FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H12/0260/92 Received:02-MAR-92 Type:OUTLINE

Name: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location : Lutton Bank Lutton
Spalding

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

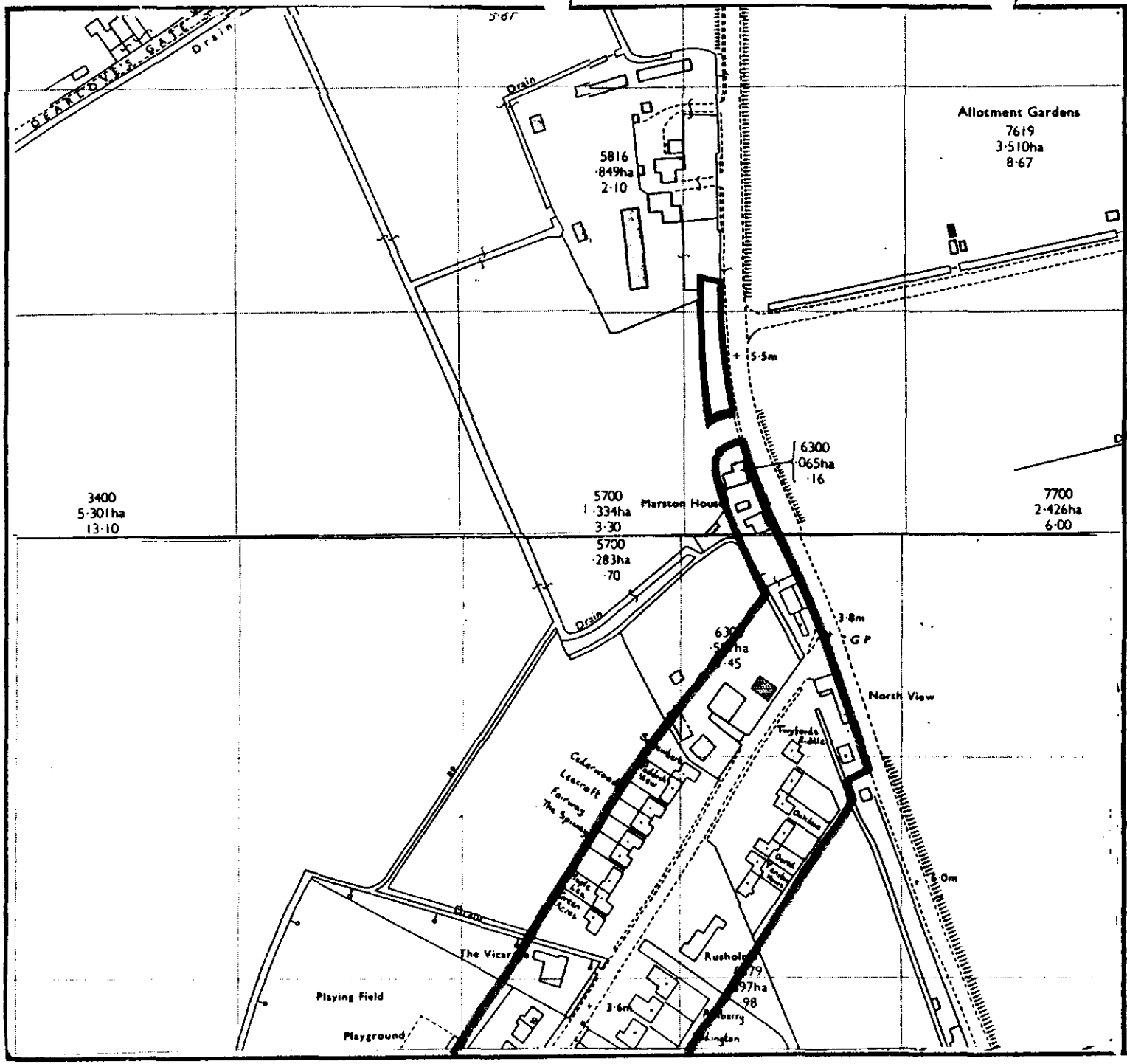
1 The site is outside the confines of a settlement in an area of open countryside where it is the policy of the Local Planning Authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Department of the Environment Policy Note 4, and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would form a precedent for further similar proposals which would be difficult to resist.

Director of Planning and Building Control Services
22-MAY-92 H12/0260/92

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)



SOUTH HOLLAND
DISTRICT COUNCIL
PLANNING DEPARTMENT

APPEAL BY

MRS. J. BARWELL

Appeal Site

Development Boundary

B. SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER

PRIORY ROAD, SPALDING.

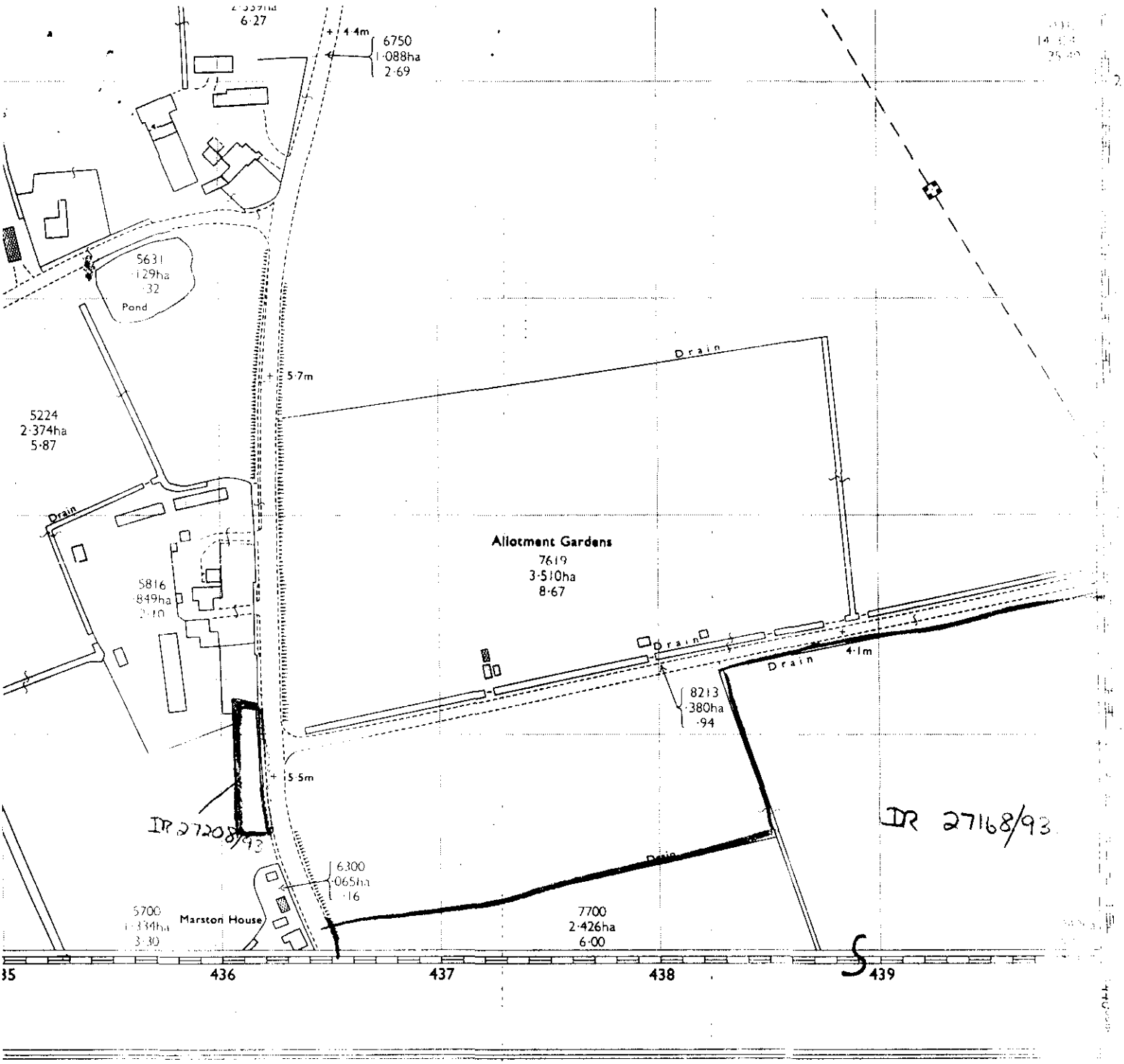
SCALE 1:2500

DATE NOV. '92

PLAN 'A'

N

ADMEL P/I/504



1 2 Hectares — One grid square on this plan represents one hectare.

28 29 Acres

1040 1060 1080 1100 Metres

400 3500 3600 Feet

Scotland

Geographical County

County Council

County of the City

Burgh

District Council

Civil Parish

Const & Ward Bdy — Parly Constituency & Ward

Co Const Bdy

of a geographical county the symbol for the latter is shown.

oth are shown, e.g. — or —

only is shown, e.g. Burgh Const & Burgh Bdy / Co Const & Dist Bdy

Face of Fence — Top of Bank

Face of Wall — Tk H Track of Hedge

Root of Hedge — Tk S Track of Stream

Side of River, etc. — Und Undefined

mereings

Made and published by the Director General of the Ordnance Survey, Southam

AREAS

Area measurement is to plan edge only.
The number and area, in hectares (ha) and acres, is shown within each parcel of land.

EXAMPLE: 4267 parcel number
1·809ha area in hectares
4·47 area in acres

When identifying a parcel it is important to specify the number of the plan on which it falls.
Enclosures or features joined for measurement of area
Limit of area within which individual parcels are not shown

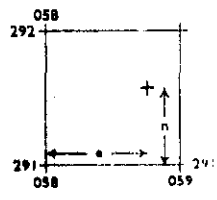
To convert hectares to acres multiply by 2·471 05
To convert acres to hectares multiply by 0·404 69

NATIONAL GRID REFERENCE

The grid lines form part of the National Grid and are at 100 metre intervals. To give a unique reference defining the position of a point to within 10 metres proceed as follows:—

EXAMPLE from sheet TQ 0529

1. Take the two letters preceding the sheet number TQ
2. Take the west edge of the grid square in which the point lies and read the figures opposite this line on the north or south margin 058
   Estimate tens of metres from the grid line to the point (distance e) 8
   The resulting four figure number is the Easting 0588
3. Take the south edge of the grid square in which the point lies and read the figures opposite this line on the east or west margin 291
   Estimate tens of metres from the grid line to the point (distance n) 6
   The resulting four figure number is the Northing 2916
4. The full ten metre reference is given by writing first the letters, followed by the Easting and then by the Northing TQ 0588 2916.



For further information see 'An introduction to the Projection for Ordnance Survey Maps and the National Reference System.'

TF 422

PLANNING APPLICATION

For office use only

Application No. H12/0260/92

Date Registered 02 MAR 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

JANE BARWELL.
BANK HOUSE
DEAR LOVE GATE
LUTTON
SPALDING PE12 9LL

Tel. No. HOLBEACH 362495

NAME AND ADDRESS OF AGENT
(if form completed by agent)

Tel. No.
(Personal contact name)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

LUTTON BANK, LUTTON, SPALDING

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

RESIDENTIAL DWELLING

Please complete

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

Signed. J. Barwell Date. 2nd MARCH 1992

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 Certificate

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

Please state Site Area Approx 840 sq yds (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 previous 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 building(s)	✓
(ii) Alterations or extension	
(iii) Change of use	

B. If new dwellings are proposed, please state how many: One

4. A. If building works are proposed, other than residential, please state extra floorspace to be created: sq. metres

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

5. GENERAL INFORMATION Please complete each section

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

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 — to Luton Bank.
Individual access(es)
New estate road

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

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 of more trees → If so, please show details on plans

DRAINAGE Please complete

A. Please state how surface water will be disposed of: Not known at present

B. For estate developments, please state how highway surface water will be disposed of

C. Please state whether a land drain will be affected: No

D. Foul sewerage will be disposed of to:

Mains sewer Cesspool Septic tank ✓

OTHER MATTERS Please complete

	State Yes or No	
The proposal is in connection with agriculture	No	→ If so, **please give details in Part 6**
The proposal affects a listed building	No	
The proposal affects a public footpath	No	
The proposal is known to affect contaminated or filled land	No	
The proposal is for industrial, warehousing, offices or shopping purposes	No	→ 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.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THR. SECTIONS.

Use the notice at the bottom of the page only when necessary.

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.** You can use the notice at the bottom of the form to send to the owner. (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 J. Bowen (Applicant/~~Agent~~) Date 2nd March 1992

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.

State Name and address of owner: 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 there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to any tenant, and complete Certificate 2. (You can use the notice at the bottom of the form to send to the tenant). 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 J. Bowen Applicant/~~Agent~~) Date 2nd March 1992

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.

State Name and address of tenant: State Date notice served:

Signed ..... (Applicant/Agent) Date .....

NOTICE UNDER SECTION 27 OF TOWN AND COUNTRY PLANNING ACT 1971

TO BE COMPLETED BY APPLICANT OR HIS AGENT

Proposed development at

Take notice that application is being made to South Holland District Council by

for planning permission for

If you should wish to make representations about the application, you should make them in writing within 21 days from the date of service of this notice, to Chief Executive, South Holland District Council, Priory Road, Spalding, Lincolnshire.

Signed ..... Date .....

ADMIN RECORD SHEET

INITIAL

Submitted Fee £ 110...

Receipt Issued ..... No. 9762

Date First Received 02 MAR 1992

REGISTRATION

REFERENCE H12/0260/92

Cross-Ref N/A

Date 3/3/92 LAB

VALIDATION Date 3/3/92

Type ...OUTLINE Earliest permission date (Cert B) .....

Site area 0.09 No. of dwellings ...1... Floorspace .....

New build/site enlargement/redevelopment/change of use/extension/alteration

Earlier permission ref .....

RM:-	Siting	Design	Ext app	Access	Lands
Previous					
Current					

Description

Technical:- Certificate ☐ Accuracy ☐
Site plans ☐ Incomplete form ☐
Description ☐

S65 Advert required ☐ Expiry date .....

Fees:- Nil fee – previous app ☐ Ref .....
– type ☐
Discounted fee ☐ Reason .....

Correct fee £ 110. Additional £ ..... Receipt no. .....

Refund £ ..... Issued .....

CONSTRAINTS Date...3/3/92...

Index Sheets 131 OS Nos ..... Grid Ref 536820 336070

Ward ...15... Parish .....

Inside CBD ...NO Inside LP Area...NO

TR Rural ☐ CA ☐
TR Bypass ☐ LB ☐ Grade
Level crossing ☐ TPO ☐
Footpath ☐ Other:

Linked to site.....Ref....B69 Linked to property.....Ref.....

Planning Records:
Earlier apps

B Reg Records:
Already submitted Ref.....
Requested .....

Inputs completed.....

APPLICATION ASSESSMENT

Notes for Case Officer

Site Notes: Accuracy ✓ Neighbours Other

Boundaries Site Features Currently vacant land. Agricultural land to the rear. New dwelling to south. Bungalow + outbuildings to N.

Inspected by: DMG
date: 23/3

Case Officer Conclusions (issues)

Case Officer Recommendations (summary) GRANT
(details overleaf) , REFUSE

Recommended approvals -

Departure from policy — Yes .... / No ....

Ward member request — Yes .... / No ....

Recommend approval against material objection — Any objection received? No / If yes, is any obj. material? Yes / No .... / Yes .... / No ....

[Reason:

Other circumstances needing Committee decision — Yes .... Flagged by Senior Officer Signed ..... / No ....

ALL OF ABOVE

Recommended refusals -

Refusal on adopted policy grounds on first Applic. — No .... Nil fees (not first Submission) / Yes ....

ANY ONE OF ABOVE — Other info. viz: Signed .....

Committee report
Sub-Committee:
SV recommended .....
Est/Ind. recommended.....

Delegation confirmed by Senior Officer
.....

Recommendation/draft report produced.....

F U R T H E R I N F O R M A T I O N / C O N S U L T A T I O N S

APPLICATION REF:

DIRECTIONS

		Siting	Design	Ext App	Access	Lands
Art 7 (Outlines)						
RM Checklist:	Previous					
	Current					
	Required					

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

[Indicate if other Regs]

Precise details, for non-standard direction:

CONSULTATION/PUBLICITY REQUIRED DMG 5/3 D2 6/3

Publicity : General
Departure
Setting of LB Viz The Firs, Cotton Bank,

Residents (Postal):

outside 400 may need Committee Report

Residents (Delivery):

Bungalow to N, Cotton Bank.

Consults : Dept of Transport
Env Health
Conservation consults : Local
Local & National
English Heritage LBC I, II*
Setting I, II*
Major CA

Consultant : Name
Order No:

Other :

R E V A L I D A T I O N A F T E R D I R E C T I O N

Information satisfactory/unsatisfactory Signed .....

Further direction: Precise details

Amended description:

Reconsultations required -
Parish Council
Ward Members
Residents
Advertise
Other

New valid date ..... Re-Registered .....
Ack/Reception .....

D J Gilbert
District Valuer and Valuation Officer
Crescent House
45 Priestgate
Peterborough
PE1 1JB

F.A.O. Mr Goy.

Mr D M Gedney

DMG/LAB
H12/0260/92
TR27208/RHG/
PNMR
11 May 1993

Dear Sir

Land At Roman Bank, Lutton.

I refer to your letter dated the 29 April 1993 in respect of the above.

In response, I can inform you that on the 22 May 1992 planning permission was refused upon this site for a residential dwelling (H12/0260/92). The reason was that 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 development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. This was consequently dismissed on appeal on the 18 November 1992.

Concerning any form of industrial/commercial development, Structure Plan Policy 18 applies. This states that there will be a general presumption against new industrial development in the open countryside, except where it can be shown that the proposed development is essential in that location and would be acceptable in terms of impact on the environment and the level of traffic movement.

I hope the above information is of assistance to you.

Yours faithfully

N R Midlen
Principal Planning Officer
Development Control

Valuation Office

D J Gilbert FRICS
District Valuer and Valuation Officer
Peterborough

Crescent House
46 Priestgate
Peterborough PE1 1JB

Tel 0733-347842 extn 228
Fax 0733-893443

Chief Planning Officer
South Holland District Council
Priory Road
SPALDING
Lincs

Your reference :
Our reference : IR.27208/RHG/PMMR
Please ask for : Mr Goy

Date : 29 April 1993

Dear Sir

LAND AT ROMAN BANK, LUTTON

I have been requested to value the above freehold land, edged red on the attached plan, as at 12 October 1980, 31 March 1982 and May 1991.

I believe this land was once the site of a pair of semi-detached cottages, and I wonder therefore if planning consent for development might have been likely on application at these dates.

I thank you in anticipation of any help that you can give.

Yours faithfully

District Valuer

S.H.D.C. PLANNING DEPT.
RECEIVED
- 4 MAY 1993
Application of
DPO NRM
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO
by
date 4/5

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

Mrs J Barwell
Bank House
Dear Love Gate
Lutton
SPALDING
Lincs PE12 9LL

S.H.D.C. PLANNING DEPT.
RECEIVED
17 FEB 1993
Attention of
DPO NSM
SPO TS
JC AGP
Action by
Date with

Your Reference:

Our Reference:
T/APP/A2525/A/92/215054/P2

Date: FEB 93

Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: H12/0260/92

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the South Holland District Council to refuse outline planning permission for the erection of a dwelling on land at Lutton Bank, Lutton, Spalding. I have considered the written representations made by you and by the Council. I inspected the site on 9 February 1993.

2. From my consideration of the written representations made, and having inspected the site and its surroundings, it is my opinion that the most important issue in this appeal is the effect of the proposal on the nearby countryside.

3. Alteration No 1 to the Lincolnshire Structure Plan was approved in 1990. Policy 6A seeks to prevent the creation or extension of ribbon or scattered development. The appeal site is within an area of Fenland. It has a frontage of some 60m to the road known as Roman Bank. To the south of it are a house, a bungalow and a light industrial enterprise. To the north is a bungalow with associated paddocks and outbuildings. In my opinion the adjoining house is at the edge of the settlement, the bungalow to the north lying in open countryside. The proposal would form a link between that house and the curtilage of the bungalow. I consider that would create a ribbon of development in the countryside contrary to Structure Plan policy 6A.

4. It is the objective of Structure Plan policy 7A to safeguard the countryside from development which does not need to be situated in it. The site itself is an area of rough grass which separates a ploughed field from Roman Bank. It falls from the road. Although it is not in agricultural use I see no reason why at least part of it could not be levelled and included within the field. Whilst unused, the site is not an eyesore. Nor does it appear out of place in the countryside. Consequently I believe that, if a house were to be erected on it, the rural character and appearance of the countryside would be eroded, contrary to the objective of policy 7A.

100%
RECYCLED PAPER

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1202e
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218643
Switchboard 0272-218811
Fax No 0272-218804
GTN 1374

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

Your Ref:
H12/0260/92
Our Ref:
APP/A2525/A/92/215054

Date: 18 January 1993

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MRS JANE BARWELL
SITE AT LUTTON BANK, LUTTON, SPALDING

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 6 of the Act is Mr W J Weeks ARICS

The Inspector will shortly visit the site unaccompanied by either party.

Yours faithfully

Mrs S Milsom

NB. No correspondence should be sent to the above room unless it concerns the site visit date.

209E/92

S.H.D.C. PLANNING DEPT.
RECEIVED
20 JAN 1993

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1202E
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218459
Switchboard 0272-218811
Fax No 0272-218804
GTN 1374

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

Your Ref:
H12/0260/92
Our Ref:
APP/A2525/A/92/215054

Date: 4 January 1993

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MRS JANE BARWELL
SITE AT LULTON BANK, LUTTON, SPALDING.

I am writing to inform you that the site inspection which was scheduled to take place shortly has been cancelled because the inspector has become unavailable.

A fresh date for the site visit will be arranged as soon as possible.

Yours faithfully

Miss C Clements

MISS C M CLEMENTS

NB. No correspondence should be sent to the above room unless it concerns the site visit date.

209H

S.H.D.C. PLANNING DEPT.
RECEIVED
- 6 JAN 1993

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1202E
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218459
Switchboard 0272-218811
Fax No 0272-218804
GTN 1374

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

Your Ref:
H12/0260/92
Our Ref:
APP/A2525/A/92/215054

Date: 14 December 1992

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MRS JANE BARWELL
SITE AT LULTON BANK, LUTTON, SPALDING.

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 6 of the Act is
Mr P Burley BPhil DipTP ALI

The Inspector will shortly visit the site unaccompanied by either party.

Yours faithfully

MISS J L TUNSTELL

NB. No correspondence should be sent to the above room unless it concerns the site visit date.

209E/92

S.H.D.C. PLANNING DEPT.
18 DEC 1992

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218656
Switchboard 0272-218811
Fax No 0272-218406
GTN 1374

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

Your Ref:
h12/0260/92
Our Ref:
APP/A2525/A/92/215054

Date: 18 November 1992

S.H.D.C. PLANNING DEPT.
RECEIVED
20 NOV 1992

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MRS. JANE BARWELL
SITE AT LUTTON BANK, LUTTON, SPALDING.

1. I refer to the above appeal. The appeal form and accompanying documents are now being checked to see that all is in order. If further information is needed, or if the appeal is found to be invalid, we will write to you as soon as possible.

