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

Refusal of Planning Permission

Reference: H16/0628/01 Received: 22-MAY-01 Type: S73A CONTINUATION

Name: Mrs H Feeney
36 Halmer Gate
Spalding
Lincs
PE11 2EF

Agent: R Longstaff & Co
5 New Riad
Spalding
Lincs
PE11 1BS

Description: Retention of dwelling without complying with Agricultural Habitation Clause (Cond. 3 of H16/0685/77)

Location : The Pines Pilmore Lane
Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

On the basis of the information supplied with the application the Local Planning Authority is not satisfied that there is no demand for the dwelling from the wider agricultural population. In the opinion of the Local Planning Authority it is essential that this demand be adequately tested and to permit the application otherwise would be contrary to the advice contained in Planning Policy Guidance Note No. 7 "The Countryside Environmental Quality and Economic and Social Development" and also to Policy H3 of the South Holland District Local Plan.

The determined plans are:-
Site location plan received 22 May 2001.

Director of Housing and Planning Services
08 AUG 2001

H16/0628/01

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 REFUSAL

Reference H16/0628/01 Received: 22-MAY-01 Type: S73A CONTINUATION

Name: Mrs H Feeney
36 Halmer Gate
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PE11 2EF

Agent: R Longstaff & Co
5 New Riad
Spalding
Lincs
PE11 1BS

Description: Retention of dwelling without complying with Agricultural Habitation Clause (Cond. 3 of H16/0685/77)

Location : The Pines Pilmore Lane
Spalding

South Holland District Council hereby give notice that permission has been refused etc for the following reasons:

On the basis of the information supplied with the application the Local Planning Authority is not satisfied that there is no demand for the dwelling from the wider agricultural population. In the opinion of the Local Planning Authority it is essential that this demand be adequately tested and to permit the application otherwise would be contrary to the advice contained in Planning Policy Guidance Note No. 7 "The Countryside Environmental Quality and Economic and Social Development" and also to Policy H3 of the South Holland District Local Plan.

Site Determined Plans ? 5th South plan - 22/5/01

Director of Housing and Planning Services
02 AUG 2001

H16/0628/01

Site

22/8.

Town and Country Planning Act 1971 Form P

Outline planning permission

Name and address of applicant

Mrs M Pond
"Woodhouse"
Holbeach Road
SPALDING
Lincs

Name and address of agent (if any)

Mr J Hanner
Hurdlebtree Bank Farm
Holbeach Fen
SPALDING
Lincs

Part I—Particulars of application

Date of application: 23.06.77

Application no. H 16/585/77

Particulars and location of development:

Erection of bungalow and garage with provision of vehicular access at Pilmere Lane, SPALDING.

Part II—Particulars of decision

The South Holland District Council

hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that **outline planning permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
   (a) the expiration of five years from the date of this permission; or
   (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
2. The following matters are reserved for subsequent approval by the Local Plannin Authority, namely detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of the building including particular of the materials to be used for external walls and roofs, and the siting and design of any vehicular access to a road, and no development shall be commenced until these matters have been approved.
3. 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 290(1) of the Town and Country Planning Act 9971, or a dependent of such a person residing with him, or a widow or widower of such a person.

Cont/ over page ....

[redacted]

B Smith

DISTRICT PLANNING OFFICER

Date 22nd December 1977

Council Offices Priory Road
SPALDING Lincs

District Planning Officer [redacted]

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Continued from over page ....

4. Before any development is commenced a scheme of landscaping and tree planting for the site shall be submitted to and approved by the Local Planning Authority.
5. Such a scheme as may be approved 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, or within such longer period as may be agreed in writing with the Local Planning Authority, and the trees, shrubs and bushes shall be adequately maintained by the owner 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 made good during that period.
6. Before the access is commenced to be used, provision shall be made within the site to the satisfaction of the Local Planning Authority for a motor car/motor vehicle to turn to enable it to enter and leave the highway in forward gear.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 42 of the Town and Country Planning Act 1971.
2. The application was submitted in outline only.
3. 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 is therefore confined to it.
4. In the interests of visual amenity.
5. In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.
6. To enable vehicles to enter and leave the highway in forward gear in the interests of road safety.

