

Town and Country Planning Act 1990

Planning Permission

Reference: H08/0684/93

Received: 27-JUL-93 Type: S73A CONTINUATION

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

Agent: Nationwide Estate Agents
1 Pump Square
Boston
Lincs

Description: Continuation of use for siting mobile home

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

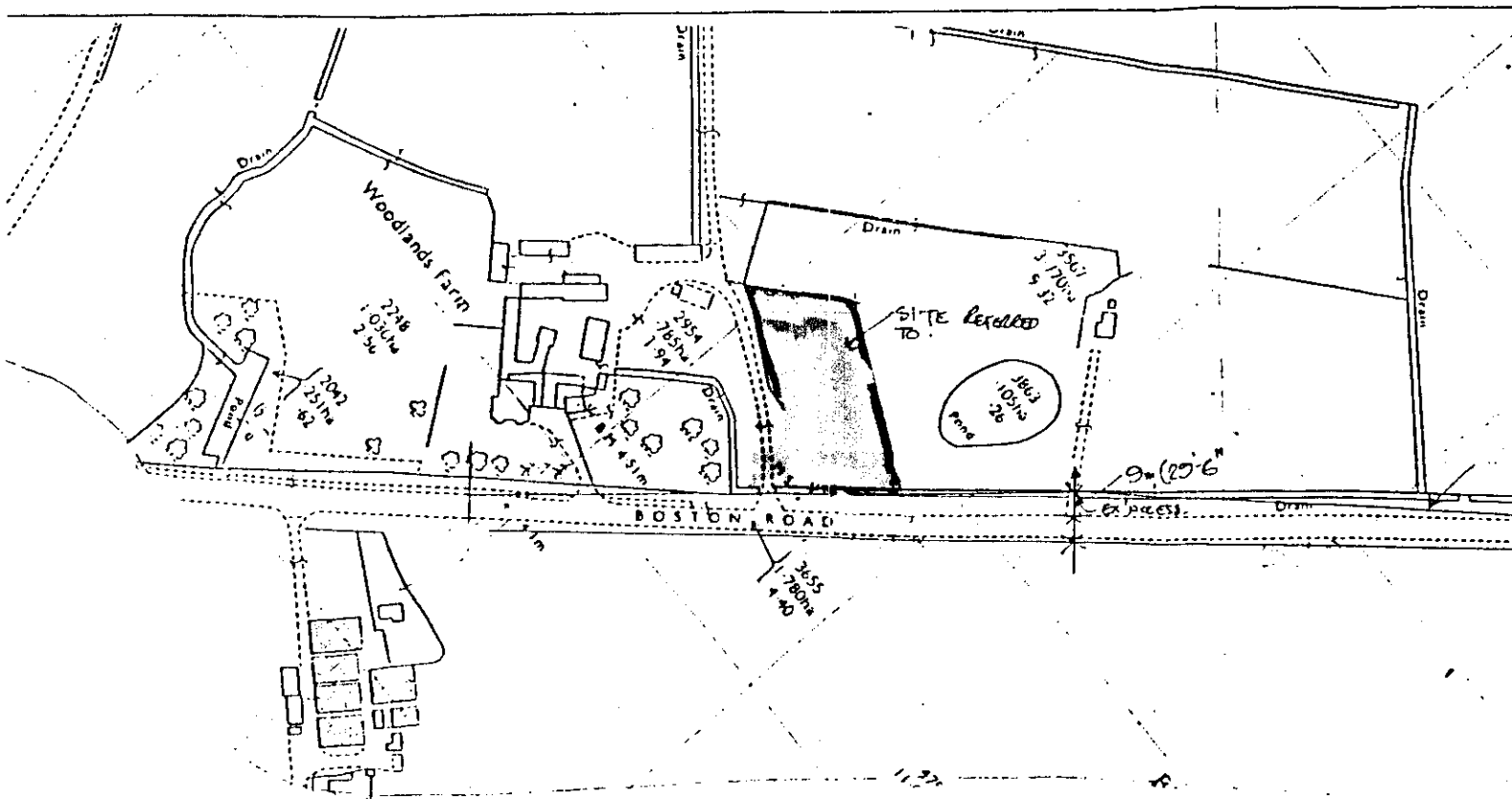
South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED to retain buildings/continue use of land in accordance with the application submitted, subject to any condition(s) below:

- 1 The mobile home hereby permitted shall be occupied by Mr and Mrs H Hare (the applicants) only; and in the event of the applicants ceasing to occupy the mobile home, it shall be removed from the site and the site thereafter shall cease to be used for the purposes of siting a mobile home.

Reason: Permission has only been granted in view of the personal circumstances of the applicants, and this condition is imposed accordingly.

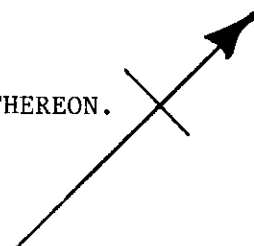
Director of Planning and Building Control Services
21-JUL-94 H08/0684/93

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.



SECTION REPRODUCED FROM THE ORDNANCE SURVEY
 CROWN COPYRIGHT RESERVED
 NOT TO SCALE
 FOR IDENTIFICATION PURPOSES ONLY

AREA OF LAND THE SUBJECT OF THIS APPLICATION IS SHADED PINK THEREON.



PLANNING APPLICATION

For office use only

Application No. H08/0684/93Date Registered 21 JUL 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
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

APPLICATION FOR RENEWAL OF PLANNING CONSENT REFERENCE H08/0676/90 IN CONNECTION
WITH EXPIRED MOBILE HOME SITE LICENCE.

H08/1792/90

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.
Previous application No.

Signed..... Date

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 worksor This is an **outline** application

(✓)

Now complete Parts
3, 4 and 5 and an
Ownership Certificate

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

H08/0676/90 H08/1792/90
N/A

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:- N/A (Tick one or more boxes)

(i) New Dwellings

(ii) Other new building(s)

(iii) Alterations or extension

(iv) Change of use

If so, how many:

4. A. Please state site area (in all cases)

hectares

B. If building works are proposed, please state extra floor space to be created:

sq. metres

C. Please state size of any new structure:- (a) max. height:
(b) max. length:
(c) max. width:

N/A

metres

metres

metres

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

E. Please state type and colour of roofing materials.

F. Has a survey of the site been undertaken? State Yes or 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

C. What provision will be made for garages or parking within the site?

If so, name of road:

Will there be —

Individual access(es)

New estate road

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:

Mains sewer

Cesspool

Septic tank

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

PLEASE COMPLETE IN ALL CASES

The proposal is in connection with agriculture

The proposal affects a listed building

The proposal affects a public right of way

The proposal is known to affect contaminated or filled land

The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.

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.

Is this application related to a previous submission?

State Yes or No

YES

➡ If so, please give details in Part 6

NO

NO

NO

NO

➡ If so, please complete Part 7

N/A

Date:

Consultee(s)

YES

Application No. H08/0676/90

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.

Industrial 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 processes 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? If so, please explain the relationship	State Yes or No 		
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory? If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.	State Yes or No 		
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?			

THE EXISTING MOBILE HOME IS USED IN CONJUNCTION WITH THE EXISTING ESTABLISHED NURSERY AND HORTICULTURAL UNIT WHICH WAS ESTABLISHED BY THE APPLICANTS AND IS NOW FULLY OPERATIONAL.

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 Egan (Applicant / Agent) Date 15/1/93

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 Egan (Applicant / Agent) Date 15/1/93

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 _____

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :
Neighbours :
Boundaries :
Site Features :

*2 families with 20
from discussions with 4/11*

Inspected by
Date

Site Notice posted by *PM*
Date
Expiry *6/8*

Individual Resident Notices required:

Addresses to be
sent to -

Addresses
delivered to -

Case Officer Conclusions

RECOMMENDATION/DECISION

NON-DETERMINATION

Permitted Dev (or equiv)
Non Development (or equiv)
Non Response after Direction
Senior Officer confirmed
Withdrawn

DELEGATED DECISION

Case Officer Recommendation

Approve ✓ (or equiv) Refuse (or equiv)

Signed *PM* Date *15/7/94*

COMMITTEE

Confirmed as agenda *✓*

SUB-COMMITTEE

Confirmed as agenda *✓*

DPBCS AUTHORISED

Decision Issue confirmed *✓*

Notes:

Disabled
Prev conditions
Amended plans -
Dwg no:
Received:

Conditions/Reasons: (cont overleaf)

Dis 100
→ Report card it in form
Rec. B of Appendix
in cold storage III to
committee 9/10/94 of 4/7/94.

