farm, off Llyndir Lane.

2.3. Manderville and Shandon were built with the purpose of housing farm workers from Broadoak Farm.

2.4. The dwellings were granted planning permission in 1971, subject to a condition restricting the occupation:

"*Occupation of the dwelling shall be limited to persons employed, or last employed locally in agriculture as defined in Section 221 of the Town and Country Planning Act 1962, or in forestry and the dependants of such persons".*

2.5. The dwellings were constructed in accordance with the permission, as part of a wider agricultural holding between Collynie Farm and Broadoak Farm.

3. PLANNING HISTORY

3.1. The relevant planning history is as follows:

Application Reference	Description	Decision	Date
Code no: BUR/5716	Erection of one pair of semi-detached dwellings for occupation by farm labourers, installation of septic tank and construction of accesses on land adjoining and forming part of Collynie Farm, Rossett (previously approved under Code No. BUR/5716).	Granted	25th March 1971

3.2. Planning permission was granted in 1971 under application reference BUR/5716, for the erection of one pair of semi-detached dwellings for occupation by farm labourers, installation of septic tank and construction of accesses on land adjoining and forming part of Collynie Farm, Rossett (previously approved under Code No. BUR/5716) for Mr R.A Rogers (the Applicant's late husband).

3.3. The planning permission effectively gave planning permission to construct the pair of agricultural worker's dwellings at Collynie Farm, with the occupancy being restricted to a person employed or last employed in agriculture.

3.4. A copy of the decision notice for application reference BUR/5716 is included at Appendix 1.

4. THE FARMING ENTERPRISE

4.1. At the time of the application for the workers dwellings, Collynie Farm and Broadoak Farm were run as one agricultural unit, comprising arable land and

a substantial pig enterprise. The holding continued to expand through 1970s to mid-1980s to its peak when the enterprise had over 2000 head of pigs.

4.2. In 2000, Mr R A Rogers retired as no family members were interested in continuing the farming business. Land and farm buildings were sold. Retained land was rented for grazing and arable use.

4.3. With the disposal of the pig enterprise and significant reduction in land since 2000, the agricultural business operations no longer required additional full-time labour, and four members of staff were given notice under Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE').

5. THE APPLICATION

5.1. The applicant is seeking a Lawful Development Certificate for the occupation of the properties in breach of the occupancy condition. This application is not seeking consent for any material or operational change to the property.

5.2. Manderville and Shandon were occupied by agricultural workers employed by the farming business at Collynie and Broadoak Farms until 2001. Following the sale of the pig herd, the need for a property to house the farm's agricultural workers significantly reduced.

5.3. Since 2001, Manderville and Shandon have been occupied by tenants who have not been employed in agriculture. Evidence of the tenancies has been uploaded to the portal separately due to the confidential nature of the documents.

5.4. The AOC at both properties has therefore been breached for a period of more than 20 years.

5.5. The sale of land in 2000, closure of the farming enterprise and subsequent sale of agricultural buildings at Collynie Farm and Broad Oak Farm means there is no realistic prospect of Collynie Farm and Broadoak Farm returning to an agricultural enterprise that will justify a full-time agricultural worker living on site.

5.5.1. In respect of Collynie Farm buildings, planning permission ROS P/1999/0150 was granted 08/03/2000 for conversion to business units and sold 28/04/2000. The buildings at Broad Oak Farm were granted planning permission under application ROS P/2018/0888 on 18/07/2019 for conversion to residential units and sold 19/08/2021.

6. PLANNING POLICY CONTEXT

<u>The Town and Country Planning Act 1990 Section 171B</u>

6.1. Under Section 171B of the TCPA, where a planning condition breach has been continuous for at least ten years, it becomes immune from enforcement action. Both Mandervile and Shandon have been occupied by

persons not complying with the condition for more than ten years and therefore the Lawful Development Certificate should be granted.

The Use of Planning Conditions for Development Management (WGC 016/2014)

6.2. Chapter 3.0 of this document details the six tests that must be applied for planning conditions. Furthermore, Paragraph 3.18 states "A condition should not be imposed if it cannot be enforced". As the condition on the planning permission has not been complied with for more than 10 years, a Lawful Development Certificate could be obtained. This breach of condition can no longer be contested.

