FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H05/0220/94 Received:07-MAR-94 Type:S73A CONTINUATION

Name: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

Agent: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

Description: Retention of dwelling without complying with agricultural habitation clause
Location : Ravens Gate Fleet Fen
Holbeach Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

1 In the opinion of the Local Planning Authority, the market for potential purchasers who could comply with the condition has not been adequately tested and consequently the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would be contrary and damaging to the aims of Policy 7A of the Approved County Structure Plan, which seeks to restrict residential development in the open countryside to that essential to the interests of agriculture.

Director of Planning and Building Control Services
16-MAY-94 H05/0220/94

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

Town and Country Planning Act etc

DRAFT REFUSAL

Reference: H05/0220/94 Received:07-MAR-94 Type:S73A CONTINUATION

Name: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

Agent: Mrs I Kowalski
Ravens Gate
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Holbeach
Spalding Lincs PE12 8PH

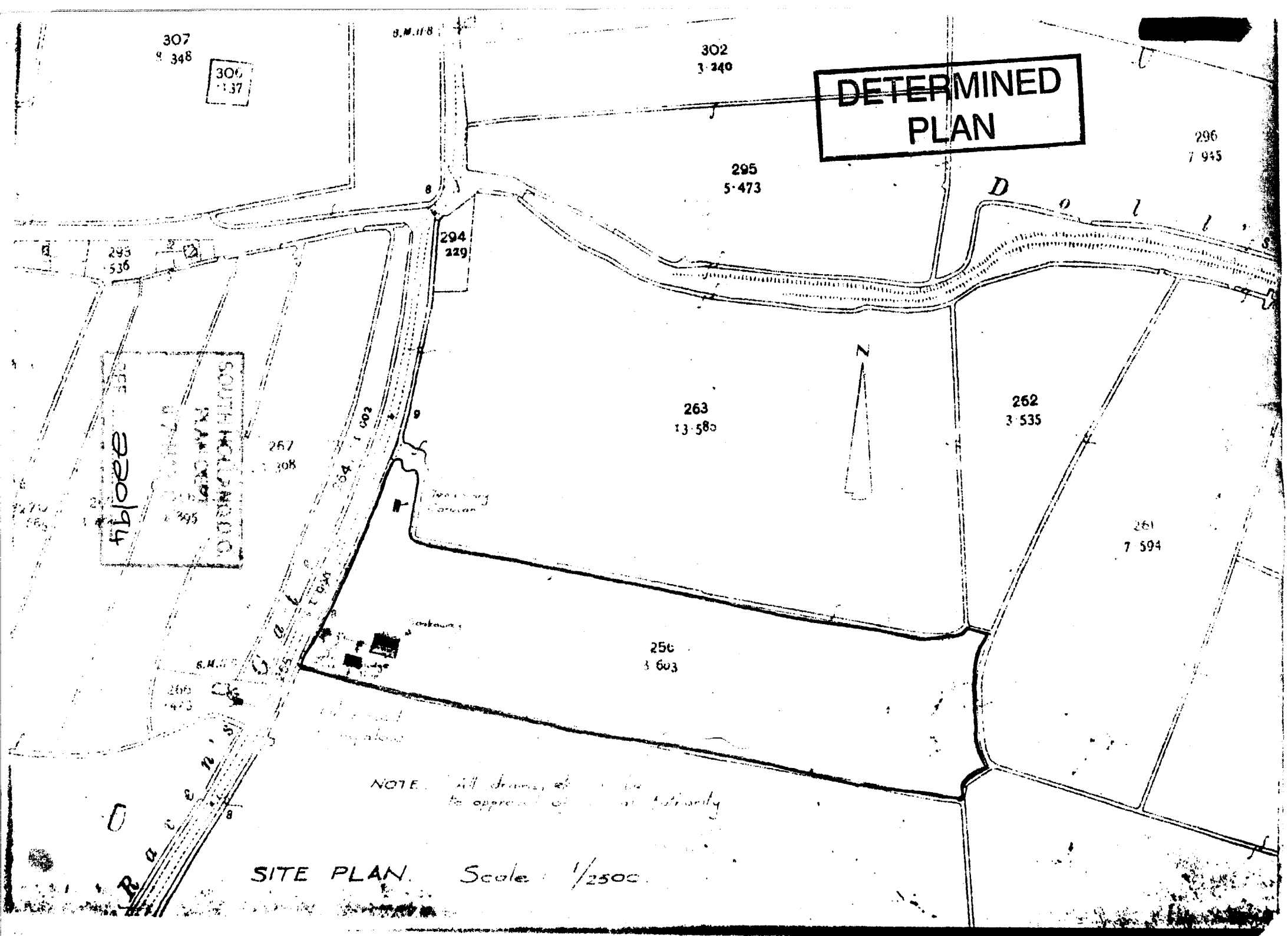
Description: Retention of dwelling without complying with agricultural habitation clause
Location : Ravens Gate Fleet Fen
Holbeach Spalding Lincs

South Holland District Council hereby give notice that permission has been refused etc for the following reasons:

1 In the opinion of the Local Planning Authority, the market for potential purchasers who could comply with the condition has not been adequately tested and consequently the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would be contrary and damaging to the aims of Policy 7A of the Approved County Structure Plan, which seeks to restrict residential development in the open countryside to that essential to the interests of agriculture.

