SOUTH HOLLAND DISTRICT COUNCIL

H08/0425/09

10 JUN 2009

FILE COPY

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 (General Development Procedure) Order 1995

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MR.
First name:	IAN
Last name:	BATES
Company (optional):	(AND MRS JOANNE BATES)
Unit:	
House number:	10A
House suffix:	
House name:	
Address 1:	RISEGATE ROAD
Address 2:	GOSBERTON RISEGATE
Address 3:	
Town:	SPALDING
County:	LINCOLNSHIRE
Country:	ENGLAND
Postcode:	PE11 4EZ

2. Agent Name and Address

Title:	MR
First name:	GRANT
Last name:	SHACKLESTON
Company (optional):	MAPLES SOLICITORS LLP
Unit:	
House number:	23
House suffix:	
House name:	
Address 1:	NEW ROAD
Address 2:	
Address 3:	
Town:	SPALDING
County:	LINCOLNSHIRE
Country:	ENGLAND
Postcode:	PE11 1DH.

3. Site Address Details

Please provide the full postal address of the application site.

Unit:		House number:	10A	House suffix:	
House name:					
Address 1:	RISEGATE ROAD				
Address 2:	EOSBERTON RISEGATE				
Address 3:					
Town:	SPALDING				
County:	LINCOLNSHIRE				
Postcode (optional):	PE11 4EZ				

Description of location or a grid reference.
(must be completed if postcode is not known):

Easting: | Northing:

Description:

4. Pre-application Advice

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

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name: DAVID GEDNEY

Reference: 1870·8

Date (DD/MM/YYYY): (must be pre-application submission) 9/2/09

Details of pre-application advice received?

SEE LETTER OF 9/2/09 ENCLOSED

5. Lawful Development Certificate - Interest In Land

Please state the applicant's interest in the land:

Owner: ☑ Yes ☐ No Lessee: ☐ Yes ☐ No Occupier: ☐ Yes ☐ No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application Yes	No
		☐	☐

if No to all the above, pleases give name and addresses of anyone you know who has an interest in the land:

Name	Address	State the nature of their interest (if known)	State whether they have been informed about this application Yes	No	If No, please explain why not
			☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	

6. Council Employee / Member

Is the applicant or agent related to any member of staff or elected member of the council? ☐ Yes ☑ No

If Yes, please provide details:

7. Description of Use, Building Works or Activity

Please state for which of these you need a lawful development certificate/building works (you must tick at least one option):

An existing use: ☐ Yes ☐ No

Existing building works: ☐ Yes ☐ No

An existing use, building work or activity in breach of a condition: ☑ Yes ☐ No

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 state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

THE CURRENT USE OF THE LAND IS CLASS C3 BUT WITH A CONDITION THAT THE DWELLING BE LIMITED TO A PERSON SOLELY OR MAINLY EMPLOYED, OR LAST EMPLOYED LOCALLY IN AGRICULTURE. THE APPLICANT, WHO OCCUPIES THE DWELLING, HAS NOT BEEN SOLELY OR MAINLY EMPLOYED IN AGRICULTURE ETC FOR OVER 10 YEARS. CURRENTLY THE USE IS CLASS C3 WITH NO LINK TO AGRICULTURE.

8. Description of Existing Use, Building Works or Activity

What is the existing site use(s) for which the certificate of lawfulness is being sought? Please fully describe each use and state which part of the land the use relates to:

SEE ENCLOSED OUTLINE PLANNING PERMISSION - REF H08/0274/92 OF NOVEMBER 1992
CURRENTLY THE WHOLE LAND IS C3
BUT THE APPLICANT AND HIS FAMILY WHO OCCUPY IT DO NOT HAVE AN INVOLVEMENT IN EMPLOYMENT SOLELY OR MAINLY RELATED TO AGRICULTURE. THE APPLICANT AND HIS FAMILY HAVE NOT BEEN EMPLOYED IN SOLELY OR MAINLY IN AGRICULTURE FOR OVER 10 YEARS.
THE APPLICANT APPLIES FOR SITE USE FOR 'THE OCCUPATION OF A DWELLING BY PERSONS NOT EMPLOYED IN AGRICULTURE' OR SIMPLY FOR CLASS C3 USE WITH NO 'AGRICULTURAL RESTRICTION'

9. Grounds For Application For A Lawful Development Certificate

Please state under what grounds is the certificate sought (you must tick at least one box):

☐ 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 of building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

If applicable, please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached:

Reference Number: H08/0274/92 Condition Number: 5 Date (DD/MM/YYYY): (must be pre application submission) 6/11/1992

Please state why a Lawful Development Certificate should be granted:

THE PROPERTY HAS NOT BEEN OCCUPIED FOR OVER 10 YEARS BY ANY PERSON EMPLOYED OR LAST EMPLOYED SOLELY OR MAINLY IN AGRICULTURE, AND HENCE, THERE IS NO NEED OR REQUIREMENT FOR 'AN AGRICULTURAL OCCUPANCY CLAUSE'.

10. Information In Support Of A Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed: MID 1990's AND CONTINUOUSLY BEFORE 1998 (date must be pre-application submission) (DD/MM/YYYY)

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

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, please state exactly when any interruption occurred:

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

If Yes please provide details?

10. Information In Support Of A Lawful Development Certificate (Continued) - Residential Information

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

If Yes, please complete the following table:

Proposed Housing

	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
Market Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Market Housing Total *(a + b + c + d + e + f + g) =*						

Social Rented Housing	1	2	3	4+	Unknown	
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Social Rented Housing Total *(a + b + c + d + e + f + g) =*						

Intermediate Housing	1	2	3	4+	Unknown	
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Intermediate Housing Total *(a + b + c + d + e + f + g) =*						

Key Worker Housing	1	2	3	4+	Unknown	
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Key Worker Housing Total *(a + b + c + d + e + f + g) =*						

Proposed Housing Grand Total *(A + B + C + D) =*	

Existing Housing

	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
Market Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Market Housing Total *(a + b + c + d + e + f + g) =*						

Social Rented Housing	1	2	3	4+	Unknown	
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Social Rented Housing Total *(a + b + c + d + e + f + g) =*						

Intermediate Housing	1	2	3	4+	Unknown	
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Intermediate Housing Total *(a + b + c + d + e + f + g) =*						

Key Worker Housing	1	2	3	4+	Unknown	
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Key Worker Housing Total *(a + b + c + d + e + f + g) =*						

Existing Housing Grand Total *(E + F + G + H) =*	

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

11. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden or proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

3 copies of a completed dated application form: ☑

3 copies of such evidence verifying the information included in the application as you can provide: ☑

3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North: ☑

The correct fee: ☑

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant

Or signed - Agent: Maples Solicitors LLP

Date (DD/MM/YYYY): 09/06/2009 (date cannot be pre-application submission)

WARNING:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

13. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:
[redacted]	01775 750253	

Country code: | Mobile number (optional): 07971 589459

Country code: | Fax number (optional):

Email address (optional): batesmark@lineone.net

14. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:
	01775 722261	

Country code: | Mobile number (optional): 07974039246

Country code: | Fax number (optional): 01775 767525

Email address (optional): grant.shackleston@maplesolicitors.com

15. 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? *(Please select only one)* ☐ Agent ☑ Applicant ☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address: