SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H08/0437/93 Received:24-MAY-93 Type:OUTLINE

Name: Mr & Mrs H Hare
The Nursery
Boston Road
Gosberton
Spalding Lincs

Agent: Nationwide Estate Agents
1 Pump Square
Boston
Lincs
PE21 6QN

Description: Erection of dwelling

Location : Existing nursery adjacent to Woodlands Cottage
Boston Road Gosberton Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The site is outside the confines of a settlement in an area of open countryside where it is the policy of the Local Planning Authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy), and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would encourage further similar proposals which would be difficult to resist.

2 The proposed residential development, if permitted, would result in the construction of a vehicular access direct to the trunk road, on a very fast section of open rural trunk road, subject to the maximum speed limit for single carriageway roads.

3 Such development would result in additional vehicles crossing and re-crossing the trunk road, particularly right turning movements into the site thereby creating danger, obstruction and interference to the free and safe flow of traffic on the trunk road.

4 These factors are all detrimental and contrary to the interests of highway safety.

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
01-SEP-93 H08/0437/93

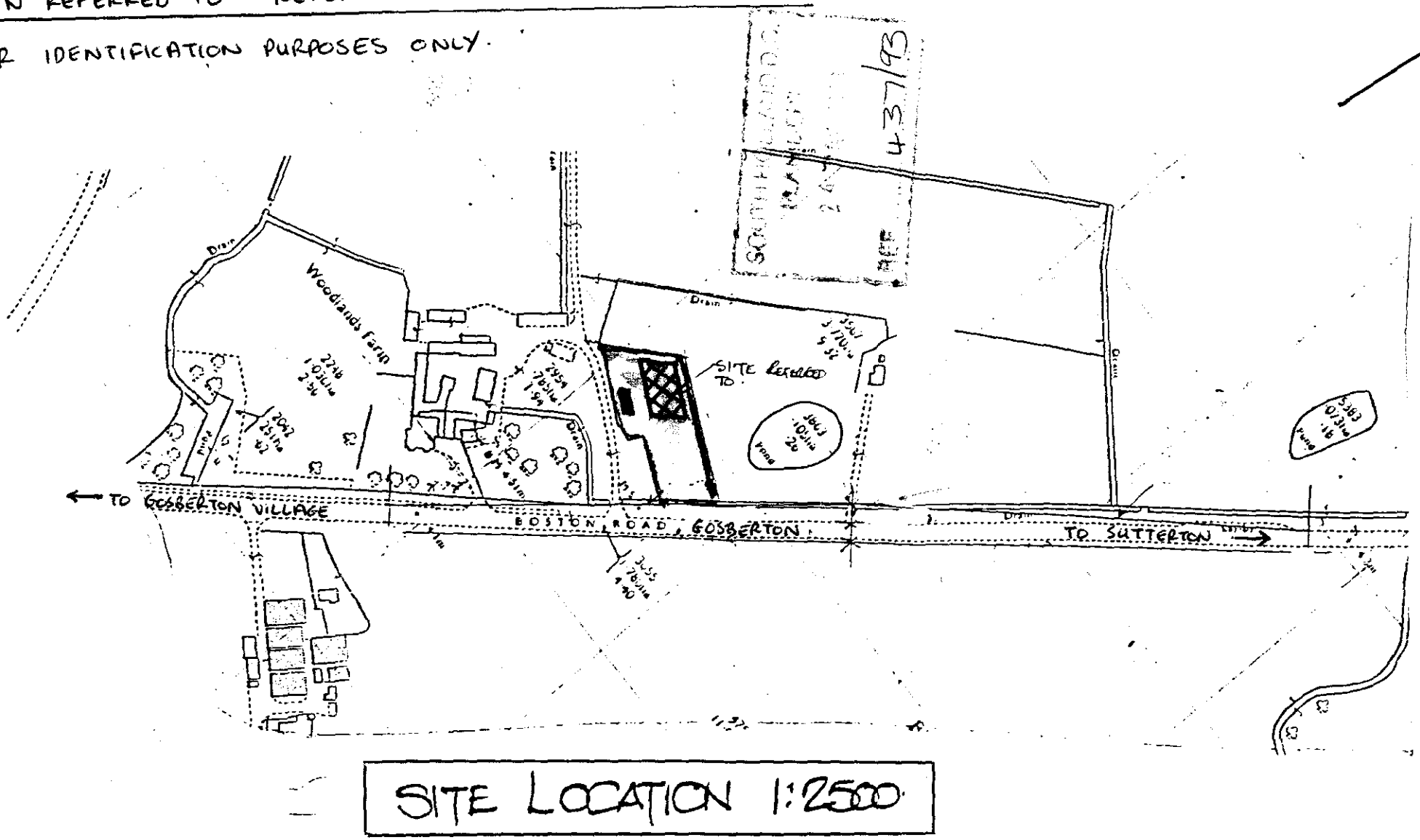
This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

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)

PLAN REFERRED TO - REFERENCE MR. AND MRS. H. HARE.

FOR IDENTIFICATION PURPOSES ONLY.



SITE LOCATION 1:2500

APPROXIMATE POSITION OF EXISTING "MOBILE HOME".

APPROXIMATE POSITION OF EXISTING GLASSHOUSES.

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H08/0437/93

Date Registered 11 MAY 1993

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

MR & MRS H HARE
THE NURSERY
BOSTON ROAD
GOSBERTON
SPALDING LINCOLNSHIRE

Tel. No. (0775) 840329

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

NATIONWIDE ESTATE AGENTS
1 PUMP SQUARE
BOSTON
LINCOLNSHIRE PE21 6QN
Tel. No. (0205) 365601
(Personal contact name) JEREMY EYEONS

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

EXISTING NURSERY ADJACENT TO WOODLANDS COTTAGE, BOSTON ROAD, GOSBERTON, SPALDING, LINCOLNSHIRE.

OFFICE COPY

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

RESIDENTIAL OUTLINE APPLICATION - 1 PLOT

Please complete

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.

Signed Jeremy Eyeons Date 6/5/93 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 .22 (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 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: 1
(ii) Other new building(s)		
(iii) Alterations or extension		
(iv) Change of use		

4. A. If building works are proposed, please state extra floor space to be created:] sq. metres

B. Please state size of any new structure:- (a) max. height:] OUTLINE metres
(b) max. length:] APPLICATION metres
(c) max. width:] ONLY metres

C. Please state type and colour of materials for facing external walls:]

D. Please state type and colour of roofing materials.]

E. Has a survey of the site been undertaken? State Yes or No: NO

5. GENERAL INFORMATION Please complete each section

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

ESTABLISHED HORTICULTURAL AND NURSERY UNIT.

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?

AMPLE ON SITE SPACE

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:

THERE IS AN EXISTING "RELATIVELY NEW" SEPTIC TANK DRAINAGE SYSTEM INSTALLED SERVING THE EXISTING MOBILE HOME.

