FILE COPY

TOWN AND COUNTRY PLANNING ACT 1990, sect. 106A

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

For the Council's use only
Application No. H16-0521-10
Date received 12 JUL 2010

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS

1 Applicant *(in block capitals)*

Name: MR R HARGREAVES

Address: C/O ROBERT DOUGHTY CONSULTANCY LTD

Post Code

Tel. No:

2 Agent *(if any)*

Name: JULIE ROBINSON

Address: ROBERT DOUGHTY CONSULTANCY LTD
32 HIGH STREET, HELPRINGHAM
SLEAFORD, LINCOLNSHIRE Post Code NG34 0RA

Tel. No: 01529 421646

3 Address or exact location of the land to which this application relates:

Describe here and enclose a map identifying the land to which the obligation relates.

DIZZY HEIGHTS, WESTON HILLS ROAD,
LOW FULNEY, SPALDING, LINCS, PE12 6NE

4 Nature of applicant's interest in the land *(eg owner, lessee, occupier)*:

OWNER

5 Please give sufficient information to enable the authority to identify the planning obligation which you wish to have modified or discharged :

PLEASE SEE COVERING LETTER

Copyright form Ser. No. TP6 000

6 Please state your reasons for applying for the modification or discharge of the planning obligation identified in paragraph 5 above :

PLEASE SEE COVERING LETTER

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7 *Please give the following information, which the authority* considers necessary to enable it to determine the application, namely:

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8 Please give any other information you consider relevant to the determination of this application *(continue on a separate sheet if necessary)*

I/We hereby apply for the modification or discharge of a planning obligation under section 160A of the Town and Country Planning Act 1990 in respect of an existing planning obligation described in this application and the documents and map which accompany it. I/We have *completed the Certificate A, B or C, attached to this application, as appropriate.*

Signed: J Robinson

[on behalf of] MR R HARGREAVES

(insert name of applicant if signed by agent)

Certificate A

I certify that on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant.

Signed J Robinson

[on behalf of] MR R HARGREAVES

Date 9/7/10

Certificate B

I certify that [I have] [the applicant has] given notice to everyone else against whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable, as listed below.

Person on whom notice was served	*Address at which notice was served*	*Date on which notice was served*

Signed .....

[on behalf of] .....

Date .....

Cross out any words in square brackets which do not apply

Certificate C

I certify that

[I] [the applicant] cannot issue a Certificate A or B in respect of the accompanying application;

[[I have] [the applicant has] given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable.

Person on whom notice was served	*Address at which notice was served*	*Date on which notice was served*

]

[I have] [the applicant has] taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application but has been unable to do so. These steps were as follows (a)

]

Notice of the application, as attached to this certificate, has been published in the (b)

on(c)

Signed .....

[on behalf of] .....

Date .....

Cross out any words in square brackets which do not apply

(a) description of steps taken

(b) name of local newspaper in which the notice was published

(c) date of publication.

SHDC
Planning & Development
12 JUL 2010
Ref: 0571-10
12 JUL 2010

rdc
Robert Doughty
Consultancy

32 High Street, Helpringham
Sleaford, Lincolnshire NG34 0RA

Tel: 01529 421646
Fax: 01529 421358
Email: admin@rdc-landplan.co.uk
Web: www.rdc-landplan.co.uk

Your ref: PP-01145459
H16/0992/91
Our ref: 979 1 LMS MAG

09 July 2010

Head of Planning and Development
South Holland District Council
Priory Road
Spalding
Lincolnshire
PE11 2XE

Dear Sir

MR AND MRS R HARGREAVES
PLANNING APPLICATION S73A CONTINUED OCCUPATION OF DWELLING NOT IN ACCORDANCE CONDITION 4 (AGRICULTURAL OCCUPANCY) OF H16/0992/91
'DIZZY HEIGHTS', WESTON HILLS ROAD, LOW FULNEY, SPALDING, LINCOLNSHIRE, PE12 6NE

Please find enclosed a fee cheque for £170 for the above application submitted via the Planning Portal.

We are also applying to discharge the associated 106 obligation and enclose the original and two copies of the appropriate form.

Mr Hargreaves is employed locally in horticulture in Long Sutton and is looking to expand to larger agricultural premises in Norfolk, while still retaining the existing business premises in South Holland. Consequently, Mr Hargreaves and his family need to move house and, to this end, have placed the entire property, including land to the rear, on the market at a price to reflect the presence of the agricultural occupancy condition, imposed on the original grant of permission.

When Mr Hargreaves purchased the property and land to the rear, he was under the impression the then owner did not appear to be complying with the agricultural occupancy condition and that there were no agricultural buildings to the rear. The land that was tied to the dwelling via the Section 106 obligation that accompanied the planning permission did not, and could not, realise an income sufficient to repay the capital investment in what is quite a large dwelling. In reality, therefore, the dwelling could only be occupied by someone already employed locally or by someone who already owned additional land in the vicinity of the site.

The property has been marketed by Messrs Munton and Russell of Spalding who are experienced in the valuation of similar dwellings and have advised the council on such matters in the past.

The enclosed marketing report describes the 12 month marketing period together with location of the necessary advertisements. In addition to the numerous enquiries from people not able to comply with the agricultural condition, there have been four interested parties who purportedly

SHDC
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09 July 2010

For the attention of the Head of Planning, South Holland District Council

complied with the condition. For whatever reasons, some of which were given, no offers were received on the property.

The marketing period demonstrates that there is no demand for the dwelling to serve local agricultural needs for accommodation in the open countryside as set out in South Holland District Local Plan policy HS15.

In order to be able to move house and expand his business, Mr Hargreaves needs to be able to sell the dwelling and, in order for him to do so, the property needs to be free of both the agricultural occupancy condition and, for completeness, the S106 which tied the land to the dwelling.

We trust the application will be looked upon favourably, however, should you require any further information please do not hesitate to contact us.

Yours faithfully

Lewis Smith MRTPI

Enclosures: Cheque
Marketing Report
Form (Modification and discharge of Planning Obligations)