[redacted]

Your attention is drawn to the attached letter from the South Holland Internal Drainage Board.

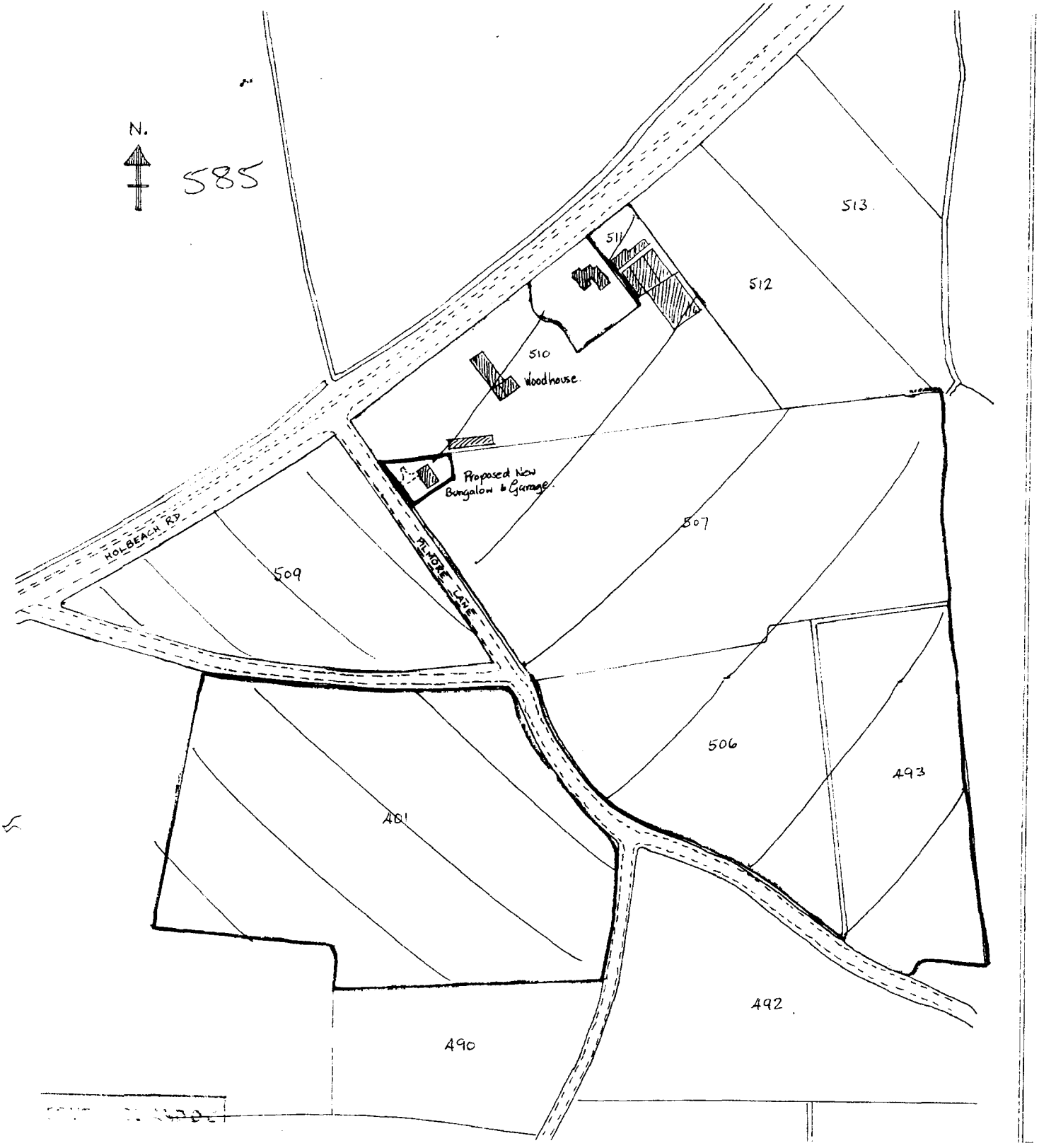
1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Becket House, Lambeth Palace Road, London SE1 7ER.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

(a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1) 67 and 74 of the Act.