Mains sewer: Cesspool: Septic tank: ✓

PLEASE COMPLETE IN ALL CASES

	State Yes or No	
The proposal is in connection with agriculture	YES	➡ If so, **please give details in Part 6**
The proposal affects a listed building	NO	
The proposal affects a public right of way	NO	
The proposal is known to affect contaminated or filled land	NO	
The proposal is for industrial, warehousing, offices, shopping or similar commercial 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.	N/A	➡ Date: Consultee(s)
Is this application related to a previous submission?	NO	➡ Application No.

6. ANY OTHER INFORMATION Please add any details you wish in support of your application.

Continue on separate sheet if necessary.

7. INDUSTRIAL, WAREHOUSING, OFFICES OR SHOPS Please complete if appropriate

Please tick **one** box and complete B if necessary

A. The proposal does not involve any alteration in existing floorspace ☐

B. The proposal involves the creation of or an alteration in total **gross** floorspace ☐ ⬇

Proposed total gross floorspace ____ sq. m. Previous total gross floor space ____ sq. m.

This new total includes the following net floorspace:

Retail ____ sq. m. Office ____ sq. m. ndistrial ____ sq. m. Warehousing ____ sq. m.

Other ____ sq. m. ➡ If so, please state use:

	Office Staff	Industrial staff	Other staff
How many office, industrial and other staff will be employed on the site as a result of the development proposed? If you have existing premises on the site, how many of the employees will be new staff?			
If you propose to transfer staff from other premises please give details of the numbers involved and of the premises affected.			
In the case of industrial development, give a description of the processess to be carried out and of the end products, and the type of plant or machinery to be installed.			
If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development			
Is the proposal related to an existing use on or near the site?	State Yes or No ☐		
If so, please explain the relationship			
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory?	State Yes or No ☐		
If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.			
What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)			
What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)			
What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?			
Will the proposed use involve the use of storage of any hazardous materials?	State Yes or No ☐	If yes, you may need to apply for Hazardous Substances Consent	
What provision is being made for access to premises for the disabled?			

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

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 Jeremy Eyeam (~~Applicant~~ / Agent) Date 6/5/93

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 Jeremy Eyeam (~~Applicant~~ / Agent) Date 6/5/93

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 .....

CONTINUATION SHEET

PLANNING APPLICATION - MR & MRS H HARE

The area of land the subject of this application is shaded pink on the enclosed plans.

The premises are currently used as a horticultural/nursery business, and have been established for that purpose since 1989.

The business is carried out by Mr & Mrs Hare.

Mr & Mrs Hare currently live on site in a "mobile home", and it is intended that structure will be removed when building works are completed, and it is anticipated that a single storey bungalow type building would be constructed upon the plot.

The horticultural and nursery business is a viable proposition for this husband and wife team. Since establishing the business in 1989, there has been an average of two crops per year, mainly comprising cut flowers, from the existing glass houses. There is also a outdoor crop. All flowers have been sold at local and national markets, and there is a ready demand for the produce.

Mr & Mrs Hare find it absolutely essential to live on site in order that they can maximise the business opportunity which is available to them. During the spring and summer months almost constant, and most certainly very regular, attention is required to the flowers. Watering is an absolute necessity and during the winter months a constant temperature has to be maintained through the existing heating unit, and this also requires regular checks throughout the day and night.

Mr & Mrs Hare would find it impossible to conduct their business from anywhere else, and it is therefore esssential that they live on site. There is also of course the security aspect which must be taken into consideration.

Mr & Mrs Hare are therefore seeking permission to construct a bungalow on site, in order that they may tend to their agricultural business from a more comfortable environment than that currently existing.

The attached photograph indicates the extent of Mr & Mrs Hare's business, and further information as regards more detail business activities can be provided if requested.

APPLICATION ASSESSMENT

Notes Case Officer

Site Inspection

Accuracy :
Neighbours :
Boundaries :
Site Features :

Inspected by PR
Date 16/6

Site Notice posted by KW
Date 7/6
Expiry

Case Officer Conclusions

Should be totally screened by trees / hedges impact on landscape is not an issue of overriding importance But justification is.

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Met applicant on site 25/6 stated he has chance of appeal move land to front of land for expansion if needed. Suggested left corner in the plan.

RECOMMENDATION

COMMITTEE

Departure from Policy .....

Ward Member request .....

Recommend approval against material objection .....

Other circumstances viz: .....

Change to Committee recorded:

Decision confirmed as agenda: ✓ 26/6

DELEGATED/Non-Det

Case Officer Recommendation

Approve (or equiv)

Refuse (or equiv)

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

Notes:

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

Conditions/Reasons (cont overleaf)

DC INSTRUCTION SHEET

APPLICATION REF: H08/0437/93

.rections

Art 7 (Outlines)

☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current					
Required					

Reg 4 Scale drawing.... Highway S/W.... Agric appraisal....

☐ Non Std | Precise details:

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

Revalidation after Direction

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

Valid date:

Amended description

Reconsultations:

All.....
Specified:

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

Precise details:

PM27-5 Business given temp perm at appeal from mews, access refused. This should be h/l for establishment of business, dwelling with access I think.

Consultation/Publicity Required

	Publicity:	Consultations:	
Departure	.....	County	.....
Setting of LB	.....	E Heritage PM27/5	.....
Public Right of Way	.....	Societies	.....
Discretionary	.....		

Extra Consultations:

Transport	D/Transp A15	..... ✓ *	
	D/Transp A18	.....	
	B Rail	.....	
Environment	Env Services	.....	
	NRA	.....	
	Env Assess	..... G *	Specify:
Conservation	LB Demolish	..... G *	Standard
	Eng Heritage	.....	
	Archaeology	..... G	Specify:
	Consultant	.....	
	Other	.....	Specify:
Hazards	HSC Group	..... G *	Standard
	Specific	..... G	Specify:
Other		.....	Specify:

Note
* Longer expiry
G Group available

Case Officer

Senior Officer Confirmed DC..... Date..... Recorded DC....

ADMIN RECORD SHEET

Initial

Submitted Fee £ NIL

Receipt No

Date first Rec'd 11 MAY 1993

Registration

Reference H08/0437/93

Cross-Ref N/A

Date 12-MAY-93 HRS

Validation

TYPE OUTLINE

Site area 0 ~~0~~ 3 ~~3~~ .
No of dwellings
Floorspace

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

Description to be recorded: Erection of Dwelling

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

Fees — Correct fee £360. — Nil fee ☐ Discounted ☐ — Previous app – ref: Type of app Reason:

Additional £ 360. Refund £ — Receipt No R3116 Date Voucher No Date

Information

Index sheet 35 OS Plots
Grid ref 5[illegible]3303 32600

Ward F Parish GOSBERTON

Inside IBD NO Inside LP area NO

Constraints:

—	CA Cons Area	Y	TR Rural
		=	BP TR proposed 67m
—	LB Listed – Grade:	—	LC Level Cross
—	ARC Archaeology	—	FP Footpath
—	AM Ancient Mon		
—	SSI Special Int	Y	TPO Tree Pres
		—	HAZ Site
		—	AIR Safeguard
—	Dist Bound	—	LIN Elect
		—	PIP Pipe
—	Other:	—	CON Waste/contamin

Hazards –

Linked to site Ref 1396

Linked to property Ref

Planning Records:
Earlier apps

134/91
782/92 - not in system
1792/88
915/88
676/90
934/97

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

APPLICATION REFERENCE: H08/0437/93 DATE RECEIVED: 24-MAY-93

TYPE: Outline

DESCRIPTION: Erection of dwelling

LOCATION: Existing nursery, adjacent Woodlands Cottage, Boston Road, Gosberton

APPLICANT: Mr & Mrs H Hare AGENT: Nationwide Estate Agents

REASON FOR COMMITTEE CONSIDERATION

Recommendation for refusal.

