

DELEGATED DECISION REPORT

APPLICATION NUMBER S120980/U

The Bungalow, Garway Hill, Hereford, HR2 8HD

CASE OFFICER: Lisa Hughes

Relevant Site History: SH79/705 – Erection of agricultural workers bungalow at Rough Farm, Garway Hill (Map ref. 451275)

CONSULTATIONS

	Notified	No Response	No objection	Qualified Comment	Object
Parish Council	X				
Transportation					
Historic Buildings Officer					
Ecologist/Landscape Officer					
Environmental Health					
Environment Agency					
Forward Planning					
PROW					
Neighbour letter/ Site Notice					
Other					
Local Member	X				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The bungalow was approved by planning permission SH79/705 on the 7th November 1979. The applicant was Mr V.T Morris, the ex-husband of the applicant of this application.

This application is made by Ms Jennifer Christine Morris and has been submitted since the result of a conveyance showed the property to have an agricultural tie. It is claimed that for the last 10 years the applicant has occupied the property in breach of condition 3 of the planning permission which states:

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 290 (1) of the Town & Country Planning Act 1971, or in forestry (including any dependents of such person residing with him), or a widow or widower of such a person.

The applicant has submitted the following in support of the application:

- Bank Statements for the month of January for the years 2002 to 2012 addressed to the applicant at Harleen Bungalow. These show that she was living at the property for the past ten years and also that she has been in receipt of wages from Sun Valley Poultry and then a pension.
- Letter from Sun Valley congratulating applicant on 20 years service as of the 14th April 2006.
- Details of pension on retirement as of 30th January 2007.
- Decree Nisi of divorce dated 3rd August 1987
- Letter from Dr Michael Davies stating that Mrs Morris has been a registered patient of the local GP practice at Much Birch since March 1987 and to his knowledge has not been employed in agriculture for at least 28 years.

Appraisal:

Ms Morris has lived in the Bungalow from the mid 1980s and was divorced in 1987. The bungalow had separate facilities installed while she was to share the bungalow with her father-in-law Harold Morris. Since there were facilities for separate living, Harold Morris's section was banded separately for Council Tax purposes and as such needed to be identified separately. The annexe part was called Harleen Bungalow and the part that Ms Morris lived in called 'The Bungalow'. The Bungalow side of the dwelling was marginally larger. Council tax has continued to be paid on the separate elements, albeit the link between the 2 sections has never been severed and remains 'as one'. For nine years following Mr Harold Morris' death the Harleen side was occupied by Mrs Morris friend, Christine Hall and the door between the two remained open. From October 2009 to November 2010 the Harleen side was not occupied by anyone else, and from November 2010 was occupied by Ms Morris son, Brendan. It is currently empty and on a Council tax exemption. It is accepted that the property has been largely used as one dwelling and was only rated separately because the facilities required by Mr Harold Morris to allow him to keep a degree of independence resulted in the separate council tax banding. This is common practice for Council Tax.

The Land Registry have the premises recorded as 'The Bungalow' and as such the notice will be issued on 'The Bungalow'.

Whilst a decree absolute would be better evidence that the divorce has been satisfactorily concluded, the Doctors letter states that Ms Morris has not been employed in agriculture and she herself says that she no longer even sees her ex-husband. Income into account on the statements provided shows a weekly wage from Sun Valley Poultry up until 2006 and thereafter income appears to be in the form of pension. Mrs Morris has confirmed that while employed at Sun Valley her job was on the factory lines and this is not consider to be 'agriculture'.

As such and on the balance of probability it is accepted that the dwellinghouse has been occupied for a period in excess of 10 years in breach of the agricultural occupancy condition and as such the Certificate should be granted.

RECOMMENDATION: PERMIT ☒ REFUSE ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:
(please note any variations to standard conditions)

Reasons for Approval

The local planning authority consider that on the balance of probability the evidence supporting the application demonstrates that the dwelling has been occupied in breach of the agricultural occupancy condition over a continuous period of 10 years prior to the date of this application.

Signed: LCH Dated: 27/04/2012

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT



REFUSE



Signed: KS Dated: 30/4/12

REASON FOR DELAY (if over 8 weeks)

Negotiations

☐

Consultees

☐

Other

☐

(please specify)