

**John Dickie Associates**
**Chartered Building Engineers**
**5, Victor Way,**
**Cherry Holt Road, Bourne, Lincs PE10 9PT**
**Tel 07778 297733 jda@ndirect.co.uk**

**Proposal : Section 73 Application. Retention of Dwelling without Complying with Agricultural Occupancy Clause AOC - (Condition 2 of H16/0187/98) at Witteman Nurseries South Drove, Spalding. Lincs. PE11 3BD**

**May 2025**

**Project No JDA/2024/720**

## 1.0 Introduction :

An AOC can be removed at the discretion of the Local Authority. The applicant must demonstrate that the AOC is obsolete and there is no requirement for the AOC on the property. It is the purpose of this statement to outline the planning history of the site and the justification for extinguishing the AOC.

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## 2.0 Planning History – Witteman Nursery

H16-0239-25
Confirmation of the commencement of works for approved planning application H16-0186-24. Approved 25th April 2025.

H16-0186-24
Demolition of Class Q consented agricultural buildings and erection of three dwellings, associated hard and soft landscaping and creation of a re-wilding area - resubmission of H16-0792-23.Approved 01-10-2024. **Lawfully implemented under H16-0239-25.**

H16-0792-23
Demolition of Class Q consented agricultural buildings and the erection of three dwellings, associated hard and soft landscaping and creation of a re-wilding area. REFUSED on 12-02-24

H16-0560-23
Change of use of an existing agricultural building into 3 1-bedroom dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Approved on 14-08-23.

H16-1097-22
Conversion of existing agricultural building into 3 dwellings. Withdrawn

H16/0154/01
Pre-commencement discharge of Condition 2 of H16-1097-22. Approved 01-03-2001

H16/0187/98
Proposed Bungalow. Approved 07-05-1998. This consent included the Council's standard 'occupancy restriction as follows ;
*"The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990, or a dependent of such a person residing with him (but including a widow or widower of such a person). "*

The application site area (red line) submitted in connection with this parent application is described in figure 1 below ;

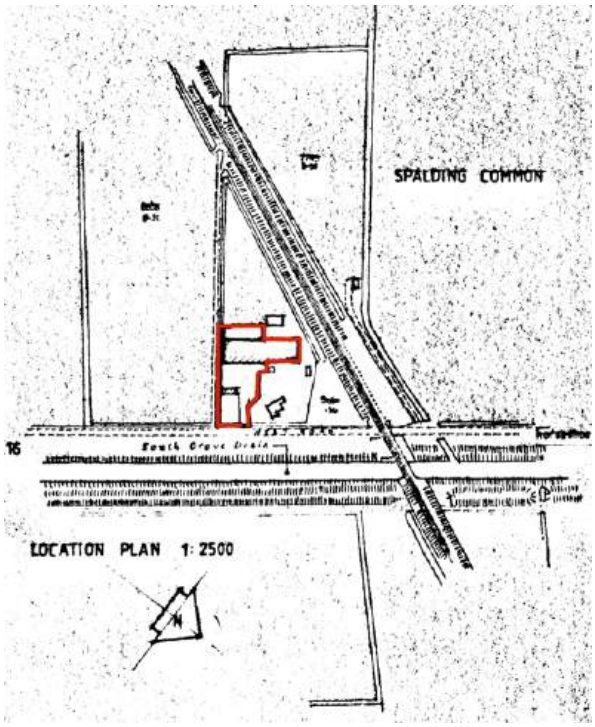


Figure 1 - H16/0187/98 Location Plan

It is pertinent to note that the agricultural activity known as Witteman Nurseries ceased to trade as a business several years ago following the retirement of the occupiers.

**3.0. Policy Guidance Note – Agricultural Workers' Dwellings and Occupancy Restrictions (PGN) September 2006.**

As confirmed by the Inspector in the 2010 upheld Appeal APP/A2525/A/10/2127225 – Nature Way, Gosberton Bank, this Guidance Note carries no weight in the determination of applications. The Inspector in Paragraph 9 stated the following ;

*"The Council has produced a Policy Guidance Note: Agricultural Workers' Dwellings and Occupancy Restrictions (PGN) to provide guidance, but this was not subject to consultation or adoption and carries little weight. It was designed to support LP Policy HS15 that related tpo the removal of agricultural occupancy conditions, but this policy has not been saved. The PGN provides details of the information required to support an application for removal of an agricultural occupancy restriction and relates to the reason why the need is no longer thought to exist and details of valuation and advertising, which should normally be carried out over a twelve month period."*

For the purposes of extinguishing the agricultural occupancy restriction imposed under H16/0187/98, the aforementioned Guidance Note has been disregarded.

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**4.0. Recent Planning Decisions**

Whilst there have been a great many applications to extinguish agricultural occupancy restrictions approved by South Holland District Council, the most relevant and comparable application was H16-0035-24 – Ivanda Nursery at Monks House Lane. In that case, the former Nursery site had, at the time of determination of H16-0035-24, a resolution by the LPA to grant Planning Permission for residential development. The original 1968 occupancy restriction imposed upon Ivanda Nursery under SU/159/68 was virtually identical to Condition 4 of H16/0187/98.

