DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0958-20**	**Applicant:**	**Mr I Chapman**
Proposal:	Removal of agricultural occupancy condition - Condition 1 of SR88/66.		
Location:	1 Darleys Bungalow Mill Green Road Pinchbeck		
Terminal Date:	21st December 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy

National Guidance

National Planning Policy Framework 2019

Section 5 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for the removal of an agricultural occupancy condition - Condition 1 of SR88/66, at 1 Darleys Bungalow, Mill Green Road, Pinchbeck.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural with buildings of varying ages and design. An attached bungalow at 2 Darleys Bungalow is located to the south with the agricultural occupancy condition removed under reference H14-0732-19.

HISTORY

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

H14-0258-98 - Bedroom extension - Approved 22 April 1998.

H14-0732-19 - 2 Darleys Bungalow - Retention of dwelling without complying with agricultural occupancy condition - Approved 23 September 2019.

CONSULTATION RESPONSES

Pinchbeck Parish Council

Support

PLANNING CONSIDERATIONS

Assessment of validity

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, on a variety of media formats, at a rate 30% below the market value, for a considerable period of time, since 01 September 2019.

Despite the advertising generating thousands of on-line views, only 21 expressions of interest were made and 4 site viewings. None of the interested parties were able to meet the condition criteria.

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.

PLANNING BALANCE

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

CONCLUSION

The recommendation is one of approval.

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.