Use/works restricted



Directions

Art 7 (Outlines)

☐

RM checklist

Previous
Current
Required

Sit

Des

Ext

Acc

Land

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:

Additional Consultation/Publicity Required

Publicity: >>

Departure
Setting of LB
Public Right of Way
Discretionary.....
.....
.....
.....

Consultations:

County
E Heritage
Societies.....
.....
..... G ROW

Extra Consultations:

Transport
TRAD/Transp A15
D/Transp A18
B Rail..... G* T15
.....
.....Environment/
Drainage
WATEnv Services
NRA
IDB
Env Assess.....
.....
.....
..... G ENV Specify:Conservation
LBLB Demolish
Archaeology
Eng Heritage
Consultant
Other..... G* DEM
..... G ARC Specify:
.....
.....

Hazards

HSC Group
Specific..... G* HAZ
.....
.....

Other PLA

Order No:
Specify:Specify:
Specify:WP Note -
G Group available
G* Group essential
(longer expiry)**Case Officer**

Senior Officer Confirmed

Date.....

Recorded DC....

from 30-7
Previous Lapsed *authorized*
Change - circumstances to *newly*
justly R. ?
22/6

ADMIN RECORD SHEET

Initial

Registration

Submitted Fee £ NIL

Reference H08/0684/93

Receipt No 1

Cross-Ref

Date first Rec'd 21 JUL 1993

Date 22 JUL 93 JAB

Validation

Site area
No of dwellings
Floorspace

Earlier permission - Ref:
New/Redevelop/Use/Ext/Alt/Works

TYPE SEC 73A

Description
to be recorded

continuation of land for use
for siting mobile Home.

Invalid

Site plans
Certificate

☐
☐

Fee
Fee (not free)

☐
☐

Inaccurate
Incomplete
Unclear

☐
☐
☐

Fees

Correct fee £60.00

Nil fee

☐
☐
☐

Previous app - ref:
Type of app
Reason:

Discounted

Additional £ 120.00
Refund £

Receipt No P3031
Voucher No

Date 27 JUL 1993
Date

Information

Index sheet 35 OS Plots
Grid ref 525320 332600

Ward F Parish GOSBERTON

Inside IBD N Inside LP area N

Constraints:

CA Cons Area

LB Listed - Grade:
ARC Archaeology
AM Ancient Mon
SSI Special Int

TR Rural
BP TR proposed 67m
LC Level Cross
FP Footpath

TPO Tree Pres

Hazards -

Linked to site Ref

Linked to property Ref

0320423

Dist Bound

Other:

HAZ Site
AIR Safeguard
LIN Elect
PIP Pipe
CON Waste/contamin

Planning Records:

Earlier apps

0437/93
0782/92
0134/91
0676/90
1792/88
0915/88

B Reg Records:

Already submitted - Ref:
Request needed
Requested

h JULY 1994 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS
POST COMMITTEE INSTRUCTIONS

<u>Application Number/ Applicant</u>	<u>Case Offr</u>	<u>Instructions/ Decision</u>
H08/0684/93 Mr & Mrs H Hare	DJR	Grant permission subject to appropriate conditions and resolve not to pursue enforcement proceedings as Addendum III, recommendation B.
H05/0689/93 Temples Transport	JB	Authority disposed to grant planning permission subject to fresh application and section 106 obligation as recommended.
H16/0265/94 Macs Supermarkets	DJR	Deferred to main committee with recommendation of refusal. Discuss reasons for refusal with DPBCS but to include adverse effect on amenities of nearby hcspace. Addendum to report to mention strategy for development with regards to a more appropriate site and give positive alternative site location. A review of the Development Brief will be required. - J Curnock to liaise with DPBCS.
H16/0327/94 Broadgate Homes	DJR	DPBCS Authorised subject to checking plots 9, 10 & 11 with regards to privacy and overlooking. Review screening requirements.
H09/0331/94 B S & R B Cole	DMG	DPBCS Authorised subject to retention of hedge and point of access moved towards buildings. Development not to be frontage but off link road. Discuss visibility requirements with highways.
H20/0472/94 Mr C Wright	DMG	Grant permission contrary to recommendation subject to appropriate conditions.

5th July 1994

Signed: _____


N Midlen
Principal Planning Officer
Development Control

APPLICATION REFERENCE: H08/0684/93

DATE RECEIVED: 27-JUL-93

TYPE: S73A Continuation

DESCRIPTION: Continuation of use for siting mobile home

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

APPLICANT: Mr & Mrs H Hare

AGENT: Nationwide Estate
Agents

REASON FOR COMMITTEE CONSIDERATION

Development in countryside.

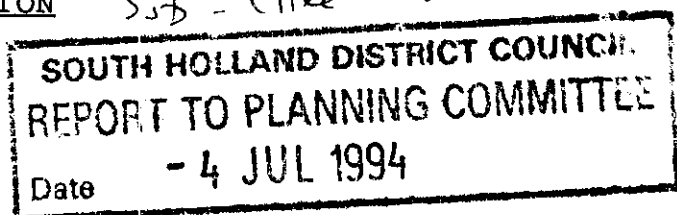
RECOMMENDATION

A 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 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.

B That the Committee sanction enforcement proceedings to secure removal of the unauthorised mobile home within a period of 12 months, in the interests of the visual amenities of the locality and to secure compliance with Structure Plan policies.

C That the Committee resolve to ensure compliance with the outstanding enforcement notice relating to the unauthorised access. But the applicants be given a further period to comply with the notice to coincide with the period of enforcement for the removal of the mobile home.



COMMENTS

- 1 Small site (approximately 0.2Ha) off Boston Road. Largely screened from highway by trees/hedges. Site contains a caravan and range of glasshouses. (Approximately 6,000 square feet).
- 2 Site has a 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 (references 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 25 January 1991 requiring the unauthorised access to be stopped up. This notice is still outstanding, but it was resolved (in relation to H08/0782/92) that legal proceedings against failure to comply with the notice be held in abeyance.
- 4 More recently H08/0437/93 for a permanent dwelling was refused at the direction of the Department of Transport and on policy grounds. It was considered that the holding was too small to provide more than a part-time income for one individual and inability to demonstrate that the holding was viable.
- 5 The main issues now relate to whether or not sufficient case can be made out for permitting the continuation of the mobile home, set against the planning history of the site; the overall size of the holding; the fact that caravans have to be treated the same as permanent dwellings under County Structure Plan policies; and the provision of Section 54A of the Act.
- 6 Applicants have written stating they have agreed to purchase an additional area of land adjacent to southern boundary (to give total of 0.6 acre site area). Clarification is awaited as to whether this also includes an existing access (if so then the unauthorised access can be stopped up in compliance with the enforcement notice and alternative access provided).
- 7 Irrespective of the access situation however and the fact that additional land is available in the absence of a proven and overriding agricultural justification the development remains contrary to Structure Plan policy and my recommendations reflect this.

REPRESENTATIONS

Parish Council: Site outside IBD and has no approved access road.

Dept. of Transport: Response awaited.

