SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H11/1111/92 Received:19-OCT-92 Type:FULL

Name: Mr G H White
White Hill Farm
Vicarage Lane
Long Sutton
Spalding Lincs

Agent: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincs

Description: Change of use of part of existing farm building to farm/garden/retail sales area incl.demolition of agric.store
Location : White Hill Farm Vicarage Lane
Long Sutton Spalding

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

1 The site is outside the confines of a settlement in an area of open countryside where it is the policy of the Local Planning Authority to permit new retail development only in exceptional cases. In the opinion of the Local Planning Authority the circumstances of the case are not sufficient to justify permission, which would be contrary to Structure Plan Policies 13 and 97 and also Long Sutton and Sutton Bridge Local Plan Policy S4. These policies are in accordance with National Planning Policies as set out in the Department of the Environment's Planning Policy Guidance Notes and they are aimed at inter alia, the continued consolidation of retailing in the town centres and villages, plus the preservation of the character of the countryside. In the opinion of the Local Planning Authority, the granting of permission for the development as proposed would be harmful to the purposes of these policies, because as well as its individual effect on these issues it would form a precedent for further similar proposals which would then be difficult to resist.

Director of Planning and Building Control Services
11-DEC-92 H11/1111/92

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

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H11/1111/92

Date Registered 19 OCT 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

MR. G. H. WHITE
WHITE HILL FARM,
VICARAGE LANE
LONG SUTTON
SPALDING
LINCS.

Tel. No.

NAME AND ADDRESS OF AGENT

(if form completed by agent)
FLEETLAND DESIGN
MYRTLE HOUSE
FLEET HARGATE
SPALDING
LINCS.
Tel. No. (0406) 26118
(Personal contact name) J. CRUNKHORN

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

"WHITE HILL FARM", VICARAGE LANE,
LONG SUTTON, SPALDING LINCS.

OFFICE COPY

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT PROPOSED CHANGE OF USE OF PART OF EXISTING GENERAL PURPOSE FARM BUILDING TO FARM/GARDEN SHOP AND ADJOINING LAND TO FARM/GARDEN RETAIL SALES AREA — WORKS TO INCLUDE DEMOLITION OF ADJACENT AGRICULTURAL STORE BUILDING FOR LANDSCAPED DISPLAY AREA

Please complete

Signed ..... Date 21.10.92

I attach
* Four copies of all plans
* an ownership certificate (see back page)
* a fee of £110.00 If you consider no fee is payable include a written explanation instead.

Previous application No.

Please tick **one** box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

(✓)

This is a **full** application for change of use and/or new building works [✓] ➡ Now complete Parts 3, 4 and 5 and an Ownership Certificates

or This is an **outline** application [ ]

Please state Site Area [ ] (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting [ ] Design [ ] External Appearance [ ]

Means of Access [ ] Landscaping [ ]

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. [ ]

A. Please state Reference Number of outline permission. B. Please state which reserved matters are dealt with in this application. **Now complete Part 4 only**	

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. [ ]

A. Please state reference Number of previous permission B. Please state Condition Number referred to **Now complete an Ownership Certificate**	

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented. [ ]

A. Please state Reference Number of pervious permission B. Please state Condition Number referred to C. Please state variation required **Now complete an Ownership Certificate.**	

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New Dwellings		If so, how many:
(ii) Other new building(s)		
(iii) Alterations or extension		
(iv) Change of use	✓	

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

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

EXISTING AGRICULTURAL BUILDING

sq. metres
metres
metres
metres

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

D. Please state type and colour of roofing materials.

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

5. **GENERAL INFORMATION** Please complete each section

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

AGRICULTURAL BUILDING / LAND

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) Please tick **one** box

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road: ✓

or

B. There will be a new or altered access to a public road: ➡
If so, name of road:
Will there be—
Individual access(es)
New estate road

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

EXISTING PARKING / TURNING AREA

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

AS EXISTING.

D. Foul sewerage will be disposed of to: AS EXISTS

Mains sewer ☐ Cesspool ☐ Septic tank ☐

PLEASE COMPLETE IN ALL CASES

	State Yes or No	
The proposal is in connection with agriculture	YES	➡ If so, **please give details in Part 6**
The proposal affects a listed building	NO	
The proposal affects a public right of way	NO	
The proposal is known to affect contaminated or filled land	NO	
The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.	YES	➡ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	NO	➡ Date: Consultee(s)
Is this application related to a previous submission?	NO	➡ Application No.

6. **ANY OTHER INFORMATION** Please add any details you wish in support of your application. Continue on separate sheet if necessary.

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

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

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

B. The proposal involves the creation of or an alteration in total **gross** floorspace [✓]

Proposed total gross floorspace: 522.7 sq. m. | Previous total gross floor space: sq. m.

This new total includes the following net floorspace:

Retail: 277.6 sq. m. | Office: sq. m. | Indistrial: sq. m. | Warehousing: sq. m.

Other: 234.5 sq. m. → If so, please state use: ~~PREVIOUS AREA OF AGRICULTURAL BUILDINGS TO~~ BE DEMOLISHED TO BE PLANTED WITH FLOWERS/ SMALL SHRUBS FOR DISPLAY ONLY AND NOT FOR RETAIL SALE

	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?			POSSIBLY 1 NEW STAFF FOR CUSTOMER SERVING
If you propose to transfer staff from other premises please give details of the numbers involved and of the premises affected.			
In the case of industrial development, give a description of the processess to be carried out and of the end products, and the type of plant or machinery to be installed.	N/A		
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	PROPOSALS ARE ULTIMATE DEVELOPMENT		
Is the proposal related to an existing use on or near the site? State Yes or No	YES		
If so, please explain the relationship	VEGETABLES FOR RETAIL SALE ARE GROWN ON "WHITE HILL FARM"		
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory? State Yes or No	NO		
If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.			
What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)	EXISTING FRONTAGE PARKING/ TURNING AREA.		
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)	10-15 VISITORS PER DAY — SHORT STAY		
What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?	ONLY DOMESTIC TYPE LITTER L.C.C. REFUSE COLLECTION SERVICE		
Will the proposed use involve the use of storage of any hazardous materials? State Yes or No	NO	If yes, you may need to apply for Hazardous Substances Consent	
What provision is being made for access to premises for the disabled?	AS EXISTING — WIDE ACCESS/ ACCESS DOORS, — LEVEL FLOORS - NO RAMPS OR STEPS.		