13-MAY-94 AD check.....M.K.S.

Authorised to issue (inc Delegation).....M.....


DETERMINED
PLAN
307
9 348
302
3 240
296
7 945
295
5·473
294
229
293
536
263
13·580
262
3 535
261
7 594
256
3 603
267
308
N
SITE PLAN. Scale: 1/250c.

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H05/0220/94

Date Registered 02 MAR 1994

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

MRS. I. KOWALSKI
RAVENS GATE
FLEET FEN
NR. HOLBEACH
LINCS PE12 8PH

Tel. No. 424097

NAME AND ADDRESS OF AGENT
(if form completed by agent)

Tel. No.
(Personal contact name)

OFFICE COPY

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

X RAVENS GATE, FLEET FEN
NR. HOLBEACH, LINCS PE12 8PH

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

X Retention of dwelling without complying with Agricultural habitation Clause.

Please complete

I attach
* Four copies of all plans
* an ownership certificate (see back page)
* a fee of £70.00 If you consider no fee is payable include a written explanation instead.

Signed. I. Kowalski Date 23-2-94 Previous application No.

Please tick **one** box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

(✓)

This is a **full** application for change of use and/~~or new building works~~ ☐ ➡ **Now complete Parts 3, 4 and 5 and an Ownership Certificates**

or This is an **outline** application ☐

Please state Site Area (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting ☐ Design ☐ External Appearance ☐

Means of Access ☐ Landscaping ☐

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. ☐

A. Please state Reference Number of outline permission.
B. Please state which reserved matters are dealt with in this application.
Now complete Part 4 only

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. ✓

X A. Please state reference Number of previous permission 771174
X B. Please state Condition Number referred to 2.
Now complete an Ownership Certificate

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented. ☐

A. Please state Reference Number of pervious permission
B. Please state Condition Number referred to
C. Please state variation required
Now complete an Ownership Certificate.

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New Dwellings		If so, how many:
(ii) Other new building(s)		
(iii) Alterations or extension		
(iv) Change of use	✓	

4. A. Please state site area (in all cases) — 8½ ACRES — hectares
B. If building works are proposed, please state extra floor space to be created: — sq. metres
C. Please state size of any new structure:- (a) max. height: — metres
(b) max. length: — metres
(c) max. width: — metres
D. Please state type and colour of materials for facing external walls:
E. Please state type and colour of roofing materials.
F. Has a survey of the site been undertaken? State Yes or No

5. **GENERAL INFORMATION** Please complete each section

EXISTING USES
Please state existing or, if vacant, the last use(s) of site.

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) Please tick one box

A. There will be no new access to a public road and no alteration to any existing access to a public road — ✓
or
B. There will be a new or altered access to a public road — ➡ If so, name of road: / Will there be— Individual access(es) / New estate road
C. What provision will be made for garages or parking within the site?

TREES Please tick one box

A. The proposal does not involve the felling of any trees — ✓
B. The proposal does involve the felling of one or more trees — ➡ If so, please show details on plans.

DRAINAGE Please complete

A. Please state how surface water will be disposed of
B. For estate developments, please state how highway surface water will be disposed of
C. Please state whether a land drain will be affected
D. Foul sewerage will be disposed of to:
Mains sewer ☐ Cesspool ☐ Septic tank ✓

PLEASE COMPLETE IN ALL CASES

	State Yes or No	
The proposal is in connection with agriculture	✓	➡ If so, please give details in Part 6
The proposal affects a listed building		
The proposal affects a public right of way		
The proposal is known to affect contaminated or filled land		
The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.		➡ If so, please complete Part 7
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.		➡ Date: / Consultee(s)
Is this application related to a previous submission?		➡ Application No.

6. **ANY OTHER INFORMATION** Please add any details you wish in support of your application.
Continue on separate sheet if necessary. ✓

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE OPTIONS.

1. APPLICANT'S INTEREST

Please state interest in site (e.g. owner, prosp. purchaser)
(Please remember to indicate on the location plan any other land under your control).

OWNER

2. OWNERSHIP OF THE SITE

This certificate is to make sure that the owners of land are aware of applications made on it.

If the applicant is the sole owner of the whole site, complete Certificate A.
In any other case (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete Certificate B.
(An "owner" is a person having a freehold interest, or having a leasehold interest where seven years or more remains unexpired). If you are unable to trace the owner, please contact the Planning Office as a different certificate will be required.

Certificate A Nobody except the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

Signed J. Kowalski (Applicant / ~~Agent~~) Date 23-2-94

Certificate B The applicant has given the required notice to everyone else who were owners of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.
Owner's Name:
Address of owner at which notice was served: State Date notice served:

Signed ..... (Applicant / Agent) Date .....

3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use complete Certificate 1.
If the land is agricultural, but farmed by the owner and there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to the tenant, and complete Certificate 2. If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

Certificate 1 None of the land to which the application relates is or is part of any agricultural holding.

Signed J. Kowalski (Applicant / ~~Agent~~) Date 23-2-94

Certificate 2 The applicant has given the required notice to every other person who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates.
Tenant's Name:
Address of tenant at which notice was served: State Date notice served:

Signed ..... (Applicant / Agent) Date .....

SOUTH HOLLAND D.C.
PLAN DEPT
02 MAR 1994
REF. 0220/94.

