SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H14/0001/92 Received:12-MAR-92 Type:FULL

Name: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

Location : Fengate Road West Pinchbeck
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 Planning Policy Guidance Note 7, 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
24-APR-92 H14/0001/92

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)

BRIAN SMITH Di[illegible] MRTPI
Director of F[illegible]ng & 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: H14/0001/92 Type: FULL

Applicant: Mr G Capes
Tel:

Agent: Loweth Cowling Design
0406 22126

Description: Erection of 2 bed bungalow

Location: Fengate Road
West Pinchbeck
Spalding

Valid date: 12-MAR-92
Target dates:
To case officer 17-MAR-92
Inspected by 22-MAR-92
Extra contacts 27-MAR-92
Report if not clear by 16-APR-92

Terminal date: 07-MAY-92
Target Committee: ~~12-FEB-92~~ 14-4
Report deadline: 29-JAN-92

Case Officer:
P J UDY

DEVELOPMENT/CONSTRAINTS

Size: 1 DWE
Category: Newbuild
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Clerk to Pinchbeck P 0775 723838	21-JAN-92	04-FEB-92
Cllr B Chappell 0775 87 381	21-JAN-92	04-FEB-92
Mr & Mrs Crew		
Owner/Occupier, Meadow View, Fengate Road	18-MAR-92	01-APR-92

L.C.C. – Obs Attached Jr cs 23/1/92

SITE DETAILS

Grid ref: 521380 324400
OS Sheets: 162 Parcel:

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H14/0001/92

Date Registered 02 JAN 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

GEOFF DAPES.
FENGATE ROAD
WEST PINCHBECK
SPALDING
LINCS.
Tel. No.

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

LOVETH CONSULTANTS
STATION HOUSE
STATION STREET
HOLBEACH. LINCS.
Tel. No. 0406 22126
(Personal contact name) LOVETH

OFFICE COPY

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

FENGATE ROAD, WEST PINCH BECK
SPALDING - LINCS.

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

ERECTION OF 2 RED BUNGALOWS

Please complete

I attach * Four copies of all plans
*an ownership certificate (see back page)
*a fee of £92-00 If you consider no fee is payable include a written explanation instead.

Signed.. Date.. 26.9.91 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 (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 BUNGALOW

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

B. Please state size of any new structure:- (a) max. height: 17'0" sq. metres
(b) max. length: 44'1" ~~metres~~
(c) max. width: 26'0" ~~metres~~

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

D. Please state type and colour of roofing materials. Marley double pantiles Malvern Red.

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

5. GENERAL INFORMATION Please complete each section

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

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: ~~Tengate Rd~~. Will there be — Individual access(es) ✓ New estate road ☐

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

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 ✓ → (FRUIT TREES) If so, please show details on plans

DRAINAGE Please complete

A. Please state how surface water will be disposed of soakaways.

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 see letter 13.1.92	~~YES~~	→ 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. See solicitors covering letter which forms part of the application.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE 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 ..... ~~(Applicant~~/Agent) Date 26/9/91

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 ..... ~~Applicant~~/Agent) Date 26/9/91

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 .....

Spoke to Chris Lowther on 10-2-92. Site replaces number of derelict garages/sheds. Does not effect Leylandii hedge - next door.

APPLICATION ASSESSMENT

Notes for Case Officer

Site Notes: Accuracy Neighbours Other

Boundaries Site Features

Inspected by: PM

date: 4-2-92

Residents notified on site visit: Neighbour View

Case Officer Conclusions (issues)

Site would appear to be adjacent an existing Bungalow & a good way from opposite House.
Hardly any infill, + outlook IBD. Site cottage ground etc a brick-block 'bungalow' beside it not 1st?

Case Officer Recommendations (summary)
(details overleaf)

Delegation
Recommended approvals — **Confirmed by Case Officer:**

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 ____

[Reason:

ALL OF ABOVE

Recommended refusals —

Refusal on adopted policy grounds on first applic. — No ____ Fill fees (not first Submission) / Other info. viz: Signed ..... Yes ____

ANY ONE OF ABOVE

Committee report
Sub-Committee:
SV recommended .....
Exec/Int. recommended .....

Delegation confirmed by Senior Officer
.....

Recommendation/draft report produced ..... Amended/confirmed .....

FURTHER INFORMATION/CONSULTATIONS

APPLICATION REF:

DIRECTIONS

Art 7 (Outlines) RM :

	Siting	Design	Ext App	Access	Lands
Previous					
Current					
Required					

Reg 4 (or equiv) Scale drawing ..... Highway S/W ..... Agric appraisal .....

Precise details for non-standard requirement:

CONSULTATION/PUBLICITY REQUIRED PJM 27-1-92

Publicity : General
Departure
Setting of LB Viz

D27/1 - Looks like a proposal - but carry out full consult 7 Planning history in locality.

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 :

REVALIDATION

Information satisfactory/~~unsatisfactory~~ PJM 13-3-92

Further direction - details:

Amended description:

Reconsultations required -
Parish Council
Ward Members
Residents ✓ (Ltrs received)
Advertise
Other

New valid date 12.3.92

~~Re-Registered~~ .....
Ack/Reception/Filesheet ✓.....
Consultation .....

ADMIN RECORD SHEET

INITIAL

Submitted Fee £ ..99...

Receipt Issued ..... No. P440

Date First Received 02 JAN 1992

REGISTRATION

REFERENCE H14/0001/92.....

Cross-Ref ?.....

Date. 3/1/92

VALIDATION Date. 6/1/92

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

Site area ..... No. of dwellings ..... 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 £ 20.. Receipt no. P499

Refund £ ..... Issued .....

CONSTRAINTS Date...1.6.1..

Index Sheets .1.6.2 OS Nos ..... Grid Ref 5[illegible] 3[illegible]

Ward ..N... Parish ...Pirbright

Inside IBD ..NO Inside LP Area..NO

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

Linked to site.....Ref...738. Linked to property.....Ref.....

Planning Records:

Earlier apps

1067/78 No dwelling O/A
629/79 " " RM.
149/83 dwelling. 1st occ applicant
845/40 dwelling replacement

Garage
~~383/84~~
~~763/90~~ 9.
1223/85 Shed.
132/87 Ex

B Reg Records:

Already submitted Ref.....

Requested .....

1216/88 Ex + Opening annex
864/85 Alts + Ex
103/80 Alts + Ex
1199/80 Ex

Inputs completed.....

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: SOUTH HOLLAND District Council

Application Reference H 14/0001/92.

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

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

1. National Grid Reference of a central point on site

	horizontal			vertical		
	2	1	3	2	4	4

2. Address or location

FONGATE ROAD, WEST PINCHBECK

3. Name, classification and number of road

4. Date application referred 23-1-92

5. State whether outline, detailed application etc.

FULL

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

2 BED BUNGALOW

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: 23/1/92 Signed: [signature]
Director of Highways and Planning

BRIAN SMITH Dip TP MRTPI District Planning Officer

Planning Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H14/0001/92

Applicant: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

Location: Fengate Road West Pinchbeck
Spalding

Type: FULL

Date received: 14-JAN-92

21-JAN-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 05-FEB-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 P J UDY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

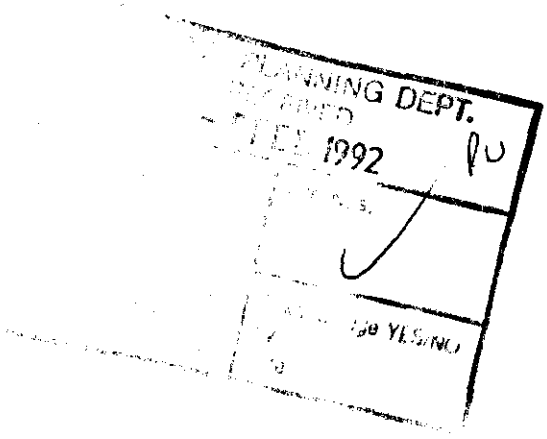
Clerk to Pinchbeck PC
17 Rotten Row
Pinchbeck
Spalding Lincs
PE11 3RQ

FOR PARISH COUNCIL USE ONLY

Comments:
Recommend refusal on the grounds that the site is outside the development area despite the contents of the letter from Caltrops.

Signed:

M H Cunningham



APPLICATION REFERENCE: H14/0001/92 DATE RECEIVED: 12.3.92

APPLICANT: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

AGENT: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

TYPE: Full

DESCRIPTION: Erection of two bed bungalow

LOCATION: Fengate Road, West Pinchbeck

Parish Council: Recommend refusal. Site outside I.B.D.

County Highways: No objections.

Public Objections: From Orchard View Cottage:
- Outside development boundary
- Set precedent, alot of frontage land on Fengate Road
- Lane nor services are adequate for further development.

Information from Applicant:
- Mr Capes Senior is suffering ill health and needs to be near to the applicant. In providing a home he will relieve Local Authority of responsibility of providing a place in a nursing house.
- Local need overrides all other considerations and need not breach Structure Plan.
- Much recent development as Fengate Road.
- Will not detract from surrounding countryside.
- Mr Capes Senior has been in agriculture for 50 years

PREVIOUS DECISIONS
On Site
H14/1067/78 - Outline - Agricultural Dwelling - Granted.
H14/0629/79 - RM - Agricultural Dwelling - Granted.
H14/0149/83 - Dwelling, first occupant B R & E K Wheeler - Granted.
H14/0763/90 - Garage - Granted.

Dwellings on nearby Sites
H14/0895/90 - Replacement Dwelling - Granted.
H14/1216/88 - Extension and Granny Annex - Granted.

PLANNING ISSUES
1 The site is outside the development boundary and is therefore contrary to Policy 7A of the Structure Plan.
2 The applicant is claiming local need. The local need policy requires that applications are made in Full and that details

of the applicants particular 'local need' e.g. place of work, are submitted along with details of how the property can be retained for local need after the first occupier no longer requires it. There is no indication on how the dwelling could be maintained for local need, but the situation has been explained and the application is in Full.

3 Recent new development has been on an agricultural or replacement basis and only the applicant dwelling was granted on a first occupier basis.

4 The granting of planning permission would seriously damage the established Development Plan Policy of preventing residential development in rural locations unless there is an agricultural need. Recent changes to the Planning Act also require that applications are determined in accordance with the development plan unless material considerations indicate otherwise. I am not satisfied that the provision of a dwelling for retirement, even if care is required, is sufficient need to grant planning permission.

RECOMMENDATION - Refuse permission

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 Planning Policy Guidance Note 7, 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.

BRIAN SMITH Di[illegible] MRTPI
Director of [illegible]ing & 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: H14/0001/92 Type: FULL

Applicant: Mr G Capes
Tel:

Agent: Loweth Cowling Design
0406 22126

Description: Erection of 2 bed bungalow

Location: Fengate Road
West Pinchbeck
Spalding

Valid date: 12-MAR-92 Terminal date: 07-MAY-92
Target dates: Target Committee: 12-FEB-92
To case officer 17-MAR-92 Report deadline: 29-JAN-92
Inspected by 22-MAR-92
Extra contacts 27-MAR-92 Case Officer:
Report if not clear by 16-APR-92 P J UDY

DEVELOPMENT/CONSTRAINTS

Size: 1 DWE
Category: Newbuild
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Clerk to Pinchbeck P	0775 723838	21-JAN-92	04-FEB-92
Cllr B Chappell	0775 87 381	21-JAN-92	04-FEB-92
Mr & Mrs Crew			

SITE DETAILS

Grid ref: 521380 324400
OS Sheets: 162 Parcel:

BRIAN SMITH L /P MRTPI District Planning Officer

Planning Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161

Com

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H14/0001/92 Type: FULL

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To case officer	19-JAN-92	Report deadline:	29-JAN-92
Inspected by	24-JAN-92		
Extra contacts	29-JAN-92	Case Officer:	
Report if not clear by	18-FEB-92	P J UDY	

DEVELOPMENT/CONSTRAINTS

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CONSULTATIONS CARRIED OUT

		Sent	Expiry	
Clerk to Pinchbeck P	0775 723838	21-JAN-92	04-FEB-92	Reply
Cllr B Chappell	0775 87 381	21-JAN-92	04-FEB-92	

L C C - Obs Attached JEC 23/1/92

SITE DETAILS

Grid ref: 521380 324400
OS Sheets: 162 Parcel:

Objection Received 11-2-92

Town and Country Planning Act etc

DRAFT DECISION

Reference: H14/0001/92 Received:12-MAR-92 Type:FULL

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Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
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Spalding Lincs

Description: Erection of 2 bed bungalow

Location : Fengate Road West Pinchbeck
Spalding

South Holland District Council hereby give notice that permission has been granted/refused etc on the following conditions/reasons:

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 Planning Policy Guidance Note 7, 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.

Authorised to issue:

15-APR-92 H14/0001/92 AD..AB.....DC..AB...
23/4 23/4

BRIAN SMITH Dip .. MRTPI
Director of P..ing & 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

COPY TO BUILDING CONTROL

Town and Country Planning Act 1990

Refusal of Planning Permission

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sgd B SMITH
Director of Planning and Building Control Services

24-APR-92 H14/0001/92

George astings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Assistant Solicitors
James A. Sutton LL.B.
Kevin Pallister LL.B. (Hons)

Consultant
Ernest Waters

S.H.D.C. PLANNING DEPT.
RECEIVED
25 MAR 1992
DPO NSM
DOPO BS
JC ACP
Action by .....
Ref. .....
Copy .....
PJU

Caltheros
Solicitors and Commissioners for Oaths
(Regulated by the Law Society in the conduct of investment business)

11 Market Place
Spalding
Lincolnshire
PE11 1SP

Telephone:
Spalding (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

Our ref: PR/HCL/11730 When phoning or calling please ask for: Mr. Rex

Your ref:

The Principal Administrative Officer,
South Holland District Council,
Planning Department,
Council Offices,
Priory Road,
SPALDING, Lincs.
PE11 2XE.

20th March 1992

Dear Sir,

Application H14/0001/92

Further to this Application and our letter of the 13th January can you now please give us some indication as to when this application will be considered.

Yours faithfully,

Phoned on 8-4-92
Will ring on 14-4-92
cttc

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H14/0001/92

Applicant: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

SOUTH HOLLAND D.C.
PLAN DEPT
12 MAR 1992
REF

Location: Fengate Road
West Pinchbeck
Spalding

Type: FULL

Date received: 02-JAN-92

19-FEB-92

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
REQUIREMENT FOR ADDITIONAL INFORMATION ETC

Your submission for the above has been received, but I regret that it cannot be dealt with as it stands.

The Council is of the opinion that the information contained in the application is insufficient to enable the Authority to determine it, and under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, you are therefore requested to supply the following:
Further to our telephone conversation on 10 February 1992 the site has been revisited. It is considered that the site outlined in red actually relates to the area of lawn and leylandii hedging to the east, which you stated it would not effect; instead of the intended group of derelict buildings. Please check & resubmit an amended site location plan.

If you have been sent a Notice of Receipt, the time limit for determining the application should be ignored as this will have to be recalculated from the date when I receive the above. If you wish to contact the department at any time, the officer dealing with the application at present is P J UDY .

Yours faithfully

Principal Planning Officer

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)

Cllr Chappell Phoned

He has been contacted by G. Capes

Explained that problem was that Candidates

Site location plan to be incorrect.

We need a fresh Site plan which once

Satisfied is correct, we will re start applics

PDJ 12-3-92

BRIAN SMITH Dip TP MRTPI District Planning Officer

Planning Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H14/0001/92

Applicant: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

Location: Fengate Road
West Pinchbeck
Spalding

Type: FULL

Date received: 02-JAN-92

06-JAN-92

Dear Sir/Madam

NOTICE THAT APPLICATION IS INVALID
Requirement for additional information, fees etc

Your submission for the above has been received, but I regret that it cannot be dealt with as it stands. Please provide the following:

✓ Four copies of a 1:2500 site location plan are required, showing the site outlined in red, and any other land in the applicants ownership in blue. (The plan submitted is not to scale and shows more than one site.)
✓ A further fee of £20 is required. (New fee sheet enclosed)
✓ Four copies of detailed plans of the bungalow are required.
* The proposal does not appear to be connected with agriculture as stated on the enclosed form. See letter - taken as 'not connected with agriculture

If I do not hear from you within the next 14 days it will be assumed that you have no wish to continue with the application. It will then be filed away and any fee already received will be reimbursed.
If you wish to contact the department at any time, please ask for Mrs Maxwell quoting the above reference.

