SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Planning Permission

Reference: H08/0052/92 Received:20-JAN-92 Type:FULL

Name: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

Agent: Broadgate Builders Ltd
Broadgate House
Broadgate
Weston Hills
Spalding, Lincs

Description: Erect bungalow with detached garage

Location : Bldg Plot off Salem Street Gosberton
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

3 Before the vehicular access is commenced to be used the access and turning facility shall be provided on site in accordance with the plan accompanying the application.

Reason: To ensure the provision of adequate facilities for safe ingress and egress of vehicles calling at the site in the interests of road safety

Notes to Applicant:

The applicant is advised that the implementation of this permission will prevent the implementation of the outline permission (reference H08/0010/92) which exists for two dwellings on this site.

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)

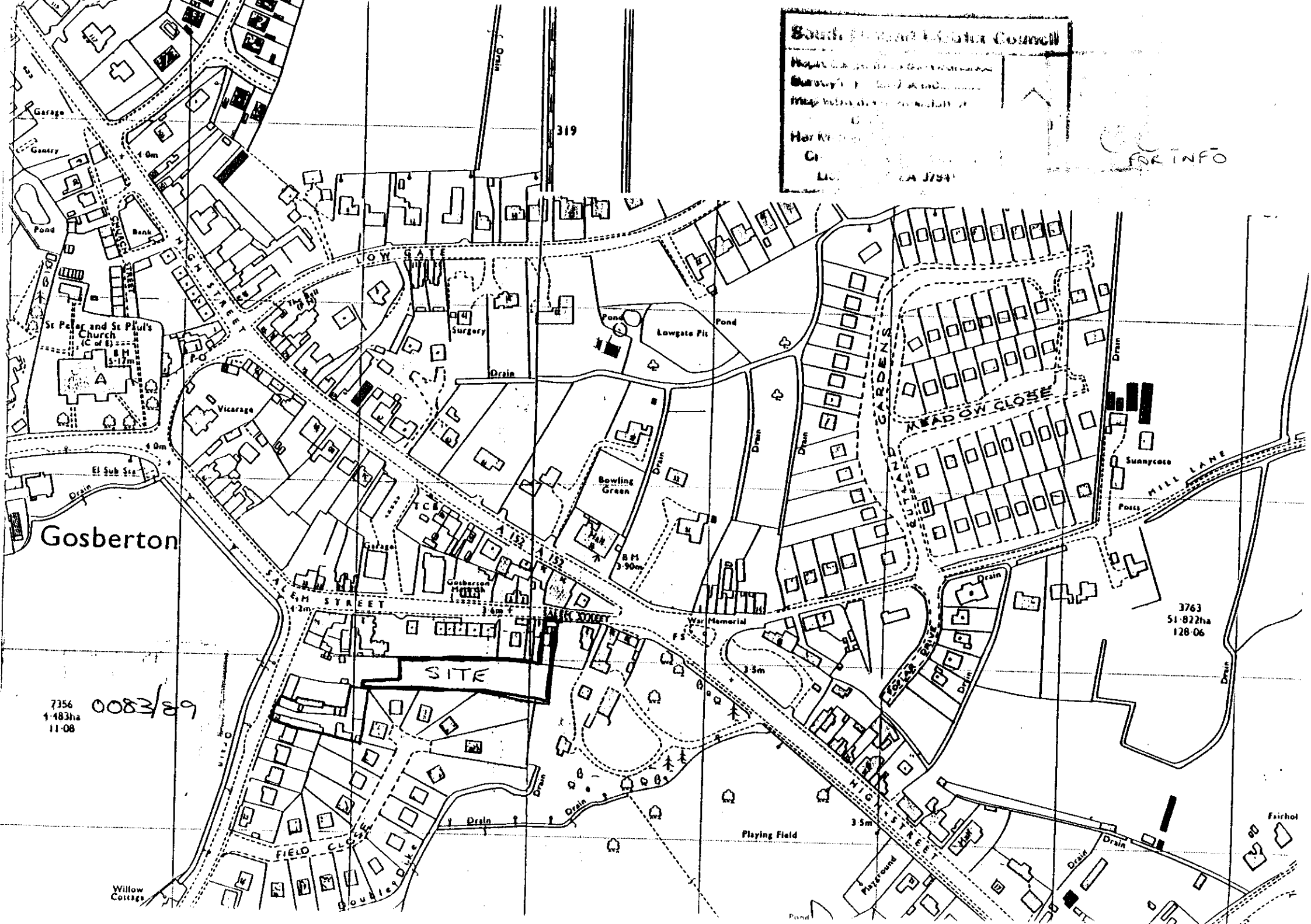
SOUTH HOLLAND DISTRICT COUNCIL

Director of Planning and Building Control Services
05-MAR-92 H08/0052/92

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)


South Kesteven District Council
FOR INFO
Gosberton
SITE
LOW GATE
HIGH STREET
SALEM STREET
MEADOW CLOSE
GARDENS
MILL LANE
FIELD CLOSE
NICHOLAS DRIVE
St Peter and St Paul's Church (C of E)
Vicarage
Surgery
Bowling Green
Playing Field
Playground
Lawgate Pit
Pond
Drain
Garage
Bank
Gallery
Post
Sunnycote
Willow Cottage
Gosberton House
War Memorial
El Sub Sta
7356
1·483ha
11·08
3763
51·822ha
128·06
0083/89

PLANNING APPLICATION

For office use only

Application No. H08/0052/92

Date Registered 13 JAN 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

MR & MRS R. HOGBEN.

5 RUTLAND GARDENS,

GOSBERTON, SPALDING, LINCS.

Tel. No.

NAME AND ADDRESS OF AGENT

(if form completed by agent)

BROADGATE BUILDERS (SPALDING) Ltd.

BROADGATE HOUSE, BROADGATE,

WESTON HILLS, SPALDING, LINCS.

Tel. No. HOLBEACH 380532.

(Personal contact name) SIMON LIQUORISH.

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

BUILDING PLOT OFF: SALEM STREET, GOSBERTON, SPALDING, LINCS.

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

ERECT BUNGALOW WITH DETACHED GARAGE.

OFFICER

Please complete

Signed S. Liquorish Date 13.1.92

I attach * Four copies of all plans

*an ownership certificate (see back page)

*a fee of ..... If you consider no fee is payable include a written explanation instead.

Previous application No: H08·0952·91.

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 Certificate

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. [ ]

A. Please state Reference Number of previous permission

B. Please state Condition Number referred to

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 previous 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 building(s)	✓
(ii) Alterations or extension	
(iii) Change of use	

B. If new dwellings are proposed, please state how many: ONE.

4. A. If building works are proposed, other than residential, please state extra floorspace to be created: — sq. metres

B. Please state size of any new structure:- (a) max. height: 5.100 metres

(b) max. length: 23.400 metres

(c) max. width: 13.000 metres

C. Please state type and colour of materials for facing external walls: STEETLEY OLD DURHAM STOCKS.

D. Please state type and colour of roofing materials. REDLAND GROVEBURY FARMHOUSE RED.

5. GENERAL INFORMATION Please complete each section

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

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: SALEM STREET

Will there be --
Individual access(es) ✓
New estate road ☐

C. What provision will be made for garages or parking within the site? TRIPLE GARAGE + TURNING AREA.

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 of more trees ☐ → If so, please show details on plans

DRAINAGE Please complete

A. Please state how surface water will be disposed of SOAKAWAYS.

B. For estate developments, please state how highway surface water will be disposed of —

C. Please state whether a land drain will be affected No

D. Foul sewerage will be disposed of to:

Mains sewer ✓ Cesspool ☐ Septic tank ☐

OTHER MATTERS Please complete

	State Yes or No	
The proposal is in connection with agriculture	No	→ If so, **please give details in Part 6**
The proposal affects a listed building	No	
The proposal affects a public footpath	No	
The proposal is known to affect contaminated or filled land	No	
The proposal is for industrial, warehousing, offices or shopping purposes	No	→ 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):

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 THRE SECTIONS.

Use the notice at the bottom of the page only when necessary.

1. **APPLICANT'S INTEREST**
Please state interest (e.g. owner, prospective purchaser)

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.** You can use the notice at the bottom of the form to send to the owner. (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 S. Liquorish (~~Applicant~~/Agent) Date 13.1.92

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.

State Name and address of owner: 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 there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to any tenant, and complete Certificate 2. (You can use the notice at the bottom of the form to send to the tenant). 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 S. Liquorish ~~Applicant~~/Agent) Date 13.1.92

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.

State Name and address of tenant: State Date notice served:

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

NOTICE UNDER SECTION 27 OF TOWN AND COUNTRY PLANNING ACT 1971

TO BE COMPLETED BY APPLICANT OR HIS AGENT

Proposed development at

Take notice that application is being made to South Holland District Council by

for planning permission for

If you should wish to make representations about the application, you should make them in writing within 21 days from the date of service of this notice, to Chief Executive, South Holland District Council, Priory Road, Spalding, Lincolnshire.

