APPLICATION NO. : H/6/1092/93

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SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Planning Permission

Reference: H16/1092/93 Received:11-JAN-94 Type:S73A CONTINUATION

Name: Mrs J E Sampson
31 Kellet Gate
Low Fulney
Spalding
Lincs

Agent: Calthrops
11 Market Place
Spalding
Lincs
PE11 1SP

Description: Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - occupancy clause
Location : 31 Kellet Gate Low Fulney
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED to retain buildings/continue use of land in accordance with the application submitted, subject to any condition(s) below:

Director of Planning and Building Control Services
15-MAR-94 H16/1092/93

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.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

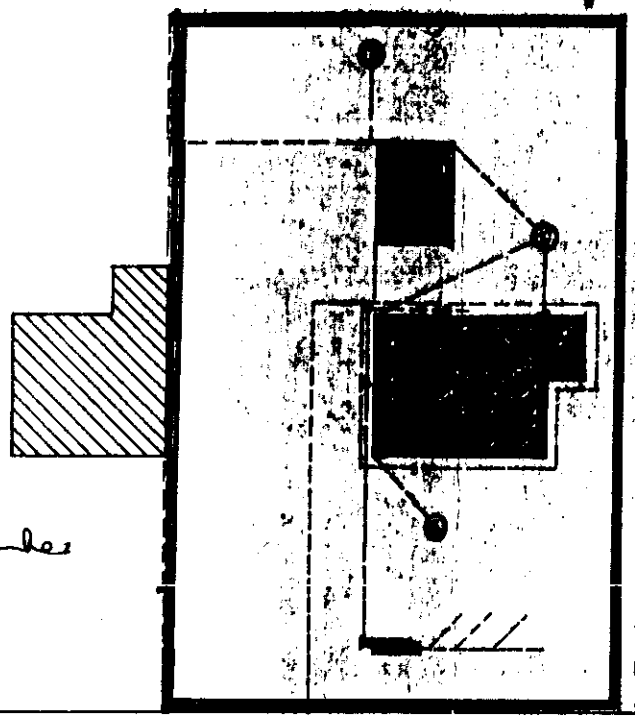
This is a true copy of the Plan deposited with the South Holland District Council and approved by them under the Building Regulations.

- 9 SEP 1981

- 3 JUL 1981

REF H16/854/81/1529

SOUTH HOLLAND D.C.
PLAN DEPT.
18 NOV 1993
REF 1092/93

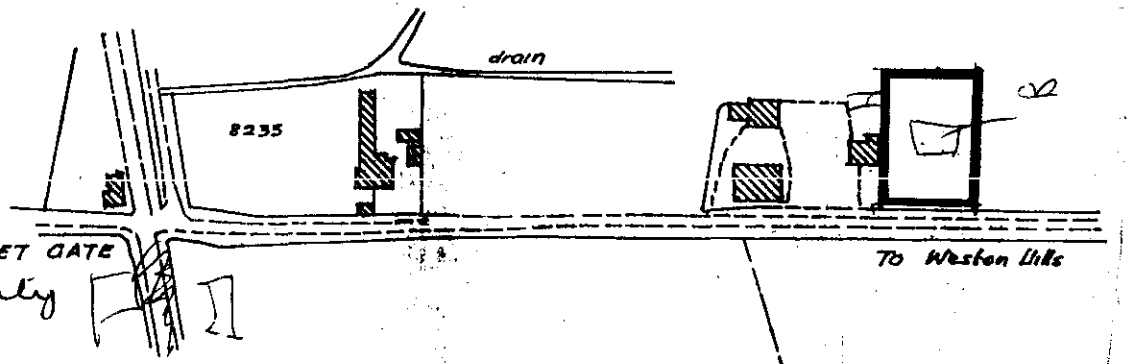


4 x 3" timbers

septic tank min 600 galls capacity

SCALE 1:500

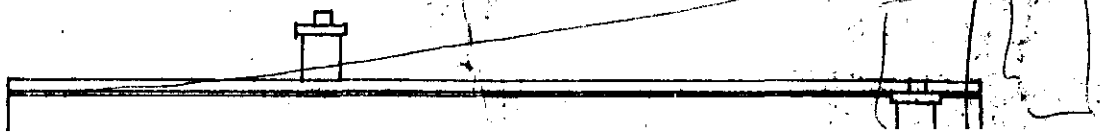
BLOCK PLAN



SCALE 1:2500.

SITE PLAN.

DETERMINED PLAN



FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H16/1092/93

Date Registered 18 NOV 1993

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

Mrs. Jessie Eleanor Sampson
31 Kellet Gate
Low Fulney
Spalding
Lincs.

