Explanatory Note - Agricultural Occupancy Restriction (AOC)

What is an Agricultural Occupancy Condition

An Agricultural Occupancy Restriction (often called an "agricultural tie") is a planning condition attached to a dwelling under the Town and Country Planning legislation.

It limits who can lawfully occupy the property. Typically, the dwelling may only be occupied by:

- A person solely or mainly employed in agriculture in the locality;
- A surviving spouse/civil partner of such a person; or a dependent of such a person.

"Agriculture" has a statutory definition and includes farming, horticulture, livestock breeding and similar land-based activities. It does not generally include non-agricultural rural businesses.

Compliance

To comply with the condition, the main occupier must genuinely and primarily work in agriculture, usually within the surrounding area. Evidence such as employment contracts, farm accounts or business records may be required to demonstrate compliance.

Evidence that may be required includes:

- Employment contracts and payslips
- Farm accounts and tax returns
- Business registration and trading records
- Invoices and sales records
- Confirmation of the location of the agricultural holding

Each condition is worded differently, so the exact planning permission and decision notice must be reviewed carefully.

If letting the property, the landlord must ensure the incoming tenant also satisfies the condition.

What Actions Could I Take to Comply?

If you do not currently meet the requirements, potential steps may include:

- Obtaining qualifying agricultural employment (e.g. employed by a local farm business).
- Establishing a genuine agricultural enterprise on a commercial basis with relevant business records.

Simply owning land, keeping a small number of animals as a hobby, or operating a rural but non-agricultural business will not usually be sufficient.

Breach of Condition

Occupying a dwelling in breach of an Agricultural Occupancy Restriction (AOC) is a breach of planning control under the Town and Country legislation. The consequences can be both legal and financial.

Mortgage Funding

Mortgage availability for AOC property is often restricted. Some lenders will not lend at all; others may reduce the loan-to-value ratio or require proof that the borrower complies with the condition. Early discussions with a lender or broker are essential.

Removal of the Restriction

It is sometimes possible to apply to vary or remove the condition under section 73 of the Town and Country Planning Act 1990, but this typically requires clear evidence that there is no longer a need for the dwelling to serve agricultural workers in the locality. Removal is not guaranteed and can be costly and time-consuming.

Further Advice

Agricultural occupancy conditions are technical Town Planning matters with financial and legal implications.

Before purchasing, occupying or financing a property subject to such a restriction, **you must obtain independent professional advice** from:

- A town planning consultant or rural surveyor experienced in agricultural Occupancy Conditions; and
- A Solicitor familiar with rural property and town planning law.

Independent advice is essential to ensure compliance and to understand the risks.

YOU MUST NOT RELY ON THIS ADVICE NOTE, THE SALES PARTICULARS, INFORMAL ASSURANCES, OR LENDER ASSUMPTIONS.