ADDENDUM I

- 1 The above report was considered by the Planning Committee on 26 October 1993. The application was deferred to clarify the position concerning additional land to be purchased and the access arrangements for the site.
 - 2 This has now been resolved and I can report that the applicant has confirmed that no additional land will be purchased. The total land holding will remain at 0.22 Ha, and access arrangements will remain at present, i.e. over the unauthorised access to the A16 trunk road.
 - 3 The Department of Transport have also responded to consultation. They advise that the proposal would be likely to conflict with trunk road traffic and suggest refusal on the following grounds:-
 - 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 recrossing 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."
 - 4 Since then fresh advice has been sought over the viability of the holding in light of corrected financial figures from the applicant. The Consultant re-affirms that the unit would not be financially viable.
 - 5 The applicant has re-stated his reasons for living on the site to include:-
 - To cater for unsociable hours.
 - Constant round the clock attention.
 - Security.
 - Maintenance of heating and cooling equipment.
 - Not possible to conduct business from other than on-site. Their livelihood is at stake.
 - Making a good living : more land would mean expansion, increased overheads and staff. Holding is being fully exploited by applicants.
 - 6 Applicants further state that a road sign has been removed to give increased visibility. Vehicular use of access is minimal. Are more than willing to allow Committee to inspect their holding.
 - 7 It is appreciated that if permission is refused, enforcement action will have to be taken to evict the applicant and his mobile home from the site. This will cause distress, but the situation has occurred because the applicant initially ignored the need for permission and installed the mobile home. Members will need to decide whether this should sway decision in his favour.
 - 8 My recommendations remain as before subject to the addition of the Department of Transport reasons being added to recommendation 'A'.
-

ADDENDUM II

- 1 The application was considered at the last Sub-Committee meeting and deferred to enable clarification to be sought regarding the advice from the Department of Transport.
 - 2 The situation being that the Department of Transport had directed refusal on earlier applications but had only recommended that the current application be refused.
 - 3 This has been discussed with the Department of Transport who have stated that they will supply further comments in time for consideration at the Sub-Committee. The comments will be reported.
-

ADDENDUM III

- 1 The application was last considered by the Plans Sub-Committee on 28 February, 1994 and deferred for a further report on how the application and situation might best be dealt with.
- 2 In considering the situation, the following facts are of relevance.
 - i) The mobile home has been sited for a number of years during which time the applicants have developed a small, but active nursery. Nonetheless, the Council's Consultant considers that the holding is not financially viable.
 - ii) Access to the site is unauthorised and remains the subject of an outstanding enforcement notice. The Department of Transport have requested refusal.
 - iii) The mobile home was sited initially without planning permission, but subsequently allowed for a three year period on appeal. This three year period expired on 18 January, 1993.
 - iv) The A16 is presently a Trunk Road, but this will cease to be the case when the Spalding/Sutterton Improvement is completed, and the road will pass to County Council control. The County Council's attitude may differ from that of the Department of Transport.
- 3 Taking all matters into account, the Committee can decide which of the following options is the most appropriate.
 - A. To accept the earlier recommendation of refusal and enforcement action.
 - B. To grant permission for the mobile home and resolve not to pursue enforcement proceedings in respect of the unauthorised access. In this event, I would recommend the following condition be imposed,

"The mobile home hereby permitted shall be occupied by Mr & Mrs H Hare (the Applicants) only; and in the event of the applicants ceasing to occupy the mobile home, it shall be removed from the site and the site thereafter

shall cease to be used for the purposes of siting a mobile home."

Reason: "Permission has only been granted in view of the personal circumstances of the applicants, and this condition is imposed accordingly."

- 4 The above options are the only ones available if the Council is to fulfil its obligations towards determining the application and resolving the related issues. In considering these, the Committee must weigh the hardship likely to be caused to the applicants by a refusal, against the policy implications/possible precedent arguments inherent in the grant of permission. The officers recommendation remains unchanged ie. permission be refused and enforcement action undertaken. Similar cases have resulted in action being taken to remove unauthorised caravans.
-

RECOMMENDATION

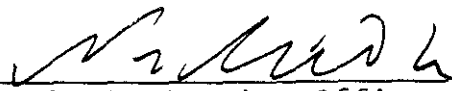
That the Sub-Committee consider the application further, in light of the options and issues set out.

28th FEBRUARY 1994 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS
POST COMMITTEE INSTRUCTIONS

<u>Application Number/ Applicant</u>	<u>Case Offr</u>	<u>Instructions/ Decision</u>
H05/0209/93 D Brown Ltd	JB	DPBCS Auth as recommended subject to discussions to achieve a development as close as possible to that suggested.
H08/0684/93 Mr & Mrs Hare	DJR	Deferred. Report back suggesting options for dealing with situation given Sub-Cttee sympathy for applicant.
H04/1018/93 Peter Bates	DJR	Refused as initially recommended.
H23/1170/93 Mr & Mrs Glowczyk	DMG	Refused against recommendation. Reasons to include massing impact on street scene. Add note to indicate that an extension to rear would be more appropriate.
H16/1188/93 H16/1189/93 Mr & Mrs Grimston	DJR	DPBCS Auth subject to legal obligation as recommended. Legal obligation to include no demolition of front building without first seeking permission. Enhanced parking facilities for business use, including turning head, required.
PO Report 7 David Parker Homes	DJR	Sub-Cttee considered available options and have authorised DPBCS to deal with changes as an amendment and grant permission.

1st March 1994

Signed:


Principal Planning Officer

5/2/94

APPLICATION REFERENCE: H08/0684/93

DATE RECEIVED: 27-JUL-93

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APPLICANT: Mr & Mrs H Hare

AGENT: Nationwide Estate
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B That the Committee sanction enforcement proceedings to secure removal of the unauthorised mobile home within a period of 12 months, in the interests of the visual amenities of the locality and to secure compliance with Structure Plan policies.

C That the Committee resolve to ensure compliance with the outstanding enforcement notice relating to the unauthorised access. But the applicants be given a further period to comply with the notice to coincide with the period of enforcement for the removal of the mobile home.

Sub- Ctee
SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 28 FEB 1994

COMMENTS

- 1 Small site (approximately 0.2Ha) off Boston Road. Largely screened from highway by trees/hedges. Site contains a caravan and range of glasshouses. (Approximately 6,000 square feet).
- 2 Site has a 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 (references 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 25 January 1991 requiring the unauthorised access to be stopped up. This notice is still outstanding, but it was resolved (in relation to H08/0782/92) that legal proceedings against failure to comply with the notice be held in abeyance.
- 4 More recently H08/0437/93 for a permanent dwelling was refused at the direction of the Department of Transport and on policy grounds. It was considered that the holding was too small to provide more than a part-time income for one individual and inability to demonstrate that the holding was viable.
- 5 The main issues now relate to whether or not sufficient case can be made out for permitting the continuation of the mobile home, set against the planning history of the site; the overall size of the holding; the fact that caravans have to be treated the same as permanent dwellings under County Structure Plan policies; and the provision of Section 54A of the Act.
- 6 Applicants have written stating they have agreed to purchase an additional area of land adjacent to southern boundary (to give total of 0.6 acre site area). Clarification is awaited as to whether this also includes an existing access (if so then the unauthorised access can be stopped up in compliance with the enforcement notice and alternative access provided).
- 7 Irrespective of the access situation however and the fact that additional land is available in the absence of a proven and overriding agricultural justification the development remains contrary to Structure Plan policy and my recommendations reflect this.

REPRESENTATIONS

Parish Council: Site outside IBD and has no approved access road.

Dept. of Transport: Response awaited.

ADDENDUM I

- 1 The above report was considered by the Planning Committee on 26 October 1993. The application was deferred to clarify the position concerning additional land to be purchased and the access arrangements for the site.
 - 2 This has now been resolved and I can report that the applicant has confirmed that no additional land will be purchased. The total land holding will remain at 0.22 Ha, and access arrangements will remain at present, i.e. over the unauthorised access to the A16 trunk road.
 - 3 The Department of Transport have also responded to consultation. They advise that the proposal would be likely to conflict with trunk road traffic and suggest refusal on the following grounds: -
 - 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 recrossing 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."
 - 4 Since then fresh advice has been sought over the viability of the holding in light of corrected financial figures from the applicant. The Consultant re-affirms that the unit would not be financially viable.
 - 5 The applicant has re-stated his reasons for living on the site to include: -
 - To cater for unsociable hours.
 - Constant round the clock attention.
 - Security.
 - Maintenance of heating and cooling equipment.
 - Not possible to conduct business from other than on-site. Their livelihood is at stake.
 - Making a good living : more land would mean expansion, increased overheads and staff. Holding is being fully exploited by applicants.
 - 6 Applicants further state that a road sign has been removed to give increased visibility. Vehicular use of access is minimal. Are more than willing to allow Committee to inspect their holding.
 - 7 It is appreciated that if permission is refused, enforcement action will have to be taken to evict the applicant and his mobile home from the site. This will cause distress, but the situation has occurred because the applicant initially ignored the need for permission and installed the mobile home. Members will need to decide whether this should sway decision in his favour.
 - 8 My recommendations remain as before subject to the addition of the Department of Transport reasons being added to recommendation 'A'.
-

ADDENDUM II

- 1 The application was considered at the last Sub-Committee meeting and deferred to enable clarification to be sought regarding the advice from the Department of Transport.
 - 2 The situation being that the Department of Transport had directed refusal on earlier applications but had only recommended that the current application be refused.
 - 3 This has been discussed with the Department of Transport who have stated that they will supply further comments in time for consideration at the Sub-Committee. The comments will be reported.
-

PLANS SUB-COMMITTEE - 28th February, 1994

118. PLANNING APPLICATIONS (Continued)

(c) Applications Previously the Subject of Site Inspections

Consideration was given to the following applications which had previously been the subject of site inspections:-

H08/0684/93
Mr & Mrs H Hare

Continuation of use for siting a mobile home adjacent to Woodlands Cottage, Boston Road, Gosberton.

