Removal of Agricultural Occupancy Tie

The Lodge Mortimers Lane Fair Oak Eastleigh
SO50 7EA

PLANNING STATEMENT

OCTOBER 2026

PREPARED ON BEHALF OF:
Great Oak Care Homes Ltd

SPP SOUTHERN PLANNING PRACTICE

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SECTION 1
INTRODUCTION

1.1 Southern Planning Practice has been instructed by the applicant, Great Oak Care Homes Ltd, to prepare and submit a full planning application for the removal of the agricultural occupancy condition attached to The Lodge, thereby enabling the existing dwelling to be occupied as an unrestricted market dwelling.

1.2 A full planning application is being submitted, as the removal of the agricultural occupancy condition will fundamentally change the description of the original permission for the dwelling. Therefore, a Section 73 application is not suitable in this instance.

1.3 The following plans and documents are submitted with this application and should be read in conjunction with this statement:

- Site Location Plan Dwg No. ******
- Agricultural Occupancy Condition Removal Justification Report prepared by BCM

1.4 The proposal has been the subject of pre-application discussions with Eastleigh Borough Council, as explained further in Section 3. In accordance with the Council's advice, the property has been actively marketed for both sale and rent at values reflecting the agricultural occupancy restriction. The BCM Wilson Hill Justification Report records the scope and outcome of that exercise and demonstrates that, despite more than six months' exposure to the market, no qualifying agricultural occupier came forward.

1.5 Section 2 details the site and its surrounds, Section 3 sets out the site's planning history, and Section 4 provides details on the proposal. Section 5 sets out the relevant planning policies, which the proposal is assessed against in the rationale at Section 6. Conclusions are drawn in Section 7.

SECTION 2

THE SITE AND ITS SURROUNDS

2.1 The Lodge is located within Mortimers Farm, which sits between Fair Oak and Lower Upham, and is positioned on the southern side of Mortimers Lane.



2.2 The wider site is bordered by agricultural fields, with St Francis Animal Welfare a short distance to the north-east and the settlement boundary for Fair Oak a short distance to the west.

2.3 The Lodge is positioned in the north-eastern section of Mortimers Farm and benefits from its own access, separate to the main farm access, with both originating from Mortimers Lane to the north.

2.4 Mortimers Farm was formerly in agricultural use and therefore comprises numerous redundant agricultural buildings. Mortimers Farm contains three Grade II Listed Buildings: Mortimers Farmhouse, Granary to the west of Mortimers Farmhouse, and the Barn to the south-west of Mortimers Farmhouse. These heritage assets are excluded from the red line and The Lodge is not a Listed Building.

2.5 The site is approximately 3.6km north-east of the River Itchen SSSI SAC, 4.7km north of the Moorgreen Meadows SSSI, and 5.3km north-west of The Moor Bishop's Waltham SSSI.

2.6 The Lodge falls within Flood Zone 1 and is therefore at a low risk from flooding, as confirmed by the Environment Agency mapping.

2.7 The site falls outside of the Fair Oak settlement boundary and is therefore classified as 'countryside' in planning terms.

2.8 There are no other environmental, landscape, or historic designations known to apply to the site.

SECTION 3
PLANNING HISTORY

3.1 The Eastleigh Borough Council planning website revealed the following planning history for The Lodge:

Z/29759/000/00	Erection of agricultural workers dwelling and construction of access road	GRANTED
Z/19357/012/00	Erection of agricultural workers dwelling	GRANTED
X/19/86132	Removal of condition 2 (dwelling for sole use of agricultural worker) of planning permission Z/19357/012/00	REFUSED
Q/25/99250	Advice required on removal of agricultural occupancy condition	ADVICE ISSUED (May 2025)

Original planning permission (ref: Z/19357/012/00)

3.1 The Lodge was originally permitted under planning application ref: Z/19357/012/00 on 14 November 1994. Full planning permission was granted with an agricultural occupancy condition attached (Condition 2). Condition 2 states the following:

'*The occupation of the dwelling must be limited to a person solely or mainly employed, or, if retired from employment, last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependents of such person residing with him) or a widow or widower of such a person*'

Refused Application (ref: X/19/86132)

3.2 In 2019, a Section 73 application was submitted by a different agent and applicant to remove Condition 2 from planning permission ref: Z/19357/012/00, to remove the agricultural occupancy tie.