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 26 AUG 1993

RECOMMENDATION

Refuse Permission.

1 *The site is outside the confines of a settlement in an area of open countryside where it is the policy of the Local Planning authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note 7, 1992 (The Countryside and the Rural Economy), and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would encourage further similar proposals which would be difficult to resist.*

2 *The proposed residential development, if permitted, would result in the construction of a vehicular access direct to the trunk road, on a very fast section of open rural trunk road, subject to the maximum speed limit for single carriageway roads.*

3 *Such development would result in additional vehicles crossing and re-crossing the trunk road particularly right turning movements into the site thereby creating danger, obstruction and interference to the free and safe flow of traffic on the trunk road.*

3 *These factors are all detrimental and contrary to the interests of highway safety.*

COMMENTS

1 Small site (approximately 0.2 hectares) off Boston Road. Largely screened from highway by trees/hedges. Site contains a caravan and range of glasshouses.

2 Site has previous history of refusals for mobile home and unauthorised access. In 1988 permission was refused for siting of residential caravan (reference H08/1792/88), but appeal allowed for 3 year period to enable assessment to be made of agricultural viability of holding. Subsequent applications (reference H08/0134/91 and H08/0782/92) for the access also refused, with the decision on H08/0134/91 being upheld on appeal.

3 An enforcement notice was served on 25 January 1991 requiring the unauthorised access to be stopped off and the former roadside ditch reinstated. This notice is still outstanding, but it was resolved (in relation to H08/0782/92) that legal proceeding against failure to comply with the notice be held in abeyance pending a further report.

4 The applicant has recently submitted an application to continue the siting of the caravan. This will be reported to a later meeting and the issue of enforcement will need to be resolved in relation to the determination of that application.

5 Turning to the current application, the main issues relate to whether or not an overriding agricultural need exists to permit the dwelling, and the Department of Transport's direction of refusal.

6 Notwithstanding the fact that an active holding has been established the view of my Consultant (which I concur with) is that viability of the holding and need for a permanent dwelling have not been proven. This view could change if additional land is acquired and turnover is increased, but at present there is no certainty that this will happen and the small size of the holding is an overriding factor.

7 The Department of Transport response is a direction and the District Council has no powers to override. However, the present section of trunk road will be reclassified on completion of the Spalding/Sutterton Improvement (approximately 2 years hence), whereupon the responsibility will pass to the County Highway Authority.

REPRESENTATIONS

Parish Council: Site outside IBD. Permission has not been granted for a vehicular access to this plot.

Department of Transport: Direct refusal.

Agricultural Consultant: Summarised:
- In principle the intensive nature of the cropping appears to justify someone living close to the glasshouses.
- Glasshouses demonstrate that applicants are genuinely seeking to build up the nursery business.

- Scale of business appears to be too small to provide more than a part-time income for one individual.
- Available land (0.22 hectares) appears small and may be a factor limiting the scale of cropping.
- the "possibility of there being agricultural land available" is too vague to be relied on. The applicant should either be owner occupiers or agricultural tenants with lifetime security.
- Applicants may be short of funds, in which case cost of new dwelling only likely to occur at expense of future investment.
- Possibility that horticultural unit may be run down in a few years.
- From information available it is not possible to demonstrate that the unit is viable.
- The Council could indicate a willingness to extend the temporary consent for the mobile home.
- Applicants may be approaching retirement age and intend the dwelling to be retirement home.

Applicant:

Summarised:
- Business activity increased since 1989. Turnover for 1992 was £5,500, anticipated turnover for 1993 is £6,000.
- Overheads kept to minimum.
- Profits ploughed back into the business.
- Principal crop is cut flowers, essential for applicants to live on site.
- Applicants intentions are to continue the holding; these are genuine and capable and likely to be sustained for the next few years at least.
- Possibility of there being agricultural land available adjacent to their property.
- No employees apart from Mr and Mrs Hare.
- 6,300 square feet of glass on site.

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

H08/0437/93

OUTLINE

Applicant: Mr & Mrs H Hare
Tel: 0775 840429

Agent: Nationwide Estate Agents
0205 365601

Description: Erection of dwelling

Location: Existing nursery adjacent to
Woodlands Cottage
Boston Road
Gosberton Spalding

Valid date: 24-MAY-93
Target dates:
To case officer 31-MAY-93
Inspected by 07-JUN-93
Extra contacts 14-JUN-93
Report if not clear by 28-JUN-93

Terminal date: 19-JUL-93
Target Committee: 13-JUL-93
Report deadline: 29-JUN-93

Case Officer:
D J ROBERTS

DEVELOPMENT/CONSTRAINTS

Size: .22 HA
Category: Newbuild
Listed building:
Conservation Area:

Other Constraints: TR TPO

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Site/Press Advert MIN	01-JUN-93	22-JUN-93
Clerk to Gosberton P 0775 840415	28-MAY-93	11-JUN-93
Department of Transp 0602 476121	28-MAY-93	26-JUN-93
Cllr W D Skells 0775 840415	28-MAY-93	04-JUN-93

SITE RECORD

Grid ref: 525320 332600
OS Sheet: 35 Parcel:

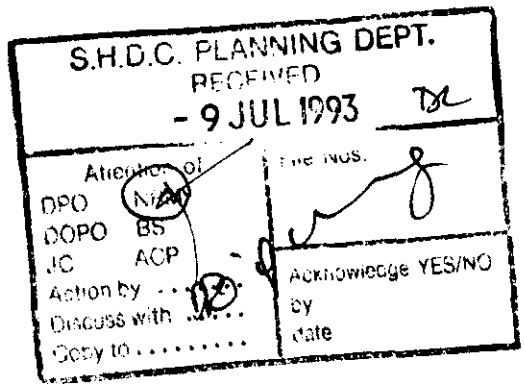
LCC - No Comments Trunk Road JCB 10/6/93

CONSULTANTS IN AGRICULTURE

Hemington Lodge, Hemington, Peterborough PE8 5QP. Tel (0832) 3645
Fax Number: 083 23 645

Laurence GOULD PARTNERSHIP LTD

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



Your ref: DJR/JJ H08/0437/93
Our ref: D31/SHD

For the Attention of Mr D Roberts

Dear Sirs

Herewith are initial comments on the planning application by Mr and Mrs Hare.