The main planning considerations considered by Officers when supporting H16-0035-24 are noticeably similar to our application to extinguish Condition 4 of H16/0187/98. The Case Officer's Report for the Ivanda Nursery included the following verbiage ;

***Planning Considerations***

*The main planning consideration relates to the appropriateness of keeping or dispensing with the 1968 permission which restricted occupants of the existing Ivanda House to agricultural workers only. This was applicable at the time when the rest of the site operated as agricultural glasshouses.*

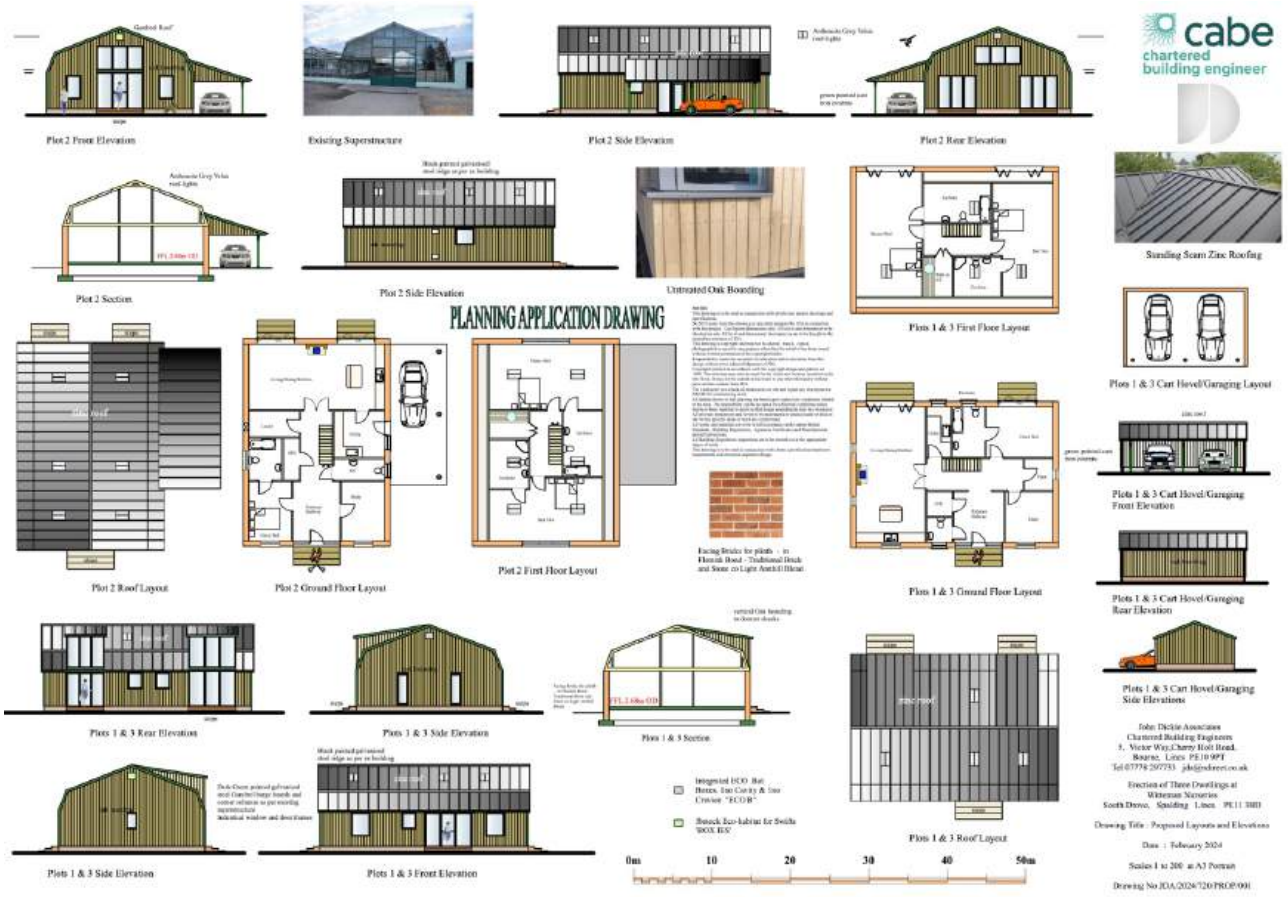
*The glasshouses are not being retained as the rest of the site has a resolution to grant to develop for housing. Whilst planning permission has not yet been granted due to the need to complete a legal agreement, it is reasonable to assume that permission for housing would be forthcoming. At the time the condition was imposed in the late 1960s, the development surrounding Ivanda Nursery would have been more rural and very different. As the town has expanded, the site is now within the settlement boundary, meaning that the principle of residential development has now been established.*

*There is therefore now no reason to retain the agricultural workers condition given that Ivanda House is to be sold off separately to the wider development site and the horticultural glasshouse use has ceased.*

***Conclusion***
*Using the site as a residential dwelling that is not in connection with the agricultural use now that the use has ceased is not considered to be an issue within a sustainable location, at the top of the settlement hierarchy in sustainability terms. There is no evidence to justify refusal of this application and it is considered acceptable that the condition can now be removed, and Ivanda House can operate as a conventional residential dwelling.*

As with the Ivanda Nursery site, the glasshouses and other nursery buildings at South Drove are no longer in use and are to be demolished as part and parcel of the approved residential development comprising three detached dwellings as shown below ;