Tel. No.

NAME AND ADDRESS OF AGENT

(if form completed by agent)

Calthrops,
11 Market Place,
Spalding,
Lincs.,
PE11 1SP.

Tel No. 0775 724381

(Personal contact name) Mr. B.K. Tatnall

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

31 Kellet Gate, Low Fulney, Spalding, Lincs.

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

Variation by removal of Clause 3 of Planning Consent

Please complete

I attach
* Four copies of all plans
* an ownership certificate (see back page)
* a fee of see covering letter. If you consider no fee is payable include a written explanation instead.

Signed. . . . . Date 16.11.93

Previous application No.

Please tick ~~one~~ box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

(✓)

This is a **full** application for change of use and/or new building works [ ] ➡ **Now complete Parts 3, 4 and 5 and an Ownership Certificates**

or This is an **outline** application [ ]

Please state Site Area (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting [ ] Design [ ] External Appearance [ ]

Means of Access [ ] Landscaping [ ]

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. [ ]

A. Please state Reference Number of outline permission. B. Please state which reserved matters are dealt with in this application. ***Now complete Part 4 only***	

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. [✓]

A. Please state reference Number of previous permission B. Please state Condition Number referred to ***Now complete an Ownership Certificate***	H16/994/80 3

or This is an application for **modification** of a condition on a planning permission which has ~~not yet~~ been implemented. [✓]

A. Please state Reference Number of pervious permission B. Please state Condition Number referred to C. Please state variation required **Now complete an Ownership Certificate.**	H16/994/80 Condition No. 3 Removal of condition to allow occupation general residential use

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New Dwellings	☐	If so, how many:
(ii) Other new building(s)	☐	
(iii) Alterations or extension	☐	N/A
(iv) Change of use	☐	

4. A. Please state site area (in all cases)	hectares
B. If building works are proposed, please state extra floor space to be created:	N/A sq. metres
C. Please state size of any new structure:- (a) max. height:	metres
(b) max. length:	metres
(c) max. width:	metres
D. Please state type and colour of materials for facing external walls:	
E. Please state type and colour of roofing materials.	
F. Has a survey of the site been undertaken? State Yes or No	☐

5. **GENERAL INFORMATION** Please complete each section

EXISTING USES
Please state existing or, if vacant, the last use(s) of site.

Residential, otherwise N/A

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) Please tick **one** box

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road ☐

or

B. There will be a new or altered access to a public road ☐ ➡ If so, name of road:
Will there be—
Individual access(es) ☐
New estate road ☐

C. What provision will be made for garages or parking within the site?

TREES Please tick **one** box

A. The proposal does **not** involve the felling of any trees ☐

B. The proposal does involve the felling of one or more trees ☐ ➡ If so, please show details on plans.

DRAINAGE Please complete

A. Please state how surface water will be disposed of

B. For estate developments, please state how highway surface water will be disposed of

C. Please state whether a land drain will be affected

D. Foul sewerage will be disposed of to:
Mains sewer ☐ Cesspool ☐ Septic tank ☐

PLEASE COMPLETE IN ALL CASES

	State Yes or No	
The proposal is in connection with agriculture	☐	➡ If so, **please give details in Part 6**
The proposal affects a listed building	☐	
The proposal affects a public right of way	☐	
The proposal is known to affect contaminated or filled land	☐	
The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.	☐	➡ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	☐	➡ Date: Consultee(s)
Is this application related to a previous submission?	☐	➡ Application No.

6. **ANY OTHER INFORMATION** Please add any details you wish in support of your application.
Continue on separate sheet if necessary.

Please see covering letter.

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New Dwellings	☐	If so, how many:
(ii) Other new building(s)	☐	
(iii) Alterations or extension	☐	N/A
(iv) Change of use	☐	

4. A. Please state site area (in all cases)	hectares
B. If building works are proposed, please state extra floor space to be created:	N/A sq. metres
C. Please state size of any new structure:- (a) max. height:	metres
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(c) max. width:	metres
D. Please state type and colour of materials for facing external walls:	
E. Please state type and colour of roofing materials.	
F. Has a survey of the site been undertaken? State Yes or No	☐

5. **GENERAL INFORMATION** Please complete each section

EXISTING USES
Please state existing or, if vacant, the last use(s) of site.

Residential, otherwise N/A

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) Please tick **one** box

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road ☐

or

B. There will be a new or altered access to a public road ☐ ➡ If so, name of road:
Will there be—
Individual access(es) ☐
New estate road ☐

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The proposal affects a public right of way	☐	
The proposal is known to affect contaminated or filled land	☐	
The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.	☐	➡ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	☐	➡ Date: Consultee(s)
Is this application related to a previous submission?	☐	➡ Application No.

