

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0851-25 **Applicant:** Mr P Storey
Proposal: Removal of agricultural occupancy condition (condition 2) of EE91/72
Location: Willowdown 38 Jekils Bank Holbeach St Johns
Terminal Date: 31st October 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to remove condition 2 of permission EE91/72. Permission EE91/72. granted consent for a bungalow and a garage on 09 March 1972. Condition 2 restricts the occupation of the dwelling to an agricultural worker, or their widow, widower or dependents.

Initially, the application sought to remove condition 5 of permission EE424/71. Permission EE424/71 granted consent for a dwelling and a garage on 08 December 1971. Condition 5 also restricts the occupation of the dwelling to an agricultural worker, or their widow, widower or dependents. This permission was not implemented, and the applicant cited the incorrect condition and application reference number. Once the error was noticed, the applicant asked to update the description to refer to the correct condition and reference number. Seeming as the application still sought to remove an agricultural occupancy condition, it was considered reasonable to change the description as requested.

Site Description

The application site comprises a single storey bungalow and its associated curtilage on land at 38 Jekil's Bank, Holbeach St Johns.

The site is within the settlement limits of Holbeach St Johns, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map.

Planning History

EE424/71: (Full Planning Application) House and garage at Jekil's Bank, Holbeach St Johns - approved 08 December 1971

EE91/72: (Full Application) Bungalow and garage, with provision of vehicular access at Jekil's Bank, Holbeach St Johns - approved 09 March 1972

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Whaplode Parish Council: No response received.

Holbeach Parish Council: No response received.

Cllr A C Beal: No response received.

Cllr P A Redgate: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside

adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

Principle of Development

No operational development is proposed, and the application only seeks consent to remove condition 2 of permission EE91/72. Therefore, the main consideration in this case is whether there is sufficient justification to remove condition 2. The wording of condition 2 is as follows:

"The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 221(1) of the Town & Country Planning Act, 1962, or forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).

Reason: This building is sited in an area in which buildings, other than those connected with an agricultural need, would not be permitted."

Within the Local Plan, there are no specific policies which clarify how proposals to remove agricultural worker conditions should be assessed. There are also no policies which specifically relate to agricultural worker dwellings.

When application EE91/72 was determined, the site was considered to have a rural character as there was sparse development on the northern side of Jekil's Bank. For example, there were no dwellings located on either side of the site. Since permission EE91/72 was approved, Holbeach St Johns has expanded and there are now various dwellings located on the northern side of Jekil's Bank. Therefore, the settlement pattern has altered over time. The settlement boundary for Holbeach St Johns has subsequently been drawn under the current Local Plan and the application site is now within the settlement boundary.

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Holbeach St Johns which falls within the category of 'Other Service Centres and Settlements'. Policy 1 sets out that within this type of settlement, development will normally be limited to Committed sites and infill. Therefore, the principle of residential development within the site is acceptable under Policy 1. The original reason for the condition is no longer considered to apply, and it is considered reasonable to remove the condition.

Impact on Other Conditions

There were 4 conditions within permission EE91/72. It is considered appropriate to remove and update the conditions as follows:

- Condition 1 required the development to be commenced by 13 January 1977. This date has passed, and the development has been completed. As such, this condition can be removed.
- As set out above, condition 2 can be removed.
- Condition 3 required the application to construct a crossing over the highway margin from the development to the carriageway of Jekil's Bank. The crossing has been constructed and as such, this condition can be removed.
- Condition 4 required the development to not fill in, culvert or obstruct any dyke or watercourse unless consent is first obtained. It is considered appropriate to retain this condition as Policy 4 of the Local Plan sets out the importance of ensuring that proposals allow for watercourses to be maintained and managed.

It is considered appropriate to include a condition referring the submitted location plan to clarify the site's location.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

It is considered that the removal of condition 2 from permission EE91/72 is acceptable in this case. The original reason for condition 2 cited the countryside location of the site as there was lack of development within Holbeach St Johns. The original reason for the condition is no longer considered to apply as Holbeach St Johns has expanded since 1972 and there are various dwellings now located on the northern side of Jekil's Bank. As such, it is considered appropriate to remove the condition.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

It is considered that sufficient evidence has been provided to justify the removal of condition 2 from

permission EE91/72.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.