

Your ref: PP-06640561
Our ref: 1261 1 LMS MAG

09 January 2018

Planning Manager
South Holland District Council
Priory Road
Spalding
Lincolnshire
PE11 2XE

rdc

**Robert Doughty
Consultancy**

32 High Street, Helpringham,
Sleaford, Lincolnshire NG34 0RA

Tel: 01529 421646

Fax: 01529 421358

Email: admin@rdc-landplan.co.uk

Web: www.rdc-landplan.co.uk

Dear Sir

**MR WINSTON KNIGHT
SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990
CONTINUED OCCUPATION OF THE DWELLING NOT IN ACCORDANCE
WITH THE AGRICULTURAL OCCUPANCY CONDITION (2) OF
PLANNING PERMISSION H/12/308/78
ZENWIN, LUTTON GOWTS, LONG SUTTON, PE12 9LQ**

Please find enclosed a cheque for £195 in respect of an application for a Certificate of Lawfulness as referred to above. The application has been submitted via the Planning Portal, reference PP-06640561.

Full Planning Permission was granted by South Holland District Council to Mr and Mrs Winston G Knight on 20 June 1978 for the erection of a house and garage and the provision of vehicular access at Roman Bank, Lutton Gowts (H/12/0308/78).

Planning permission was granted for the construction of the house and garage subject to five conditions, of which Condition 2 on the outline planning permission required that: -

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or a dependant of such a person residing with him, or a widow or widower of such a person."

Reason:-

The site is in a rural area where it is the policy of the local planning authority not to permit residential development except in the interests of agriculture or where related to the use of the land. The circumstances of this case relate to an agricultural need, and permission is therefore confined to it".

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When Mr Knight applied for planning permission for the dwelling, he owned and farmed 1.2ha at the application site (part of a larger 2.6ha field) and farmed a further 2.8ha off Lime Walk in Long Sutton. Mr Knight also ran a produce merchant's business which, at the time, had one HGV. The planning application was submitted on the basis that, at the time, Mr Knight's existing dwelling and yard (some 400m closer to Long Sutton) was cramped for loading and unloading and because the access was shared. It was concluded by officers that the application was based mainly on personal and business needs to establish a base for the merchant's business and, accordingly, there was no justification in planning terms. In addition, the Ministry of Agriculture, Fisheries and Food (MAFF), which advised the Council concluded that the acreage involved required only the substantial time of one full-time person. The application was recommended for refusal, but approved by the Planning Committee. A condition was subsequently imposed that limited the occupancy of the dwelling to someone solely or mainly, or last employed in agriculture.

Mr Knight continued to farm the land until 1985 when the land was lost to development. The produce merchant's business involved Mr Knight transporting his own produce (until 1985) and other local growers' produce to Smithfield Market, Manchester. This continued until 1994 when Mr Knight's regular suppliers either sold up or retired. Mr Knight carried out casual work for a few years such as lorry driving and gardening until he retired in 2005.

Having regard to the circumstances surrounding the original planning application, it is highly likely that Mr Knight and his late wife were never "...solely or mainly employed, or last employed, locally in agriculture..." and this was evidently the conclusion reached by MAFF at the time. They were mainly employed in the haulage of produce, none of which was produced by them from 1985 onwards. The produce merchant's use did not fall within the definition of agriculture and certainly from 1985 onwards there was no connection with the land originally associated with the dwelling. Mr Knight then continued to be employed, undertaking a number of jobs which, again, was not in compliance with the agricultural occupancy condition. Even if the view was taken that the condition was complied with until 1985, the subsequent years amounted to a continuous 10 year breach and his subsequent retirement in 2005 meant he was not "...last employed locally in agriculture."

We have included as part of the application documents a letter from Mr Knight which sets out the chronology of events we describe here, together with two letters from long term friends of Mr Knight and his late wife.

Page 3 of 3

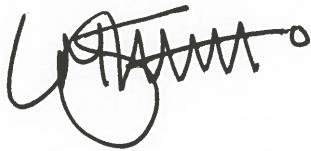
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We submit that the information we have set out here together with that in the original planning application documentation, demonstrates, in the balance of probability, condition 2 of planning permission H/12/308/78 has never been complied with or that, at the very least, the breach occurred in 1985 and has continued to the present day. Accordingly, a Certificate of Lawfulness should be issued to regularise the position.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lewis Smith', with a large circular flourish at the end.

Lewis Smith MRTPI

Enclosures: Cheque

cc Mr W Knight