Mrs.I.Kowalski
Ravens Gate
Fleet fen
Nr.Holbeach
Lincs PE12 8PH

13February 1994

South Holland District Council
Planning and building
Control Department

Dear Sir

With reference to the above property,I wish to apply for the lifting of the Agricultural Clause Attached to it.
The property has been on the market for about a year.
I am not able to produce copies of advertisement as I am not selling it through the agent.
The above condition has always been stated,but not fully understood untill last October, When I wrote to you for explanatipn .
Asking price is £80000,or offers.
Interests of prospective buyers vary:for quiet retirement,keeping horses,sanctuary for Unusual animal spiecies,but mostly to own a piece of land,to be able to grow vegetables and keep poultry natural way,especially,as there is a massive heap of manure,waiting to be used.Farmers are not interested in it anymore.It is so sad.
When we came here 20years ago farms were alive with pigs,cattle,chickens;producing good wholesome food.Now there is nothing.
As I was saying we came here 20years ago,built piggeries and cattle shead,filled them with pigs and bullocks, Lived in the caravan for 4years,then had the bungalow built,with bank and building society's backing.
By then bullocks became liability,so they had to go.In order to use the shead,my husband bread more pigs.Few years later bottom droped out of pig market.We struggled for another year,hoping situation might improve.It did not.So pigs had to go.
Luckily I was still in employment.We used grassland for haymaking.
It was heartbreaking to see the sheads empty,so we rigged one of them for growing mushrooms
Three years ago we learned my husband was terminally ill with cancer.Closed mushroom side down,so I could look after him. He died in June 1992.
He was so happy here planting trees and shrubs and flowers,in his spare time.He created a real beauty spot.And Iam getting to old to look after it,I also suffer from arthritis.
And I don't drive a car(or anything).I'd like to move back to Nottingham,where my family lives,buy a small bungalow with large garden for my two Alsation dogs.They are only 5 years old.
I am not trying to make a large profit.Properties in Nottingham are more expensive,so is comunity and water charge.When I was told what they are I couldn't belive it.
I think congratulations are in order to S.H.D.C.and Anglian water for good management.
At the moment I've got a really interested buyer,who(his own words)is keen to bring the property back into usefull life,so as to add to local life".they live in Eye,Nr.Peterborough
I forgot to mention that I have £5000 mortgage on this property to pay
Enclose cheque for £70-00p

yours faithfully
I Kowalski

P.S. My apologies for mistakes.
I am no typist. IK.

RECOMMENDATION/DECISION

NON-DETERMINATION

Permitted Dev (or equiv) .....
Non Development (or equiv) .....
Non Response after Direction .....

Senior Officer confirmed .....

Withdrawn .....

COMMITTEE 26/4

Confirmed as agenda ✓ ✓ ...12/5

SUB-COMMITTEE

Confirmed as agenda .....

DPBCS AUTHORISED

Decision Issue confirmed .....

DELEGATED DECISION

Case Officer

Approve (or equiv) Refuse (or adverse)

Signed ..... Date.....

Notes:

☐ Disabled
☐ Prev conditions
☐ Amended plans – Dwg no: Received:

CONDITIONS/REASONS:

Condition monitoring:

non-std expiry .....
prior submission ☐
prior siteworks ☐

Determined plans indicated ☐

Departure approval confirmed ☐

Flag for on-site review ☐

DC INSTRUCTION SHEET

APPLICATION REF: H05/0220/94

Directions

Art 7 ☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current					
Required					

EA ☐ Reg4 – ☐ Scale dwg: Highway S/W: Agric appraisal:

LB ☐ Advt ☐

Details needed: (Non–std only)

Other.....

Direction authorised by Senior Officer..... Date.....

Revalidation after Direction

Information satisfactory Signed..... Date.....

Valid date:

Amended description

Superseded plans indicated ☐

Unsatisfactory – Further direction:
Signed.....
Senior Off.....

Precise details:

Extra Consultations/Publicity Required

☐ None identified initially

RECONSULTS (revalidated) ☐ All

		Publicity: >>	Consultations:	
Departure		.....	County	.....
Setting of LB		.....	E Heritage	.....
Public Right of Way		.....	Societies	..... G ROW
Discretionary		.....		

Press
PC
WM
Residents

Extra Consultations: District Valuer ✓

WP Note –
G Group available
G* Group essential (longer expiry)

Transport	D/Transp A15	..... G* T15	
TRA	D/Transp A18	.....	
	B Rail	.....	
Environment/	Env Services	.....	
Drainage	NRA	.....	
WAT	IDB	.....	
	Env Assess	☐ G ENV (See separate sheet)	
Conservation	LB Demolish	..... G* DEM	
LB	Archaeology	..... G ARC	Specify:
	Eng Heritage	.....	
	Consultant	.....	Order No:
	Other	.....	Specify:
Hazards	HSC Group	..... G* HAZ	
	Specific	.....	Specify:
Other PLA		.....	Specify:

Case Officer: DAVID GEDNEY

Senior Officer Confirmed ...MJ.. Date: 9/3/94 Recorded DC....

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy : Small holding with bungalow and
Neighbours : other agricultural buildings
Boundaries : open countryside. Site fairly well
Site Features : landscaped.

Inspected by DMG
Date 21/3

Site Notice posted by
Date
Expiry DMG 21/3

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Telephone/Visitor Record

Date	Conversation with	Conclusion

Case Officer Conclusions

ADMIN RECORD SHEET

Initial

Submitted Fee £ 70 .