0478


N.
585
513
511
512
510
Woodhouse.
Proposed New Bungalow & Garage.
HOLBEACH RD.
FILMORE LANE
509
507
506
493
461
492
490

Please read the accompanying "Notes for Applicants" before completing any part of this form LCP.1

Application for permission to develop land etc.

Town and Country Planning Act 1971

Four completed copies of this form and plans should be sent to the District Council

		For official use only
Application no.	H16/585/77	
Date received	23 JUN 1977	
Grid reference	526670 323850	

PART 1 – to be completed by or on behalf of all applicants as far as applicable to the particular development

1. Applicant (complete details below in block capitals)

Name MRS MOLLIE POND

Address "WOODHOUSE" HOLBEACH RD SPALDING

Tel. No. SPALDING 4921

Agent (if any) to whom correspondence should be sent (complete details below in block capitals)

Name JOHN HONNOR

Address HURDLETREE BANK FARM HOLBEACH FEN SPALDING

Tel. No. HOLBEACH ST JOHNS 287

2. Particulars of proposal for which permission or approval is sought

(a) Full address or location of the land to which this application relates (and site area if known) PILMORE LANE SPALDING LINCS. 900 sq m approx.

(b) Applicant's interest, e.g. owner, tenant, prospective purchaser OWNER.

(c) Brief particulars of proposed development including the purpose(s) for which the land and/or buildings are to be used BUNGALOW & GARAGE TO BE OCCUPIED BY TH APPLICANT'S DAUGHTER & SON-IN-LAW WHO WORK THE FARM.

(d) State whether applicant owns or controls any adjoining land and, if so, give its location YES IN HOLBEACH RD & PILMORE LANE

3. Particulars of application (see note 3 of the "Notes for Applicants")

State whether this application is for:–

	State Yes or No	If yes, tick those items below which you wish to be considered as part of this application
(a) Outline planning permission	YES	1 siting ✓ 2 design 3 external appearance 4 means of access 5 landscaping
(b) Full planning permission	NO	
(c) Approval of reserved matters following the grant of outline permission	NO	If yes, state the date and number of outline permission. Date. Number.
(d) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted	NO	If yes, state the date and number of previous permission and identify the particular condition (see note 3(d) of the "Notes for Applicants"). Date. Number. The condition.

PART 3

Application is hereby made for permission/approval to carry out the development described herein and on the attached plans.

I have completed the relevant certificate.

Signed ..... John Hornor .....

***On behalf of** ..... Mollie Pond .....

(Insert applicants name if signed by an agent)

Date ..... 21 - 6 - 77 .....

** Delete whichever is not applicable*

Note *An appropriate certificate must accompany this application unless you are seeking approval of reserved matters – see Note 10 of the "Notes for Applicants". The following certificate will be appropriate if you are the owner or have a tenancy of all the land. Only one copy need be completed. Certificates B, C or D can be obtained from your Council Offices*

Certificate under section 27 of the Town and Country Planning Act 1971

Certificate A I hereby certify that:-

1. No person other than the *~~applicant~~ appellant was an owner *(a)* of any part of the land to which the *~~application~~ appeal relates at the beginning of the period of 20 days before the date of the accompanying *~~application~~ appeal

* ~~2. None of the land to which the *application appeal relates constitutes or forms part of an agricultural holding:~~

or

* ~~2.~~ * I have / ~~The applicant has~~ The appellant has ~~given the requisite notice to every person other than~~ * myself / himself ~~who, 20 days before the date of the *application appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the *application appeal relates, viz:-~~

Name of Tenant *(e)*	Address	Date of Service of Notice

Signed ..... John Hornor .....

***On behalf of** ..... Mollie Pond .....

(insert applicants name if signed by an agent)

Date ..... 21 - 6 - 77 .....

