

Officers Report

Planning Application No: WL/2026/00290

PROPOSAL: Reserved Matters Planning application to erect dwelling and garage/store in connection with agriculture, granted outline planning permission on 13 July 1988 (W35/556/88) being removal of condition 1 of planning permission W35/63/89 granted 27 February 1989 re: occupancy condition.

LOCATION: HIGHFIELD CLIFF FARM SHADOWS LANE GLENTHAM
WARD: Waddingham and Spital
WARD MEMBERS: Cllr A M Duguid
APPLICANT NAME: Mr Adam Duguid (A M Duguid & Son)

TARGET DECISION DATE: 26/06/2026
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refusal.

The application is referred to the planning committee for determination in line with the constitution as the applicant is the Ward Member.

Description: The site is a 2 storey 4/5 bed detached farmhouse located in the open countryside, approximately 1.26 kilometres to the west of the centre of Glentham. The site is accessed off the A631 to the south via a single metalled track. The site is located within Flood Zone 2 (medium probability) and there is a claimed Public Right of Way (Glentham DMMO 634) running to the south of the site close to the A631.

The site was granted outline permission (W35/556/880) in July 1988 to erect a farmhouse and a subsequent application for outstanding reserved matters (W35/63/89) was approved in February 1989. This was subject to an "agricultural workers" condition as follows:

- 1 The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, prior to retirement, locally, in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry or a dependant of such a person residing with him (but including a widow or widower of such a person).

Reason:-

- 1 The site is in a rural area where it is the policy of the district planning authority, in the interests of safeguarding the rural character and appearance of the area, not to permit development unless it is required to meet a local agricultural need. Permission has been granted only in the light of agricultural need.

This application now seeks to vary the permission by removing the condition and

agricultural workers tie.

The accompanying planning statement explains the house was built in 1989 and was sought at that time *"as Highfield Cliff Farm had no agricultural worker's dwelling available from which the then agricultural holding could be managed/operated. Highfield Cliff Farm had been part of the Norton Place Estate but by 1989 it had been sold off and had become a freestanding agricultural holding."*

It explains *"Highfield Cliff Farm, extending to approximately 138 hectares/341 acres, and its farmhouse were brought back into the Norton Place Estate and the Estate's farm manager occupied the house from November 2010 as part of his employment package. This arrangement continued to August 2025."*

However, the Farm Manager has acquired his own property nearby and has now vacated the property. It explains that Norton Place Estate has a number of residential properties across the holding, *"all... fully let to workers involved in the various Estate operations"*.

It advises that their letting agent *"have advised that, with the tie, the property should command a rent of at least £1,250 per calendar month. They have commented, however, that they are unable to identify any demand from an appropriately qualified tenant. Similarly, they are of the view that the capital value, with the tie, is £400,000 to £500,000 and, again, there is no perceivable demand. These figures are all considered to be out of the reach of an agricultural worker. The word 'locally' contained in the condition also has a significant bearing on its marketability."*

The application therefore seeks to remove the condition in order that the dwelling can be sold / let on the open market, without being tied to an agricultural worker.

Relevant history:

W35/556/880 - Outline application to erect farmhouse. Granted 13/07/88.

W35/63/89 – Reserved Matters to erect dwelling and garage/store in connection with agriculture, granted outline planning permission on 13 July 1988 W35/556/88). Granted 27/02/89.

Representations received (in summary):

Chairman/Ward member(s): No representations received to date.

Parish Council: No representations received to date.

Local residents/Occupiers: No representations received to date.

LCC Highways/Lead Local Flood Authority: No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway

safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Shire Group IDB: Standard response no obstruction within 9 metres of a watercourse and surface Water disposal.

LCC Archaeology: No archaeological input is required.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023).

Development Plan:

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire>

Neighbourhood Plan

No plan currently being prepared

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

[National Planning Policy Framework](#)

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024.

In particular Paragraph 82 states 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.' and

Paragraph 84 states *'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

*d) the development would involve the subdivision of an existing residential building;
or*

e) the design is of exceptional quality, in that it:

i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

In particular Paragraph: 010 Reference ID: 67-010-20190722 of NPPG states that 'considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

<https://www.gov.uk/guidance/housing-needs-of-different-groups>

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Design Code (2021)**

[National Model Design Code - GOV.UK](#)

Main issues

This application is made under section 73 and therefore considers only the matter of whether to grant a new permission without the planning condition, or to refuse the application.