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

APPLICATION ASSESSMENT

Notes for Case Officer

Site Notes: Accuracy Neighbours Other

Boundaries Site Features

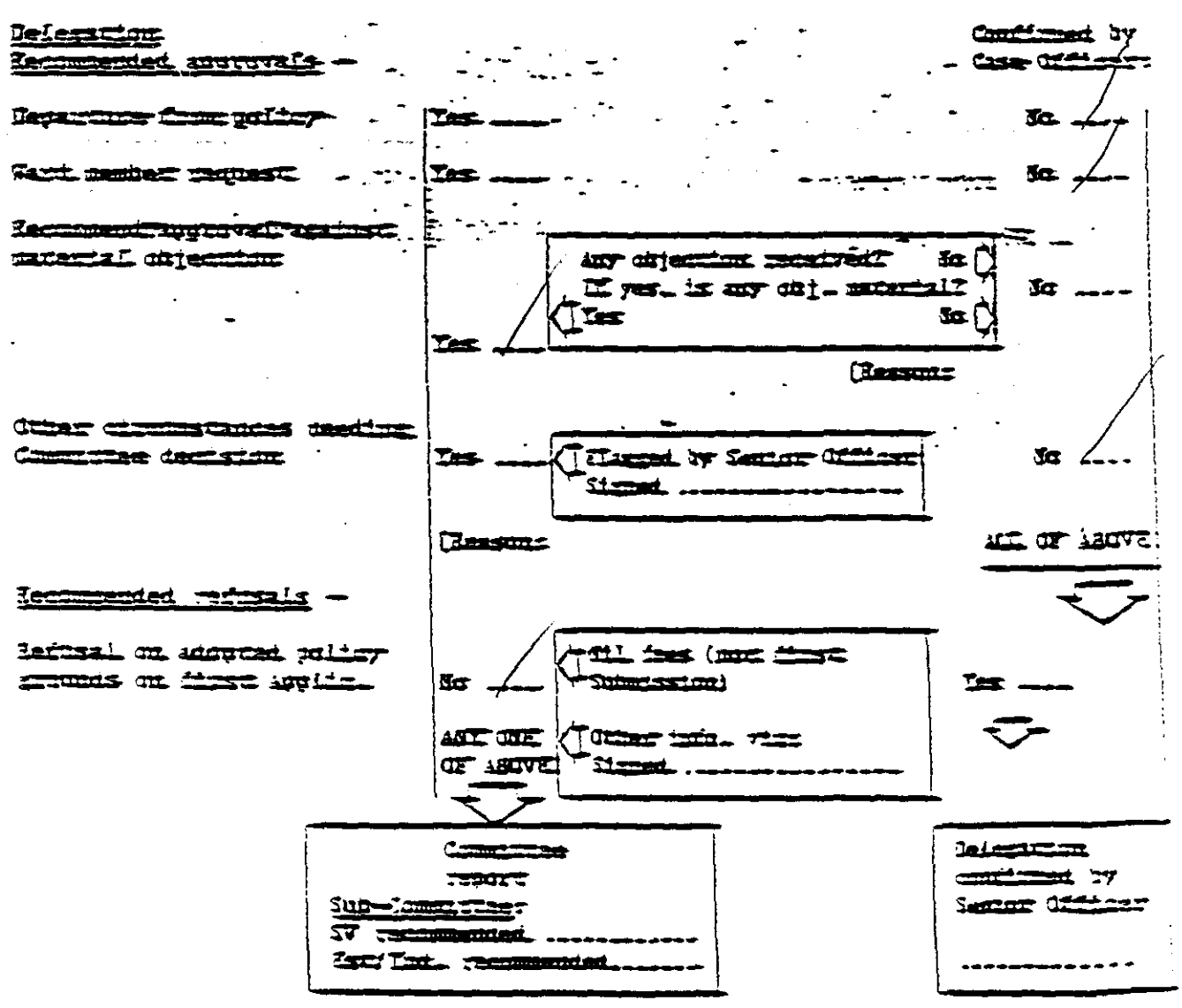
Inspected by: PJM
date: 4-2-12

Residents notified on site visit:

Case Officer Conclusions (Issues)

Site between Fells Close & terraces on Salem Street
Access from Salem St close to junction with Bigg Street
proposed to fence boundary not only new bungalow overlooking
limited

Case Officer Recommendations (summary)
(details overleaf)



Recommendation/ draft report produced PJM Amended/ confirmed

FURTHER INFORMATION/CONSULTATIONS

APPLICATION REF:

DIRECTIONS

		Siting	Design	Ext App	Access	Lands
Art 7 (Outlines)	BM :					
	Previous					
	Current					
	Required					

Reg 4 (or equiv) Scale drawing ..... Highway S/W ..... Agric appraisal .....

Precise details for non-standard requirement:

CONSULTATION/PUBLICITY REQUIRED PJH 27-1-92

Publicity : General
Departure
Setting of LB Viz

7227/1

Consults : Dept of Transport
Env Health
Conservation consults : Local
Local & National
English Heritage LBC I, II*
Setting I, II*
Major Ca

Consultant : Name
Order No:

Other :

REVALIDATION

Information satisfactory/unsatisfactory

Further direction - details:

Amended description:

Reconsultations required -
Parish Council
Ward Members
Residents
Advertise
Other

New valid date .....

Re-Registered .....
Ack/Reception/Filesheet .....
Consultation .....

ADMIN RECORD SHEET

INITIAL

Submitted Fee £ N/A

Receipt Issued ..... No. .....

Date First Received 13.JAN.1992

REGISTRATION

REFERENCE ...H08/0052/92...

Cross-Ref N/A

Date 14/1/92

VALIDATION Date 15/1/92

Type ...Full... Earliest permission date (Cert B) .....

Site area ..... No. of dwellings 1 Floorspace .....

New build/site enlargement/redevelopment/change of use/extension/alteration

Earlier permission ref .....

RM:-	Siting	Design	Ext app	Access	Lands
Previous					
Current					

Description

Technical:- Certificate ☐ Accuracy ☐
Site plans ☐ Incomplete form ☐
Description ☐

S65 Advert required ☐ Expiry date .....

Fees:- Nil fee – previous app ☑ Ref H08/0052/91 House & bungalow
– type ☐
Discounted fee ☐ Reason .....

Correct fee £ ~~110~~ N/A Additional £ ..... Receipt no. P920

Refund £ ..... Issued .....

CONSTRAINTS Date 13.1.92

Index Sheets N/A OS Nos ..... Grid Ref 5 → 37900 1 31890

Ward ...N/A... Parish .....

Inside IBD N/A Inside LP Area N/A

TR Rural	☐	CA	☐
TR Bypass	☐	LB	☐ Grade
Level crossing	☐	TPO	☐
Footpath	☐	Other:	

Linked to site.....Ref...N/A... Linked to property.....Ref.....

Planning Records:
Earlier apps

B Reg Records:
Already submitted Ref.....
Requested .....

Inputs completed.....

I N SMITH Dip TP MRTPI District Planning Officer

Planning Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H08/0052/92

Applicant: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

Agent: Broadgate Builders (Spaldin
Limited
Broadgate House, Broadgate
Weston Hills
Spalding Lincs

Description: Erect bungalow with detached garage

Location: Bldg Plot off Salem Street
Gosberton
Spalding
Lincs

Type: FULL

Date received: 13-JAN-92

SOUTH HOLLAND D.C.
PL... 27
... JAN

15-JAN-92

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:

✓ A fee of £110 is required since the development is of a different character to that previously refused under H08/0952/91.

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 Maxwell quoting the above reference.

Yours faithfully

pp Principal Administrative Officer

PLEASE RETURN WITH YOUR REPLY

Broadgate Builders (Spalding) Limited
Broadgate House, Weston Hills, Spalding, Lincolnshire. PE12 6DB.
Telephone: (0406) 380532
Fax: (0406) 380014

Our Ref: SL/hmr

SOUTH HOLLAND D.C.
PLAN DEPT.
13 JAN 1992
REF. 0952/92

District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

13th January 1992

Dear Sir,

Re: Proposed bungalow with detached garage
Land off Salem Street, Gosberton

I enclose a full planning application on behalf of our client Mr Hogben, who recently was refused permission to erect a chalet on the above site. (ref No: H08:0952:91). I understand a fee for this revised application is not required.

Following the decision to refuse a chalet on his plot our client visited the Council Offices where he was informed by a member of the planning department that a more appropriate type of development would be a suitably designed single storey dwelling.

We have, therefore, prepared a bungalow design which we feel is appropriate for this sensitive site. Principally the siting of the dwelling is identical to that previously submitted with main aspects being provided east and west.

The siting of the bungalow will result in 'a once and for all development' for this site with no access available to the land at the rear of the dwelling.