Plot 2 Front Elevation
Existing Superstructure
Plot 2 Side Elevation
Plot 2 Rear Elevation
cabe
chartered
building engineer
Plot 2 Section
Plot 2 Side Elevation
Untreated Oak Boarding
Standing Seam Zinc Roofing
PLANNING APPLICATION DRAWING
Plots 1 & 3 First Floor Layout
Plots 1 & 3 Cart Hovel/Garaging Layout
Plot 2 Roof Layout
Plot 2 Ground Floor Layout
Plot 2 First Floor Layout
Facing Bricks for plots - to
Flemish Bond - Traditional Brick
and Stone to Light Anstell Hleat
Plots 1 & 3 Ground Floor Layout
Plots 1 & 3 Cart Hovel/Garaging
Front Elevation
Plots 1 & 3 Cart Hovel/Garaging
Rear Elevation
Plots 1 & 3 Rear Elevation
Plots 1 & 3 Side Elevation
Plots 1 & 3 Section
Plots 1 & 3 Cart Hovel/Garaging
Side Elevations
Integrated ECO Bat
Boxes, Ibstock Enjoy & Ibstock
Cronkle "ECO B"
Ibstock Eco-habitat for Swifts
"BOX ECO"
Plots 1 & 3 Roof Layout
0m
10
20
30
40
50m
Plots 1 & 3 Side Elevation
Plots 1 & 3 Front Elevation
John Dickie Associates
Chartered Building Engineers
5, Victor Way,Cherry Holt Road,
Bourne, Lincs PE10 9PT
Tel 07778 297733 jda@ndirect.co.uk
Erection of Three Dwellings at
Witteman Nurseries
South Drove, Spalding Lincs. PE11 3BD
Drawing Title : LOCATION PLAN
Date : AUGUST 2023
Scales 1 to 1250 at A3 Portrait
Drawing No JDA/2024/720/LOCATION/001
cabe
chartered
building engineer
SOUTH DROVE
Track
Track
PLANNING APPLICATION DRAWING

**5.0 Summary Position**

In South Holland, planning policies regarding agricultural occupancy restrictions, often called "agricultural ties" or "agricultural occupancy conditions," are designed to ensure that dwellings are used by agricultural workers and their families. These restrictions - linked to planning permissions - limit occupancy to those connected to the agricultural enterprise. South Holland District Council will only consider removing such conditions if it's demonstrated that the dwelling is no longer needed for agricultural purposes, either on the specific site or in the wider area.

To remove a condition, applicants must demonstrate that there's no longer a need for the dwelling to house an agricultural worker.

Work has lawfully commenced on implementing H16-0186-24 and a CLEUD application was approved (H16-0239-25) by the LPA in confirming that a 'Material Operation' has taken place. The ongoing development of the three fully consented dwellings will result in a separation of Title of the 'red-line' land described under H16-0186-24 from the application site area indicated in H16/0187/98.

As was the case with the Ivanka Nursery application, we do not feel it necessary for the dwelling to be the subject of a marketing exercise.

The fact that the extant consent for the three detached dwellings approved under H16-0186-24 is now underway, renders, in our professional opinion, the agricultural occupancy restriction imposed in Condition 4 of H16/0187/98 inconsequential and its removal can now fully justified.

John Dickie C. Build E MCABE



John Dickie C. Build E MCABE

**John Dickie Associates**

**Consultants in Architecture and Planning.**

**Chartered Building Engineers**

**5, Victor Way, Cherry Holt Road, Bourne, Lincs PE10 9PT**

**Tel 07778 297733** j

## Appendix A. The original consent - H16/0187/98

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

**Planning Permission**

Reference: H16/0187/98 Received:20-FEB-98 Type:FULL

Name: Mr & Mrs M A Potts
c/o 15 Commercial Road
Spalding
Lincs
PE11 2HA

Agent: Roger Williams
53 Pulvertoft Lane
Boston
Lincs
PE21 8TB

Description: Proposed bungalow

Location : West Road South Drove
Spalding Common Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 Before any development is commenced, a scheme of landscaping and tree planting for the site, including details of positions, heights on planting and species of trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

3 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

4 The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or a dependent of such a person residing with him, or a widow or widower of such a person.

Reason: The site is in a rural area where it is the policy of the Local Planning Authority not to permit residential development except in the interests of agriculture or where related to the use of the land. The circumstances of this case relate to an agricultural need, and permission