3.3 This was ultimately refused because of a lack of evidence to justify the loss of the agricultural workers dwelling. The decision notice states that '*No evidence has been submitted to confirm there is no longer a long-term need for an agricultural, horticultural or forestry workers' dwelling in the locality and no evidence submitted to indicate that every reasonable effort has been made to sell or lease the property at a reasonable price reflecting the restriction on occupancy*.'

3.4 In addition, the land associated with the agricultural dwelling (Mortimers Farm) was still an agricultural holding at the time, which was farming 100 acres of land.

3.5 The Lodge was purchased by our client following this, who also acquired the land surrounding Mortimers Farm, but does not own Mortimers Farm itself. Mortimers Farm is currently being converted following the grant of planning permission ref: F/22/94435 in 2023, which permitted the alteration, extension, and conversion of four existing barns, including two Grade II listed barns, to create four dwellings, as well as the demolition of a barn and the construction of 5 new dwellings with associated works. The agricultural use has therefore now ceased and, once complete, Mortimers Farm is to become solely residential, with no agricultural activities taking place.

Pre-application Advice (ref: Q/25/99250)

3.6 In May 2025, pre-application advice was issued by Greg Chapman (Senior Planning Officer) at Eastleigh Borough Council following an advice request on the removal of the agricultural occupancy condition at The Lodge.

3.7 The advice confirmed that a six-month marketing period is commonly used as the minimum benchmark but emphasised that, irrespective of duration, the exercise must be thorough. The property was expected to be marketed for both sale and rent at appropriate values reflecting the agricultural occupancy condition, through suitable advertising channels, with a detailed record maintained of enquiries, viewings and outcomes.

3.8 The advice sets out that the Council would expect a marketing statement from the appointed marketing agent, setting out the duration and scope of the campaign, advertising methods, pricing rationale, contact with potential purchasers, and outcomes.

3.9 The advice concluded that the Council was supportive of the principle of the proposed approach, subject to this being for sale and for rent.

Confirmation on Opinion of Value

3.10 Following the pre-application advice, BCM Wilson Hill's Opinion of Value was provided to the Senior Planning Officer to confirm the proposed marketing approach and guide price. Although the Officer did not provide formal approval of the valuation, they described the report as "comprehensively put together by a relevant expert". The subsequent marketing exercise adopted BCM Wilson Hill's assessed unrestricted value of approximately £820,000 and applied a 25% discount to reflect the agricultural occupancy condition, resulting in a sale guide price of £610,000.

SECTION 4
PROPOSAL

4.1 This application proposes the removal of the agricultural occupancy condition attached to the original planning permission (ref: Z/19357/012/00) for The Lodge, Mortimers Lane, Fair Oak, Eastleigh, SO50 7EA.

4.2 This application does not propose any physical changes to The Lodge.

4.3 The proposal would enable the continued residential occupation of the existing dwelling without the agricultural occupancy restriction. The BCM Wilson Hill Justification Report confirms that The Lodge no longer forms part of a viable agricultural holding and records the outcome of an active marketing campaign undertaken at values reflecting the restriction. The planning merits of removing the condition are assessed in Section 6.

SECTION 5

RELEVANT PLANNING POLICY

5.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and Section 70 (2) of the Town and Country Planning Act 1990, the planning policy framework relevant to the determination of the application comprises the adopted Development Plan and relevant material considerations. Where the Development Plan contains relevant policies, applications for development which are in accordance with the plans should be allowed, unless material considerations state otherwise.

5.2 The National Planning Policy Framework is to be treated as a material consideration of 'critical importance' in the determination of planning applications for proposed development.