THE PROPOSALS ARE CONNECTED WITH AGRICULTURE IN THAT THE VEGETABLES THAT WILL BE FOR RETAIL SALE IN THE SHOP ARE "HOME GROWN" ON WHITE HILL FARM BY MR G. H. WHITE

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 ..... (~~Applicant~~ / Agent) Date 2/10/92

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 ..... (~~Applicant~~ / Agent) Date 2/10/92

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

Site features

Inspected by DMG
Date 28/10

Notice posted by DMG
Date 28/10

Accuracy

Neighbours

Boundaries

Other Appears to already be in operation for as merchandise upon site. Existing shed to be removed. Access off Vicarage Rd.

Resident Notices required

Sent

Delivered

Case Officer Conclusions

RECOMMENDATION DMG 24/10

COMMITTEE

Departure from Policy ✓

Ward Member request .....

Recommend approval against material objection .....

Other circumstance viz: .....

Change to Committee recorded

DELEGATED

Case Officer .....

Senior Officer .....

Case Officer Recommendation

Approve

Refuse

Signed .....

Conditions/Reasons
(continue overleaf)

Notes to applicant

- [ ] Disabled
- [ ] Outstanding RM
- [ ] Amended plans

DC RECORD SHEET

APPLICATION REF:

Directions

Art 7 (Outlines)
RM checklist

	Siting	Design	Ext app	Access	Landscape
Previous					
Current					
Required					

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

Other ....

Precise details, for non-standard direction:

Senior Officer authorised: ..... Sent: .....

Revalidation after Direction

Information satisfactory/unsatisfactory Signed: .....

Further direction: Precise details:

Amended description:

New valid date: .....

Consultation/Publicity Required

		Requested	Sent
Extra Publicity:	Departure	29/10	29/10
	Setting of LB	.....	.....
	Public Right of Way	.....	.....
	Discretionary	.....	.....
Extra Consultations:			
	Dept of Transport	.....	.....
	Environmental Serv.	29/10	29/10
	LB/Cons. Area – Local	.....	.....
	– Local & National	.....	.....
	– English Heritage	.....	.....
	Consultant: Name.....		..... Order No .....
	Other:	.....	.....

Case Officer [illegible] **Recorded on board:**

ADMIN RECORD SHEET

Initial

Submitted Fee £ 110

Receipt Issued P1821

Date first Rec'd

Registration

Reference H11|1111|92

Cross-Ref C

Date 20-OCT-92

Validation

TYPE FULL

Earliest permission

Site area

No of dwellings

Floorspace —

Description

Tech

Certificate
Site plans
Description

Accuracy
Incomplete form

Fees

Nil fee

Discounted fee

Previous app Type

Correct fee £110

Additional Refund

Receipt Issued

Information

Newbuild/Redevelopment/Change of use/Extension/Alteration/Works

Earlier permission Ref

RM

	Siting	Design	Ext app	Access	Landscaping
Previous					
Current					

Index sheets 230

OS No's

Grid ref 544120 371960

Ward K

Parish L. SUTTON

TR Rural
TR Bypass
Level Cross
Footpath

CA
LB
TPO

Inside IBD NO

Inside LP area YES

Linked to site

Ref 892

Linked to property

Ref

Planning Records:
Earlier apps

B97/90
B01/12.

B Reg Records:
Already submitted - Ref
Request
Requested

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

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

SOUTH HOLLAND DISTRICT COUNCIL

COM

Application no: H11/1111/92 Type: FULL

Applicant: Mr G H White
Tel:

Agent: Fleetland Design
0406 26118

Description: Change of use of part of existing farm building to farm/garden/retail sales area incl. demolition of agric. store

Location: White Hill Farm
Vicarage Lane
Long Sutton
Spalding

Valid date: 19-OCT-92
Target dates:
To case officer 24-OCT-92
Inspected by 29-OCT-92
Extra contacts 03-NOV-92
Report if not clear by 23-NOV-92

Terminal date: 14-DEC-92
Target Committee: 08-DEC-92
Report deadline: 24-NOV-92

Case Officer:
D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:
Category: Redevelopment
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Dir of Environmental		29-OCT-92	12-NOV-92
Clerk to Long Sutton	0406 362402	22-OCT-92	05-NOV-92
Cllr D A Tennant		22-OCT-92	05-NOV-92
Cllr E J Clarey	0406 363141	22-OCT-92	05-NOV-92
Cllr M D Booth	0406 350034	22-OCT-92	05-NOV-92
Site/Press Advert DEP		03-NOV-92	24-NOV-92

L C C - Obs Attached Jacs 2/11/92.

SITE DETAILS

Grid ref: 544120 321560
OS Sheets: 230 Parcel:

APPLICATION REFERENCE: H11/1111/92 DATE RECEIVED: 19 October 1992

APPLICANT: Mr C H White
White Hill Farm
Vicarage Lane
Long Sutton
Spalding
Lincolnshire

AGENT: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincolnshire

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
- 8 DEC 1992

TYPE: Full

DESCRIPTION: Change of use of part of existing farm building to farm/garden/retail sales area including demolition of agricultural store

LOCATION: White Hill Farm, Vicarage Lane, Long Sutton, Spalding

Parish Council: Have been operating this business for at least past 2 years. Now sell a wide range of produce - not all home grown (including coal).

Ward Member: Mr White suffers from rheumatism. He would like to retire from farming, and his son would then take over the holding. The demolition of agricultural store would be an improvement to the area. Landscaping would be provided if the application is successful.

County Highways: Request conditions.

Environmental Services: No objections in principle, subject to the bungalow being tied to the business.

Information from Applicant: Summarised:
- Vegetables for retail sale grown on "White Hill Farm".

PLANNING POLICIES/DOE ADVICE
Outside IBD.
Long Sutton and Sutton Bridge Local Plan Policy S4 - Small-scale shopping development serving the needs of the immediate locality will be permitted outside the areas to which policies S1 and S3 refer, subject to the nature and scale of such developments not prejudicing the aims of those policies.
Structure Plan Policy 13 - Planning permission will normally be forthcoming within towns and villages for retail and service trades of a scale appropriate to the needs of the locality and the local environment.
Structure Plan Policy 12 - Major new retail development will normally only be permitted in town centre locations.
Structure Plan Policy 97 - Outside towns, villages and other settlements, there will be a presumption against all forms of development other than those permitted in policies specified elsewhere in this document.