2. The date of this letter is the "starting date" for the purposes of the Town and Country Planning (Appeals)(Written Representations Procedure) Regulations 1987.

3. The appellant has chosen the written method. Unless you tell us otherwise, we will assume that the Council do not wish to exercise their right to be heard. As you know, if the Council agree to the written procedure, they are required, in accordance with the Regulations, to:

i.- within 5 working days to notify those interested persons who were required to be consulted on the original planning application, and all those who made representations at application stage, that an appeal has been made. (The letter should include the information and details required by the Regulations to be notified. The Council will wish to decide on the precise form of notification but Annex B to DOE Circular 11/87 gives a suggested format. Interested persons should be advised that if they wish to receive a copy of the appeal decision letter, they must write direct to the Inspectorate asking for one.)

ii. - within 14 days of the "starting date" to send to the Inspectorate a completed appeal questionnaire in respect of this appeal together with all the necessary enclosures. Also to send a copy of the appeal questionnaire and enclosures direct to the appellant or agent. (Please ensure that the Inspectorate's reference number above is quoted and that all the relevant documents are attached).

4. Representations received by us from interested persons will normally be copied to you and the appellant. Any comments you wish to make on them should be sent to me, and copied to the appellant, within 7 days. Please avoid long exchanges of correspondence which can considerably delay the decision.

5. The Council will wish to decide whether or not to submit a further written statement. In most cases the relevant background documents submitted with the appeal questionnaire, together with a simple index of these documents, will be sufficient to present the Council's case. If it is considered necessary to submit a further statement, the concise format suggested in Appendix 1 to DOE Circular 18/86 should be used. Any such further statement must be sent to the Inspectorate within 28 days of the "starting date". A copy must also be sent direct to the appellant or agent.

6. Arrangements will be made for the Inspector to visit the site as soon as possible after the closing date for representations. You will be sent details.

7. DOE Circular 11/87 sets out the timetable for appeals determined by the written procedure and I am sure that you will do all you can to keep within the timetable. Please note that, having drawn attention to the timetable, the Inspectorate does not send reminders to councils or appellants about the submission of documents.

8. Regulations 9(1) allows the Secretary of State or his Inspector the discretion to proceed to a decision on an appeal taking into account only such representations and supporting documents as have been submitted within the relevant time limits. Where representations are received outside the time limits, they may not be taken into account. Inspectors will not accept representations at the site visit: nor will they undertake to wait for representations. All representations must be sent to me, as indicated in paragraphs 3 and 5 above.

9. I am the case officer dealing with this appeal. Please send any further correspondence to me at the above address, quoting in full the Inspectorate's reference number given above.

Yours faithfully

P.N
P.P

Mrs. A. Anglin

102/Sept 92

TOWN AND COUNTRY PLANNING REGULATIONS 1990

APPEAL BY: **Mrs Jane Barwell**
Application No: **H12/0260/92**
DoE Appeal Reference: **APP/A2525/A/92/215054**

An appeal has been made to the Department of the Environment against refusal of planning permission by the South Holland District Council for **residential dwelling at Lutton Bank, Lutton, Spalding, Lincs.**

This decision is the subject of an appeal, which was received on **18th November 1992.**

This notice is to inform you of the appeal as the occupier of property in the proximity of the appeal site, or as a person or body who was notified or consulted about the original application and/or has made representations about that application.

The appeal will be determined by the **Department of the Environment** on the basis of **Written Statements** submitted by the appellant and the Council, and following a site visit by an Inspector. It is open to the Secretary of State to grant planning permission.

Any written comments already made to the authority in connection with the original application will be forwarded to the Inspector who will take them into account when deciding the appeal. Any further representations or elaboration or modification of earlier views should be sent direct to **The Planning Inspectorate, Department of the Environment at Room 10/15 Tollgate House, Houlton Street, Bristol, BS2 9DJ**, quoting the above appeal reference, within 28 days of the starting date of the appeal.

Any comments received can only be taken into account provided they are made known to all parties and copies will therefore be sent to the appellant. (It would be of assistance to the Department of the Environment if two additional copies of your comments could be sent, in order that they can forward them to both parties).

The Department of the Environment will circulate the decision on the appeal only to those who specifically request a copy.

B SMITH
Director of Planning & Building Control Services
South Holland District Council
Council Offices. Priory Road, Spalding, Lincs. PE11 2XE
Telephone Spalding (0775) 761161

20th November 1992

NOTIFICATION LETTER SENT TO:

Cllr. D A Tennant - Ward Member
45 Market Street
Long Sutton
Spalding
Lincs
PE12 9DD

Mr N Humphries
Clerk to Lutton Parish Council
7 Oakley Drive
Spalding
Lincs
PE11 2BN

LPA Ref: H12/0260/92

DOE Ref: APP/A2525/A/92/215054

TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS PROCEDURE) REGULATIONS 1987

APPEAL BY MRS JANE BARWELL

Questionnaire and Supporting Documentation from Local Planning Authority

: Questionnaire

PART ONE: PLANNING OFFICER'S REPORT

: Copy of Report to Planning Committee dated 14th April 1992
: Extract of Minute of Planning Committee meeting 14th April 1992
: Extract of Planning Sub-Committee Minute dated 6th May 1992
: Copy of Decision Notice

PART TWO: BACKGROUND PAPERS

: Copy of Lincolnshire County Council Highway observations
: Copy of Lutton Parish Council observations
: Copy of Ward Members observations
: Copy letter from applicant

PART THREE: MISCELLANEOUS

: Copies of Structure Plan Policies 5A to 11A
: Copy of Interim Boundary of Development for Lutton
: List of Conditions if the Appeal were to be allowed

PLAN `A' Appeal Site (including Interim Boundary of Development)

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

APPEAL QUESTIONNAIRE
(revised July 1992)

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

DOE APPEAL REF: APP/ A2525/A/92/215054

APPEAL BY: Mrs. Jane Barwell

GRID REF 523620 326070

SITE: Lutton Bank, Lutton, Spalding, Lincs

PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE DATE YOU RECEIVED THE APPEAL FORM.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.

1.	Do the Council agree to the written representations procedure? OR Do the Council wish to appear before and be heard by an Inspector? (a local inquiry or hearing)	YES / ~~NO~~ ~~YES~~ / NO
2.	If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	YES / ~~NO~~
3.	Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4.	Was an Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES~~ / ~~NO~~ / NA
5.	Was it necessary for the Council to advertise the proposals under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO
6.	Is the appeal site within an approved Green Belt?	~~YES~~ / NO
7.	Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, attach details).	~~YES~~ / NO
8.	Are there any other appeals or matters relating to the same site or neighbourhood still before the Secretary of State for consideration; or does the development directly affect the line of a footpath, bridleway or highway? (If YES, attach details and, where necessary, give the Department's reference numbers.)	~~YES~~ / NO
9.	Is the site within a Conservation Area/ If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10.	Does the appeal relate to an application for conservation area consent?	~~YES~~ / ~~NO~~ N/
11a.	Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building/ (Delete as appropriate)	~~YES~~ / NO
b.	Would the proposed development affect the setting of a listed building?	~~YES~~ / NO
	If the answer to questions 11a or b is YES, please attach a copy of the relevant listing description from the list of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13)	
12.	Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
13.	Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO

14. Copies of the following documents must, if appropriate, be enclosed with this questionnaire	the number of documents enclosed	not applicable
a) any comments or directions received from the secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDO;	1	☐
b) any representations received as a result of an Article 12 (or Regulation 6) notice;	☐	☑
c) a copy of any notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and / or Regulation 5;	☐	☑
d) any representations received as a result of a notice published under Section 67 and/or Section 73 of the Planning(Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);	☐	☑
e) details of any other applications or matters currently before the Council relating to the same site;	☐	☑
f) In the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;	☐	☑
g) a list of any conditions or limitations the Council would favour if the appeal were to be allowed;	1	☐
h) any other relevant information or correspondence the Council consider the Inspectorate should be aware of.	3	☐

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

15. If you have not already done so, please notify, in accordance with Regulation 5(1), details of the appeal to authorities and other persons who made representations to you about the application. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	the number of documents enclosed	not applicable
a) representations received from interested parties about the original application;	2	☐
b) the planning officer's report to committee;	1	☐
c) any relevant committee minute;	2	☐
16. Relevant plans and policies; Please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given	1	☐

17. Do the documents listed above comprise the Council's full statement of case? ~~YES~~ / NO

STATEMENT TO FOLLOW.

Council's reference: H12/0260/92

I certify that a copy of this appeal questionnaire and any enclosures have on this say day been sent to the appellant or agent.

Signature B Smith on behalf of SOUTH HOLLAND DISTRICT Council

Date of despatch 2 Dec 92

NB: Please alert the Inspectorate to any changes in circumstances occurring after the return of this questionnaire.

HMSO Bristol DTP101731

LPA Ref: H12/0260/92

DOE Ref: APP/A2525/A/92/215054

TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS PROCEDURE) REGULATIONS 1987

APPEAL BY MRS JANE BARWELL

PART ONE: PLANNING OFFICER'S REPORT

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

APPLICATION REFERENCE: H12/0260/92 DATE RECEIVED: 2/3/92

APPLICANT: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding
Lincs PE12 9LL

AGENT:

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 14 APR 1992

TYPE: Outline

DESCRIPTION: Residential dwelling

LOCATION: Lutton Bank, Lutton, Spalding

Parish Council: No objections. Local need.

Ward Member: Local need.

County Highways: Request conditions.

PLANNING POLICIES/DOE ADVICE
Outside I.B.D.
PPG7, 1992 - (The countryside and the rural economy).
Structure Plan Policies 6a and 7a.

PLANNING ISSUES
1 The determining issue in this particular case is whether the proposal is acceptable on policy grounds.
2 The site is currently waste ground and has a frontage width of 62 metres approximately. Its depth varies between 14 and 10 metres.
3 The site is outside the Interim Boundary of Development for Lutton. Development further to the north is somewhat scattered.
4 Although reference has been made to local need by both the Parish Council and Ward member, no formal details have been submitted with the application. Since this is the case, I am unable to assess the proposal against the "Local Need" criteria.

CONCLUSIONS
1 The proposal is contrary to Structure Plan Policy 7a which states that new residential development in the open countryside will only be permitted where there is an essential need to house farm or forestry workers near to their place of work. Further, the proposal is not considered to be reasonable infilling and is therefore, in my judgement, contrary to Structure Plan Policy 6a. This states that "permission will not normally be granted for housing which would create or extend ribbon or scattered development".

RECOMMENDATION - 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 development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy) and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority, the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would form a precedent for further similar proposals which would be difficult to resist.

---

82. PLANNING APPLICATIONS (Continued)

(c) **Applications Deferred**

Consideration of the following applications be deferred for the reasons indicated:-

Plan No. and Applicant		Proposal
H18/0736/88/C2		Wall at Custom House Street, Sutton Bridge.

(To enable the Director of Planning and Building Control Services to consider the application more fully in view of concern as to whether or not the proposed development would comply with the requirements of planning permission H18/0736/88.)

H05/0115/92 Mr H Payne		Change of use of existing agricultural land to garden area serving aged persons accommodation on land adjacent The Anglia Motel, off Winslow Gate, Fleet.

(To enable the Director of Planning and Building Control Services to investigate this proposal further in relation to other uses of adjoining land and buildings both existing and as indicated on a plan supplied by the applicant.)

H16/0203/92 Allison Homes Ltd		Reserved matters relating to residential development with associated roads, sewers and landscaping on land west of Woolram Wygate, Spalding (Phase II Wygate Park Development).

(To enable the Plans Sub-Committee to consider the application in detail.)

S.V.	H12/0260/92 Mrs J Barwell	O.A.	Residential dwelling at Lutton Bank, Lutton.

(Pending a site inspection to enable Members to assess if the proposal would be suitable for consideration under the Council's policy and criteria for new dwellings for other local needs.)

(Councillor A E Naylor declared an indirect interest in the above application, and left the Council Chamber during consideration thereof.)

H19/0309/92 Mr W Price		Use of land for siting of residential caravan in conjunction with horticultural business at The Paddocks, Luttongate Road, Throckenholt.

(To enable the Director of Planning and Building Control Services to clarify the circumstances regarding the granting of planning permission for the existing caravan immediately to the south of the site.)

Minutes of a meeting of the **PLANS SUB-COMMITTEE** held in Meeting Room 1, Council Offices, Priory Road, Spalding on Tuesday, 6th May 1992.

PRESENT

Councillors:

Mr. B. Alcock - Chairman
Mr. T. Bray - Vice-Chairman

Mr. J. Clark	Mr. J.A. Dobney	Mr. J.R. Pearl
Mr. B.J. Davies	Mrs. E.O. Hall-Patch	Mr. R.C. West
Mr. E.N. Davies	Mr. N.P. Judge M.B.E.	Mr. M.C. White

The Director of Planning and Building Control Services, the Deputy Director of Administration and the Deputy Director of Environmental Services.

Apologies for absence were received from or on behalf of Councillors R.C.P. Cowan, A.E. Naylor and M.S.L. Rollinson.

314. MINUTES

The Minutes of the meeting held on 6th April, 1992 were signed by the Chairman as a correct record.

315. PLANNING APPLICATION

The following application was determined as indicated following an inspection of the site:-

Plan No. and applicant		Proposal
H12/0260/92 Mrs J Barwell	O.A.	Residential Development at Lutton Bank, Lutton

RESOLVED: (a) Planning permission be refused for the above development in accordance with the recommendations of the Director of Planning and Building Control Services but the applicant be advised that it is likely that a full application would be supported provided it could be demonstrated that the proposal satisfies the Council's local needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside"; and (b) the Director of Planning and Building Control Services write to the applicant advising her of the Council's local needs criteria, including the details required to support such an application and drawing particular attention to the legal commitment involved, and suggesting that the applicant should consider carefully before preparation of detailed plans is put in hand.

316. ESTATE DEVELOPMENT

Plan No. and applicant	Proposal
H16/0203/92 Allison Homes Limited	Reserved matters relating to residential development with associated roads, sewers and landscaping on land west of Woolram Wygate, Spalding (Phase II Wygate Park development).

RESOLVED: The Director of Planning and Building Control Services be authorised to grant planning permission in accordance with his recommendation B subject to being satisfied with the arrangements for the future care and maintenance of the off street parking courts to be provided for the terraced properties.

(End of Minutes)

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H12/0260/92 Received:02-MAR-92 Type:OUTLINE

Name: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location : Lutton Bank Lutton
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 development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Department of the Environment Policy Note 4, and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would form a precedent for further similar proposals which would be difficult to resist.

Director of Planning and Building Control Services
22-MAY-92 H12/0260/92

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)

LPA Ref: H12/0260/92

DOE Ref: APP/A2525/A/92/215054

TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS PROCEDURE) REGULATIONS 1987

APPEAL BY MRS JANE BARWELL

PART TWO: BACKGROUND PAPERS

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council

Application Reference H12/0260/92.

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		
	4	3	6	2	6	0.

2. Address or location

LUTTON BANK, LUTTON

3. Name, classification and number of road

III

4. Date application referred 12-3-92

5. State whether outline, detailed application etc.

OL.

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

RESIDENTIAL DWELLING.

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: 12-3-92 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) B13 (amended) - - - - - - Y/15 - - - 6m
- - - of Roman Bank. (delete remainder —)

(2) B21

Delete as appropriate

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

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

(2) B6

(2) B21

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

B. J 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: H12/0260/92

Applicant: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location: Lutton Bank Lutton
Spalding

Type: OUTLINE

Date received: 02-MAR-92

05-MAR-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 20-MAR-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 Lutton PC
7 Oakley Drive
Spalding
Lincs
PE11 2BN

S.H.D.C. PLANNING DEPT.
RECEIVED
13 MAR 1992 DG

FOR PARISH COUNCIL USE ONLY

Comments: No objections

Signed:

BR.. .. SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Pri .. oad, Spalding,
Lincolnshire. PE11 2XE

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

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H12/0260/92

Applicant: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location: Lutton Bank Lutton
Spalding

Type: OUTLINE

Date received: 02-MAR-92

05-MAR-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 15-MAR-92 if you feel that this proposal should be brought to the attention of the Planning Committee for any reason.

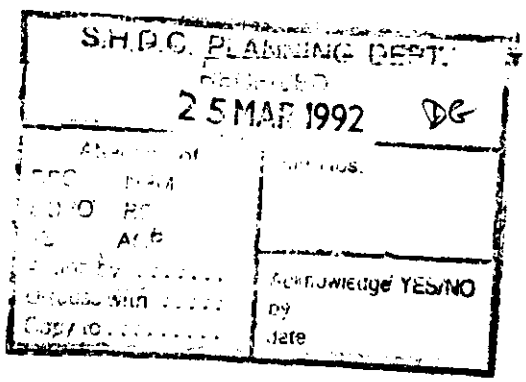
Yours faithfully
B SMITH
Director of Planning and Building Control Services

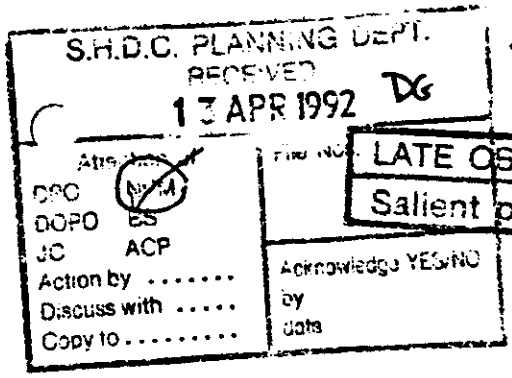
Cllr D A Tennant
45 Market Street
Long Sutton
Spalding Lincs
PE12 9DD

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

Local need

Signed: D A Tennant





260/92

Bank House,
Dear Love Gate
Lytham
Lancs
PR8 9LL
11 April 1992.

Dear Mr Smith,

I have spoken to Councillor Michael Booth who has advised me to write to you concerning my planning application.

My situation is such that I am divorced and in the near future will have to leave my home of many years. I have limited financial resources and to utilize this waste land to create a home for myself would lessen my concern regarding the future considerably.

May I put to you the following points which I hope will be considered.

Waste ground.

1 The site was originally used for a dwelling and garden until some years ago when the dwelling was demolished. The foundations still remain.

2 The land has never been cultivated nor ever will be.

3 It serves no purpose to the community or any individual to remain as it is.

4 A pleasant dwelling and garden would be more pleasing and preferential to the eye than what exists at the moment.

5 I hope you would agree with me that the building of a dwelling would be regarded as infill and not an invasion of green belt area.

Social need.

6 I have no home.

7 My financial resources are limited.

8 I need to be near my family and friends.

If you would attach this letter to my planning application it would be greatly appreciated.

Yours sincerely,

Jane Boswell.

LATE OBS. Cttee. [illegible] Date. 5/5.
Salient points highlighted ✓

260/92

S.H.D.C. PLANNING DEPT.
RECEIVED
22 APR 1992

Attention of	File Nos.
DPO NPA	5/5 Sub-Ctte
DCPO BS	
JO ACP	
Actioned by	Acknowledge YES/NO
Discussed with	by
Observations	date

Park House,
Love Lane,
Luton,
Spalding. PE12 9LL
22nd April 1992.

[illegible] PLAN
Ref.

Dear Mr Smith,

Please find enclosed ordnance survey map with revised boundary. The width at one end of the plot has been increased to approximately twenty eight yards. Please attach this to my planning application.

If you would be kind enough to send me confirmation of your receiving this letter it would be greatly appreciated. Please find stamped addressed envelope.

Yours sincerely,

Jane Barwell.

LPA Ref: H12/0260/92

DOE Ref: APP/A2525/A/92/215054

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY MRS JANE BARWELL

PART THREE: MISCELLANEOUS

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

APPROVED STRUCTURE PLAN

ALTERATION No. 1

POPULATION - HOUSING - SETTLEMENT

WRITTEN STATEMENT AND EXPLANATORY MEMORANDUM

Lincolnshire County Council

NOVEMBER 1991

for additional growth which should help strengthen and expand the services and facilities already established. Sutton Bridge has been designated as an urban area not only because it fulfils most of the criteria, but also in recognition of its particular potential for longer term housing and employment growth. This has recently been further enhanced by the completion of the A17 by-pass around the settlement. The exact definition of the urban areas will be defined by the District Councils in Local Plans.

4A.2 The best prospect for making significant progress towards the implementation of the overall growth strategy, and the achievement of the objectives in the existing Structure Plan lies in the continued consolidation of new large scale housing development in the urban areas which also offer the most advantages for the location of major new employment sources. The urban areas possess a capability to accept further major housing development, and access to services and facilities will be easiest in these locations because of the existing provision and the potential to expand such provision. The urban area will also be the principal locations for new jobs and it will be important for the District Councils to relate new residential development to existing and potential jobs in order to minimise travel costs. Whilst most new development will be located in the urban areas, it is important that this is not at the expense of the urban environment. 'Town cramming' should be avoided and appropriate areas of open space should be retained.

4A.3 The urban area allocations should not be regarded as ceilings or fixed targets. However, in the case of Stamford only a specified modest amount of additional development is proposed in order to protect the unique environment of this historic town.

4A.4 The greatest need for services/facilities is and will be in the urban areas both to rectify existing deficiencies and to ensure that provision is kept broadly in line with demands resulting from new house construction. In terms of the services provided by the County Council, e.g. education, libraries, and the social services, provision in the urban areas will be of paramount importance in order to meet the demands of the increasing population. Accordingly, the urban areas will continue to be regarded as the priority locations for investment in new schools, libraries and social and community facilities, thus helping to strengthen the role of each settlement as a major service centre not only for its resident population but also the dependent rural population. Although the County Council will be responsible for the provision of some educational and leisure facilities the County Council's role in this respect will also be advocative in persuading and encouraging the relevant agencies to make the appropriate necessary provision.

POLICY 5A

PROVISION FOR NEW RESIDENTIAL DEVELOPMENT OTHER THAN THAT IN POLICY 4A WILL NORMALLY BE MADE IN AND AROUND MOST EXISTING SETTLEMENTS. THE SUITABILITY OF ANY PROPOSAL WILL BE ASSESSED IN RELATION TO ITS SCALE AND IMPACT ON THE CHARACTER, DENSITY AND PHYSICAL EXTENT

OF EXISTING DEVELOPMENT. THERE WILL BE A PARTICULAR NEED TO RETAIN AN APPROPRIATE LEVEL OF OPEN SPACE WITHIN THE SETTLEMENT. WHERE APPROPRIATE, LAND WILL BE PROVIDED AND PLANNING PERMISSION WILL NORMALLY BE FORTHCOMING FOR PROPOSALS FOR THE IMPROVEMENT OR PROVISION OF SOCIAL, COMMUNITY, EDUCATION, HEALTH AND UTILITY SERVICES/FACILITIES.

EXPLANATION

5A.1 Provision for large scale new housing development has already been made in the urban areas, but it is important to the overall growth strategy that adequate provision is also made in the villages in the county. These villages of which there are over 500, obviously vary considerably in their size, form, function and rate of past development, but it is considered that most of them could accommodate an appropriate amount of new housing development without particular detriment to their environment. A large number and variety of settlements should have the opportunity to benefit from new growth.

