

**From:** Amanda Burden [mailto: [REDACTED]]  
**Sent:** 10 October 2019 12:39  
**To:** Daniel Janota <djanota@dartmoor.gov.uk>; Kash Bawden [REDACTED]  
**Cc:** Alex Gandy <agandy@dartmoor.gov.uk>  
**Subject:** RE: Agricultural Dwellings

Dan

Thankyou for your email.

I'm happy for this to be a formal representation, I think this needs to be followed through for the sake of many.

With regards to the other options for dwellings, I welcome any proposals to keep the National Park as the living, working environment it is. I'm afraid it will come down to the interpretation of the policy by Development Management whose attitude in my view does not facilitate development in most cases. Barriers are just put in the way constantly and a smoke screen that tries to kick things into the long grass.

Happy to contribute and help.

With Regards

**Amanda Burden BSc (Hons), FAAV, MBIAC**

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**From:** Daniel Janota <[djanota@dartmoor.gov.uk](mailto:djanota@dartmoor.gov.uk)>

**Sent:** 10 October 2019 12:29

**To:** Kash Bawden [REDACTED]

**Cc:** Amanda Burden <[REDACTED]>; Alex Gandy  
<[agandy@dartmoor.gov.uk](mailto:agandy@dartmoor.gov.uk)>

**Subject:** RE: Agricultural Dwellings

Hi Amanda

Thanks for your email. I appreciate your comprehensive comments. You'll have seen for yourself I'm sure the kinds of situation which have led us in this direction, where agricultural workers are separated from land leading to a lack of prospective purchasers for the dwelling, and/or another application for a further dwelling on the separated land.

Alex and I will have a look through your comments in detail. In the meantime are you aware also of policy 5.8 (a local occupancy dwelling permitted through conversion as part of farm diversification), and 3.10 (residential annexes to support farm succession/workers). I'd be interested in any thoughts you have on how these policies interact to provide alternative routes to a new dwelling on the farm in combination with the below.

For clarification, am I correct that these are your informal comments, rather than a representation on the local plan?

Many thanks  
Dan

**From:** Kash Bawden [REDACTED]  
**Sent:** 10 October 2019 10:55  
**To:** Daniel Janota <[djanota@dartmoor.gov.uk](mailto:djanota@dartmoor.gov.uk)>  
**Cc:** Amanda Burden <[REDACTED]>  
**Subject:** Re: Agricultural Dwellings

Dear Dan

I hope this email finds you well.

As you know I have been liaising with James Aven in recent months regarding the application for an agricultural worker's dwelling for the Cleave family at Higher Mill Leat Farm which I am pleased to confirm has now been approved.

I am sure that James has passed on to you my various emails in relation to the future consideration of the Dartmoor National Park Authority imposing legal agreements on planning approvals to tie agricultural dwellings to both the farm land and any other dwellings on the holding.

As you will know the Rural Luscombe Maye Professional Team of which my Agricultural and Rural Planning Department is a part of, undertake a variety of work for farmers and land owners to assist with their agricultural/ rural businesses including planning applications as well as valuations for banks/ lenders as well as the sale of all types of agricultural property.

The imposition of a legal agreement on to an agricultural holding would cause various issues for that agricultural business and I thought that I would put these in writing for future consideration over the wording of the policies in your new draft local plan in the hope that legal agreements will not be considered necessary in most circumstances.

1. We fully expect that any agricultural/rural workers dwelling would have an appropriate occupancy condition which ensures that the property is occupied by



eligible occupiers. The standard occupancy condition used I think is good for purpose, stating that “the occupiers shall be solely, mainly or lastly employed locally in agriculture”. The occupancy condition wording can be varied if the dwelling is for another type of rural work to therefore cover all eventualities

I confirm that it is my view that an occupancy condition does the job adequately to control the occupation/ use of agricultural/ rural workers dwellings. An agricultural occupancy condition will reduce the value of a property by 25-30% as is confirmed by my team of valuers who undertake bank/ lending valuations and this therefore keeps the dwelling at an as affordable rate as possible for future compliant occupiers.