Yours faithfully

Principal Administrative Officer

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Assistant Solicitors
James A. Sutton LL.B.
Kevin Pallister LL.B. (Hons)

Consultant
Ernest Waters

Calthrops

Solicitors and Commissioners for Oaths

(Regulated by the Law Society in the conduct of investment business)

11 Market Place
Spalding
Lincolnshire
PE11 1SP

Telephone:
Spalding (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

Our ref: PR/HCL

When phoning or calling please ask for: Mr. Rex

Your ref: Appl. H14/0001/92

13th January 1992

Dear Sirs,

Mr. G. Capes Fengate Road, West Pinchbeck.
Erection of Two Bedroom Bungalow

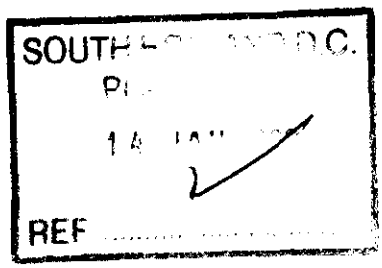
Your letter dated 6th January addressed to Loweth Cowling has been forwarded to us.

We enclose a cheque for £20 in respect of the further fee together with four copies of the site location plan.

The plan submitted with our covering letter is of course the plan referred to in that letter and not the site plan.

We have placed before you facts of what we consider to be local need and in addition we would mention that Mr. Capes Senior has been involved in agriculture for the past fifty years.

Yours faithfully,



The Principal Administrative Officer,
South Holland District Council,
Planning Department,
Priory Road,
SPALDING, Lincs.
PE11 2XE.

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Assistant Solicitors
James A. Sutton LL.B.
Kevin Pallister LL.B. (Hons)

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11 Market Place
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PE11 1SP

Telephone:
Spalding (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

Our ref: PR/HCL

When phoning or calling please ask for: Mr. Rex

Your ref:

31st December
~~1st November~~ 1991

Dear Sir,

We enclose Planning Application and necessary documentation and cheque.

We are writing this letter on behalf of the Applicant with details which we should be obliged if you would consider as part of this application.

Mr. Geoff Capes is, we need hardly say, a well known local man who has lived in the district all his life. He is anxious to keep his family together and has the need of providing for his father a home whereby Mr. Capes Senior will be near to the Applicant and his family. The family will help care for Mr. Capes Senior who is suffering ill health and in providing this home for his father Mr. Capes will relieve the Local Authority of the responsibility of providing a place for Mr. Capes in an Aged Persons Home and all the attendant costs thereto.

In our view the local need overrides all other considerations and the application need not therefore breach the Structure Plan.

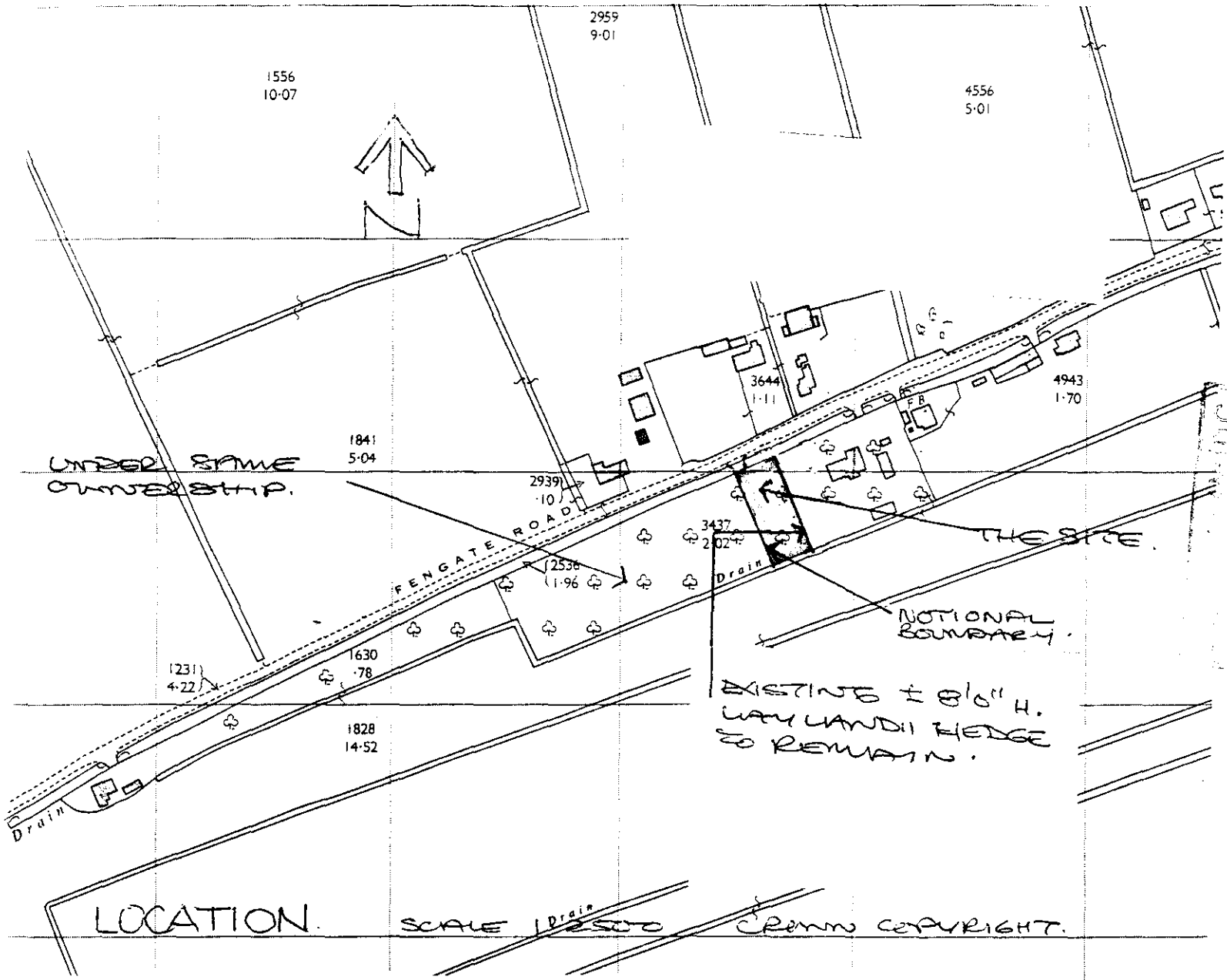
Fengate Road is an extremely pleasant area but one which has a fair amount of development thereon much of it in recent years. The proposed development will blend in extremely well with the general design of buildings, i.e. the street scene and will not in our submission detract from the surrounding countryside.

We enclose a plan which may be of assistance and upon which we have marked existing properties along Fengate.

If there is any further information we can give please do not hesitate to contact us.

Yours faithfully,

The Planning Officer,
South Holland District Council,
Priory Road,
SPALDING,
Lincs.


2959
9·01
1556
10·07
4556
5·01
3644
1·11
4943
1·70
F B
1841
5·04
UNDER SAME
OWNERSHIP.
2939
·10
FENGATE ROAD
3437
2·02
2538
1·96
Drain
THE SITE.
NOTIONAL
BOUNDARY.
1231
4·22
1630
·78
1828
14·52
EXISTING ± 6'0" H.
HAWTHORN HEDGE
TO REMAIN.
Drain
LOCATION.
SCALE 1/2500
CROWN COPYRIGHT.

Mr B Smith

PJU/SAH H14/0001/92

Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

18 February 1994

Dear Mr Capes

Planning Decisions along Fengate Road, West Pinchbeck

I write further to your recent meeting with my Planning Assistant when you outlined your concern about planning decisions and appeal decisions along Fengate Road.

The Inspector who considered the appeal by Mr C O Gedney at the junction of Fengate Road and Dozens Bank considered that the development of the site would be a satisfactory rounding-off of development in that location. He also considered that the impact of the proposal on traffic would "on balance ... not worsen the situation or cause serious risk or harm to road users". I enclose a copy of the Inspector's decision letter for your information. The Inspector for your own appeal considers that your site is in an open countryside position where additional dwellings would not normally be permitted.

I can only suggest that if you feel aggrieved about two sites which are relatively close together having received different decisions from the Department of the Environment, that you write to them to see what comments they are prepared to offer.

During your meeting you also referred to a bungalow built opposite to your property which was built by Glenside Nurseries Limited.

Cont/....

From the file for that application it would appear that the bungalow was justified on the grounds of the area of land that Glenside Nurseries farm and the management requirements of such a holding. Also at the time the application was submitted the firm were into the second year of a six year development plan for the site at Fengate Road. I consider that there is a distinction between that planning application and your own in terms of why the property was required and its relationship with the land use.

It is my opinion that where the agricultural occupancy condition states "the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture ..." that the "last employed" allows a farmer to retire and not leave the dwelling rather than allow the farmer to build a dwelling to retire into.

I enclose a booklet about the Local Government Ombudsman for your information. The Local Government Ombudsman will look into the cases to establish whether the Local Authority maladministered. They will not comment on the validity of the decisions but only look at if those decisions were taken following the correct procedure.

However, after considering the enclosed documents should you still feel that a further meeting is necessary then please contact my Secretary Mrs Haunch with a view to arranging a mutually convenient date.

Yours sincerely

B Smith
Director of Planning and
Building Control Services

Encs.

Half built bungalow. nearby
Plot for Bryan Chappell's dad
& Capes decision
Development at top of road

Check history & write - also
advice on abandon procedure

Town and Country Planning Act 1971 Form P2

Planning permission

Name and address of applicant

Glenside Nurseries Limited
Glenside South
West Pinchbeck
SPALDING
Lincs

Name and address of agent (if any)

Patrick's Buildings
Walton Highway
WISBECH
Cambs

Part I – Particulars of application

Date of application: 12.05.80

Application no. S 14/606/80/99

Particulars and location of development:

Erection of bungalow and garage at Pengate Road, WEST PINCHBECK.

Part II – Particulars of decision

The South Holland District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.
2. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependent of such a person residing with him, or a widow or widower of such a person.
3. Before any development is commenced a scheme of landscaping and tree planting for the site shall be submitted to and approved by the Local Planning Authority.
4. Such a scheme as may be approved 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, and the trees, shrubs and bushes shall be adequately maintained by the owners 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 made good during that period.
5. 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 car to turn to enable it to enter and leave the highway in forward gear.

~~The reasons for the conditions are:~~
~~1. required to be imposed pursuant to section 41 of the Town and Country Planning Act 1971.~~

~~Date~~

Continued over page .....

~~Council Offices,~~

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation, but under section 56(2) of the Town and Country Planning Act 1971 it will operate as listed building consent in respect of any works described in the permission for the alteration or extension of a listed building.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 41 of the Town and Country Planning Act 1971.
2. The site is in a rural area where it is the policy of the Local Planning Authority not to permit residential development except in the interests of agriculture or where related to the use of the land. The circumstances of this case relate to an agricultural need, and permission is therefore confined to it.
3. In the interests of visual amenity.
4. In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.
5. To enable vehicles to enter and leave the highway in forward gear in the interests of road safety.

Date: 17 June 1980

Council Offices
12 Market Place
SPALDING
Lincs

B Smith,

DISTRICT PLANNING
OFFICER

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

LOCATION PLAN

H14/606/80

Please read the accompanying "Notes for Applicants" before completing any part of this form LCP.1

Application for permission to develop land etc.

Town and Country Planning Act 1971

Four completed copies of this form and plans should be sent to the District Council

		For official use only
Application no.	H14 | 606 | 80	
Date received	12 MAY 1980	
Grid reference	521260 324390	

PART 1 – to be completed by or on behalf of all applicants as far as applicable to the particular development

1. Applicant (complete details below in block capitals)

Name [redacted] SD

Address 'Elmside' Elms Side South

West Pinchbeck.

Tel. No. .....

Agent (if any) to whom correspondence should be sent (complete details below in block capitals)

Name Patrick's Buildings,

Address Walton Highway,

Wisbech, Cambs.

Tel. No. 0945 2721

2. Particulars of proposal for which permission or approval is sought

(a) Full address or location of the land to which this application relates (and site area if known): Fengate Road, West Pinchbeck.

(b) Applicant's interest, e.g. owner, tenant, prospective purchaser: Owner

(c) Brief particulars of proposed development including the purpose(s) for which the land and/or buildings are to be used: Bungalow and Garage.

(d) State whether applicant owns or controls any adjoining land and, if so, give its location: See Site Plan

3. Particulars of application (see note 3 of the "Notes for Applicants")

State whether this application is for:–

	State Yes or No	If yes, tick those items below which you wish to be considered as part of this application
(a) Outline planning permission	No	1 siting; 2 design; 3 external appearance; 4 means of access; 5 landscaping
(b) Full planning permission	Yes	
(c) Approval of reserved matters following the grant of outline permission	No	If yes, state the date and number of outline permission Date Number
(d) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted	No	If yes, state the date and number of previous permission and identify the particular condition (see note 3(d) of the "Notes for Applicants") Date Number The condition

PART 3

Application is hereby made for permission/approval to carry out the development described herein and on the attached plans.

I have completed the relevant certificate.

Signed D.R. West Helps

***On behalf of** Mr. H. E. Chappell
(insert applicants name if signed by an agent)

Date 9th May, 1980

** Delete whichever is not applicable*

Note *An appropriate certificate must accompany this application unless you are seeking approval of reserved matters – see Note 10 of the "Notes for Applicants". The following certificate will be appropriate if you are the owner or have a tenancy of all the land. Only one copy need be completed. Certificates B, C or D can be obtained from your Council Offices*

Certificate under section 27 of the Town and Country Planning Act 1971

Certificate A I hereby certify that:-

1. No person other than the *~~applicant~~ appellant was an owner *(a)* of any part of the land to which the *~~application~~ appeal relates at the beginning of the period of 20 days before the date of the accompanying *~~application~~ appeal

* 2. None of the land to which the *~~application~~ appeal relates constitutes or forms part of an agricultural holding:
or

* 2. *~~I have~~ ~~The applicant has~~ ~~given the requisite notice to every person other than~~ * myself ~~himself~~ ~~who, 20 days before the date of the~~ *~~application~~ appeal ~~was a tenant of any agricultural holding any part of which was comprised in the land to which the~~ *~~application~~ appeal ~~relates, viz:~~

Name of Tenant *(e)*	Address	Date of Service of Notice

Signed D.R. West Helps

***On behalf of** Mr. H. E. Chappell
(insert applicants name if signed by an agent)

Date 9th May, 1980

** Delete whichever is not applicable*

(a) Owner means a person having a freehold interest or a leasehold interest the unexpired term of which was not less than seven years.

(e) If you are the sole agricultural tenant enter "None"

ADDITIONAL INFORMATION

YOUR APPLICATION CANNOT BE CONSIDERED UNLESS YOU HAVE SIGNED PART 3 OF THIS FORM AND COMPLETED *AND* SIGNED AN APPROPRIATE CERTIFICATE

JJ

PF

Ministry of Agriculture, Fisheries and Food
Agricultural Development and Advisory Service
Ceres House 2 Searby Road Lincoln LN2 4DW
Telex 56265 Telephone Lincoln 29951 ext

SOUTH HOLLAND DISTRICT COUNCIL
- 6 JUN 1980
PLANNING DEPT.