The basic aims of this Policy are that it should provide a wide choice of home location, allowing people to live in or move into the village, as opposed to urban, environment if they so wish, and that it should also assist in the improvement or retention of village services/facilities which continue to be important to the well-being of the local community. The level of provision of services/facilities in the county is already low as has been shown by successive Rural Facilities Surveys 1969, 1979 and 1986, and the County Council is concerned. Many of the smaller villages are located in relatively remote rural areas, and the maintenance, where feasible, of existing levels of provision of community and other services is important in checking the decline in the quality of some aspects of life in these settlements. Without an adequate supporting population, many services and facilities will continue to disappear. Whilst new housebuilding on an appropriate scale will not guarantee the retention of such services/facilities they will at least improve their chances of remaining open by increasing the population and therefore potential usage.

The assessment of what is a suitable amount of new development for individual villages is a matter for the District Councils in their local planning and development control activities. However, if the aims of this Policy are to be successfully achieved, this new development must be appropriately spread between a wide variety of villages rather than concentrated into only a few.

5A.2 It is acknowledged that it is a District Council function to define village boundaries in Local Plans, and it is recognised that not all villages are the same in terms of their capacity to accept additional growth. However, it is expected that full regard will be had to the essentially growth orientated nature of this Policy, and that this will be properly reflected when individual boundaries are considered and adopted by the District Councils. It is considered that boundaries which are unnecessarily tight can not only hinder reasonable and acceptable growth but also lead to overdevelopment within villages. When considering land for new housing

development in villages, it is important that appropriate areas of open space are retained in order to protect the environmental quality of these settlements.

5A.3 New development in villages on the scale and distribution envisaged should help to ensure that services and facilities are retained, improved and in certain cases provided for the first time. There are, however, existing deficiencies, and other needs may well arise in the future as a consequence of the development proposed by this policy. New housing development on a significant scale will generate a need for services and facilities, and it is important that they are properly co-ordinated. The County Council will attempt to ensure that deficiencies are removed or needs met not only by positive actions in relation to their own services and functions, but also by effective liaison with the numerous bodies and organisations, statutory or otherwise, that operate in the rural areas.

POLICY 6A

PERMISSION WILL NOT NORMALLY BE GRANTED FOR HOUSING WHICH WOULD CREATE OR EXTEND RIBBON OR SCATTERED DEVELOPMENT.

EXPLANATION

6A.1 The presumption against ribbon and scattered development is carried forward from the existing Structure Plan. It remains Government policy, and is particularly important in an extensive rural county like Lincolnshire. PPG3 'Land for Housing' states that the . . ."expansion of villages into the surrounding countryside is objectionable if it creates ribbons or isolated pockets of development". Such development is environmentally damaging, a waste of agricultural land, costly in terms of servicing and infrastructure, and an unacceptable and unnecessary intrusion into the countryside.

POLICY 7A

NEW RESIDENTIAL DEVELOPMENT WILL NORMALLY ONLY BE PERMITTED IN THE OPEN COUNTRYSIDE WHERE THERE IS AN ESSENTIAL NEED TO HOUSE FARM OR FORESTRY WORKERS NEAR TO THEIR PLACE OF WORK.

EXPLANATION

7A.1 Central Government advice states that . . . "in the interests of preserving the countryside and protecting the best agricultural land, new housebuilding in open countryside continues to need careful control" (PPG 7 'Rural Enterprise and Development'). This Policy is intended to implement this guidance. There are also higher than average costs in servicing new development in the open countryside, and this should be avoided wherever possible. Normally, rural workers in agriculture, horticulture and forestry will be housed within existing settlements, however on occasions there may be an essential and proven need for such a worker to be housed close to his or her place of employment. In such circumstances, permission may be granted for residential development in the open countryside, but with an appropriate occupancy

condition designed to ensure that any dwelling erected to serve such a defined need continues to do so.

7A.2 Recent changes in agricultural policy encouraging farm diversification have led to an increasing number of recreational type proposals in the open countryside. This is likely to continue in the future. Exceptionally, in relation to these proposals, it may be necessary for a worker to live on site. In such circumstances, provided that the local planning authority is satisfied that the need is essential and proven, permission may be granted for residential development in the open countryside. The occupancy of such a dwelling will be restricted to a person directly connected with the establishment, either by means of a condition of planning permission or Section 106 Agreement.

7A.3 This Policy applies only to the building of **new** residential development as opposed to the **conversion** of suitable farm buildings into dwellings. There are opportunities for the re-use and conversion of farm buildings into residential use and this can help meet the demand for housing in the rural areas. It will be for the local planning authorities to decide on the suitability of particular proposals, but PPG 7 'Rural Enterprise and Development' states that . . . "there should generally be no reason for preventing the adaptation or restoration of existing or derelict dwellings in the countryside for new uses, provided that their form, bulk and general design are in keeping with their surroundings. Proposals for the re-use of redundant buildings should not be rejected unless there are specific and convincing planning reasons that cannot be overcome by attaching reasonable conditions to the planning permission".

POLICY 8A

PLANNING PERMISSION MAY EXCEPTIONALLY BE GRANTED FOR LOW COST HOUSING ON LAND THAT WOULD NOT NORMALLY BE RELEASED FOR DEVELOPMENT, PROVIDED THAT:

- **THE SCHEME WOULD MEET A GENUINE LOCAL NEED THAT WOULD NOT OTHERWISE BE MET,**
- **THERE ARE ARRANGEMENTS TO ENSURE THAT THE BENEFITS WILL BE ENJOYED BY ALL THE SUBSEQUENT OCCUPANTS AS WELL AS THE INITIAL OCCUPIERS.**
- **SITES ARE WELL RELATED TO EXISTING SETTLEMENTS AND ARE ADDITIONAL TO THE GENERAL PROVISION OF LAND FOR HOUSING.**

EXPLANATION

8A.1 The problem of how to meet local need for low cost housing particularly in the rural areas is an issue of national concern, and Central Government are determined that every effort is made to alleviate the situation. In many parts of the country, the combined effects of house prices, a limited supply of Council houses, and the decline of the rural rented sector have all helped to deny low paid local people the chance of living and working in their local rural area. Over the past few years, the problem has become particularly apparent in Lincolnshire primarily because house prices have

more than doubled. Although there are variations within the county, it is difficult to find any property under about£40-50,000 in the villages, and even this is in very short supply. This contrasts sharply with the fact that wage levels in Lincolnshire are below the national average. At April 1988, average male earnings were only £10,700 pa and female only £7,500 pa (source: Department of Employment: New Earnings Survey). New houses are being built in many of the villages in the county, but these are tending to cater for the middle and upper range of the market, typified by the more affluent in-migrant from South-East England, and the indigenous population already established on the housing ladder.

8A.2 In 1985/86, the County Council, in conjunction with the National Agricultural Centre Rural Trust (NACRT) conducted an extensive survey of housing need in the rural areas of the county. This revealed that in over a quarter of all Lincolnshire villages there was an identifiable housing need of some description, and as the survey was conducted before the rapid increase in house prices, it can reasonably be assumed that the situation is now considerably worse. The results of this survey prompted the formation of the Lincolnshire Rural Housing Association whose aim is to build, on a rolling programme and for rent, low cost housing available in perpetuity to local people with a proven need. A few small schemes have already been completed and others are proposed, but by themselves these and other similar small scale initiatives are really only scratching the surface of the problem.

8A.3 In the national context, this has been recognised by Central Government who are keen to see the problem tackled on a broad range of fronts. In February 1989, the then Secretary of State for the Environment, Nicholas Ridley, outlined the role the planning system can play in meeting local needs in rural areas when he stated that . . . "in such areas the need for low cost housing and the existence of arrangements made by the developer, or between the developer and the landowner or the local authority, to ensure that new low cost housing is made available for local needs could be material considerations which the authority would take into account in deciding whether to grant planning permission. Such considerations might be particularly relevant to the release of small sites within or adjoining existing villages which would not otherwise be allocated for housing". Circular 7/91 has recently further clarified Central Government policy with regard to planning and affordable housing.

It is the intention that, in the Local Plan context, land released for local needs only will be in addition to land allocated in such plans for general housing demand.

8A.4 The County Council is concerned that this significant change of policy direction is fully reflected at the strategic planning level, and that it is given full expression and support in the Structure Plan. It is recognised however that its implementation will largely be the responsibility of the District Councils in their role as both local planning and housing authority. It is important therefore that within this Policy any scheme should be in accordance with the detail of individual District Council policies for low cost housing in their areas and the content of Circular 7/91. The definition of sites and any criteria relating to their definition is more appropriately

undertaken at the local level. Similarly, the definition of genuine local need which may vary throughout the county is left to the District Councils and other bodies to define. The various methods of actually providing the low cost housing is also left to the judgement of the District Councils as again individual circumstances will vary. It is of paramount importance however, that whatever type of scheme is implemented there must be no opportunity for a windfall profit for the first occupant. If the problem is to be effectively tackled, low cost housing for local people in genuine need must continue to be low cost for successive occupants.

8A.5 Although the policy is primarily directed at the rural areas, i.e. principally the villages in the county, it may also be applicable to the urban areas where house prices are still high and suitable housing for people on low incomes is in short supply. This recognises the fact that in the Lincolnshire context, many of the urban areas are distinctly "rural" rather than "urban" in their size and function.

POLICY 9A

PROVISION FOR RESIDENTIAL CARAVANS WILL BE SUBJECT TO *THOSE POLICIES AS APPLY TO PERMANENT RESIDENTIAL* DEVELOPMENT.

EXPLANATION

9A.1 Residential caravans demand the same level of service provision and need to be considered against the same environmental factors as permanent residential development. They should therefore be subject to the same policies and planning criteria. This is Policy 7 of the current Structure Plan and it is to be rolled forward unchanged as it is equally applicable to the new settlement policies contained in this Alteration.

POLICY 10A

PROVISION WILL BE MADE FOR BOTH PERMANENT AND ITINERANT GYPSY CARAVAN SITES, WHICH SHOULD NORMALLY BE:

- **LOCATED IN AREAS FREQUENTED BY GYPSIES;**
- **REASONABLY ACCESSIBLE TO COMMUNITY SERVICES AND FACILITIES;**
- **CAPABLE OF SYMPATHETIC ASSIMILATION IN THEIR SURROUNDINGS.**

EXPLANATION

10A.1 Under the Caravan Sites Act 1968 (and reiterated in Annex A of PPG15) there is a statutory duty in development plans to make adequate provision for gypsies residing in or resorting to a particular area, and to set out appropriate land use proposals. At the Structure Plan level in Lincolnshire, this is considered most appropriately achieved by stating the general criteria to be used for identifying suitable sites for gypsy caravan sites.

POLICY 11A

THE BEST AND MOST VERSATILE AGRICULTURAL LAND, WHICH IN LINCOLNSHIRE IS GRADES 1 AND 2 SHOULD NORMALLY NOT BE BUILT ON UNLESS THERE IS NO OTHER SITE SUITABLE FOR THE PARTICULAR PURPOSE. WHEN NON-AGRICULTURAL DEVELOPMENT IS NECESSARY ON AGRICULTURAL LAND IT WILL, WHEREVER POSSIBLE AND APPROPRIATE, BE LOCATED ON LAND OF A LOWER RATHER THAN A HIGHER GRADE.

EXPLANATION

11A.1 The need to retain agricultural land in full production was accorded special priority after 1945, and was again endorsed in the 1975 White Paper entitled 'Food From Our Own Resources'. Circular 75/76, set in this context, defined the general Government policy aim as being "to ensure that as far as possible, land of a higher agricultural quality is not taken for development where land of a lower quality is available, and that the amount of land taken should be no greater than is reasonably required for carrying out the development in accordance with proper standards". The current Structure Plan Policy 11 was formulated against this background.

11A.2 Government policy as expressed in PPG7 (Rural Enterprise and Development) and Circular 16/87 now recognises that, at a time of surpluses in agricultural production, "it no longer makes sense to retain as much land as possible in agricultural use, though the need for an efficient and flexible agricultural industry remains as important as ever.

The need is to foster the diversification of the rural economy so as to open up wider and more varied employment opportunities, and to balance that need against protection of the environment without giving agricultural production a special priority". The agricultural quality of the land, and the need to control the rate at which land is taken for development should now be evaluated alongside those considerations relating to the environment and the rural economy.

11A.3 In a predominantly rural county like Lincolnshire, this shift of Government policy emphasis is considered particularly important. The County Council accepts that inevitably most development in the county will have to take place on greenfield sites, and wants to reflect the present Government policy in this Alteration. The County Council is active in promoting, developing and diversifying the rural economy, notably through the annual Rural Development Programme and tourism related initiatives, and it is important that these are not unneccessarily affected by dated statutory policy.

11A.4 It is not intended however that all lower grade agricultural land should necessarily be freed for development, for example where the land is of a high nature conservation and/or landscape value. Overall planning controls continue to apply, and Government policy emphasises "the continuing need to protect the countryside for its own sake rather than primarily for the productive value of the land". (PPG 7)

LIST OF CONDITIONS IF APPEAL WERE TO BE ALLOWED

1. The following matters are reserved for subsequent approval by the Local Planning Authority, and no development to which they relate shall be carried out until these matters have been approved, viz:

   i) Detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs;

   ii) The siting and design of any vehicular access to a road;

   iii) Landscaping of the site, including details of positions, heights on planting and species of trees and shrubs.

   Reason: The application was submitted in outline only.

2. The approved scheme of landscaping shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

   Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

3. The gradient of the vehicular access shall not be steeper than 1/15 for a distance of 6 metres from the nearside edge of the carriageway of Roman Bank.

   Reason: To ensure the provision of adequate facilities for safe ingress and egress of vehicles calling at the site in the interests of road safety.

4. Before the access is commenced to be used, provision shall be made within the site to the satisfaction of the Local Planning Authority for a motor vehicle to turn to enable it to enter and leave the highway in forward gear.

   Reason: To enable vehicles to enter and leave the highway in forward gear in the interests of road safety.

NOTE: The landscaping scheme should include the provision of a frontage hedge of indigenous species (e.g. hawthorn).

LPA Ref: H12/0260/92

DOE Ref: APP/A2525/A/92/215054

TOWN AND COUNTRY PLANNING (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURE)
REGULATIONS 1987

APPEAL BY MRS JANE BARWELL

PLAN 'A'

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

LPA Ref: H12/0260/92

DOE Ref: APP/A2525/A/92/215054

TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS PROCEDURE) REGULATIONS 1987

APPEAL BY MRS J BARWELL

STATEMENT

B Smith
Director of Planning and
Building Control Services
Council Offices
Priory Road
Spalding
Lincs

STATEMENT

1. The site is outside Lutton Interim Boundary of Development approved by Full Council on 21st March 1990. The principle purpose of it is to provide a consistent basis for the interpretation of Structure Plan Policy, particularly Policies 5a, 6a and 7a which were approved in November 1991 (Alteration No 1).

2. Pursuant to the above, the site is in an area where Structure Plan Policy 7a applies. This policy states:-

> "New residential development will normally only be permitted in the open countryside where there is an essential need to house farm or forestry workers near to their place of work".

3. In the opinion of the District Council, the proposed development is contrary to this policy and would give rise to demonstrable harm.

4. Firstly, it would conflict with the objectives of Structure Plan Policy 7a which aims to safeguard the character of the countryside and prevent the loss of potential prime agricultural land.

5. Secondly, it would adversely affect the visual amenities of this rural locality. Given the topography and the settlement pattern of the area, it is considered imperative that close regard should be had for maintaining the visual distinctiveness of the countryside, especially at the periphery of settlements such as this.

6. The proposed site is outside the Interim Boundary of Development for Lutton in an area where development becomes more scattered. As such, the proposal is considered to be contrary to Structure Plan Policy 6a which states:-

> "Permission will not normally be granted for housing which would create or extend ribbon or scattered development".

7. The purposes of this Policy are to prevent the expansion of villages into the surrounding countryside since it is environmentally damaging, a waste of agricultural land, costly in terms of servicing and infrastructure, and also an unacceptable and unnecessary intrusion into the countryside.

8. The appellant has stated that "the application could have been approved on the grounds of derelict land and/or infill as the site was originally developed (the foundations remain)". Responding, the site is not considered to be reasonable "infilling" as defined within PPG 7, 1992 (The Countryside and the Rural Economy). Although the foundations of an existing dwelling may still be present the residential use has nevertheless been abandoned. Consequently, any dwelling must be regarded as new development.

9. The formal resolution of the Plans Sub-Committee was that:-

a) Planning permission be refused but the applicant be advised that it is likely that a full application would be supported provided it could be demonstrated that the proposal satisfied the Council's Local Needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside":

b) The Director of Planning and Building Control Services write to the applicant advising her of the Council's Local Needs criteria, including the details required to support such an application and drawing particular attention to the legal commitment involved, and suggesting that the applicant should consider this carefully before preparation of detailed plans is put in hand.

10. A copy of the Local Planning Authority Local Needs Policy is enclosed.

11. Subsequent negotiations have taken place with the appellant to establish how the need for a dwelling which she has elaborated can be accommodated within the terms of this Policy.

12. However, difficulty has been experienced in arriving at a legal agreement which would enable the appellants needs to be sufficiently and clearly defined as to come within the terms of the Local Needs Policy (copies of relevant correspondence are enclosed).

13. In fact, the difficulties are not specific to the appellants case: they are common to other instances where a need has been advanced upon the basis of the above mentioned policy.

14. Accordingly, the Local Planning Authority is currently in the process of reassessing its Local Needs Policy in the light of these difficulties.

15. As a consequence, it is the view of the Local Planning Authority, that while doubt attaches as to whether the appellants requirements for a dwelling can be met within the context of the Local Planning Authority's Local Needs Policy, the reason for refusal as given in the Local Authorities formal decision should be regarded as its definitive view on the planning considerations at issue.

16. Finally, the amended plans referred to by the appellant were not considered within the frame work of planning application H12/0260/92 since the site shown was fundamentally different.

17. For the above reasons, the Local Planning Authority requests that the appeal be dismissed.

Documents to be referred to

Appeal plans (submitted with questionnaire)
Lutton Interim Boundary of Development (submitted with questionnaire)
Lincolnshire Structure Plan (Alteration No 1) (submitted with questionnaire)
Planning Policy Guidance Note No 7, The Countryside and Rural Economy (January 1992) (enclosed)
The District Council's Local Needs Policy (enclosed)
Correspondence to appellant dated 20th May 1992, 19th June 1992, 16th July 1992 and 20th October 1992, (enclosed)

Department of the Environment
Welsh Office

PPG7
January 1992

PLANNING POLICY GUIDANCE:

THE COUNTRYSIDE AND THE RURAL ECONOMY

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1. Policies for the countryside

Introduction

1.1 The White Paper *This Common Inheritance* sets out the Government's environmental strategy, including its policies for the countryside. These are based on sound stewardship of the heritage and on creating the conditions for a healthy and growing economy. The main aims are:

- to encourage economic activity in rural areas;
- to conserve and improve the landscape, and encourage opportunities for recreation;
- to conserve the diversity of our wildlife particularly by protecting and enhancing habitats.

1.2 Planning Policy Guidance notes set out the Government's policy on different issues, and how it relates to the preparation of development plans and the consideration of planning applications. This PPG provides policy guidance on the countryside and rural economy. It is for local authorities to determine the more specific policies that reflect the different types of countryside found in their areas. The first part sets out the Government's general policy approach, and how it should be reflected in land use planning policies. The second part provides more specific advice on

may be a building that is left vacant and prone to vandalism and dereliction. Additional guidance on re-use and conversion is provided in Annex D.

(1) In accordance with Article 30 of the Treaty of Rome, conditions should not rule out the use of equivalent natural materials that are not local.

Housing

2.16 New housing will continue to be required in rural areas, to sustain the health of the rural economy and the viability of village communities. In many villages provision can be made for modest development without damage to the character of the village or to the countryside. New housing can help to sustain villages by providing the basis for maintaining local services, schools, shops, pubs and other features of community life.

2.17 Changes in the area of land devoted to farming mean that it should be possible to accommodate small-scale new housing development more readily in rural areas, and to secure more generous and imaginative standards of lay-out and landscape design. It is nevertheless still important that the pattern of new development should be determined through the development plan process, and should be well related in scale and location to existing development. Expansion of villages and towns must avoid creating ribbon development or a fragmented pattern of development.

2.18 New housebuilding and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often. Isolated new houses in the countryside require special justification – for example, where they are essential to enable farm or forestry workers to live at or near their place of work. Advice on the special considerations which may arise in relation to agricultural and forestry dwellings is given in Annex E. Infilling (the filling of small gaps within small groups of houses) or minor extensions to groups may be acceptable. Much would depend on the character of the surroundings and the number of such groups in the area.

2.19 In an increasing number of rural areas there are pressures on the limited housing stock from people outside the local community. Some will bring new businesses and skills to rural areas but others will include retired people and long-distance commuters. Many can afford to pay more for their housing than local people. The result can be a serious shortage of affordable housing for those with modest incomes who already live and work in the area. Advice on the provision of land to meet local needs for affordable housing (in areas where new housing would normally be permitted and elsewhere) and on arrangements for ensuring that the benefits are passed to successive occupants, is given in DOE Circular 7/91 (Welsh Office 31/91).

2.20 Planning Policy Guidance Note 3 provides advice on the identification and allocation of land for housing in England. Advice on the provision of land for housing in Wales is given in Welsh Office Circular 47/84.

Horses

2.21 The keeping and riding of horses for recreational purposes or as part of commercially-based equestrian activities is increasingly popular in many parts of the countryside, not least those close to urban areas. Such activities can help provide new opportunities for employment and land use. Guidance on development involving horses is provided in Annex F.

3. Special considerations in designated areas

Introduction

3.1 In those parts of the countryside where special statutory designations apply planning policies and development control decisions should take full account of the specific features or qualities which justified designation of the area, and sustain or further the purposes of that designation. In some designated areas additional statutory planning controls or procedures apply, for example through tighter controls over permitted development. Other designations have statutory implications beyond the planning system, but the factors that led to the designation may also be material to planning decisions.

Permitted development rights in designated areas

Permitted development rights allow a range of minor developments to take place without the need for a full planning permission requiring a planning application.

In National Parks and the Broads, AONBs and conservation areas some permitted development right are reduced, and others withdrawn entirely, so that some types of normally minor development remain subject to scrutiny by the planning system. There are lower volume limits for the extension of dwellinghouses, and for the erection of buildings within the curtilage of dwellinghouses. Extensions to industrial buildings and warehouses that can be undertaken without specific planning permission are subject to lower volume and floorspace allowances. Permitted development rights are not available at all for:

- roof extensions to dwellinghouses;
- the application of stone and some other forms of cladding to the outside of a dwellinghouse;
- the installation of a satellite dish on chimney stacks and on walls or roof-slopes fronting a highway (or a waterway in the Broads) as well as on buildings over 15 metres in height; or

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING INFORMATION

Local Authority BUILDING CONTROL

DWELLINGS IN THE OPEN COUNTRYSIDE

This information leaflet is to assist anyone who may be considering applying for planning permission to build a new dwelling in the open countryside, away from a recognised town or village, and anyone who wishes to apply for the removal of the "agricultural occupation" condition on their dwelling.