** Delete whichever is not applicable*

(a) Owner means a person having a freehold interest or a leasehold interest the unexpired term of which was not less than seven years.

(e) If you are the sole agricultural tenant enter "None"

ADDITIONAL INFORMATION

The proposed new bungalow is to be occupied by the applicants daughter and son-in-law who both work on the farm, full time.

The farm is of the intensive horticultural type, with glass, which requires constant attention at all times and it is essential that the workforce lives close by.

YOUR APPLICATION CANNOT BE CONSIDERED UNLESS YOU HAVE SIGNED PART 3 OF THIS FORM AND COMPLETED *AND* SIGNED AN APPROPRIATE CERTIFICATE

4. Particulars of Present and Previous Use of Buildings or Land

(a) State
(i) Present use of buildings/land ..... AGRICULTURAL.

(ii) If vacant, the last previous use including the date when the use was discontinued .....

5. Additional Information

(a) State whether the proposal involves:–

		State Yes or No
(i) Construction of a new access to a highway	vehicular	YES
	pedestrian	NO
(ii) Alteration, including change of use, of an existing access to a highway	vehicular	NO
	pedestrian	NO
(iii) The crossing of a ditch or other water course		YES

(b) State whether the proposal involves:–

(i) New building(s) — YES

If residential development, state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats .....

(ii) Alteration or extension — NO

(iii) Change of use — NO

(c) Size of any new structure:–
(a) height .....
(b) length .....
(c) width .....

(d) Type and colour of materials for facing external walls

(e) Type and colour of roofing materials

(f) What provision exists or is proposed for garaging and/or parking vehicles within the site? .....

(g) Is the application for industrial, office, warehousing, storage or shopping purposes? — NO — If yes, complete Part 2 of this form

(h) Is the application in connection with agriculture? — YES — If yes, give brief details on page 4

(i) Does the proposal affect a listed building? — NO

(j) Does the proposed development involve the felling of any trees? — NO — If yes, indicate their positions on plan

(k) (i) How will surface water be disposed of? Into Dyke.
(ii) How will foul sewage be dealt with? Septic tank & Soakaway. — Continue on page 4 if necessary

(l) Does the proposal affect a land drain? — NO — If yes, indicate positions on plan

6. Plans

List of drawings and plans submitted with the application

1/2500 Site Plan.

Note: The proposed means of enclosure, the materials and colour of the walls and roof, landscaping details etc. should be clearly shown on the submitted plans, unless the application is in outline only

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING COMMITTEE - 7 DECEMBER, 1977

PLANNING APPLICATIONS - GROUP II - COUNTY MATTERS

H 16/585/77
(Outline)
7/12/77

Erection of bungalow and garage at Pilmore Lane, Spalding

Applicant: Mrs M Pond

Agent: J Honnor

OBSERVATIONS RECEIVED

I.D.B. Private drainage improvements should be undertaken prior to any building taking place.

County Surveyor: Requests inclusion of condition if approved.

Min. of Ag. See report.

A.W.A. Recommend no occupation before S.T.W.

REPORT

Application SU 186/72 gave detailed consent for the erection of a house subject to the agricultural occupancy condition at Holbeach Road close to the junction of Pilmore Lane.

The applicant states that the proposed bungalow is to be occupied by his daughter and son-in-law who both work on the land full time. The farm is of the intensive horticultural type, with glass, which needs constant attention at all times and it is essential that the work force lires close by.

The Ministry of Agriculture has been consulted and his observations are set out below:

"In response to your enquiry the agricultural aspects of this case have been investigated ab initio without regard to previous applications and the comments which follow are based on the present circumstances and requirements of the farm.

Mr J S Pond tells me that he is the owner of the land which makes up this 13.8 ha (34 acres) agricultural unit but the business is operated by himself and his wife Mrs M Pond. The holding is farmed on an intensive arable system and the cropping includes 5 ha (12 acres) mixed horticultural crops (lettuce, brassicas, bulbs, strawberries etc), sugar beet, potatoes and cerals. There is a small range of traditional farm buildings and approximately 300 m² of glass. There is no livestock apart from a few poultry.