National Planning Policy

5.3 The National Planning Policy Framework (hereafter referred to as the 'NPPF' or the 'Framework') was most recently updated in August 2026 and contains policies to guide planning policies and decisions towards the achievement of sustainable development.

5.4 Policy HO11 reinforces that new rural workers dwellings will only be justified where there is an ongoing 'essential need' for a rural worker to live at or near their place of work.

Local Planning Policy

5.5 The Eastleigh Borough Local Plan (2016-2036) was adopted in April 2022 and sets out policies to guide future development within the Borough to 2036.

5.6 The following policies are most relevant to this application:

- Strategic Policy S1: Delivering sustainable development
- Policy DM1: General criteria for new development
- Policy DM19: Change of use of buildings in the countryside
- Policy DM24: Creating a mix of housing
- Policy DM27: Rural workers' dwellings

5.7 Policy DM27 focuses on rural workers' dwellings in the countryside and states that agricultural occupancy conditions will not be removed unless the borough is satisfied that:

a) There is no longer-term need for a rural workers dwelling in the locality;

b) Reasonable efforts have been made to sell or lease the property with the occupancy restrictions;

c) The property is not suitable or needed as a rural affordable dwelling.

SECTION 6
RATIONALE

Planning Considerations

6.1 As this application does not propose any physical changes to The Lodge, the main planning consideration in respect of the proposal is the principle of development.

6.2 With no physical changes proposed, there will be no adverse impacts on ecology and trees, and the application is exempt from the requirement to provide Biodiversity Net Gain.

6.3 There will be no impact on neighbouring amenity, as The Lodge will remain a dwelling, with the same impacts generated. There will be no impact on the character and appearance of the area, nor the surrounding landscape, due to no physical changes being proposed.

6.4 The following will assess the principle of development of the proposed removal of the agricultural occupancy tie.

Principle of Development

6.5 Policy DM27 focuses on rural workers dwellings in the countryside and sets out three criteria that must be met for the Council to be satisfied that the condition can be removed.

6.6 Criterion A requires it to be demonstrated that there is no longer-term need for a rural worker's dwelling in the locality. The circumstances that originally justified the condition have materially changed. The Lodge no longer forms part of a viable agricultural holding, the agricultural use of Mortimers Farm has ceased, and the former farmyard is being redeveloped for residential purposes. The dwelling is separately accessed and is no longer functionally connected to an agricultural enterprise requiring a worker to live on or near the site.

6.7 The BCM Wilson Hill Justification Report provides further objective evidence of the absence of demand. The Lodge was marketed from 27 March 2026 for more than six months. Although the listing generated 42,897 summary views and 1,338 detailed views on OnTheMarket, only one purchase enquiry was received. That party was unable to satisfy the agricultural occupancy condition and the enquiry did not proceed. The combination of

substantial market exposure, negligible substantive interest and the absence of any qualifying purchaser demonstrates that there is no identified local need for a dwelling of this type subject to the restriction. Criterion A of Policy DM27 is therefore satisfied.

6.8 Criterion B requires reasonable efforts to have been made to sell or lease the dwelling with the occupancy restriction in place. The marketing exercise was undertaken by BCM Wilson Hill, a specialist rural property agent, and initially offered The Lodge for both sale and rent. The property was advertised at £610,000 for sale and £1,700 per calendar month to rent through Zoopla, OnTheMarket and BCM Wilson Hill's own website. These figures expressly reflected the agricultural occupancy condition: the sale price was derived from an assessed unrestricted value of approximately £820,000, discounted by 25% to account for the restriction.

6.9 The rental option was subsequently withdrawn because changes introduced by the Renters' Rights legislation would have materially restricted the landlord's ability to recover possession within the following 12 months. This does not undermine the marketing evidence. The property was genuinely exposed to both markets at the outset, and the sale campaign continued for more than six months through recognised national, local and specialist channels. Detailed evidence of the campaign, pricing rationale, online engagement and enquiry outcome is included within the Justification Report. The exercise therefore represents a reasonable, proportionate and properly evidenced attempt to identify a qualifying occupier, satisfying Criterion B of Policy DM27.

