

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0005-20 **Applicant:** Mrs M Orrey

Proposal: Retention of dwelling without complying with agricultural habitation clause (Condition 4 of EE66-72)

Location: Lesley-Ann Joys Bank Holbeach St Johns

Terminal Date: 3rd March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

This application is for the removal of an agricultural occupancy condition that arises out of a permission granted on 8 February 1972 under planning reference EE66/72 for a dwelling in connection with agriculture at Lesley-Ann, Joys Bank, Holbeach St John, Spalding.

The applicant applied for a Lawful Use Certificate (LUC) for the occupation of a dwelling by persons not employed in agriculture which is in breach of the condition. The LDC was granted on the 23 December 2019, under reference H05-1035-19, as the evidence submitted on the balance of probabilities proved that the agricultural occupancy condition had been breached for a period in excess of the required 10 years. The Council held no records or evidence to dispute the claim. Therefore the occupation of the house in breach of the condition is considered lawful and immune from enforcement.

The granting of a LUC does not automatically lead to the grant for the removal of the condition but when considering the length of time the applicant has lived in the property and the lack of any material or demonstrable harm arising from the occupation of the property in breach of the condition, it is felt appropriate to grant the application as applied for. No objections have been

received to the application therefore on the balance of probabilities it is considered that the need for the condition has sufficiently diminished the actual need for the restriction and the application, on this occasion, should be a delegated approval.