The District Planning Officer
South Holland District Council
12 Market Place
Spalding
Lincs

Your reference
HL4/606/80
Our reference
24/EL 745A
Date
5 June 1980

Dear Sirs

PROPOSED BUNGALOW AND GARAGE AT FENGATE ROAD, WEST PINCHBECK-GLENSIDE NURSERIES LTD

I am writing in response to your letter received on 27 May 1980 requesting my observations on the application submitted by Messrs Patrick's buildings on behalf of Glenside Nurseries Ltd of Glenside South, West Pinchbeck for planning permission to erect a bungalow and garage with access at Fengate Road, West Pinchbeck. The following information was obtained at a site meeting with Mr B Chappell.

I understand that Glenside Nurseries Ltd occupy a total of approximately 60ha (150 acr of agricultural land at West Pinchbeck. The normal cropping consists of approximately 24ha bulbs and corms, 10ha sugar beet, 4 ha potatoes and 20 ha cereal crops. The land is equipped with modern farm and horticultural buildings and with dwellings on 2 sites at Glenside South and at Fengate Lane. The farm buildings include 1650m^2 of glasshouses, cold storage and treatment buildings used for the production of early cut flowers and bulbs together with some tomatoes and lettuce. 650m^2 of glass and cold storage buildings are situated at Fengate Lane. There are 2 dwellings at Glenside South and 1 at Fengate Lane.

The farm staff consists of Messrs M K and B Chappell (managerial and general duties) Mr A Chappell, tractor driver and maintenance worker with some managerial duties, 3 full-time general farm workers and 5 regular part-time workers. Messrs M R & A Cha reside in the dwellings at Glenside South and Mr B Chappell occupies the dwelling at Fengate Lane. One of the full-time workers resides in a house owned by the Chappell family about 0.75 miles distance, 1 with his parents and 1 in his own house about 0.25 miles distance from the Glenside South site. Mr H E Chappell, fathe of Messrs M K & B retains an active interest in the business and acts as consultant part-time horticultural worker and relief management staff during the absence of Mr B Chappell. I am informed that he has proved to be indispensable in dealing with emergencies arising from the operation of sophisticated control equipment in the environmentally controlled stores which form part of a process of producing specialised flower crops for which accurate control of flowering date is essential (eg flowers intended for the Christmas or Easter trade). He at present resides in his own house, "Brynmaurie", which is a non-agricultural dwelling on land adjacent to but not forming part of the holding at Glenside South.

Cont'd ....

The business is now on the second year of a 6 year Development Plan formulated for the expansion of production in conjunction with advisers of the Ministry of Agriculture. The plan includes the erection of a further 600m^2 of glasshouses at Glenside South in 1980, an additional 600m^2 of glasshouses and 120m^2 of temperature controlled storage for bulbs at Fengate Lane in 1981.

Mr B Chappell informed me that the Company wish to erect a bungalow adjacent to the buildings at Fengate Lane for occupation initially by Mr H E Chappell. They do not consider that the employment of additional full-time managerial staff is justified at present but would be required at a later date as the business expands further and the proposed dwelling could then be used to house such a manager, possibly Mr B Chappell's son when he reaches a suitable age. They state that they hope in this way to provide for continuity of supervision at the Fengate Lane site in a similar manner to that provided at Glenside South by Messrs M K & A Chappell.

In my opinion, the numbers of staff employed by Glenside Nurseries Ltd is reasonable in relation to the size and nature of the enterprise. The equipment used at both groups of buildings requires continuous supervision by a skilled person of managerial ability. The proposed expansion of the production and storage buildings at Fengate Lane will increase substantially the need for such supervision at that site. The production of flower crops especially requires the achievement of precise marketing dates if the enterprise is to achieve satisfactory profits and this is dependent upon the avoidance of delays due to the malfunction of the equipment used.

Yours faithfully

J F Heath
Senior Surveyor

H14/606 80/5	Proposal: Erection of bungalow and garage Forgate Rd West Pinchbeck	Applicant: Glenside Nurseries Ltd
Full		
D/C		Agent: Patrick Buildings
BC ref: 9		

Observations Received:

Parish Council: —

Dept of Transport:

AWA:

IDB:

County Surveyor: District condition

MAFF - See report

Report: The application seeks planning permission to erect a bungalow on a site fronting Forgate Road and in a rural area. The applicants Glenside Nurseries occupy a total of 150 acres of agricultural land with two main sites, one at Glenside South and the other adjacent to this application site.

On this site there is a large area of glasshouses with associated complex control equipment used to produce specialised flower crops. There is a dwelling on the site which is occupied by mr. B. Chappell who undertakes managerial duties. The new bungalow will be occupied initially by Mr. H.E. Chappell (the father) who currently resides in a non agricultural dwelling at Glenside South. There are two further dwellings at Glenside South which are occupied by mr M.K and A. Chappell who undertake supervisory duties. The ministry of Agriculture state the mr Chappell senior ~~still~~ retains an active interest in the business and acts as a consultant and ~~senior~~ relief manager.

A 6 year development plan was commenced last year and

P O Rec: That permission be granted/on the following conditions/~~refused for the following~~ reasons:—

(1) Sc 39 (eg habitation)
(2) Sc 21 (landscaping)
(3) Sc 22 (— " —)
(4) B 21 (turning space)

P T O

H 14/606/80/5
Full

17.6.80

Erection of bungalow and garage
Fengate Road
West Pinchbeck

Applicant: Glenside Nurseries Ltd

Agent: Patrick's Buildings

OBSERVATIONS RECEIVED
Parish Council:
County Surveyor: Directs condition
MAFF: See report

REPORT
The application seeks planning permission to erect a bungalow on a site fronting Fengate Road and is in a rural area. The applicants, Glenside Nurseries, occupy a total of 150 acres of agricultural land with two main sites, one at Glenside South and the other adjacent to this application site.

On this site there is a large area of glasshouses with associated complex control equipment used to produce specialised flower crops. There is a dwelling on the site which is occupied by Mr B Chappell who undertakes managerial duties. The new bungalow will be occupied initially by Mr M E Chappell (the father) who currently resides in a non agricultural dwelling at Glenside South. There are two further dwellings at Glenside South which are occupied by Mr M K and A Chappell who undertake supervisory duties. The Ministry of Agriculture states that Mr Chappell Senior retains an active interest in the business and acts as a consultant and relief manager.

A 6 year development plan was commenced last year and it is intended the major growth will be at the Fengate Road site and in 1981 it is planned to construct a building for the temperature controlled storage of bulbs. As the business expands the Ministry of Agriculture state it will be essential to employ further managerial staff on the Fengate Road site and it is the intention that this proposed bungalow will be for the new managers occupation.

It is therefore recommended that planning permission be granted.

PLANNING OFFICER'S RECOMMENDATION
That permission be granted on the following conditions:

1. SC 39 (agricultural habitation)
2. SC 21 (landscaping)
3. SC 22 (landscaping)
4. B 21 (turning space)

Reasons: Standard

PLANNING COMMITTEE - 17th June, 1980.

765. PLANNING APPLICATIONS (cont.)

Plan No. and Applicant	Proposal (O.A. denotes outline application only)
H 16/1261/79/11 Hereward Nurseries Limited	O.A. Residential development off St. John's Road, Spalding.
(Clarification of site.)	
H 9/289/80/3 Mr. & Mrs. K.A. Fidler	Erection of house and garage Wood Lane, Holbeach.

(To enable Planning Officer to investigate if planning permission has been issued for use of business on this site.)

(n) Tree Preservation Order

The Secretary be authorised to make a Tree Preservation Order under the provisions of Sections 60 and 61 of the Town and Country Planning Act 1971 in respect of the tree situated at the entrance of the site of application number H 2/462/80, such Order to be confirmed as an unopposed Order if no objections are received.

NOTES

1. Councillor B. Chappell declared his interest in application H 14/606/80 and remained in the meeting during its consideration.

2. Councillors N.P. Judge and H. Marshall asked that their names be recorded as having voted against the decision to approve application H 20/523/80.

3. It was agreed that the policy guidelines recommended by the Planning Officer in connection with applications H 2/185/80, H 2/297/80 and H 2/462/80 be considered at the next appropriate meeting of the Committee.

4. In granting planning permission under reference H 4/376/80 it was agreed that standard condition 51 should be amended to enable the premises to be used between the hours of 8.0 a.m. and 8.0 p.m. on Mondays - Saturdays inclusive.

766. PLANS SUB-COMMITTEE - 17TH JUNE, 1980

RESOLVED: The Minutes of the meeting of the Plans Sub-Committee held on 17th June, 1980, a copy of which is attached as Appendix II to these Minutes, be received.

767. SPECIAL MEETING

RESOLVED: A Special meeting of the Committee be held on 8th July, 1980, commencing at 6.30 p.m., to consider the Planning Officer's report on development in the open countryside including the use of the agricultural habitation condition and residential development in the smaller settlements.

Reference H4/606/80 BC 99

Type FULL Terminal date 7.7.80

BC app needed ☐

Post-decision ☐

Requested ☐

Information Plotted ☑

IDB WRD

Councillors 13

OBD / ~~THD~~

NEW / RED

Sewered area YES / NO

TR ☐
CA ☐
LB ☐
TPO ☐
FP ☐
River ☐
Hazard ☐

Previous applications:

Determination

DPO ☐

Committee ☑ PF

+ Sub-Committee, i.e. .....

County Matter (d) ☐ other ☐

Recommended: Refusal / grant

CPO notifies minor departure .....

Additional refusal reasons .....

Transfer to County .....

Applicant notified ☐

Consultations etc

Standard admin date 21.5.80

16 days to 6.6.80

		Received	Reconsultations: Required	Sent	Rec'd
Drainage Board	sent to BC				
Surveyors Dept	sent to BC				
Env Health Dept					
Water Authority	formal ☐				
Parish Council					
County Surveyor	to follow ☐	sent B21			
	required				
Dept Transport	☐	TR108/consult			
Min of Agric	☑	✓ ✓			
Consult Arch	☐				
	☐				
	☐				

Publicity: date expiry

Advert ☐ -

Type: CA / LBC / Setting of LB / Circ 71/73 / Departure

Residents ☐

See Map ☐

Addresses:

	required	sent	received
Applicant	☐	☐	CHECK COLUMN 2

Further information i.e.:

Amendment i.e.:

NB Amended drawings/description

Notes:

South Holland District Council

DC / 8

Planning Department

B. Smith M.R.T.P.I. District Planning Officer

12 Market Place - Spalding - Lincolnshire

Telephone: Spalding 3272

Application submitted by:	
On behalf of:	
Particulars of development:	
Location:	

	RECORD INDICATOR	#
1	Application number	*
2	Type of application	*
3	Date received	*
4	Statistical class	*
	TERMINAL DATE	
5	Site area	*
6	Grid reference	*
7	Current land use	*
	PRINCIPAL OR ONLY	
8	Proposed land use	*
9	Floor - space - gross	*
10	Floor - space - nett	*
	SECONDARY	
11	Proposed land use	*
12	Floor - space - gross	*
13	Floor - space - nett	*
14	Earlier application No.	*
15	I.D.C.	*
16	Marker	*NL

Last Committee before terminal date 17.6.80

CLEAR FOR RECOMMENDATION ? PC

✓ Date ....6/6.... By P/F

SV requested ☐

Actual Committee date: ☐

DPO ☐

COMMITTEE ✓

Sub SV ☐

Sub Estate ☐

Sub Industry ☐

CAAC ☐

South Holland District Council

DC / 2

Planning Department

B. Smith M.R.T.P.I. District Planning Officer

12 Market Place - Spalding - Lincolnshire

Telephone: Spalding 3272

Application submitted by:

On behalf of:

Particulars of development:

Location

APPLICATION NUMBER

TYPE OF APPLICATION

DATE RECEIVED

TERMINAL DATE

GRID REFERENCE

FOR PARISH COUNCIL USE ONLY

1. My Council do not propose to comment on this proposal (✓) ✓

2 My Council wish to make the following observations:

SOUTH HOLLAND DISTRICT COUNCIL
10 JUN 1980
PLANNING DEPT.

Signed: W.H. Cunningham Date: 9/6/80

Dear Sir / Madam,

TOWN & COUNTRY PLANNING ACT 1971
CONSULTATION BY LOCAL PLANNING AUTHORITY WITH PARISH COUNCIL

I have received an application for the proposal referred to above and enclose a copy for your information. If no observations have been received within 14 days of the receipt of this letter it will be assumed that the Parish Council have no observations to make on this proposal.

Any observations which the Parish Council wish to make should be set out above and this form, together with the application, returned to me at the above address.

Yours faithfully

B. SMITH

District Planning Officer

To PINCHBECK.

Parish Council

78 High Street, Oakham, LE15 6AS. Tel: (0572) 723895 and 724297. DX 28332. Fax No. 0664 410212

Page ◇ Flavell
SOLICITORS

S.H.D.C. PLANNING DEPT.
RECEIVED
17 AUG 1989
Acknowledged
SPC NDM
DGPO BS
JC ACP
Initials by .....
Ack .....

Your ref: Mr. Roberts

Our ref: HS/BP

When calling please ask for: Mr. Smith

16th August, 1989.

Dear Sirs,

Planning approval No. H14/606/80/99-
Bryn Maurie Fengate Road West Pinchbeck
Spalding Lincolnshire

We have received instructions to act for Mr. & Mrs. T.C. Green in connection with their proposed purchase of the above property. We have submitted an application for a Local Search to your Land Charges Department, but in the meantime we have been advised by our clients that the original planning approval detailed above limited the occupancy of the property to persons employed or last employed locally in agriculture.

We write on behalf of our clients to enquire whether or not such planning permission could be varied to suit our clients' particular circumstances and we are asked to state as follows:-

1. Mr. Green was employed as an agricultural mechanical engineer prior to his current employment as a senior prison officer.

2. Our client is to retire very shortly and would certainly look for part-time employment within the area particularly in agriculture as gardening and related matters have occupied our client's spare time for many years.

3. Mrs. Green originates from Lincolnshire where her father was a farmer all of his life and she was involved again for many years working on the farm.

4. Mrs. Green was further involved in Market Gardening in a very small way up until six months ago when ill health forced her to give up the growing of alpines and shrubs.

We have set out in very brief outline our clients' circumstances as above. If the Council requires any further details concerning any other specific matters we shall be happy to supply the same upon request.

We look forward to hearing from you.

Yours faithfully,

South Holland District Council,
Planning Dept.
Chaterton Tower,
Winfrey Avenue,
Spalding Lincs.

First Class

Michael Page. Keith C. Flavell B.A. Assistant Solicitor Mark Shepherd B.A.
Midland Bank Chambers, High Street, Melton Mowbray, LE13 0TU. Tel: (0664) 63606 and 64389. DX 26754.

This Firm is regulated by the Law Society in the conduct of investment business

DJR/LAB H14/0606/80 HS/BP

Page & Flavell Solicitors
78 High Street
OAKHAM
LE15 6AS

31st August 1989

Dear Sir,

RE: BRYN MARINE, FENGATE ROAD, WEST PINCHBECK.

Thank you for your letter of 16 August 1989 regarding the above property. Unfortunately I have to say that the circumstances of the proposed purchasers are not such as to ensure compliance with the agricultural occupancy condition.

The condition requires for occupants to be solely or mainly or last employed locally, in agriculture.

