JCJ PLANNING
J.C. Jaques
BA(Hons) Dip TP MRTPI
Tel:01553 844001
Mob:07813787261
jcjplanning@gmail.com
RTPI Chartered Town Planners

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

15th March 2023

My ref: 24/380

Dear Sirs,

Application under Section 191 of the Town and Country Planning Act: Certificate of Lawfulness of Existing Use

York Place, Damgate Road, Holbeach, Lincolnshire PE12 8QL: Occupation of bungalow in breach of Condition 4 (agricultural occupancy) of planning permission H9/1023/81 dated 22nd December 1981

Please find enclosed an application relating to the above.

The application is made under Section 191(1)(c) of the above Act and relates to Condition 4 of planning permission H9/1023/81, granted outline planning permission on 22 December 1981.

This application provides evidence to show that a continuous breach of the relevant condition has occurred for a period exceeding 10 years.

The following information accompanies the application:-

- Application form;
- Location and block plans of the property;
- Copy of original planning permission H9/1023/81 (copies of the associated plans for this permission are not held by the Council);
- Statutory declaration of Mr Graeme Atkin;
- Statutory declaration of Mrs Joanne Sutton;
- Copies of P60s for the previous 6 years prepared by TC Bulley Davey Accountants for Mr Atkin and Mrs Sutton;
- Letter dated 22 February 2024 from Chris McKenna, Director for TC Group confirming that they have been the appointed accountants for Atkins Landscaping and Tree Services since 2013;
- Companies House information relating to G.Atkin Limited, providing date incorporated and nature of business;
- P45 and annual tax summary at 2015 for Jo Sutton confirming cessation of employment at Lincs County Council;
- P60 for Jo Sutton showing home address as York Place, Holbeach

By way of background, Atkin's Landscaping and Tree Services has been a registered company, G.Atkin Limited, since 2003. It is understood that Mr Graeme Atkin has resided at the host address, York Place (the application site) since the late 1990's.

Since 2013, Joanne Sutton has also resided at the same property as part of the family

Meadow House, The Green, North Runcton, King's Lynn, Norfolk PE33 ORB

household. At that time, Jo was working as a teaching assistant at The Priory School in Spalding, that employment ceasing in January 2015. In May 2015, Jo was then employed as Secretary to the G Atkins Landscaping and Tree Services business.

During the course of the previous 10 years, neither the Applicant nor Jo Sutton has been employed in any other business other than that detailed in this application. Land associated with the property has not been used for any active agricultural purposes during the previous 10 years and the land is fallow albeit in the same ownership as the application site.

Two statutory declarations accompany the application, one from the Applicant, Mr. Atkin, and one from fellow resident of the dwelling, Jo Sutton, confirming employment details and permanent place of residence.

The information provided to accompany this application confirms that:-

- the dwelling (York Place) has been continuously occupied in breach of the agricultural occupancy condition (Condition 4 of planning permission H9/1023/81) for a period exceeding 10 years in that both residents' employment and sole source of income has been unrelated to agriculture.

On the basis of the information supplied, it is considered that it is hereby demonstrated on the balance of probabilities, that the property known as York Place has been occupied continuously in breach of the agricultural occupancy condition for the prescribed time period and accordingly is lawful.

IMPORTANT

Please note that some of the supplied information contains confidential personal and financial information and should <u>NOT</u> be made available for public inspection.

Please also note that there is an error in the letter dated 22 February from TC Bulley Davey: P60s for both parties are included for the previous **6 years** only: Older documentation is prevented from disclosure/publication under the General Data Protection Regulations.

If there are any queries relating to this this application, please do not hesitate to contact me.

Yours sincerely,

[redacted]