In addition the fact that if somebody wishes to remove the agricultural occupancy condition through a planning application they would have to prove that the dwelling is no longer necessary to serve the holding that it is based on but also the wider agricultural community means that these properties in my view are well protected. If however it is found that an agricultural occupancy condition is no longer necessary then this would default under the current National Park Policy to an affordable dwelling.

I note that there was some concern over the threat of agricultural dwellings being sold off from the land and split away from the holding however if the agricultural occupancy condition is robustly maintained and the above policy is maintained any application to remove would not create a freehold dwelling in the countryside in any case.

Added to this if somebody decided to occupy a dwelling with an agricultural occupancy condition without complying with that condition in order to gain a Certificate of Lawful Use for non-compliance with the condition they would have to occupy it and provide evidence to support that they have occupied without complying with the occupancy condition for more than 10 years. 10 years in my view is a long time and I believe it is up to the National Park to ensure that properties that have had agricultural occupancy conditions are monitored.

2. You will know that any new build dwelling is exempt from VAT and therefore farmers/ developers have the opportunity of either zero-rating the build from the beginning through the appropriate builder/ tradesman or reclaiming all the VAT able items at the end therefore in both routes leaving a VAT free bill.

If however there is any legal agreement on a property which restricts it from being sold separately/ independently such as a legal agreement tying agricultural land or other properties this exemption is automatically lost, you can confirm this by reading [www.gov.uk/vat-builders/new-homes](http://www.gov.uk/vat-builders/new-homes). Including this requirement in the Dartmoor National Park Authority Policy will therefore automatically disadvantage Dartmoor farmers by the 20% cost of the VAT.

Whilst it could be argued that the Dartmoor farmers would be mostly VAT registered themselves for their normal trading businesses and there is therefore the opportunity to reclaim the VAT, this is not the case as the addition of an agricultural dwelling is not a trading asset and therefore is not considered to be a business expense that can either be deducted as a cost to the business or the VAT claimed for the same reason.

Bearing in mind your current policy requires that if an agricultural occupancy condition is removed the property would become an affordable dwelling it is my contention that 20% extra cost onto an affordable dwelling would make a considerable difference to its

affordability. Plus, how could a dwelling become “affordable if it was tied to 50/100/150 acres of land”.

3. Whilst an agricultural occupancy condition reduces the value of the actual dwelling by 25-30% this factor is accepted and acknowledged by farmers/land owners as often it is the only way of gaining consent for a dwelling on the farm to provide additional accommodation for workers however having a legal agreement imposed tying a property to the farm has larger, far reaching consequences that not only impact on the value of the farm holding but also impact on the borrowing capabilities.

If a farm had a legal agreement tying a dwelling together with 50, 100, 200 acres, whatever the acreage, then this would mean that the whole farm would have to be sold as one which could have a massive impact on the value of that holding. The fact that the farmer would need to gain permission from the Dartmoor National Park Authority and a variation to the agreement to dispose of a piece of land and this in turn would have an impact on the valuation of the farm. This in turn would impact on the ability for the farmer to borrow money this therefore has a huge impact on forward thinking farmers who wish to move forward and secure borrowing on their assets and therefore is restricting and making business life more difficult for the Dartmoor farmers on which it may be imposed.

I hope that this email is of use to you and your team in considering the new draft local plan. I can confirm that I do not normally put representations forward on local plan policies but I believe that this thought will have a huge impact on a number of my farming clients which help to make Dartmoor as the beautiful living landscape that it is and I do not want to see them put under any more pressure than they currently face from reduced returns and increased bureaucracy.

Please do not hesitate to contact me if you require any further details or clarification.

With thanks and regards

**Amanda Burden**

Partner



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