

South Holland District Council
Planning Department
Priory Road
Spalding
Lincolnshire
PE11 2XE

Our ref: CRML/TAD

30th January 2019

Dear Sirs

RE: OPPERMAN PLANTS LIMITED – NURSERY OPERATION,
MALLARD ROAD, FULNEY, NEAR SPALDING,
LINCOLNSHIRE PE12 6ND

We are instructed on behalf of Oppermans Plants Limited to approach the Planning Department of SHDC concerning two particular elements relating to planning/other restrictions concerning part of their premises at Mallard Road Fulney.

These relate specifically to:-

- a) An Agricultural Habitation Clause condition in an Outline Planning Consent granted by SHDC on the 31st January 1990 under Application No: H16/1748/88 which included the standard agricultural restriction habitation clause wording under Clause 4 (a copy of the Consent is attached hereto).
- b) A Section 52 Agreement between SHDC and Mr P A Cooper (the applicant) of which we attach a copy which included a restriction to link the bungalow and the horticultural unit at that time owned by Mr P A Cooper. This is dated 19th January 1990.

The Approval of Reserved Matters consented in February 1993 under Application No: H16/1317/92 refers to a bungalow with garage.

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As a consequence of the change in the business which has expanded very significantly over the last 20 years, the informal opinion of SHDC Planning Department is sought as to the following:-

1.

- a) The Agricultural Habitation Clause on the bungalow (No. 17a) may be lifted and transferred to a semi-detached house owned by the Company being No. 15 Mallard Road and occupied by a Company Employee.
- b) The Section 52 Agreement should no longer have effect on tying the occupation of No. 17a to that part of the Nursery which was formerly owned by the then applicant, Mr P A Cooper.

It will be appreciated that within the general area of Mallard Road (formerly the Land Settlement Association), there has been a significant change in the occupation and commercialisation of certain elements of the area whereby a number of properties have been sold away from horticultural units and are now in the occupation of non-related agricultural or horticultural occupants – all of these original houses are free of any Agricultural Habitation Clause restriction (as far as we are aware).

- c) There has been a significant concentration of the Nursery elements that operate in the Mallard Road area which has resulted in a reduced number of operators but with a significantly increase in the size of the units.

It is considered that the Section 52 Agreement no longer is needed if it is accepted that the Agricultural Habitation Clause may be 'lifted and shifted' from No. 17a to No. 15.

It is requested that pre-application advice is sought from SHDC on these two particular elements following such a significant change in the identification, operation and ownership of the former smaller Land Settlement Association units that existed pre-1985/87.

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Therefore, advice is requested from SHDC as to the support that will be given to:-

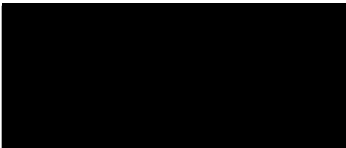
- a) The lifting and transferring of the Agricultural Habitation Clause restriction from No. 17a to No. 15.
- b) The cancellation of the original Section 52 Agreement as this has now been overtaken by events and in any case only relates to a relatively small area of the present nursery complex operated by Opperman Plants Limited.

A plan showing the following is enclosed:-

- a) The extent of the present Opperman Plants operation – the area owned is edged red and the adjoining area rented with red dotted lines.
- b) The extent of the area over which the original Section 52 Agreement had effect is shown with dotted green lines.
- c) The location of the bungalow (17a) presently subject to an Agricultural Habitation restriction is shown separately (edged black).
- d) The location of the semi-detached house No. 15 is also shown separately (edged black). It is that property to which it is proposed that the Agricultural Habitation clause should be transferred.

If further information is required to assist you in your consideration of our enquiry, please do not hesitate to contact us – otherwise, we look forward to hearing from you in due course.

Yours faithfully



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Encs.