The labour force consists of Mrs M Pond and her son-in-law Mr D Feeney who are both occupied full time on the unit together with assistance from Mr J S Pond, who has a job outside agriculture, and from his daughter.

which is occupied by Mr & Mrs Pond and at the present Mrs Pond's daughter and son-in-law live in a house at Holbeach. This is found to be inconvenient in the ease and effectiveness of the operation of the unit and it is therefore intended that they should occupy the proposed bungalow.

In my opinion a farm of this size and type requires only one dwelling on the unit to provide for adequate supervision, security and prevention of trespass. Although it may be convenient and desirable for Mr Feeney and his wife, who are both involved in the operation of the unit, to live on the holding, I am unable to say that this is essential".

The agricultural justification for this proposal is obviously tenuous in that the applicants daughter and son-in-law live at Holbeach. It is considered that, in this case, there is insufficient justification to allow a departure from the established [illegible] policies.

- 36 -

SUB-COMMITTEE

The site was inspected by the Sub-Committee on 16 November, 1977 when Mrs Pond and her son-in-law were met. The applicant stated that her son-in-law helps [illegible] time on the [illegible] holding and it was felt that there was sufficient agricultural justification for a dwelling.

SUB-COMMITTEE RECOMMENDATION

That permission be granted subject to agricultural occupancy.

Recommend app. to LCC. (ag. just accepted. S.U. on site)

PLANNING OFFICER'S RECOMMENDATION

That permission be refused for the following reason:

The site is in an area where it is the policy of the LPA not to permit new development unless it is essential in the interests of agriculture or otherwise related to the use of the land. In the opinion of the LPA the circumstances of this case do not warrant a departure from this policy.

BP

NM.

Ministry of Agriculture, Fisheries and Food
Agricultural Development and Advisory Service
Ceres House 2 Searby Road Lincoln LN2 4DW

Telex 56265 Telephone Lincoln 29951 ext

B Smith Esq MRTPI
District Planning Officer
South Holland District Council
Priory Road
Spalding
Lincs

Your reference H16/585/77
Our reference EL742
Date July 1977

Dear Sir

BUNGALOW AND GARAGE, PILMORE LANE, SPALDING

1. I am writing in reply to your enquiry received on 23 June 1977 about an application by Mrs M Pond for planning consent for the erection of a bungalow and garage at Pilmore Lane, Spalding. In response to your enquiry the agricultural aspects of this case have been investigated ab initio without regard to previous applications and the comments which follow are based on the present circumstances and requirements of the farm.

2. Mr J S Pond tells me that he is the owner of the land which makes up this 13.8 ha (34 acres) agricultural unit but the business is operated by himself and his wife Mrs M Pond. The holding is farmed on an intensive arable system and the cropping includes 5 ha (12 acres) mixed horticultural crops (lettuce, brassicas, bulbs, strawberries etc), sugar beet, potatoes and cereals. There is a small range of traditional farm buildings and approximately 300 m^2 of glass. There is no livestock apart from a few poultry.

3. The labour force consists of Mrs M Pond and her son-in-law Mr D Feeney who are both occupied full time on the unit together with assistance from Mr J S Pond, who has a job outside agriculture, and from his daughter.

4. The holding is equipped with one large modern three bedroom house which is occupied by Mr & Mrs Pond and at the moment Mrs Pond's daughter and son-in-law live in a house at Holbeach. This is found to be inconvenient in the ease and effectiveness of the operation of the unit and it is therefore intended that they should occupy the proposed bungalow.

5. In my opinion a farm of this size and type requires only one dwelling on the unit to provide for adequate supervision, security and prevention of trespass. Although it may be convenient and desirable for Mr Feeney and his wife, who are both involved in the operation of the unit, to live on the holding, I am unable to say that this is essential.