Receipt No P3962

Date first Rec'd 02 MAR 1994

Registration

Reference H05/0220/94

Cross-Ref

Date 03-MAR-94 LAC

Validation

TYPE SEC 73A.

Site area
No of dwellings
Floorspace

Earlier permission – Ref:
New/Redevelop/Use/Ext/Alt/Works

Description to be recorded: Retention of Dwelling without complying with agricultural habitation clause

Invalid
Site plans ☐
Certificate ☐
Fee ☐
Fee (not free) ☐
Inaccurate ☐
Incomplete ☐
Unclear ☐

Fees
Correct fee £ 70 .
Nil fee ☐
Discounted ☐
Previous app – ref:
Type of app
Reason:

Additional £
Refund £
Receipt No
Voucher No
Date
Date

Information

Index sheet 226 OS Plots
Grid ref 537503 214700

Ward D Parish FLEET

Inside IBD NO Inside LP area NO

Constraints:

CA Cons Area ☐
LB Listed – Grade: ☐
ARC Archaeology ☐
AM Ancient Mon ☐
SSI Special Int ☐

TR Rural ☐
BP TR proposed 67m ☐
LC Level Cross ☐
FP Footpath ☐
TPO Tree Pres ☐

Hazards –
HAZ Site ☐
AIR Safeguard ☐
LIN Elect ☐
PIP Pipe ☐
CON Waste/contamin ☐

Linked to site Ref [redacted] ☐ Dist Bound

Linked to property Ref 0040399 ☐ Other:

Planning Records:
Earlier apps
771/74
40/76
61/74

B Reg Records:
Already submitted – Ref:
Request needed
Requested

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

H05/0220/94

S73A CONTINUATION

Applicant: Mrs I Kowalski
Tel: 0406 424094

Agent: Mrs I Kowalski
0406 424094

Description: Retention of dwelling without complying with agricultural habitation clause

Location: Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs

Valid date:	07-MAR-94	Terminal date:	02-MAY-94
Target dates:		Target Committee:	19-APR-94
To case officer	14-MAR-94	Report deadline:	05-APR-94
Inspected by	21-MAR-94	Agreed TD Ext:	
Extra contacts	28-MAR-94	Case Officer:	
Report if not clear by	11-APR-94		D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Site/Press Advert MIN		21-MAR-94	11-APR-94
Clerk to Fleet PC	Holbeach 26739	10-MAR-94	24-MAR-94
Cllr B A Paul	0406 23100	10-MAR-94	17-MAR-94

L.C.C – No Objections /s as 17/3/94

Greenwoods Solicitors,
30 Priestgate,
Peterborough.
PE1 1JE.

Mr D Gedney

DMG/JJ H05/0220/94

SDW.RMG.OSELTON

03 Apr 1996

Dear Sir/Madam,

THE BUNGALOW, RAVENS GATE, FLEET FEN, SPALDING, LINCS.

I write further to your letter dated 25th March 1996.

For your information, Condition No 2 of H05/0771/74 states that "the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971 or in Forestry (including any dependants of such a person residing with him) or a widow or widower of such a person". The reason for this condition was that the building is sited in an area of open countryside in which buildings other than those connected with an agricultural need would not be permitted.

In respect of Mr Oselton's circumstances, I have advised him that he will comply with the agricultural occupancy clause providing he derives the majority of his regular income from agriculture.

I hope the above information is of assistance.

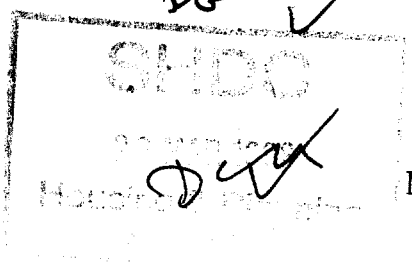
Yours faithfully

N Midlen
Development Control Manager

Our Ref SDW.RMG.OSELTON
Your Ref DMG.JK.H05/0220/94

25 March 1996

DG ✓



Greenwoods
SOLICITORS
30 Priestgate
Peterborough PE1 1JE
MDX No 12306 Peterborough
Telephone (01733) 555244
Fax (01733) 65591

F.A.O. MR D M GEDNEY

South Holland District Council
Planning & Building
Control Dept.
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

Dear Sirs

The Bungalow Ravens Gate Fleet Fen Spalding Lincs

We are writing to advise you that we are acting on behalf of Robert Oselton and Blanche Elaine Oselton of 7 St. Olaves Drive, Eye, Peterborough in respect of their proposed purchase of The Bungalow, Ravensgate, Fleet Fen, Lincolnshire from the present owner Mrs Irene Kowalski.

We understand that there is an agricultural restriction imposed upon the property as defined in Section 290 of the Town and Country Planning Act.

We would be obliged to hear from you as to whether or not Mr and Mrs Oselton have been approved as new Purchasers of the above property. We believe from Mr Oselton that he has already written to you to provide you with full details relating to himself and his family.

We look forward to hearing from you as soon as you can.