RESOLVED: As the Sub-Committee is mindful to the applicant's circumstances consideration of the application be deferred to enable the Director of Planning and Building Control Services to submit a comprehensive report to the next meeting on how best the application and situation might be dealt with.

H04/1018/93
Mr P Bates

Use of land for parking of a tractor unit for one lorry but no trailer at 29 Northorpe Road, Donington.

RESOLVED: Planning permission be refused for the above proposal in accordance with the recommendation of the Director of Planning and Building Control Services.

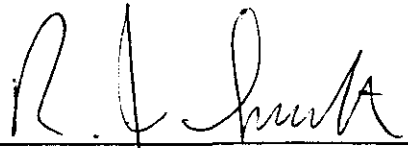
(End of Minutes)

7th FEBRUARY 1994 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS
POST COMMITTEE INSTRUCTIONS

<u>Application Number/ Applicant</u>	<u>Case Offr</u>	<u>Instructions/ Decision</u>
H06/0657/93 Mr C J W Franks	JB	Resolved not to determine application and to be as helpful as possible if an appeal against non-determination is lodged, provided that applicants undertake not to apply for costs against the authority and confirm they will give evidence on highway grounds whilst the authority will provide support on planning issues.
H08/0684/93 Mr & Mrs H Hare	DJR	Deferred. Check DOT comments with regards to any inconsistency between this and previous applications. File note required setting out conditions for alternative options.
H14/0712/93 D J Fisher	PJU	Refused as recommended. Advise applicant we may be supportive of an application for a planning obligation tying the house to the business activities on the site rather than a restricted occupancy condition.
H18/0977/93 Lands Improvement Group	JB	Grant as recommended. Reserve Matters Conditions to be added.
H04/1018/93 Peter Bates	DJR	Deferred. Mindful to Grant. Report back with appropriate conditions bearing in mind Circular 1/85.
H23/1145/93 Mrs J S Vere	DMG	Grant as recommended. Letter to accompany decision notice emphasising permission relates solely to description on planning application and drawing applicants attention to the conditions imposed and the enforcement action available to us if unauthorised activities are carried out.

8th February 1994

Signed: _____


Deputy Director of Planning and
Building Control Service

Minutes of a meeting of the PLANS SUB-COMMITTEE held in Meeting Room 1, Council Offices, Priory Road, Spalding on Monday, 7th February, 1994.

PRESENT

Councillors:

Mr. B. Alcock - Chairman
Mr T. Bray - Vice-Chairman

Mr. J.R. Pearl	Mrs. E.O. Hall-Patch	Mr. W.D. Skells
Mrs. P.J. Buffham	Mr. N.P. Judge, M.B.E	Mr. T.G.M. Tyler
Mr. J. Clark	Mr. A.E. Naylor	Mr. R.C. West
Mrs. D.F. Davies	Mr. M.S.L. Rollinson	Mr. M.C. White
Mr. J.A. Dobney		

The Deputy Director of Planning and Building Control Services, the Deputy Director of Administration and the Deputy Director of Environmental Services.

In attendance: The Press.

Apologies for absence were received from or on behalf of Councillors E.N. Davies and J.T. Davis.

65. MINUTES

The Minutes of the meeting held on 17th January, 1994 were signed by the Chairman as a correct record.

66. PLANNING APPLICATIONS

The following applications were determined as indicated following an inspection of each site:-

Plan No. & Applicant

Proposal

H08/0684/93
Mr & Mrs H Hare

Continuation of use for siting mobile home at existing nursery adjacent to Woodlands Cottage, Boston Road, Gosberton.

RESOLVED: Consideration of the above application be deferred to enable the Director of Planning and Building Control Services to seek clarification regarding the advice from the Department of Transport.

H14/0712/93
Mr D J Fisher

Occupation of bungalow without complying with restricted occupancy condition at Beck Bank Nursery, Beck Bank, West Pinchbeck.

RESOLVED: (i) Planning permission be refused for the above development in accordance with the recommendation of the Director of Planning and Building Control Services; and (ii) the applicant be advised that the Sub-Committee might be supportive of an application based on the applicant first entering into a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 to restrict the occupation of the bungalow to the owner manager or an employee of the adjoining business site in lieu of the restricted occupancy condition.

25th JANUARY 1994 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

<u>Page No</u>	<u>Application Number</u>	<u>Case Offr</u>	<u>Instructions/ Decision</u>
1	H14/0108/93 G F Scrupps	DJR	Deferred as recommendation "B". Obtain 3 quotations before engaging independent adviser.
6	H13/0109/93 J T Biggadike	NRM	DPBCS Auth as recommended. Recommendation 1 on page 9 to be amended to read "development of the area of the rear two plots"
11	H13/0110/93 J T Biggadike	JB	DPBCS Auth to issue Listed Building consent once planning permission granted.
14	H08/0684/93 Mr & Mrs H Hare	DJR	Deferred for site visit.
17	H14/0712/93 D J Fisher	PJU	Deferred for site visit. Additional plan required showing all relevant decisions in the immediate area.
20	H09/0865/93 Hey & Croft Ltd	JB	DPBCS Auth as recommended.
26	H23/0883/93 Mr & Mrs H Seal	DMG	Refused as recommended. Ltr to agent with copy to applicant explaining that part of the problem was the drawings as submitted which may have done insufficient justice to the proposal.
27	H17/0931/93 Mr J Goodley	DJR	DPBCS Auth subject to 106 obligation as recommended.
30	H14/0948/93 Mr B Flynn	PJU	Grant as recommended.
33	H18/0977/93 Lands Improvement Group	JB	Deferred for site visit. Additional up to date plan required showing development/appeal decisions of other sites in area.
35	H18/0978/93 Sutton Bridge Golf Club	JB	DPBCS Auth subject to 106 obligation as recommended. Look at need for 106 obligation to see if it cannot be satisfactorily covered by condition instead.
37	H16/1010/93 Mr & Mrs Varley	DJR	Refused and enforcement action as recommended.
39	H04/1018/93 Peter Bates	DJR	Deferred for site visit.
43	H13/1030/93 Mr & Mrs Jones	DMG	Grant as recommended.
44	H02/1073/93 P Leo Esq	PJU	DPBCS Auth subject to 106 obligation as recommended.

45	H11/1074/93	DMG	Refused as recommended. Reference to be added to refusal dealing with legal requirement to protect or enhance conservation areas
46	H02/1104/93	DJR	Grant as recommended. Add note reminding applicant of light industrial condition.
48	H14/1105/94	PJU	Refused as recommended. DPBCS Auth to deal with subsequent application to use garage building for take away provided no additional material planning objections.
51	H16/1133/93	DJR	Refused as recommended. Also refute in the strongest possible terms any suggestion that we might be contemplating any discussion with regards to the demolition of Stepping Stone Bridge.
54	H11/1138/93	DJR	Grant as recommended.
56	H06/1141/93	DMG	DPBCS Auth subject to sect 106 obligation as recommended. Amend recommendation "A" as follows: Line 4: Delete: "from Churchgate up to and including" Insert: "across"
58	H23/1145/93	DMG	Deferred for site visit. Draft suitable refusal reasons required.
61	H16/1152/93	NRM	DPBCS Auth as recommended.
64	H09/1168/93	JB	Grant as recommended.