PLANNING POLICY

It is South Holland District Council's planning policy that new dwellings generally will not be permitted in the open countryside and outside the approved development boundaries of towns and villages. This policy is in line with the policies in the Lincolnshire Structure Plan which have been approved by the Secretary of State for the Environment.

For many years-it has been the planning policy for this area to concentrate new residential development in the towns or larger villages for the following reasons:

(i) The provision of services to new development with towns and villages is less costly than providing the same services to isolated dwellings;

(ii) The convenience to individuals of having a range of services and facilities close at hand in towns and villages;

(i)The importance of conserving high quality productive farm land;

(iv) The importance of protecting the appearance of the rural landscape.

It is the Government's planning policy not to allow more than the essential minimum of high quality agricultural land to be developed, nor land of a higher quality to be taken where land of a lower quality could be used. South Holland District Council supports this policy as being particularly relevant in this District, where there is so much agricultural land of very high quality which is so important both nationally and to the local economy.

There are some circumstances in which the Council will consider granting planning permission in response to specific needs or opportunities. These are explained in this leaflet, together with the Council's policy towards applications to remove "agricultural occupancy" conditions.

NEW DWELLINGS FOR AGRICULTURAL OR HORTICULTURAL NEEDS

The Council recognises that there will be circumstances where it is necessary occasionally to permit dwellings outside recognised towns and villages, in the interests of agriculture or horticulture. Before granting planning permission, the Council will want to be satisfied on the following points.

(i) That it is essential that the dwelling should be built in the open countryside. Although the prospective occupant works in agriculture, it may not be essential for him to live in the open countryside. The applicant must show that it is necessary in the interests of agriculture or horticulture for the dwelling to be built in the open countryside rather than in a nearby town or village;

(ii) That the site applied for is capable of satisfying the special need of the holding in question and at the same time conserving agricultural land and the character of the countryside;

(iii) That the building of a new dwelling will not result in other dwellings being unused for lengthy periods and that an unacceptable precedent for the erection of more dwellings in the area will not be created.

(iv) That if a new business is proposed, it is likely to be viable.

The Council will expect applicants to demonstrate, as part of the submission, that the above considerations can be satisfied. In this respect the Council will require applicants to seek their own independent expert advice and submit this with the application. Independent sources acceptable to the Council will be A D A S (Ceres House, 2 Searby Road, Lincoln, LN2 4DW - Telephone (0522) 29951) or some other independent source offering comparable levels of expertise.

The Council will expect supporting evidence to follow the list of headings contained in the adopted A D A S format. This follows advice given in Government Circulars Paragragh 7 of Annex A of Department of the Environment Circular 16/87 and the Annex to Department of the Environment Circular 24/73 and is as follows: Background Information : Cropping : Farm Labour : Farm Buildings : Farm Accommodation : Reasons for the Proposed Development : Conclusions, to address the following issues;
(i) viability,

(ii) labour requirements,
(iii) number of persons with a need to live on the holding,
(iv) existing housing accommodation.

Any application not accompanied by sufficient information to enable the Council to fully assess the agricultural merits of the case will be invalidated under the provision of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 pending the submission of such information.

When planning permission is granted under these circumstances, the Council may impose a condition to ensure that the dwelling is only occupied by a person who complies with the special circumstances that justified the granting of permission (e.g. "a person employed in agriculture").

If the dwelling is required in association with a new agricultural or horticultural business venture, the Council may also want the applicant to enter into a legal agreement to ensure that the business and the dwelling will always be a single planning unit, and never separated from each other.

The Council may also require applicants to demonstrate the viability of such future ventures by submitting a business plan or financial statement prepared by a suitably qualified and experienced source.

It has been found that these conditions and legal agreements considerably affect the market value of dwellings should they subsequently wish to be disposed of and prospective applicants are advised to consider this aspect carefully from the outset.

The Council has the right to take action under the Town and Country Planning Act 1990 in reponse to any breaches of planning control.

NEW DWELLINGS FOR OTHER LOCAL NEEDS

New dwellings for the general housing market should be built within the approved development boundaries of towns and villages. However, there are some other places where dwellings for particular "local needs" may be built. These "local needs" may include houses specially for first-time buyers, and homes for people with particular need to live close to their work. In some places groups of dwellings exist which are clearly not villages, but where individual dwellings may be permitted to fulfil these "local needs" without conflicting with the overall aims of planning policy. Government advice is contained in Planning Policy Guidance Notes 1 and 7.

It is impossible to state categorically all the circumstances when such departures from normal policy will be permitted, and those when permission will be refused, because each application needs to be judged on its own merits. This list sets down several matters which the Council will consider when applications are made:-

SITE FEATURES

Will the proposed dwelling be compatible with the use of nearby land or buildings, or are the amenities of the future residents likely to be adversely affected?
Will the proposed dwelling fit satisfactorily with the existing pattern, character, density and appearance of development nearby?
- What impact, if any, will the proposed dwelling have on the appearance of the surrounding rural area?
- Is there adequate road access?

DWELLING DETAILS

A fully detailed application will be required so that the Council can consider

(a) The relationship of the proposed dwelling to its surroundings in terms of its appearance and its effect on the amenities of existing and future residents;

(b) Its suitability in terms of size, type and location to continue to satisfy local need.

OCCUPANCY

- Full details will be required of the particular "local need" for the dwelling eg, the applicant's local place of work.
- Details should also be submitted of any proposals (eg, legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term, after the needs of the first occupier no longer apply.

EXISTING "AGRICULTURAL" DWELLINGS

Having granted permission for a dwelling as an exception to general policy, in answer to a particular local agricultural or horticultural need, the Council will wish to ensure that the dwelling continues to be used in response to the original or similar needs. If circumstances should change significantly, the owner or the occupier of such a dwelling is entitled to apply for planning permission to remove the restricted occupation condition. (The proper wording of the application is "to retain the dwelling without complying with the restricted occupation condition").

Government guidance to Local Planning Authorities dealing with this type of application is set out in Department of the Environment Circular 16/87 in these terms:-

"Changes in the scale and character of agriculture in response to market changes may well affect the requirement for dwellings for occupation by agricultural or forestry workers. Such dwellings should not be kept vacant simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of such conditions should be considered on the basis of realistic assessments of the continuing need for them. There is no virtue in keeping dwellings unoccupied if they are no longer needed for their original purpose".

Before granting planning permission the Council will want to be sure that the circumstances which originally justified the building of the dwelling have changed to such an extent that the dwelling is no longer needed in the interests of local agriculture. An application to remove the condition for this reason should be accompanied by full details of the changes which have taken place. The Council will want to be satisfied that the removal of the condition will not be likely to result in an application for a new agricultural dwelling. The Council may seek the independent advice of the Ministry of Agriculture regarding the local agricultural circumstances.

Also, the Council will want to be satisfied that reasonable attempts have been made to sell the dwelling to someone who

can comply with the occupancy condition bearing in mind that the present owner built or bought the property knowing that the condition existed. Applications should be accompanied by:

(i) Copies of a rtisements of the property, which should indicate clearly the existence of the condition;

(ii) Information about when, and for how long, the property has been on the market;

(iii) Information about the price asked, which should reflect the condition;

(iv) Information about the interest shown in the property by prospective purchasers.

In considering this type of application, the Council may seek independent professional advice regarding the valuation of the property and the general state of the property market.

Some agricultural dwellings built some time ago are now within villages as a result of more recent development which has taken place around them. The Council will generally remove the condition in these cases.

HOW TO APPLY

In the case of all these types of application, forms and notes on how to complete the forms and about the statutory fees payable may be obtained from the Planning Department. Applications should be accompanied by as much information as possible, in line with the advice given above.

FURTHER ADVICE

Other information leaflets are available, including:

Householder development: when is planning permission needed?
Aerials, masts and satellite dishes on residential premises
1 Building Regulations: exempt buildings and work
Agricultural development

Applications and any correspondence should be addressed to:

Director of Planning and Building Control Services
Council Offices
Priory Road
Spalding
Lincolnshire PE11 2XE

If you wish to discuss a proposal with one of the staff, please phone to make an appointment
(Tel: Spalding 761161).

Mrs. J. Barwell,
Bank House,
Dear Love Gate,
Lutton,
Spalding,
PE12 9LL

Mr. B. Smith

DPBCS/JH
H12/260/92

20th October 1992

Dear Mrs. Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK, LUTTON, DISCUSSIONS RE PLANNING OBLIGATION

I refer to my earlier correspondence and apologise for the delay in writing to you further on this matter. However, you may recall that when we met I highlighted the fact that it may be difficult to arrive at definitions which were specific enough to be appropriate, not only to meet your circumstances, but that of others in order to avoid the use of unprecise terms which could leave the authority being accused of being arbitary in its interpretation of any particular set of circumstances, and recipients, such as yourself, being advised that the terms used were either too ambiguous to be meaningful, or alternatively, too precise as to be too onerous.

In the circumstances, therefore, having taken further advice, I propose to submit a report to the Planning Services Committee, and if necessary, to take further instructions from that Committee. I anticipate that I shall be submitting that report to the mid November meeting of the Planning Committee.

In the meantime, I have, in response to a brief discussion with Mr. Bob Merchant, forwarded him a copy of the Decision Notice, and my subsequent correspondence to yourself.

Should you feel that there is any merit in any further discussions, prior to my submitting the report, then please do not hesitate to contact me.

Yours sincerely,

B. SMITH MRTPI
DIRECTOR OF PLANNING AND
BUILDING CONTROL SERVICES

c.c. Director of Administration (for information).
c.c. Mr. R. Merchant.

Mrs J Barwell,
Bank House,
Dear Love Gate,
Lutton,
Spalding,
Lincs.
PE12 9LL.

Mr B Smith

DPBCS/JJ H12/0260/92

16th July 1992

Dear Mrs Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK, LUTTON, DISCUSSIONS RE PLANNING OBLIGATION.

Further to my recent letter dated 19th June I thought it appropriate to advise you that the matter is being pursued by the Council, and that my colleague Mr R Atkins (Deputy Director of Administration) has discussed a number of points with me arising out of producing a draft form of Agreement.

We concluded that as a result of certain matters arising it would be appropriate for us to refer any draft Agreement to the Council's own legal advisers, and I anticipate therefore, that it is likely to be another 2 weeks before we are in a position to forward you a copy of any draft Agreement.

I do apologise for the delay, but I have to say in all honesty I thought the preparation of the draft Agreement would not be a straightforward matter as indeed is proving to be the case!

Yours sincerely

B Smith MRTPI
Director of Planning and
Building Control Services

cc Mr Atkins (Deputy Director of Administration)

Mrs. J. Barwell,
Bank House,
Dear Love Gate,
LUTTON
PE12 9LL

Mr. B. Smith

BS/DPBCS/JH
H12/0260/92

19th June 1992

Dear Mrs. Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK,LUTTON
DISCUSSIONS RE PLANNING OBLIGATION.

Further to our recent meeting, I am writing to confirm that following our discussions I propose to let you have a draft form of Agreement in respect of the matters discussed during the next 10 - 14 days on the understanding that you will then seek appropriate advice as to whether or not such an Agreement if entered into would be in your best interests, following which, you will then advise me accordingly to enable matters to proceed one way or the other!

As to the other matters raised in your letter which accompanied the application, I believe it would be more appropriate to discuss those in more detail once the hurdle of the planning obligation has, hopefully, been cleared.

Yours sincerely,

B. SMITH MRTPI
DIRECTOR OF PLANNING AND
BUILDING CONTROL SERVICES.

c.c. Director of Administration.

Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs
PE12 9LL

Mr D Gedney

DMG/WL
H12/0260/92

20th May 1992

Dear Mrs Barwell,

Planning Application H12/0260/92 - Residential dwelling, Lutton Bank, Lutton

I refer to the above planning application submitted by yourself.

I would like to take this opportunity to inform you that at a recent meeting of the Plans Sub-Committee it was resolved that planning permission be refused, but the applicant be advised that it is likely that a "full" application would be supported provided it could be demonstrated that the proposal satisfies the Council's local needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside". Accordingly, I hereby enclose the aforementioned and draw your attention to the section entitled "New Dwellings for other Local Needs".

Essentially, any application would need to comply with the criteria set out on the back page of the leaflet which relate to site features, dwelling details and also occupancy. It should be noted that a fully detailed application would be required and your attention is particularly drawn to the section relating to occupancy and the legal commitment involved. This states that both full details will be required of the particular "Local Need" for the dwelling and also that details should be submitted of any proposals (eg legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term. It is therefore suggested that you consider this matter carefully before preparation of detailed plans is put in hand.

I hope the above information is of assistance to you and I must stress that it is given without prejudice to any future decision the Planning Committee may make on any resubmission.

Yours faithfully,

N Midlen
Principal Planning Officer (Development Control)

Planning Inspectorate

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

Certificate under Article 12A

CERTIFICATE A

I certify that:

1. On the day 21 days before the date of the accompanying appeal nobody, except the appellant, was the owner (see (i) below) of any part of the land to which the appeal relates.

2. None of the land to which the appeal relates is, or is part of, an agricultural holding.

See (ii) below OR:

2. I have / The appellant has* given the requisite notice to every person other than my / him / her*self who, on the 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:

Tenant's Name (see (iii) below)	Address at which notice was served	Date on which notice was served

Signed ..... * *On behalf of .....

Date 17th November 1992

*Delete where inappropriate

NOTES

(i) 'owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

(ii) ONLY ONE of the paragraphs numbered 2 above must be deleted.

(iii) if you are the sole agricultural tenant enter 'not applicable'.

The Planning Inspectorate

Department of the Environment

FOR OFFICIAL USE ONLY
Date received

Planning Appeal to the Secretary of State

S.H.D.C. PLANNING DEPT.
RECEIVED
18 NOV 1992

Town and Country Planning Act 1990
Town and Country Planning General Development Order

Please complete this form clearly and send one copy to the Inspectorate and one copy to the local planning authority.

A. Information about the appellant(s)

Full Name(s) JANE BARWELL

Address BANK HOUSE, DEAR LOVE GATE, LUTTON, SPALDING, LINCS Postcode PE12 9LL

Daytime Telephone Number ① (0406) 362495 ② (0406) 363296 Reference

Agent's name (if any)

Agent's address

Postcode

Daytime Telephone Number Reference

B. Details of the appeal

Name of local planning authority (LPA)

SOUTH HOLLAND DISTRICT COUNCIL

Description of the development

PROPOSED DWELLING (OUTLINE)

Address of the site

LUTTON BANK
LUTTON
SPALDING
LINCS

National Grid Reference (see key on Ordnance Survey Map for instructions). Grid letters: Grid Numbers e.g. TQ

:

Date and reference no. of application in respect of which you are appealing. 2ND MARCH 1992 H12/0260/92

Date of LPA decision (if any). 22ND MAY 1992.

(✓ tick appropriate boxes on this page)

C. Procedure

✓

Do you agree to the written procedure ? (i.e. an exchange of written statements with the LPA plus a visit to the site by a Planning Inspector.) [✓]

OR

Do you wish to appear before and be heard by an Inspector? (i.e. a local inquiry or hearing). [ ]

If you agree to the written procedure, could the Inspector see the whole site clearly from the road or other public land? YES [✓] NO [ ]

D. Supporting Documents

- You must enclose a copy of each of the following with the appeal form sent to the Inspectorate.

✓

[✓] the application made to the LPA;

[✓] any Article12A certificate submitted to the LPA;

[✓] the appropriate Article12A certificate for this appeal (look at the Notes then tick a box to show which certificate you have enclosed) NB. you should also enclose a copy of the Notice if you have completed Certificate B, C or D;

A [✓] B [ ] C [ ] D [ ] Notice [ ]

[✓] each of the plans, drawings and documents sent to the LPA as part of the application they considered;

[✓] the LPA's decision (if any);

[✓] all other relevant correspondence with the LPA;

[✓] a plan showing the site, marked in RED, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS Map).

- You should also enclose copies of the following, if appropriate;

[ ] if the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission;

[✓] any other plans, drawings and documents sent to the LPA but which did not form part of the application (e.g. drawings for illustrative purposes);

[ ] any additional plans or drawings relating to the application but not previously seen by the LPA. Number them clearly and note the numbers here: _____

_____

E. The Appeal

THIS APPEAL IS AGAINST

✓ the decision of the LPA.

[✓] 1. *refusing / ~~granting subject to conditions~~, planning permission for the development described above;

[ ] 2. * refusing / granting subject to conditions, approval of the matters reserved under an outline planning permission;

[ ] 3. refusing to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission.

OR

[ ] 4. the failure of the LPA to give notice of their decision within the appropriate period on an application for permission or approval.

*Strike out the words that do not apply in your case

F. Grounds of Appeal

If you have agreed to the written procedure you **MUST** make your FULL STATEMENT OF CASE here; if you do not your appeal may be invalid. If you have not agreed to the written procedure, you should give a brief outline of your case.

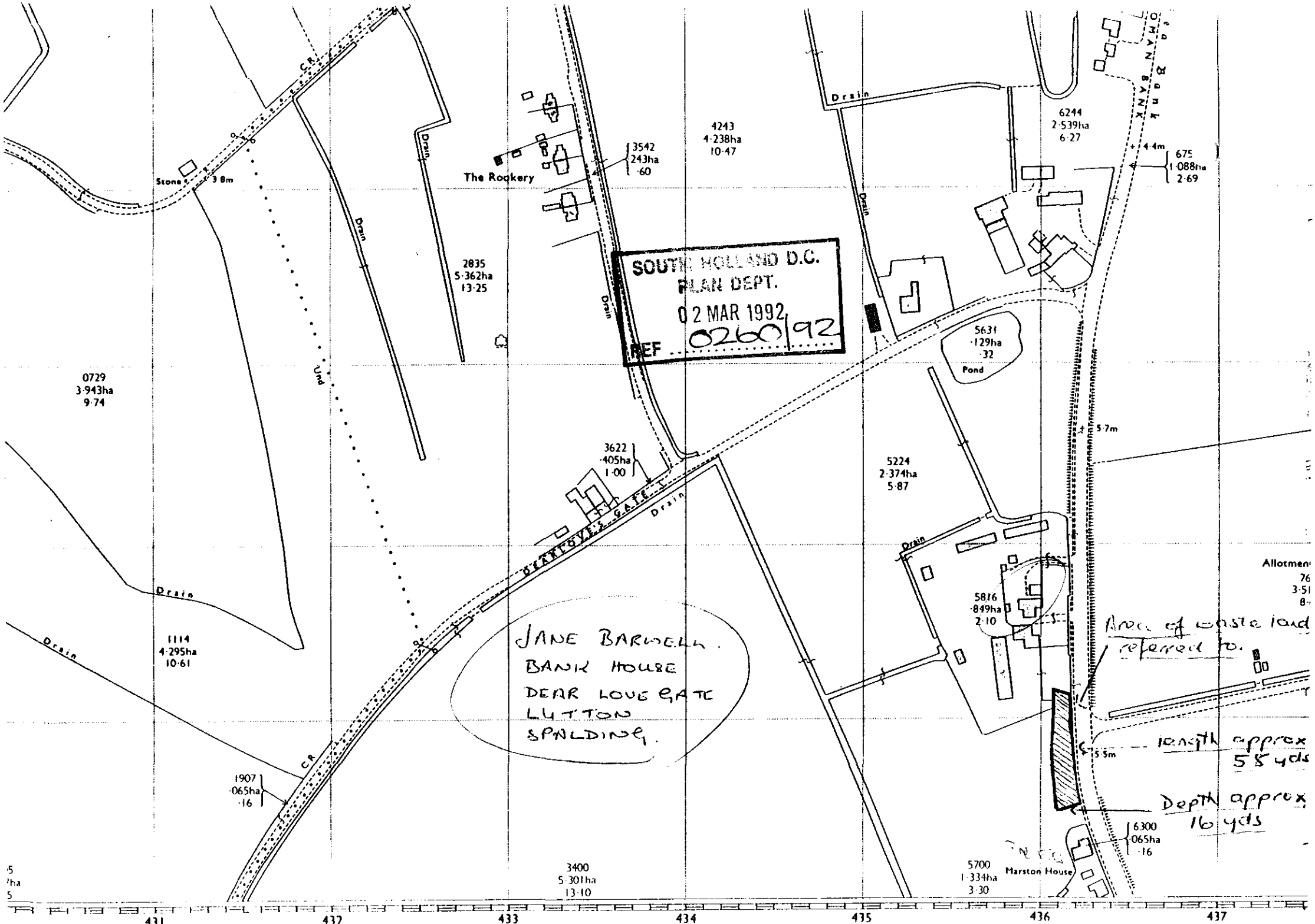
The following are points I raise to the Inspectorate for consideration with regard to my appeal concerning the refusal of outline planning permission for a residential dwelling at Lutton Bank, Spalding. I understand you have available all correspondance between the Planning Department and myself to the 22nd May inclusive.

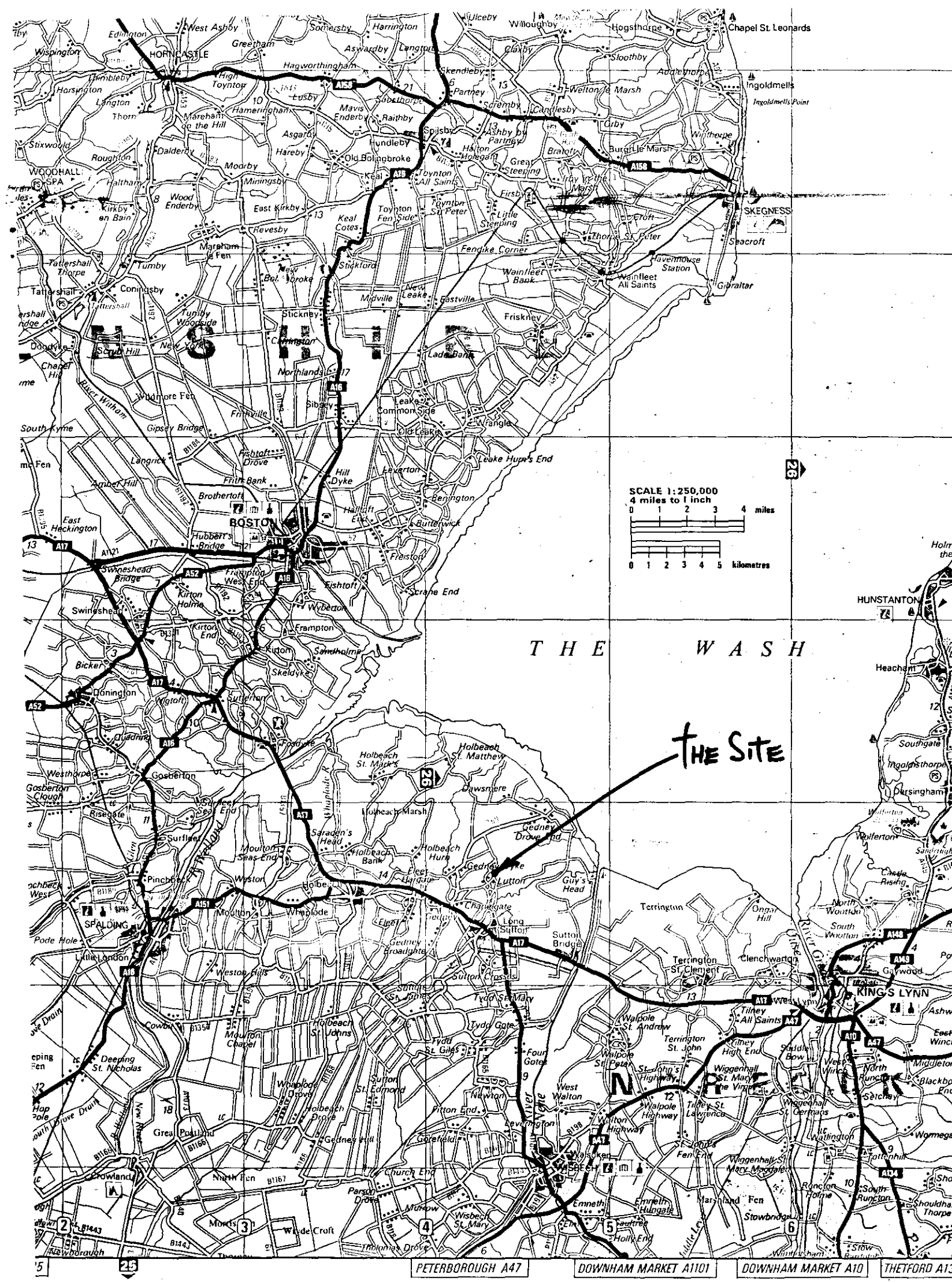
Shortly after submission of my planning application I wrote to the Chief Planning Officer outlining my personal details, social needs and the situation with regard to the derelict land (11th April 1992). A site visit was agreed upon by the Council Members, however, before the site visit, further negotiations took place between my ex-husband and myself and the boundary was moved allowing me an increase in area. I informed the planning department by submitting a revised map, there was no acknowledgement of this and I am not sure whether this was taken into consideration.