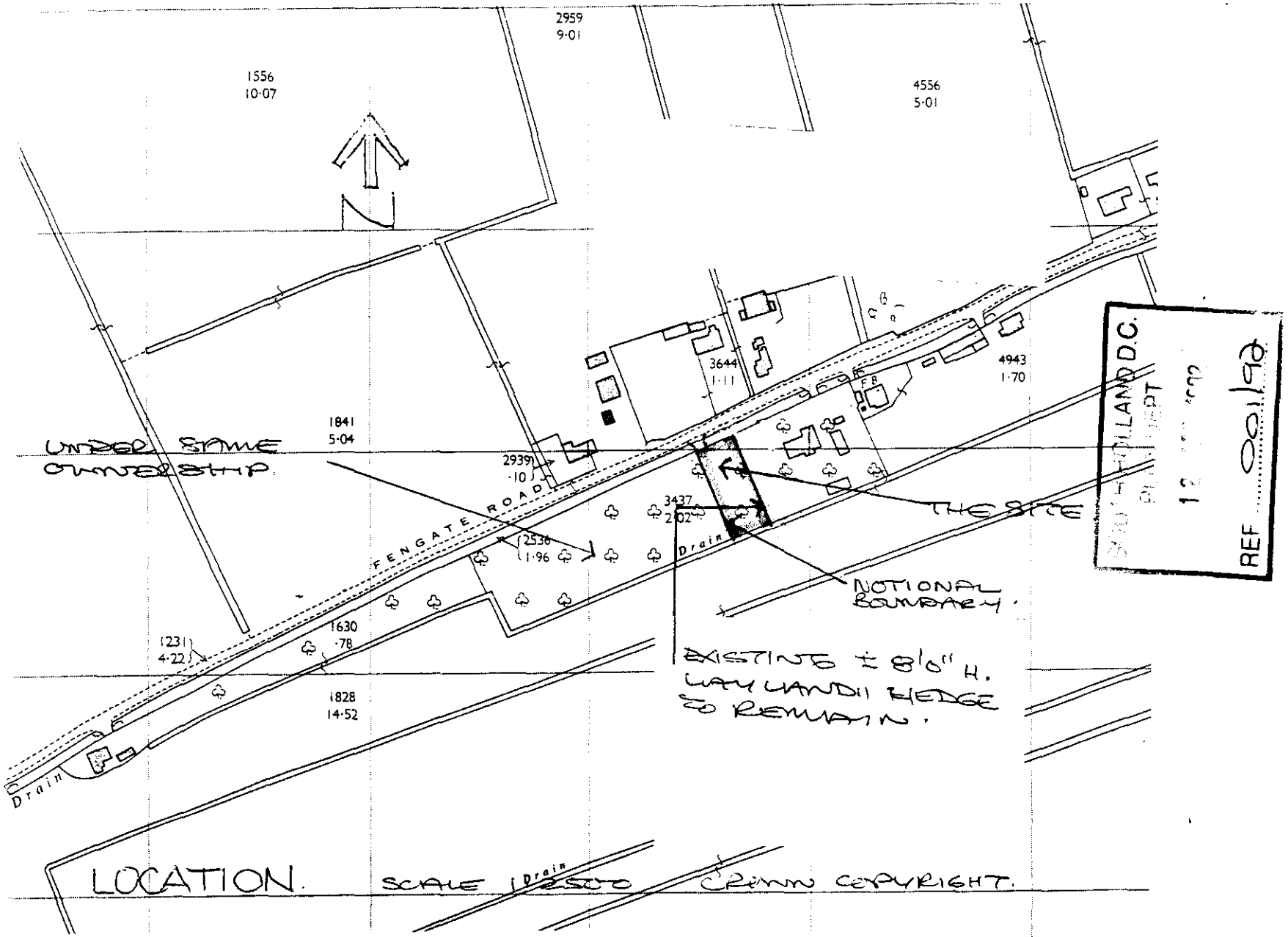
Application could be submitted to vary the condition or alternatively to retain the dwelling without complying with the condition. In practice however, unless there was an overriding justification it is unlikely that the Council would agree to these courses of action.

I hope this is of assistance.

Yours faithfully,

B Smith

B SMITH MRTPI
DISTRICT PLANNING OFFICER


2959
9·01
1556
10·07
4556
5·01
3644
1·11
4943
1·70
F B
1841
5·04
UNDER SAME OWNERSHIP
29391
·10
3437
2·02
2536
1·96
FENGATE ROAD
Drain
THE SITE
NOTIONAL BOUNDARY.
1231
4·22
1630
·78
1828
14·52
EXISTING ± 8'0" H. HAWTHORN HEDGE TO REMAIN.
Drain
LOCATION.
SCALE 1/2500
CROWN COPYRIGHT.
REF 00192

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

Calthrops
Solicitors
11 Market Place
SPALDING
Lincolnshire
PE11 1SP

Your reference:
PR/HCL/11730
Our reference:
T/APP/A2525/A/92/208092/P2
Date:
15 SEP 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR GEOFFREY CAPES
APPLICATION NO H14/0001/92

1. The Secretary of State for the Environment has appointed me to determine the above appeal which is against the decision of South Holland District Council to refuse full planning permission for the erection of a 2 bedroomed bungalow on land at Fengate Road, West Pinchbeck. I have considered the written representations made by you, and the Council, together with those made earlier which the Council copied to me with their Appeal Questionnaire. I inspected the site on 7 September 1992.

2. The appeal site is in low lying, predominantly arable countryside. There is a scatter of dwellings and other buildings in this locality. I saw these as having far from the degree of coalescence needed to be reasonably seen as constituting a hamlet or other small settlement. Hence, I think it reasonable to look at your client's project alongside the "countryside" provisions of the approved Lincolnshire Structure Plan. I see that these provisions are very much in line with the advice in Planning Policy Guidance PPG 7 that Government Policy is to safeguard the countryside for its own sake.

3. Despite the scatter of buildings hereabouts, the Structure Plan "countryside" provisions convince me that this is an area where an additional dwelling would not normally be permitted. Indeed, I see your client's project as very inimical to the safeguarding aims of those provisions. Thus, I see the main issue in this appeal as whether there are the very special circumstances needed to make this project acceptable as an exception to these aims.

4. You write that it is the personal circumstances of your client's father which underlie the application for permission to build; this is to enable father to live close to son, instead of in some form of sheltered accommodation. However, with the project being for a permanent structure which would remain long after these personal circumstances cease to be material, I think it most unreasonable to attach enough weight to this argument to justify the above exception.

S.H.D.C. PLANNING DEPT.
RECEIVED
16 SEP 1992
DPC
DOPO
JC AGP
Action by .....
Discuss with .....
Copy to .....

100%
YCLED PAPER

DOE Ref: APP/A2525/A/92/208092

LPA Ref: H14/0001/92

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

APPEAL BY MR G CAPES

STATEMENT ON BEHALF OF SOUTH HOLLAND DISTRICT COUNCIL

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

1.9 The District Council accept the points made regarding services but cannot accept that this should form the basis of an overriding argument to permit the development now proposed.

1.10 In order to recognise that there may be occasions where the Local Need and circumstances of a particular case may be sufficient to override normal policy considerations, the District Council have adopted an informal policy document. This is appended to this statement.

1.11 The existence of this informal policy does not mean that all cases will automatically be considered favourably. It is stressed that each case is by its very nature unique and the District Council is therefore faced with the task of assessing each case on its merits against the policy. In this case the District Council considered that the circumstances were not sufficient to justify a permission.

1.12 The District Council accepts that had there been sufficient justification to permit the development as an exception to Structure Plan Policy 7a. Then it could have defended such a decision against any future cases which cited this proposal as a precedent. The District Council were not convinced that sufficient justification existed however, and had a permission been granted in the face of this, then a decision could have acted as a precedent for future similar cases.

1.13 The fact that the applicant is prepared to have an agricultural condition attached is not considered to represent an acceptable solution. To impose such a restriction in the knowledge that there were no overriding needs in the interest of agriculture would be contrary to good planning and the advice contained in PPG 7. Although it is accepted that the appellants father has had a long association with agriculture. This factor alone does not constitute an overriding necessity (in the interests of agriculture) to permit the development subject to the condition suggested. Such a decision could act as a spur to other farmers to submit applications on a similar basis long after their 'active' farming days were over.

1.14 Conclusion

1.15 The District Council considers that it has demonstrated that the decision to refuse permissions was correct and it is respectfully requested that this appeal be dismissed.

STATEMENT

1.0 The application was considered by the Council's Planning Committee meeting on 14th April 1992 and refused for the reasons stated on the Decision Notice. In considering the application the Council had regard to the location of the site, beyond any recognised Development Boundary and the current Structure Plan Policies relating to development in rural areas.

1.1 The relevant Structure Plan Policy is Policy 7a of the approved Lincolnshire Structure Plan. This policy together with its explanation has been quoted in full in documents attached to the preceding questionnaire.

1.2 In order to give effect to Structure Plan Policy 7a. The District Council has adopted a series of Development Boundaries for the smaller villages. The purpose being to separate areas of open countryside, where policy 7a is applicable, from defined areas where development is considered to be appropriate.

1.3 The Development Boundary for West Pinchbeck was approved in October 1988. Although the Development Boundary is not a statutory Document it has nevertheless been arrived at following public consultation and has been adopted by the District Council for Development Control purposes when deciding upon planning applications. The Development Boundary should therefore be regarded as carrying sufficient weight in this respect and will eventually be incorporated in policies to be adopted in the emerging District Wide Local Plan.

1.4 PPG 7 is also relevant to this appeal and the advice contained in that document clearly supports the District Council's reason for refusal.

1.5 Observations on the grounds of Appeal

1.6 The District Council consider that its interpretation of PPG 7 is correct. Whereas the site may not be regarded as being agricultural land, it is in an area where the established policy is to restrict development to that where there is an overriding agricultural need.

1.7 As well as safeguarding the best quality agricultural land PPG 7 also aims at preserving the existing character of rural areas. The appeal site is clearly in such an area and the District Council is quite correct in seeking therefore to safeguard its existing character against the visual intrusion of unnecessary new developments not connected with agriculture.

1.8 The District Council accept that there have been some recent developments in the general vicinity of the appeal site but cannot accept that these establish a precedent for the present proposal.

DOE Ref: APP/A2525/A/92/208092

LPA Ref: H14/0001/92

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

APPEAL BY MR G CAPES

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/38

To: SOUTH HOLLAND District Council

Application Reference H 14/0001/92.

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

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

1. National Grid Reference of a central point on site

	horizontal			vertical		
	2	1	3	2	6	4

2. Address or location

FONGATE ROAD, WEST PINCHBECK

3. Name, classification and number of road

4. Date application referred 23-1-92

5. State whether outline, detailed application etc.

FULL.

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

2 BED BUNGALOW.

7. 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:—

Delete as appropriate

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: 23/1/92. Signed: [signature]

Director of Highways and Planning

BRIAN SMITH Dip TP MRTPI District Planning Officer

Planning Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H14/0001/92

Applicant: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

Location: Fengate Road West Pinchbeck
Spalding

Type: FULL

Date received: 14-JAN-92

21-JAN-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 05-FEB-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 P J UDY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Pinchbeck PC
17 Rotten Row
Pinchbeck
Spalding Lincs
PE11 3RQ

S.H.D.C. PLANNING DEPT.
RECEIVED
- 5 FEB 1992
PU
File Nos.
Acknowledge YES/NO

FOR PARISH COUNCIL USE ONLY

Comments:
Recommend refusal on the grounds that the site is outside the development area despite the contents of the letter from Calthrops.

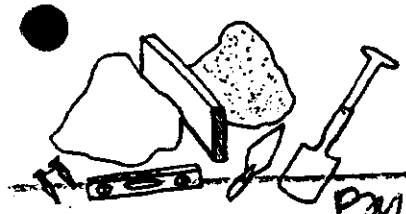
Signed:

M H Cunningham

CUSTOMERS COPY

OBJECTION

INVOICE No. ~~XXXXXXX~~



S. WILLSON

Extensions - Alterations - Repairs - Concrete Work
Drainage - Stone and Brick Fireplaces

MEADOWVIEW, FENGATE ROAD, WEST PINCHBECK,
SPALDING, LINCS. PE11 3PS.
Telephone Pinchbeck Bars 200

P21 8-4

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

Attention of	File Nos.
DPO NPM	
SDPO BS	
JG AC?	
Action by	Acknowledge YES/NO
Discuss with	By SJ
Copy to	Date 1/4

30th March, 1992

P. J. Udy,
S.H.D.C. Planning Dept.,
Priory Road,
Spalding,
Lincs.

Dear Sir,

Re: Application No. H14/0001/92 - Mr. G. Capes, Fengate Road, West Pinchbeck, Spalding.

Having seen the site plan from the Planning Dept., for the above, we are quite concerned as to whether 4 ft. from our boundary is sufficient space between properties with regard to privacy to both parties.

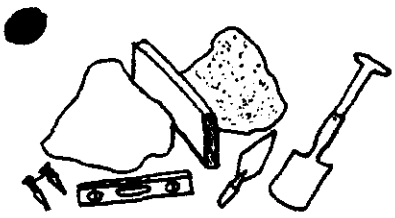
Since moving to Fengate Road approx. 8 years ago, we have seen one new house built ie. Mr. Capes present house, which we understood had an agricultural clause attached to it, and which we now believe has been lifted. Mr. Capes has since had built, a 'Garage' almost the size of another dwelling and this has restricted our view along Fengate Road, we would also point out that at no time were we informed of the proposed 'Garage'. - Along way off. PJU.

We now find yet another application for the same plot of land, but within 4 ft. of our own boundary. This project was mentioned briefly to me several months ago by Mr. Capes. At the time I felt there would be no reason to object, but after giving the matter serious thought & seeking advice, I now feel that our own property may well go down in value, due to the close proximity of the proposed bungalow. If the proposed bungalow were to be positioned considerably closer to Mr. Capes own house, he would then experience the same loss of privacy that we may well lose.

cont/d

CUSTOMERS COPY

INVOICE No.



S. WILLSON

Extensions - Alterations - Repairs - Concrete Work
Drainage - Stone and Brick Fireplaces

MEADOWVIEW, FENGATE ROAD, WEST PINCHBECK,
SPALDING, LINCS. PE11 3PS.
Telephone Pinchbeck Bars 200

P. J. Udy 30.3.92

We understand from Mr. Capes, that the bungalow is to be for his Father, but this situation may well change, then there is the possibility that the two properties become separated, and where there was one building with agricultural clause, we would have two separate plots with no clause attached, and this could lead to further development.

As we understand it, this is in a 'green belt' area which is not for development, but if this is not the case, then should Mr. Capes' application be granted, I also will put in a planning application for my own land, & I believe I am not alone in waiting to see the outcome of Mr. Capes' application.

I would appreciate a reply with regard to why the agricultural clause was lifted & whether we are in a 'green belt' area, & any comments you feel relevant to this letter. letter drafted 10-4

Yours faithfully,

S. R. WILLSON

H116/149/83 First Occupancy.

Your Ref : Planning Officer

Orchard View Cottage,
Fengate Road,
West Pinchbeck.
PE11 3NE

10th February 1992

Dear Sirs,

Re. Mr. G. Capes
Planning Application for Bungalow in Fengate Road
No: H14/0001/92 Dated 02/02/92

We wish to place on record our objection to the above application. While one can readily sympathise with the Applicant's requirements, Fengate Road is well outside Planning Boundaries for new development and to permit a development of this kind for whatever reason would establish an unfortunate precedent for the future. There is a considerable amount of frontage land down Fengate Road in respect of which Planning Applications might be expected should Mr. Capes be successful.

This would entirely ruin the nature of this relatively quiet lane. Neither the lane itself nor the Local Services are adequate for further developement.

Yours faithfully,

Philip and Sheila Crew.

The Planning Officer,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincolnshire.

S.H.D.C. PLANNING DEPT.
RECEIVED
11 FEB 1992
Attention of
DPO
DDPO SC
ACP
Action by .....
Copies with .....
Copy to .....
File Nos.
Acknowledge YES NO
by
date 12/2

DOE Ref: APP/A2525/A/92/208092

LPA Ref: H14/0001/92

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

APPEAL BY MR G CAPES

PART THREE: MISCELLANEOUS

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

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

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 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) (screening) shall be carried out in its entirety within a period of two years beginning with the date on which (development of the land) (use hereby permitted) 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.

