

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H14-0732-19 **Applicant:** G Darley and Son Ltd

Proposal: Retention of dwelling without complying with agricultural habitation clause (Condition 1 of SR88/66).

Location: 2 Darleys Bungalow Mill Green Road Pinchbeck

Terminal Date: 23rd September 2019

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01 Spatial Strategy
02 Development Management
11 Distribution of New Housing

National Guidance**National Planning Policy Framework 2019**

Paragraph 11.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT**Proposal**

The application seeks planning permission for the retention of a dwelling without complying with agricultural habitation clause (Condition 1 of SR88/66).

Site Description

The property is a modest semi detached bungalow sited on Mill Green Road, approximately 1 mile south of Pinchbeck.

The property is in the open countryside in an area which is typically characterised by open agricultural fields with sparse boundary features such as hedging and with buildings in the landscape except sporadic dwellings and farm buildings. There is an under roof dwelling forming the adjoining semi.

History

SR88/66 - application approved for replacement dwellings with an agricultural occupancy condition.

Consultation Responses

Pinchbeck Parish Council
Support

Pinchbeck Parish Council reviewed the above application and support this consultation.

Planning Considerations

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

The Agent has submitted a comprehensive set of supporting information which sets out the detailed history of the site, from the permission to demolish and replace two dilapidated cottages which imposed the agricultural occupancy condition (the Agent believes the original dwellings had no such condition/control) to the present day.

The Agent, who also represents a well known estate agency as well as submitting planning applications, has submitted a very detailed account of the advertising of the property at a rate 30% below the market value, for a considerable period of time.

Despite the advertising generating thousands of on-line views, only 21 expressions of interest were made and 5 site attendances.

One formal offer was made but this was withdrawn when the potential buyers solicitor advised them they would not comply with the agricultural occupancy condition.

In these circumstances there are no reasonable grounds to continue to impose the condition and it is recommended that permission to remove the condition be granted under delegated powers.

Conclusion

The Agent has submitted a compelling case backed up with comprehensive evidence and the decision should be, on this occasion, a delegated approval

Recommendation

APPROVE.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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