If you have any queries or comments please do not hesitate to telephone; alternatively I am meeting John Blacklock at your office at 2 pm on Wednesday 14 July 1993 and would be happy to see you that afternoon.

Yours faithfully

Alan Measures

Alan Measures

CONSULTANTS IN AGRICULTURE
Hemington Lodge, Hemington, Peterborough PE8 5QP. Tel (0832) 3645

Laurence GOULD PARTNERSHIP LTD

REF: 0437/93
APPLICATION FOR AGRICULTURAL DWELLING
MR AND MRS H HARE

These notes have been prepared following instructions from South Holland District Council to provide an initial review of the agricultural justifications put forward.

1. COMMENT ON INFORMATION AVAILABLE

1.01 The information available comprises a letter dated 28.06.93 from Nationwide including a site map and photograph plus, a statement on behalf of Mr and Mrs Hare, the site location plan and a completed questionnaire.

1.02 In assessing the proposals in detail it would be helpful to have the following:

- details of the planning history of the existing mobile home.

- detailed historical records for horticultural cropping on the site, dividing it between different enterprises and showing annually, since its inception, a breakdown of costs and the net profit.

- a statement of the applicants' assets and liabilities and a cashflow projection showing how they will fund construction of the new dwelling as well as any expansion/development of the business.

- details of any other income or employment of Mr and Mrs Hare, their ages, career histories and plans for the future.

- details of the basis on which extra land might be acquired, if this is a limiting factor.

2. ASSESSMENT OF THE NEED

2.01 The impression given by the documentation is that the mobile home may have been the subject of a temporary consent, subject to agricultural restriction. Assuming the applicants have followed through the proposals included in the earlier planning application (or achieved a suitable equivalent horticultural business), then they would appear

to have a reasonable case for arguing that the agricultural need has been accepted, at least to a degree.

2.02 In principle the intensive nature of the cropping appears to justify someone living close enough to the glasshouses to visit frequently to monitor crops, make adjustments, for example, with regard to watering and ventilation; and also to deter intruders.

3. INTENT

3.01 The establishment of the glasshouses and evidence of cropping and sales provided appear to demonstrate that the applicants are genuinely seeking to build up their own nursery business.

3.02 Despite the fact that both husband and wife are stated as working full time on the unit, the scale of the business appears to be too small to provide more than a part time income for one individual with assistance from others at peak periods. The only figures available show annual turnover (ie annual total sales) rising to £6000 for 1993 from which must be deducted all the costs of production. It is not possible, from the information available, to assess the annual net income with any degree of confidence but it may well be less than half the annual turnover.

3.03 The land area available at 0.22 hectares appears small and may be a factor limiting the scale of horticultural cropping. The statement in the letter from Nationwide dated 28 June 1993 on the "possibility of there being agricultural land available ..." is too vague to be relied on. To give them long term security over any extra land the applicants should either be owner occupiers or agricultural tenants with lifetime security.

3.04 The statement in support of the application implies that the applicants may be relatively short of funds. If this is the case, expenditure on constructing a new dwelling is only likely to occur at the expense of any further investment in horticultural production.

3.05 The penultimate paragraph of the statement included with the planning application has the final words "at least" implying that quite possibly the horticultural unit may be run down in a few years.

4. CONCLUSIONS

4.01 If the mobile home currently in use on the site is not the subject of

a temporary consent the Council could accept its replacement with a permanent structure irrespective of the merits of any agricultural justification.

4.02 Assuming the following two points are correct :

(a) the mobile home is the subject of a temporary consent with an agricultural restriction;

(b) the circumstances of the applicants indicate that they plan to expand the unit to provide net income sufficient for one or more individuals full time;

the Council could indicate a willingness to extend the temporary consent.

4.03 From the information available at present it is not possible to demonstrate that the unit is viable. Of particular relevance in this context are :

- the low level of turnover;
- the absence of information on net profit;
- the apparent lack of intent to expand the unit;
- that the unit appears to provide remuneration sufficient only for part-time employment.

The applicants could be requested to provide further information to clarify these issues.

4.04 There are two possibilities the Council may wish to guard against, namely that :

- the applicants may be approaching retirement age and intend the dwelling to be a retirement home, this not being an agricultural justification.

- the applicants may obtain the dominant portion of their income from sources away from the holding, the latter perhaps providing a secondary income in the short term and a means to obtain consent for a dwelling on the applicants' preferred site.

A R Measures
Laurence Gould Partnership Ltd
7 July 1993
Our ref: D31/Hare

Mr A Measures,
Lawrence Gould Partnership Ltd,
Hemington Lodge,
Hemington,
Peterborough.
PE8 5QP.

Mr D Roberts

DJR/JJ H08/0437/93

01 Jul 1993

Dear Sir,

CONSULTATION ON PLANNING APPLICATIONS.

I enclose the following details relating to an application for a dwelling at Boston Road, Gosberton.

- Submitted form and plans.
- copy of agricultural questionnaire.
- further correspondence.

I would request that you supply me with an initial assessment as to whether or not the applicants case is sufficient to justify a permanent dwelling. A response within the next 14 days would be appreciated.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

Enc.

Nationwide

Nationwide Estate Agents

Mr B Smith Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department
Council Offices
Priory Road
SPALDING
Lincolnshire
PE11 2XE

1 Pump Square
BOSTON, Lincs
PE21 6QN
Tel: (0205) 365601
Fax: (0205) 310121
DX 26806

Our Ref: JE/SLT
Your Ref: HO8/0437/93

28 June 1993

Dear Sir

RE: Mr & Mrs H Hare
The Nursery, Boston Road, Gosberton, Spalding, Lincolnshire
Application for Planning Consent

I refer to my letter dated 20 May 1993 in connection with the above.

When? How much?

I omitted to include in the Agricultural Questionaire that there is a possibility of there being agricultural land available to Mr & Mrs Hare, adjacent to their property.

Turnover has steadily increased since 1989 and as we hopefully move out of the recession the availability of more land gives another option to Mr & Mrs Hare to make their business even more viable and profitable.

Yours faithfully

Jeremy Eyeons

Jeremy Eyeons FSVA

OR
S.H.D.C. PLANNING DEPT.
RECEIVED
29 JUN 1993

Nationwide Estate Agents Company No. 2025450. Registered in England. Registered Office: Nationwide House, 136 High Holborn, London, WC1V 6PW.
A licensed credit broker and an Appointed Representive of Guardian Royal Exchange marketing group (members of which are members of Lautro and IMRO) only for the purpose of advising on and selling life assurance, pension, unit trust and personal equity plan products bearing Guardian Royal Exchange's name.