Should there be any query arising from this application, please contact the undersigned as we are most anxious for our client to be able to proceed with this project.

Yours faithfully,

S. Liquorish

SIMON LIQUORISH

Directors: D.D. Bissett-Clarke (Managing) N.J. Rayner ACMA (Financial) Mrs. W. A. Rayner (Company Secretary)
Registered Office as above. Registered in England No. 1242542

Mr D Brewer,
8 Salem Street,
Gosberton,
Spalding,
Lincs.
PE11 4NQ.

Mr K Woods

KW/JJ E8/2630/94

04 Oct 1994

Dear Sir,

PLANNING APPLICATION H08/0052/92 - DEVELOPMENT OFF SALEM STREET, GOSBERTON FOR MR AND MRS R HOGBEN.

Your query in relation to the provision of boundary fencing at the rear of your property in connection with the above development has been investigated.

Condition No 2 of the planning approval states that the approved scheme of landscaping and screening shall be carried out in its entirety within a period of two years beginning within the date on which the development of the land was commenced.

The development commenced in August 1993, therefore this condition must be complied with by August 1995 and until that time it will not be possible for this Department to enforce the condition.

However, the requirement of this condition has been drawn to the attention of the Developer of the site who informs me that he has every intention of complying with that condition by the due date.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

BRIAN SMITH Dip TP MRTPI
D[illegible]r 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: H08/0052/92

Applicant: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

Agent: Broadgate Builders Ltd
Broadgate House
Broadgate
Weston Hills
Spalding, Lincs

Description: Erect bungalow with detached garage

Location: Bldg Plot off Salem Street Gosberton
Spalding Lincs

Type: FULL

10-MAR-92

Dear Sir/Madam,

PLANNING APPLICATION

The above application for planning permission has now been considered, together with your comments, and it has been decided that permission should be granted in this case.

The full details, including any conditions which may have been imposed, can be seen by inspecting the register of applications which is available in this Department during normal office hours.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Mr C F Dawson
12 Salem Street
Gosberton
Spalding
Lincs

c ALL AS ATTACHED

DM 24-2

OBJECTION

PLANNING & BUILDING CONTROL DEPT.
COUNCIL OFFICES,
PRIORY ROAD,
SPALDING,
LINCS.
PE11 2XE

S.H.D.C. PLANNING DEPT.
RECEIVED
21 FEB 1992 P.U.
Attention of
DPO
DDPO
JC AOP
Passed by
Reply with
Copies
File Nos.
Acknowledge YES/NO
By
24/2

12, SALEM STREET,
GOSBERTON,
N SPALDING,
LINCS.
PE11 4WQ

18th FEBRUARY 1992

DEAR SIRS,

APPLICATION No's H08/0052/92 & H08/0010/92

I HAVE INSPECTED THE PLANS OF THE PROPOSED DWELLING APPLICATION No H08/0052/92 AND CANNOT AGREE TO THE PROPOSAL BECAUSE OF THE EXTREME SIZE OF THE BUNGALOW AND ITS CLOSE PROXIMITY TO MY HOUSE. IT IS APPROXIMATELY SIX FOOT AWAY FROM MY GARDEN FENCE.

THE FRONT OF MY HOUSE ALREADY LACKS PRIVACY, BEING CLOSE TO THE PAVEMENT. WE ARE ALSO ALREADY SURROUNDED ON ALL SIDES BY DWELLINGS OF VARIOUS SIZES.

WE WOULD NOT, HOWEVER, OBJECT TO THE BUILDING OF TWO SMALL BUNGALOWS — WITH THE ACCENT ON SMALL AS PER OUTLINE PLANNING PERMISSION H08/0083/89. THE NECESSARY ANCILLARY ROAD WOULD PASS THE REAR OF OUR GARDEN THUS GIVING MORE BREATHING AND DAYLIGHT SPACE TO US.

YOURS FAITHFULLY

C. F. DAWSON (MR)

034 24-2

Planning App: H08/0010/92 ~~H08/0010/92~~ 23, Field Close
H08/0052/92. Gosberton,
Applicant: Mr. & Mrs. R. Hogben Spalding.
5, Rutland Gardens, Lincs. PE11 4NU
Gosberton, Spalding, 14th Feb. 92
Lincs.

Dear Sir

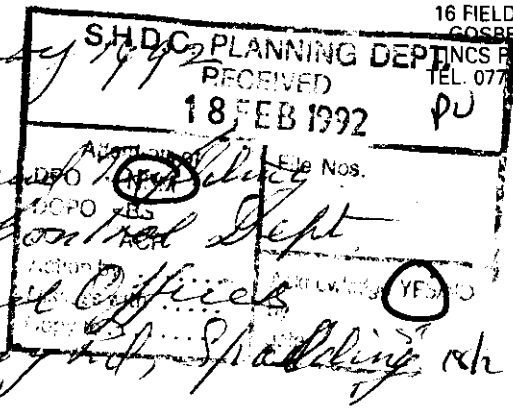
Re the above applications.

I do not wish to oppose these applications and will be quite happy for planning permission to be passed.

Yours faithfully,
D. J. Bullock (Mrs)

MR C. G. KEVAN
"BYRON"
16 FIELD CLOSE
GOSBERTON
LINCS PE11 4NY
TEL. 0775-840-731

14 February 1992



Planning and Policy
Control Dept
Council Offices
Priory Rd, Spalding Lincs

For attention of Mr B. Smith
(Director of Planning Control)

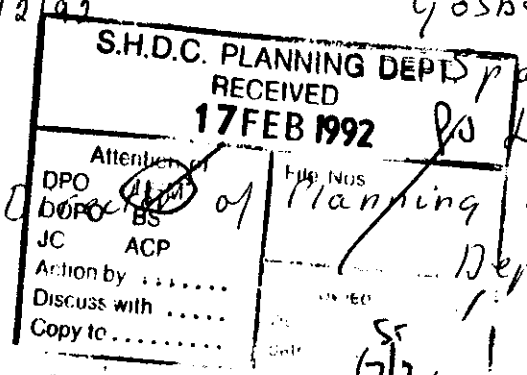
Dear Sir,

With reference to Building application H108/0052/92 for erection of Bungalow & det garage having today seen drawing plans for above, Mrs Kevan-Hall has no hesitation in agreeing to the proposed building and development of the plot as shown.

The writer thinks that for

22 Salem Street

12/2/92 Gosberton



Spalding

Lincs.

To.

The Director of Planning Control

Department.

Dear Sirs,

Many thanks for sending me the notices regarding further building applications by Mr Hogben 5, Rutland Gardens Gosberton to build at the back of my bungalow in Salem Street.

I notice that the application No H08/0083/89 has been made before, and the application No H08/0010/92 is a renewal for outline planning for two dwellings, at the same time it seems a further application No H08/0052/92 to erect a bungalow with detached garage, I must admit I do not quite understand this, but I would however like to say that I do not wish to have any kind of dwelling at the bottom of my garden, it is only twelve yards from my lounge and bedroom window to the bottom of my garden, not only would it lower the value of my bungalow, also my privacy would be lost to me, and this makes me very worried and sad.

I do hope you understand my feelings regarding these proposed building plans.

Many thanks

Yours Sincerely,

(Mrs) Ruth Dunbar.

RE: APPLICATION No. 1408/0052/92.

APPLICANT MR & MRS R. HOGBEN.
5 RUTLAND GDNS.
GOSBERTON. SPALDING.

4 BEDROOM BUNGALOW
& CAR GARAGE.

S.H.D.C. PLANNING DEPT.
RECEIVED
13 FEB 1992
Ack
Ans
ODO
VDO
C
Add
Rec'd

MR D. BREWER
8. SALEM ST
GOSBERTON.
12. 2. 92

To
THE PLANNING OFFICER.

Dear Mr Smith

I have viewed the plans for the above property, and I feel that the Bungalow is far too large and too close to existing property i.e. Bungalow in Field Close. The plans show that it is farther away than it actually is.
I think the plot is far too narrow for this size property, and would seem crowded & cramped.
I would like to draw attention to the 3 garages No 4. that have a right of way through the new access to this property, thus making a possibility of 6 vehicles using this access, not to mention the service vehicles, Milk, Fuel, Post etc.. Most of these vehicles would be turning at the end of my garden and I feel the resulting noise will be pure misery.
The 1.8mtr. fence would do very little to protect me from such noise. especially in my bedroom. —

fact would afford a small measure of protection at ground level.

In my sketch I've tried to point out how dangerous it would be for vehicles making an exit & entry to and from the driveway. Visability is no more than 40. yds to the right, and one would have to cross 3 lines of traffic to get out. The fact that a driver would have to position himself at least 5 feet into the road before he can see to the corner of No 4 Salem St. Add to this the large number of children using the pathway morning and afternoon, and you have a recipe for disaster.