PREVIOUS DECISIONS
H11/1257/90 - Extension to provide new bungalow and change of use of part of existing bungalow to office use, 4 Vicarage Lane - Permitted 14 February 1991.

PLANNING ISSUES

1 The determining issues in this particular case are:
(a) Whether the proposal is acceptable on policy grounds.
(b) Highway considerations.

2 The application is retrospective since the use is already in operation. The proposal involves the conversion of part of an existing general purpose farm building to units for the retail sale. Two small exterior areas are also used for the display of garden ornaments, etc, for retail sale. The site itself is approximately 25 metres from the junction of Vicarage Lane with Wisbech Road and a vehicular parking/turning area (depth approximately 11 metres) is situated at the front of the existing building.

3 The proposal also involves the demolition of an existing timber agricultural store building, the area of which would then be planted with shrubs, small plants, flowers etc (not for retail sale). This in its own right is not development which requires planning permission.

4 If permission were to be forthcoming, the applicant could use the site for any retail purpose defined within Class A1 (shops) of the Town and Country Planning (Use Classes) Order 1987.

CONCLUSIONS

1 The objectives of Structure Plan Policy 13 and also Local Plan Policy S4 are to provide a very useful service to residents and workers in the immediate locality, and which does not upset the balance of the overall aim of maintaining the viability of the principal shopping areas. The proposed development does not satisfactorily comply with this criteria, since it is located in open countryside and its main purpose would appear to be to attract passing trade. As such, it is considered to be contrary to policy.

2 It should be noted that planning permission was granted in 1988 for a garden centre and restaurant/motel complex on land to the north, between Vicarage Lane and the A17 trunk road (reference: H11/0937/88). The reason behind this permission was that the construction of the new A17 provided an opportunity for development at strategic intersections along its length. The proposal combined a restaurant/motel and a garden centre, which were considered to be acceptable and complementary uses, and it was thought that, once established, it would be another potential tourist/visitor attraction to Long Sutton.

3 The County Highways Authority raise no objections, subject to a restriction being placed to prevent customers from using the access direct onto Wisbech Road. They also request that at least 7 car parking spaces be provided and this may well necessitate the use of a small grassed area within the site.

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 retail

development only in exceptional cases. In the opinion of the Local Planning Authority the circumstances of the case are not sufficient to justify permission, which would be contrary to Structure Plan Policies 13 and 97 and also Long Sutton and Sutton Bridge Local Plan Policy S4. These policies are in accordance with National Planning Policies as set out in the Department of the Environment's Planning Policy Guidance Notes and they are aimed at inter alia, the continued consolidation of retailing in the town centres and villages, plus the preservation of the character of the countryside. In the opinion of the Local Planning Authority, the granting of permission for the development as proposed would be harmful to the purposes of these policies, because as well as its individual effect on these issues it would form a precedent for further similar proposals which would then be difficult to resist.

B That an Enforcement Notice be served on the applicant requiring the cessation of this use of the site within a period of one year from the date of issue of the notice, on the grounds that the proposal is contrary and harmful to the aims of Structure Plan and Local Plan Policy.

JPEL DEC 92.

No. 3 providing appropriate windows. Indeed buildings are listed as much for the benefit of future generations as for the present generation.

"On the *third* issue I conclude that the objections are not outweighed by other material considerations. The appeals fail on ground (e). Listed building consent will not be granted for the retention of the windows enforced against.

"I have taken into account the representations of the Parish Council. However, painting the windows in Georgian white would accentuate the inappropriate design of the windows and would not overcome the objections. I have also taken into account that the property was in poor condition when purchased by the appellants. However, these, and all other matters raised in the representations, do not change the considerations leading to my decision.

Formal decision

"For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the notice be corrected (i) at para. 4 by the deletion of 'the original,' and (ii) at the Schedule by the deletion of 'original' and the substitution therefore of 'former.'

Subject thereto, I dismiss these appeals, uphold the listed building enforcement notice as corrected, and refuse to grant listed building consent for the retention of the works carried out in contravention of section 7 of the Act."

[*By courtesy of the Chief Planning Officer, South Lakeland District Council.*]

ENFORCEMENT NOTICES: APPEALS

Sales from farm shop of goods and produce including some not produced on the farm

Ref. T/APP/C/91/P2365/609086/P6
January 29, 1992

Appeal against an enforcement notice issued by the West Lancashire District Council concerning land and a building at Course Lane, Newburgh, the breach of planning control alleged in the notice being 'Use of land and buildings erected thereon for the sale of goods, articles and produce not produced on the farm on which the farm shop is situated.'

Correction to notice

"I understand that the farm of which the appeal site forms part is usually known as Lawrensons Farm. I do not consider that anyone will have been misled by use of the name Claytons Farm in the notice, but for the avoidance of any future doubt I consider that it would be prudent to refer to Lawrensons Farm also.

The appeal site and surroundings

"The Council have included some 11 hectares of land within the notice area. It is part of a farm holding of some 34 hectares. It is located within an area of relatively flat land to the westerly side of the village of Newburgh. It is on the northerly side of the A5209, a highway of single carriageway construction. There is a ribbon of village housing opposite. To the north of

the road, there are houses some 60 m to the east of the building on the appeal site, and an outlier of three pairs of semi-detached dwellings on 150 m to the west. Much of the appeal site, like surrounding land, is arable.

"The single building on the appeal site is a modern one with large front and rear doors. It is not dissimilar to many farm buildings. It is some 18·7 by 9·3 m in plan dimension. It is set back some 30 m from the highway, within a partly hard-surfaced, partly grassed, area with highway frontage of about 160 m and depth of about 30 m. At the time of my inspection the building was set out with display cabinets for fruit, vegetables, and flowers, with a single till point. About a quarter of the building is separated off from the rest, which forms a preparation and service area.

Ground (c)

"The basis of the ground (c) appeal is that the majority of the notice area was used only for the growing of crops. Sales were restricted to the building. There is no dispute, however, that sales of products not grown on the farm holding have taken place within the building. Thus the allegation appears to have proper basis in fact, and the ground (c) appeal cannot succeed.

