

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	
Suffix	
Property name	Jalna
Address line 1	Ravens Gate
Address line 2	Holbeach
Address line 3	
Town/city	Spalding
Postcode	PE12 8PH

Description of site location must be completed if postcode is not known:

Easting (x)	537745
Northing (y)	321462

Description

2. Applicant Details

Title	
First name	
Surname	.
Company name	Chattertons Trustee Corporation Limited
Address line 1	5 South Street
Address line 2	Horncastle
Address line 3	

2. Applicant Details

Town/city	
Country	Lincolnshire
Postcode	LN9 6DS
Are you an agent acting on behalf of the applicant?	
☒ Yes ☐ No	
Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

Title	Miss
First name	Sophie
Surname	Meehan-Green
Company name	Chattertons Solicitors
Address line 1	9
Address line 2	Broad Street
Address line 3	
Town/city	Stamford
Country	
Postcode	PE9 1PY
Primary number	
Secondary number	
Fax number	
Email	

4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- ☐ An existing use
- ☐ Existing building works
- ☒ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant use class. If the use class is not shown, please select 'Other' and provide details.

Use Classes	C3 - Dwellinghouses
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5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The certificate is required for the bungalow on the property to be used as for residential purposes that are not associated with an agricultural occupancy condition. The applicant is making the application on behalf of previous proprietors (who are now deceased) who resided in the bungalow in breach of the agricultural occupancy condition for in excess of 10 years. A certificate of lawfulness has already been issued for the adjoining land.

6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☒ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☒ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation? ☒ Yes ☐ No

Reference number

H05-771-74

Condition number

2

Date (must be pre-application submission)

28/11/1974

Please state why a Lawful Development Certificate should be granted

I make this statement as the daughter of the late Linda Georgina Montgomery. Linda was the legal owner of the property known as Jalna Raven's Gate (which consists of a bungalow and adjoining land and is registered at H M Land Registry with Title Number LL139677) until her death on 30th December 2019. The property has been vacant since her death. The legal title to the property is now invested Chattertons Trustee Corporation Limited as Executor of my late mother's estate.

The bungalow is currently subject to an agricultural occupancy condition, listed under reference H5/0771/74. The adjoining land used to have permission to be used as agricultural, but on 5th April 2018 this was changed under a retrospective permission (H-05-0171-18) and therefore the adjoining land can now only be used 'for private recreational purposes in conjunction with the occupation of the associated dwelling... and shall not be used for commercial purposes'.

I make this statement on the basis that the bungalow was resided in by persons who were not wholly or mainly employed in agriculture for a period of time in excess of 10 years. Before her death, my mother Linda resided in the bungalow at Jalna, Raven's Gate. She had lived there since 1997 with her husband, Roger Montgomery, until his death 18th June 2019. During their ownership of the property, they did not work and they used the land for recreational purposes and to enjoy their retirement. This did involve keeping some animals that would be classed livestock, such as sheep, pigs and chickens, and some of the chickens eggs were sold on a very small scale but the land was not farmed, and the livestock were kept as pets and for a hobby rather than commercially. Linda and Roger Montgomery only had 2 litters of pigs during their occupation of the bungalow. Eventually, the piggeries on the land were used to create a swimming pool in approximately 2002.

Linda and Roger continued to keep horses as pets, and the land was used mainly used as a menagerie for Linda's horses and ponies. By no means were Linda and Roger farmers by occupation. Roger was a retired sergeant from the Northamptonshire Police Force, where he worked as a dog handler. Linda was a retired dog groomer. When they moved to the property, given their age and economic means, neither Linda nor Roger were employed to do any other job. Further, approximately 10 years prior to his death, Roger Montgomery was told that he had lung cancer. Eventually, one of his lungs was removed. He was unable to work due to ill health. Roger therefore spent the rest of his life enjoying building his helicopters and model boats and his keeping his fish pond. Linda's main activities including going out on her cart pulled by her ponies and horseback riding, until she developed arthritis and could no longer ride.

7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

17/02/1997

In the case of an existing use or activity in breach of conditions has there been any interruption? ☐ Yes ☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought? ☐ Yes ☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed? ☐ Yes ☒ No

8. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

9. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

10. Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
☐ Lessee
☐ Occupier
☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

Have they been informed of the application? ☒ Yes ☐ No

11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent. ☐ Yes ☒ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)

24/11/2020