

Can an agricultural tie be removed?

2

Fortunately, it is possible to vary, suspend or even remove agricultural ties in certain circumstances. The options for achieving this goal include:

- Applying to the local council for the condition to be removed or varied. This is the most commonly used method and involves making an application, with supporting evidence, to demonstrate that the condition no longer serves a useful purpose. For example, if the original business no longer exists and/or if it can be proven that it has not been possible to sell the property to a qualifying purchaser for a period of time (normally 6-18 months).
- Applying for a Certificate of Lawful Existing Use or Development (CLEUD) on the grounds that the occupancy condition has not been complied with for a period of at least 10 years. In this case the condition has not been removed, but effectively suspended. Once the CLEUD has been granted, most councils will be willing to accept a formal application to remove the tie entirely.
- Where the property is at least four years old, but was not constructed in accordance with the original planning permission, it may be possible to apply for a CLEUD to establish that it is technically not the consented property and that the occupancy condition cannot therefore be applied.

In all cases, it is essential to tailor the strategy to the specific circumstances of the property so it is always recommended to seek professional advice from an experienced planning consultant. By adopting the correct strategy from the outset, the prospects of success will be greatly enhanced.

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