Yours faithfully

R J Smith

052/92

S.H.D.C. PLANNING DEPT.
RECEIVED
10 FEB 1992 PU

DEO NMK
DCPO BS
SC AGP

R. D. Carpenter
34. High Street
Gosberton
Nr Spalding
Lincs
PE11 4NW
Tel 0775-840266

Feb 7th/92.

Dear Sir or Madam

With regard to the application by Mr William R. Hopkin for a bungalow and garage off Salem Street, have any one considered what a new access on to this property will cause, it will almost be a death-trap, whether in a car or on foot it is a very bad part of the road, so many times have I and others got one foot in the road to cross and had to get back, because traffic coming in, off High Street are round the corner so quickly thus if a new access is closed, Veg lorries carrying building materials etc, and after great fuel tankers or coal merchants will have to get into such a position it will block the road, and what about coming out, as there always going to be someone there to flag them out, because that is what it will need, and what if that is a listed building at the top end, why will it be allowed to be bulldozed down for this new access?

P.T.O.

I wonder if any one from the council has ever been and stopped to see the volume of traffic past this particular site, for instance 2 Heavy Lorries every hour 2 Articulated Lorries every hour, numerous Light Lorries, and lots of private cars, as I sit here. I have counted 20 vehicles in 30 minutes. I do remember hearing the Portsmouth Council was opposed to this new site, and who knows best, only the locals.

Yours Faithfully,

(Mrs) K. D. Carpenter

Town and Country Planning Act etc

DRAFT DECISION

Reference: H08/0052/92 Received:20-JAN-92 Type:FULL

Name: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

Agent: Broadgate Builders Ltd
Broadgate House
Broadgate
Weston Hills
Spalding, Lincs

Description: Erect bungalow with detached garage

Location : Bldg Plot off Salem Street Gosberton
Spalding Lincs

South Holland District Council hereby give notice
that permission has been granted/refused etc
on the following conditions/reasons:

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

3 Before the vehicular access is commenced to be used the access and turning facility shall be provided on site in accordance with the plan accompanying the application.

Reason: To ensure the provision of adequate facilities for safe ingress and egress of vehicles calling at the site in the interests of road safety

Notes to Applicant:

The applicant is advised that the implementation of this permission will prevent the implementation of the outline permission (reference H08/0010/92) which exists for two dwellings on this site.

Authorised to issue:

05-MAR-92 H08/0052/92 AD... 5/3 ...DC... 5/3

APPLICATION REFERENCE: H08/0010/92 DATE RECEIVED: 06 01 92

APPLICANT: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

AGENT:

TYPE: Outline

DESCRIPTION: Erection of two dwellings (renewal of outline planning permission H08/0083/89)

LOCATION: Building Plot off Salem Street, Gosberton

APPLICATION REFERENCE: H08/0052/92 DATE RECEIVED: 13 01 92

APPLICANT: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

AGENT: Broadgate Builders
(Spalding) Ltd
Broadgate House
Broadgate
Weston Hills
Spalding
Lincs

TYPE: Full

DESCRIPTION: Erect bungalow with detached garage

LOCATION: Building Plot off Salem Street, Gosberton

Parish Council: Object to both applications.

County Highways: Request conditions for both applications.

Public Objections: 3 letters received from 34 High Street, 8, 22 Salem Street.

- New access with property very bad, death trap.
- Lorries with construction materials and fuel oil or coal will block road whilst entering drive.
- Lots of traffic 4 coaches every hour, numerous lorries and cars. Counted 20 vehicles in 30 minutes.
- Bungalow too large and close to properties.
- 1.8 metre fence will do little to protect me from noise of vehicles manoeuvring within site.
- Two accesses side by side serving 6 garages.
- I do not wish to have any dwelling at the bottom of my garden. Twelve yards from lounge and bedroom window to bottom of

garden. Lose privacy.
- Against use of arable land for building.

PREVIOUS DECISIONS
H08/0787/88 - Single dwelling - Granted.
H08/1738/88 - Two dwellings - Refused.
H08/0083/89 - Two dwellings - Granted.
H08/0370/89 - Three building plots - Non Determined.
H08/0992/89 - Three four bedroomed houses - Refused.
H08/0390/90 - Demolition of workshop to form entrance to building plots - Granted.
H08/1249/90 - Erection of bungalow and garage - Refused.
H08/1250/90 - Erection of bungalow and garage - Refused.
H08/0303/91 - Erection of bungalow and garage - Granted.
H08/0304/91 - Erection of bungalow and garage - Granted.
H08/0952/91 - Erect dwelling with detached garage - Refused.

PLANNING ISSUES
1 The application H08/0010/92 is to renew a previous planning application (H08/0083/89). The application was received before H08/0083/89 had lapsed and, therefore, the Local Planning Authority could not withhold permission to renew the previous decision unless there had been a significant change of circumstances (which there has not been).
2 H08/0052/92 is for a 4 bedroomed bungalow. It will be approximately 5 metres high to the ridge. It is proposed to erect significant lengths of 1.8 metre fencing to parts of the boundary which will prevent any overlooking.
3 The principle of 2 small bungalows has previously been accepted. This bungalow is larger, as one of the objectors has pointed out, and comes close to the boundary (2 metres). This will prevent a second dwelling being constructed with access from Salem Street and this is considered to be an acceptable alternative.

RECOMMENDATION -
H08/0010/92 - Grant Permission.
1 SC 8 - (Details).
2 SC27 - (Implementation Of Planting).
3 Before any development is commenced, a scheme to provide screen wall or fences and/or landscape screens, including details of positions and heights, shall be submitted to and approved by the Local Planning Authority and such scheme as maybe approved shall be put into effect before the building hereby permitted is brought into use.
4 B10 - (Width Of Access) ...accesses shall not be less than 4.25 metres for their full length.
5 B21 - (Turning Space).
6 Single storey buildings only shall be erected.

Reasons
1 Standard.
2 Standard.
3 SC23.
4 B6.
5 B21.
6 To protect the existing residential amenity enjoyed by the occupiers of properties in the immediate vicinity of the site.

H08/0052/92 - Grant Permission.
1 SC27 - (Implementation Of Planting).

2 B22 - (Access And Turning Space To Accord With Application).

Reasons
1 Standard.
2 B21.

NOTE
The applicant is advised that the implementation of this permission will prevent the implementation of the outline permission (reference H08/0010/92) which exists for two dwellings on this site.

BRI 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

COM

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H08/0052/92 Type: FULL

Applicant: Mr & Mrs R Hogben
Tel:

Agent: Broadgate Builders Ltd
0406 380532

Description: Erect bungalow with detached garage

Location: Bldg Plot off Salem Street
Gosberton
Spalding
Lincs

Valid date:	20-JAN-92	Terminal date:	16-MAR-92
Target dates:		Target Committee:	03-MAR-92
To case officer	25-JAN-92	Report deadline:	18-FEB-92
Inspected by	30-JAN-92		
Extra contacts	04-FEB-92	Case Officer:	
Report if not clear by	24-FEB-92	P J UDY	

DEVELOPMENT/CONSTRAINTS

Size: 1 DWE
Category: Newbuild
Listed building:
Conservation Area: GOSBERTON

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Clerk to Gosberton P	0775 840415	23-JAN-92	06-FEB-92
Cllr W D Skells	0775 840415	23-JAN-92	06-FEB-92
Site/Press Advert CSA		28-JAN-92	18-FEB-92

L.C.C Obs Attached JS CS 23/1/92.

2, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 Salem Street 07-FEB-92 21-FEB-92
Wrugate House, Salem Street 07-FEB-92 21-FEB-92
14, 16, 21, 23, Field Close, 07-FEB-92 21-FEB-92
8 Wrugate Way + The Vicarage, Wrugate Way. 07-FEB-92 21-FEB-92

SITE DETAILS

Grid ref: 523950 331590
OS Sheets: 46 Parcel:

B[illegible] 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

S.H.D.C. PLANNING DEPT.
RECEIVED
- 4 FEB 1992 PU

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H08/0052/92

Applicant: Mr & Mrs R Hogben
5 Rutland Gardens
Gosberton
Spalding
Lincs

Agent: Broadgate Builders Ltd
Broadgate House
Broadgate
Weston Hills
Spalding, Lincs

Description: Erect bungalow with detached garage

Location: Bldg Plot off Salem Street Gosberton
Spalding Lincs

Type: FULL

Date received: 20-JAN-92

23-JAN-92

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 07-FEB-92. 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 P J UDY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Gosberton PC
33 Lowgate
Gosberton
Spalding Lincs
PE11 4NL

FOR PARISH COUNCIL USE ONLY

Comments:

Gosberton Parish Council have always opposed development on this site because of the narrow restricted access near a busy road junction

Signed:

P. T. Speed

£89,950
THE STRATFORD
THE NEWPORT
£132,500

ALLISON
ALLISON HOMES LIMITED
Dept LFP 28/1, West Elloe Avenue, Spalding, Lincolnshire PE11 2BS
Telephone (0775) 724701. Fax (0775) 762153. Telex 32649
A WIGGINS GROUP COMPANY

PUBLIC NOTICES

TOWN & COUNTRY PLANNING ACT 1990

NOTICE UNDER SECTION 65(2)

PROPOSED DEVELOPMENT AT EAUGATE ROAD, MOULTON CHAPEL, SPALDING, LINCS

I GIVE NOTICE that C. G. Godfrey Ltd is applying to the Lincolnshire County Council for planning permission to dispose of excavated material.

