DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0626-21**	**Applicant:**	**D & Y L Guest**
Proposal:	Discharge of 106 Planning Obligation tying the dwelling and its occupation to associated nursery (planning approval H06-0861-93)		
Location:	New House Lowgate Gedney		
Terminal Date:	30th July 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for the erection of a dwelling in connection with nursery on 18 February 1994 (ref. H06-0861-93). This was subject to an agricultural occupancy condition (no. 4) and also the applicant entering into a s106 planning obligation tying the dwelling and its occupation to the associated nursery.

An application to remove condition 4 of H06-0861-93 (agricultural occupancy condition) was approved on 12 April 2021 (ref. H06-0155-21). This application is to discharge the associated S106.

Site Description

The property is a detached house located on the western side of Lowgate. It has a number of outbuildings at its rear. A bungalow (Harvest Home) is located to the north and an estate (Bramley Meadows) to the south.

Relevant Planning History

H06-0861-93 - O/A - Erection of dwelling in connection with nursery - Granted 18 February 1994.

H06-0264-94 - RM - Proposed four bedroomed dwelling with an integral double garage - Approved 31 May 1994.

H06-0155-21 - S73A Continuation - Retention of dwelling without complying with agricultural habitation clause (Condition 4 of H06-0861-93) - Granted 12 April 2021.

Planning Considerations

When application ref. H06-0861-93 was considered the site was in a rural area where it was the policy of the Local Planning Authority not to permit residential development except in the interests of agriculture or where related to the use of the land. The circumstances of the case related to an agricultural need, and permission was therefore granted subject to an agricultural occupancy condition and S106 planning obligation tying the dwelling and its occupation to the associated nursery.

The property is now within Gedney Settlement limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP is therefore applicable. It states that in Other Service Centres such as Gedney development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

Consequently, there has been a change of circumstance since planning permission was granted for an agricultural dwelling in 1994 in the sense that the site is no longer in open countryside, but rather inside Gedney Settlement Limit. Any application for residential development in the present day would comply with Policy 1 of the SELLP on grounds of infill within Gedney settlement boundary. Consequently, an agricultural restriction can no longer be justified since its essential purpose is to restrict development in the countryside to that related to agriculture.

Given the change of circumstance, there is no longer a requirement for the agricultural occupancy condition or S106 planning obligation.

Conclusion

That the S106 planning obligation tying the dwelling and its occupation to the associated nursery be discharged.