After receiving a letter dated 20th May 1992 and the refusal notice dated 22nd May 1992 I arranged an appointment with the Chief Planning Officer early in June to discuss the information and advise recommended in the afore mentioned correspondance. A letter was sent on 19th June 1992 proposing that a draft form of Agreement in respect of matters discussed be sent to me within the next 10–14 days. Having received no further correspondance since 19th June 1992 I contacted the planning department and received a reply on 16th July 1992 stating that the matter was still being pursued by the Council and that matters had been discussed with the Deputy Director of Administration concerning points arising out of producing a draft form of Agreement. I was informed in the same letter that any draft Agreement was to be referred to the Council's own legal advisers, therefore a delay of a further two weeks was anticipated with regard to forwarding a copy of the Agreement to myself.

After a considerable time lapse of many weeks and not knowing how to proceed I contacted Mr R. Merchant, Planning Consultant who met with the Chief Planning Officer on 15th October. Following this meeting I received a letter dated 20th October 1992 which stated that it may be difficult to arrive at definitions and that a report will be submitted to the Planning Services Committee

continue overleaf, if necessary


SOUTH HOLLAND D.C.
PLAN DEPT.
02 MAR 1992
REF 0260/92
JANE BARWELL.
BANK HOUSE
DEAR LOVE GATE
LUTTON
SPALDING.
Area of waste land referred to.
length approx 55 yds
Depth approx 16 yds
The Rookery
Marston House
Pond
Drain
Stone
C.R.
Und
DEATHGATE
Allotments
0729 3·943ha 9·74
1114 4·295ha 10·61
2835 5·362ha 13·25
3542 ·243ha ·60
4243 4·238ha 10·47
3622 ·405ha 1·00
5224 2·374ha 5·87
5631 ·129ha ·32
6244 2·539ha 6·27
675 1·088ha 2·69
5816 ·849ha 2·10
6300 ·065ha ·16
1907 ·065ha ·16
3400 5·301ha 13·10
5700 1·334ha 3·30
431
432
433
434
435
436
437


THE SITE
THE WASH
SCALE 1:250,000
4 miles to 1 inch
0 1 2 3 4 miles
0 1 2 3 4 5 kilometres
BOSTON
SPALDING
SKEGNESS
HORNCASTLE
KING'S LYNN
HUNSTANTON
SLEAFORD
Chapel St Leonards
Ingoldmells
Ingoldmells Point
Gibraltar Point
Wainfleet All Saints
Havenhouse Station
Seacroft
Thorpe St Peter
Croft
Burgh le Marsh
Orby
Welton le Marsh
Sloothby
Hogsthorpe
Willoughby
Skendleby
Partney
Scremby
Candlesby
Ashby by Partney
Great Steeping
Little Steeping
Firsby
Toynton All Saints
Toynton St Peter
Toynton Fen Side
Old Bolingbroke
Hundleby
Spilsby
Raithby
Mavis Enderby
Hareby
Asgarby
Langton
Thimbleby
Horsington
Stixwould
Roughton
Woodhall Spa
Kirkby on Bain
Haltham
Moorby
Miningsby
East Kirkby
Wood Enderby
Revesby
Marham le Fen
Tattershall Thorpe
Tattershall
Coningsby
Tumby
Tumby Woodside
Stickney
Stickford
Midville
Gastville
Friskney
Wainfleet Bank
Fendike Corner
Keal Cotes
Keal
Langrick
Fishtoft Drove
Fishtoft
Frith Bank
Amber Hill
Brothertoft
Hubbert's Bridge
Swineshead Bridge
Swineshead
Kirton Holme
Kirton End
Frampton West End
Frampton
Wyberton
Sandholme
Kirton
Skeldyke
Donington
Quadring
Gosberton
Gosberton Clough
Westhorpe
Risegate
Surfleet
Surfleet Seas End
Pinchbeck
Weston
Moulton
Moulton Seas End
Whaplode
Holbeach
Holbeach St Mark's
Holbeach St Matthew
Holbeach Marsh
Holbeach Bank
Holbeach Hurn
Fleet Hargate
Fleet
Saracen's Head
Dawsmere
Cedney Drove End
Cedney Dyke
Lutton
Guy's Head
Long Sutton
Sutton Bridge
Terrington
Ongar Hill
Terrington St Clement
Clenchwarton
Gaywood
Tilney All Saints
Tilney High End
Tilney St Lawrence
Walpole St Andrew
Walpole St Peter
Walpole Highway
Terrington St John
Walton Highway
West Walton
Newton
Fitton End
Leverington
Gorefield
Wisbech
Wisbech St Mary
Elm
Emneth
Emneth Hungate
Marshland Fen
Stowbridge
Holly End
Walsoken
Tydd Gote
Tydd St Giles
Tydd St Mary
Four Gotes
Sutton St James
Sutton Crosses
Sutton St Edmond
Holbeach St Johns
Holbeach Drove
Whaplode Drove
Gedney Broadgate
Gedney Hill
Gedney Drove End
Parson Drove
Church End
North Fen
Cowbit
Deeping St Nicholas
Little London
Pode Hole
Weston Hills
Moulton Chapel
Crowland
Postland
Mumow
Thomas Drove
Wryde Croft
Morris
Algarkirk
Sibsey
Leake Common Side
Old Leake
Wrangle
Leake Hurn's End
Leverton
Benington
Butterwick
Freiston
Hall Ings
Hall Ing
Crabe End
Fishtoft
Haltoft End
Hill Dyke
Wildmore Fen
Friniville
Gipsey Bridge
South Kyme
Mere Fen
Northlands
Lade Bank
Scrub Hill
New York
Chapel Hill
Doddyke
Tattershall Bridge
Tattershall Lakes
Coningsby
Tattershall Thorpe
Thimbleby
Horsington
Langton
Thorn
Mareham on the Hill
Hameringham
Lusby
Sab Thorpe
Partney
Scremby
Candlesby
Orby
Burgh le Marsh
Ingoldmells
Ingoldmells Point
Chapel St Leonards
Hogsthorpe
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Moorby
Miningsby
East Kirkby
Wood Enderby
Revesby
Marham le Fen
Tattershall Thorpe
Tattershall
Coningsby
Tumby
Tumby Woodside
Stickney
Stickford
Midville
Gastville
Friskney
Wainfleet Bank
Fendike Corner
Keal Cotes
Keal
Langrick
Fishtoft Drove
Fishtoft
Frith Bank
Amber Hill
Brothertoft
Hubbert's Bridge
Swineshead Bridge
Swineshead
Kirton Holme
Kirton End
Frampton West End
Frampton
Wyberton
Sandholme
Kirton
Skeldyke
Donington
Quadring
Gosberton
Gosberton Clough
Westhorpe
Risegate
Surfleet
Surfleet Seas End
Pinchbeck
Weston
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Wryde Croft
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Algarkirk
Sibsey
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Old Leake
Wrangle
Leake Hurn's End
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Benington
Butterwick
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Crabe End
Fishtoft
Haltoft End
Hill Dyke
Wildmore Fen
Friniville
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South Kyme
Mere Fen
Northlands
Lade Bank
Scrub Hill
New York
Chapel Hill
Doddyke
Tattershall Bridge
Tattershall Lakes
Coningsby
Tattershall Thorpe
Southgate
Ingoldsthorpe
Dersingham
Heacham
Wolferton
Castle Rising
North Wootton
South Wootton
Gaywood
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Gipsey Bridge
South Kyme
Mere Fen
Northlands
Lade Bank
Scrub Hill
New York
Chapel Hill
Doddyke
Tattershall Bridge
Tattershall Lakes
Coningsby
Tattershall Thorpe
PETERBOROUGH A47
DOWNHAM MARKET A1101
DOWNHAM MARKET A10
THETFORD A1

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

Mrs. J. Barwell,
Bank House,
Dear Love Gate,
Lutton,
Spalding,
PE12 9LL

Your Contact: Mr. B. Smith

Our Ref: DPBCS/JH
H12/260/92

Your Ref:

Date: 20th October 1992

Dear Mrs. Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK, LUTTON, DISCUSSIONS RE PLANNING OBLIGATION

I refer to my earlier correspondence and apologise for the delay in writing to you further on this matter. However, you may recall that when we met I highlighted the fact that it may be difficult to arrive at definitions which were specific enough to be appropriate, not only to meet your circumstances, but that of others in order to avoid the use of unprecise terms which could leave the authority being accused of being arbitary in its interpretation of any particular set of circumstances, and recipients, such as yourself, being advised that the terms used were either too ambiguous to be meaningful, or alternatively, too precise as to be too onerous.

In the circumstances, therefore, having taken further advice, I propose to submit a report to the Planning Services Committee, and if necessary, to take further instructions from that Committee. I anticipate that I shall be submitting that report to the mid November meeting of the Planning Committee.

In the meantime, I have, in response to a brief discussion with Mr. Bob Merchant, forwarded him a copy of the Decision Notice, and my subsequent correspondence to yourself.

Should you feel that there is any merit in any further discussions, prior to my submitting the report, then please do not hesitate to contact me.

Yours sincerely,

B. SMITH MRTPI,
DIRECTOR OF PLANNING AND
BUILDING CONTROL SERVICES

c.c. Director of Administration (for information).
c.c. Mr. R. Merchant.

Planning & Building
Control Department
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

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

Mrs J Barwell,
Bank House,
Dear Love Gate,
Lutton,
Spalding,
Lincs.
PE12 9LL.

Mr B Smith

DPBCS/JJ H12/0260/92

16th July 1992

Dear Mrs Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK, LUTTON, DISCUSSIONS RE PLANNING OBLIGATION.

Further to my recent letter dated 19th June I thought it appropriate to advise you that the matter is being pursued by the Council, and that my colleague Mr R Atkins (Deputy Director of Administration) has discussed a number of points with me arising out of producing a draft form of Agreement.

We concluded that as a result of certain matters arising it would be appropriate for us to refer any draft Agreement to the Council's own legal advisers, and I anticipate therefore, that it is likely to be another 2 weeks before we are in a position to forward you a copy of any draft Agreement.

I do apologise for the delay, but I have to say in all honesty I thought the preparation of the draft Agreement would not be a straightforward matter as indeed is proving to be the case!

Yours sincerely

B Smith

B Smith MRTPI
Director of Planning and
Building Control Services

cc Mr Atkins (Deputy Director of Administration)

Mrs. J. Barwell,
Bank House,
Dear Love Gate,
LUTTON
PE12 9LL

Mr. B. Smith

BS/DPBCS/JH
H12/0260/92

19th June 1992

Dear Mrs. Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK, LUTTON
DISCUSSIONS RE PLANNING OBLIGATION.

Further to our recent meeting, I am writing to confirm that following our discussions I propose to let you have a draft form of Agreement in respect of the matters discussed during the next 10 - 14 days on the understanding that you will then seek appropriate advice as to whether or not such an Agreement if entered into would be in your best interests, following which, you will then advise me accordingly to enable matters to proceed one way or the other!

As to the other matters raised in your letter which accompanied the application, I believe it would be more appropriate to discuss those in more detail once the hurdle of the planning obligation has, hopefully, been cleared.

Yours sincerely,

B. SMITH MRTPI
DIRECTOR OF PLANNING AND
BUILDING CONTROL SERVICES.

c.c. Director of Administration.

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H12/0260/92 Received:02-MAR-92 Type:OUTLINE

Name: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location : Lutton Bank Lutton
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 development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Department of the Environment Policy Note 4, and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would form a precedent for further similar proposals which would be difficult to resist.

B Smith.

Director of Planning and Building Control Services
22-MAY-92 H12/0260/92

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)

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs
PE12 9LL

Your Contact: Mr D Gedney

Our Ref: DMG/WL
H12/0260/92

Your Ref:

Date: 20th May 1992

Dear Mrs Barwell,

Planning Application H12/0260/92 - Residential dwelling, Lutton Bank, Lutton

I refer to the above planning application submitted by yourself.

I would like to take this opportunity to inform you that at a recent meeting of the Plans Sub-Committee it was resolved that planning permission be refused, but the applicant be advised that it is likely that a "full" application would be supported provided it could be demonstrated that the proposal satisfies the Council's local needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside". Accordingly, I hereby enclose the aforementioned and draw your attention to the section entitled "New Dwellings for other Local Needs".

Essentially, any application would need to comply with the criteria set out on the back page of the leaflet which relate to site features, dwelling details and also occupancy. It should be noted that a fully detailed application would be required and your attention is particularly drawn to the section relating to occupancy and the legal commitment involved. This states that both full details will be required of the particular "Local Need" for the dwelling and also that details should be submitted of any proposals (eg legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term. It is therefore suggested that you consider this matter carefully before preparation of detailed plans is put in hand.

I hope the above information is of assistance to you and I must stress that it is given without prejudice to any future decision the Planning Committee may make on any resubmission.

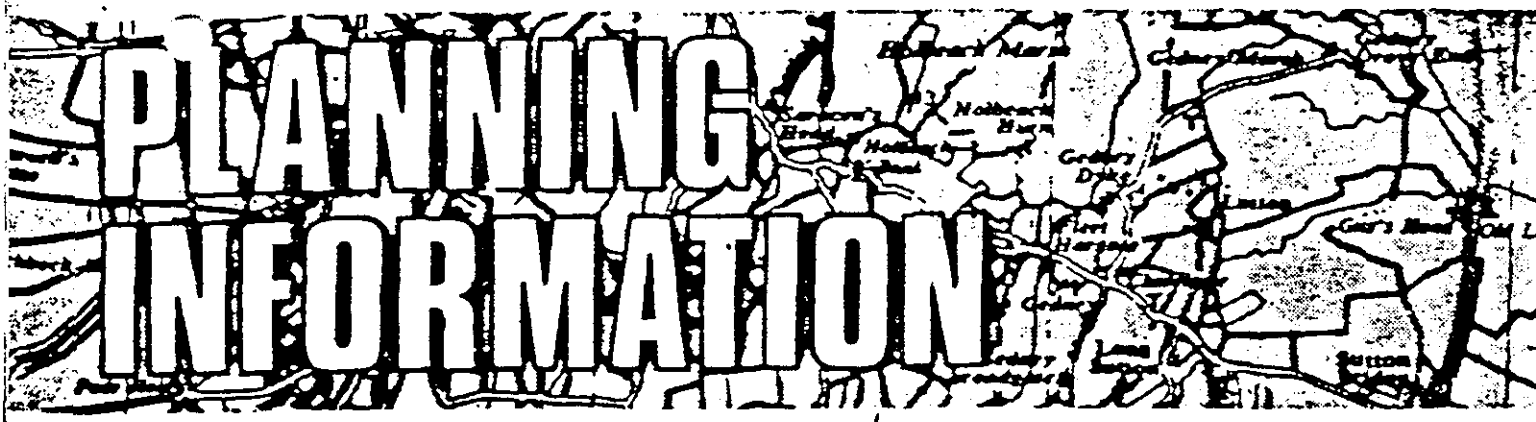
Yours faithfully,

N Midlen
Principal Planning Officer (Development Control)

Planning & Building Control Department
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

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

SOUTH HOLLAND DISTRICT COUNCIL



DWELLINGS IN THE OPEN COUNTRYSIDE

This information leaflet is to assist anyone who may be considering applying for planning permission to build a new dwelling in the open countryside, away from a recognised town or village, and anyone who wishes to apply for the removal of the "agricultural occupation" condition on their dwelling.

PLANNING POLICY

It is South Holland District Council's planning policy that new dwellings generally will not be permitted in the open countryside and outside the approved development boundaries of towns and villages. This policy is in line with the policies in the Lincolnshire Structure Plan which have been approved by the Secretary of State for the Environment.

For many years it has been the planning policy for this area to concentrate new residential development in the towns or larger villages for the following reasons:

(i) The provision of services to new development with towns and villages is less costly than providing the same services to isolated dwellings;

(ii) The convenience to individuals of having a range of services and facilities close at hand in towns and villages;

(iii) The importance of conserving high quality productive farm land;

(iv) The importance of protecting the appearance of the rural landscape.

It is the Government's planning policy not to allow more than the essential minimum of high quality agricultural land to be developed, nor land of a higher quality to be taken where land of a lower quality could be used. South Holland District Council supports this policy as being particularly relevant in this District, where there is so much agricultural land of very high quality which is so important both nationally and to the local economy.

There are some circumstances in which the Council will consider granting planning permission in response to specific needs or opportunities. These are explained in this leaflet, together with the Council's policy towards applications to remove "agricultural occupancy" conditions.

N DWELLINGS FOR AGRICULTURAL OR HORTICULTURAL NEEDS

The Council recognises that are circumstances in which it is necessary occasionally to permit dwellings outside recognised towns and villages, in the interests of agriculture or horticulture. Before granting permission, the Council will want to be satisfied on the following points and will consult with A.D.A.S., (The Ministry of Agriculture, Fisheries and Food).

(i) That it is essential that the dwelling should be built in the open countryside. Although the prospective occupant works in agriculture, it may not be essential for him to live in the open countryside. The applicant must show that it is necessary in the interests of agriculture or horticulture for the dwelling to be built in the open countryside rather than in a nearby town or village;

(ii) That the site applied for is capable of satisfying the special need of the holding in question and at the same time conserving agricultural land and the character of the countryside;

(iii) That the building of a new dwelling will not result in other dwellings being unused for lengthy periods and that an unacceptable precedent for the erection of more dwellings in the area will not be created.

(iv) That if a new business is proposed, it is likely to be viable.

The Council will impose a condition on a planning permission granted in these circumstances to ensure that the dwelling is only occupied by a person who complies with the special circumstances that justified the granting of permission (e.g. "a person employed locally in agriculture").

If the dwelling is required in association with a new agricultural or horticultural business venture, the Council may also want the applicant to enter into a legal agreement to ensure that the business and the dwelling will always be a single planning unit, and never separated from each other.

It has been found that these conditions and legal agreements affect the market value of dwellings and prospective applicants are advised to consider this aspect carefully from the outset.

The Council has the right to take action under the Town and Country Planning Act 1971 in response to any breaches of planning control.

EXISTING "AGRICULTURAL" DWELLINGS

Having granted permission for a dwelling as an exception to general policy, in answer to a particular local agricultural or horticultural need, the Council will wish to ensure that the dwelling continues to be used in response to the original or similar needs. If circumstances should change significantly, the owner or the occupier of such a dwelling is entitled to apply for planning permission to remove the restricted occupation condition. (The proper wording of the application is "to retain the dwelling without complying with the restricted occupation condition").

Government guidance to Local Planning Authorities dealing with this type of application is set out in Department of the Environment Circular 16/87 in these terms:-

> "Changes in the scale and character of agriculture in response to market changes may well affect the requirement for dwellings for occupation by agricultural or forestry workers. Such dwellings should not be kept vacant simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of such conditions should be considered on the basis of realistic assessments of the continuing need for them. There is no virtue in keeping dwellings unoccupied if they are no longer needed for their original purpose".

Before granting planning permission the Council will want to be sure that the circumstances which originally justified the building of the dwelling have changed to such an extent that the dwelling is no longer needed in the interests of local agriculture. An application to remove the condition for this reason should be accompanied by full details of the changes which have taken place. The Council will want to be satisfied that the removal of the condition will not be likely to result in an application for a new agricultural dwelling. The Council may seek the independent advice of the Ministry of Agriculture regarding the local agricultural circumstances.

Also, the Council will want to be satisfied that reasonable attempts have been made to sell the dwelling to someone who can comply with the occupancy condition bearing in mind that the present owner built or bought the property knowing that the condition existed. Applications should be accompanied by:-

(i) Copies of advertisements of the property, which should indicate clearly the existence of the condition;

(ii) Information about when, and for how long, the property has been on the market;

(iii) Information about the price asked, which should reflect the condition;

(iv) Information about the interest shown in the property by prospective purchasers.

In considering this type of application, the Council will seek independent professional advice regarding the valuation of the property and the general state of the property market.

Some agricultural dwellings built some time ago are now within villages as a result of more recent development which has taken place around them. The Council will generally remove the condition in these cases.

NEW DWELLINGS FOR OTHER LOCAL NEEDS

New dwellings for the general housing market should be built within the approved development boundaries of towns and villages. However, there are some other places where dwellings for particular "local needs" may be built. These "local needs" may include houses specially for first-time buyers, and homes for people with particular need to live close to their work. In some places groups of dwellings exist which are clearly not villages, but where individual dwellings may be permitted to fulfil these "local needs" without conflicting with the overall aims of planning policy. Government advice is contained in Planning Policy Guidance Notes 1 and 7.

It is impossible to state categorically all the circumstances when such departures fr normal policy will be permitted, and those when permission will be refused, because each application needs to be judged on its own merits. This list sets down several matters which the Council will consider when applications are made:-

SITE-FEATURES

- will the proposed dwelling be compatible with the use of nearby land or buildings, or are the amenities of the future residents likely to be adversely affected?
- will the proposed dwelling fit satisfactorily with the existing pattern, character, density and appearance of development nearby?
- what impact, if any, will the proposed dwelling have on the appearance of the surrounding rural area?
- is there adequate road access?

DWELLING DETAILS

A fully detailed application will be required so that the Council can consider

(a) The relationship of the proposed dwelling to its surroundings in terms of its appearance and its effect on the amenities of existing and future residents;

(b) Its suitability in terms of size, type and location to continue to satisfy local need.