6.3. The properties have been let to tenants in breach of the occupation condition for over 20 years. The breach of the condition is therefore exempt from enforcement and a Lawful Development Certificate should be issued.

7. APPLICATION OF PLANNING POLICY

7.1. For over 20 years Manderville and Shandon have been occupied by persons not employed or last employed in agriculture, breaching the condition. This therefore exceeds the time limits laid down in Section 171b of the Town and Country Planning Act 1990 for the Local Planning Authority to take enforcement action.

7.2. Manderville and Shandon were occupied by rural workers until the dispersal of the pig herd, when the essential need fell away and since this time, both properties have been occupied by persons in breach of the condition.

8. JUSTIFICATION FOR THE REMOVAL OF THE AGRICULTURAL OCCUPANCY CONDITION

8.1. The Lawful Development Certificate would regularise the current position. The breach is immune from enforcement action.

9. SUMMARY AND CONCLUSIONS

9.1. A Lawful Development Certificate is sought to regularise the existing use of the properties, being occupied in breach of the condition.

9.2. The Applicant and members of their family have owned the property since its construction. In this time, the pig farming enterprise that required the dwellings to house agricultural workers ceased, and ever since it has been occupied by persons in breach of the condition. A Lawful Development Certificate will legalise the current position.

9.3. For over 20 years Manderville and Shandon have been occupied by a person not employed or last employed in agriculture, breaching the condition. This therefore exceeds the time limits laid down in Section 171b of the Town and Country Planning Act 1990 for the Local Planning Authority to take

enforcement action. For this reason, a Lawful Development Certificate should be issued.

APPENDIX 1

Planning History Decision Notice

Cert. No. [illegible]/5045

Code No. BUR/5716

LOCAL PLANNING AUTHORITY—DENBIGHSHIRE COUNTY COUNCIL.

WREXHAM RURAL DISTRICT COUNCIL.

To Mr. R.A. Rogers,
per Messrs. Howard Fairbairn and Partners,
27 Newgate Street,
CHESTER.

TOWN AND COUNTRY PLANNING ACTS 1947 to 1968.

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1963 as amended

In pursuance of their powers under the above-mentioned Acts and Orders, the Rural District Council acting on behalf of the local planning authority, hereby permit on the 25th March, 1971.

Erection of one pair of semi-detached dwellings for occupation by farm labourers, installation of septic tank and construction of accesses on land adjoining and forming part of Collynie Farm, Rossett (previously approved under Code No. BUR/5716).

in accordance with the particulars and plans submitted with your application dated 5th February, 1971.

subject to due compliance with the byelaws and general statutory provisions in force in the district and with the condition/s specified hereunder :—

1. The development hereby permitted shall be commenced within five (5) years from the date of this permission.

2. Occupation of the dwelling shall be limited to persons employed or last employed locally in agriculture as defined in Section 221 of the Town and Country Planning Act, 1962 or in forestry and the dependants of such persons.

The reason/s for the Council's decision to grant permission for the development, subject to compliance with the condition/s hereinbefore specified ~~is~~/are :—

Condition 1: In order to comply with the Town and Country Planning Act, 1968.

Condition 2: In the interest of agriculture.

Dated this 26th day of March, 19 71.

Clerk of the Wrexham Rural District Council.

Imperial Buildings,
Regent Street,
WREXHAM.

LY/MP/RR.

(SEE OVER)

NOTE:

1. If the applicant is aggrieved by the decision of the Rural District Council to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for Wales in accordance with Section 23 of the Town and Country Planning Act, 1962, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Welsh Office, Summit House, Windsor Place, Cardiff.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Rural District Council, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements include section 6 of the Control of Office and Industrial Development Act, 1965 and section 23 of the Industrial Development Act, 1966.)

2. If permission to develop land is refused or granted subject to conditions, whether by the Rural District Council or by the Secretary of State for Wales and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Rural District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VIII of the Town and Country Planning Act, 1962 (as amended by the Town and Country Planning Act, 1968).