DOE Ref: APP/A2525/A/92/208092

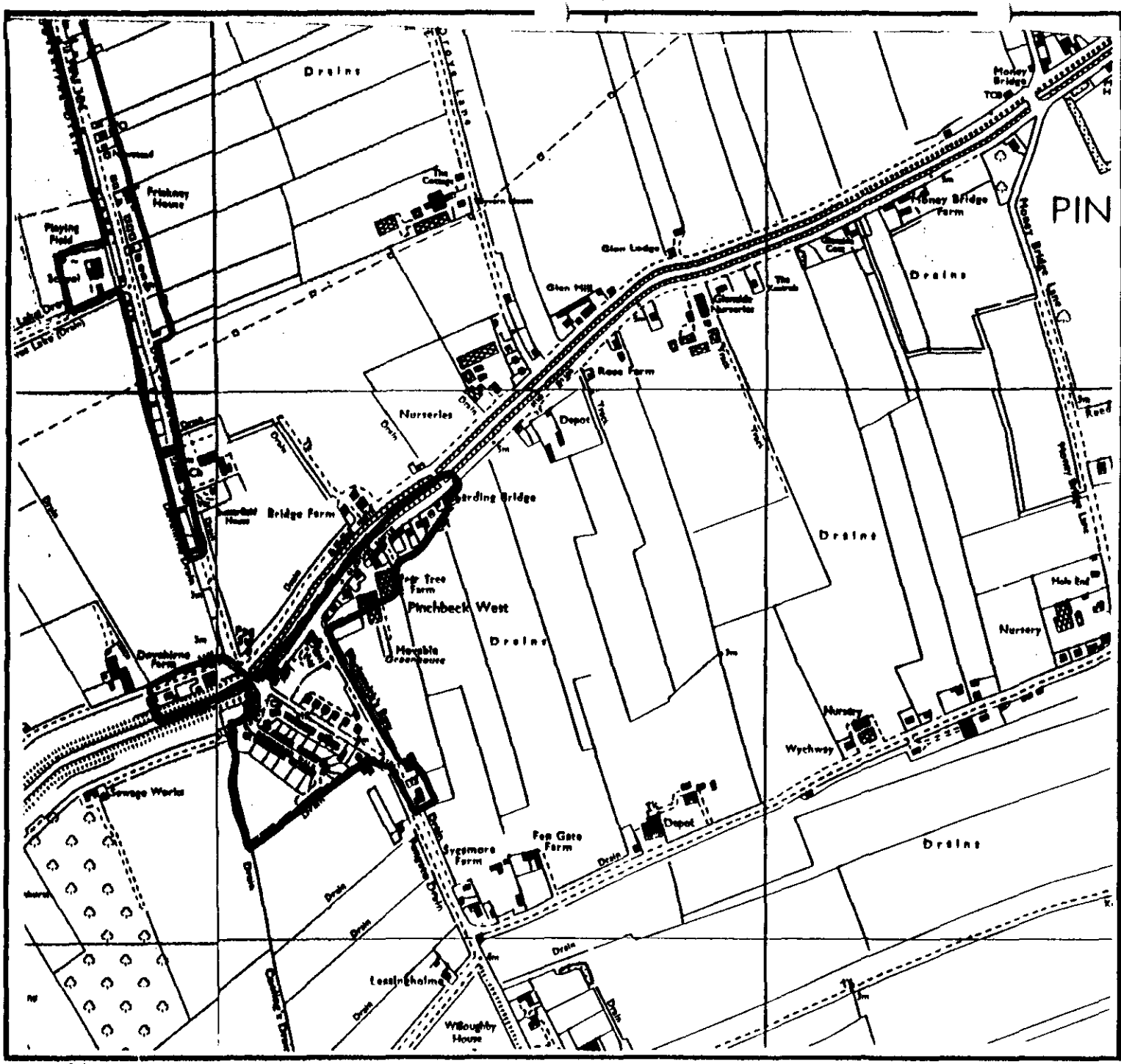
LPA Ref: H14/0001/92

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

APPEAL BY MR G CAPES

PLAN 'A'

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



SOUTH HOLLAND
DISTRICT COUNCIL
PLANNING DEPARTMENT

APPEAL BY MR.G.CAPES

Appeal Site

Development Boundary

B.SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER
PRIORY ROAD, SPALDING.

SCALE 1:10000 | DATE JULY '92

PLAN 'A' | N

ADMEL P/1/504

DOE Ref: APP/A2525/A/92/208092

LPA Ref: H14/0001/92

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

APPEAL BY MR G CAPES

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
: Copy of Decision Notice

PART TWO: BACKGROUND PAPERS

: Copy of Lincolnshire County Council Highway observations
: Copy of Pinchbeck Parish Council observations
: Copy letter from objectors

PART THREE: MISCELLANEOUS

: Copy of Policy 7a
: Copy of Interim Boundary of Development for West Pinchbeck
: 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 January 1991)

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 / A2525/92/208092.

APPEAL BY: Mrs G. Capon. GRID REF: 52/380 324400.

SITE: Fengate Rd, West Pinchbeck: 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.

	Do the Council agree to the written representations procedure?	YES / ~~NO~~
	OR	
	Do the Council wish to appear before and be heard by an Inspector? (a local inquiry or hearing)	~~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 a Section 66 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES~~ / ~~NO~~ / NA
5.	Did the appellant submit a notice and certificate under Section 65 of the 1990 Act with the application?	~~YES~~ / ~~NO~~ / NA
6.	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
7.	Is the appeal site within an approved Green Belt?	~~YES~~ / NO
8.	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
9.	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
10.	Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)	~~YES~~ / NO
11.	Does the appeal relate to an application for conservation area consent?	YES / NO
12a.	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 12a 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 Q14.)	
13.	Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
14.	Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO

DOE Ref: APP/A2525/A/92/208092

LPA Ref: H14/0001/92

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

APPEAL BY MR G CAPES

PART ONE: PLANNING OFFICER'S REPORT

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

APPLICATION REFERENCE: H14/0001/92 DATE RECEIVED: 12.3.92

APPLICANT: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

AGENT: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

TYPE: Full

DESCRIPTION: Erection of two bed bungalow

LOCATION: Fengate Road, West Pinchbeck

Parish Council: Recommend refusal. Site outside I.B.D.

County Highways: No objections.

Public Objections: From Orchard View Cottage:
- Outside development boundary
- Set precedent, alot of frontage land on Fengate Road
- Lane nor services are adequate for further development.

Information from Applicant:
- Mr Capes Senior is suffering ill health and needs to be near to the applicant. In providing a home he will relieve Local Authority of responsibility of providing a place in a nursing house.
- Local need overrides all other considerations and need not breach Structure Plan.
- Much recent development as Fengate Road.
- Will not detract from surrounding countryside.
- Mr Capes Senior has been in agriculture for 50 years

PREVIOUS DECISIONS
On Site
H14/1067/78 - Outline - Agricultural Dwelling - Granted.
H14/0629/79 - RM - Agricultural Dwelling - Granted.
H14/0149/83 - Dwelling, first occupant B R & E K Wheeler - Granted.
H14/0763/90 - Garage - Granted.

Dwellings on nearby Sites
H14/0895/90 - Replacement Dwelling - Granted.
H14/1216/88 - Extension and Granny Annex - Granted.

PLANNING ISSUES
1 The site is outside the development boundary and is therefore contrary to Policy 7A of the Structure Plan.
2 The applicant is claiming local need. The local need policy requires that applications are made in Full and that details

of the applicants particular 'local need' e.g. place of work, are submitted along with details of how the property can be retained for local need after the first occupier no longer requires it. There is no indication on how the dwelling could be maintained for local need, but the situation has been explained and the application is in Full.

3 Recent new development has been on an agricultural or replacement basis and only the applicant dwelling was granted on a first occupier basis.

4 The granting of planning permission would seriously damage the established Development Plan Policy of preventing residential development in rural locations unless there is an agricultural need. Recent changes to the Planning Act also require that applications are determined in accordance with the development plan unless material considerations indicate otherwise. I am not satisfied that the provision of a dwelling for retirement, even if care is required, is sufficient need to grant planning permission.

RECOMMENDATION - Refuse permission

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 Planning Policy Guidance Note 7, 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.

---

282. PLANNING APPLICATIONS (Continued)

(a) **Applications Granted** (Continued)

Plan No. and Applicant		Proposal
H16/1349/91 B P Nutrition Ltd		Two flour storage bins at Woolram Wygate, Spalding.

(b) **Applications Refused**

The undermentioned applications be refused planning permission in accordance with the recommendations of the Director of Planning and Building Control Services, as amended, where indicated:-

Plan No. and Applicant		Proposal
H09/0914/91 D Brown		House at Damgate Road, Holbeach.
H14/0001/92 Mr G Capes		Bungalow at Fengate Road, West Pinchbeck.
H11/0257/92 Mr & Mrs M W Nutt	O.A.	Two dwellings with garages at 5 Wisbech Road, Long Sutton.
H09/0297/92 Mr D Bridger	O.A.	Two dwellings, including highway improvements at Little Common Lane, Holbeach Clough.

(Councillor T G M Tyler declared an indirect interest in the above application and left the Council Chamber during consideration thereof.)

H04/0263/92 Mr J Grant		Extension onto existing dwelling at Witham House, Church Street, Donington.

(It was also agreed to advise the applicant that in the Committee's opinion a pitched roof would constitute a more appropriate form of development.)

H16/0279/92 Halifax Building Society		Advertisement consent for small projecting sign at 25 Bridge Street, Spalding.
H09/0322/92 Mr N Ingram	O.A.	Residential development including details of means of access to the rear of 32 Fishpond Lane, Holbeach.
H09/0229/92 Mr P G Boyden		Two bungalows at 9 West End/Back Lane, Holbeach.
H09/0230/92 Mr P G Boyden		Demolition of existing shop at 9 West End, Holbeach.

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H14/0001/92 Received:12-MAR-92 Type:FULL

Name: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

Location : Fengate Road West Pinchbeck
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 Planning Policy Guidance Note 7, 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
24-APR-92 H14/0001/92

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)

TOWN AND COUNTRY PLANNING REGULATIONS 1990

APPEAL BY: **MR G CAPES**
Application No: **H14/0001/92**
DoE Appeal Reference: **APP/A2525/A/92/208092**

An appeal has been made to the Department of the Environment against refusal of planning permission by the South Holland District Council for **erection of 2 bed bungalow at Fengate Road, West Pinchbeck, Spalding Lincs.**

This decision is the subject of an appeal, which was received on **8th July 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 **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

10th July 1992

NOTIFICATION LETTER SENT TO:

W H Cunningham
Clerk to Pinchbeck Parish Council
17 Rotten Row
Pinchbeck
Spalding
Lincs
PE11 3RQ

Mr & Mrs Crew
Orchard View Cottage
Fengate Road
West Pinchbeck
Spalding
Lincs
PE11 3NE

Mr S Willson
Meadowview
Fengate Road
West Pinchbeck
Spalding
Lincs
PE11 3PS

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:
H14/0001/92
Our Ref:
APP/A2525/A/92/208092

Date: 8 July 1992

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR. GEOFFREY CAPES
SITE AT FENGATE RD., WEST PINCHBECK, 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. Unless you hear from us to the contrary you may assume that the appeal is valid.

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.)

S.H.D.C. PLANNING DEPT.
- 9 JUL 1992
DPO
DCPO
JC ACP
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO
by
date

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/Mar 92

The Planning Inspectorate

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

Room 12O2E
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218 808
Switchboard 0272-218811
Fax No 0272-218
GTN 1374

S. HOLLAND DC
PLANNING DEPARTMENT
COUNCIL OFFICES
PRIORY ROAD
SPALDING
LINCS PE11 2XE

Your reference
H14/0001/92
Our reference
APP/A2525/A/92/208092
Date
26 August '92

Dear Sir(s)/Madam

TOWN AND COUNTRY PLANNING ACT
APPEAL BY MR GEOFFREY CAPES
RE: SITE AT FENGATE ROAD, WEST PINCHBECK, 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 J D BRADLEY
BSc, MEng, CEng, MICE, MIStructE
The Inspector will shortly visit the site unaccompanied by either party.

LPA only - The Council are reminded that if they have not submitted their full representations, they should do so immediately.

Yours faithfully

M Farrington

S.H.D.C. PLANNING DEPT.
RECEIVED
28 AUG 1992
Attention of
CPO NDO
DOPO DS ST
DC ACP
Action by .....
Discuss with .....
Copy to .....
Date .....

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

209E/April 92

HMSO Bristol DTP 101353/2

George R. Hastings
F. Brian[illegible]lson
B. Keith [illegible]nall
Avril J. Butters
[illegible]
James A. Sutton LL.B.
Kevin Pallister LL.B. (Hons)

Consultant
Ernest Waters

Calthrops

Solicitors and Commissioners for Oaths

(Regulated by the Law Society in the conduct of investment business)

11 Market Place
Spalding
Lincolnshire
PE11 1SP

Telephone:
Spalding (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

Our ref: PR/HCL **When phoning or calling please ask for:** Mr. RExx

Your ref:

The Planning Officer,
South Holland District Council,
Planning Department,
Priory Road,
SPALDING, Lincs.

6th July 1992

Dear Sir,

Capes Appl. No. H14/0001/92

Herewith copy Appeal lodged in this matter, receipt of which kindly acknowledge.

Yours faithfully,

Enc.

S.H.D.C. PLANNING DEPT.
RECEIVED
- 8 JUL 1992
Attention of
DPO NRM
DOPO ES
JC ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
Acknowledge Yes/No
by
date

Planning Inspectorate

Department of the Environment

FOR OFFICIAL USE ONLY
Date received

S.H.D.C. PLANNING DEPT.
RECEIVED
- 8 JUL 1992
Acknowledge YES/NO
date

Planning Appeal to the Secretary of State

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) GEOFF CAPES

Address Fengate Road, West Pinchbeck,
Spalding, Lincs.

Postcode

Daytime Telephone Number

Reference

Agent's name (if any) CALTHROPS

Agent's address 11 Market Place,
Spalding, Lincs.

Postcode PE11 1SP.

Daytime Telephone Number (0775) 724381

Reference PR/11730

B. Details of the appeal

Name of local planning authority (LPA)

SOUTH HOLLAND DISTRICT COUNCIL

Description of the development

Erection of 2 bedroom bungalow

Address of the site Fengate Road,
West Pinchbeck,
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 against which you are appealing. H14/0001/92

Date of LPA decision (if any). 24.04.1992

(REV AUG 90)

(✓ 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.)	☐

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

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 section 66 certificate submitted to the LPA;
- ☐ the appropriate section 66 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;

- ☐ any notice and the appropriate certificate provided to the LPA in accordance with section 65 of the Act;
- ☐ 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 reasons for refusal are set forth in the Notice dated 24th April 1992.

The L.A. refer to the D.O.E. Policy Guidance Note 7.

The L.A. have failed to correctly interpret the spirit of that Guidance Note as follows:-

1. No land upon which this proposed development is to be sited is used as agricultural land. It is at present part of the garden land attached to the Applicant's own house and no agricultural land will be lost. Further, in the alternative and in any event, the present policy of the Government is to set aside 15% of arable farming land and not to conserve the present stock of arable land countrywide.

2. The character of the countryside will not be altered. Recent developments along Fengate Road are shown on a plan marked "GC1" and the proposed development would blend into this area well and without any disharmony to the character of the area.

3. The L.A. already service the properties along Fengate Road, including the Applicant's own home and servicing the proposed bungalow will help to use the resources of the Authority more efficiently. Electricity and water are all serviced and in situ with a fully made up road. The proposed site will create no additional cost on the provision of services and the L.A. have failed to take this properly into account.

4. The Local Authority are able to take into account local need. The Applicant wishes to provide a home for his father and a condition on the permission that the property should, in the first instance be occupied by a member of the Applicant's family would be acceptable.

The L.A. failed to take fully into account the service to agriculture given by the Applicant's father over the past fifty years.

5. For the special reasons set out above the L.A. would not be bound by a precedent being set and each application should be considered on its own merit. The Applicant is prepared to have an agricultural condition attached to the permission if this was felt desirable.

continue overleaf, if necessary

continue on a separate sheet, if necessary

COMPLETE AND SIGN THE DECLARATION BELOW

I confirm that a copy of each of the supporting documents indicated above is enclosed and that the relevant plans have been clearly marked.
I also confirm that a copy of this appeal form and any supporting documents not previously seen by the LPA has been sent to them.

Signed _____ (on behalf of) Appellant

Name (in capitals) CALTHROPS. Date 6 July 1992

Now check that you have:

- completed the form;
- enclosed all the supporting documents;
- set out above your grounds of appeal.