Members of the public may inspect copies of the application and of the plans and other documents submitted with it at South Holland District Council, Priory Road, Spalding, Lincolnshire, during all reasonable hours until Wednesday, February 19, 1992.

Anyone who wishes to make representations about this application should write to the Council at City Hall, Beaumont Fee, Lincoln LN1 1DN.

Signed: P. P. WATERFALL,
On behalf of C. G. Godfrey Ltd.
Dated January 20, 1992.

©WVN 6458
187/507LF28-1

PLANNING APPLICATIONS

NOTICE IS HEREBY GIVEN that application has been made to the Council in respect of the following:

Proposals in Conservation Areas
The proposal may affect the character or appearance of the Conservation area —
Fascia and arrow sign
15A Sheep Market, Spalding
(Application No H16/1368/91)
Erect Bungalow with detached garage
Building Plot off Salem Street, Gosberton
(Application No H08/0052/92)
Replacement shop front — new staircase enclosure and new WC
23 Hall Place, Spalding
(Application No H16/0072/92)
Proposed dwelling (Bungalow)
Rear of 55 Love Lane, Spalding
(Application No H16/0078/92)

Applications and plans showing the proposal(s) may be seen during office hours at the Planning Department, Council Offices, Priory Road, Spalding. Any observations should be sent to me within 21 days of the date of this notice.

B. SMITH
Director of Planning & Building Control Services
Council Offices, Priory Road, Spalding
28 January, 1992

SOUTH HOLLAND DISTRICT COUNCIL

3cc WVN 6191

WATER RESOURCES ACT 1963

NATIONAL RIVERS AUTHORITY — ANGLIAN REGION

NOTICE OF APPLICATION TO VARY A LICENCE TO ABSTRACT WATER

NOTICE IS HEREBY GIVEN that an application is being made to the National Rivers Authority Anglian Region by Sly Bros (Potatoes) Ltd, Millgate House, Whaplode St Catherines, Spalding, Lincs PE12 6SF to vary the licence serial number 5/31/14/S/146B to abstract water from Cradge Bank, Deeping St James at National Grid Reference 201092 to 193106 in the Parish of Deeping St James in the District of Peterborough in the County of Cambs.

The variation applied for is for an increase of 20.000 cubic metres per annum (with maximum daily and hourly rates increased in line with this).

A copy of the application and of any map, plan or other document submitted with it may be inspected free of charge at the Registered Office: Millgate House, Whaplode St Catherines, Spalding, Lincs PE12 6SF at all reasonable hours during the period beginning on Tuesday, January 21, 1992 and ending on Monday, February 17, 1992 (9 am-1 pm).

Any person who wishes to make representations about the application should do so in writing to the Regional Manager, Environment & Fisheries, National Rivers Authority, Anglian Region, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough PE2 0ZR before the end of the said period.

Signed: D. SLY,
on behalf of Sly Bros (Potatoes) Ltd.
Dated: January 15, 1992.

TOWN & COUNTRY PLANNING ACT 1990

NOTICE UNDER SECTION 65(2)

PROPOSED DEVELOPMENT AT HALL LANE, MOULTON SEAS END, LINCS

I GIVE NOTICE that G. F. Merchant is applying to the South Holland District Council for planning permission to erect a three bedroom house, garage and package sewerage treatment plant.

Members of the public may inspect copies of the application and of the plans and other documents submitted with it at G. R. Merchant, Architectural Consultant, Unit 4, Whaplode Garage, High Road, Whaplode, during all reasonable hours until Tuesday, February 25, 1992.

Anyone who wishes to make representations about this application should write to the District Planning Officer, South Holland District Council, Priory Road, Spalding, Lincolnshire, by Tuesday, February 25, 1992.

Signed: G. R. MERCHANT,
On behalf of G. F. Merchant.
Dated January 23, 1992.

©WVN 6460
187/507LF28-1

GOODS VEHICLE OPERATOR'S

B. L. DOBBS, trading as Boston Tracto London Road, Kirton, Boston, Lincs applying to replace with change a lic Boston Tractors Ltd, of 47 London R Boston, Lincs PE20 1SG as an operati one goods vehicle and one trailer and t Road, Holbeach, Spalding, PE12 7NJ as centre for one goods vehicle.

Owners and occupiers of land (including the vicinity of the operating centre or believe that their use or enjoyment of t be prejudicially affected, may make w sentations to the Licensing Authority Traffic Area, Terrington House, 13-15 Cambridge, CB2 1NP within 21 days f publication of this notice.

Representors must at the same time se their representations to the applicant at given at the top of this notice.

©WVN 6475

SUTTON ST EDMUND CHARITIES

SCHOOL GRANTS 1992

All persons resident in the above parish wishing to apply for a Grant for higher education from the above Charities in respect of their children should submit their application in writing to the undersigned by no later than 14th February, 1992, after which date no further applications will be entertained.

MOSSOP & BOWSER
Clerks to the Trustees
11 West End, Holbeach, Lincs PE12 7LP

6462 ©WVN

GOODS V
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LICE

PAUL COTT
Paul Cott
Vehicle Repa
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VVN 3613

LFP 28.1.92.

PLANNING APPLICATION

Notice is hereby given that application has been made to the Council in respect of the following:

PROPOSAL IN CONSERVATION AREAS

The proposal may affect the character or appearance of the Conservation Area of GOSBERTON .

Reference No: H08/0052/92
Description: Erect bungalow with detached garage

Location: Bldg Plot off Salem Street
Gosberton
Spalding
Lincs

Applications and plans showing the proposal(s) may be seen during office hours at the Planning Department, Council Offices, Priory Road, Spalding. Any observations should be sent to me by 18-FEB-92 quoting the above reference number.

B Smith
District Planning Officer

28-JAN-92

SOUTH HOLLAND DISTRICT COUNCIL

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council Application Reference H08/0052/92.

Form of notification by the County Director of Highways and Planning for DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a central point on site

	horizontal			vertical		
	2	3	9	3	1	5

2. Address or location
Plot off Salem St Gosberton

3. Name, classification and number of road
UC

4. Date application referred 23/1/92

5. State whether outline, detailed application etc.
Full

6. Description of proposed development/change of use including access details
Bungalow & Garage.

7. Delete as appropriate

Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

a. ~~Does not wish to restrict the grant of permission.~~

b. Requests that any permission given by the local planning authority shall include the conditions shown overleaf.

c. ~~Requests that the local planning authority~~ refuse the application (reason overleaf).

d. Requests the local planning authority to complete Form T.R. 108 para 10b ~~as shown overleaf~~.

Date: 23/1/92. Signed: [signature]
Director of Highways and Planning

PLANNING COMMITTEE - 3rd March 1992

168. PLANNING APPLICATIONS (Continued)

(a) **Applications Granted**

Plan No. and Applicant		Proposal
H09/1093/91 Mrs J Waters	O.A.	Three dwellings including details of means of access on land at rear of Horse & Groom Public House, High Street, Holbeach.
H08/0010/92 Mr & Mrs R Hogben	O.A.	Two dwellings (renewal of outline planning permission H08/0083/89) on Building Plot off Salem Street, Gosberton.
H08/0052/92 Mr & Mrs R Hogben		Bungalow with detached garage on Building Plot off Salem Street, Gosberton.
H13/0056/92 Mr & Mrs R Willingham	O.A.	Dwelling at River Lane, Moulton.
H16/0083/92 Miss J Henderson		Change of use to restaurant (from Class A2 to A3) at 24 Hall Place, Spalding.

(Subject to (i) an additional condition requiring the submission and agreement of details of fume extraction and (ii) the deletion of the recommended condition prohibiting the sale of hot food for consumption off the premises.)

(b) **Applications Refused**

The undermentioned applications be refused planning permission in accordance with the recommendations of the Director of Planning and Building Control Services, as amended, where indicated:-

Plan No. and Applicant		Proposal
H20/1337/91 Mr G Salter	O.A.	Dwelling at formerly "Holly Tree House", Birds Drove, Sutton St James.
H19/0017/92 Mr N C Smith	O.A.	One pair of semi-detached and one detached dwelling (including details of siting and means of access) at Inkleys Farm Bungalow, South Eau Bank, Throckenholt.
H08/0022/92 Mr W Tynan	O.A.	Dwelling, including details of access, at 91 Westhorpe Road, Gosberton.
H09/0035/92 Mr C G Harvey		Mobile home at 41 Park Lane, Holbeach.
H07/0037/92 Mr G H Miller	O.A.	Residential development at Mole Drove, Gedney Hill.
H08/0075/92 Mr & Mrs J T Pike	O.A.	Bungalow and garage at Part OS No 109 Cheal Road, Gosberton Cheal.
H14/0087/92 Mr & Mrs M R Senior		2 bed bungalow and garage on land at Six House Bank, West Pinchbeck.