Yours faithfully

GREENWOODS

D.J. Weekes M.J. Evans J.M. Hardwick N.H. Long, LL.B. J.O.D. Bandaranaike M.J. Taylor, LL.B. P.de C. Sloan, M.A. E. Jane Proctor, LL.B. R. Dillarstone, LL.B. S.J. Illingworth, LL.B. P. f-k Westlake N.E. Moore, B.A. Shelagh Smith, B.Sc N.D. Plumb, LL.B. M.A. Wood, LL.B.
Consultant: R.J. Arnold

Associates in Europe through
EUR LINK
for lawyers

This Firm is regulated by the Law Society in the conduct of investment business

Mr R Oselton,
7 St Olave's Drive,
Eye,
Peterborough.
PE6 7XS.

Mr D Gedney

DMG/JJ H05/0220/94

09 Feb 1996

Dear Mr Oselton,

AGRICULTURAL DWELLING, RAVENS GATE, FLEET FEN, HOLBEACH.

I refer to your letter in respect of the above.

As you are no doubt aware, Condition No 2 of H05/0771/74 states that "the occupation of the dwelling shall be limited to a person solely or mainly employed,or last employed, in the locality in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971 or in Forestry (including any dependants of such a person residing with him) or a widow or widower of such a person". The reason for this condition was that the building is sited in an area of open countryside in which buildings other than those connected with an agricultural need would not be permitted.

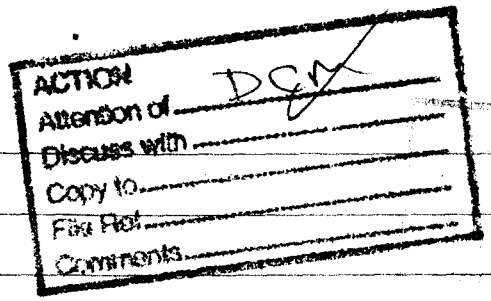
In respect of your circumstances, it would appear from your letter that you intend to derive the majority of your regular income from agriculture. If this is the case, it would appear that you will comply with the agricultural occupancy clause.

I hope the above information is of assistance.

Yours sincerely

DM Gedney

N Midlen
Development Control Manager



DG

7 ST OLAVES DRIVE
EYE
PETERBOROUGH
PE6 7XS

DEAR MR GEDNEY.

FUTHER TO OUR TELEPHONE CONVERSATION LAST WEEK RE- THE BUNGALOW RAVENS GATE, FLEET FEN OWNED BY MRS KOWALSKI YOU ASKED ABOUT MY CIRCUMSTANCES WHICH ARE.

I AM MARRIED WITH TWO CHILDREN A BOY AND GIRL MY SON IS 15 YEARS OLD AND GOES TO AURTHER HELLOWS VILLAGE COLLAGE GLINTON. HE WILL NOT BE CHANGING SCHOOL. MY DAUGHTER IS 20 YEARS OLD AND WORKING IN HORTICULTOR IN SPALDING AT A FLOWER SORTING COMPANY. I MYSELF WORK FOR PETERBOROUGH CENTRAL PRINTERS AND MY WIFE AT M.B. CLARKE SECURITY PRINTERS.

THE PROPERTY IN QUESTION HAS NOW BEEN OUT OF PRODUCTION FOR SOME TIME AND MOST OF THE MACHINNERY SOLD OFF. SO I WILL NEED TO INVEST A FAIR AMOUNT OF MONEY TO BRING IT BACK TO PRODUCTION AND ADD TO THE ECONOMY OF THE A MY IDEARS FOR MAKING IT PRODUCTIVE AGAIN AR MANY. I FEEL CONFIDENT IN GETTING IT GOING AGAIN AND HOPE IN NEAR FUTURE TO BE ABLE TO WORK IT FULL TIME.

YOURS FAITHFULLY

R. OSELTON.

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

BRIAN SMITH
Dip TP MRTPI
Director of Planning and Building Control Services

Mrs I Kowalski
Ravens Gate
Fleet Fen
Spalding
Lincs PE12 8PH

Your Contact: Mr D M Gedney

Our Ref: DMG/JK/H05/0220/94

Your Ref:

Date: 17 May, 1994

Dear Mrs Kowalski

Planning Application H05/0220/94 - Retention of Dwelling Without Complying with Agricultural Habitation Clause, Ravens Gate, Fleet Fen

I refer to the above planning application recently submitted by yourself.

Unfortunately, at the Planning Committee Meeting held on 11 May, 1994, it was resolved that permission be refused and the decision notice is hereby attached for your information.

However, from the information received from yourself, it would appear likely that Mr Oselton complies with the agricultural clause.

I hope the above information is of assistance to you.

Yours sincerely

N R MIDLEN
Principal Planning Officer (Development Control)

Encl.

Planning & Building
Control Department
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

315. PLANNING APPLICATIONS (Continued)

(b) Applications Refused (Continued)

Plan No. and Applicant		Proposal
H19/0043/94 Mr & Mrs Markillie		New access at Southeau Bank, Throckenholt.
H09/0080/94 R Newson	O.A.	Six self-contained flats including parking, access, siting, design and external appearance.
H09/0081/94 R Newson		Conservation Area Consent for the demolition of Buildings at 17 West End, Holbeach.
H05/0220/94 Mrs I Kowalski		Retention of dwelling without complying with agricultural habitation clause at Ravens Gate, Fleet Fen, Holbeach.
H06/0258/94 C Hannah	O.A.	Two bungalows at Tops Gate, Gedney.
H16/0270/94 Minster General Housing Association Limited		Conversion of existing first floor accommodation from one flat to two bedsits at 28 Winsover Road, Spalding.