26th Jan 94

Signed: 
N Midlen
Principal Planning Officer

APPLIC. ION REFERENCE: H08/0684/93 DATE RECEIVED: 27-JUL-93

TYPE: S73A Continuation

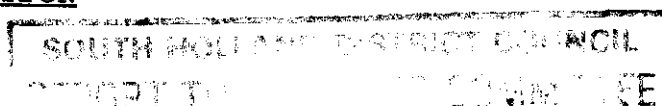
DESCRIPTION: Continuation of use for siting mobile home

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

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

REASON FOR COMMITTEE CONSIDERATION

Development in countryside.



RECOMMENDATION

25 JAN 1994

A *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 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.*

B *That the Committee sanction enforcement proceedings to secure removal of the unauthorised mobile home within a period of 12 months, in the interests of the visual amenities of the locality and to secure compliance with Structure Plan policies.*

C *That the Committee resolve to ensure compliance with the outstanding enforcement notice relating to the unauthorised access. But the applicants be given a further period to comply with the notice to coincide with the period of enforcement for the removal of the mobile home.*

COMMENTS

- 1 Small site (approximately 0.2Ha.) off Boston Road. Largely screened from highway by trees/hedges. Site contains a caravan and range of glasshouses. (Approximately 6,000 square feet).
- 2 Site has a 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 (references H08/0134/91 and H08/0782/92) for the access also refused, with the decision on H08/0134/91 being upheld on appeal.
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REPRESENTATIONS

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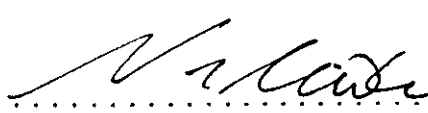
Dept. of Transport: Response awaited.

ADDENDUM

- 1 The above report was considered by the Planning Committee on 26 October 1993. The application was deferred to clarify the position concerning additional land to be purchased and the access arrangements for the site.
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 - Maintenance of heating and cooling equipment.
 - Not possible to conduct business from other than on-site. Their livelihood is at stake.
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 - 8 My recommendations remain as before subject to the addition of the Department of Transport reasons being added to recommendation 'A'.
-

	H03/0684/93	DJR	Deferred.
	Mr & Mrs Hare		Clarify areas of land involved and check with DoT on request for refusal with regards to reference to construction of vehicular access and possible direction. Try to return application to 7 Dec 93 cttee. The use of imperial and metric measurements within the report should not be mixed.
30	H20/0695/93	JB	DPBCS Auth subject to sect 106 agreement as recommended.
	A & DW Gent		
	John Allen Tpt		
32	H04/0697/93	PJU	Grant as recommended.
	B Smith & Co		
34	H04/0726/93	PJU	Refused as recommended.
	H04/0727/93		
	Mr & Mrs Woodcock		
35	H23/0748/93	DMG	Grant as recommended.
	Mr Harris		
38	H05/0782/93	DMG	Deferred for site visit.
	Mr & Mrs Clark		Plan required showing cross section of frontage (Local Plans to do) indicating infill sites plus definition of infilling to be checked and given to Roger Smith.
40	H13/0783/93	DMG	Deferred for site visit.
	A F Garner		Draft appropriate conditions/legal obligation in anticipation of committee being mindful to grant. Discuss Nigel Midlen.
42	H20/0787/93	DMG	DPBCS Auth to refuse as recommended.
	Mr Rager		
44	H16/0812/93	DMG	Deferred for site visit.
	Mr & Mrs Hobbs		Advise committee on possible coordinated scheme providing access across land, including plan if possible. Letter to agent offering them a chance to clarify matter.
45	H16/0817/93	PJU	DPBCS Auth as recommended.
	Mr & Mrs Lam		
47	H08/0835/93	PJU	Grant as recommended.
	Barclays Property		
48	H16/0845/93	PJU	Refused as recommended.
	H16/0846/93		
	Dixons Stores Gp		
50	H14/0849/93	DJR	Refused as recommended.
	W H Sneath		
52	H13/0873/93	JB	Deferred for site visit.
	Mr Abbots &		
	Miss Whitworth		

27th Oct 93

Signed: 
N Midlen
Principal Planning Officer

APPLICATION REFERENCE: H08/0684/93

DATE RECEIVED: 27-JUL-93

TYPE: S73A Continuation

DESCRIPTION: Continuation of use for siting mobile home

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

APPLICANT: Mr & Mrs H Hare

AGENT: Nationwide Estate
Agents

REASON FOR COMMITTEE CONSIDERATION

Development in countryside.

RECOMMENDATION

A 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 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.

B That the Committee sanction enforcement proceedings to secure removal of the unauthorised mobile home within a period of 12 months, in the interests of the visual amenities of the locality and to secure compliance with Structure Plan policies.

C That the Committee resolve to ensure compliance with the outstanding enforcement notice relating to the unauthorised access. But the applicants be given a further period to comply with the notice to co-incide with the period of enforcement for the removal of the mobile home.

PLANNING COMMITTEE - 26th October, 1993

703. PLANNING APPLICATIONS (Continued)

(c) Applications Deferred (Continued)

(To enable the Director of Planning and Building Control Services to advise the applicant that (1) a revised application based on the draft alternative layout is supported in principle; and (2) that in the event of the proposed new access for the A151 being omitted, a new application would be required, and any new application submitted be referred direct to the Plans Sub-Committee for consideration and determination.)

H11/0535/93
Mr & Mrs J W Watkin

Change of use from domestic to mixed domestic and kennelling of show dogs at 42 Daniels Gate, Long Sutton.

(To enable the Officers to consider a letter from the applicants.)

H11/0605/93
Messrs R K Wilson & Son
Ltd

Two bungalows at plots 10 and 11 Delph Fields, Long Sutton.

(To enable the application to be referred to the Plans Sub-Committee for more detailed consideration.)

H13/0628/93
Ashwood Homes

Three dwellings at Woodgate Road, Moulton Chapel.

(Pending a site inspection to assess the suitability of the site for the proposal.)

(It was reported that 2 late letters with observations had been received in relation to the above application.)

B2 H08/0684/93
Mr & Mrs H Hare

Continuation of use for siting mobile home at existing nursery adjacent to Woodlands Cottage, Boston Road, Gosberton.

(To enable the Director of Planning and Building Control Services to clarify the position concerning additional land to be purchased and the access arrangements for the site.)

H05/0782/93
Mr & Mrs J C Clark

O.A. Dwelling and garage at Lowgate, Fleet.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H18/0783/93
A F Garner

Siting of mobile home at 187 Bridge Road, Sutton Bridge.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H16/0812/93
Mr & Mrs Hobbs

Lounge and bedroom extension, detached garage and change of use of amenity land to drive at 39 Edinburgh Drive, Spalding.

(Pending a site inspection to assess the suitability of the site for the proposal.)

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



H08/0684/93

S73A CONTINUATION

Applicant: Mr & Mrs H Hare
Tel: 0775 840329

Agent: Nationwide Estate Agents
0205 365601

Description: Continuation of use for
siting mobile home

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

Valid date:	27-JUL-93	Terminal date:	21-SEP-93
Target dates:		Target Committee:	14-SEP-93
To case officer	03-AUG-93	Report deadline:	31-AUG-93
Inspected by	10-AUG-93	Agreed TD Ext:	
Extra contacts	17-AUG-93	Case Officer:	
Report if not clear by	31-AUG-93		D J ROBERTS

DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

Other Constraints: TR TPO

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Site/Press Advert MIN	06-AUG-93	27-AUG-93
Clerk to Gosberton P 0775 840415	03-AUG-93	17-AUG-93
Department of Transp 0602 476121	21-SEP-93	05-OCT-93
Cllr W D Skells 0775 840415	03-AUG-93	10-AUG-93

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



H08/0684/93

S73A CONTINUATION

Applicant: Mr & Mrs H Hare
Tel: 0775 840329

Agent: Nationwide Estate Agents
0205 365601

Description: Continuation of use for
siting mobile home

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

Valid date: 27-JUL-93

Terminal date: 21-SEP-93

Target dates:

Target Committee: 14-SEP-93

To case officer 03-AUG-93

Report deadline: 31-AUG-93

Inspected by 10-AUG-93

Extra contacts 17-AUG-93

Case Officer:

Report if not clear by 31-AUG-93

D J ROBERTS

DEVELOPMENT/CONSTRAINTS

Size:

Category: Misc works

Listed building:

Other Constraints: TR TPO

Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Site/Press Advert MIN	06-AUG-93	27-AUG-93
Clerk to Gosberton P 0775 840415	03-AUG-93	17-AUG-93
Cllr W D Skells 0775 840415	03-AUG-93	10-AUG-93

LCC - No Comments Trunk Road Feb 5/8/93

FILE NOTE

H08/0684/93
DJR/JJ

21 Feb 1994

Conditions

1. The mobile home hereby permitted shall be occupied by Mr and Mrs H Hare (the applicants) only; and in the event of the applicants ceasing to occupy the mobile home it shall be removed from the site; and the site thereafter shall cease to be used for the purposes of siting a mobile home.