Yours faithfully

I D Rae
for Divisional Surveyor

cc

PLICATION CHECK SHEET (DC/CH/1)

Reference ..H/1585/7.....

lidity Check:

Earliest permission

valid - notice served ..... Valid .....✓

Terminal date 18.8.72

ap Check:

D B ..... SH

Previous applications:

SU 46/72 SU 186/72

SU 45/72

Other information:

councillor No 15, 23, 25

Trunk Rd .....

pplication Check:

TYPE: OUTLINE

uilding Control:

District	✓	Committee	✓	Relevant	
County (d)		Sub Comm		C L Admin complete	
County (other)		D P O			

Recommended refusal ✓

grant

D P O's comments: SEE NEW APP H/1021/44 for storage buildings + new one to south

Other requirements (EBC, S.26 etc): Vis

Requested ..... Rec'd .....

Article 5 notice - details required:

Served ..... Rec'd ..... (see overleaf)

Advertisement required: Conservation Area, L B C, Setting of LB, Circ 71/75, Departure

Press date .....

Site notice .....

Expiry:

DM

Standard admin Date: ...5.7.....

14 days to: 19/7

Additional consultations:

	Req'd	Sent	Rec'd	
Water Authority (formal)			✓	See Form
Drainage Board (formal)			✓	SN? advice sought?
Surveyor's Dept			✓	
Dept of Environment				
Dept of Transp Att 14/15	✓		✓	some detail
Min of Agriculture	✓		✓	
Consultant Architect				
Environmental Health				

RE

County Surveyor: ✓

RE

Parish Council:

Councillor:

Request to Committees

Comm to DPO renotify - Expiry:

Residents:

Expiry:

LINCOLNSHIRE COUNTY COUNCIL. Check By - Post Form No. H/A3B

COUNTY SURVEYOR'S DEPARTMENT.

To S.H. Council.

Application Reference H16/585/77

Form of notification by the County Surveyor for DEVELOPMENT AFFECTING HIGHWAYS.

With reference to the application dated 23-6-77 relating to the following proposed development :

a. National Grid Reference of a central point on site — horizontal 5266 vertical 3228

b. Address or location Honor, Pilmore Rose, Spalding

c. Name, classification and number of road Unclass

d. Date application referred 7-7-77

e. State whether outline, detailed application etc.

Outline

f. Description of proposed development /change of use including access details

bungalow-garage-v.a.

g.

1. Notice is hereby given under the provisions of article 12 of the Town and Country Planning General Development [Amendment] Order, 1977 that the County Council as local highway authority :-
   a. Does not wish to restrict the grant of permission.
   b. Directs that permission is refused (reason overleaf)
   c. Directs that any permission given by the local planning authority shall include the conditions shown overleaf.

Delete as appropriate

2 a. The County Council as local highway authority requests that any permission given by the local planning authority shall include the conditions shown overleaf.

   b. The County Council as local highway authority requests that the local planning authority refuse the application (reason overleaf)

3 The County Council as local highway authority requests the local planning authority to complete Form T.R. 108 para. 11 b. as shown overleaf.

Date 21-7-77

Signed [signature] for County Surveyor.

cc

E INSPECTION:

Date ..... By .....

Neighbour consultations delivered: YES/NO

Addresses, where known:

otes:

endments/further information required: i.e.

Requested ..... reminder 1 .....
Received ..... 2 .....
pending non-det .....
Without information: valid/invalid expiry .....

slide coverage provided
viz:

RECOMMENDATION:

Consent.

Conditions/Reasons:

1. SC 8
2. SC 39
3. SC 21
4. SC 22
5. B.21

CONDITIONS :-

Delete as appropriate

i For applications where items are to be reserved for subsequent approval in consultation with the County Surveyor.

ii For other applications

R21

Delete as appropriate

i REASONS FOR 1 or 2 overleaf

ii COMMENTS FOR FORM T.R. 108. para. 11 b.

Note :- use continuation sheet(s) as necessary.

South Holland Internal Drainage Board

WELLAND HOUSE
NORMAN LANE
SPALDING
LINCS
Telephone SPALDING 2456

Our Ref

Please Contact