A 152

S.A.P. BUNGALOW

SALEM ST

12

10

8

6

4

PATHWAY

4 BEDROOM.

16 FT. APART.

M.Y DRIVE.

N-8 M. FENCE

EXIT TO SALEM ST

EXIT FROM No 4

LEAVE

8 GARAGES

EXIT THROUGH SHARED DRIVE

TURNING ALEH.

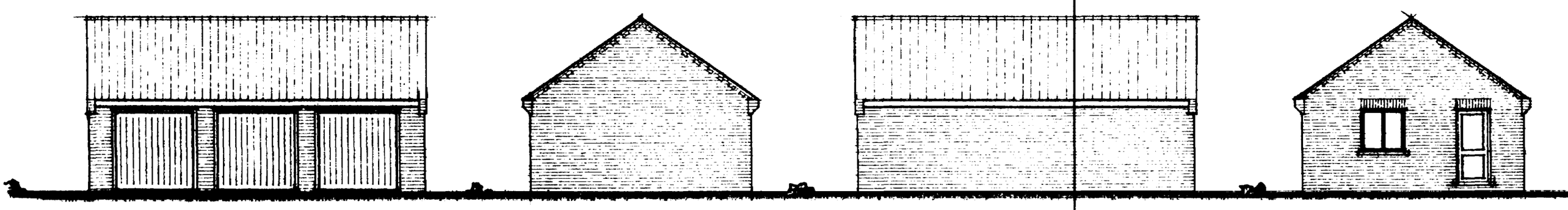
PROPOSED 4 BED BUNGALOW

PATIO.

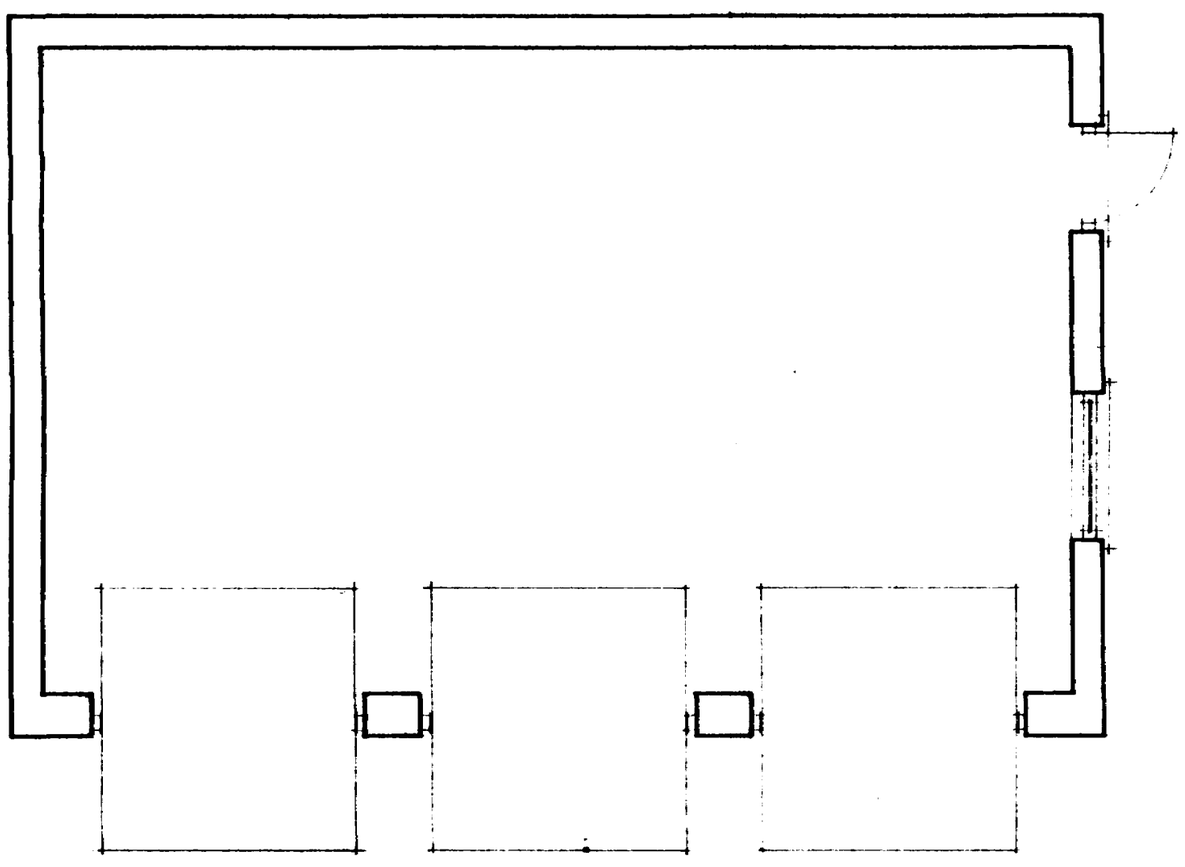
3 CAR

HIGH WAY LORRY ST.

