SOUTH HOLLAND DISTRICT COUNCIL

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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H09-0054-15 **Received:** 26th January 2015 **Type:** S73A CONTINUATION

Name: Mr A Ramsbottom and Ms J Reid
Fourways
126 Dog Drove South
Holbeach Drove
Spalding
Lincolnshire
PE12 0SD

Agent: Mr A Ramsbottom and Ms J B Reid
Fourways
Dog Drove South
Holbeach Drove
Spalding
Lincolnshire
PE12 0SD

Description: Retention of dwelling without complying with agricultural habitation clause (Condition 2 of EE26-73).

Location : FOURWAYS 126 DOG DROVE SOUTH
HOLBEACH DROVE SPALDING

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

1 Policy HS7 of the South Holland Local Plan, 2006 only allows new housing in the countryside where there is an essential need, especially in conjunction with agriculture. This policy is in accordance with advice within Paragraph 55 of the National Planning Policy Framework. As a consequence, the Local Planning Authority normally only allows the removal of an agricultural clause if it can be satisfactorily demonstrated that there is no longer a demand for the dwelling by the agricultural workforce in the local area. The procedure that needs to be followed to demonstrate this is outlined in the Authority's Policy Guidance Note "Agricultural Workers' Dwellings and Occupancy Conditions" dated September, 2006. This involves advertising the property for sale in appropriate publications at a price which reflects the existence of an agricultural clause for a minimum period of 12 months.

In the opinion of the Local Planning Authority the dwelling has not been advertised for sale at a price which fully reflects the existence of the agricultural occupancy clause. As such, the Authority is not satisfied that the market from potential purchasers who could have complied with the condition has been adequately tested. Consequently, the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would therefore be contrary and damaging to the aims of Policy HS7 of the South Holland Local Plan, 2006 which only allows residential development where, inter alia, it is required to meet the needs of agricultural workers. This policy is in accordance with advice within Section 6 of the

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National Planning Policy Framework, 2012.

The Local Planning Authority has acted positively and proactively in determining this application. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx.

Note(s):

The determined plans are:
1:2500 location plan;
Letter from Rural Scene dated 19 January 2015 and associated sales particulars.

Paul Jackson
Planning Manager

24th March 2015 **H09-0054-15**

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.