**MRS SALLY WALTHAM** BA (Hons) FCIH. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)

SOUTH HOLLAND DISTRICT COUNCIL

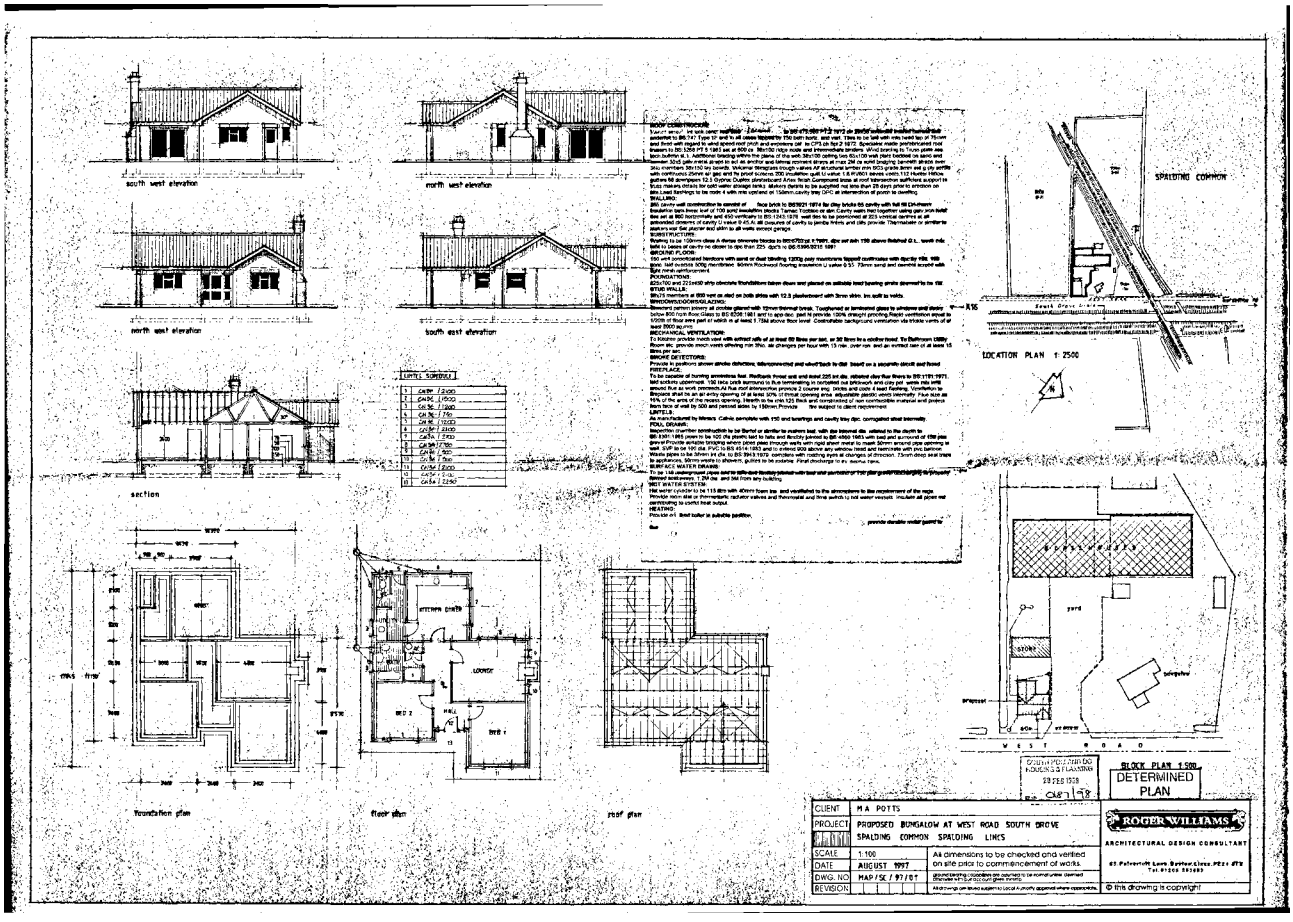
is therefore confined to it.

5 Notwithstanding the submitted details, before the development hereby permitted is commenced details of the type and colour of the materials to be used for the external walls shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development harmonises with existing buildings in the area.

Director of Housing and Planning Services
07-MAY-98 H16/0187/98

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.



## Appendix B Condition discharge H16/0154/01

**SALLY WALTHAM**
BA (Hons) F.C.I.H.
Director of Housing & Planning Services

Housing and Planning
Services Department,
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 710772

SOUTH HOLLAND DISTRICT COUNCIL
HOUSING & PLANNING SERVICES DEPARTMENT

**Town and Country Planning Act 1990**

# Approval required by Condition of Permission

Reference: H16/0154/01 Received: 08-FEB-01 Type: CONDITION COMPLIANCE

Name: Jacqueline Potts
Potts Plants
South Drove
Spalding Common
Spalding Lincs PE11 3BD

Agent: Jacqueline Potts
Potts Plants
South Drove
Spalding Common
Spalding Lincs PE11 3BD

Description: Landscaping and brick details (conditions 2 and 5 of H16/0187/98)

Location : Potts Plants South Drove
Spalding Common Spalding Lincs

**South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission, subject to any conditions below:**

The determined plans are:-
Rough sketch received 8 February 2001.

**Director of Housing and Planning Services**
**01 MAR 2001**

H16/0154/01

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

**Town and Country Planning Act etc**

# DRAFT PERMISSION

Reference H16/0154/01 Received: 08-FEB-01 Type: CONDITION COMPLIANCE

Name: Jacqueline Potts
Potts Plants
South Drove
Spalding Common
Spalding Lincs PE11 3BD

Agent: Jacqueline Potts
Potts Plants
South Drove
Spalding Common
Spalding Lincs PE11 3BD

Description: Landscaping and brick details (conditions 2 and 5 of H16/0187/98)

Location : Potts Plants South Drove
Spalding Common Spalding Lincs

**South Holland District Council hereby give notice that permission has been granted (or equiv) on the following condition(s):**

The determined plans are:-

X Block plan received 8 Feb 01.