Send one copy of the appeal form with all the supporting documents to:

The Planning Inspectorate
Department of the Environment
Tollgate House
Houlton Street
Bristol BS2 9DJ

The second copy of the appeal form must be sent to the LPA at the address from which you received the decision on your application (or any acknowledgements, etc) enclosing only copies of those documents not previously seen by the LPA.

HMSO Bristol DTP 060063

Department of the Environment

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

Certificate under Section 66

CERTIFICATE A

I certify that:

1. At the beginning of the period of 21 days ending with 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 required notice to every person other than my / him / her*self who, at the beginning of the period of 21 days ending with 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 the Appellant.

Date 6 July 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'.

OFFICER	APPELLANT Mr G CAPES	WRITTEN REPS / LOCAL INQUIRY / INFORMAL HEARING		APPEAL NO 19/92
DR	HDC REFERENCE H14/0001/92	1. PLANNING 2. LISTED BUILDING 3. ADVERT 4. ENFORCEMENT 5. OTHER	REFUSAL CONDITION NON-DETERMINATION	RECEIVED Start Date 8 Jul 92 8 Jul 92
	DOE REFERENCE APP/A2525/A/92/208092.			

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	22 Jul 92	23 Jul 92
NOTICES	14. Jul 92	10 Jul 92
PLAN PREPARATION		
STATEMENT TO DOE	5 Aug 92	4th Aug 92
STATEMENT TO APPELLANT (Types 1 & 2 only)	5 Aug 92	4th Aug 92

REPORTED TO COMMITTEE:

	DC CHECK	DPO CHECK
PLANS AVAILABLE:	DR 22/7	—
DRAFT STATEMENT PREPARED:	DR 3/8.	✓

SITE VISIT

DECISION RECEIVED

REPORTED TO COMMITTEE

Mr G Capes,
Fengate Road,
West Pinchbeck,
Spalding,
Lincs.

Mr N Midlen

NRM/JJ H14/0001/92

10 Nov 1992

Dear Sir,

PROPOSED 2 BED BUNGALOW, FENGATE ROAD, WEST PINCHBECK.

I refer to your recent meeting at the Council Offices with myself to discuss the situation with regard to the proposed bungalow for your father.

Firstly, I enclose a copy of the decision notice, together with our evidence to the appeal and a copy of the Inspectors letter of decision. I hope you will find these useful in understanding how the decisions were arrived at.

It seems to me that if you wish to continue with the idea of providing a dwelling for your father adjoining your own property, there are two possible ways forward.

1. An annex to your existing house. It has been the practice of the Authority for many years to grant permission for what are known as "granny annexes". These are granted with a planning condition ensuring that they would never become a separate independent dwelling. Normally they would need physically to be attached to the main dwelling, but there have been, on rare occasions, situations where the property has been in close proximity, but not actually physically attached. Normally this has been where an existing out building is to be converted to such an annexe, or at least where there has been an existing outbuilding on the site and the proposal is to rebuild on the old foundations or thereabouts. The important factor from the Planning Authorities situation is to ensure that

the way the two properties are arranged are such that a condition requiring the annexe not to be a separate dwelling is a reasonable condition. Clearly to impose such a condition on a new dwelling that was significantly separate from the main one would be unreasonable.

I do not know whether to provide such an annexe would be practical in your case. I appreciate that to some extent its practicality depends on how your own property is designed.

2. To pursue further the Council's Local Need policy. The Council has quite recently adopted this policy which is designed to accommodate cases of "local need". The siting perameters are quite stringent, and are aimed at ensuring that local need housing is not situated totally isolated from other properties, but is sited where it fits in reasonably with existing dwellings even if these are outside the formal Development Boundary. I would have thought, in your case, that there is quite a strong case for arguing that your site complied with this criteria. I enclose a copy of the policy for your information, I would emphasise that the application should be in full with details of the local need fully explained. One factor that has caused a lot of problems is the requirement of the Planning Committee to ensure that the dwelling is retained for "local need" even after the original occupant no longer requires it. If it is necessary to raise money from a lending institution this could cause problems. Obviously I do not know whether this would be necessary in your case, but you did mention that your son might occupy it after your father, so you are at least thinking of a long term occupation by a local person I should just add that there is no definition of what constitutes "local need" and it is very much at the discretion of the Planning Committee whether they feel that the circumstances are applicable. On the information they have had so far, they were not prepared to grant permission, so it will be necessary for you, if you pursue this option, to ensure your application complies as fully as possible with the criteria set down.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

Enc.

282. PLANNING APPLICATIONS (Continued)

(a) Applications Granted (Continued)

Plan No. and Applicant		Proposal
H16/1349/91 B P Nutrition Ltd		Two flour storage bins at Woolram Wygate, Spalding.

(b) Applications Refused

The undermentioned applications be refused planning permission in accordance with the recommendations of the Director of Planning and Building Control Services, as amended, where indicated:-

Plan No. and Applicant		Proposal
H09/0914/91 D Brown		House at Damgate Road, Holbeach.
H14/0001/92 Mr G Capes		Bungalow at Fengate Road, West Pinchbeck.
H11/0257/92 Mr & Mrs M W Nutt	O.A.	Two dwellings with garages at 5 Wisbech Road, Long Sutton.
H09/0297/92 Mr D Bridger	O.A.	Two dwellings, including highway improvements at Little Common Lane, Holbeach Clough.

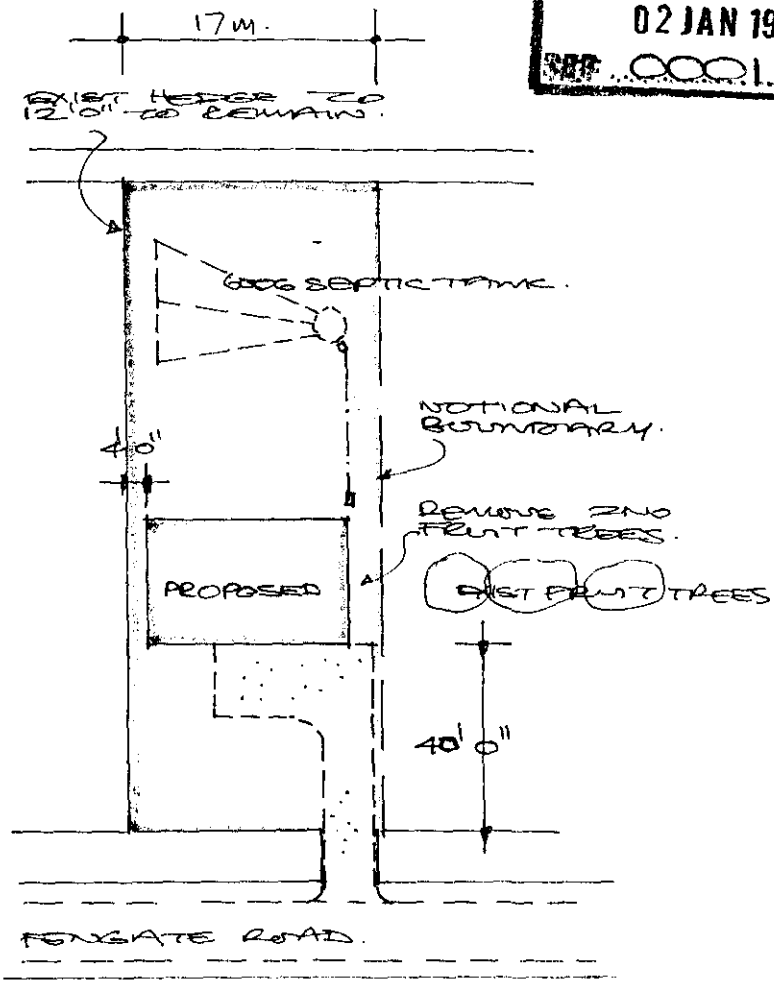
(Councillor T G M Tyler declared an indirect interest in the above application and left the Council Chamber during consideration thereof.)

H04/0263/92 Mr J Grant		Extension onto existing dwelling at Witham House, Church Street, Donington.

(It was also agreed to advise the applicant that in the Committee's opinion a pitched roof would constitute a more appropriate form of development.)

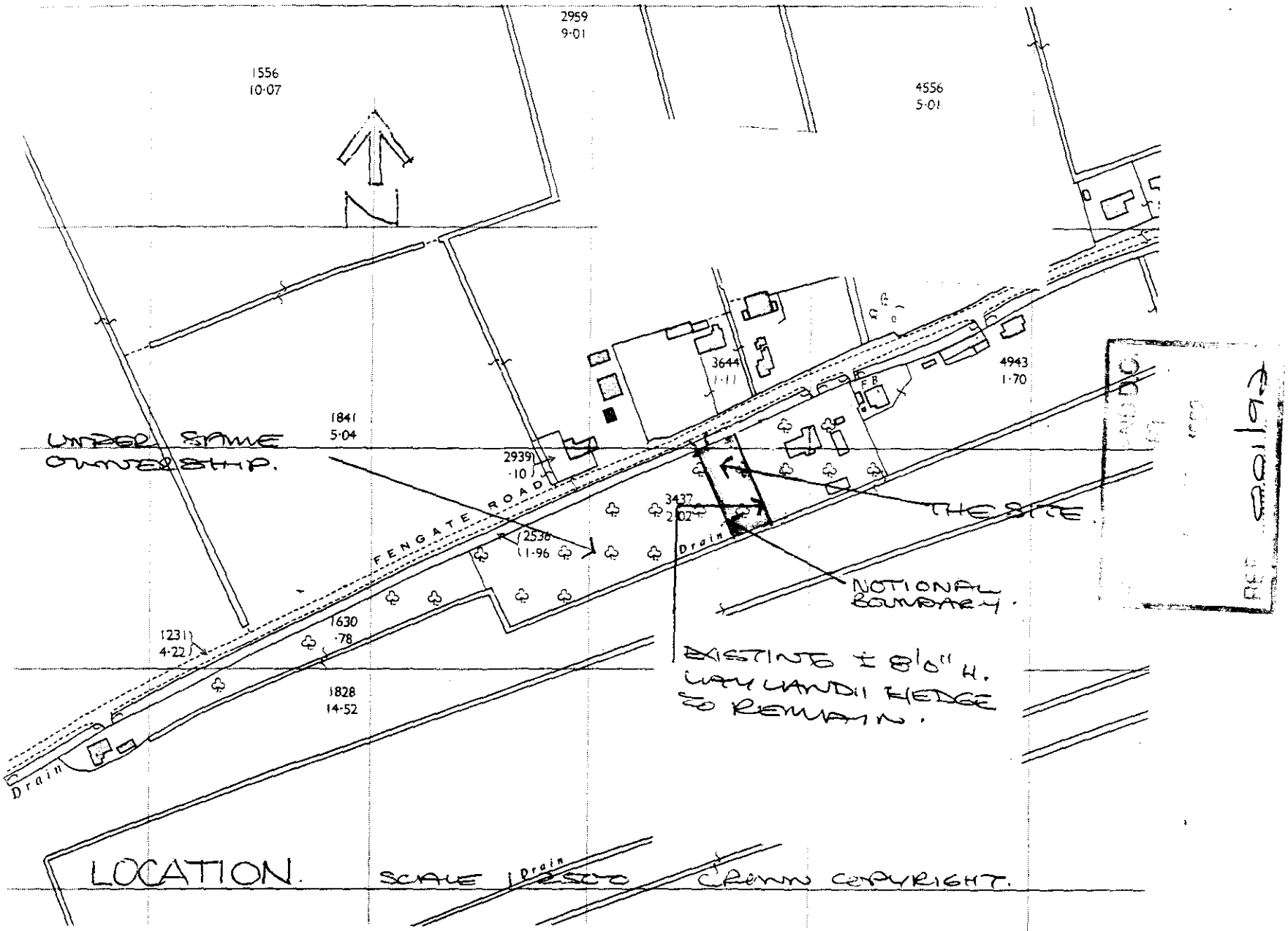
H16/0279/92 Halifax Building Society		Advertisement consent for small projecting sign at 25 Bridge Street, Spalding.
H09/0322/92 Mr N Ingram	O.A.	Residential development including details of means of access to the rear of 32 Fishpond Lane, Holbeach.
H09/0229/92 Mr P G Boyden		Two bungalows at 9 West End/Back Lane, Holbeach.
H09/0230/92 Mr P G Boyden		Demolition of existing shop at 9 West End, Holbeach.

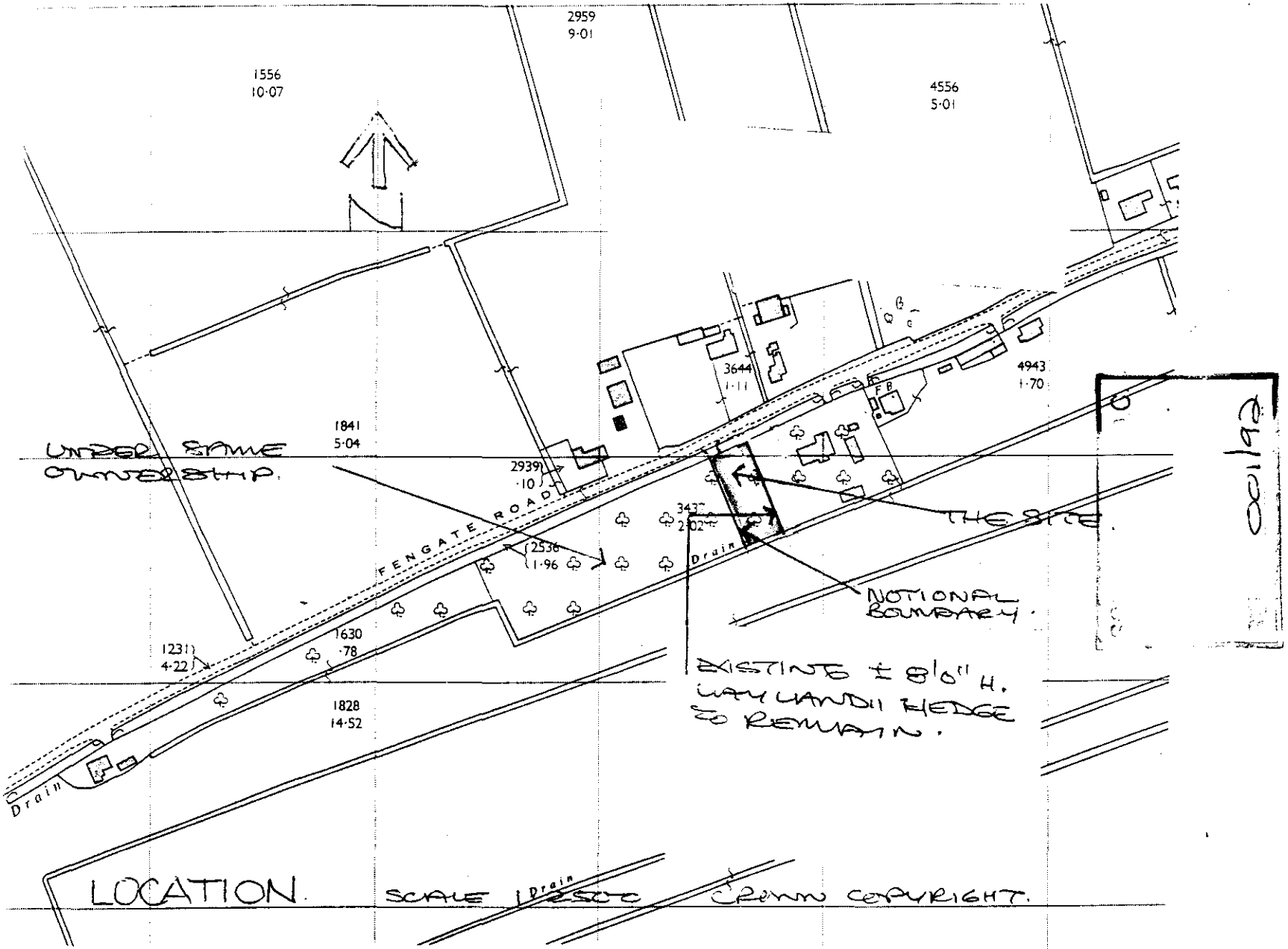
SOUTH HOLLAND D.C.
PLAN DEPT.
02 JAN 1992
REF. 0001/92



BRIDGE WORKS ACCESS + DRIVE TO SHDB AND HIGHWAY SPEC.