The following report will consider if there are any changes in circumstance that means that Condition 1 of W35/63/89 no longer meets the following six tests contained in Paragraph 55 of the NPPF:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable
5. precise; and
6. reasonable in all other respects.

- Current Policy Context
- Removal of Condition 1 of W35/63/89
- Other Matters

Assessment:

Current Policy Context

Planning law requires that applications for planning permission must be determined in accordance with the (current) development plan, unless material considerations indicate otherwise.

Despite the passage of time since the original approval, the site remains in an isolated rural location for planning purposes. The effect of removing the condition is the grant of a fresh planning permission which would enable the property to be let or sold to any person and would no longer be restricted persons employed (or last employed) in agriculture or forestry (or the dependents thereof).

The policies in force at the time permission was granted in 1989 are no longer applicable, and this application needs to be assessed against today's policies - namely, the policies of the Central Lincolnshire Local Plan, along with any relevant policies in the NPPF (a material consideration).

Firstly, it is relevant to note that policies which seek to avoid the provision of an isolated home in the countryside remain in force today. Paragraph 84 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless in the above specified circumstances.

This is also reflected in Policy S5 of the Central Lincolnshire Local Plan.

Local Policy S5 Part D of the Central Lincolnshire Local Plan states that *'new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in tier 8 of Policy S1 (agriculture, horticulture, forestry, outdoor recreation, transport or utility services). Applications should be accompanied by evidence of:*

- a) Details of the rural operation that will be supported by the dwelling;*
- b) The need for the dwelling;*
- c) The number of workers (full and part time) that will occupy the dwelling;*
- d) The length of time the enterprise the dwelling will support has been established;*
- e) The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
- f) The availability of other suitable accommodation on site or in the area; and*
- g) Details of how the proposed size of the dwelling relates to the needs of the enterprise.*

Any such development will be subject to a restrictive occupancy condition.'

It therefore remains the case that if planning permission was being sought today, it remains as national and local policy that such a property would be subject to a restrictive occupancy condition in order to be policy compliant, as it was in 1989.

It therefore falls to be considered as to whether there are any changes in circumstance that means it no longer meets the following six tests contained in Paragraph 55 of the NPPF. The framework makes it clear that planning conditions should be kept to a minimum, and only used where they satisfy the 6 tests below:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable
5. precise; and
6. reasonable in all other respects.

Removal of Condition 1 of W35/63/89

The agent has submitted the following supporting information and evidence to support their application to remove the occupancy condition:

- The application form states that the owner has been unable to identify any qualifying person. This is further underlined by the affordability of the property to such a suitable person.
- A planning statement has been submitted which states the following :
 - *'In July 2025, the farm manager announced that he had acquired his own property nearby and would be vacating the farmhouse the following month. He will remain as the farm manager for the foreseeable future, thereby leaving a vacant house on the Estate.*
 - *Norton Place Estate has a number of residential properties across the holding, and all that accommodation is fully let to workers involved in the*

various Estate operations. There are no workers requiring accommodation either now or in the foreseeable future.

- *The Applicant immediately sought to find a new occupant who could fulfil the Section 336 planning condition. Their regular letting agents, Perkins George Mawer & Co of Market Rasen, have advised that, with the tie, the property should command a rent of at least £1,250 per calendar month. They have commented, however, that they are unable to identify any demand from an appropriately qualified tenant. Similarly, they are of the view that the capital value, with the tie, is £400,000 to £500,000 and, again, there is no perceivable demand. These figures are all considered to be out of the reach of an agricultural worker. The word 'locally' contained in the condition also has a significant bearing on its marketability.*
- *The Applicant has reasonably established that there is no demand for a large dwelling with an agricultural tie such as this and requests that favourable consideration is given to this application.'*
- A letter has been submitted from Perkins George Mawer & Co (Chartered Valuation Surveyors and Estate Agents which states *'based on their experience of marketing large properties with agricultural ties demand has generally been low. Norton Place has successfully rented one such property in the last year to a farmhand but it is uncommon for us to be asked to market a property with an agricultural tie. Generally, one bedroomed flats with a rental value of £350-£550 per calendar month are the most suitable accommodation for agricultural workers. In addition, some farm workers maybe working from home already or already have a second home, and therefore do not require large accommodation and would not be able to afford the high rent.'*