Ground (b)

"The case of *Williams* v. *Minister for Housing and Local Government & Another* [1967] J.P.L. 495, referred to by the Council, appears to me to suggest a suitable approach to the ground (b) appeal. I should, I consider, come to a conclusion as to whether the sales of imported goods (*i.e.* not produced on the farm) have been *de minimis*, or alternatively whether they have resulted in material change of use. I have made my assessment in relation to the whole farm, which appears to me to be the appropriate planning unit for this purpose. This need not necessary coincide with the enforcement notice area, and in this case I do not consider that your clients' interests have been prejudiced by exclusion of part of the farm.

"The appellant has produced a schedule of goods based on purchase invoices and estimates of home-grown produce, by pounds weight, for the period May 1 to October 31 1991. This indicates some 293,000 lbs of home produce, fruit, vegetables, flowers and plants, of which 112,000 lbs were potatoes. I have been invited to compare this with a figure of under 17,000 lbs of imported produce, including exotic fruits and vegetables as well as those grown in this country, and some sundries. The appellant puts the proportion of imported produce at about 5·5 per cent. of the total.

"It is not always clear from past cases what measure has been used to distinguish home-produced and imported items. Even in the *Williams* case it is not entirely clear what measure was used; the report referring to sales from a nursery shop of oranges, lemons and bananas amounting to some 10 per cent. of total sales. At all events, I accept that the proportion of imported goods would in the current case be higher if retail value rather than weight was considered. Indeed, having regard to the large quantity of potatoes produced as well as comparing the types of fruit and other produce, I consider that it would probably be much higher.

"I have no evidence to confirm that all the produce of the holding was sold retail through the shop, if it was not this could greatly affect the relative proportions of home produce and imports. I could not, on the evidence, put a firm figure on these proportions, by value, over a

12 month period. It might well be that at the height of the pick-your-own season the proportion of imports will be less than 10 per cent. In winter they may well be substantially more than 10 per cent. I cannot be sure that imports ever exceed 10 per cent. of the total by weight, but I consider it highly probable that they do at least in the off season.

"Whilst in the *Williams* case the 10 per cent. figure is quoted as a matter of fact, it does not seem to have been essential to the judgment, and the Minister's decision that material change of use had taken place was upheld. I am aware that such a figure has subsequently been referred to in decision letters. You quoted one such, reference T/APP/C/87/F2360/013/P6, in which the Inspector states, 'I formed the impression on my inspection that the proportion of this imported produce was less than 10 per cent. of the items on display. While I would not be categoric on the point I do not consider, in this case at least, that this order of proportion is significant from a planning point of view. As such it is *de minimis* and does not materially change the character of the retail use from being incidental to the primary agricultural use.'

"Such figures are, I consider, only one element of the overall assessment. When the 'pick-your-own' season is at its peak it may well be that the operation has very much the character of a farm shop. At other times, on all the evidence including photographs and descriptions of use of the shop by third parties. I conclude that in all probability the character will be more that of a general greengrocers'; on no less than 15 visits, the Council estimated that 50 per cent. or more of the display was given over to obviously imported goods. Again, the building involved is quite large, at some 175 sq m. I conclude that its use will have had far more than a *de minimis* effect on the character of use of the farm unit, and that in consequence material change of use in planning terms will have taken place. The ground (b) appeal accordingly fails.

Ground (a) and the deemed application

"The Skelmersdale and Eastern Parishes Local Plan was expected, at the time of the inquiry, to be adopted in January 1992. This finalises the boundaries of the Green Belt referred to in the Lancashire Structure Plan. I have treated the appeal site as being, to all intents and purposes, in the Green Belt. I consider the main issue in this aspect of the appeal to be whether the sale of imported goods at the farm shop is inappropriate in terms of Green Belt policy as normally applied, and if so whether there are special circumstances to outweigh this.

"As I interpret Government advice on Green Belt policy, it remains an important aim to safeguard against activities which would disturb the character of an area. There is a general presumption against inappropriate forms of development. It is perhaps the most important element of the appellant's ground (a) case that the sale of imported goods at a level beyond that ancillary to the use of the farm shop would not be inappropriate, and that in this circumstance it is not necessary to claim special circumstances. I accept that in taking a contrary viewpoint the Council are placing their own interpretation on the various policies. The appellant considers that Green Belt have simply been rigidly applied to the disregard of all other relevant considerations.

"If the appellant's view was to prevail, this would have to depend, it appears to me, on the element of use in dispute being classed for purposes of Green Belt policy within 'other uses appropriate to a rural area.' This in turn depends on the application of Government policy regarding the safeguarding of the agricultural industry in a climate of falling real incomes,

through diversification of the rural economy. To interpret this is permitting elements of retail trading on farms, beyond those ancillary to a farm shop, as falling generally within the scope of Green Belt policy would be extending the point too far. I conclude that such development is normally inappropriate to a Green Belt.

"I do not consider, however, that matters should rest there. Despite confirmation that the appellant did not rely on the very special circumstances necessary to justify a Green Belt exception, I have kept the whole matter of rural enterprise and diversification in mind, in examining the remaining points of relevance, in order to decide whether circumstances of the individual case give reason for exceptional treatment. I am conscious that in the right circumstances conditional planning permissions for retailing at farm shops in the Green Belt have been granted in the past, and I have examined all those put to me at the inquiry.

"The shop in this case has gone far beyond the trailer and modest cabin which preceded it on the site; it is quite a large scale enterprise. It stands in contrast to the general position, indicated in a quoted ADAS report ('the South West Lancashire Survey'), to the effect that most farm shops are under 200 sq ft in size (under 20 sq m). The scale is indicated not only by the size of the building but, for example, by the descriptions of the 'pick-your-own' operation, and the some 490 people who have signed a petition displayed at the shop. To go beyond *de minimis* ancillary use would be to accept a scale of operation based on the import element which was very significant in its own right.

