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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference:	H16-0448-25	**Date of Decision:**	27th June 2025
Applicant:	Mr N Witteman Witteman Nurseries South Drove Pode Hole Spalding PE11 3BD		
Location:	Witteman Nurseries South Drove Pode Hole Spalding		
Description:	Retention of dwelling without complying with agricultural habitation clause (Condition 4 of H16-0187-98)		

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):

1 It is considered that there is insufficient evidence to justify the removal of condition 4 of permission H16-0187-98, which requires the dwelling to be occupied by an agricultural worker or their widow/widower and dependents. It has not been demonstrated that the agricultural occupancy condition no longer serves a purpose or that there is no interest in the building being occupied by another agricultural worker. For example, the dwelling has not been marketed for sale or rent to potential agricultural workers who might be able to comply with the condition. As such, the applicant has failed to demonstrate or justify why a departure from the Local Plan is warranted in this instance, in particular Policy 1 of the South East Lincolnshire Local Plan (2019).

Delivering and retaining housing for agricultural workers within the countryside can play an important role to help sustain rural businesses. Paragraph 84 of the National Planning Policy Framework (December 2024) sets out that the provision of homes within the countryside should be avoided unless one of the policy criteria apply, such as the

provision of a dwelling for an agricultural worker's dwelling (part a). The condition was originally applied as the dwelling was justified as an agricultural worker's dwelling. Paragraph 84 therefore aligns with the original reason for the condition. Whilst the nursery business originally associated with the dwelling is no longer operational and the associated buildings are due to be demolished, the dwelling might still serve as suitable accommodation for agricultural workers. It is therefore necessary for further evidence to be provided to demonstrate if this is the case. In the absence of this information, it is considered appropriate to retain the condition.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

- Application Form
- JDA/2024/720/LOCATION/001 - Location Plan
- JDA/2024/720/AOS/SITE/001 - Site / Block Plan
- JDA/2024/720 - Planning Statement



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.