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: H08/0437/93

Applicant: Mr & Mrs H Hare
The Nursery
Boston Road
Gosberton
Spalding Lincs

Agent: Nationwide Estate Agents
1 Pump Square
Boston
Lincs
PE21 6QN

Description: Erection of dwelling

Location: Existing nursery adjacent to Woodlands Cottage
Boston Road Gosberton Spalding

Type: OUTLINE

Date received: 24-MAY-93

28-MAY-93

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 11-JUN-93. 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 J ROBERTS

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

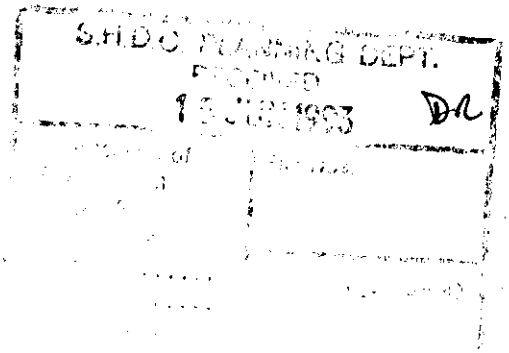
Comments:

This siteis outside the I.B.D.

Planning permission has not been granted for a vehicular access to this plot.

Signed:

D M Stell
Clerk



RE: ..R & MRS H HARE - PREMISES ADJACENT TO WOODLAND COTTAGE, BOSTON ROAD, GOSBERTON, SPALDING, LINCOLNSHIRE

CONTINUATION SHEET TO BE READ IN CONJUNCTION WITH ENCLOSED PLANNING APPLICATION

The existing business was established in approximately 1989, and Mr & Mrs Hare decided to erect a "Mobile Home" upon the site as well as the Glasshouses. This was to keep the initial setting of costs of the business to a absolute minimum, and also to test the viability and potential of the proposed operation.

Business activity and turnover has increased significantly since 1989, as itemised below:-

1989 - Turnover £1639

1990 - Turnover £2800

1991 - Turnover £5258

1992 - Turnover £5500

OFFICE COPY

SOUTH HOLLAND D.C.
PLAN DEPT
24 MAY 1993
REF 437/93

Anticipated Turnover for 1993 £6000

Overheads are kept to an absolute minimum as this is a "husband and wife" operation only.

Profits have been annually powered back into the business to maintain and improve the glasshouses, heating plant and other ancillary equipment essential to this business operation.

The principal crop is cut flowers, and this operation is carried out on a rotating scale with a fresh crop being sown as soon as stocks of the existing is exhausted.

Outlets are local and national markets, and there is now an established demand from recognised Retailers for the produce, which has been built up since the inaugral year of trading.

It cannot be emphasised too strongly, but it is absolutely essential for Mr & Mrs Hare to live on site, and this has proved to be the case since 1989.

Permission is now sought to construct a brick bungalow, in order that they may tend to their agricultural business from a more comfortable environment, than that currently existing.

Mr & Mrs Hare's intentions are to continue this horticultural enterprise, and these intentions are genuine and capable and likely to be sustained for the next few years at least.

Mr & Mrs Hare are already financially committed to this project, and the proposed bungalow will enhance not only their business, but the site as a whole; the existing landscaping of which has been significantly improved upon since 1989.

Nationwide

Nationwide Estate Agents

South Holland District Council
Planning & Building Control Dept
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

1 Pump Square
BOSTON, Lincs
PE21 6QN
Tel: (0205) 365601
Fax: (0205) 310121
DX 26806

Our Ref: JE/ALP

20 May 1993

SOUTH HOLLAND D.C.
PLAN DEPT
24 MAY 1993
REF 437/93

Dear Sirs

RE: Mr & Mrs H Hare - Planning Application - Boston Road, Gosberton, Spalding, Lincolnshire Application Number H08/0437/93

Thank you for your letter dated 13 May 1993 in connection with the above.

The agricultural questionnaire together with a cheque for £360.00 is enclosed herewith for your attention.

Please contact me should you require any further detailed information.

Yours faithfully

Jeremy Eyeons

Jeremy Eyeons FSVA

Encs

Nationwide Estate Agents Company No. 2025450. Registered in England. Registered Office: Nationwide House, Pipers Way, Swindon L, SN38 1NW.
A licensed credit broker and an Appointed Representative of Guardian Royal Exchange marketing group (members of which are members of Lautro and IMRO) only for the purpose of advising on and selling life assurance, pension, unit trust and personal equity plan products bearing Guardian Royal Exchange's name.

EA 95/March 93

OFFICE COPY

SOUTH HOLLAND DISTRICT COUNCIL

APPLICATION FOR AGRICULTURAL DWELLING

An application for an agricultural dwelling must be accompanied by this Questionnaire, duly completed. The purpose of the Questionnaire is to obtain information which will enable the Authority to determine whether a need for an agricultural dwelling has been conclusively shown.

The application must also be accompanied by an assessment of the agricultural need prepared by a professional party or agency, together with a business plan. The latter should also be prepared by an independent party or agency.

This Questionnaire could, in fact, be completed by those engaged in preparing the assessment of the need and/or the business plan.

Please note that not all the questions given below may be appropriate. However, all those which do have a bearing upon the application should be answered.

If you experience difficulty in answering any of the questions, please do not hesitate to contact the Planning Department of this Authority.

SOUTH HOLLAND D.C.
PLAN DEPT
24 MAY 1993
REF 437/93

QUESTIONNAIRE

A. Particulars of Existing Holding

1 Please specify type of holding -

Arable
Horticulture ✓
Intensive Livestock
Fish Farming
Any other

2 Please specify total area of holding (please indicate size of parcels of land if physically distinct and separated from each other by other land not in your ownership) -

ONE PARCEL OF LAND - 0·22 hectares.

Please enclose a map to a recognisable scale showing the extent of the holding.

ENCLOSED HEREWITH.

3 Please give details of acreage owned or tenanted -

ENTIRE 0·22 HECTAICRES IS OWNED FREEHOLA.

Please note that if the land is not held on a secure basis e.g. mowing or grazing licence, the business may not be sustained for a reasonable period.

4 Please give details of any cropping with acreages.

n/a

Please indicate amount of quota if applicable and area and location of land set aside -

n/a

Please specify what markets the crops are grown for - stock feed, human consumption, etc -

HORTICULTURAL BUSINESS - FLOWERS GROWN FOR SALE TO THE GENERAL PUBLIC.

Please indicate areas of grassland and whether the grassland is temporary or permanent and conserved for hay or silage -

n/a

5 Please give details of numbers of livestock if any - numbers should be supplied of type (cattle, sheep, pigs, etc) and further broken down into breeding and other animals.

n/a

Please supply details of quotas if animals are produced for sale, please indicate: -

(a) Average numbers on holding at any one time.

(b) Numbers produced per annum, age and weight at sale.

(c) For which market they are produced for. n/a.