"The quoted ADAS report reports that family farms predominate in the area, 60 per cent. under 20 hectares. There are many farm shops, and the possibility of more being established. It is more than likely that a specific planning permission in this case would encourage this process, with the prospect of a supplementary income from imported products, with substantial implications for the local Green Belt. Again, your clients' enterprise is, as I have remarked, on a relatively large scale in this context, and has not quite the same claim for support as would a small farm or small-holding. Though Policy 18 of the Structure Plan reflects Government policy in referring to the re-use of redundant agricultural buildings in the Green Belt being normally permissible, the building here is not redundant; it was built as a farm shop and appears likely to remain in operation as such at least during the summer months.

"I accept that if, for example, trading ceased altogether in the winter, there would be a loss of part-time employment and possibly some consequential difficulty in engaging suitable staff for the summer months. Many local people would be deprived of a service which they appear to value. I conclude, however, that these points and the main points arising from consideration of the rural economy do not justify a departure from the normal application of Green Belt policy.

"I have considered whether a conditional planning permission could be granted as an alternative to refusal of planning permission under the deemed application. I am particularly conscious that uncertainty regarding the limit of ancillary use is a persistent problem in cases of this nature. A planning permission which set out limits to the proportion of imported produce might be of some assistance in clarifying matters and, though the Council consider all such conditions to raise insuperable difficulties for enforcement, these seem to me little different to those encountered in considering ancillary use. However, I have concluded that to grant a planning permission going beyond ancillary use levels would be wrong in this case,

and that it would be equally wrong to grant, purely for purposes of clarification, a planning permission which effectively sought only to define the limit of ancillary use.

"Accordingly, the appeal on ground (a) fails, and I do not consider it appropriate to grant planning permission in accordance with the application deemed to have been made.

Other matters

"I have taken into account all other matters raised at the inquiry and in written representations but none has the weight to affect my decision.

Formal Decision

"For the above reasons and in exercise of the powers transferred to me I hereby require that the notice be corrected by insertion in the headings and in Schedule 1 of the words '(or Lawrensons Farm)' after the words 'Claytons Farm.' Subject thereto, I hereby dismiss this appeal, uphold the enforcement notice, and refuse to grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act."

[*By courtesy of the Department of the Environment.*]

B Smith Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

NRA

National Rivers Authority
Anglian Region

17th November 1992 Our Ref:GT/92/1/SH/314

Dear Sirs

PLANNING APPLICATION NO H11/1111/92
FOR CHANGE OF USE OF PART OF EXISTING FARM BUILDING TO FARM/GARDEN/RETAIL SALES AREA INCLUDING DEMOLITION OF AGRICULTURAL STORE AT WHITE HILL FARM, VICARAGE LANE, LONG SUTTON, SPALDING, FOR MR G H WHITE

With regard to the above-mentioned application received on 10th November 1992. I would inform you that the NRA Anglian Region has the following observations to make on the proposal:

Liquid and solid vegetable wastes and associated contaminated waters should be stored and disposed of in a manner that will not lead to pollution of surface or underground waters.

Site operators should ensure there is no possibility of contaminated water entering and polluting surface or underground waters.

Yours faithfully

R J Morgan
Planning Engineer

S.H.D.C. PLANNING DEPT.
RECEIVED DG
20 NOV 1992
Attention of
DPO NPM
DDPO DS
PC ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
Acknowledge Reply
By
Date

c.c. Mr G H White
White Hill Farm
Vicarage Lane
Long Sutton
SPALDING
Lincolnshire

LMP

ROGER HYDE
Regional General Manager

Aqua House
Harvey Street
Lincoln
LN1 1TF
Tel: 0522 513100
Fax: 0522 512927

DPO

SOUTH HOLLAND
Internal Drainage Board

Marsh Reeves,
Foxes Lowe Road,
Holbeach,
Spalding, Lincs.
PE12 7PA.

S.H.D.C. PLANNING DEPT.
RECEIVED
10 NOV 1992
DG

Please contact: Mr. Staines

Tel: Holbeach (0406) 24933
Fax: (0406) 26501

Our Ref. RS/PA-H/111/92/JAM **Your Ref.**

Date 3 November 1992

Dear Sirs,

FULL PLANNING APPLICATION - MR. G.H. WHITE
VICARAGE LANE, LONG SUTTON

Thank you for your letter of the 28th October 1992 enclosing a copy of your drawing No. FD 159/1 showing your clients proposals.

As you say, and as I am sure your client is aware, the watercourse along the Eastern side of his premises is the Board's Wisbech Road Drain that is subject to the Board's Byelaws as summarised on the enclosed standard conditions.

In view of the fact that the area to be landscaped was formerly occupied by a building, my Board would not wish to object to the intended planting provided trees are not to be sited upon the 9 metre Byelaws clearance strip across which my Board may wish to gain access to their watercourse.

Should you wish to discuss the matter further, please contact my assistant Mr. Staines.

A copy of this letter is being forwarded to the Director of Planning in order he is aware of my observations.

Yours faithfully,

ENGINEER TO THE BOARD

Fleetland Design,
Myrtle House,
Fleet Hargate,
Spalding,
Lincs. PE12 8LH

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

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

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H11/1111/92

Applicant: Mr G H White
White Hill Farm
Vicarage Lane
Long Sutton
Spalding Lincs

Agent: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincs

Description: Change of use of part of existing farm building to farm/garden/retail sales area incl. demolition of agric. store

Location: White Hill Farm Vicarage Lane
Long Sutton Spalding

Type: FULL

Date received: 19-OCT-92

22-OCT-92

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 06-NOV-92. 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 M GEDNEY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Long Sutton PC
56 Garnsgate Road
Long Sutton
Spalding Lincs
PE12 9BT

S.H.D.C. PLANNING DEPT.
- 2 NOV 1992 DG

FOR PARISH COUNCIL USE ONLY

Comments: Have been operating this business for at least past 2 yrs. Now sell a wide range of produce - not all home grown (incl. cook.

Signed: R. Batchelor

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: 5.11.92

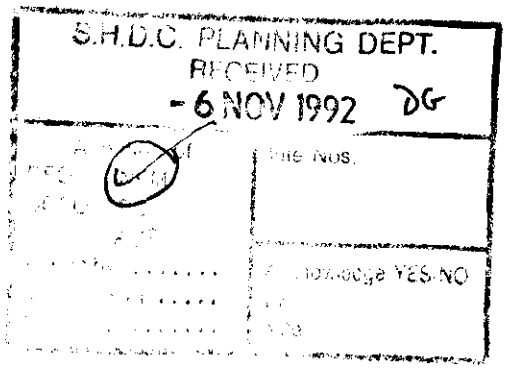
OUR REF: JC/SS/PC

TO: DIRECTOR OF PLANNING & BUILDING CONTROL SERVICES YOUR REF:

Planning Application H11/1111/92
Retail sales, Vicarage Lane, Long Sutton

I write in response to the above and would confirm that I have no objections in principle to the proposal subject to the bungalow being tied to the business.