OCCUPANCY

- full details will be required of the particular "local need" for the dwelling e.g. the applicant's local place of work.
- details should also be submitted of any proposals (e.g. legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term, after the needs of the first occupier no longer apply.

HOW TO APPLY

In the case of all these types of application, forms and notes on how to complete the forms and about the statutory fees payable may be obtained from the Planning Department. Applications should be accompanied by as much information as possible, in line with the advice given above.

Further Advice

Other information leaflets are available including:

What kind of application do I need?
The Building Regulations
Application Fees
Agricultural Development
What happens to your planning application

Applications, and letters seeking further advice, should be addressed to:-

The District Planning Officer
Council Offices
Chatterton Tower
Winfrey Avenue
SPALDING
Lincs
PE11 1DB

If, however, you wish to discuss your proposal with one of the staff, please telephone to make an appointment (Spalding 761161).

June 1989 Published by South Holland District Council

Minutes of a meeting of the PLANS SUB-COMMITTEE held in Meeting Room 1, Council Offices, Priory Road, Spalding on Tuesday, 6th May 1992.

PRESENT

Councillors:

Mr. B. Alcock - Chairman
Mr. T. Bray - Vice-Chairman

Mr. J. Clark	Mr. J.A. Dobney	Mr. J.R. Pearl
Mr. B.J. Davies	Mrs. E.O. Hall-Patch	Mr. R.C. West
Mr. E.N. Davies	Mr. N.P. Judge M.B.E.	Mr. M.C. White

The Director of Planning and Building Control Services, the Deputy Director of Administration and the Deputy Director of Environmental Services.

Apologies for absence were received from or on behalf of Councillors R.C.P. Cowan, A.E. Naylor and M.S.L. Rollinson.

314. MINUTES

The Minutes of the meeting held on 6th April, 1992 were signed by the Chairman as a correct record.

315. PLANNING APPLICATION

The following application was determined as indicated following an inspection of the site:-

Plan No. and applicant		Proposal
H12/0260/92 Mrs J Barwell	O.A.	Residential Development at Lutton Bank, Lutton

RESOLVED: (a) Planning permission be refused for the above development in accordance with the recommendations of the Director of Planning and Building Control Services but the applicant be advised that it is likely that a full application would be supported provided it could be demonstrated that the proposal satisfies the Council's local needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside"; and (b) the Director of Planning and Building Control Services write to the applicant advising her of the Council's local needs criteria, including the details required to support such an application and drawing particular attention to the legal commitment involved, and suggesting that the applicant should consider carefully before preparation of detailed plans is put in hand.

316. ESTATE DEVELOPMENT

Plan No. and applicant	Proposal
H16/0203/92 Allison Homes Limited	Reserved matters relating to residential development with associated roads, sewers and landscaping on land west of Woolram Wygate, Spalding (Phase II Wygate Park development).

RESOLVED: The Director of Planning and Building Control Services be authorised to grant planning permission in accordance with his recommendation B subject to being satisfied with the arrangements for the future care and maintenance of the off street parking courts to be provided for the terraced properties.

(End of Minutes)

282 PLANNING APPLICATIONS (Continued)

(c) Applications Deferred

Consideration of the following applications be deferred for the reasons indicated:-

Plan No. and Applicant	Proposal
H18/0736/88/C2	Wall at Custom House Street, Sutton Bridge.

(To enable the Director of Planning and Building Control Services to consider the application more fully in view of concern as to whether or not the proposed development would comply with the requirements of planning permission H18/0736/88.)

H05/0115/92 Mr H Payne	Change of use of existing agricultural land to garden area serving aged persons accommodation on land adjacent The Anglia Motel, off Winslow Gate, Fleet.

(To enable the Director of Planning and Building Control Services to investigate this proposal further in relation to other uses of adjoining land and buildings both existing and as indicated on a plan supplied by the applicant.)

H16/0203/92 Allison Homes Ltd	Reserved matters relating to residential development with associated roads, sewers and landscaping on land west of Woolram Wygate, Spalding (Phase II Wygate Park Development).

(To enable the Plans Sub-Committee to consider the application in detail.)

S.V. H12/0260/92 Mrs J Barwell	O.A.	Residential dwelling at Lutton Bank, Lutton.

(Pending a site inspection to enable Members to assess if the proposal would be suitable for consideration under the Council's policy and criteria for new dwellings for other local needs.)

(Councillor A E Naylor declared an indirect interest in the above application, and left the Council Chamber during consideration thereof.)

H19/0309/92 Mr W Price	Use of land for siting of residential caravan in conjunction with horticultural business at The Paddocks, Luttongate Road, Throckenholt.

(To enable the Director of Planning and Building Control Services to clarify the circumstances regarding the granting of planning permission for the existing caravan immediately to the south of the site.)

APPLICATION REFERENCE: H12/0260/92 DATE RECEIVED: 2/3/92

APPLICANT: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding
Lincs PE12 9LL

AGENT:

16 APR 1992

TYPE: Outline

DESCRIPTION: Residential dwelling

LOCATION: Lutton Bank, Lutton, Spalding

Parish Council: No objections. Local need.

Ward Member: Local need.

County Highways: Request conditions.

PLANNING POLICIES/DOE ADVICE
Outside I.B.D.
PPG7, 1992 - (The countryside and the rural economy).
Structure Plan Policies 6a and 7a.

PLANNING ISSUES

1 The determining issue in this particular case is whether the proposal is acceptable on policy grounds.

2 The site is currently waste ground and has a frontage width of 62 metres approximately. Its depth varies between 14 and 10 metres.

3 The site is outside the Interim Boundary of Development for Lutton. Development further to the north is somewhat scattered.

4 Although reference has been made to local need by both the Parish Council and Ward member, no formal details have been submitted with the application. Since this is the case, I am unable to assess the proposal against the "Local Need" criteria.

CONCLUSIONS

1 The proposal is contrary to Structure Plan Policy 7a which states that new residential development in the open countryside will only be permitted where there is an essential need to house farm or forestry workers near to their place of work. Further, the proposal is not considered to be reasonable infilling and is therefore, in my judgement, contrary to Structure Plan Policy 6a. This states that "permission will not normally be granted for housing which would create or extend ribbon or scattered development".

RECOMMENDATION - 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 development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy) and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority, the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would form a precedent for further similar proposals which would be difficult to resist.

LATE OBS. SHT. Date. 3/4
Salient points highlighted ✓

260/92

S.H.D.C. PLANNING DEPT.
RECEIVED
22 APR 1992
Attention of
DPO NPH
DCPO BS
JC AOP
Actioned by .....
Discuss with .....
Copy to .....
File Nos.
5/5 Sub-Ctte
Acknowledge YES/NO
by
date

APPROVED PLAN
Ref.

Bank House,
Love Gate,
Lutton,
Spalding. PE12 9LL
22nd April 1992.

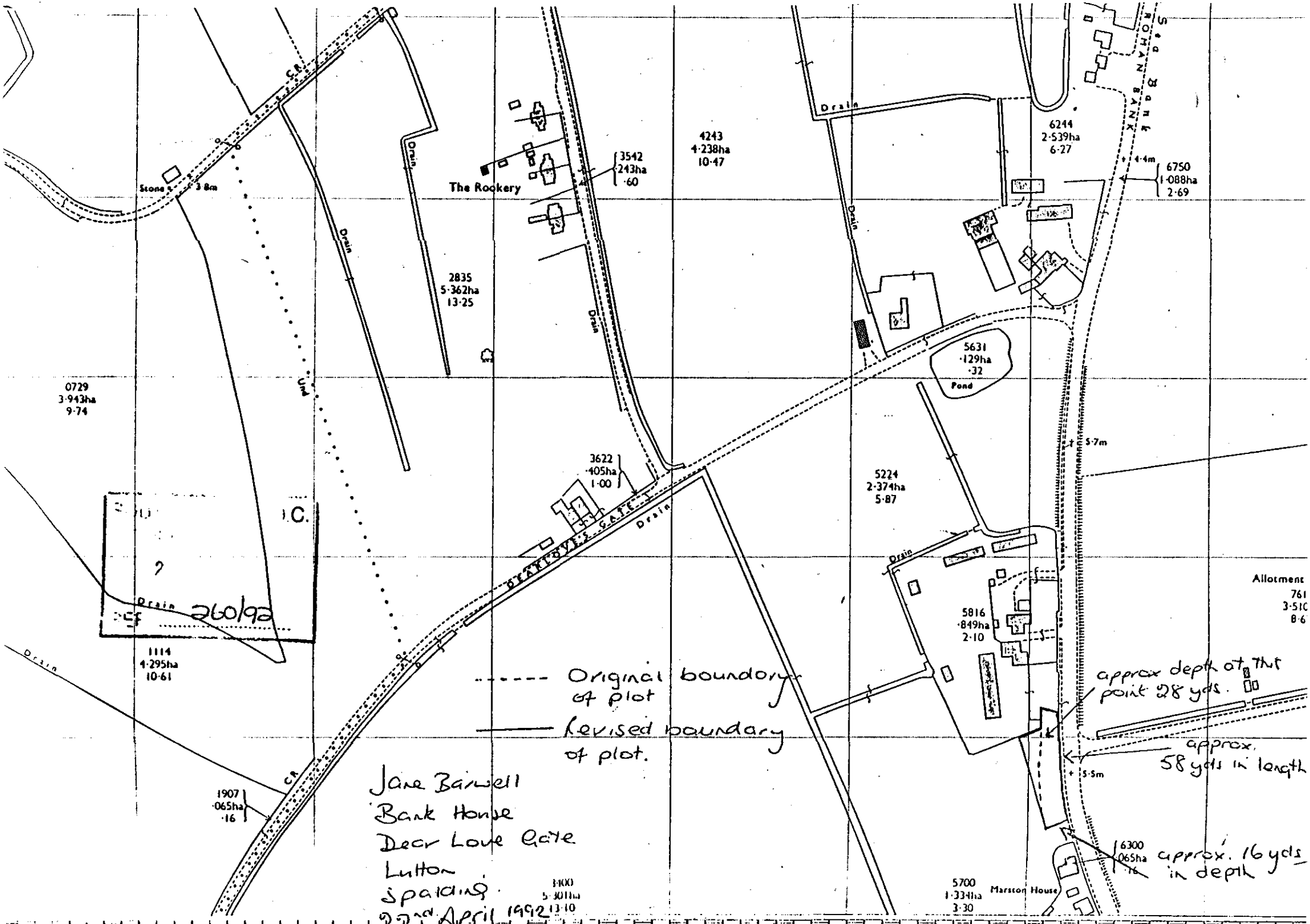
Dear Mr Smith,

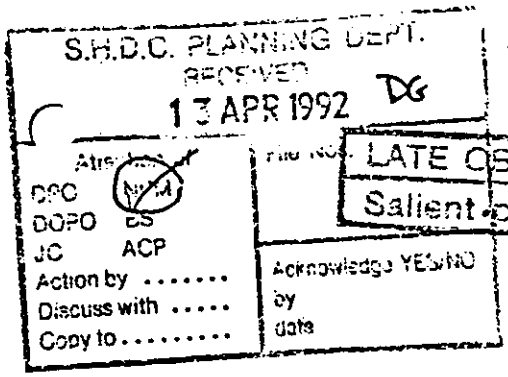
Please find enclosed ordnance survey map with revised boundary. The width at one end of the plot has been increased to approximately twenty eight yards. Please attach this to my planning application.

If you would be kind enough to send me confirmation of your receiving this letter it would be greatly appreciated. Please find stamped addressed envelope.

Yours sincerely,

Jane Barwell.


The Rookery
Stone
3·8m
Drain
C.R.
Unf
0729
3·943ha
9·74
2835
5·362ha
13·25
3542
·243ha
·60
4243
4·238ha
10·47
6244
2·539ha
6·27
4·4m
6750
1·088ha
2·69
5631
·129ha
·32
Pond
5·7m
3622
·405ha
1·00
5224
2·374ha
5·87
PLATTOVES GATE
Allotment
761
3·510
8·6
5816
·849ha
2·10
260/92
1114
4·295ha
10·61
1907
·065ha
·16
5·5m
6300
·065ha
·16
5700
1·334ha
3·30
Marston House
3100
5·301ha
13·10
..... Original boundary of plot
—— Revised boundary of plot.
approx depth at this point 28 yds.
approx. 58 yds in length
approx. 16 yds in depth
Jane Barwell
Bank House
Deer Love Gate
Lutton
Spalding
22nd April 1992



260/92

Bank House,
Dear Love Gate
Eastrea
Whittlesey PE12 9LL
11 April 1992.

Dear Mr Smith,

I have spoken to Councillor Michael Booth who has advised me to write to you concerning my planning application.

My situation is such that I am divorced and in the near future will have to leave my home of many years. I have limited financial resources and to utilize this waste land to create a home for myself would lessen my concern regarding the future considerably.

May I put to you the following points which I hope will be considered.

Waste ground.

1. The site was originally used for a dwelling and garden until some years ago when the dwelling was demolished. The foundations still remain.
2. The land has never been cultivated nor ever will be.

3. It serves no purpose to the community or any individual to remain as it is.

4. A pleasant dwelling and garden would be more pleasing and preferential to the eye than what exists at the moment.

5. I hope you would agree with me that the building of a dwelling would be regarded as infill and not an invasion of green belt area.

Social need.

6. I have no home.

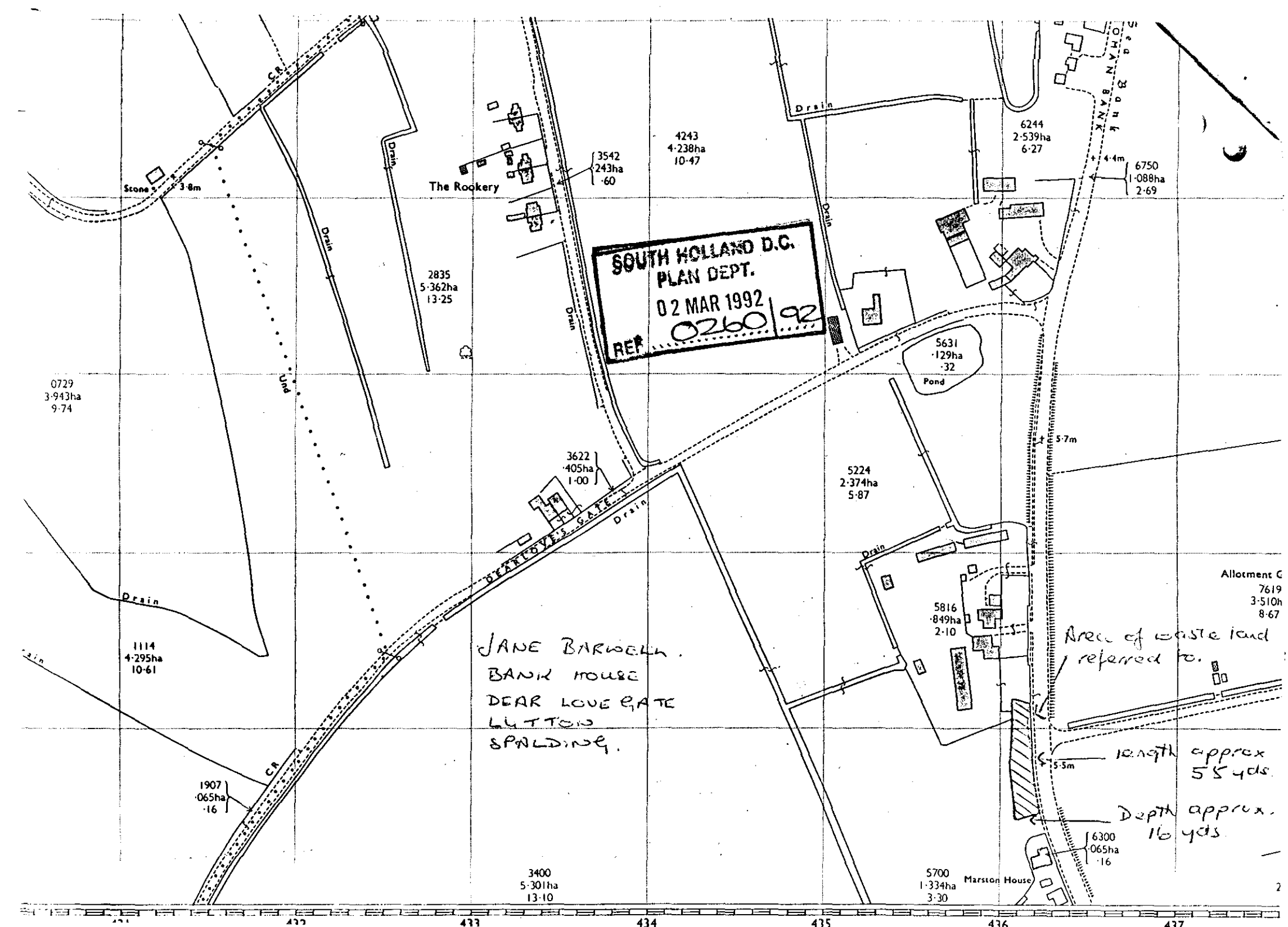
7. My financial resources are limited.

8. I need to be near my family and friends.

If you would attach this letter to my planning application it would be greatly appreciated.

Yours Sincerely,

Jane Barwell.


SOUTH HOLLAND D.C.
PLAN DEPT.
02 MAR 1992
REF 0260 92
JANE BARWELL.
BANK HOUSE
DEAR LOVE GATE
LUTTON
SPALDING.
Area of waste land referred to.
length approx 55 yds
Depth approx. 16 yds
The Rookery
Stone
3·8m
Drain
Pond
Marston House
Allotment G
0729
3·943ha
9·74
1114
4·295ha
10·61
2835
5·362ha
13·25
4243
4·238ha
10·47
3542
·243ha
·60
6244
2·539ha
6·27
6750
1·088ha
2·69
5631
·129ha
·32
5224
2·374ha
5·87
3622
·405ha
1·00
5816
·849ha
2·10
1907
·065ha
·16
6300
·065ha
·16
3400
5·301ha
13·10
5700
1·334ha
3·30
7619
3·510h
8·67
5·7m
5·5m
4·4m

OFFICER	APPELLANT Mrs S BARWELL	WRITTEN REPS / LOCAL INQUIRY / INFORMAL HEARING		APPEAL NO 42/92
SD	SHDC REFERENCE H12/0260/92	1. PLANNING 2. LISTED BUILDING 3. ADVERT 4. ENFORCEMENT 5. OTHER	REFUSAL CONDITION NON-DETERMINATION	RECEIVED Start Date 18 Nov 92 18/11/92
	DOE REFERENCE APP/A2525/A/92/215054			

DC CHECKS: PC/Residents to be notified

Other statements required

Plans required

Other special requirements

LOCAL INQUIRIES ONLY:

DISTRICT SECRETARY ADVISED AND ARRANGEMENTS MADE:

FORMAL NOTICE RECEIVED:

DATE OF INQUIRY:

	Dates required	Dates sent
QUESTIONNAIRE TO DOE	2/12/92	2 Dec 92
NOTICES	25/11/92	20/11/92
PLAN PREPARATION		
STATEMENT TO DOE	16/12/92	15/12/92
STATEMENT TO APPELLANT (Types 1 & 2 only)	16/12/92	25/12/92

REPORTED TO COMMITTEE:

	DC CHECK	DPO CHECK
PLANS AVAILABLE:		
DRAFT STATEMENT PREPARED:		15/12

DPO O.K'd 15/12

SITE VISIT

DECISION RECEIVED

REPORTED TO COMMITTEE

H18/902/92
H12/260/92
F. 1810

100. PLANNING APPLICATIONS (continued)

(i) Enforcement Action

(1) 52 Clough Common, Holbeach Clough

Following the non-determination of application reference H09/0098/92 for a workshop and siting of porta-cabin at 52 Clough Common, Holbeach Clough, the Director of Administration be authorised to take enforcement action under the provisions of sections 172/173 of the Town and Country Planning Act 1990 requiring the removal of the workshop and porta-cabin from the site, if they have not been removed or an application for permission to retain them received, within a period of 28 days from the date of the decision notice, it being considered expedient to issue such a notice in the interests of visual amenity.

(2) 33 North Parade, Holbeach

Arising from the refusal of application reference H09/1296/92 for a double garage and garden store with provision for future loft space/playroom/hobby room at 33 North Parade, Holbeach, the Director of Administration be authorised to take enforcement action under the provisions of sections 172/173 of the Town and Country Planning Act 1990 requiring the removal of the staircase and door, the reinstatement of the building to be in accordance with the details as approved under H09/0799/92, it being considered expedient to issue such a notice in the interests of safeguarding the residential amenities of adjoining dwellings.

(O.A. denotes outline application.)

101. LOCAL NEEDS POLICY

The Director of Planning and Building Control Services submitted a report outlining the authority's current local needs policy, and advised members of the need to reappraise the policy in view of changes in legislation, recent developments in government policy, recent decisions of the Local Government Ombudsman, and practical difficulties which had been experienced in operating the policy.

In particular, the Director of Planning and Building Control Services reported that two recent planning applications for residential properties at East Bank, Sutton Bridge and Lutton Bank, Lutton had highlighted the difficulties in applying the policy. Both applications had been granted subject to the applicants first entering into a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to ensure that the development remained available for local needs in the long term but it had not proved possible to draft appropriate planning obligations as the term "local need" was difficult to interpret and incorporate precisely within an agreement.

In view of the complexity of the issues involved it was suggested that the matter should first be discussed informally with members to promote a full and frank discussion, following which a further report should be submitted for consideration.

RESOLVED:

(a) The Chairman and Vice-Chairman of the Committee together with the Director of Planning and Building Control Services hold informal discussions with members and appropriate officers in order to consider and reappraise the terms and scope of the authority's local needs policy;

101. LOCAL NEEDS POLICY (continued)

(b) Following such discussions, the Director of Planning and Building Control Services submit a further report to this Committee; and

(c) The applicants for a residential dwelling at East Bank, Sutton Bridge be advised that any planning obligation will now be prepared in the light of the recommendations of the Planning Committee following the reappraisal of the local needs policy.

102. RESIDENTS ON-STREET PARKING (805/92)

The Directors of Planning and Building Control Services and Environmental Services reported that the Policy and Resources Committee at its meeting on 28th October 1992 had considered a discussion paper published by the Joint Local Authority Associations entitled "Traffic Restraint : Parking Policy" which emphasised the fact that parking policy related to commercial, social, environmental and planning issues in addition to transportation and road safety, and that there was a need for a co-ordinated approach to on-street parking and off-street parking.

The report drew attention to the problems which could arise in residential areas close to town centres as a result of changes in off-street car parking policy, and members were advised that the Policy and Resources Committee had requested the Planning and Environmental Services Committees to consider this issue in further detail with a view to making representations to the Lincolnshire County Council to undertake a trial residents on-street parking scheme, which was a recognised means of regulating on-street parking, in an urban area of Spalding.