**Director of Housing and Planning Services**
**21 FEB 2001**

H16/0154/01

## Appendix C H16-0186-24 Decision Notice

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

John Dickie Associates
5 Victor Way
Cherryholt Road
Bourne
PE10 9PT

### TOWN AND COUNTRY PLANNING ACT 1990

### FULL

| | | | |
|---|---|---|---|
| **Reference:** | H16-0186-24 | **Date of Decision:** | 1st October 2024 |
| **Applicant:** | Mr N Witteman<br>Witteman Nurseries<br>South Drove<br>Pode Hole<br>Spalding<br>PE11 3BD | | |
| **Location:** | Witteman Nurseries South Drove Pode Hole Spalding | | |
| **Description:** | Demolition of Class Q consented agricultural buildings and erection of three dwellings, associated hard and soft landscaping and creation of a re-wilding area - resubmission of H16-0792-23 | | |

**South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):**

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form
JDA/2024/720/LOCATION/001
JDA/2023/720- Biodiversity Mitigation and Enhancement Plan - John Dickie Associates
JDA/2023/720- Design and Access Statement - John Dickie Associates
JDA/2023/720- Landscaping Specification - John Dickie Associates
JDA/2024/720/PROP/001



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JDA/2024/720/HIGHWAYS/001
JDA/2024/720/SS/001
JDA/2024/720/DRAINAGE/001
JDA/2023/720- Schedule of Renewable Energy Assets and Energy Efficiency Measures - John Dickie Associates
JDA/2024/720/BOXES/001
JDA/2024/720/EX.BLD/001
JDA/2024/720/TOPO/001
JDA/2023/720- Flood Risk Assessment - February 2024 V2 - John Dickie Associates
Preliminary Ecological Appraisal - GLNP - 02/07/2024
JDA/2024/720/LIGHTING/001 A
JDA/2024/720/SITE/001 A

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

4 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

5 Before the commencement of the development hereby granted beyond oversite, full


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details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

6 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (JDA/2023/720) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- The Finished Floor Levels (FFL) of each of the dwellings hereby approved shall be set at 1m above predicted flood depth, equivalent to 2.68m above ordnance datum (AOD)
- Flood resilient development shall be incorporated into each of the dwellings hereby approved to a minimum height of 300mm above predicted flood depth.
- Demountable flood defences shall be incorporated into each of the dwellings hereby approved to a height of 600mm above FFL.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

7 The development hereby permitted shall be carried out in accordance with the measures set out in the Preliminary Ecological Appraisal forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- At least one bat roost tube should be incorporated into the south or western elevation of at least one of the properties hereby approved
- At least two nest bricks suitable for small birds should be incorporated into the north elevation of at least one of the properties hereby approved.

Reason: To ensure that the development offers a biodiversity enhancement and does not harm local willdlife or plantlife habitats.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2023.

8 In accordance with the recommendations set out within the Preliminary Ecological Appraisal forming part of this planning application, a specification for the re-wilding of the grassland triangle at the southern western corner of the site (marked on JDA/2024/720/SITE/001 REV A as 'Re-wilding Zone') shall be prepared, detailing how suitable native shrub and perennial species will be established into this area, the


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timescale for this work and the species / sizes / numbers of the proposed planting. This specification shall be submitted to and approved in writing by the Local Planning Authority, and implemented prior to the first occupancy of the dwellings hereby approved.

Reason: To ensure that the development offers a biodiversity enhancement and does not harm local willdlife or plantlife habitats.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2023.

9 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

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, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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

**Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at
https://www.gov.uk/guidance/biodiversity-net-gain.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

The application was submitted prior to the implementation of statutory Biodiversity requirements and therefore is exempt.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and



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(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

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

**BUILDING REGULATIONS:**
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

## 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**

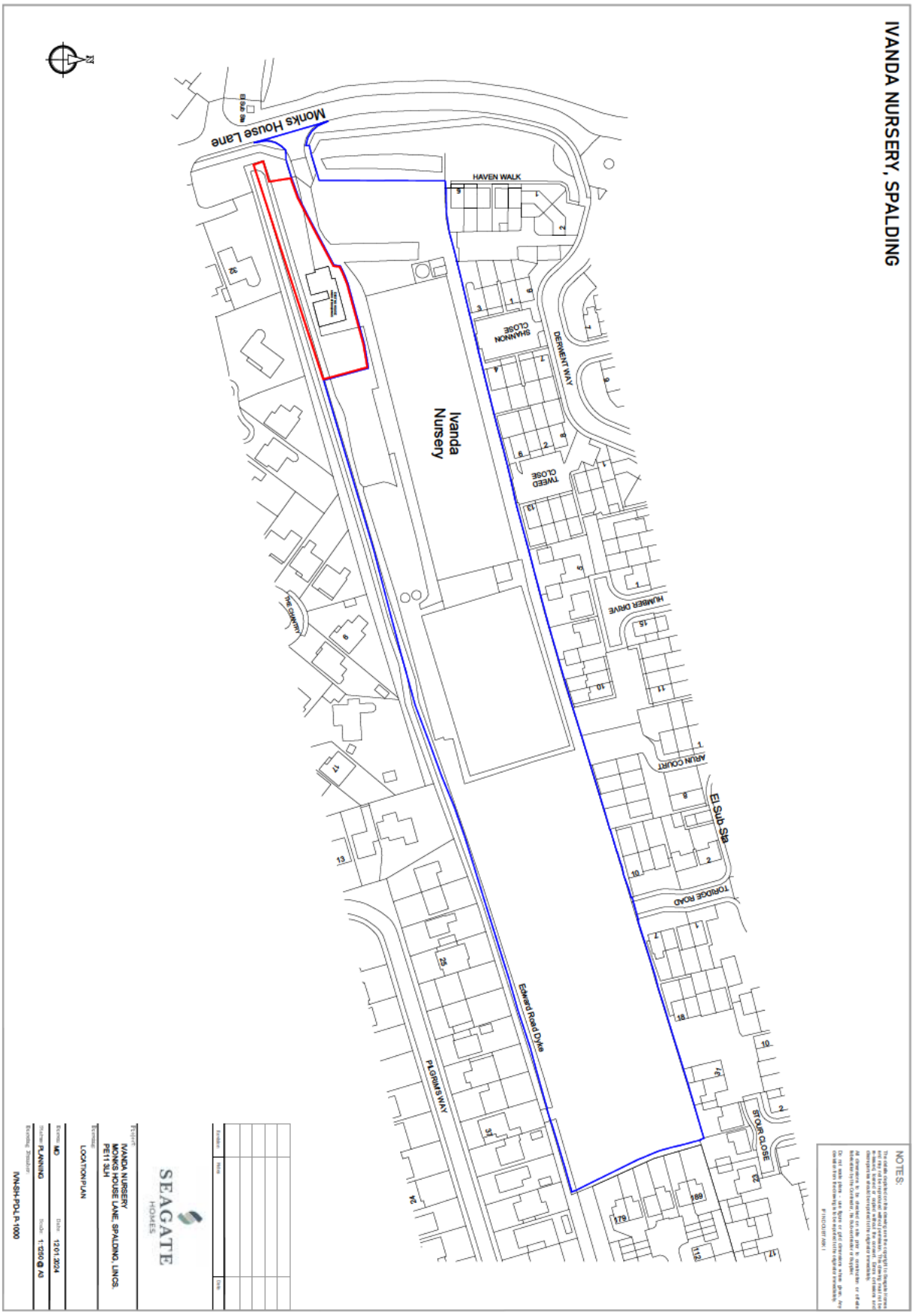
In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