Director of Environmental Services



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
- 3 NOV 1992 DG

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H11/1111/92

Applicant: Mr G H White
White Hill Farm
Vicarage Lane
Long Sutton
Spalding Lincs

Agent: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincs

Description: Change of use of part of existing farm building to farm/garden/retail sales area incl. demolition of agric. store

Location: White Hill Farm Vicarage Lane
Long Sutton Spalding

Type: FULL

Date received: 19-OCT-92

22-OCT-92

Dear Cllr D A Tennant

NOTIFICATION TO WARD MEMBER

I have received an application for the above proposal in your ward. The officer dealing with this application is D M GEDNEY

As applications can be determined under delegated powers in many cases, please let me know by 01-NOV-92 if you feel that this proposal should be brought to the attention of the Planning Committee for any reason.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Cllr D A Tennant
45 Market Street
Long Sutton
Spalding Lincs
PE12 9DD

I request that this application be considered by Planning Committee, because

Signed: D A Tennant

Mr White suffers from rheumatism, would like to retire from farming. His son would then take over the holding. The demolition of agricultural stores would be an improvement to the area, landscape will be provided if the application is successful.

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council Application Reference H11/1111/92.

Form of notification by the County Director of Highways and Planning for DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a central point on site

horizontal				vertical		

2. Address or location

White Hill Farm, Vicarage Lane, Long Sutton

3. Name, classification and number of road

4. Date application referred 29-10-92.

5. State whether outline, detailed application etc.

Full

6. Description of proposed development/change of use including access details

Change of use of part of farm buildings to farm/garden/retail sales area

7. Delete as appropriate

Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

~~a. Does not wish to restrict the grant of permission.~~

(b.) Requests that any permission given by the local planning authority shall include the conditions shown overleaf.

~~c. Requests that the local planning authority refuse the application~~ (reason overleaf).

~~d. Requests the local planning authority to complete Form T.R. 108 para 10b~~ as shown overleaf.

Date: 30/10/92 Signed: [signature]
Director of Highways and Planning

CONDITIONS:—

Delete as appropriate

(i) For applications where items are to be reserved for subsequent approval in consultation with the Director of Highways and Planning

(ii) For other applications

(1) ~~FH~~ A minimum of 7 car parking spaces shall be provided within the site

(2) A restriction shall be placed to prevent customers from using the access direct into Wisbech Road

Delete as appropriate

(i) REASONS FOR a, b, or c overleaf

(ii) COMMENTS FOR FORM T.R. 108 para 10b

(1) FH

(2) To ~~ensure~~ ensure vehicles use the Vicarage lane junction onto Wisbech Road in the interests of highway safety.

NB In order for 7 parking spaces to be provided the grassed area fronting Area X will need to be removed.

Note:— use continuation sheet(s) as necessary.

FILE COPY

PLANNING APPLICATION

Notice is hereby given that application has been made to the Council in respect of the following:

DEPARTURE FROM DEVELOPMENT PLAN

The proposed development does not accord with the provisions of a development plan.

Reference No: H11/1111/92
Description: Change of use of part of existing farm building to farm/garden/retail sales area incl. demolition of agric. store
Location: White Hill Farm
Vicarage Lane
Long Sutton
Spalding

Applications and plans showing the proposal(s) may be seen during office hours at the Planning Department, Council Offices, Priory Road, Spalding. Any observations should be sent to me by 24-NOV-92 quoting the above reference number.

B Smith
Director of Planning and Building Control Services

03-NOV-92

SOUTH HOLLAND DISTRICT COUNCIL

South Holland District Council.
Priory Road,
Spalding, Lincs.

Fleetland Design
Architectural
MYRTLE HOUSE
FLEET HARGATE
SPALDING LINCS
PE12 8LH
0406 26118
ARCHITECTURAL
& DESIGN
CONSULTANTS

Date : 3 October 1992

Dear Sirs,

Re: Material Change of Use of Part General Purpose Farm Building and Adjoining land

In response to your letter dated 25 September 1992 from your Mr K Woods (REF: KW/JJ E11/2213/91) please find enclosed Change of Use Full Planning Application:

