DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0440-26**	**Applicant:**	**Henry Oldershaw Limited**
Proposal:	Removal of Agricultural Occupancy Condition (Condition 2 of application SR260-73)		
Location:	Woad House Common Road Moulton Seas End		
Terminal Date:	27th August 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to remove condition 2 of planning permission EE260-73, which granted permission for a dwelling, garage and a vehicular access on 10 May 1973. Condition 2 restricts the occupation of the dwelling to an agricultural worker or their widow / widower / dependents.

Site Description

The application site comprises land at Woad House, which is located to the west of Common Road, approximately 1.4km to the north of Moulton Seas End. Woad House comprises a detached two-storey dwelling with a front driveway and garden land at the front, side and rear of the dwelling.

Planning History

EE260-73: Farmhouse and garage with provision of vehicular access at Common Road, Moulton Seas End - approved 10 May 1973

Consultation Responses

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

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Public Representations

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

Key Planning Considerations

Development Plan

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

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

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

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

No operational development is proposed, and the application only seeks consent to remove condition 2. Therefore, the main consideration in this case is whether there is sufficient justification to remove condition 2.

Principle of Development

The wording of condition 2 of planning permission EE260-73 is as follows:

"The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or forestry (including any dependents of such a person residing with him) or a widow or widower of such a person.

Reason:
This building is sited in an area in which buildings other than those connected with an agricultural

need, would not be permitted."

The determination of the application is based upon a consideration as to whether there are reasonable grounds to continue to impose the condition which forms the agricultural tie.

In this case, the site is within the countryside as identified by Policy 1 of the Local Plan and the accompanying policies map. The countryside is at the bottom of the settlement hierarchy for the district and represents the least sustainable location.

Policy 1 states that development in the countryside will be permitted that is necessary to such a location / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of its economic, community or environmental benefits.

Therefore, new dwellings within the countryside are not generally supported in principle unless it can be clearly demonstrated that there is a specific need for a dwelling within the site. This might include the need for an agricultural worker to live within the site to support a rural business such as a farm. This is also in line with Paragraph 84 of the NPPF which sets out that planning decisions should avoid the development of isolated homes in the countryside unless certain criteria apply, for example there is an essential need for a rural worker (part a).

Delivering and retaining housing for agricultural workers within the countryside can play an important role to help sustain rural businesses, agriculture and horticulture. In this case, it is unclear what type of rural business or agricultural work the original dwelling was considered necessary to support as the original decision notice does not clarify this, and an officer's assessment of the proposals is not available within the documents for the original application.

Regardless of the original justification for the dwelling, the condition does not preclude any future agricultural or forestry worker from residing within the dwelling and working on land in the locality. There is nothing to prevent an agricultural worker from supplementing their income with a part-time job as the condition stipulates that a person should be 'solely or mainly working' in agricultural or forestry. The condition also allows a retired agricultural or forestry worker to occupy the dwelling, who would not require a large land holding. This is relevant in this case as based on the submitted location plan, there appears to be no agricultural land attached to the dwelling that could be used to sustain an agricultural business.

There are no specific policies within the Local Plan or the NPPF which set out how applications to remove agricultural worker conditions should be assessed, nor are there policies which specifically relate to agricultural worker dwellings.

Removing condition 2 would mean that there would be a loss of one dwelling within the market for potential agricultural workers. Therefore, notwithstanding this lack of policies relating to the removal of agricultural occupancy conditions, it seems appropriate to assess whether the proposed dwelling continues to be a suitable potential dwelling for agricultural workers, in terms of its location, functionality and its affordability. One way of assessing this is to establish if there is still a market demand for a dwelling with an agricultural occupancy condition.

In this case, the application form sets out that the property has been advertised for sale for 18 months "with very little interest". A planning statement has not been submitted with the application and initially, relatively limited information was submitted including examples of advertisements that had been posted for the site. This was queried with the applicant's agent and additional information has subsequently been provided, including evidence of additional advertisements.

According to the applicant's agent, the property has been advertised for over one year at least on a monthly basis, beginning in January 2025 and it is still advertised now. Various examples of the advertisements that have been displayed for the house have been submitted. The property has been advertised on Farmer's Weekly, Zoopla, Elizabeth Allen's website, On the Market, Facebook, LinkedIn, Instagram, TikTok and Twitter. The adverts were mostly posted in 2025; however, one of the adverts is dated July 2024.

The dwelling was valued at approximately £400,000; however, a discounted rate was applied to take into account the agricultural occupancy condition and the property was advertised at £285,000. This represents a reduction of 28% and it is considered that this represents a suitable discount.

According to the submitted information, only one person requested further details of the property

during the time it has been advertised, and no further action was taken by the person. As such, there has been limited interest in the property.

Based on the evidence provided, it is considered that the property has been advertised for a sufficient time at a suitably discounted rate and on a sufficient range of sources to provide an opportunity for potential occupants to consider the property. There has been very limited interest in the property, and this suggests that the property is unlikely to be of interest to agricultural workers or retirees if the property continues to remain advertised for sale. Therefore, it is considered that under these circumstances, there are no reasonable grounds to continue to impose the condition.

Other Conditions

Condition 1 required the development to be commenced by 10 May 1976. This condition is no longer necessary as the development was commenced and was completed decades ago. Therefore, this condition can be removed.

Condition 3 required a crossing over the highway from the site to the carriageway of the county road to be installed. The access for the site is in place and as such, this condition is no longer necessary.

Condition 4 sets out the following:

"The developers shall not in connection with the development hereby permitted, fill in, culvert or in any way obstruct any dyke or watercourse unless they shall first obtain the written consent of the local planning authority to the works and the developers shall comply with such requirements or conditions as the local planning authority may impose in consenting to works affect dykes or watercourses.

Reason:
To prevent damage to the land drainage system or interference with the rights of surface water drainage from the highway."

No physical changes to the site are proposed as part of the current application and the original permission did not allow for works to drainage channels. As such, this condition is no longer considered to be necessary; however, an informative can be included directing attention to the requirements of South Holland Internal Drainage Board as they maintain an asset that runs through the site near the eastern boundary. If any works are proposed to the drainage channel in future, then full planning permission or approval from the drainage board might be required; however, this would be subject to a separate assessment from the current proposals.

Based on a review of the council's records, a s106 agreement was not provided with the original permission, and as such it is not necessary to vary any legal agreements.

Planning Balance

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

The application is supported by sufficient evidence which sets out that the dwelling is no longer needed as an agricultural worker's dwelling. Therefore, the condition is no longer considered to be necessary, and it is considered to be appropriate on this occasion for the condition to be removed.

Additional Considerations

Public Sector Equality Duty

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

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

B. Advance equality of opportunity between people who share a protected characteristic and those

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

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

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

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

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

Human Rights

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

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

Conclusion

Condition 2 is no longer considered to be necessary, and it is considered to be appropriate on this occasion for the condition to be removed.

Recommendation

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