The applicant seems to be therefore reliant on the advice of their letting agent who has stated that *"that they are unable to identify any demand from an appropriately qualified tenant.*

We have sought clarity on this matter and further correspondence from the letting agent has been provided. This states:

"Based on our experience marketing large properties with agricultural ties, demand has generally been low. For example, when we advertised a property subject to an agricultural tie, the enquiries received were largely from applicants who did not work within the required industry. As a result, the owners applied to the council to have the tie removed. Overall, and despite our strong agricultural connections, we rarely receive enquiries specifically seeking properties with an agricultural tie."

Whilst some weight may be attached to the experience of the local letting agent, it does not appear that there has been any genuine attempt to market the property at a rate that reflects the occupancy condition, or to test the local market for any interest or demand from local agricultural workers, which could have been taken into consideration.

The letting agent further states:

"Norton Place has successfully rented one such property within the past year to a farmhand. However, as agents, we do not consistently see strong demand from agricultural workers, as many farmers tend to house workers within their own properties or retain accommodation specifically for seasonal staff. Consequently, it is uncommon for us to be asked to market a property with an agricultural tie or to receive enquiries about available properties subject to such restrictions. "

Whilst the knowledge and experience of the letting agent is acknowledged, there appears to be no evidence that this has been tested through a suitable marketing exercise. No evidence of a suitable and comprehensive marketing exercise has been submitted with the application which shows that such an exercise has been carried out for a suitable length of time, targeting an appropriate audience and at an appropriate price to reflect the occupancy restriction.

There is therefore limited evidence before the local planning authority that would demonstrate that an occupancy condition is no longer necessary or reasonable.

As stated, planning policy still requires occupancy conditions to be placed on isolated homes and so it still remains relevant to planning.

It has not been adequately demonstrated that the dwelling is no longer suitable as rural worker accommodation or that there is no demand for the dwelling with the occupancy restriction in place. The condition still serves a planning purpose and is still reasonable and necessary to help maintain a supply of rural workers in the area. As a result, allowing the removal of the occupancy condition would be contrary to development plan policies S1 and S5 as well as NPPF (Dec 2024) paragraph 84.

Other Matters:

Flood Zone

The site is located within Flood Zone 2 (medium probability). Owing to the nature of the application which seeks to remove an agricultural occupancy condition this is not a consideration for this determination.

Public Right of Way

There is claimed Public Right of Way (Glenthams DMMO 634) running to the south of the site close to the A631. Owing to the nature of the application which seeks to remove an agricultural occupancy condition this is not a consideration for this determination.

Shire Group IDB

Have provided a standard response in regards to no obstruction within 9 metres of a watercourse and surface Water disposal. Owing to the nature of the application which seeks to remove an agricultural occupancy condition if it is minded to grant permission these informatives will not be attached to the decision notice.

Conclusion and reasons for decision:

Policy S5 of the Central Lincolnshire Local Plan and Paragraph 84 of the National Planning Policy Framework (NPPF), seek to promote sustainable development in

rural areas, and paragraph 83 states that new housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 84 goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. The dwelling was only granted in special circumstances as a dwelling would not ordinarily be granted at the time of approval, and despite the passage of time the restriction through paragraph 84 of the NPPF and policy S5 still apply. Therefore the application should be refused for the following reason:

1. Planning decisions should avoid creating isolated homes in the countryside unless it meets with certain criteria such as to meet the need for a rural worker. It has not been adequately demonstrated that there is no longer a need for the dwelling to continue to provide suitable accommodation for a rural worker with the occupancy restriction in place. It has not been demonstrated that the condition is no longer reasonable or necessary, or the dwelling is no longer suitable to provide accommodation for a rural worker. As a result, allowing the removal of the occupancy condition would be contrary to development plan policies S1 and S5 as well as NPPF (Dec 2024) paragraph 84.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.