Following consideration of the matter by the Policy and Resources Committee a petition had been received from residents of Spring Gardens, Spalding requesting such a residents car parking scheme. The matter had been considered by the County Council who had now stated that, if the scheme was accepted, it would not be implemented until late 1993 following an evaluation of current trial parking schemes in Louth, Grantham and Lincoln.

RESOLVED:

(a) The Lincolnshire County Council be requested to accept a scheme for residents car parking in Spring Gardens and its locality, and a further report be submitted following consultations with officers of the Lincolnshire County Council; and

(b) The Directors of Planning and Building Control Services, Environmental Services and Administration be authorised to meet with officers of the Lincolnshire County Council and the Lincolnshire Police to consider a better co-ordinated approach to car parking within the Spalding town centre.

AGENDA ITEM NO.

4

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: THE PLANNING COMMITTEE 17 FEBRUARY 1993

BY: THE DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES

1.0 SUBJECT: LOCAL NEEDS POLICY

PURPOSE: **To advise the Committee of the need for a reappraisal of the Authority's Local Needs Policy**

1.1 This report is concerned with issues relating to the implementation of the Authority's Local Needs Policy.

1.2 The Policy, as contained in the Authority's advice leaflet on dwellings in the countryside, states:-

> "New dwellings for the general housing market should be built within the approved development boundaries of towns and villages. However, there are some other places where dwellings for particular "local needs" may be built. These "local needs" may include houses specially for first-time buyers, and homes for people with particular need to live close to their work. In some places groups of dwellings exist which are clearly not villages, but where individual dwellings may be permitted to fulfil these "local needs" without conflicting with the overall aims of planning policy. Government advice is contained in Planning Policy Guidance Notes 1 and 7.
>
> It is impossible to state categorically all the circumstances when such departures from normal policy will be permitted, and those when permission will be refused, because each application needs to be judged on its own merits. This list sets down several matters which the Council will consider when applications are made:-
>
> SITE FEATURES
>
> Will the proposed dwelling be compatible with the use of nearby land or buildings, or are the amenities of the future residents likely to be adversely affected?
>
> Will the proposed dwelling fit satisfactorily with the existing pattern, character, density and appearance of development nearby?
>
> - What impact, if any, will the proposed dwelling have on the appearance of the surrounding rural area?
> - Is there adequate road access?

DWELLING DETAILS

A fully detailed application will be required so that the Council can consider:

(a) The relationship of the proposed dwelling to its surroundings in terms of its appearance and its effect on the amenities of existing and future residents;
(b) Its suitability in terms of size, type and location to continue to satisfy local need.

OCCUPANCY

- Full details will be required of the particular "local need" for the dwelling eg. the applicant's local place of work.
- Details should also be submitted of any proposals (eg. legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term, after the needs of the first occupier no longer apply".

1.3 This policy dates from 1989 and predates changes in legislation; recent developments in Government policy; recent Ombudsman decisions; and practical difficulties which have come to light in operating the Policy. These developments suggest that a fundamental re-appraisal of the Policy is now required.

2.0 CHANGES IN LEGISLATION

2.1 Section 54A of the Town and Country Planning Act 1990 states that development must be determined in accordance with the Development Plan unless material considerations dictate otherwise.

2.2 Previously, the requirement had been to 'have regard to the Development Plan' in determining applications for development. The change in wording 'in accordance with' - a stronger injunction altogether - reflects the Government's intention that the control of development should be 'plan led'. Hence, the statutory requirement that all Local Planning Authorities should produce District Wide Plans.

2.3 Given the pre-eminence now accorded to the Structure Plan, it is clear the Authority's Local Needs Policy will have to be applied more judiciously: 'planning by exception' or the appearances of such, has to be avoided if the Structure Plan is to be applied as Government policy provides.

2.4 A further consequence of this emphasis is that an Authority's policy is more likely to be open to legal challenge through Judicial Review on the grounds of inconsistency with the Structure Plan.

2.5 In this regard, the Committee may wish to bear in mind that the background of its local needs policy is that of the excision of a similar policy from the Structure Plan by the Secretary of State.

3.0 AFFORDABLE HOUSING

3.1 The emphasis of Government advice contained in Circular 7/91 and PPG No. 3 'Housing' is that provision for affordable housing should be met on a community basis: a clear distinction is drawn between the public benefit and private gain.

3.2 Thus, Government policy has now enabled the social dimension of housing, or a particular section of it, to be addressed, but in doing so it has thrown into sharper relief the need to ensure the accommodation of private or individual needs is consistent with the public benefit and the purposes which the planning process serves.

3.3 A further consideration is that Government advice is aimed at the provision of low cost housing whereas the Authority's Local Needs Policy seeks to accommodate an expressed local need where the context may not necessarily be that of the affordability of property. A case in point would be the need advanced by a relative to live near a member of the family because of a serious disability or handicap.

4.0 OMBUDSMAN'S DECISIONS

4.1 The Committee will recall that at its meeting on 14 July 1992 the findings were reported to the Ombudsman in respect of maladministration in two cases where permission had been granted for dwellings on the grounds of personal need.

4.2 These reports emphasise that planning decisions should be made having regard to planning policies and guidance. Accordingly, there are dangers inherent in giving primacy to personal considerations.

5.0 THE DISTRICT LOCAL PLAN

5.1 Policies for inclusion in the District Local Plan will also have to be made on the same established policy basis and therefore it is important if a Local Needs Policy is to form an integral part of that plan it is seen as consistent with that policy framework.

6.0 PRACTICAL DIFFICULTIES

6.1 Two recent applications - Applications H12/0260/92 and H18/0902/92 (Mrs J Barwell and Mr and Mrs A Judd respectively) have highlighted difficulties in applying the Local Needs

Policy. Both applications were for residential dwellings and both were submitted on the basis of local need. In each case, the Committee resolved that permission be granted subject to a Section 106 Obligation relating specifically to the Local Need advanced.

6.2 However, in neither case has it been possible to draft a Section 106 Obligation with sufficient precision and clarity to obviate the risk of successful legal challenges.

6.3 In respect of application H12/0260/92 (Mrs J Barwell) an Appeal has been lodged against Non-determination, and in respect of the application ref no. H18/0902/92, the applicants, Mr and Mrs Judd, have expressed concern that no Section 106 Obligation has as yet been concluded.

6.4 Indicative of the difficulties which have been experienced in drafting Section 106 Obligations vis à vis the Local Needs Policy are the following:-

A <u>Defining 'Local'</u> - Local in the sense of the parish; groups of parishes; immediate neighbourhood; ward constituency; area covered by a particular plan or policy; or within the District as a whole?

B <u>Defining need and distinguishing it from a wish or demand</u>. Possibly the Policy should address needs which are 'special' or 'personal' as opposed to local, (the above mentioned applications relate, in fact, to a special/personal need rather than a local one). However, this begs the question of what is 'special' or 'personal'.

(i) Needs may arise from an illness, disability or handicap; from family ties; from difficult financial circumstances; social deprivation; from a specific type of occupation and the service which that occupation provides to the community.

(ii) Within these broad categories there are many possible permutations but they all involve value judgements as to what is particularly 'special' or 'personal' or exceptional about them. Bearing in mind that most applicants have a perception of a need for accommodation which is very particular and important to them, they are value judgements open to question or criticism as unduly selective. There is, therefore, the public perception of fairness or unfairness as a factor in the application of policy.

(iii) A pertinent consideration in this regard is paragraph 38 of PPG No. 1 (March 1992) which states:-

"Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally,

however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the character of the local community, may be material to the consideration of a planning application. In such circumstances, a permission may be made subject to a condition that it is personal to the application (see paragraph 73 of Annex to DOE and WO Circular 1/85). Such arguments will seldom outweigh the more general planning considerations. If the proposed development entails works of a permanent nature they will remain long after the personal circumstances of the applicant have ceased to be material."

In the use of the word 'seldom' the Secretary of State clearly has in mind only those circumstances which are very exceptional - sufficiently exceptional to outweigh the strong presumption or expectation that established planning policy be adhered to. The advice also raises the issue of the time dimension if exceptional cases or circumstances are to be accommodated.

C Defining the appropriate time scale. There is an inherent mismatch between the expressed need and the accommodation of it, for the latter is by its nature permanent (ie. the erection of a dwelling) while the former is ephemeral - the need passes with the passing of the individual or individuals concerned. Once those individuals have passed away - and with them the need particular to their circumstances - how is that initial need to be translated into or, re-interpreted in respect of others? or, indeed, should it be? Is the dwelling to continue to provide for some local/special need for accommodation or when the originating need no longer exists, should the dwelling be `released' onto the open market?

7.0 CONCLUSIONS

7.1 In view of the above, it is considered there is a clear case for the re-appraisal of the Authority's Local Needs Policy. There is also a need to provide some guidance to Mr and Mrs Judd in respect of their application ref. H18/0902/92.

8.0 RECOMMENDATIONS

1. That the Chairman and Vice Chairman together with the Director of Planning and Building Control Services be instructed to hold informal discussions with Members and appropriate officers to consider and reappraise the terms and scope of the Authority's Local Needs Policy.

2. That following these discussions, the Director of Planning and Building Control Services be instructed to submit a further report and recommendations to the Planning Committee, and,

3. That Mr and Mrs Judd be advised that the conclusion of the Section 106 Obligation in respect of application H18/0902/92 will be undertaken in the light of the findings of the said re-appraisal.

Background papers: Advice leaflet "Dwellings in Countryside"
H18/902/92
H12/260/92
F.1810

Local Government (Access to Information) Act 1985

The Officer to whom reference should be made concerning inspection of the background papers is the Director of Planning and Building Control Services, Council Offices, Priory Road, Spalding, Lincs. Tel: (0775) 761161

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING INFORMATION

Local Authority BUILDING CONTROL

DWELLINGS IN THE OPEN COUNTRYSIDE

This information leaflet is to assist anyone who may be considering applying for planning permission to build a new dwelling in the open countryside, away from a recognised town or village, and anyone who wishes to apply for the removal of the "agricultural occupation" condition on their dwelling.

PLANNING POLICY

It is South Holland District Council's planning policy that new dwellings generally will not be permitted in the open countryside and outside the approved development boundaries of towns and villages. This policy is in line with the policies in the Lincolnshire Structure Plan which have been approved by the Secretary of State for the Environment.

For many years-it has been the planning policy for this area to concentrate new residential development in the towns or larger villages for the following reasons:

(i) The provision of services to new development with towns and villages is less costly than providing the same services to isolated dwellings;

(ii) The convenience to individuals of having a range of services and facilities close at hand in towns and villages;

(iii) The importance of conserving high quality productive farm land;

(iv) The importance of protecting the appearance of the rural landscape.

It is the Government's planning policy not to allow more than the essential minimum of high quality agricultural land to be developed, nor land of a higher quality to be taken where land of a lower quality could be used. South Holland District Council supports this policy as being particularly relevant in this District, where there is so much agricultural land of very high quality which is so important both nationally and to the local economy.

There are some circumstances in which the Council will consider granting planning permission in response to specific needs or opportunities. These are explained in this leaflet, together with the Council's policy towards applications to remove "agricultural occupancy" conditions.

NEW DWELLINGS FOR AGRICULTURAL OR HORTICULTURAL NEEDS

The Council recognises that there will be circumstances where it is necessary occasionally to permit dwellings outside recognised towns and villages, in the interests of agriculture or horticulture. Before granting planning permission, the Council will want to be satisfied on the following points.

(i) That it is essential that the dwelling should be built in the open countryside. Although the prospective occupant works in agriculture, it may not be essential for him to live in the open countryside. The applicant must show that it is necessary in the interests of agriculture or horticulture for the dwelling to be built in the open countryside rather than in a nearby town or village;

(ii) That the site applied for is capable of satisfying the special need of the holding in question and at the same time conserving agricultural land and the character of the countryside;

(iii) That the building of a new dwelling will not result in other dwellings being unused for lengthy periods and that an unacceptable precedent for the erection of more dwellings in the area will not be created.

(iv) That if a new business is proposed, it is likely to be viable.

The Council will expect applicants to demonstrate, as part of the submission, that the above considerations can be satisfied. In this respect the Council will require applicants to seek their own independent expert advice and submit this with the application. Independent sources acceptable to the Council will be A D A S (Ceres House, 2 Searby Road, Lincoln, LN2 4DW - Telephone (0522) 29951) or some other independent source offering comparable levels of expertise.

The Council will expect supporting evidence to follow the list of headings contained in the adopted A D A S format. This follows advice given in Government Circulars Paragragh 7 of Annex A of Department of the Environment Circular 16/87 and the Annex to Department of the Environment Circular 24/73 and is as follows: Background Information : Cropping : Farm Labour : Farm Buildings : Farm Accommodation : Reasons for the Proposed Development : Conclusions, to address the following issues;
(i) viability,

(ii) labour requirements,
(iii) number of persons with a need to live on the holding,
(iv) existing housing accommodation.

Any application not accompanied by sufficient information to enable the Council to fully assess the agricultural merits of the case will be invalidated under the provision of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 pending the submission of such information.

When planning permission is granted under these circumstances, the Council may impose a condition to ensure that the dwelling is only occupied by a person who complies with the special circumstances that justified the granting of permission (e.g. "a person employed in agriculture").

If the dwelling is required in association with a new agricultural or horticultural business venture, the Council may also want the applicant to enter into a legal agreement to ensure that the business and the dwelling will always be a single planning unit, and never separated from each other.

The Council may also require applicants to demonstrate the viability of such future ventures by submitting a business plan or financial statement prepared by a suitably qualified and experienced source.

It has been found that these conditions and legal agreements considerably affect the market value of dwellings should they subsequently wish to be disposed of and prospective applicants are advised to consider this aspect carefully from the outset.

The Council has the right to take action under the Town and Country Planning Act 1990 in reponse to any breaches of planning control.

NEW DWELLINGS FOR OTHER LOCAL NEEDS

New dwellings for the general housing market should be built within the approved development boundaries of towns and villages. However, there are some other places where dwellings for particular "local needs" may be built. These "local needs" may include houses specially for first-time buyers, and homes for people with particular need to live close to their work. In some places groups of dwellings exist which are clearly not villages, but where individual dwellings may be permitted to fulfil these "local needs" without conflicting with the overall aims of planning policy. Government advice is contained in Planning Policy Guidance Notes 1 and 7.

It is impossible to state categorically all the circumstances when such departures from normal policy will be permitted, and those when permission will be refused, because each application needs to be judged on its own merits. This list sets down several matters which the Council will consider when applications are made:-

SITE FEATURES

Will the proposed dwelling be compatible with the use of nearby land or buildings, or are the amenities of the future residents likely to be adversely affected?
Will the proposed dwelling fit satisfactorily with the existing pattern, character, density and appearance of development nearby?
- What impact, if any, will the proposed dwelling have on the appearance of the surrounding rural area?
- Is there adequate road access?

DWELLING DETAILS

A fully detailed application will be required so that the Council can consider

(a) The relationship of the proposed dwelling to its surroundings in terms of its appearance and its effect on the amenities of existing and future residents;

(b) Its suitability in terms of size, type and location to continue to satisfy local need.

OCCUPANCY

- Full details will be required of the particular "local need" for the dwelling eg, the applicant's local place of work.
- Details should also be submitted of any proposals (eg, legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term, after the needs of the first occupier no longer apply.

EXISTING "AGRICULTURAL" DWELLINGS

Having granted permission for a dwelling as an exception to general policy, in answer to a particular local agricultural or horticultural need, the Council will wish to ensure that the dwelling continues to be used in response to the original or similar needs. If circumstances should change significantly, the owner or the occupier of such a dwelling is entitled to apply for planning permission to remove the restricted occupation condition. (The proper wording of the application is "to retain the dwelling without complying with the restricted occupation condition").

Government guidance to Local Planning Authorities dealing with this type of application is set out in Department of the Environment Circular 16/87 in these terms:-

"Changes in the scale and character of agriculture in response to market changes may well affect the requirement for dwellings for occupation by agricultural or forestry workers. Such dwellings should not be kept vacant simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of such conditions should be considered on the basis of realistic assessments of the continuing need for them. There is no virtue in keeping dwellings unoccupied if they are no longer needed for their original purpose".

Before granting planning permission the Council will want to be sure that the circumstances which originally justified the building of the dwelling have changed to such an extent that the dwelling is no longer needed in the interests of local agriculture. An application to remove the condition for this reason should be accompanied by full details of the changes which have taken place. The Council will want to be satisfied that the removal of the condition will not be likely to result in an application for a new agricultural dwelling. The Council may seek the independent advice of the Ministry of Agriculture regarding the local agricultural circumstances.

Also, the Council will want to be satisfied that reasonable attempts have been made to sell the dwelling to someone who

can comply with the occupancy condition bearing in mind that the present owner built or bought the property knowing that the condition existed. Applications should be accompanied by:

(i) Copies of advertisements of the property, which should indicate clearly the existence of the condition;

(ii) Information about when, and for how long, the property has been on the market;

(iii) Information about the price asked, which should reflect the condition;

(iv) Information about the interest shown in the property by prospective purchasers.

In considering this type of application, the Council may seek independent professional advice regarding the valuation of the property and the general state of the property market.

Some agricultural dwellings built some time ago are now within villages as a result of more recent development which has taken place around them. The Council will generally remove the condition in these cases.

HOW TO APPLY

In the case of all these types of application, forms and notes on how to complete the forms and about the statutory fees payable may be obtained from the Planning Department. Applications should be accompanied by as much information as possible, in line with the advice given above.

FURTHER ADVICE

Other information leaflets are available, including:

Householder development: when is planning permission needed?
Aerials, masts and satellite dishes on residential premises
The Building Regulations: exempt buildings and work
Agricultural development

Applications and any correspondence should be addressed to:

Director of Planning and Building Control Services
Council Offices
Priory Road
Spalding
Lincolnshire PE11 2XE

If you wish to discuss a proposal with one of the staff, please phone to make an appointment
(Tel: Spalding 761161).

21 April 1992
D. Cowie

LUTTON

IBD was approved 21 March 1990 i.e. fairly recently, and on basis that Lutton is ready for a period of 'low growth'.

COMPLETIONS

Lutton Village	1987	11 dwellings	(87-88 : 18)
	1988	16 dwellings	(88-89 : 23)
	1989	18 dwellings	(89-90 : 20)
	1990	21 dwelling	(90-91 : 5)

OUTSTANDING PERMISSIONS (EXCLUDING LUTTON GOWTS)

24 + 16 + 3 + 1 = 44 dwellings approx.

FURTHER UNDEVELOPED LAND WITHIN I.B.D. (EXCLUDING LUTTON GOWTS)

Land for 16 + 1 = 17 dwellings approx.

Boundary being reviewed as part of the South Holland Local Plan process.
Given the fairly recent approval of IBD, and the land still undeveloped / available within boundary, my initial thoughts are that it may be inappropriate to make significant extensions to the boundary and especially if it would extend ribbon development along Lutton Bank.

282. PLANNING APPLICATIONS (Continued)

(c) Applications Deferred

Consideration of the following applications be deferred for the reasons indicated:-

Plan No. and Applicant	Proposal
H18/0736/88/C2	Wall at Custom House Street, Sutton Bridge.

(To enable the Director of Planning and Building Control Services to consider the application more fully in view of concern as to whether or not the proposed development would comply with the requirements of planning permission H18/0736/88.)

H05/0115/92 Mr H Payne	Change of use of existing agricultural land to garden area serving aged persons accommodation on land adjacent The Anglia Motel, off Winslow Gate, Fleet.

(To enable the Director of Planning and Building Control Services to investigate this proposal further in relation to other uses of adjoining land and buildings both existing and as indicated on a plan supplied by the applicant.)

H16/0203/92 Allison Homes Ltd	Reserved matters relating to residential development with associated roads, sewers and landscaping on land west of Woolram Wygate, Spalding (Phase II Wygate Park Development).

(To enable the Plans Sub-Committee to consider the application in detail.)

S.V.

H12/0260/92 Mrs J Barwell	O.A.	Residential dwelling at Lutton Bank, Lutton.

(Pending a site inspection to enable Members to assess if the proposal would be suitable for consideration under the Council's policy and criteria for new dwellings for other local needs.)

(Councillor A E Naylor declared an indirect interest in the above application, and left the Council Chamber during consideration thereof.)

H19/0309/92 Mr W Price	Use of land for siting of residential caravan in conjunction with horticultural business at The Paddocks, Luttongate Road, Throckenholt.

(To enable the Director of Planning and Building Control Services to clarify the circumstances regarding the granting of planning permission for the existing caravan immediately to the south of the site.)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES

TO: DIRECTOR OF ADMINISTRATION f.a.o. Mr. R. E. Atkins

REF: DPBCS/JH/H12/0260/92

REF: REA/LDS

DATE: 20th October 1992

SUBJECT: PROPOSED WORDING OF PLANNING OBLIGATION, RESIDENTIAL DEVELOPMENT, LUTTON BANK, LUTTON

Further to your memorandum dated 24th July, I have now had the opportunity of considering your suggestions in more detail, and discussing the implications with my own officers.

Whilst your memo is, in my opinion, a valiant attempt to deal with the problem, it still leaves a lot to subjective judgement and possibly, misinterpretation! I believe this to be inevitable given the subject matter we are dealing with, and because of the use of unprecise terms, this could leave the authority being accused of arbitary in its interpretation, for example:-

1. "in need". All of us are "in need" of accommodation, but most of us are fortunate to have some.

2. "local". Does "local" mean within the District, within the Parish, within the settlement of the Parish?

3. "unable to afford to compete". Most of us find housing very expensive and perhaps are "unable to afford to compete" for the house we would ideally like. What degree of inability are we talking about and how do we establish it? Do we have to insist upon a complete financial breakdown and appraisal by financial experts?

4. "needing separate accommodation". Although some specific examples are given there will be confusion between "wanting" and "needing".

5. "the person whose works provides important services". What is an "important service"?

Cont/d...2/.

6. "long standing links with the local community". Again there is an example but all sorts of tenuous links could be put forward and how is the Authority, without being accused of favouritism, going to be able to make an objective judgement?

7. "a person with an offer of a job in the locality". What do we mean by locality? Many of us work in Spalding and live in say Holbeach or Gosberton or Donington etc. are we all entitled to apply for houses closer to our place of work?

My own officers have concluded that perhaps we have been asked to undertake a hopeless task, and suffice to recall that a Town and Country Planning Association Seminar on affordable housing concluded that for planning authorities, only the Housing Trust approach was possible.

Despite the Planning Services Committee's desire to achieve a meaningful 'local need' policy interpretation, it has to be said that it is contrary to Structure Plan Policy and to the national policy of the Government, and consequently, perhaps the sooner we admit this problem to the Planning Committee, the better?

I have concluded, therefore, that subject to any further observations from yourself, that I will address the matter in a report to the Planning Services Committee, and at the same time, advise Mrs. Barwell of the difficulties encountered and the fact that I shall be reporting as suggested. At this stage, I anticipate placing it on the Planning Committee agenda for its meeting in mid November.

B. SMITH MRTPI
DIRECTOR OF PLANNING AND
BUILDING CONTROL SERVICES

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: Principal Planning Officer
Development Control

To: Director of Planning and
Building Control Services

Our Ref: NRM/JJ H12/0260/92

Your Ref:

Date: 23 Sep 1992

PROPOSED WORDING OF PLANNING OBLIGATION, RESIDENTIAL DEVELOPMENT, LUTTON BANK, LUTTON.