6. **ANY OTHER INFORMATION** Please add any details you wish in support of your application.
Continue on separate sheet if necessary.

Please see covering letter.

7. INDUSTRIAL, WAREHOUSING, OFFICES OR SHOPS Please complete if appropriate

Please tick **one** box and complete B if necessary

A. The proposal does not involve any alteration in existing floorspace ☐

B. The proposal involves the creation of or an alteration in total **gross** floorspace ☐ ➡

Proposed total gross floorspace ☐ sq. m. Previous total gross floor space ☐ sq. m.

This new total includes the following net floorspace:

Retail ☐ sq. m. Office ☐ sq. m. Indistrial ☐ sq. m. Warehousing ☐ sq. m.

Other ☐ sq. m. ➡ If so, please state use:

	Office Staff	Industrial staff	Other staff
How many office, industrial and other staff will be employed on the site as a result of the development proposed? If you have existing premises on the site, how many of the employees will be new staff?			
If you propose to transfer staff from other premises please give details of the numbers involved and of the premises affected.			
In the case of industrial development, give a description of the processess to be carried out and of the end products, and the type of plant or machinery to be installed.			
If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development			
Is the proposal related to an existing use on or near the site?	State Yes or No ☐		
If so, please explain the relationship			
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory?	State Yes or No ☐		
If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.			
What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)			
What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)			
What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?			
Will the proposed use involve the use of storage of any hazardous materials?	State Yes or No ☐	If yes, you may need to apply for Hazardous Substances Consent	
What provision is being made for access to premises for the disabled?			

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

1. **APPLICANT'S INTEREST** Please state interest in site (e.g. owner, prosp. purchaser) (Please remember to indicate on the location plan any other land under your control).	Owner

2. OWNERSHIP OF THE SITE

This certificate is to make sure that the owners of land are aware of applications made on it.

If the applicant is the **sole owner of the whole site,** complete **Certificate A.**
In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B.** (An "owner" is a person having a freehold interest, or having a leasehold interest where seven years or more remains unexpired). If you are unable to trace the owner, please contact the Planning Office as a different certificate will be required.

Certificate A	Nobody except the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. Signed . . . . . (~~Applicant~~ / Agent) Date 16th November 1998
Certificate B	The applicant has given the required notice to everyone else who were owners of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. Owner's Name: Address of owner at which notice was served: State Date notice served: Signed . . . . . (Applicant / Agent) Date . . . . .

3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use complete Certificate 1.
If the land is agricultural, but farmed by the owner and there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to the tenant, and complete Certificate 2. If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

Certificate 1	None of the land to which the application relates is or is part of any agricultural holding. Signed . . . . . (~~Applicant~~ / Agent) Date 16th November 1998
Certificate 2	The applicant has given the required notice to every other person who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates. Tenant's Name: Address of tenant at which notice was served: State Date notice served: Signed . . . . . (Applicant / Agent) Date . . . . .

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)

Tel: (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Tatnall

Our ref: BKT/FMH

Your ref:

SOUTH HOLLAND D.C.
PLAN DEPT.
18 NOV 1993
REF 1092/93

16th November 1993

Dear Sirs,

Mrs. J.E. Sampson - 31 Kellet Gate, Low Fulney, Spalding
H 16/994/80

We attach a copy of the Planning Permission referred to above. Detailed permission was subsequently obtained, but this was still subject to the condition number 3. Shortly after the issue of the planning permission, Mr. Sampson, in whose favour the permission was granted, died. His widow has remained in the property to date, although from the terms of the planning consent we have doubts as to whether this is itself valid. Mrs. Sampson now wishes to live closer to town, as obviously she is more elderly than when the property was built. The business referred to is no longer carried on by the family, and the terms of the conditions are so restrictive that it would be impossible for any other party to comply with them, which effectively makes the property incapable of being lived in. This is a far more restrictive situation than the agricultural tie, which can of course apply to anyone working in agriculture in the area.

We therefore enclose Application for Planning Consent to remove the condition from the property, and would be grateful if you would take

../..

A MEMBER OF

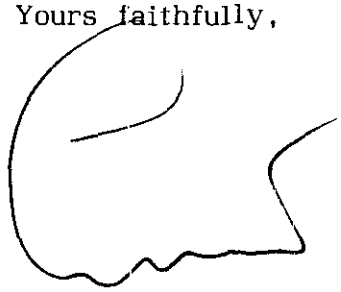
Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

the contents of this letter into account when reaching a decision thereon. We have not at present considered in detail whether the clause is in fact so restrictive as to be unenforceable, as we would hope that, in the circumstances, the Council would be gracious enough to lift the condition.