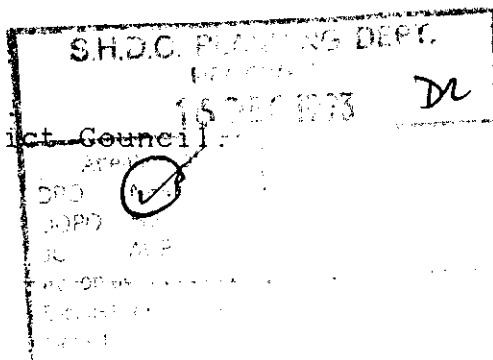
Reason: Permission has been granted only in view of the personal circumstances of the applicants, and this condition is imposed accordingly.

Kenneth J Herring. ASVA. FRAY.

Land Management Consultant.

29 The Avenue, March, Cambs PE15 9PS.
phone: 0354 54111.

Planning Department.
South Holland District Council.
Council Offices,
Priory Road,
Spalding PE11 2XE.



your ref. DJR/JJ
H08/0684/93.
my ref. AA/SHDC/5/93.
date. 14/12/93.

Dear Sir,

Continuation of use for siting Mobile Home
Boston Road, Gosberton. Mr, Mrs H Hare.
Planning application ref no: H08/0684/93.

I have studied the documents relating to the above planning application.
My comments relating to doc no 1. ref H08/0437/93.

The Agricultural Consultant summary:- "Scale of business appears to be too small to provide more than a part-time income for one individual."

The Applicants financial details of turnover for 1992 of £5,500 and anticipated turnover for 1993 of £6,000. qualifies the Consultants assessment.

I refer to doc no 3, letter from Nationwide. page 2 para 3:-The turnover figures of a business do not show the financial viability. This can only be determined from a Profit and Loss Trading Account. business to be financial viable .

In my opinion a Horticultural unit of this type would not be financially viable given the economical state of the Horticultural industry at the present time.

Yours faithfully,

Kenneth J Herring,
29 The Avenue,
March,
Cambs,
PE15 5PS.

Mr D Roberts

DJR/LJ H08/0684/93
Order No.

09 Dec 1993

Dear Mr Herring,

CONSULTATION ON PLANNING APPLICATION
CONTINUATION OF USE FOR SITING MOBILE HOME; BOSTON ROAD, GOSBERTON.

My Department is in the process of determining the above application, to retain a mobile home on a very small nursery site. The mobile home was sited without permission in 1988; refused but subsequently allowed an appeal for a three year period to enable an assessment to be made of agricultural viability.

More recently the applicant applied for permission for a permanent dwelling under ref: H08/0437/93. This was refused permission on policy and highway safety grounds. (See enclosure No 1).

The current application was reported to the Councils Planning Committee meeting on 26th October 1993 with a recommendation of refusal (see enclosure no 2). A decision was deferred however pending clarification of certain points relating to site area. A recent letter from the Nationwide Building Society (enclosure no 3) answers the points but raises fresh issues relating to the initial assessment of H08/0437/93. (Para. 3 page 2 as highlighted). This relates to figures for turnover for 1993, and corrects an earlier error to increase gross turnover from £6,000 to £11,000.

What I now require to know is whether or not this correction has any material bearing on the Councils previous assessment that the holding was not financially viable, and whether or not, in your opinion, the figure of £11,000 turnover justifies the retention of the mobile home on site and whether the holding is sufficiently viable to generate enough income to justify retention of the mobile home.

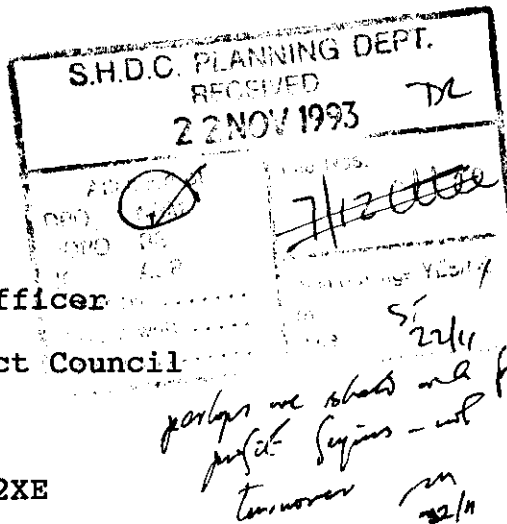
The enclosed documents should give sufficient background to the case to enable you to advise on this issue, but if you wish to discuss matters in more detail, or require any further information, please telephone Mr Roberts who will be pleased to assist.

I enclose also a site location plan, and look forward to receiving your advice.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

Enc.



Nationwide Estate Agents

Mr N Midlen
Principal Planning Officer
Development Control
South Holland District Council
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: DJR/JJ/H08/0684/93

19 November 1993

Dear Sir

RE: Mr & Mrs H Hare - Boston Road, Gosberton
Continuation of Siting of Mobile Home

Thank you for your letter dated 16 November 1993 in connection with the above.

I would like to add the following comments and would ask that this is put forward to the Committee for consideration at your meeting on the 7 December.

I note that 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. I also note that 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 affect on these issues it would encourage further similar proposals.

This is a matter of opinion but is accepted.

Referring to the Planning Inspectorates report dated 10 January 1990 (Council reference E8/1829/88, H08/1792/88), it was stated that "I do not find the glasshouses objectionable in this rural area where there are numerous other glasshouses".

Continued

The Inspectorate also accepted the views of ADAS and also accepted that on site residential accommodation would be necessary while Mr & Mrs Hare see whether or not their enterprise can be made viable.

Perhaps therefore the above do contradict each other slightly.

In May 1993 your Agricultural Questionnaire was completed by myself and turnover figures for 1989 to 1993 were incorporated therein. Unfortunately however the figures provided were incorrect being "net", and the anticipated turnover for 1993 is expected to be in the region of £11,000, being an increase in previous years. X

It is interesting to note that the Planning Inspectorate concluded that Mr & Mrs Hare "have obvious expertise and enthusiasm for their business and consequently I am not able to conclude that the holding is unlikely to achieve viability within a reasonable period".

I can only reinforce the Planning Inspectorates views that it is absolutely essential for Mr & Mrs Hare to live on-site and also I would respectfully suggest that their operation is now viable.

Reasons for Mr & Mrs Hare to live on-site include the following:-

1. Unsociable hours are part and parcel of their business.
2. The plants require constant round the clock attention during the growing, planting and picking seasons.
3. Security of the unit is essential.
4. The heating and cooling plant often requires adjustment at short notice.
5. It is impossible for Mr & Mrs Hare to conduct their business viably from anywhere else other than being on-site - their livelihood is at stake.

Continued

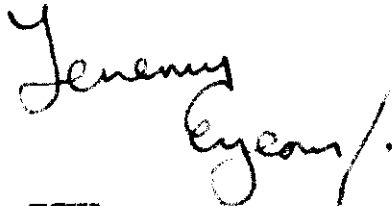
As regards the possible acquisition of the additional land immediately to the south west of Mr & Mrs Hare's plot I can confirm that this is not being purchased and does not form part of Mr & Mrs Hare's holding either now or in the future. As mentioned in my letter dated 9 November 1993 the owner of that land is unwilling to allow Mr Hare to use the existing vehicular access on that land. However whilst it is appreciated that the area of land which comprises Mr & Mrs Hare's holding "is not enormous", being approximately 0.22 hectares, Mr & Mrs Hare are making a "good living" from the unit and the acquisition of further land and expansion of their existing business would result in increased overheads, such as employment of staff etc, and this is something which would be economically unviable. The holding is viable at the present time due to its existing size and the fact that the holding is being fully exploited by Mr & Mrs Hare.