100 YDS PATHWAY.

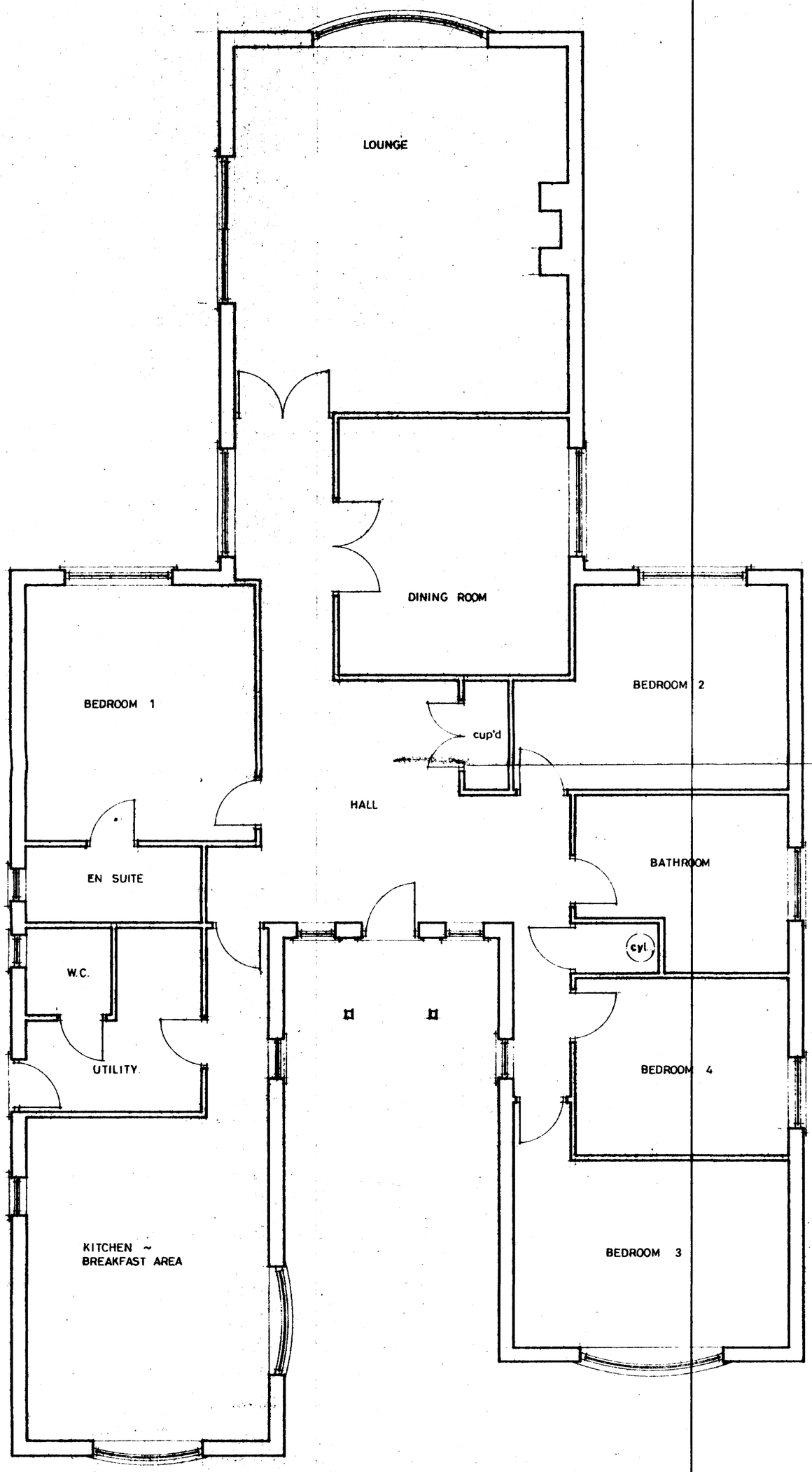


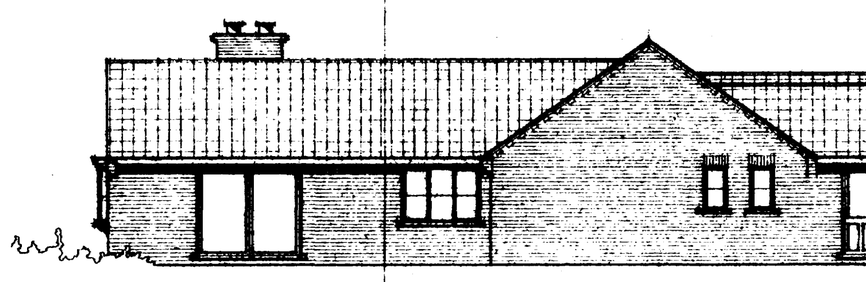
FRONT SIDE REAR SIDE



PLAN DEPT.
13 JAN 1992
REF ..80532/92...

THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION FROM BROADGATE BUILDERS (SPALDING) LTD.

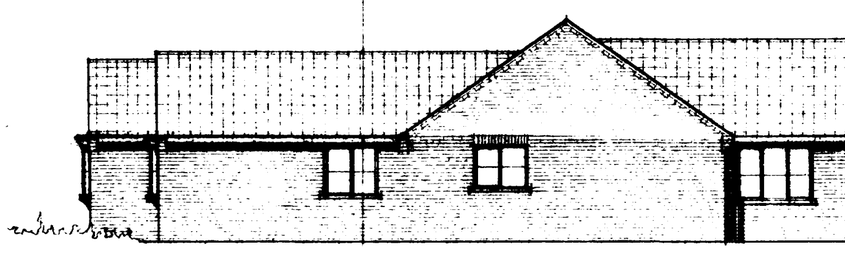




SIDE ELEVATION

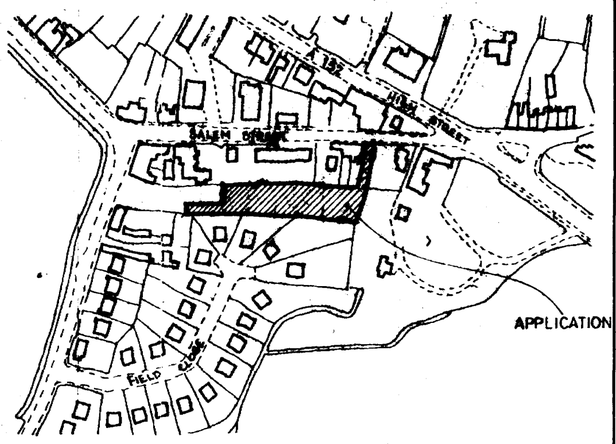


FRONT ELEVATION



SIDE ELEVATION

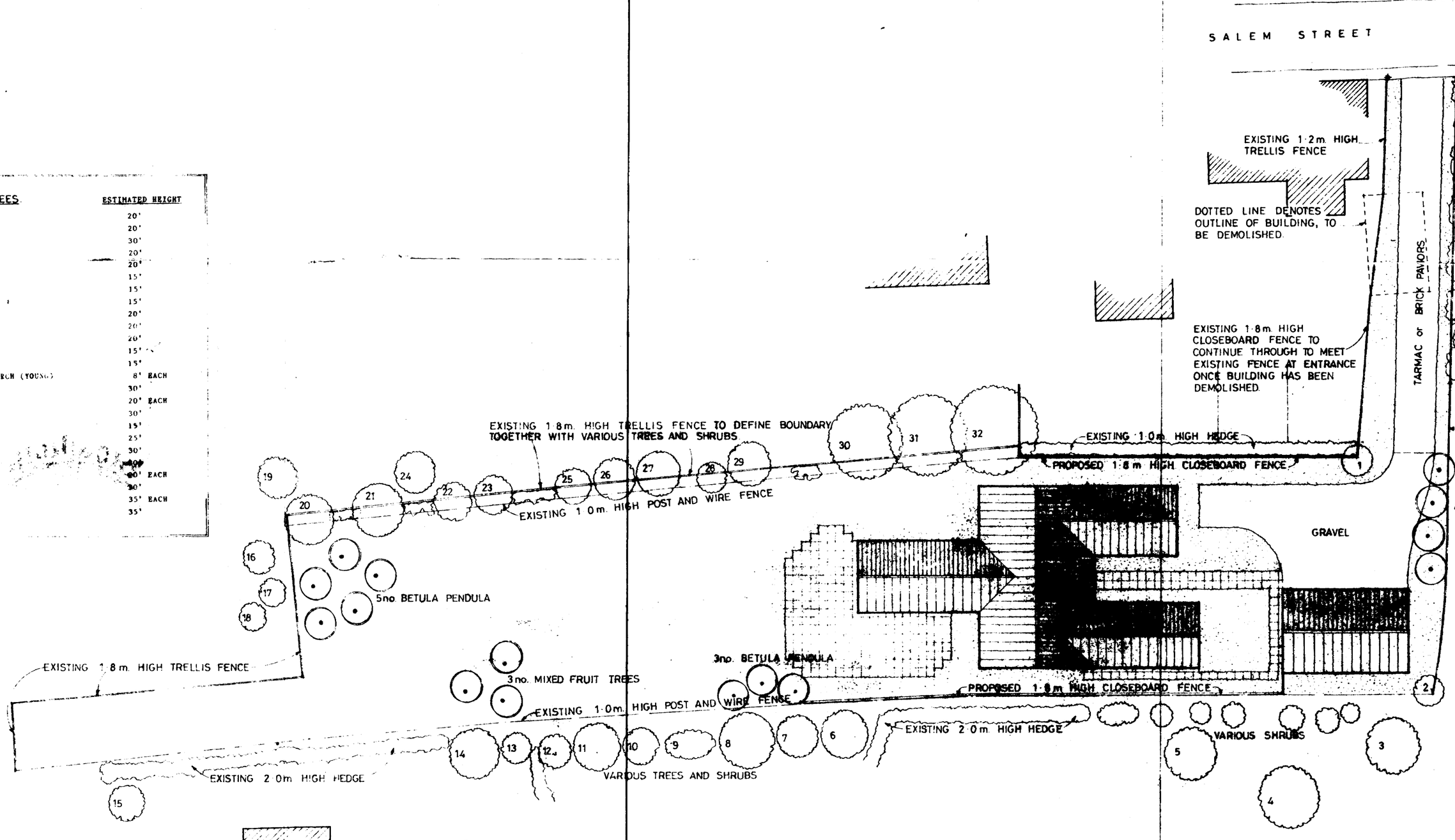
THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION FROM BROADGATE BUILDERS (



LOCATION PLAN

N

LIST OF EXISTING TREES.	ESTIMATED HEIGHT
1. SILVER BIRCH	20'
2. SILVER BIRCH	20'
3. POPLAR (LOMBARDY)	30'
4. WILLOW	20'
5. LARCH	20'
6. HAWTHORN	15'
7. LABURNUM	15'
8. & 9. LILAC	15'
10. SCOTS PINE	20'
11. CEDAR	20'
12. CONIFER	20'
13. & 14. LILAC	15'
15. UNKNOWN TREE	15'
16. 17. & 18. SILVER BIRCH (YOUNG)	8' EACH
19. GREY POPLAR	30'
20. & 21. ELDER	20' EACH
22. SYCAMORE	30'
23. ELDER	15'
24. YEW	25'
25. SYCAMORE	30'
26. COMMON ASH	30'
27. & 28. HAWTHORN	20' EACH
29. COMMON ASH	30'
30. & 31. SYCAMORE	35' EACH
32. HORSE CHESTNUT	35'



SITE LAYOUT

THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION FROM BROADGATE BUILDERS (S

FILE COPY

J and R Tennyson
"Crossways"
2 Salem Street
GOSBERTON
Lincs
PE11 4NQ

Peter Udy

PJU/TMC
H08/0052/92

27 July 1998

Dear Sir and Madam

ACCESS TO 2 SALEM STREET, GOSBERTON

I reply to your letter received on the 20 July 1998.

It is my opinion that planning consent is not required for you to remove the wrought iron panel in order to re-open the access on to Salem Street using the existing dropped kerbs. I would suggest however that you receive confirmation from Lincolnshire County Highways as well to ensure that there is no conflict with their requirements. They can be contacted at the Pode Hole Depot on Spalding 769091.