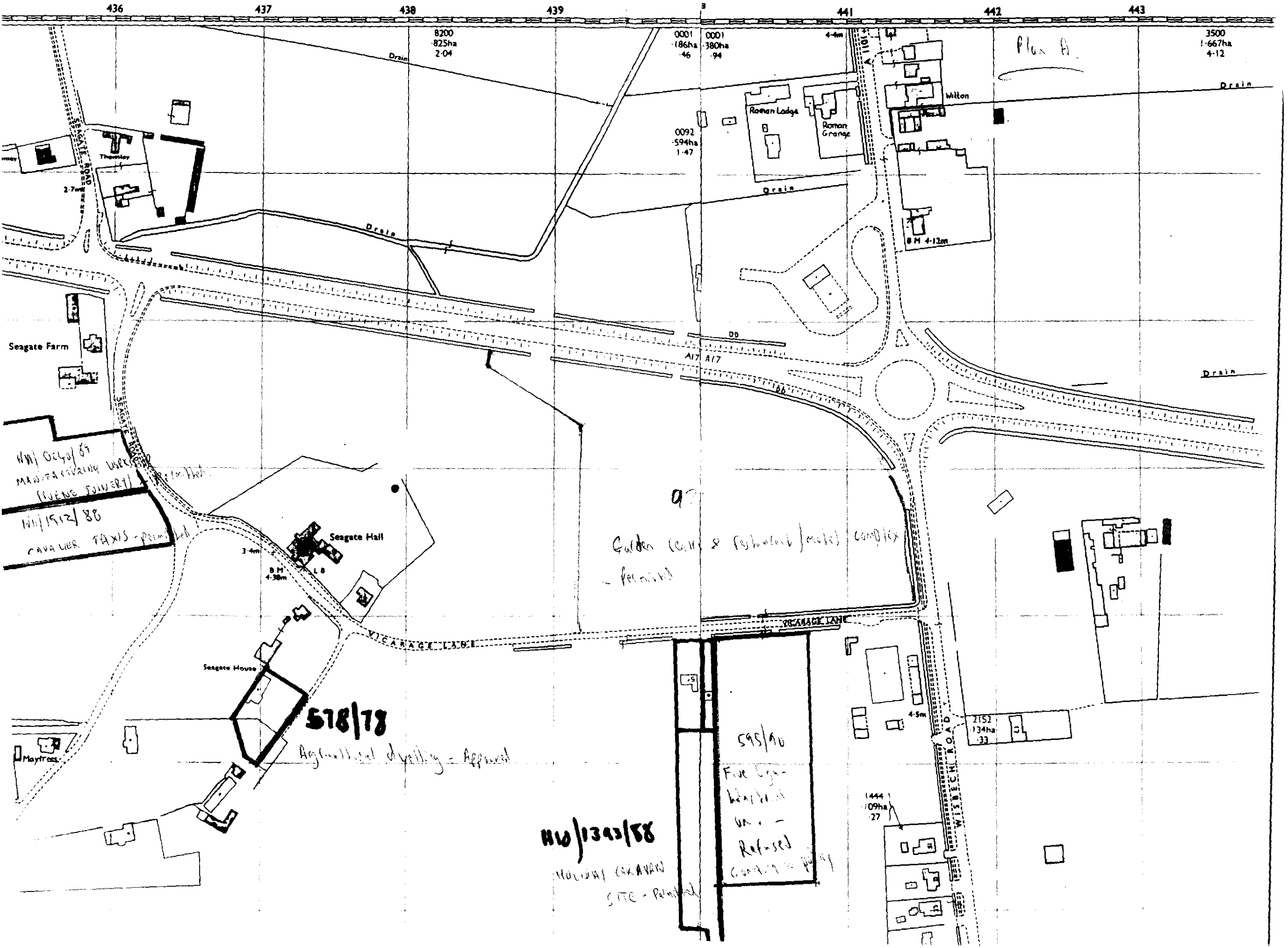
(i) 4 nº duly completed Submission Forms
(ii) 4 nº copies layout drawings and location plans
(iii) A Cheque to the value £110-00 in respect submission fees.

Should you have any queries or require any additional further information please do not hesitate to contact me.

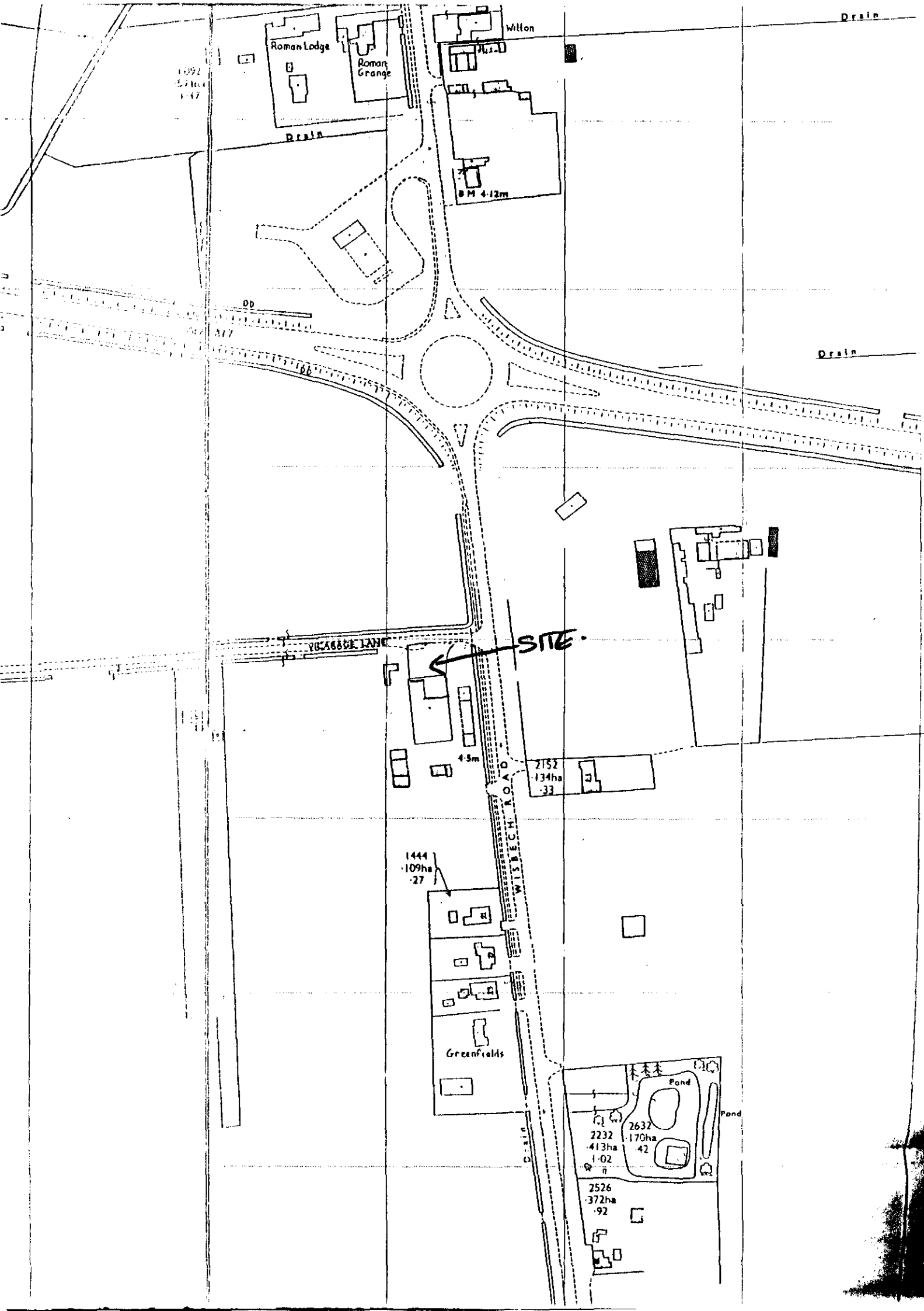
Yours faithfully

MR V. CRUNKHORN (FLEETLAND DESIGN)