3. In certain circumstances, a claim may be made against the Rural District Council for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 123 of the Town and Country Planning Act, 1962.

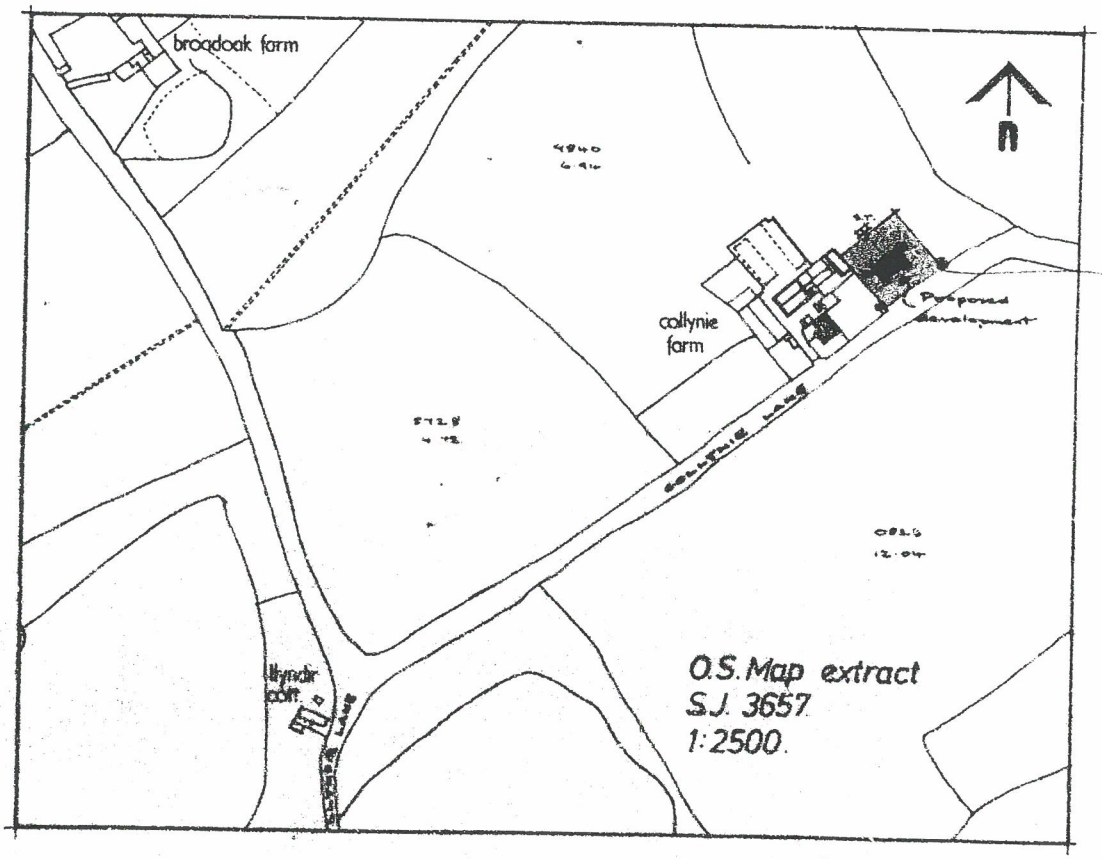
4. This permission relates to planning control only and does not cover any other statutory consent which must also be obtained from the appropriate authority.

Should the appellant wish the Secretary of State for Wales to appoint a Welsh Speaking Inspector to hear any appeal against the Rural District Council's decision such request should be made to the Welsh Office, when notice of appeal is forwarded to that Office at the address given above.

north west elevation

What are these.

Fire Cabinet. bin store



location plan

APPENDIX 2

Site Plan

Rostons
LAND & PROPERTY SPECIALISTS

Site Plan

Land App



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CP15449

10 m
Scale 1:500 (at A4)

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APPENDIX 3

Location Plan

Rostons
LAND & PROPERTY SPECIALISTS

Location Plan

Land App



Produced on Land App, Feb 27, 2025.
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CP15449

50 m
Scale 1:1250 (at A4)

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