6 Please give details of persons employed - please specify the tasks or role of each employee -

Full-time
Part-time all year
Seasonal

Please give details of their home location and its distance from the agricultural holding -

NO EMPLOYEES. HUSBAND AND WIFE TEAM ENGAGED FULL TIME IN THIS BUSINESS.
AT PRESENT LIVING ON SITE IN "MOBILE HOME".

7 Please give details of husbandry practices which significantly add to the functional requirements e.g. pedigree stock, high value crops, automatic equipment for watering, feeding or ventilation, calving patterns, etc -

GLASSHOUSES HAVE HEATING AND VENTILATION SYSTEMS INSTALLED.

8 Please describe any housing systems which may be labour intensive e.g. cow sheds as opposed to loose housing -

n/a

9 Please specify any special marketing or other arrangements which may add to labour requirements or lead to unsocial hours -

UNSOCIABLE HOURS ARE "PART AND PARCEL" OF THIS BUSINESS. PLANTS REQUIRE CONSTANT "ROUND THE CLOCK" ATTENTION DURING GROWING, PLANTING AND PICKING SEASONS. SECURITY OF THE UNIT IS ALSO ESSENTIAL.

10 Please give details of any existing dwellings on the holding (who occupies them and on what tenure) and whether any dwellings have been sold separately from the holding in the last five years -

NO DWELLINGS HAVE BEEN SOLD SEPARATELY FROM THE HOLDING AT ALL.
ON SITE "MOBILE HOME" OCCUPIED BY APPLICANTS.

11 Please specify size and use of existing agricultural buildings on the holding and show their location on a scaled plan. Details should also be supplied of any recent investments in farm buildings, etc -

EXISTING GLASSHOUSES EXTEND TO APPROX. 6300 SQUARE FEET - WHICH HAVE BEEN ERECTED IN 2 STAGES AS BUSINESS OPERATIONS HAVE INCREASED.

12 Please give details of any fixed equipment -

HEATING / COOLING PLANT SERVING GLASSHOUSES.

13 Please give details of services (electricity, water, sewage disposal) and any waste handling systems and storage -

MAINS WATER AND ELECTRICITY CONNECTED TO THE SITE.
SEPTIC TANK DRAINAGE INSTALLED.

14 Please specify whether there is any storage of chemicals (fertilisers, pesticides, herbicides and insecticides) on the holding -

NO

15 Please give details of theft or vandalism which may have occurred on the holding in the last 5 years. Have any incidents been reported to the Police?

NONE KNOWN. APPLICANTS LIVING ON SITE MAY HAVE PROVED "A DETERRANT".

NOTE: This information may contribute to the applicants case but will not, by itself, be sufficient to justify a new dwelling.

16 Please give details of any diversification or non-agricultural enterprises (if any) on the holding -

NONE.

B **Particulars of Proposal**

The Proposed Dwelling

1 Please state who is intended to occupy the proposed dwelling and what is their current occupation -

TO BE OCCUPIED BY THE APPLICANTS WHO ARE THE ONLY "EMPLOYEES" OF THIS BUSINESS.

2 Please state where that person currently resides -

CURRENTLY THEY RESIDE ON SITE IN "MOBILE HOME".

3 Please state whether the proposal is intended to replace an existing dwelling -

NO

4 If so, please state where the existing dwelling is located and why it is non-suitable for the applicants needs -

n/a

5 Please state what is intended will happen with the existing dwelling -

n/a.

BUT EXISTING "MOBILE HOME" WILL BE REMOVED ONCE PROPOSED DWELLING IS BUILT.

6 Please state why the proposed dwelling is needed -

(a) New agricultural/horticultural.
(b) Changes in nature of business.
(c) Changes in management.

} TO SUPPORT EXISTING HORTICULTURAL BUSINESS.

7 Please state the proposed ground floor area of the proposed dwelling and why a dwelling of the particular size and type is required -

BRICK AND TILED DETACHED 2 BEDROOMED BUNGALOW PROPOSED. SAY 850 SQ. FEET APPROX..

8 Please state why it is necessary for the proposed dwelling to be built in the location proposed -

FOR REASONS EXPLAINED ABOVE.

a). SECURITY OF THE PREMISES / GLASSHOUSES.

b). TO MAXIMISE THE BUSINESS OPPORTUNITY.

c). PLANTS REQUIRE CONSTANT ATTENTION ALL YEAR ROUND.

d). IMPOSSIBLE TO CONDUCT BUSINESS VIABLY FROM ANYWHERE ELSE OTHER THAN BEING ON SITE.

9 If security or additional security is one of the reasons for the dwelling, please provide details as to why it is considered security will be a problem or present a difficulty -

IF THE APPLICANTS DID NOT LIVE ON SITE

THE SITE MAY BE VANDALISED OR THEFT MAY OCCUR.

THE APPLICANTS

"LIVELIHOOD" IS AT STAKE.

10 Please state whether consideration has been given to any alternative form of residential accommodation on the site pending the establishment of the agricultural enterprise on a firm and viable basis -

THE BUSINESS WAS STARTED WITH THE APPLICANTS LIVING IN THE "MOBILE HOME". THE BUSINESS HAS PROVED VIABLE, WORTHWHILE AND SUCESSFUL. THEREFORE A MORE COMFORTABLE HOME IS SOUGHT NOW THAT THE BUSINESS IS PROVEN AND ESTABLISHED.

Personal Circumstances

1 Has the applicant any experience or formal training and/or qualifications in agriculture? Please provide details -

MR. H. HARE HAS A PREDOMINANTLY AGRICULTURAL / HORTICULTURAL BACKGROUND. HE HAS ALWAYS "WORKED LAND" AND HAS AN EXTENSIVE SELF-TAUGHT KNOWLEDGE OF AGRICULTURE.

2 Has professional advice been taken in setting up the agricultural enterprise? If so, please provide details - (Your attention is drawn to the fact that the application for an agricultural dwelling must be accompanied by an assessment of the agricultural need prepared by a professional party or agency) -

SEE ATTACHED SHEET.

The Proposed Agricultural Holding

1 Please state type of holding -

Arable
Horticulture ✓
Intensive Livestock
Fish Farming
Any Other

2 Please give total area of holding (Please indicate size of parcels of land if physically distinct and separated from each other by other land not in applicants ownership) -

AS EXISTING

6 Please give details of persons to be employed on the holding - please specify the intended tasks or role of each employee -

SEE EARLIER ANSWER.

Full-time
Part-time all year
Seasonal

Please give details of their present home location and distance from the intended holding -

SEE EARLIER ANSWER.

7 Please give details of intended husbandry practices which may involve specific functional requirements e.g. pedigree stock, high value crops, etc -

SEE EARLIER ANSWER.

8 Are any housing systems intended which may be labour intensive - such as cow sheds as opposed to loose housing? If so, please specify -

SEE EARLIER ANSWER.

9 If any special marketing or other arrangements are envisaged which may entail unsocial hours of working or involve specific labour requirements, please specify -

SEE EARLIER ANSWER.