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.



DC_FINAL_DECISION - ODB:14

## APPENDIX D. Ivanda Nursery consent H16-0035-24



Seagate Homes
Pudding Lane
Pinchbeck
Spalding
Lincolnshire
PE11 3TJ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

## TOWN AND COUNTRY PLANNING ACT 1990
## SECTION 73A CONTINUATION

| | | | |
|---|---|---|---|
| **Reference:** | H16-0035-24 | **Date of Decision:** | 1st March 2024 |
| **Applicant:** | Seagate Homes<br>Pudding Lane<br>Pinchbeck<br>Spalding<br>Lincolnshire<br>PE11 3TJ | | |
| **Location:** | Ivanda Nursery Monks House Lane Spalding | | |
| **Description:** | Retention of Dwelling without Complying with Agricultural Habitation Clause - Condition 1 of SU159-68 | | |

**South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):**

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
IVN-SH-PD-LP-1000
Decision Notice SU159-68

Reason: For the avoidance of doubt and in the interests of proper planning.

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



DC_FINAL_DECISION - ODB:14

consultation exercise, and subsequently determining to grant planning permission.

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



**Phil Norman**
**Head of Planning**
**South Holland District Council**

**BUILDING REGULATIONS:**
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

Ref. No. SU 159/68

# HOLLAND COUNTY COUNCIL

## Permission for Development subject to Conditions

Town and Country Planning Act, 1962

To Mr. & Mrs. Krasiczynskyj, Mr/Mrs Krasiczynskyj.
(per C.D. Allison (Contractors) Ltd.,
West Elloe Avenue, Spalding.)

The Holland County Council HEREBY PERMIT the development proposed by you in your application dated the 11th day of September, 1968 namely :— House and garage at Monk's House Lane, Spalding.
Marks House Lane, Spalding

and shown on the plan(s) accompanying the application, subject to due compliance with the byelaws and general statutory provisions in force in the district, and subject to the conditions specified hereunder :—

The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act, 1962, or forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).

The reasons for the Council's decision to grant permission for the development, subject to compliance with the conditions hereinbefore specified are :—

This building is sited in an area in which buildings, other than those connected with an agricultural need, would not be permitted.

Dated the 10th day of October 19 68

G. E. EDMONDSON JONES
*Signed* .....
*Clerk of the County Council.*

County Hall,
Boston.

Witteman Nursery May 2025

## Appendix E. Class Q permission H16-0560-23





PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION
(SOUTH EAST)

# PLANNING APPLICATION DRAWING

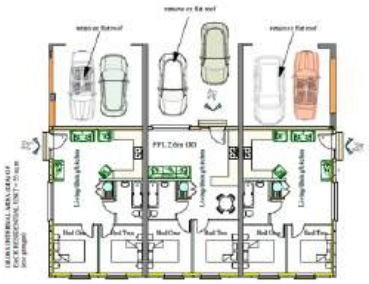


PROPOSED SIDE ELEVATION
(NORTH WEST)

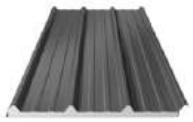


Twinsen Premium Cladding
in Slate Grey

**NOTES**
Do NOT scale from this drawing or any other prepared by JDA in connection with this project.
This drawing is copyright and may not be altered, traced, copied, photographed or used for any purpose other than for which it has been issued without written permission of the copyright holder.
The Contractor is to check all dimensions on site and report any discrepancies PRIOR TO commencing work.
All details shown on this drawing are based upon typical site conditions related to the area. No responsibility can be accepted for abnormal conditions unless they have been reported in detail to this design amendments may be considered.
All works and materials are to be in full accordance with current British Standards, Building Regulations, Agrement Certificates and Manufacturers printed instructions.
All Building Regulations inspections are to be carried out at the appropriate stages of work.