I think Mr Atkins has made a brave attempt to produce something that will stand up to challenge, but there is nonetheless within his wording a large of number of unprecise terms which could leave the Authority being accused of being arbitrary in its interpretation for example:-

1. "in need". All of us are "in need" of accommodation, but most of us are fortunate to have some.

2. "local". Does "local" mean within the District, within the Parish, within the settlement of the Parish?

3. "unable to afford to compete". Most of us find housing very expensive and perhaps are "unable to afford to compete" for the house we would ideally like. What degree of inability are we talking about and how do we establish it? Do we have to insist upon a complete financial breakdown and appraisal by financial experts?

4. "needing separate accommodation". Although some specific examples are given there will be confusion between "wanting" and "needing".

5. "the person whose works provides important services". What is an "important service"?

6. "long standing links with the local community". Again there is an example but all sorts of tenuous links could be put forward and how is the Authority, without being accused of favouritism, going to be able to make an objective judgement?

7. "a person with an offer of a job in the locality". What do we mean by locality? Many of us work in Spalding and live in say Holbeach or Gosberton or Donington etc, are we all entitled to apply for houses closer to our place of work?

I fear we have undertaken a hopeless task and I am reminded of a Town and Country Planning Association seminar on affordable housing which concluded that for planning authorities only the housing trust approach was possible.

I remain of the view that our current "local need" policy is contrary to Structure Plan Policy and to the national policy of the Government and the sooner we admit this problem to the Planning Committee the better.

N Midlen
Principal Planning Officer
Development Control

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: Principal Planning Officer
Development Control

To: Director of Planning and
Building Control Services

Our Ref: NRM/JJ H12/0260/92

Your Ref:

Date: 23 Sep 1992

PROPOSED WORDING OF PLANNING OBLIGATION, RESIDENTIAL DEVELOPMENT, LUTTON BANK, LUTTON.

I think Mr Atkins has made a brave attempt to produce something that will stand up to challenge, but there is nonetheless within his wording a large of number of unprecise terms which could leave the Authority being accused of being arbitrary in its interpretation for example:-

1. "in need". All of us are "in need" of accommodation, but most of us are fortunate to have some.

2. "local". Does "local" mean within the District, within the Parish, within the settlement of the Parish?

3. "unable to afford to compete". Most of us find housing very expensive and perhaps are "unable to afford to compete" for the house we would ideally like. What degree of inability are we talking about and how do we establish it? Do we have to insist upon a complete financial breakdown and appraisal by financial experts?

4. "needing separate accommodation". Although some specific examples are given there will be confusion between "wanting" and "needing".

5. "the person whose works provides important services". What is an "important service"?

6. "long standing links with the local community". Again there is an example but all sorts of tenuous links could be put forward and how is the Authority, without being accused of favouritism, going to be able to make an objective judgement?

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

REF: JMB/LST/PL.612

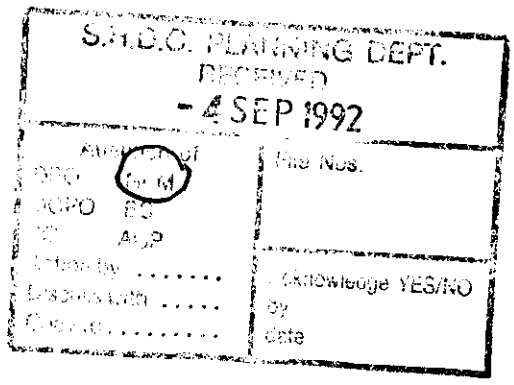
YOUR REF: BS/DPBCS/H 812/0260/92

Date: 3rd September, 1992

SUBJECT: PROPOSED RESIDENTIAL DEVELOPMENT, LUTTON BANK, LUTTON PLANNING OBLIGATION

I refer to my memorandum dated 24th July 1992 relating to the above and wonder if the planning obligation in this matter is still required.

Director of Administration



SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

OUR REF: REA/LDS

YOUR REF: BS/DPBCS/H H12/0260/92

DATE: 24th July 1992

SUBJECT: PROPOSED RESIDENTIAL DEVELOPMENT, LUTTON BANK, LUTTON : PLANNING OBLIGATION

Referring to your memorandum dated 19th June 1992 and to Mr. Atkins' subsequent discussions with you I have given further thought to the covenant to be used in cases of local need and enclose for your observations a draft covenant which could be used in such circumstances. The basic wording of the covenant is quite straightforward and in my view, on reflection, I do not feel that there is a need to obtain legal advice thereon. However, the difficulty arises from the fact that the Council have no policy detailing what they mean by the term "local need". The categories included in the draft covenant are those which have been taken from government advice and other forms of Agreement but it really is for you, perhaps in consultation with the Planning Committee, to determine the categories.

As soon as I receive your observations on the form of covenant, including categories of need, I will let you have a draft Planning Obligation without delay.

RC

Director of Administration

In my opinion a valiant attempt. But it still leaves a lot to subjective judgment and (mis)interpretation.

11/8

DS/LRA 4/8.

I would welcome and do a Rees suggested approach and I think a decision could be most useful before any further action is taken

DB

COVENANT

The Development shall not be occupied at any time hereafter except by a person who is in the opinion of the Local Planning Authority in need of local housing and is unable to afford to compete in the open housing market and is:

(i) an existing resident of Lutton needing separate accommodation in the Parish (e.g. newly married couples, people leaving tied accommodation on retirement)

(ii) a person whose work provides important services and who need to live closer to the local community

(iii) a person who is not necessarily resident locally but has longstanding links with the local community (e.g. elderly people who need to move back to a village to be near relatives).

(iv) a person with the offer of a job in the locality who cannot take up the offer because of lack of affordable housing.

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

OUR REF: REA/LDS

YOUR REF: BS/DPBCS/H
H12/0260/92

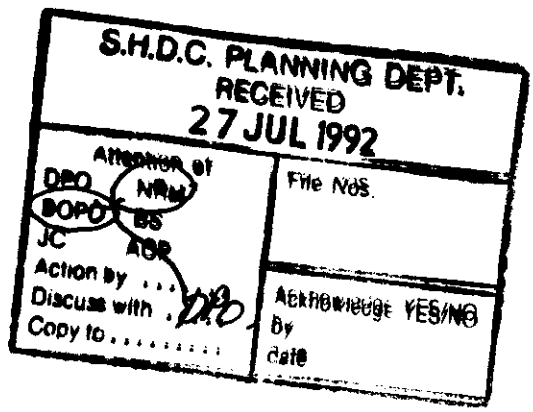
DATE: 24th July 1992

SUBJECT: PROPOSED RESIDENTIAL DEVELOPMENT, LUTTON BANK, LUTTON : PLANNING OBLIGATION

Referring to your memorandum dated 19th June 1992 and to Mr. Atkins' subsequent discussions with you I have given further thought to the covenant to be used in cases of local need and enclose for your observations a draft covenant which could be used in such circumstances. The basic wording of the covenant is quite straightforward and in my view, on reflection, I do not feel that there is a need to obtain legal advice thereon. However, the difficulty arises from the fact that the Council have no policy detailing what they mean by the term "local need". The categories included in the draft covenant are those which have been taken from government advice and other forms of Agreement but it really is for you, perhaps in consultation with the Planning Committee, to determine the categories.

As soon as I receive your observations on the form of covenant, including categories of need, I will let you have a draft Planning Obligation without delay.

Director of Administration



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(ii) a person whose work provides important services and who need to live closer to the local community

(iii) a person who is not necessarily resident locally but has longstanding links with the local community (e.g. elderly people who need to move back to a village to be near relatives).

(iv) a person with the offer of a job in the locality who cannot take up the offer because of lack of affordable housing.

Mrs J Barwell,
Bank House,
Dear Love Gate,
Lutton,
Spalding,
Lincs.
PE12 9LL.

Mr B Smith

DPBCS/JJ H12/0260/92

16th July 1992

Dear Mrs Barwell,

RE: PROPOSED RESIDENTIAL DEVELOPMENT AT LUTTON BANK, LUTTON, DISCUSSIONS RE PLANNING OBLIGATION.

Further to my recent letter dated 19th June I thought it appropriate to advise you that the matter is being pursued by the Council, and that my colleague Mr R Atkins (Deputy Director of Administration) has discussed a number of points with me arising out of producing a draft form of Agreement.

We concluded that as a result of certain matters arising it would be appropriate for us to refer any draft Agreement to the Council's own legal advisers, and I anticipate therefore, that it is likely to be another 2 weeks before we are in a position to forward you a copy of any draft Agreement.

I do apologise for the delay, but I have to say in all honesty I thought the preparation of the draft Agreement would not be a straightforward matter as indeed is proving to be the case!

Yours sincerely

B Smith MRTPI
Director of Planning and
Building Control Services

cc Mr Atkins (Deputy Director of Administration)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES

TO: DIRECTOR OF ADMINISTRATION (f.a.o. Mr. R.E. Atkins)

REF: BS/DPBCS/JH
H12/0260/92

REF: REA/

DATE: 19th June 1992

SUBJECT: PROPOSED RESIDENTIAL DEVELOPMENT LUTTON BANK, LUTTON: PLANNING OBLIGATION.

I refer to the above application, and as the enclosed copy letter confirms, I have recently discussed with the applicant, Mrs. Barwell, the need to enter into a Planning Obligation.

Understandably at this stage she would wish to consider a draft Obligation, and thereafter seek her own legal advice upon it, and if satisfactory, also consult with whichever lending institution she is going to approach to see whether or not, on the basis of that Obligation, they are prepared to advance sufficient funds to meet the cost of constructing the dwelling.

There is no doubt that we shall need to think the content of any Agreement through carefully, and I would suggest, therefore, that when you return from leave you contact me so that we can arrange to meet and discuss the matter in more detail. I also acknowledge that I may have been too optimistic in suggesting to Mrs. Barwell that I hope to forward her a draft Agreement within the next fortnight!

B. SMITH MRTPI
DIRECTOR OF PLANNING AND
BUILDING CONTROL SERVICES.

Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs
PE12 9LL

Mr D Gedney

DMG/WL
H12/0260/92

20th May 1992

Dear Mrs Barwell,

Planning Application H12/0260/92 - Residential dwelling, Lutton Bank, Lutton

I refer to the above planning application submitted by yourself.

I would like to take this opportunity to inform you that at a recent meeting of the Plans Sub-Committee it was resolved that planning permission be refused, but the applicant be advised that it is likely that a "full" application would be supported provided it could be demonstrated that the proposal satisfies the Council's local needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside". Accordingly, I hereby enclose the aforementioned and draw your attention to the section entitled "New Dwellings for other Local Needs".

Essentially, any application would need to comply with the criteria set out on the back page of the leaflet which relate to site features, dwelling details and also occupancy. It should be noted that a fully detailed application would be required and your attention is particularly drawn to the section relating to occupancy and the legal commitment involved. This states that both full details will be required of the particular "Local Need" for the dwelling and also that details should be submitted of any proposals (eg legal agreements or covenants) to ensure that the dwelling remains available for local needs in the long term. It is therefore suggested that you consider this matter carefully before preparation of detailed plans is put in hand.

I hope the above information is of assistance to you and I must stress that it is given without prejudice to any future decision the Planning Committee may make on any resubmission.

Yours faithfully,

N Midlen
Principal Planning Officer (Development Control)

APPLICATION REFERENCE: H12/0260/92 DATE RECEIVED: 2/3/92

APPLICANT: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding
Lincs PE12 9LL

AGENT:

TYPE: Outline

DESCRIPTION: Residential dwelling

LOCATION: Lutton Bank, Lutton, Spalding

Parish Council: No objections. Local need.

Ward Member: Local need.

County Highways: Request conditions.

PLANNING POLICIES/DOE ADVICE
Outside I.B.D.
PPG7, 1992 - (The countryside and the rural economy).
Structure Plan Policies 6a and 7a.

PLANNING ISSUES

1 The determining issue in this particular case is whether the proposal is acceptable on policy grounds.

2 The site is currently waste ground and has a frontage width of 62 metres approximately. Its depth varies between 14 and 10 metres.

3 The site is outside the Interim Boundary of Development for Lutton. Development further to the north is somewhat scattered.

4 Although reference has been made to local need by both the Parish Council and Ward member, no formal details have been submitted with the application. Since this is the case, I am unable to assess the proposal against the "Local Need" criteria.

CONCLUSIONS

1 The proposal is contrary to Structure Plan Policy 7a which states that new residential development in the open countryside will only be permitted where there is an essential need to house farm or forestry workers near to their place of work. Further, the proposal is not considered to be reasonable infilling and is therefore, in my judgement, contrary to Structure Plan Policy 6a. This states that "permission will not normally be granted for housing which would create or extend ribbon or scattered development".

RECOMMENDATION - 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 development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission, which would be contrary to Policy 7a of the Lincolnshire Structure Plan. This policy is in accordance with national planning policies as set out in Planning Policy Guidance Note No. 7, 1992 (The Countryside and the Rural Economy) and is aimed at the conservation of agricultural land, the preservation of the character of the countryside, and the economic provision of services. In the opinion of the Local Planning Authority, the granting of permission for the development as proposed would be harmful to the purposes of this policy, because as well as its individual effect on these issues, it would form a precedent for further similar proposals which would be difficult to resist.

Minutes of a meeting of the **PLANS SUB-COMMITTEE** held in Meeting Room 1, Council Offices, Priory Road, Spalding on Tuesday, 6th May 1992.

PRESENT

Councillors:

Mr. B. Alcock - Chairman
Mr. T. Bray - Vice-Chairman

Mr. J. Clark	Mr. J.A. Dobney	Mr. J.R. Pearl
Mr. B.J. Davies	Mrs. E.O. Hall-Patch	Mr. R.C. West
Mr. E.N. Davies	Mr. N.P. Judge M.B.E.	Mr. M.C. White

The Director of Planning and Building Control Services, the Deputy Director of Administration and the Deputy Director of Environmental Services.

Apologies for absence were received from or on behalf of Councillors R.C.P. Cowan, A.E. Naylor and M.S.L. Rollinson.

314. MINUTES

The Minutes of the meeting held on 6th April, 1992 were signed by the Chairman as a correct record.

315. PLANNING APPLICATION

The following application was determined as indicated following an inspection of the site:-

Plan No. and applicant		Proposal
H12/0260/92 Mrs J Barwell	O.A.	Residential Development at Lutton Bank, Lutton

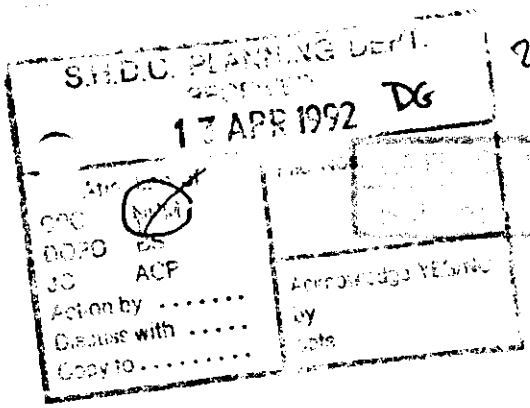
RESOLVED: (a) Planning permission be refused for the above development in accordance with the recommendations of the Director of Planning and Building Control Services but the applicant be advised that it is likely that a full application would be supported provided it could be demonstrated that the proposal satisfies the Council's local needs criteria as set out in its policy advice leaflet "Dwellings in the Open Countryside"; and (b) the Director of Planning and Building Control Services write to the applicant advising her of the Council's local needs criteria, including the details required to support such an application and drawing particular attention to the legal commitment involved, and suggesting that the applicant should consider carefully before preparation of detailed plans is put in hand.

316. ESTATE DEVELOPMENT

Plan No. and applicant	Proposal
H16/0203/92 Allison Homes Limited	Reserved matters relating to residential development with associated roads, sewers and landscaping on land west of Woolram Wygate, Spalding (Phase II Wygate Park development).

RESOLVED: The Director of Planning and Building Control Services be authorised to grant planning permission in accordance with his recommendation B subject to being satisfied with the arrangements for the future care and maintenance of the off street parking courts to be provided for the terraced properties.

(End of Minutes)



260/92

DNG

Bank House,
Dear Love Gate
Lutton
Spalding PE12 9LL
11th April 1992.

Dear Mr Smith,

I have spoken to Councillor Michael Booth who has advised me to write to you concerning my planning application.

My situation is such that I am divorced and in the near future will have to leave my home of many years. I have limited financial resources and to utilise this waste land to create a home for myself would lessen my concern regarding the future considerably.

May I put to you the following points which I hope will be considered.

Waste ground.

1 The site was originally used for a dwelling and garden until some years ago when the dwelling was demolished. The foundations still remain.

2 The land has never been cultivated nor ever will be.

3 It serves no purpose to the community or any individual to remain as it is.

4 A pleasant dwelling and garden would be more pleasing and preferential to the eye than what exists at the moment.

5 I hope you would agree with me that the building of a dwelling would be regarded as infill and not an invasion of green belt area.

Social need.

6 I have no home.

7 My financial resources are limited.

8 I need to be near my family and friends.

If you would attach this letter to my planning application it would be greatly appreciated.

Yours sincerely,

Jane Barwell.

BR. .N 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: H12/0260/92

Applicant: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location: Lutton Bank Lutton
Spalding

Type: OUTLINE

Date received: 02-MAR-92

05-MAR-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 20-MAR-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 Lutton PC
7 Oakley Drive
Spalding
Lincs
PE11 2BN

S.H.D.C. PLANNING DEPT.
RECEIVED
13 MAR 1992 DG

FOR PARISH COUNCIL USE ONLY

Comments: No objection

Signed: M. Hop

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: H12/0260/92

Type: OUTLINE

Applicant: Mrs J Barwell
Tel: 0406 362495

Agent: Mrs J Barwell
0406 362495

Description: Residential dwelling

Location: Lutton Bank
Lutton
Spalding

Valid date: 02-MAR-92
Target dates:
To case officer 07-MAR-92
Inspected by 12-MAR-92
Extra contacts 17-MAR-92
Report if not clear by 06-APR-92

Terminal date: 27-APR-92
Target Committee: 14-APR-92
Report deadline: 31-MAR-92

Case Officer:
D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size: .09 HA
Category: Newbuild
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

		Sent	Expiry	
Clerk to Lutton PC	0775 724941	05-MAR-92	19-MAR-92	No Objection Noted
Cllr D A Tennant		05-MAR-92	19-MAR-92	
Cllr E J Clarey	0406 363141	05-MAR-92	19-MAR-92	
Cllr M D Booth	0406 350034	05-MAR-92	19-MAR-92	
L.C.C	plan taken cl 12/3/92	Cllr A Mackay	fc cb	12/3/92
"The Firs", Lutton Bank, Lutton.		25 MAR 92	08-APR-92.	
Hse to north		30 MAR 92	18 APR 92	

SITE DETAILS

Grid ref: 543620 326070
OS Sheets: 137 Parcel:

BR.. ..d 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: H12/0260/92

Applicant: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Agent: Mrs J Barwell
Bank House
Dear Love Gate
Lutton
Spalding Lincs PE12 9LL

Description: Residential dwelling

Location: Lutton Bank Lutton
Spalding

Type: OUTLINE

Date received: 02-MAR-92

05-MAR-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 15-MAR-92 if you feel that this proposal should be brought to the attention of the Planning Committee for any reason.

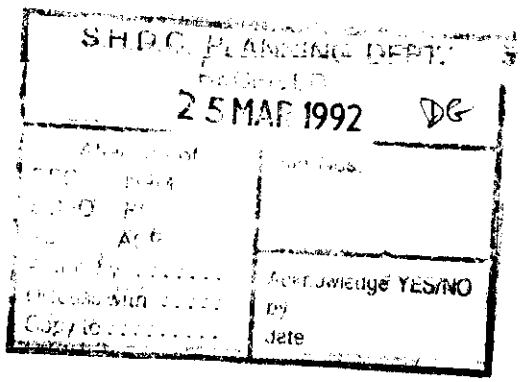
Yours faithfully
B SMITH
Director of Planning and Building Control Services

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

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

Local need

Signed: D A Tennant



LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council

Application Reference H12/0260/92.

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		
	4	3	6	2	6	0.

2. Address or location
LUTTON BANK, LUTTON

3. Name, classification and number of road
III

4. Date application referred 12-3-92

5. State whether outline, detailed application etc.
OL.

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

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: 12-3-92 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) B13 (amended) — — — — — — 1/15 — — 6m — — of Roman Bank. (delete remainder —)

(2) B21

Delete as appropriate

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

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

(1) B6

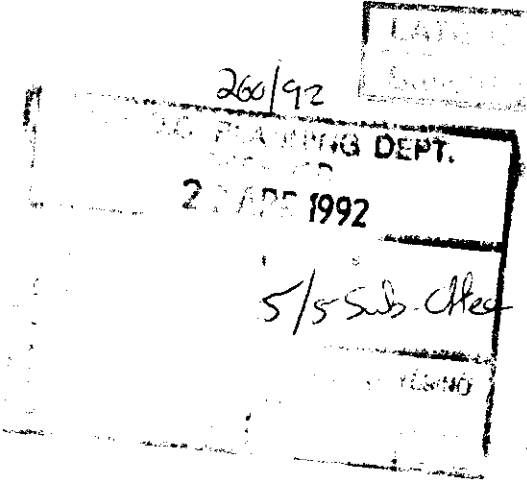
(2) B21

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

10/3

C/c Booth wishes this application to go to Committee. Re telephone conversation

DMG



Bank House,
Low Gate,
Luton,
Spalding. PE12 9LL
22nd April 1992.

Dear Mr Smith,

Please find enclosed ordnance survey map with revised boundary. The width at one end of the plot has been increased to approximately twenty eight yards. Please attach this to my planning application.

If you would be kind enough to send me confirmation of your receiving this letter it would be greatly appreciated. Please find stamped addressed envelope.

Yours sincerely,

Jane Barwell.

PLANNING AMENDMENT

For office use only

Application No. 1+12/a60/92

Date registered 27 APR 1992

Case Officer DG

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

Tel. No.

NAME AND ADDRESS OF AGENT
(if form completed by agent)

Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

Please complete

EARLIER APPLICATION No.

This application **cannot be considered** unless the relevant reference is stated

Building Regulation reference relating to same development.

2. Please tick **one** box only

A. Amendment is proposed where permission already granted ☐
If yes, submit two forms and two plans

or

B. Amendment is to a proposal currently being considered ☐
If yes, submit four forms and four plans.
State whether amendment has been requested by the Council ☐

Has a similar amendment been submitted under Building Regulations? Yes / No

Please complete

I attach the necessary plans and request that the changes described below be accepted as an amendment. I understand that the Council may require a fresh application, together with fee if appropriate.

Signed ..... Date .....

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

As **NOW PROPOSED**, if different

State details of amendments proposed

(Give a full detailed list of the changes, and also mark these clearly on the accompanying plans)

State drawing no's of the current submission

State Officer dealing with the application, if known.

Describe any part of the original development which is excluded by virtue of the amendment, and state any alteration to plot numbers