(c) Applications Director of Planning and Building Control Services Authorised to Approve

The Director of Planning and Building Control Services be authorised to grant planning permission in accordance with his recommendations, in respect of the following proposal:-

Plan No. and Applicant	Proposal
H09/0260/94 P L Ely (Contractors) Limited	Five bungalows with garages at "Hardys Nursery", Park Lane, Holbeach.

(d) Applications deferred

Consideration of the following applications be deferred for the reasons indicated:-

Plan No. and Applicant	Proposal
H16/0709/93 George Adams & Sons Limited	Certificate of Alternative Development - Industrial development at Fulney Lane and Holbeach Road, Spalding.

(To enable the Director of Planning and Building Control Services to have further discussions with the applicants and their agent.)

H09/0192/94 A R Chapman Esq	O.A.	Residential development at Washway Road, Holbeach.

(Pending a site inspection to establish if the proposed development can properly be regarded as infilling or if it is a consolidation of sporadic development.)

APPLICATION REFERENCE: H05/0220/94 DATE RECEIVED: 07-MAR-94

TYPE: S73A Continuation

DESCRIPTION: Retention of dwelling without complying with agricultural habitation clause

LOCATION: Ravens Gate, Fleet Fen, Holbeach

APPLICANT: Mrs I Kowalski AGENT:

REASON FOR COMMITTEE CONSIDERATION

Recommendation of refusal.

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 11 MAY 1994

RECOMMENDATION

Refuse permission.

1 *In the opinion of the Local Planning Authority, the market for potential purchasers who could comply with the condition has not been adequately tested and consequently the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would be contrary and damaging to the aims of Policy 7A of the approved County Structure Plan, which seeks to restrict residential development in the open countryside to that essential to the interests of agriculture.*

COMMENTS

1 Property part of holding comprising approximately 3.4 hectares (8¼ acres). Various outbuildings on site, including piggeries, cattle sheds, etc.

2 Unfortunately, the applicant has only attempted to sell the property privately and has not advertised it widely. As such, I am not satisfied that a reasonable attempt has been made to market the property to someone who complies with the occupancy condition.

REPRESENTATIONS

Parish Council: No comments.

Applicant: (summarised)
- Property been on market for about a year. Not selling it through an agent because I live on my own and reluctant to have a "for sale" sign outside my property.

- Asking price is £80,000 or offers. Had many people interested but none complied with the agricultural clause. Farmers are not interested in it any more.
- We came here 20 years ago when farms were alive with animals. Built piggeries, etc, and had bungalow built. When bottom fell out of the pig market, used buildings for growing mushrooms.
- However, my husband died in June 1992, and I am now getting too old to look after holding (also suffer from arthritis). I don't drive a car and would like to move back to Nottingham where my family lives.
- Not trying to make a large profit, but properties in Nottingham are expensive.

LATE CBS: Offr. MG Date 10/5
Salient points highlighted ✓

I.Kowalski
[illegible]ens Gate
[illegible]et Fen
Nr.Holbeach
Lincs PE12 8Ph

7-4-94

South Holland District Council
Planning and Building
Control Department
Mr.D.M.Gedney

Dear Sir

Refering to your letter of 29 April 1994,I have contacted Mr.Oselton and this is what he had to say!"In answer to your letter(I let him read it)is yes,I will be giving up my job,but not straigft away,as we will need money to buy necessary machinery,materials etc..But my daugfter who is unemployed is going to stat work and earn her living right from the start,with our help and quidance of course"

For what it is worth,I find Mr.Oselton a seriously thinking person.He and his family would be an asset to local community.

I sincerely hope yuor decision will be positive,otherwise 20years of our hard work will go to ruin,as I will not be able to look after it for very much longer.

Yours truly

I. Kowalski

220/94

S.H.D.C. PLANNING DEPT.
RECEIVED
10 MAY 1994 DG

Attention of
DPO
DO/PO
IC
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO
Date

Note
Discussed with NRM who considered on balance Mr Oselton would comply with clause.
DMK.

What is this land?
MM 10/5

DMG drafting response n/r &

Mrs I Kowalski
Ravensgate
Fleet Fen
Holbeach
Spalding
Lincs PE12 8PH

Mr D M Gedney

DMG/JK/H05/0220/94

29 April, 1994

Dear Mrs Kowalski

Application H05/0220/94 - Retention of Dwelling Without Complying with Agricultural Habitation Clause, Ravensgate, Fleet Fen

I refer to the above application submitted by yourself.

Within your recent letter you stress that a Mr R Oselton is still very interested in the property, and that his intentions are to bring it back to its "useful life", including the growing of mushrooms, the grazing of the land, growing of vegetables and keeping of chickens, geese and ducks, etc.

It is also noted that he presently works for a printing firm in Peterborough. Will he be leaving his current job to look after the holding, or will his wife be getting the majority of her income from the activities referred to above? If either of the above is the case, then it is possible that they will comply with the clause.

I will therefore be most grateful if you would provide me with the above information within the next 10 days, so that I can proceed with the current application.

Yours sincerely

N R MIDLEN
Principal Planning Officer (Development Control)

Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding
Lincs PE12 8PH

Mr D M Gedney

DMG/JK/H05/0220/94

30 March, 1994

Dear Mrs Kowalski

Planning Application H05/0220/94 - Retention of Dwelling without Complying with Agricultural Habitation Clause at Ravens Gate, Fleet Fen, Holbeach

I refer to the above application recently submitted by yourself.