Access to the holding is therefore as existing; a "controversial" road sign which gives notice of a parking area has now been moved thereby increasing the visibility factor. Apart from Mr & Mrs Hare using this access the amount of visitors can honestly be categorized as being "minimal".

In conclusion I consider that whilst the holding is small Mr & Mrs Hare have more than demonstrated the fact that their holding is viable, it is essential for them to live on-site, and there is a proven and over-riding agricultural justification for the granting of permission.

Mr & Mrs Hare are more than willing to allow the Committee to inspect their holding in order that they can fully explain in detail their business activities.

Yours faithfully

A handwritten signature in cursive script, reading 'Jeremy Eyeons'.

Jeremy Eyeons FSVA

Nationwide,
1 Pump Square,
Boston,
Lincoln,
PE21 6QN.

Mr D Roberts

DIR/JJ H08/0684/JJ

JE/ACP

16 Nov 1993

Dear Sir,

MR AND MRS HARE

BOSTON ROAD, GOSBERTON: CONTINUATION OF SITING OF MOBILE HOME.

Thank you for your letter of 9th November 1993. Mr Woods mentioned that he had spoken to Mr Hare, and was given to understand that the owner of the adjacent land was unwilling to transfer rights of way over the existing access. It was in order to clarify this position that my letter of 29th September was sent. In view of the contents of your earlier letter of 14th September, written clarification was required as Mr Woods verbal advice directly contradicted the final paragraph of that letter, and I was not prepared to leave that contradiction unresolved.

I now note however that neither the additional land nor the associated access will be available to the applicant. Mr Woods may have stated that the existing access was better. Regrettably however, the final decision will rest with the Planning Committee, following advice from the Highway Authority and in this respect the Department of Transport have suggested that the application be refused.

The application was considered by the Planning Committee on 26th October and deferred for clarification of the position concerning additional land to be purchased, and the access arrangements for the site. Your latest letter clarifies this and I would anticipate the application being reported to the meeting of the Committee on 2th December.

I enclose for your information a copy of the agenda report as presented to the 26th October Committee meeting.

This will form the basis of any subsequent report, and as you will see the recommendation was that permission be refused.



Nationwide Estate Agents

South Holland District Council
Planning Department
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 N Midlen, Principal Planning Officer
Development Control

Our Ref: JE/ALP
Your Ref: DJR/JJ H08/0684/93

9 November 1993

Dear Sir

RE: Mr & Mrs H Hare
The Nursery, Boston Road, Gosberton
Continuation of Use for Siting Mobile Home

I refer to your letter dated 28 September 1993 in connection with the above matter.

I understand from Mr Hare that Keith Woods was advised several weeks ago now that the "additional land", immediately to the south west of Mr Hares' plot, is not now being utilised.

This is because, I believe, the owner of this land is unwilling to allow Mr Hare to use the existing vehicular access on that land.

In any case I understand that Mr Woods agreed that the existing vehicular access to Mr Hares' site was better than that of the additional land.

Mr Hare advises me that he is dismayed and disappointed that the press release in the Lincolnshire Free Press, dated 9 November 1993, was made public before he had received a letter from yourself regarding the application.

We do have on file a receipt dated July 1993 acknowledging receipt of the £120.00 application fee, which I understand has been banked but a licence has yet to be granted.

Continued

Your observations are awaited with interest, and I would respectively suggest that you contact Mr & Mrs Hare direct and arrange a mutually convenient time for you to attend a site meeting with them in order that you can acquaint yourself fully with the facts of this complicated application before deciding upon anything further. Mr Hare awaits your call with interest and anticipation.

Yours faithfully

*Jeremy
Eyeons/.*

Jeremy Eyeons FSVA



THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY

TELEPHONE 0602 350602 Ext. 469
FAX 0602 799743
GTN 6202

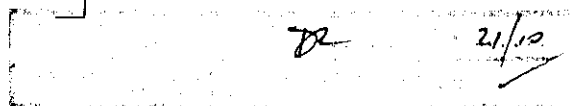
The District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs PE11 2EX

For the attention of D. Roberts Esq

Your Ref: H08/0684/93

Our Ref: EMRT F 253324 Pt. 2

Date: 18th October 1993



Dear Sir

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

PLANNING APPLICATION FOR THE CONTINUATION OF USE FOR SITING A MOBILE HOME AT
LAND ADJACENT TO WOODLANDS COTTAGE, BOSTON ROAD, GOSBERTON
A16 NORMAN CROSS - GRIMSBY TRUNK ROAD

I refer to the *Detailed* application dated *21st September 1993*
in respect of the above mentioned development. In accordance with Article 14 of the
GDO the Department is only issuing directions in respect of new or improved access
direct to the trunk road. However, I would be grateful if you would accept the
following advice under Article 18 procedure.

The development proposed would be likely to conflict with trunk road traffic
interests and therefore I suggest that you consider refusing the application for the
reasons stated:-

- 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 recrossing
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.

S.H.D.C. PLANNING DEPT.	
RECEIVED	
20 OCT 1993	
APPROVED BY <i>[Signature]</i>	FILE NOS. <i>26/10</i>
APPROVED BY <i>[Signature]</i>	FILE NOS. <i>[Signature]</i>

I look forward to a copy of the decision notice on determination of the planning application.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J J BACH', with a long horizontal flourish extending to the right.

J J BACH
for Director of Network Management and Construction

cc The Director of Highways and Planning, Lincs County Council

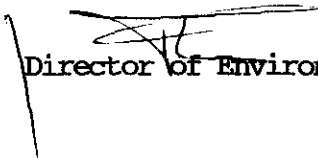
SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: 30.9.93
OUR REF: RCW/SS/C
TO: DIRECTOR OF PLANNING AND YOUR REF:
BUILDING CONTROL SERVICES

Mobile Home adjacent to Woodlands Cottage,
Boston Road, Gosberton
Mr. H. Hare. Ref. 0684/93

Would you please advise current position in relation to planning permission to station and occupy the above caravan and what action, if any, your Department is taking.


Director of Environmental Services

S.H.D.C. PLANNING DEPT.	
RECEIVED	
- 4 OCT 1993	
APPROVED BY	DATE
DPO ☒ NEW	
CUPO ☐ BS	
JC ☐ ACIP	
Approved by	By (Signature) (Date)
Discussed with	by
Copied to	Date

What is situation?
m
4/10

Nationwide Estate Agents,
1 Pump Square,
Gosport,
Hants,
GU71 6QX.

Mr D Roberts

0197/01 808/0684/93

TE/SLL

28 Sep 1993

Dear Sir,

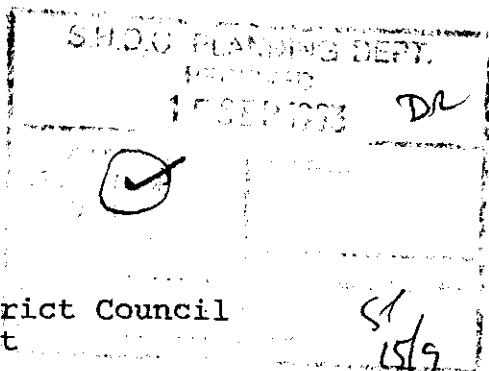
MR AND MRS HARE
THE NURSERY, BOSTON ROAD, GOSBERTON,
CONTINUATION OF USE FOR SITING MOBILE HOME.

Thank you for your letter dated 14th September 1993 regarding the above application. I understand that there may have been a change of circumstances since your letter was drafted - in this respect I am given to believe that the additional access referred to may not be available for use by the applicants.

I would be grateful for your clarification on this matter as soon as possible.

Yours faithfully

N Middleton
Principal Planning Officer
Development Control



Nationwide Estate Agents

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

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

Attention: Mr D J Roberts
Our Ref: JE/SLT
Your Ref: HO8/0684/93

14 September 1993

Dear Sir

RE: Mr & Mrs H Hare

The Nursery, Boston Road, Gosberton, Spalding, Lincolnshire
Continuation of Use for Siting Mobile Home.

As I believe you are aware Mr & Mrs Hare have agreed to purchase an additional area of land adjacent to the southern boundary of their existing unit.

The total area of land therefore the subject of this application is now shaded pink on the enclosed plan giving a new site area of approximately 0.6 of an acre.