6.10 Criterion C requires the Council to be satisfied that the property is neither suitable nor required as a rural affordable dwelling. The Lodge is a detached four-bedroom dwelling extending to approximately 1,828 square feet. Its size, form and market value distinguish it from the type of modest accommodation that would ordinarily meet an identified affordable rural housing need. Even after applying a 25% discount to the assessed unrestricted value, the guide price remained £610,000, while the advertised rent was £1,700 per calendar month. The property cannot therefore reasonably be regarded as affordable housing merely because its value is reduced by the occupancy restriction.

Furthermore, the marketing campaign produced no enquiry from a qualifying rural worker seeking the dwelling as affordable accommodation, despite extensive online exposure. There is no evidence of an identified affordable housing provider, rural enterprise or eligible household seeking to acquire or lease The Lodge for that purpose. Retaining the condition

would not secure an affordable rural dwelling; it would instead continue to restrict the occupation of a property for which no qualifying demand has been demonstrated. Criterion C of Policy DM27 is therefore satisfied.

6.11 Policy HO11 of the August 2026 National Planning Policy Framework requires an essential need to be demonstrated before an isolated dwelling for a rural worker is permitted. Although this application concerns removal of an existing condition rather than the creation of a new dwelling, the policy confirms the underlying purpose of such restrictions: they are justified only where an essential occupational need exists. Here, the former agricultural holding has been divided, the farmyard is being redeveloped for housing, and no qualifying occupier has been identified through a properly priced and widely advertised marketing campaign. The factual basis for retaining the restriction has therefore fallen away.

6.12 The evidence addresses the precise deficiencies identified in the 2019 refusal. There is now clear evidence that the former agricultural use has ceased, that The Lodge is no longer required to serve an agricultural holding, and that sustained marketing has been undertaken at a price reflecting the restriction. Despite significant exposure, no eligible purchaser or tenant has been identified. Retaining the condition would therefore serve no useful planning purpose and would leave an existing dwelling unnecessarily constrained and at risk of remaining vacant or underused. Its removal would allow the effective use of the existing housing stock without physical development or identified environmental, landscape, heritage, highway or amenity harm. The proposal complies with all three requirements of Policy DM27.

SECTION 7
CONCLUSION

7.1 This statement supports the removal of Condition 2 attached to planning permission ref. Z/19357/012/00 at The Lodge, Mortimers Lane, Fair Oak, Eastleigh, SO50 7EA.

The circumstances that originally justified the agricultural occupancy restriction no longer exist. The Lodge has been severed from the former agricultural holding, agricultural activity at Mortimers Farm has ceased, and the surrounding former farmyard is being redeveloped for residential use. The dwelling is therefore no longer required to support an agricultural enterprise.

7.2 The BCM Wilson Hill Justification Report demonstrates that reasonable and proportionate efforts have been made to identify a qualifying occupier. The Lodge was marketed from 27 March 2026 for more than six months, initially for both sale and rent, through recognised national, local and specialist channels. The asking price reflected a 25% discount from the assessed unrestricted value. Despite 42,897 summary views and 1,338 detailed views on OnTheMarket, only one purchase enquiry was received, and that party could not satisfy the condition.

There is also no evidence that the property is required or suitable as a rural affordable dwelling. Its scale and value are inconsistent with that role, and no eligible household, rural enterprise or affordable housing provider expressed an interest during the marketing period.

7.3 The application therefore overcomes the reasons for the 2019 refusal and satisfies each requirement of Policy DM27 of the Eastleigh Borough Local Plan. Retaining the condition would no longer serve a necessary or effective planning purpose. Its removal would enable an existing dwelling to be put to effective residential use without physical development or any identified harm to amenity, landscape character, heritage, ecology or highway safety. Planning permission should therefore be granted.