Firstly, it is noted that you have stressed that the property has not been advertised to date through an agent. Would you please therefore provide details of how it has actually been advertised.

Secondly, it is noted that you have stressed that prospective buyers have included persons requiring the bungalow for quiet retirement, the growing of vegetables and rearing of poultry, etc. Are any of these persons still interested? If so, could you please provide more precise details of their circumstances and/or what precisely they intend to do with the property.

Finally, you have stressed that there is also an interested party who "is keen to bring the property back into useful life". I would be most grateful if you could also provide details in respect of this also, to enable me to assess whether or not he would comply with the terms of the current permission.

I look forward to your response in respect of the above within the next 10 days, so that I am in a position to proceed with the application.

Yours faithfully

DMG

N R MIDLEN
Principal Planning Officer (Development Control)

SHDC PLANNING DEPT
DG

Mrs.I.Kowalski
Ravens Gate
Fllet Fen
Nr.Holbeach
Lincs PE12 8PH

South Holland District Council
Planning And Building
Control Department
Ref.DMG/JK/H05/0220/94

Dear Sir

Refering to your letter dated 30March 1994.
Firstly,advertising was done by word of mouth and recommendation by friends and acquaintances.I've had many enquiries but oddly not from farming community.
As I live on my own and all my neighbours are out at work,I was reluctant to have a"For sale"sign outside my property.
Secondly,some have lost interest,because of the clause, one,having sold their property,had to move and buy another, one is still trying to sell theirs.
Finally there is a Mr.Robert Oselton who is still very interested.He lives at 7 St.Olaves [redacted] Drive,Eye,Peterborough Tel0850 165375. (His tel.Number at work)
Quote:"My intensions for the property are to bring it back to its usefull life,which is to once again grow mushrooms in the outbuildings which are already geared up for that purpose. Grassland will be used for grazing,rest of the land for growing vegetables".He also said he would like to keep chickens,geese and ducks.
He is a family man and works for a printing firm in Peterborough
I hope my answers are satisfactory.

sincerely yours

I Kowalski

5-4-94

P.S. The above quote is taken from conversation I had with Mr. Oselton earlier on today

I.K.

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H05/0220/94

Applicant: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

Agent: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

Description: Retention of dwelling without complying with agricultural habitation clause

Location: Ravens Gate Fleet Fen
Holbeach Spalding Lincs

Type: S73A CONTINUATION

Date received: 07-MAR-94

10-MAR-94

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

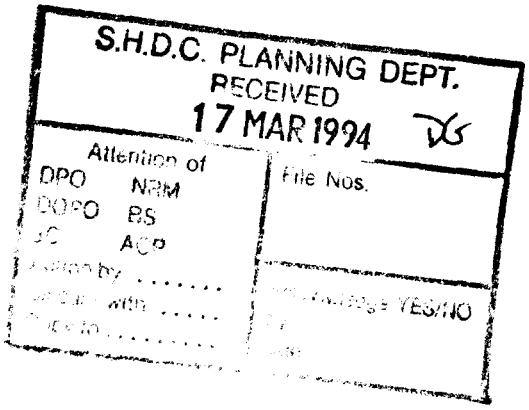
I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 24-MAR-94. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is D M GEDNEY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Fleet PC
Parish Council Office
2 Spalding Road, Holbeach
Spalding, Lincs

FOR PARISH COUNCIL USE ONLY

Comments: No Comment



Signed: J G Johnson

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H05/0220/94

Applicant: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

Agent: Mrs I Kowalski
Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs PE12 8PH

SOUTH HOLLAND D.C.
PLAN DEPT
07 MAR 1994
REF Valid.

Description: Retention of dwelling without complying with agricultural habitation clause

Location: Ravens Gate
Fleet Fen
Holbeach
Spalding Lincs

Type: S73A CONTINUATION

Date received: 02-MAR-94

03-MAR-94

Dear Sir/Madam

NOTICE THAT APPLICATION IS INVALID
Requirement for additional information, fees etc

Your submission for the above has been received, but I regret that it cannot be dealt with as it stands. Please provide the following:

Complete form where marked. Three copies returned for your use.

Four copies of a 1:2500 site location plan with the site edged red. Copies can be purchased from this office.

Please return the additional copy of this letter with your reply.
If I do not hear from you within the next 14 days it will be assumed that you have no wish to continue with the application. It will then be filed away and any fee already received will be reimbursed.
If you wish to contact the department at any time, please ask for Mrs Lowe quoting the above reference.

Yours faithfully

Principal Administrative Officer

PLANNING AND BUILDING CONTROL SERVICES

ORDER AUTHORISATION FORM

ORDER TO: (STATING NAME AND ADDRESS) ..... DISTRICT VALUER
..... CRESCENT HOUSE, 46 PRIESTGATE,
..... PETERBORO

ORDER FOR: (TO INCLUDE QUANTITY, DESCRIPTION, REFERENCES, ETC.) ..... VALUATION OF PROPERTY BEARING IN MIND THE
..... EXISTENCE OF AN AGRICULTURAL OCCUPANCY
..... CLAUSE

COST: (TO EXCLUDE VAT) £100

PURPOSE FOR WHICH ITEM REQUIRED: ..... PLANNING APPLICATION

COST CENTRE: 451

CODE: 387

AUTHORISATION BY SECTION HEAD: ..... See over.