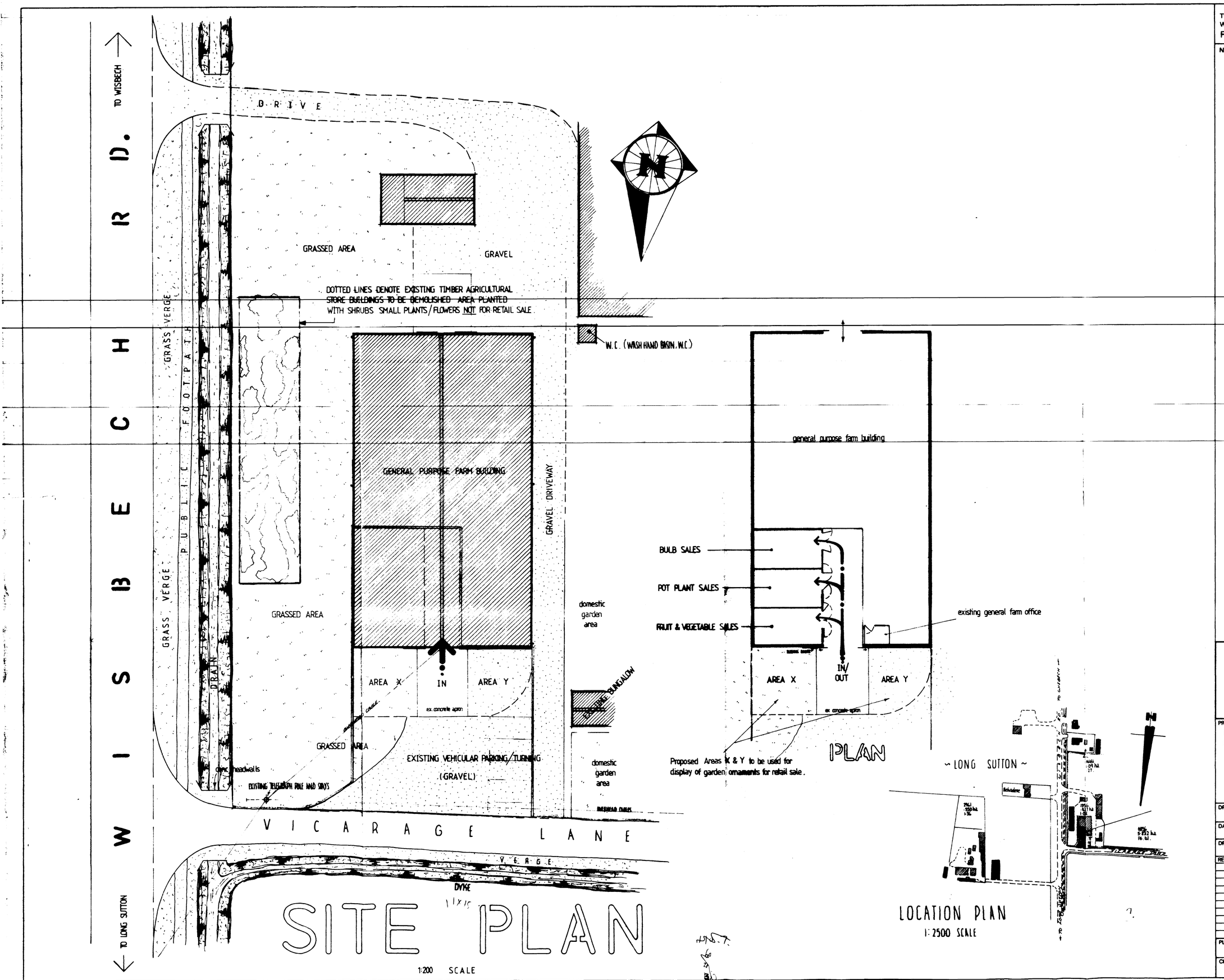
SOUTH HOLLAND D.C.
PLANNING DEPT.
19 OCT 1992
REF 111/92



436
437
438
439
441
442
443
8200
·825ha
2·04
0001
·186ha
·46
0001
·380ha
·94
4·4m
3500
1·667ha
4·12
Plan A
Drain
Wilton
Roman Lodge
Roman Grange
0092
·594ha
1·47
Thornley
2·7m
SEAGATE ROAD
B M 4·13m
Seagate Farm
DD
A17 A17
Seagate Hall
3·4m
B M
4·38m
L B
VICARAGE LANE
Seagate House
578/78
Maytrees
595/90
Refused
4·5m
2152
·134ha
·33
1444
·109ha
·27
WISBECH ROAD
HW/1393/88
HOLIDAY CARAVAN
SITE - Permitted



Roman Lodge
Roman Grange
Wilton
Drain
Drain
BM 4·12m
DD
Drain
VILLAGE LANE
SITE
4·5m
2152
·134ha
·33
WISBECH ROAD
1444
·109ha
·27
Greenfields
Pond
Pond
2632
·170ha
·42
2232
·413ha
1·02
2526
·372ha
·92
Drain



THIS DRAWING MUST NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM Fleetland Design.

NOTES

SOUTH ... D.C.
PLAN ... T.
19 OCT 1992
REF 1111/92

Fleetland Design
Architectural
MYRTLE HOUSE
FLEET HARGATE
SPALDING LINCS
PE12 9LN
0406 26498
ARCHITECTURAL & DESIGN CONSULTANTS

PROJECT
PROPOSED CHANGE OF USE OF PART OF EXISTING GENERAL PURPOSE FARM BUILDING AND ADJOINING LAND TO FARM/GARDEN SHOP: WORKS TO INCLUDE DEMOLITION OF ADJOINING AGRICULTURAL STORE BUILDINGS FOR LANDSCAPING AT: WHITE HILL FARM, VICARAGE LANE, LONG SUTTON.
FOR: MR G.H. WHITE

DRAWING DESCRIPTION
SITE/LOCATION PLAN

DATE SEPTEMBER 1992	DRAWN
DRWG No. FD 159/1	SCALE 1:200, 1:2500

REVISIONS	DES	DATE	SIGN

PLANNING	BUILDING REGS.
CHECKED BY	ISSUED