H16-0572-10

SOUTH HOLLAND DISTRICT COUNCIL

FILE COPY

12 JUL 2010

Application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: Mr | First name: R | Surname: Hargreaves

Company name:

Street address: c/o Robert Doughty Consultancy Limited

Town/City:

County:

Country:

Postcode:

	Country Code	National Number	Extension Number
Telephone number:			
Mobile number:			
Fax number:			

Email address:

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title: Mrs | First Name: Julie | Surname: Robinson

Company name: Robert Doughty Consultancy Limited

Street address: 32 High Street

Town/City: Helpringham

County: Sleaford

Country: Lincolnshire

Postcode: United Kingdom NG34 0RA

	Country Code	National Number	Extension Number
Telephone number:		01529 421646	
Mobile number:			
Fax number:		01529 421358	

Email address: planning@rdc-landplan.co.uk

3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: | Suffix:

House name: DIZZY HEIGHTS

Street address: WESTON HILLS ROAD

LOW FULNEY

Town/City: SPALDING

County:

Postcode: PE12 6NE

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: 527095

Northing: 321825

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ○ Yes ◉ No

5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

House and nursery for agricultural purposes

Application reference number: H16/0992/91 Date of decision: 14/05/1992

Please state the condition number(s) to which this application relates:

Condition number(s):

4

Has the development already started? ◉ Yes ○ No If Yes, please state when the development was started: 14/08/1992

Has the development been completed? ◉ Yes ○ No If Yes, please state when the development was completed: 01/04/1993

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

Please see covering letter

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ◉ Yes ○ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

◉ The agent ○ The applicant ○ Other person

8. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: Mrs First name: Julie Surname: Robinson

Person role: Agent Declaration date: 09/07/2010 ☒ Declaration made

8. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration
Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding. ◉

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below: ○

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title: Mrs First Name: Julie Surname: Robinson

Person role: Agent Declaration date: 09/07/2010 ☒ Declaration Made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. ☒

Date 09/07/2010

Chartered Town Planners
Chartered Landscape Architects

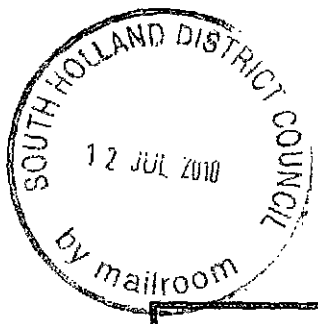
rdc
Robert Doughty Consultancy

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

Our ref: 979 1 LMS MAG

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)