10 If the proposed holding is an extension of an existing holding, please show on a scaled map the relationship of the extension to the existing holding - n/a

11 If new agricultural buildings are intended to be erected, please specify size and specific use and show their location on a scaled map -

NO NEW AGRICULTURAL BUILDINGS ARE PROPOSED. EXISTING IS ADEQUATE.

12 Please give details of any fixed equipment which it is intended to install -

NO NEW FIXED EQUIPMENT IS PROPOSED.
EXISTING IS ADEQUATE.

13 Please give details of the intended services (electricity, water, sewage disposal) and any intended storage of waste.

AS EXISTING. MAINS WATER, ELECTRIC.
SEPTIC TANK DRAINAGE INSTALLED AS WELL.
ALL SERVICES INSTALLED 1989.

14 If a programme for the erection of agricultural buildings is involved, please give details of time-scale -

NO NEW BUILDINGS PROPOSED.

15 If irrigation or temperature controlled facilities are envisaged, please give details -

NO NEW FACILITIES EVISAGED AT PRESENT.

16 Are any crops/livestock envisaged which require essential care at short notice? If so, please give details -

EXISTING CROPS REQUIRE CONSTANT ATTENTION.
FOR EXAMPLE; SLIGHT SUDDEN TEMPERATURE CHANGES NEED TO BE COUNTERACTED - IT WOULD BE DISASTEROUS IF THESE WERE NOT ATTENDED TO IMMEDIATELY.

17 If it is intended to store chemicals (fertilisers, pesticides, fungicides, herbicides and insecticides) please specify details -

n/a.

Financial Considerations

1 Please ensure an independent business plan of the proposed new or expanded agricultural enterprise (this should form part of the assessment of the agricultural need supplied by the professional agent) is provided giving details of anticipated annual turnover, overheads and net profits.

Note: Annexe E (paragraphs E5 and E9) of Planning Policy Guidance Note No. 7 "The Countryside and the Rural Economy" January, 1992, states that a functional test in regard to agricultural need will be necessary in all cases and that where a functional test alone is not conclusive it may be appropriate also to supply a financial test.

Thus, while the Authority would expect a business plan to be submitted with the application, it reserves the right to request the submission of financial information of a more detailed nature for such information may be an important element in establishing that intentions to engage in farming enterprise are genuine and are likely to be capable of being sustained for a reasonable period of time.

2 Please specify degree of financial commitment to the proposed new or expanded agricultural enterprise. Has a residential or commercial mortgage has been sought? Please give details -

NO FINANCE IS REQUIRED. BUSINESS IS "UP AND RUNNING".

3 Please indicate whether the business plan has been endorsed by the Financial Institution providing the loan facilities -

n/a

4 It is normal practice for the Local Planning Authority in granting planning permission for an agricultural dwelling to oblige the applicant to enter into a Section 106 Obligation - a legal agreement or contract limiting the occupation of the dwelling to a person employed in agriculture or forestry and if need be, preventing the separation of the holding from the dwelling. Has a check been made to establish whether planning conditions or a Section 106 Obligation would entail a problem with regard to mortgage availability? If no check has been made, it * is considered advisable one should be made and this Authority advised of the outcome.

Note: For your assistance, a draft of a standard Section 106 Obligation is enclosed with this Questionnaire.

---

* THANKYOU. BUT NO MORTGAGE IS NEEDED. AN AGRICULTURAL HABITATION CLAUSE "IS EXPECTED" AND WOULD BE NO PROBLEM.

You may if you wish, add any further information which you consider relevant to the issue of an agricultural need for the proposed dwelling.

SEE ATTACHED SHEET.

B SMITH MRTPI
DIRECTOR OF PLANNING & BUILDING CONTROL SERVICES

THIS DEED is made the day of One thousand nine hundred and BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincolnshire (hereinafter called "the Council") of the one part and of in the County of Lincoln (hereinafter called the "Owner") of the second part (and BANK (hereinafter called"the Bank") of the third part)

RECITALS

(1) The Council is the local planning authority for the area within which the land described in the First Schedule ("the Land") is situated

(2) .The Owner is the owner in fee simple in possession (free from incumbrances) of the Land (subject to a mortgage dated the
in favour of the Bank)

(3) The Owner has by application by its agents dated the day of One thousand nine hundred and ("the Planning Application") applied to the Council for planning permission for shown edged red on the plan annexed hereto in accordance with the plans and particulars supplied therewith under planning reference ("the Development")

(4) The obligation created by this Deed is a planning obligation for the purposes of section 106 of the Town and Country Planning Act 1990.

(5) The Council has decided to grant (conditional) planning permission for the Development subject to the creation of this obligation without which planning permission for the Development would not have been granted.

(6) The Council is the local planning authority by whom the planning obligation is enforceable.

NOW THIS DEED made in pursuance of section 106 of the Town and Country Planning Act 1990 WITNESSETH as follows

1. The Owner hereby agrees to enter into the planning obligation specified in the Second Schedule hereto

2. This planning obligation is a local land charge and shall be registered as such

3. The expressions "the Council" and "the Owner" and "the Bank" shall include their successors in title.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

FIRST SCHEDULE

(Details of "the Land")

The land situate at shown edged blue on the plan annexed hereto

SECOND SCHEDULE

(The Planning Obligation)

The owner (with the consent of the Bank evidenced by its execution hereof) hereby covenants that the development shall permanently remain part of the horticultural/agricultural unit comprising the blue land of which it forms an integral part and shall not be occupied except by the owner manager or an employee of that horticultural/agricultural unit

THE COMMON SEAL of THE SOUTH)
HOLLAND DISTRICT COUNCIL was)
hereunto affixed in the presence of)

Chairman of the Council

Director of Administration

SIGNED AS A DEED by the said

in the presence of:-

Witness

Address

Occupation

The COMMON SEAL of
BANK was hereunto affixed in
the presence of

Department of Transport cc: Director of Highways & Planning, Lincs CC + File

TR 110
(Revised April 1991)

Form of Notification by the Secretary of State for Transport Relating to an Application for Permission For

Development Affecting Trunk (including Special) Roads

To the ~~Clerk~~ District Planning Officer
South Holland District Council

Council's Reference H08/0437/93

Department of Transport Reference EMRT F253324 Pt 2

With reference to the notification of an application on Form TR 108 dated 28 May 1993 relating to the following proposed development:

1 a National Grid Reference of a central point on site

	Horizontal			Vertical		
TF	2	5	3	3	2	4

b Address or location Existing nursery adjacent to Woodlands Cottage, Boston Road, Gosberton

2 Name and classification number of affected road(s) A16 Norman Cross-Grimsby Trunk Road

3 Applicant's or agent's name and address Mr & Mrs H Hare, The Nursery, Boston Road, Gosberton, Spalding, Lincs.

Agent: Nationwide Estate Agents, 1 Pump Square, Boston, Lincs PE21 6QN

4 Date of receipt of application 11 May 1993

5 Particulars of development and/or change of use as shown on plan number: 0437/93

dated: 11 May 1993

Delete any which do not apply

~~i Existing operation~~

ii Engineering operation (which includes a means of access)