COMMENTS: .....
.....

PLEASE ATTACH ANY RELEVANT INFORMATION WHICH YOU MAY HAVE E.G.BROCHURE EXTRACTS OR MAGAZINE CUTTINGS,ETC.

FOR ADMIN USE ONLY

CURRENT EXPENDITURE ON CODE.....

COMMITMENTS.....

TOTAL COMMITED EXPENDITURE.....

QUERIES.....

I think before we go to District Valuer over price

we need to bottom whether they cannot find a buyer with

the condition excluded. How have they marketed the

property if we think we can agree? Has it been realistically

marketed. Some of prospective buyers would deem

possibly to have complied with condition i.e. keeping

poultry + growing vegetables on the land. What is the

intention of the current prospective purchaser.

JM

23/2

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Plan Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3962
Date received : 02-MAR-94

Received from

Mrs I Kowalski

Address

Ravens Gate
Fleet Fen
Holbeach

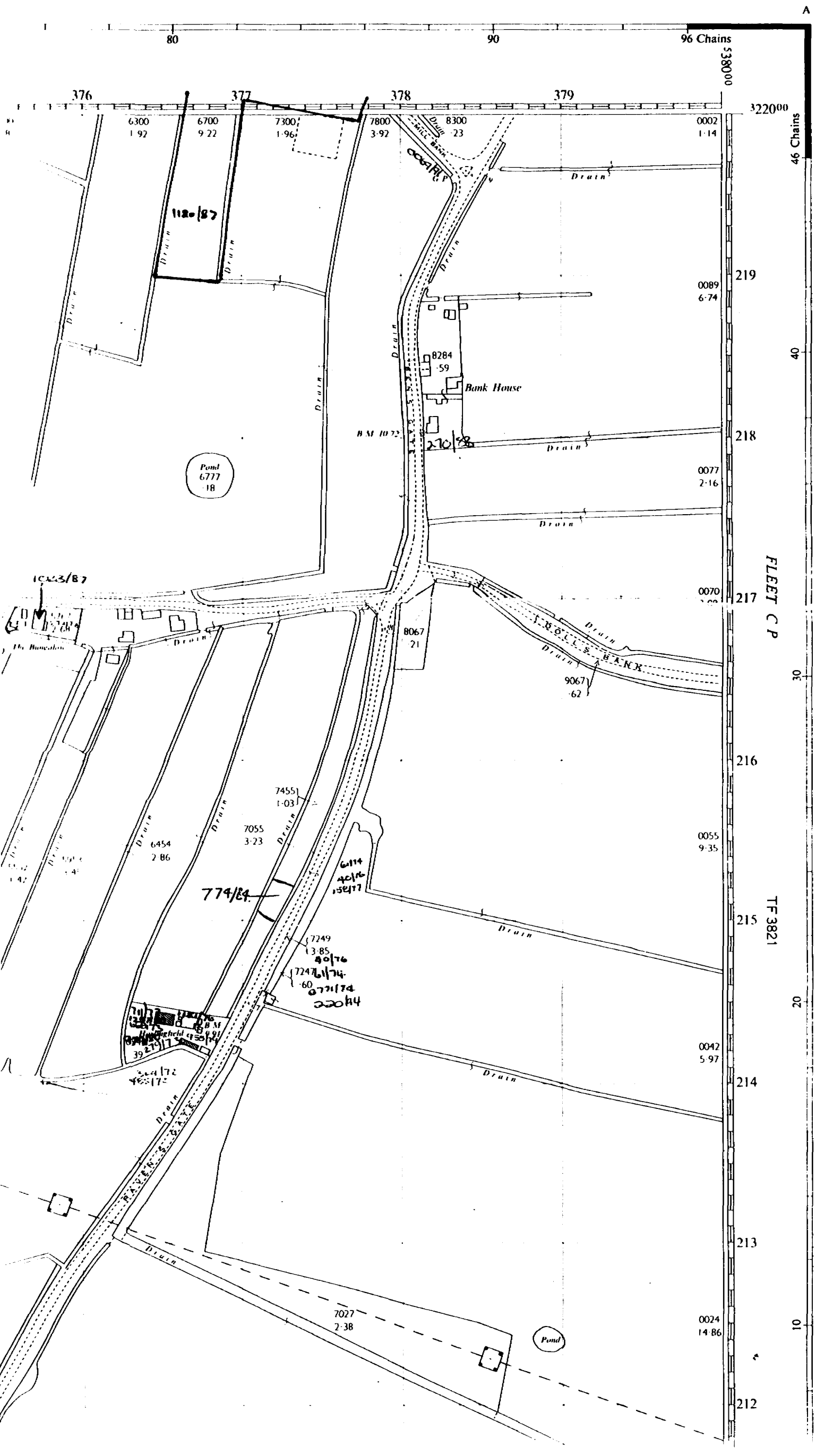
Fee paid	£	70.00
VAT	£	0.00
Total received	£	70.00

Cash/Cheque : Cheque

Signed.....K. Lowe...
(Authorised Collector)

tlf of this sheet is Plan TF 3621
lf of this sheet is Plan TF 3721

PLAN TF 3621 & PLAN TF 3721


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PLAN TF 3621 & PLAN TF 3721