You mention in your letter that "during a heated discussion recently they threatened to close down our entrance on to the driveway to 8 feet (he states as per the original plans of the driveway submitted to you)". I enclose a copy of a drawing which appears to show that no means of access was provided to your dwelling from the new access road to Salem Street. It may therefore be the case that the access was created by agreement with the previous owner of your dwelling.

Yours faithfully

Nigel Midlen
Development Control Manager

Enc

Joan & Roger Tennyson
" Crossways "
2 Salem Street
Gosberton
Lincs PE11 4NQ
Tel\Fax(44) 01775 841171
Mobile 0976 576779
E Mail: Crossway M @ aol.com

SHDC
20 JUL 1998
Housing & Planning
Received

PD

Mr P. Udy.
Housing and Planning Services
South Holland District Council
Priory Road
Spalding
PE11 2XE.
16th July, 1998.

H08/0052/92

Dun

Dear Mr Udy,

As per our telephone conversation earlier today I would like to ask if there are any problems that we may face by re-opening the original driveway at the above address.

As I have explained on the telephone the reason for this enquiry is as a result of a neighbour dispute between number 4 Salem Street and ourselves over our usage of the driveway, which is owned by them, from our property onto Salem Street and to which we have a legal right of access. During a heated discussion recently they threatened to close down our entrance onto the driveway to 8 feet (he states as per the original plans of the driveway submitted to you) creating an impossible situation as to our access onto this driveway, this was repeated a few days later when it was implied that they may remove the plants which are creating the current problem and replace them with concrete bollards. I am well aware of my legal rights into this situation and that I have full legal access to the driveway but I am also aware of how long any legal action which may be commenced may take. If there were any future problems I feel that we would be in a far better position to use our old entrance in preference to trying to negotiate bollards during which time such legal action may be taking its course. This would also give my wife and I some considerable peace of mind.

When I discussed this situation with my brother who is a planning officer in Northern Ireland he advised us to contact our local planning department to ensure that there would be no problems with us taking this action hence my telephone conversation with yourself and, as requested, this letter.

When the new driveway was laid we left the old gateposts and simply replaced the gates with a wrought iron panel, the drop pavement is still in position and the driveway comes out adjacent to the current one against the road junction. I still have the gates that were removed and they could be replaced very quickly if we required. If I can stress that this would only occur in the case of further problems arising over the usage of the driveway.

Many thanks for your assistance with this matter and we await your reply.

Yours sincerely,

Salem St not classified.

Roger Tennyson

and machinery. By virtue of art. 1(2), a building does not include, for the purposes of this Schedule, any gate, fence, wall or other means of enclosure. See further the General Note to art. 1(3). Any excess of 2 metres will take the whole wall outside the permission (see (1993) 8 P.A.D. 304).

(3) *demolition*

By virtue of Pt 31, Class B, any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure is permitted development.

(4) *withdrawal of rights by planning condition*

A local planning authority may, when granting planning permission for the erection of a single dwellinghouse, or for a residential estate, restrict by planning condition the exercise of permitted development rights under this Part. Although stressing that this should occur only in exceptional circumstances, DOE Circular 11/95, *The Use of Conditions in Planning Permissions*, Annex, para. 88 suggests that an appropriate case might be where it was desired "to preserve an exceptionally attractive open plan estate free of fences". A suggested model condition to that effect is reproduced in Appendix A to that Circular, at para. 51.

Class B: means of access to a highway

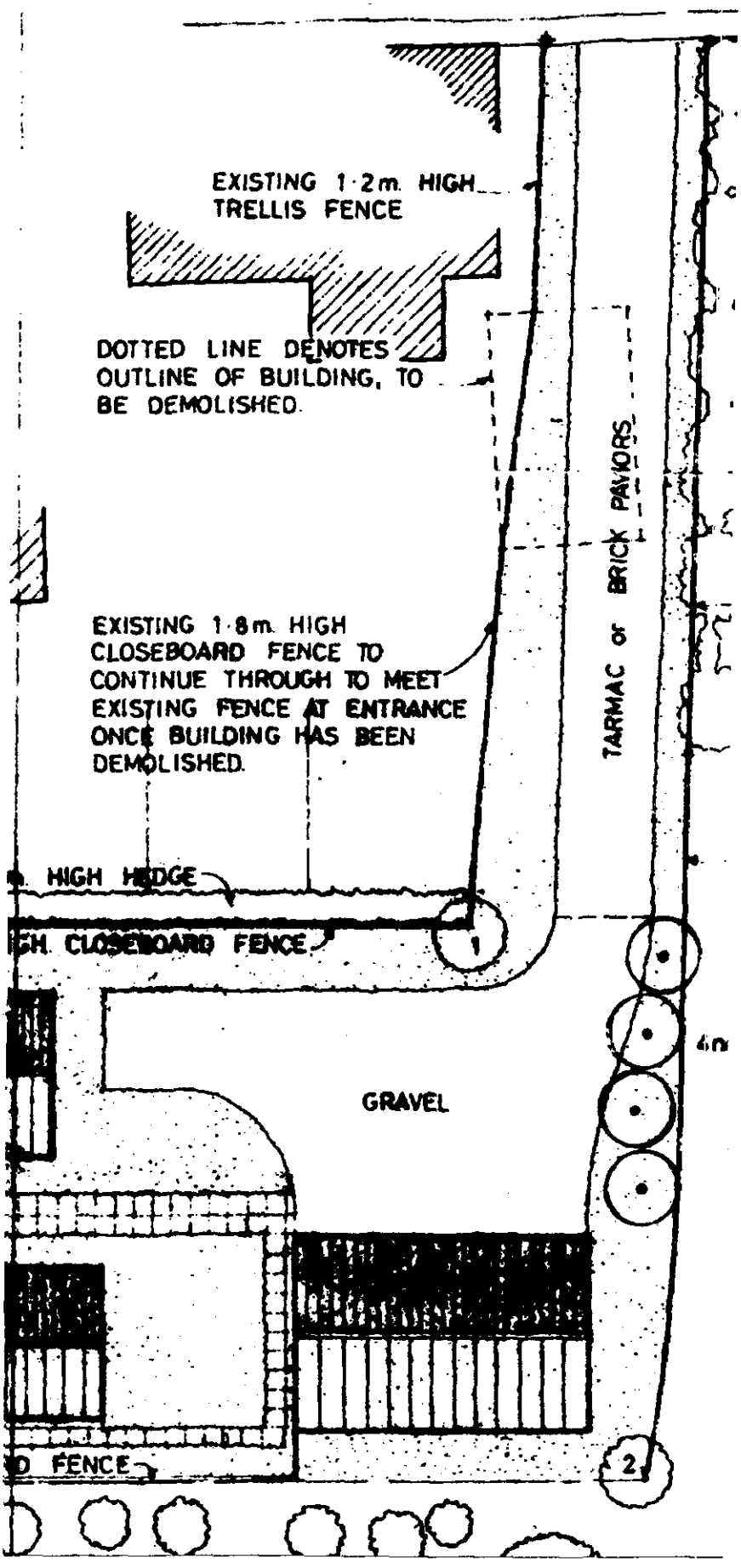
This Part does not permit operations in respect of any means of access to a trunk road or classified road. In relation to any other road it is subject to the requirement of art. 3(6), which excludes permission under the Order for any development which requires or involves the formation, laying out or material widening of a means of access to any highway used by vehicular traffic where it creates an obstruction to the view of the persons using the highway so as to be likely to cause danger to such persons. The Order grants no permission for such development, so that rights under this Class, which authorise only access required in connection with development permitted by the Order, do not arise.

There must, of course, be development requiring planning permission before there is any need to rely upon permitted development rights. The definition in the 1990 Act, s.336(1), of "engineering operations," which constitute development requiring permission for the purposes of the Act, includes "the formation or laying out of means of access to highways." But this requires some physical engineering operation: it does not extend to the simple removal of a hedge, or of a removable fence, in order to obtain access. This is outside the scope of planning control altogether (see appeal decision at [1981] J.P.L. 380).

In an appeal decision at [1988] J.P.L. 787, the view was taken that planning permission was not required for the proposed erection of a brick wall and gates not exceeding 1 metre in height to facilitate a re-positioning of an existing access and formation of a new access. Neither the removal of the existing fence nor the proposed erection of a wall and gates amounted to the creation of an access. Although gates would provide a means of entry to and egress from the premises, it was not thought that they provided something by way of an access which was not there before. The permitted development rights under this Class were not restricted to one access for any particular site.

In *Shepherd v. Secretary of State for the Environment* (October 10, 1997; Simon Brown, Robert Walker and Buxton L.JJ.) the question was whether permitted development rights under Class B allowed a householder to carry out improvement works to a public footpath in order to provide vehicular access to a public highway. The Court held that such a deemed permission would be inconsistent with the requirements for notification and publicity

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