BLOCK PLAN. SCALE 1:500


2959
9·01
1556
10·07
4556
5·01
3644
1·11
4943
1·70
1841
5·04
UNDER SAME OWNERSHIP.
2939
·10
FENGATE ROAD
3437
2·02
2536
11·96
Drain
THE SITE
NOTIONAL BOUNDARY.
1231
4·22
1630
·78
1828
14·52
EXISTING ± 8'0" H. HAWTHORN HEDGE TO REMAIN.
Drain
LOCATION.
SCALE 1:2500
CROWN COPYRIGHT.


2959
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UNDER SAME OWNERSHIP.
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1231
4·22
1630
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1828
14·52
EXISTING ± 8'0" H. HAWTHORN HEDGE TO REMAIN.
LOCATION
SCALE 1/2500
CROWN COPYRIGHT.

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

Application no: H14/0001/92

Applicant: Mr G Capes
Fengate Road
West Pinchbeck
Spalding
Lincs

Agent: Loweth Cowling Design
Station House
Station Street
Holbeach
Spalding Lincs

Description: Erection of 2 bed bungalow

Location: Fengate Road West Pinchbeck
Spalding

Type: FULL

30-APR-92

Dear Sir/Madam,

PLANNING APPLICATION

The above application for planning permission has now been considered, together with your comments, and it has been decided that permission should be refused in this case.

The full reasons for refusal can be seen by inspecting the register of applications which is available in this Department.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

COPY SENT TO:-

Mr & Mrs Crew
Orchard View Cottage
Fengate Road
West Pinchbeck
Spalding, Lincs. PE11 3NE

S R Wilson
Meadowview
Fengate Road

Your Ref : Planning Officer

Orchard View Cottage,
Fengate Road,
West Pinchbeck.
PE11 3NE

10th February 1992

Dear Sirs,

Re. Mr. G. Capes
Planning Application for Bungalow in Fengate Road
No: H14/0001/92 Dated 02/02/92

We wish to place on record our objection to the above application. While one can readily sympathise with the Applicant's requirements, Fengate Road is well outside Planning Boundaries for new development and to permit a development of this kind for whatever reason would establish an unfortunate precedent for the future. There is a considerable amount of frontage land down Fengate Road in respect of which Planning Applications might be expected should Mr. Capes be successful.

This would entirely ruin the nature of this relatively quiet lane. Neither the lane itself nor the Local Services are adequate for further developement.

Yours faithfully,

Philip and Sheila Crew.

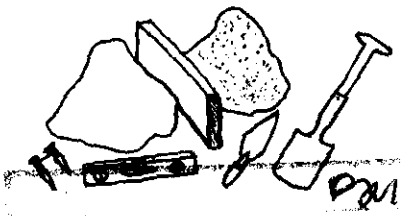
The Planning Officer,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincolnshire.

S.H.D.C. PLANNING DEPT.
RECEIVED
11 FEB 1992
Attention of
DPO HDM
GDPO BS
ACP
Action by .....
Discuss with .....
Reply to .....
File Nos.
Acknowledge YES/NO
by SP
date 12/2

CUSTOMERS COPY

OBJECTION

INVOICE No. ~~XXXXXX~~



S. WILLSON

Extensions - Alterations - Repairs - Concrete Work
Drainage - Stone and Brick Fireplaces

~~MEADOW~~VIEW, FENGATE ROAD, WEST PINCHBECK,
~~S~~PALDING, LINCS. PE11 3PS.
Telephone Pinchbeck Bars 200

P21 8-4

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

Attention of	File Nos.
DPO (N&M)	
DDPO BS	
JG ACP	
Action by	Acknowledge YES/NO
Discuss with	31 57
Copy to	date 1/4

30th March, 1992

P. J. Udy,
S.H.D.C. Planning Dept.
Priory Road,
Spalding,
Lincs.

Dear Sir,

Re: Application No. H14/0001/92 - Mr. G. Capes, Fengate Road, West Pinchbeck, Spalding.

Having seen the site plan from the Planning Dept., for the above, we are quite concerned as to whether 4 ft. from our boundary is sufficient space between properties with regard to privacy to both parties.

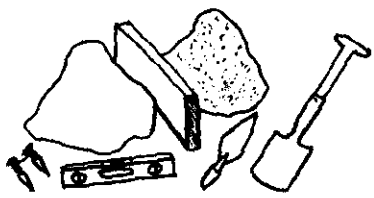
Since moving to Fengate Road approx. 8 years ago, we have seen one new house built ie. Mr. Capes present house, which we understood had an agricultural clause attached to it, and which we now believe has been lifted. Mr. Capes has since had built, a 'Garage' almost the size of another dwelling and this has restricted our view along Fengate Road, we would also point out that at no time were we informed of the proposed 'Garage'. - Along way off. PJU.

We now find yet another application for the same plot of land, but within 4 ft. of our own boundary. This project was mentioned briefly to me several months ago by Mr. Capes. At the time I felt there would be no reason to object, but after giving the matter serious thought & seeking advice, I now feel that our own property may well go down in value, due to the close proximity of the proposed bungalow. If the proposed bungalow were to be positioned considerably closer to Mr. Capes own house, he would then experience the same loss of privacy that we may well lose.

cont/d

CUSTOMERS COPY

INVOICE No.



S. WILLSON

Extensions - Alterations - Repairs - Concrete Work
Drainage - Stone and Brick Fireplaces

MEADOWVIEW, FENGATE ROAD, WEST PINCHBECK,
SPALDING, LINCS. PE11 3PS.
Telephone Pinchbeck Bars 200

P. J. Udy 30.3.92

We understand from Mr. Capes, that the bungalow is to be for his Father, but this situation may well change, then there is the possibility that the two properties become separated, and where there was one building with agricultural clause, we would have two separate plots with no clause attached, and this could lead to further development.

As we understand it, this is in a 'green belt' area which is not for development, but if this is not the case, then should Mr. Capes' application be granted, I also will put in a planning application for my own land, & I believe I am not alone in waiting to see the outcome of Mr. Capes' application.

I would appreciate a reply with regard to why the agricultural clause was lifted & whether we are in a 'green belt' area, & any comments you feel relevant to this letter. letter drafted 10-4

Yours faithfully,

S. R. WILLSON

H116/149/83 First occupancy.

N1

TOWN AND COUNTRY PLANNING ACT 1971

PLANNING PERMISSION

APPLICATION NO: H14/0159/83 S 13 DATE RECEIVED: 23/02/83

APPLICANT: G F & E K Wheeler
'The Cottage'
Fengate
West Pinchbeck
SPALDING Lincs

AGENT:

TYPE: Full GRID REF: 521300 324360

DESCRIPTION: Erection of dwelling and garage

LOCATION: Land off Fengate Road, West Pinchbeck

The South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the carrying out of the development in accordance with the application and plans submitted, subject to the following condition(s):

~~1. The development must be begun not later than the expiration of five years beginning with the date of this permission.~~
~~Reason: As required by Section 41 of the Town and Country Planning Act 1971.~~

1 The development must be begun not later than 13th February 1984.

Reason: Notwithstanding the provisions of Section 41 of the Town and Country Planning Act 1971 it is appropriate to impose a different time limit for the development having regard to the provisions of the approved Structure Plan, the circumstances of the application and the unexpired period of the existing planning permission (Reference H14/1057/78) for a similar development of the site..

2 The dwelling shall be first occupied by G F and E K Wheeler..

Reason: The site is in a rural area where it is the policy of the

Cont/

IMPORTANT NOTE
This permission refers only to that required by the Town and Country Planning Acts.
If approval is required under the Building Regulations or any other enactment, this must be obtained separately.

SOUTH HOLLAND DISTRICT COUNCIL

B. SMITH M.R.T.P.I., DISTRICT PLANNING OFFICER
12 MARKET PLACE, SPALDING, LINCOLNSHIRE TELEPHONE: SPALDING 3272

local planning authority not to permit residential development except in the interest of agriculture or where related to the use of the land. This permission has been granted having regard to the circumstances of the case and its implementation is therefore confined to the applicant.

3 Before the vehicular access is commenced to be used the access and turning facility shall be provided on site in accordance with the plan dated 23rd February, 1983.

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.

B Smith

13th April 1983

H14/149/83/2 Full	Erection of dwelling and garage, land off Fengate Road, West Pinchbeck	App: B F and E K Wheeler

OBSERVATIONS RECEIVED
Parish Council: no reply received
County Highways: requests conditions

PREVIOUS DECISIONS

H14/651/77	application for a single dwelling - withdrawn
H14/1067/78	outline planning permission granted subject to agricultural habitation condition in February 1979.
H14/629/79	permission granted for reserved matters July 1979.

PLANNING POLICIES/DOE ADVICE

Structure Plan Policy 5

New residential development in the open countryside, outside the confines of settlements, will not normally be permitted unless the local planning authority is satisfied that there is an essential agricultural or horticultural or forestry need for such development to be located outside the towns, villages and other settlements. When permission is granted for such development an appropriate occupancy condition will be attached.

Pinchbeck West I B D
Outside I B D

DoE Circular 75/76 "Development involving Agricultural Land"

Development Control Policy Note No 4 "Development in Rural Areas"

OTHER PLANNING CONSIDERATIONS

1. The site consists of a plot of land with a frontage of approximately 390 feet and 140 feet in depth on the south side of Fengate Road about a mile from Pinchbeck Bars.

2. The applicants presently live on the opposite side of the road in a cottage about 30 metres away.

3. In February 1979 at the time when an outline planning application was submitted I reported as follows:-

   "In support of the application it is stated that it is intended to intensify the orchard by replacing old and non-productive trees with new stock. The applicants contend that it is impracticable to work the holding satisfactorily because it is away from the house. The Ministry of Agriculture consider the house to be close enough for all eventualities to be dealt with. Both Mr and Mrs Wheeler are engaged in other full time employment. There would appear to be little agricultural justification for the erection of an additional dwelling. In recent years planning decisions for residential development in the vicinity have been based on agricultural need. The bungalow

immediately to the east of the application site was granted as a replacement dwelling in 1962 for a farmer who was the then owner of the orchard. In 1967 Glenside Nurseries were granted consent for a house and garage on the opposite side of the road to the application site subject to the agricultural habitation clause. In 1972 planning permission for a bungalow only a short distance away from the site was refused for a Mr Morris on the grounds that there was no agricultural justification. Two applications for speculative residential development of the site have been refused, one submitted by the present applicant in the autumn of 1977 for six dwelling plots.

At the last meeting I was instructed to re-consult with the Ministry of Agriculture. A reply has not yet been received but will be reported verbally at the meeting if available. Nevertheless both Mr and Mrs Wheeler have full time employment elsewhere (Mrs Wheeler in the Housing Department of the Council and Mr Wheeler outside the District). Their present dwelling is only 30 metres away from the orchard and this must certainly be close enough to satisfactorily supervised the site.

All other recent planning decisions have been based on agricultural need and planning consents have reflected this by the imposition of the agricultural habitation condition".

4. The applicant subsequently advised that the area of glass would be increased. On the instructions of the Committee MAFF were reconsulted and advised as follows:-

"I understand that a decision has already been made in this case by your Planning Committee. I can confirm however, that the increase in area of glass which I believe to be the only change in circumstances, would not have been sufficient to cause me to add to, or to change the content of the letter dated 20 December 1978".

5. My recommendation at that time was that permission be refused on the basis that it did not appear essential on agricultural grounds.

6. The Planning Sub Committee subsequently inspected the site and outline planning permission was granted on the 13th February 1979 subject to an agricultural habitation condition (ref H1A/1067/78). The details of the proposed dwelling were approved in July 1979.

7. The site has been inspected and is still basically an orchard although the ground beneath ~~was~~ not ploughed. There is a recently constructed access across the dyke at the west end of the site.

8. In support of the application the applicants have stated that:-

"Conditions of occupation as specified in outline permission dated 9th October 1978 are still applicable".

9. The existing planning permission will expire on 13th February 1984. The present application is, therefore, a full ~~approach~~. approach for planning permission

CONCLUSIONS

In 1979 I concluded "There would appear to be little agricultural justification for the erection of an additional dwelling". The evidence to date does not lead me to alter that view and I believe that on those grounds the present application should be refused planning permission.

If that were to be the case then it remains to consider whether or not the circumstances of the application are exceptional enough to justify supporting it on the basis of a special local need. On the evidence (or lack of it) in implementing the earlier permission the applicants circumstances do not appear to be extraordinary e.g. a great pressure to move, and indeed if permission were granted on the normal basis for the present proposal it would provide a further five year period within which to commence building operations.

Given, therefore, the provisions of the Structure Plan and the circumstances of the application, especially the fact that the development of the planning site has permission, certainly until February 1984, then in my view it would be appropriate that planning permission be granted subject to the development being commenced by 13 February 1984 and a condition requiring the occupation of the dwelling to be by the named applicants.

PLANNING OFFICER'S RECOMMENDATION

That permission be granted subject to the following conditions:-

1. SC 34 - The development of the site must be begun not later than 13 February 1984.
2. SC 40 - First occupied by BF and EK Wheeler.
3. B 23 - (Access and turning space) ...plan dated 23 February 1983

Reasons:
1. SR 34 ..it is appropriate to impose a different time limit for the development having regard to the provisions of the approved Structure Plan, the circumstances of the application and the unexpired period of the existing planning permission (Reference H14/1067/78) for a similar development of the site
2. SR40
3. B6

Amended 5/4

Mr P Allison
Meadow View
Fengate Road
West Pinchbeck
Spalding
Lincs
PE11 3PS

Mr P J Udy

PJU/LAB
S10/0001/92

14 April 1992

Dear Sir

Dwelling for Mr G Capes Fengate Road, West Pinchbeck, Spalding.

I refer to your letter of 30 March 1992.