~~iii Mining operation~~

~~iv Other operation~~

~~v Material change in the use of any building or other land~~

Erection of a dwelling

6 State whether outline or detailed application Outline

Notice is hereby given under Article 14 of The Town and Country Planning General Development Order 1988 (SI 1988/1813) that the Secretary of State for Transport

~~*a does not propose to give a direction restricting the grant of permission~~

*b directs that permission be refused (see overleaf for reasons)

~~*c directs that any permission which the Planning Authority may give shall include the conditions shown overleaf for the reasons stated~~

Signed by authority of the Secretary of State

Date 5 July 1993

J.H Barnett (Signature)

J.H. BARRETT (Name)

Area Engineer (Position)

(Region)

Department of Transport

*Delete as necessary

CONDITION(S) be attached to any permission the Council may give

REASON(S) for the direction at b or c overleaf

1. The proposed residential development, if permitted, would result in the construction of a vehicular access direct to the trunk road, on a very fast section of open rural trunk road subject to the maximum speed limit for single carriageway roads.

2. Such development would result in additional vehicles crossing and re-crossing the trunk road particularly right turning movements into the site thereby creating danger, obstruction and interference to the free and safe flow of traffic on the trunk road.

3. These factors are all detrimental and contrary to the interests of highway safety.

[illegible]AN SMITH Dip TP MRTPI
[illegible]tor 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

VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P2716
Date received : 24-MAY-93

Received from

Mr & Mrs H Hare

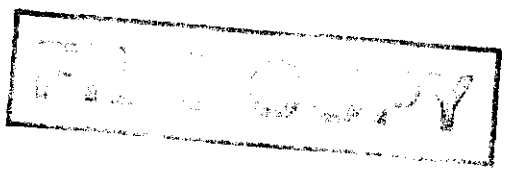
Address

The Nursery
Boston Road
Gosberton
Spalding

Fee paid	£	360.00
VAT	£	0.00
Total received	£	360.00

Cash/Cheque : Cheque

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



BR[illegible] SMITH Dip TP MRTPI
Dire[illegible] 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: H08/0437/93

Applicant: Mr & Mrs H Hare
The Nursery
Boston Road
Gosberton
Spalding Lincs

Agent: Nationwide Estate Agents
1 Pump Square
Boston
Lincs
PE21 6QN

SOUTH HOLLAND D.C.
PLANNING
24
REF Valid

Description: Erection of dwelling

Location: Existing nursery adjacent to
Woodlands Cottage
Boston Road
Gosberton Spalding

Type: OUTLINE

Date received: 12-MAY-93

13-MAY-93

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 is payable of £360.
Please complete agricultural questionnaire and return as soon as possible.

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

Nationwide

Nationwide Estate Agents

Planning Department
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs PE11 2XE

1 Pump Square
BOSTON, Lincs
PE21 6QN
Tel: (0205) 365601
Fax: (0205) 310121
DX 26806

Attention: Mr K Woods

Our Ref: JE/ALP

10 May 1993

0437/93

Dear Sir

RE: Harold Hare - Boston Road, Gosberton

Please find enclosed herewith planning application in connection with the above.

Would you please advise me as to the fee payable, so that we can get a cheque forwarded to you as soon as possible.

Yours faithfully

Jeremy Eyeons

Jeremy Eyeons FSVA

Encs

Nationwide Estate Agents Company No. 2025450. Registered in England. Registered Office: Nationwide House, 136 High Holborn, London, WC1V 6PW.
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567. PLANNING APPLICATIONS (Continued)

(a) **Applications Granted** (Continued)

Plan No. and Applicant	Proposal
H16/0507/93 Mr B Chapman	Change of use of part of dwelling to shop at 87 Acacia Avenue, Spalding.
H18/0576/93 Regalbourne Ltd	Residential - two dwellings at plots 128 and 129 Falklands Road, Sutton Bridge.

(It was also agreed that the Lincolnshire County Council be requested to take appropriate action under the Highways Act urgently to seek the removal of the bus shelter from within the visibility splay at the junction of Falklands Road and Bridge Road, and its relocation as soon as possible.)

H16/0625/93 Mr & Mrs Moore	Extension to dwelling including replacing flat roof to garage with pitched roof at 58 Saxon Close, Spalding.
H20/0653/93 J A Rootham & S A Nichols	Dwelling (Renewal of application H20/1008/90) at The Homestead, Jarvis Gate, Sutton St James

(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
H08/0437/93 Mr & Mrs H Hare	O.A	Dwelling at existing nursery adjacent to Woodlands Cottage, Boston Road, Gosberton.
H03/0600/93 Mr P Miller		Two storey extension at 24 Coronation Avenue, Deeping St Nicholas.
H23/0636/93 Mr P G & Mrs C L Frith		Use of existing out-building for retail purposes at "Braemar", Mill Lane, Whaplode.

(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 for the undermentioned developments, in accordance with his recommendations, as amended where indicated:-

Plan No. and Applicant	Proposal
H13/0205/93 Dr & Mrs S Rayner	Landscaping scheme (Condition 6 of H13/0680/92) at 11 East Cobgate, Moulton.

(Councillor J Clark declared an indirect interest in the above application, and left the Council Chamber during consideration thereof.)

H11/0605/93 Messrs R K Wilson & Son Ltd	Two bungalows at plots 10 and 11 Delph Fields, Long Sutton.

31/12

I C. Biggs : Confirmed not coming in today.
will be in next Tuesday

I Mrs. Cooke Gosehill Avenue : enq. Handsomely
Acad : enq. re permission after
re-started / previous unsuccessful
but technically P.P. will be required.
on basis of info in letter from Mrs.
Bosson.

I D. Clarke wants to discuss. Been convenient.
made arrangements

(PO) D. Clarke. Re. Beam cresent. Handbook P1.
See file note. Dtd 11/23/95.

7/1

I Alan Field Ref. Cromford. Site visit by.
Seen at North St old Blacksmiths.
shop. ? warwortin cottage. + some
alterations. Asked for sketches. Then
I would assess. on informal basis.
He will phone later to make appointment
or sth.
+ "Have" etc : garden : complicated planning
history. Advised would probably not
support a permanent dwelling.

Dave Thanks. I spoke to Councillor Skells, relating the advice you gave to Alan Field.

Mr. Hare seems to be under the impression that a temporary home would automatically lead to a permanent one, and not that the temporary permission was to enable the business to grow (which it apparently has not).

I Mark Cooke Swallows Tower : Plot 6. Materials.
? over . necessary permissions & cond. comps.
Advised no material decision outstanding.
He will investigate further as necessary.

O cc "C. Biggs" Left message for next Tuesday
Mandy with Allison : to be confirmed.

23/1/97

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NOT TO SCALE

REF 0437/93