PROPOSED FLOOR LAYOUT



Kingspan insulated composite roof panels






cabe
chartered
building engineer

John Dickie Associates
Chartered Building Engineers
5, Victor Way,Cherry Holt Road,
Bourne, Lincs PE10 9PT
Tel 07778 297733 jda@ndirect.co.uk

Proposed Conversion of Agricultural Buildings into
Three Dwellings at
Witteman Nurseries
South Drove, Spalding Lincs. PE11 3BD

Drawing Title : Proposed Scheme
Date : October 2022
Scales 1 to 200 at A3 Portrait

Drawing No JDA/2022/720/PROP/001

## Appendix F. The CLEUD Approval - H16-0239-25

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

John Dickie Associates
5 Victor Way
Cherryholt Road
Bourne
PE10 9PT

# TOWN AND COUNTRY PLANNING ACT 1990
# LAWFUL USE CERTIFICATE

| | | | |
|---|---|---|---|
| **Reference:** | H16-0239-25 | **Date of Decision:** | 24th April 2025 |
| **Applicant:** | Mr N Witteman<br>Witteman Nurseries<br>South Drove<br>Pode Hole<br>Spalding<br>PE11 3BD | | |
| **Location:** | Witteman Nurseries South Drove Pode Hole Spalding | | |
| **Description:** | Confirmation of the commencement of works for approved planning application H16-0186-24 | | |

**South Holland District Council hereby give notice that on the date of the application the use, operations or matter described below was LAWFUL within the meaning of Section 191 of The Town and Country Planning Act 1990 for the reasons set out below:**

1 Schedule 1 - Description of Use or Operation

Confirmation of the commencement of works for approved planning application H16-0186-24.

Schedule 2 - Land Specified

Witteman Nurseries, South Drove, Pode Hole, PE11 3BD (as outlined in red on the attached plan)

Reason for determining the use, operations or other matters to be lawful: From the evidence that has been provided, it appears that works have commenced on site and as such permission H16-0186-24 has been implemented.



DC_FINAL_DECISION - ODB:14

2 This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 as amended. It certifies that the use, operations or matter specified in Schedule 1 taking place on the land described in Schedule 2 was or would have been lawful on the date of the application, and thus was not or would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This Certificate applies only to the extent described in Schedule 1 and to the land specified in Schedule 2 and on the attached plan. Any use, operation, or other matter which is materially different from that described, or which relates to other land, may render the owner or occupier liable to enforcement action.

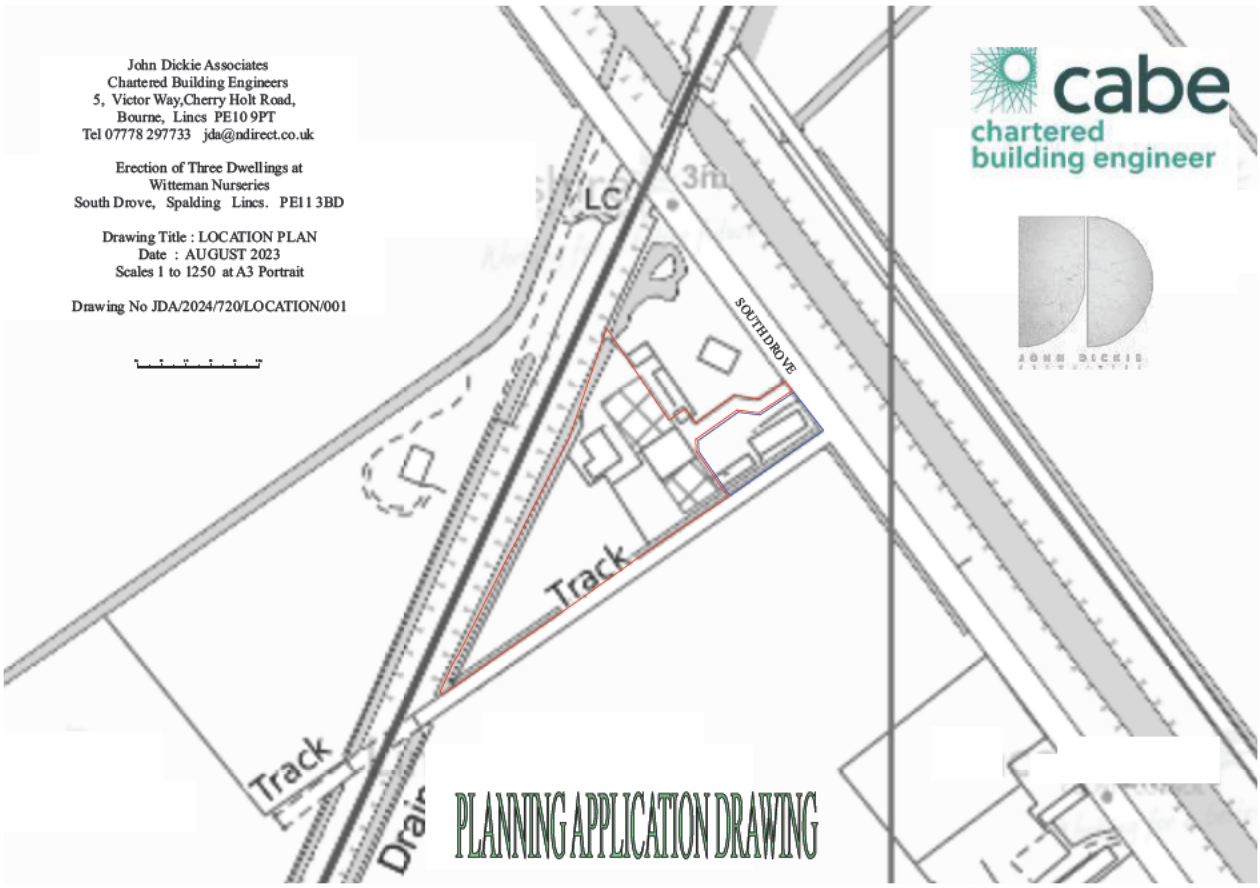
Notes:

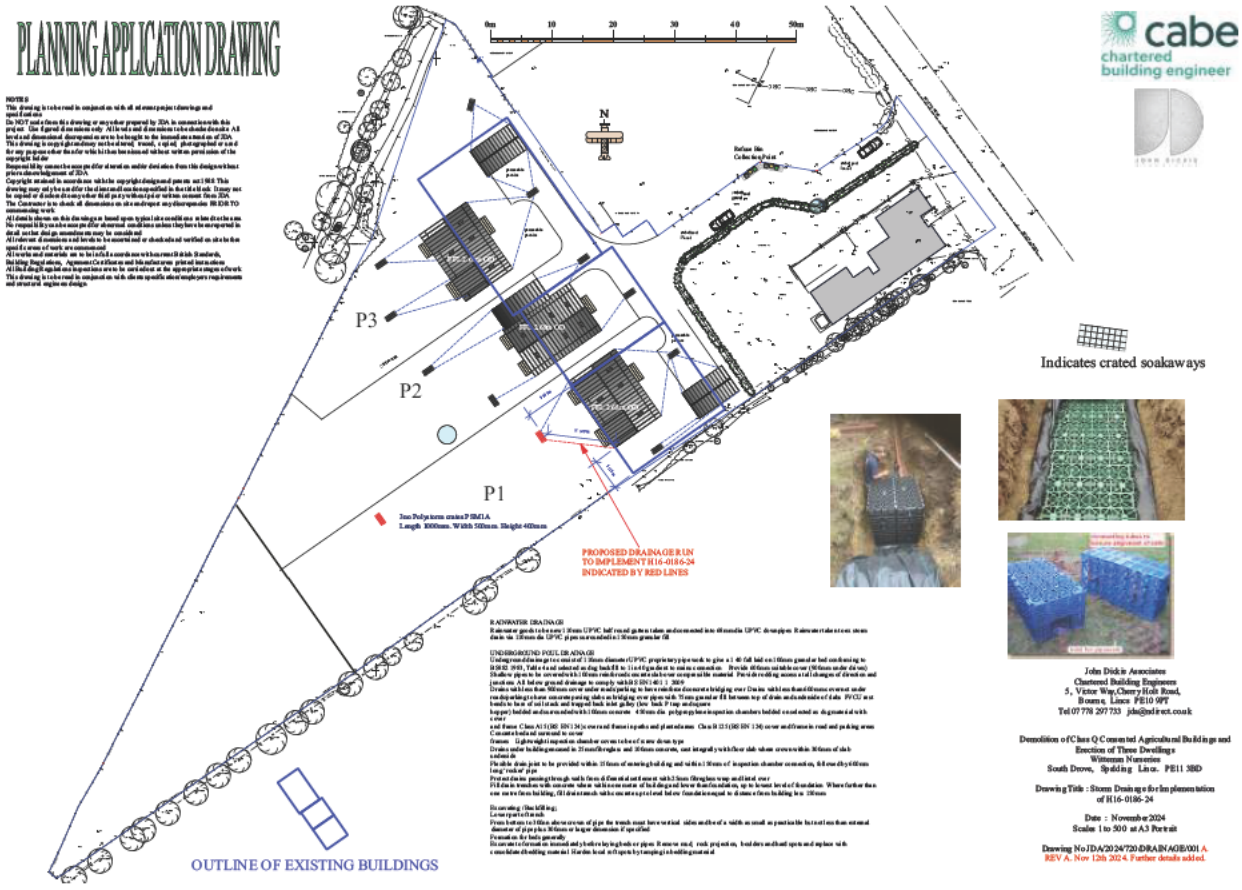
The determined plans are:

- Application Form
- JDA/2024/720/DRAINAGE/001A - Storm Drainage for Implementation of H16-0186-24
- JDA/2024/720/DRAINAGE/001 - Drainage
- JDA/2024/720/LOCATION/001 - Location Plan
- JDA/2024/720 - Covering Letter
- Decision Notice - H16-0186-24
- Photos

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

**BUILDING REGULATIONS:**
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John Dickie Associates
Chartered Building Engineers
5, Victor Way,Cherry Holt Road,
Bourne, Lincs PE10 9PT
Tel 07778 297733 jda@ndirect.co.uk
Erection of Three Dwellings at
Witteman Nurseries
South Drove, Spalding Lincs. PE11 3BD
Drawing Title : LOCATION PLAN
Date : AUGUST 2023
Scales 1 to 1250 at A3 Portrait
Drawing No JDA/2024/720/LOCATION/001
cabe
chartered
building engineer
JOHN DICKIE
3m
SOUTH DROVE
Track
Track
PLANNING APPLICATION DRAWING




cabe
chartered
building engineer