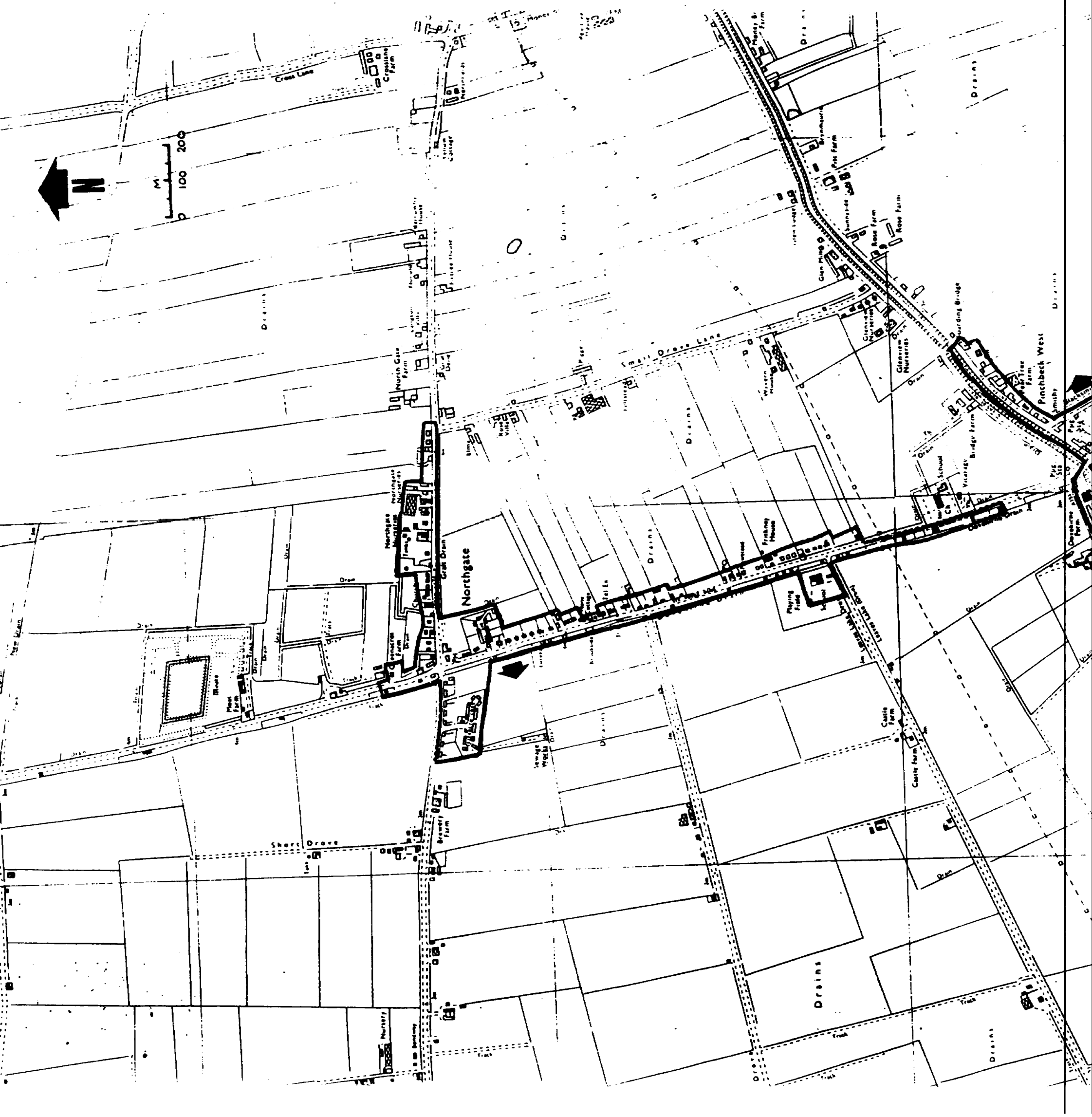
Fengate Road is not located within a development boundary and is therefore considered to be in an open countryside position. In such an area residential development is restricted to an agricultural or special need.

The land which Mr Capes dwelling now occupies received outline planning permission for an agricultural dwelling, contrary to the planning officer's recommendation in February 1979 and the reserved matters were granted in July 1979.

The house which is actually built was granted in April 1982 with a first time occupancy condition for B J & E E Wheeler and that the permission had to be implemented before 13 February 1984, which was the date that the previous applications had to be implemented by. This was a full application and superceded the earlier applications.

Yours faithfully

N P Mallen
Principal Planning Officer
Development Control


N
200
100
Cross Lane
Crossland Farm
Small Drove Lane
North Gate Farm
Rose Farm
Glen Mire
Glenroyd Nurseries
Pinchbeck West
Northgate
Great Drain
Northgate Nurseries
Northgate Methodist Church
Northgate Farm
Mere Farm
Bramert Farm
Sharp Drove
Nursery
Castle Farm
Playing Fields
Drains
Drain

South Holland
District Council

REVIEW OF THE PLANNING POLICIES FOR T

DEVELOPMENT IN WEST P

INTRODUCTION

South Holland District Council is continually reviewing its planning policies for the development of the many smaller villages in the District. There are more than 40 of these smaller villages, each with its own characteristics and community, and particular development needs.

The overall strategy for new development in the District rightly concentrates new development in the towns and larger villages. These are the centres of employment, education, services and facilities for the majority of the population to live. This strategy also protects the smaller villages from over-development and safeguards the environment of the open countryside and the importance of high grade agricultural land.

THE SMALLER VILLAGES

It is vitally important that the smaller villages should continue to develop sufficiently to meet the housing needs of the local community and those who wish to live close to local places of work. The Council is aiming to identify sufficient opportunities for housing development to meet the needs of each village in the next five years or so, and that the scale and location of this development will be in keeping with the size and character of each village. At the same time the Council is mindfull of each settlemments longer term development needs.

When carrying out this review the District Council invited the local community to express its views about the development of its village and the Council has taken those into account before making its final decision. Consultations have also taken place with Parish Councils, Statutory Undertakers, Drainage Boards etc.

Now that the completed review has been published it will provide local people and those with interests in development to know with certainty the District Council's planning policies for those areas which may be developed, any particular requirements for that development and those areas in which no development is envisaged. This will also enable other authorities responsible for providing facilities and services to be certain about the Council's aims and planning policies for each village and to plan their investments and activities accordingly.

DEVELOPMENT IN WEST PINCHBECK/NORT

West Pinchbeck is a small settleme
considered that new residential de
community by maintaining and promo
consolidating the village form.

Historically, West Pinchbeck (and
entities each containing a public
and frontage developments. Recent
intensified the ribbon feature, an
west side is narrow, it is bordere
many cases has been piped and fill
The new boundary includes existing
the west side to just south of the
depth of this land, limited develo
order that new dwellings have adeq
sides. On the east side of Six Ho
intensified the ribbon feature and
have been created down to a bungal
creating a logical southern end po
protect the visual impact of the c
and to avoid continuous ribbon dev
the road, land to the north and so
outside the IBD. Land between the
Bank and Bourne Road is undevelope
and will therefore remain outside

Two acres of land has been include
with a proposed access off Six Hou
sac development. Also in Northgat
eastwards to include two recent dw
Three acres of land has been inclu
create specific opportunities for
conjunction with the District Coun
may not be ideal however and subse

DEVELOPMENT IN LATER YEARS

In the longer term, land to the ea
appropriate for phased development
of the road. A further considerat
to the south and a more appropriat
this site reverts to residential u
adjacent to it. The assessment of
will be in approximately 5 years t
of Elizabeth Crescent will also be

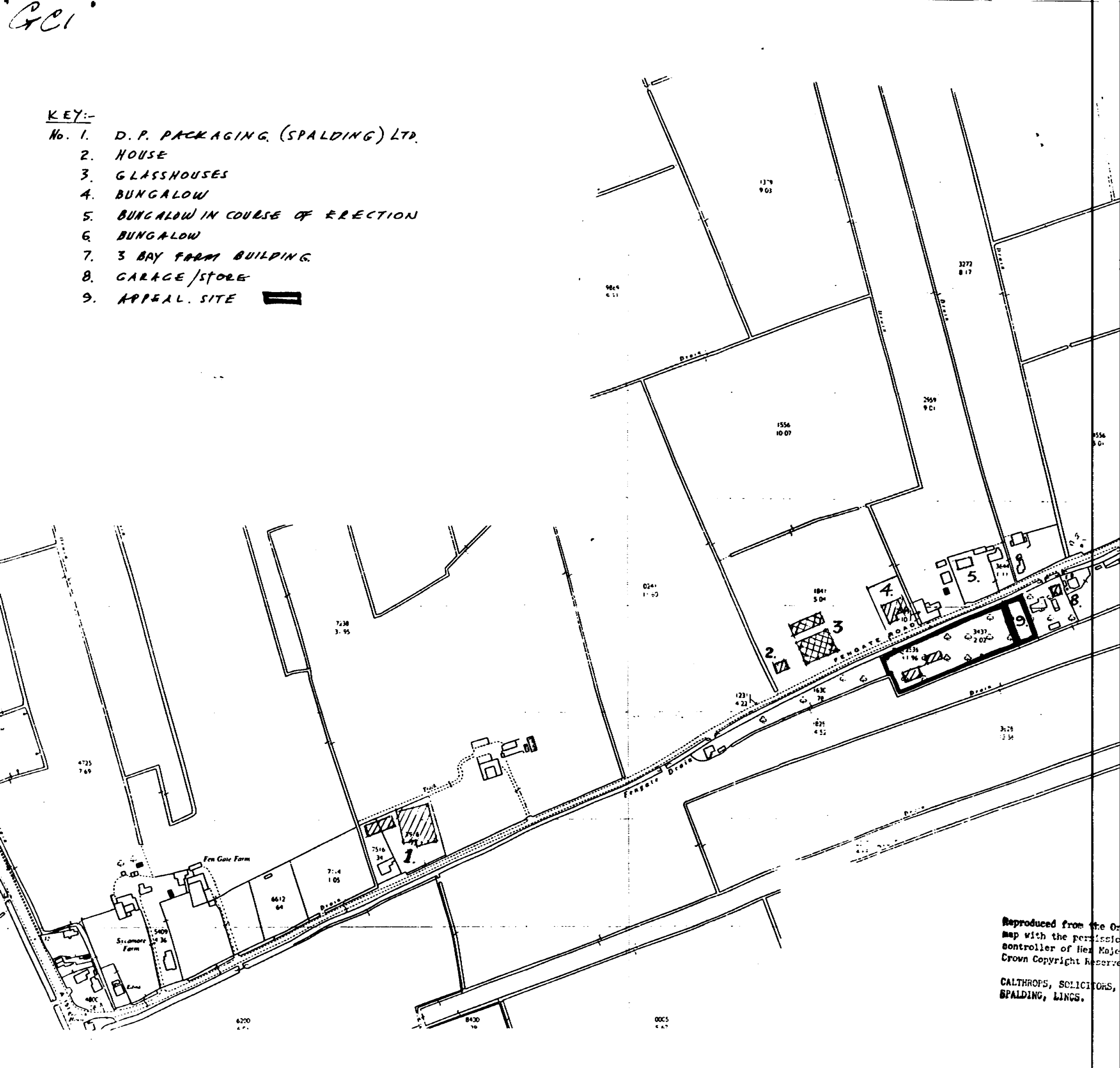
APPROVED BY FULL COUNCIL 5TH OCTOBER 1988

A 1:2500 scale plan showing the definite approved boundary of development is held in the Planning Department and is available for inspection if necessary

GC1

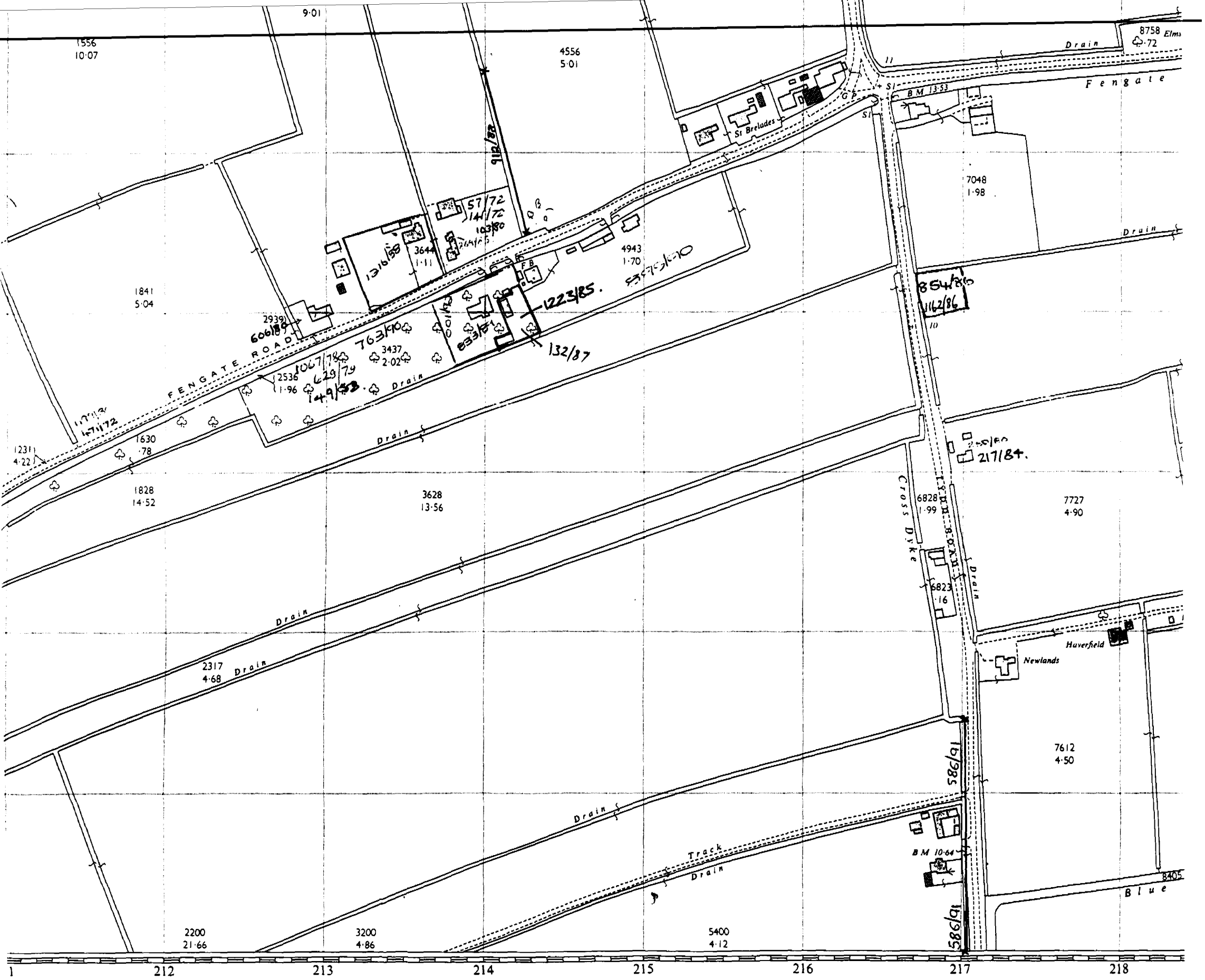
KEY:-

No. 1. D. P. PACKAGING (SPALDING) LTD.
2. HOUSE
3. GLASSHOUSES
4. BUNGALOW
5. BUNGALOW IN COURSE OF ERECTION
6. BUNGALOW
7. 3 BAY FARM BUILDING.
8. GARAGE/STORE
9. APPEAL SITE



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CALTHROPS, SOLICITORS,
SPALDING, LINCS.



TF2123

3500 4000 4500 5000 5500

18 19 20 21 22 23 24 25 26 27 28 29 Acres

8 9 10 11 12 Hectares

ervals.
l as follows :—

Beer House	*BH*	Letter Box	*LB*	Revision Point	*rp*
Bench Mark	*BM*	Level Crossing	*LC*	Signal Box, or Post	*SB, SP*
Boundary Post	*BP*	Loading Gauge	*LG*	Signal Bridge	*S Br*
Boundary Stone	*BS*	Mail Pick-up	*MPU*	Spring	

PARCEL NUM
The number and acreage of each par

ur requirements,
nber of persons with a need to live on the holding,
ting housing accommodation.

plication not accompanied by sufficient information
le the Council to fully assess the agricultural merits of
e will be invalidated under the provision of Regulation
Town and Country Planning (Applications) Regulations
ending the submission of such information.

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

velling is required in association with a new agricultural
cultural business venture, the Council may also want
licant to enter into a legal agreement to ensure that the
ss and the dwelling will always be a single planning
nd never separated from each other.

uncil may also require applicants to demonstrate the
y of such future ventures by submitting a business plan
ncial statement prepared by a suitably qualified and
enced source.

een found that these conditions and legal agreements
erably affect the market value of dwellings should they
uently wish to be disposed of and prospective applicants
ised to consider this aspect carefully from the outset.

uncil has the right to take action under the Town and
y Planning Act 1990 in reponse to any breaches of
ng control.

DWELLINGS FOR OTHER LOCAL NEEDS

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

npossible to state categorically all the circumstances
such departures from normal policy will be permitted,
ose when permission will be refused, because each
ation needs to be judged on its own merits. This list sets
several matters which the Council will consider when
ations are made:-

FEATURES

l the proposed dwelling be compatible with the use of
rby land or buildings, or are the amenities of the future
dents likely to be adversely affected?
l the proposed dwelling fit satisfactorily with the
ting pattern, character, density and appearance of
elopment 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 nave 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).

SOUTH HOLLAND DISTRICT COUNCIL

PLANN
INFOR

DWELLINGS IN THE O

This information leaflet is to assist anyone who may b 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.