



Agricultural Occupancy Conditions

WHAT IS AN AGRICULTURAL TIE?

Agricultural ties are conditions imposed on dwellings for agricultural workers when first permitted.

These dwellings were originally given permission due to an agricultural need on a particular farm. The condition remains with the property irrespective of changes to the farm.

WHAT DOES THE TIE MEAN?

The modern standard wording usually states:-

'The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or in forestry, or a widow or widower of such a person and to any resident dependants.'

However, there are a number of variations. The mainly or solely element was generally introduced in the 1970's. Conditions for the 1950's and early 60's were often drafted by the Local Planning Authority (LPA) and can be very variable often referring to farm names or even field numbers.



KNOWING A TIE EXISTS

Not all owners know their dwelling has a tie, particularly in inheritance cases. They should be picked up in searches but can be missed as when the property was built the application would often be in the farm name and may not necessarily link to the current address.

It is recommended that care is taken with all isolated properties built from the 1950s onwards.

SATISFYING THE TIE

Agriculture in planning terms is defined in the Agricultural Act dating back to the 1940's. Employed in agriculture therefore means in the primary sense 'involved with growing of crops or looking after livestock'. Persons supplying services to agricultural businesses such as agronomists or even contractors do not normally comply. It is normally only necessary that one occupier complies providing the others are dependants and the tie allows for this.

WHAT HAPPENS IF THE OCCUPIERS DON'T COMPLY?

If there is non compliance, the LPA can enforce effectively requiring the breach to be rectified. This would mean either finding employment in agriculture or moving out. There are a number of Local Authorities that will readily do this if informed of a breach.

CAN A TIE BE REMOVED?

A tie can be removed or alternatively be rendered unenforceable.

• Removal

Government guidelines and some Local Authorities set criteria to be satisfied if an owner wishes to remove a tie. Basically, this involves proving it is no longer required, both on the holding and in the locality. An unsuccessful marketing campaign, surveys/questionnaires and agricultural statistics can all help in this process.

• Making a Tie Unenforceable

The Planning Acts allow for a breach to be unenforceable when sufficient time has passed at which point Local Authorities can no longer take action. In the case of agricultural ties, this is ten years. The process does not involve a planning application but the seeking of a Certificate of Lawful Existing Use or Development (CLEUD). Such applications need to be handled with extreme care given the implications of refusal. The case is based purely on the facts as to whether on the 'balance of probability' the breach has occurred.

• Amending Ties

It is possible to amend ties. This is often only worth considering if removal is not possible or time is limited. Careful consideration needs to be given to what the tie is amended to.

Amendment of a tie to incorporate equine use is a common example of this, although many Local Authorities will want to see the unit has the necessary equine potential.



VALUES

A home with an agricultural tie is very difficult to value. There will rarely be relevant comparables. Valuing without a tie and applying a suitable discount is the recommended method.

Acorus keep records of sales and where possible identify this discount which usually ranges from 5 - 28% in the cases known, in the main to compliant purchasers.

Where there isn't a compliant purchaser and there is the prospect of a forced sale, the discount could be higher. In the past, Acorus has reviewed the whole marketplace and produced a report entitled 'The Market for and Affordability of Dwellings with Agricultural Occupancy Conditions'.

The last three reports have shown no real patterns in terms of the type of home that finds an agricultural buyer. Homes sell at all price levels. There is also no specific link to agricultural incomes.

ACORUS RURAL PROPERTY SERVICES

Acorus are the leading firm dealing with tied property including sales, lettings, removal of ties and advice on purchase. We are also regularly consulted by other agents and Local Authorities. Acorus' specialists have handled numerous planning appeals for removal of ties with a high success rate. It is definitely an area where expertise and experience are vital if owners are to be given the correct advice.

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