The area of land shaded pink now includes an existing vehicular access and therefore Mr & Mrs Hare can automatically cease using the "other" vehicular access as required by yourself.

Please contact me if you require any further information.

Yours faithfully

Jeremy Eyeons FSVA

Enc

Handwritten note:
this may not be the
best time to use the
application had to follow

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



S.H.D.C. PLANNING DEPT.	
RECEIVED	
18 AUG 1993	
Attention of	File No.
DDO NHM	
CCPD BS	
IC ACP	
Allocated by	Allocated Yes/No
Drawings with	By
Copy to	Agent: Nationwide Estate Agents

Application no: H08/0684/93

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

Agent: Nationwide Estate Agents
1 Pump Square
Boston
Lincs

Description: Continuation of use for siting mobile home

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

Type: S73A CONTINUATION

Date received: 27-JUL-93

03-AUG-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 17-AUG-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 site is outside the I.B.D. and has no approved access road.

Signed:

D. M. Skells

BRIAN SMITH Dip TP MRTPI
Dir of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772



Application no: H08/0684/93

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

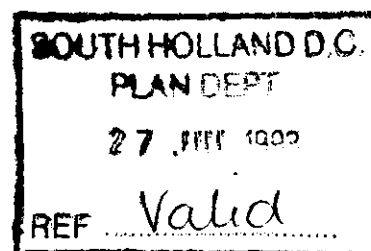
Agent: Nationwide Estate Agents
1 Pump Square
Boston
Lincs

Description: Continuation of use for
siting mobile home

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

Type: S73A CONTINUATION

Date received: 21-JUL-93



22-JUL-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 of £120.00..

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

K Lowe
Principal Administrative Officer

BRIAN SMITH Dip TP MRTPI
Dir. of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772



VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3031
Date received : 27-JUL-93

Received from

Mr H Hare & Mrs A Hare

Address

The Nursery
Boston Road
Gosberton
Spalding Lincs

Fee paid £ 120.00
VAT £ 0.00

Total received £ 120.00

Cash/Cheque : Cheque

Signed.....*S. A. Dicks*.....
(Authorised Collector)

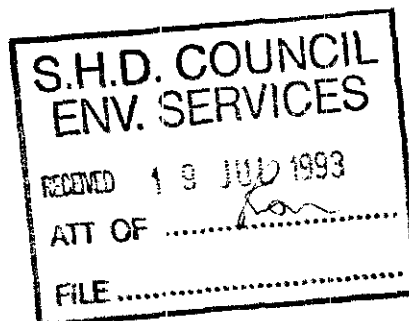


Nationwide Estate Agents

South Holland District Council
Environmental Services
Council Offices
Priory Road
SPALDING
Lincolnshire
PE11 2XE

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

21 JUL 1993
0684/93



Our Ref: JE/SLT

15 July 1993

Dear Sir

RE: The Caravan Sites and Control of Development Act 1960
Licence No 47, Mobile Home adjacent to Woodlands Cottage,
Boston Road, Gosberton.

Please find enclosed herewith application for site licence and renewal of planning consent in connection with the above matter.

Please advise as to the fee which you require in order that this can be forwarded to you.

Yours faithfully

Jeremy Eyeons

Jeremy Eyeons FSVA

Enc

S.H.D.C. PLANNING DEPT.	
RECEIVED	
21 JUL 1993	
Attention of	File Nos.
DPO NPM	
DOPO BS	
IC ACP	
Author by	Authoritative YES/NO
Checked with	By
Checked	Date

PLANS SUB-COMMITTEE - 4th July, 1994

431. PLANNING APPLICATIONS (Continued)

(c) Other Planning Applications Referred to the Sub-Committee for Determination (Continued)

RESOLVED: Subject to (i) a new planning application incorporating amendments as detailed in the Director of Planning and Building Control Services' report and (ii) the applicant first entering into a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to ensure the cessation of the established use of road haulage at the premises from which the applicant currently operates his haulage business in Fleet Hargate, the Director of Planning and Building Control Services be authorised to grant planning permission for the above development, contrary to structure plan policy.

H08/0684/93

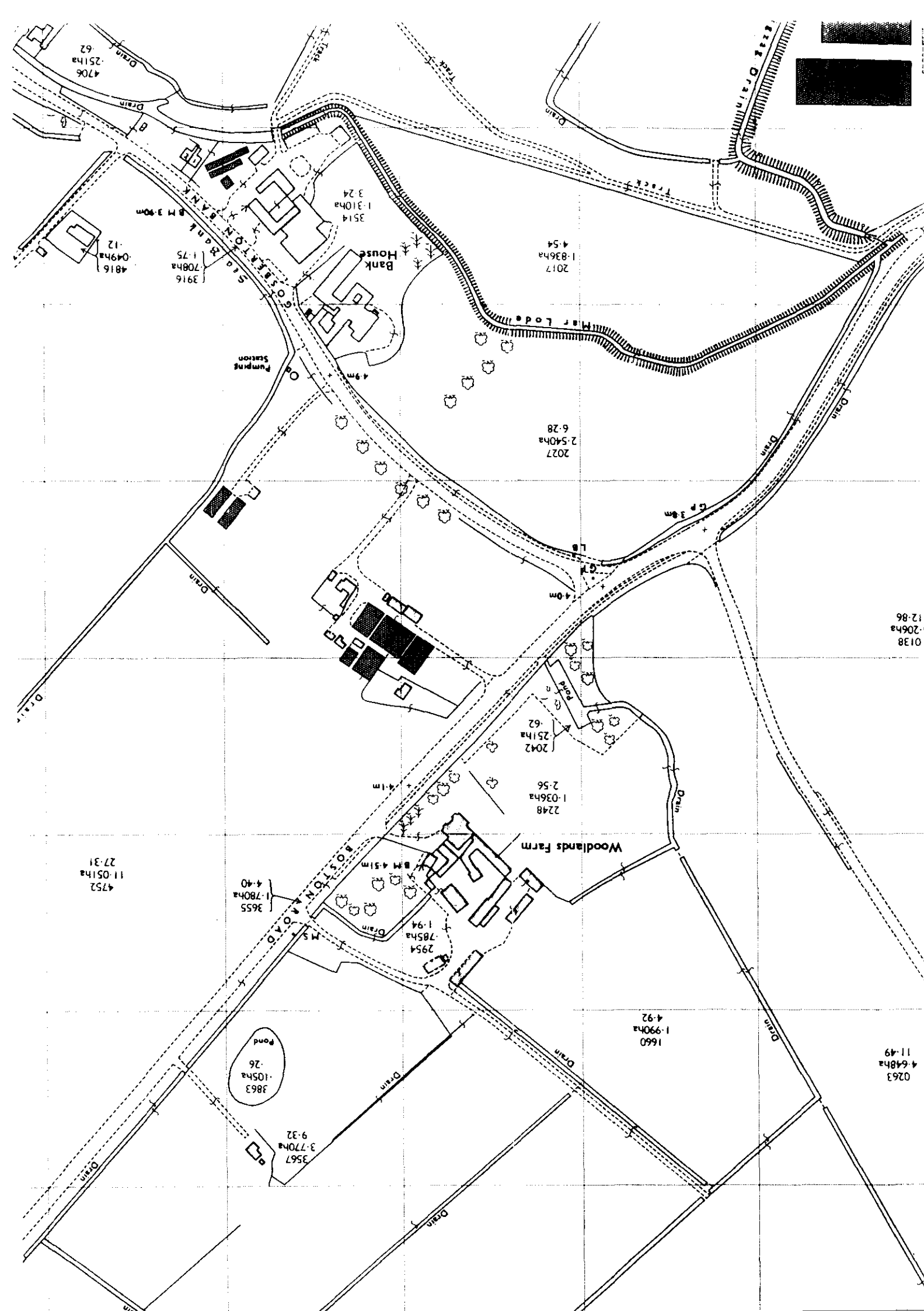
Mr and Mrs H Hare

Continuation of use for siting a mobile home adjacent to Woodlands Cottage, Boston Road, Gosberton.

RESOLVED: That planning permission be granted in accordance with the option detailed at paragraph 3B of Addendum III to the report of the Director of Planning and Building Control Services.

(O.A. denotes outline application).

(End of Minutes)



MR. AND MRS. T. T. KE



SITE LOCATION 1:2500



0084 193