DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0968-18**	**Applicant:**	**Mrs Jane Stevenson**
Proposal:	Retention of dwelling without complying with agricultural habitation clause (Condition 2 of SR130-70)		
Location:	Hawthorn Cottage Walnut Tree Nursery Glenside North		
Terminal Date:	23rd November 2018		

Planning Policies

Local Plan July 2016:

HS7	New Housing in the Open Countryside including Other Rural Settlements

National Guidance

National Planning Policy Framework 2018

Representations:

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

CASE OFFICER ASSESSMENT

This application is for the removal of an agricultural occupancy condition that arises out of a permission granted in 1970 under planning reference SR130-70 for a dwelling in connection with agriculture at Hawthorn Cottage, Glenside, North Pinchbeck.

The applicant applied for a Lawful Development Certificate (LDC) for the occupation of a dwelling by persons not employed in agriculture which is in breach of the condition. The LDC was granted on the 24th September 2018 as the evidence submitted on the balance of probabilities proved that the agricultural occupancy condition had been breached for a period in excess of the required 10 years. The Council held no records or evidence to dispute the claim. Therefore the occupation of the house in breach of the condition is considered lawful and immune from enforcement.

The granting of a LDC does not automatically lead to the grant for the removal of the condition but when considering the length of time the applicant has lived in the property and the lack of any material or demonstrable harm arising from the occupation of the property in breach of the condition, it is felt appropriate to grant the application as applied for.

The need for such a restriction as per the submissions of the applicant is deemed to have diminished over a period of time and is therefore no longer a necessary requirement when balanced with the lack of any harm in this case.

Based on the granting of the LDC, the lack of any material planning reasons to refuse the application and the lack of any objections, it is considered that the removal of the condition warrants a delegated approval.