We should be grateful if you would let us know the fee payable on this application, and we will let you have a cheque by return.

Yours faithfully,



Planning Department,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincs.,
PE11 2XE.

Enc.

DC INSTRUCTION SHEET

APPLICATION REF: H16/1092/93

Direct[illegible]s

Art 7 ☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current					
Required					

EA ☐ Reg4 – ☑ Scale dwg: Highway S/W: Agric appraisal:

LB ☐ Advt ☐

Details needed: (Non-std only)
1. Who owns the dwelling and Commercial premises immediately to the north of the site & and when were they sold by the applicant?
2. Can you please provide details of the name of the person / firm who presently operates from the above Commercial premises.

Other.....

Direction authorised by Senior Officer...DMG Date...14.12

Complete

Revalidation after Direction

Information satisfactory Signed...DMG Date...12/1

Valid date:

Amended description: Retention of dwelling without complying with condition 3 of outline P.P. H6/0974/80 occupancy clause.

Superseded plans indicated ☑ N/A

Unsatisfactory – Further direction:
Signed.....
Senior Off.....

Precise details:

Extra Consultations/Publicity Required

☐ None identified initially

RECONSULTS (revalidated) ☑ All

	Publicity: >>	Consultations:	
Departure	.....	County	.....
Setting of LB	.....	E Heritage	.....
Public Right of Way	.....	Societies	..... G ROW
Discretionary	.....		

Press
PC
WM
Residents

Extra Consultations:

WP Note –
G Group available
G* Group essential (longer expiry)

Transport	D/Transp A15	..... G* T15	
TRA	D/Transp A18	.....	
	B Rail	.....	
Environment/ Drainage	Env Services	.....	
	NRA	.....	
WAT	IDB	.....	
	Env Assess	☐ G ENV (See separate sheet)	
Conservation LB	LB Demolish	..... G* DEM	
	Archaeology	..... G ARC Specify:	
	Eng Heritage	.....	
	Consultant	..... Order No:	
	Other	..... Specify:	
Hazards	HSC Group	..... G* HAZ	
	Specific	..... Specify:	
Other PLA		..... Specify:	

Case Officer: DAVID GODLEY

Senior Officer Confirmed ..... Date...30/11/93 Recorded DC....

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :
Neighbours : Red brick bungalow.
Boundaries : Associated garage.
Site Features : House to north, other commercial premises.

Inspected by DMG
Date 2/12

Site Notice posted by
Date
Expiry DMG

Amended Notice 2/12
13/1

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Telephone/Visitor Record

Date	Conversation with	Conclusion
DMG		

If the amended plans & details are not adversely affected by the business which was associated, is there a case for extending occupancy to ag hab before relaxing completely?

6/12

RECOMMENDATION/DECISION

NON-DETERMINATION

Permitted Dev (or equiv) .....
Non Development (or equiv) .....
Non Response after Direction .....

Senior Officer confirmed .....

Withdrawn .....

COMMITTEE

Confirmed as agenda ✓ d.10/3

SUB-COMMITTEE

Confirmed as agenda .....

DPBCS AUTHORISED

Decision Issue confirmed .....

DELEGATED DECISION

Case Officer

Approve (or equiv) Refuse (or adverse)

Signed ..... Date.....

Notes:

☐ Disabled
☐ Prev conditions
☐ Amended plans –
Dwg no:
Received:

CONDITIONS/REASONS:

Condition monitoring:

non-std expiry .....
prior submission ☐
prior siteworks ☐

Determined plans indicated ☑
Departure approval confirmed ☐
Flag for on-site review ☐

ADMIN RECORD SHEET

Initial

Submitted Fee £ NIL

Receipt No

Date first Rec'd 18 NOV 1993

Registration

Reference H16/1092/93

Cross-Ref /

Date 19-NOV-93 2AO

Validation

TYPE Sec 73A

Site area
No of dwellings
Floorspace

Earlier permission – Ref:
New/Redevelop/Use/Ext/Alt/Works

Description to be recorded: Retention of Dwelling without complying with Ag. Hab clause

Invalid — Site plans ☐ Certificate ☐ — Fee ☐ Fee (not free) ☐ — Inaccurate ☐ Incomplete ☐ Unclear ☐

Fees — Correct fee £60. — Additional £ 60 Refund £ — Nil fee ☐ Discounted ☐ — Previous app – ref: Type of app Reason: — Receipt No 3569 Date Voucher No Date

Information

Index sheet 202 OS Plots
Grid ref 526600 322150

Ward Q Parish SPALDING

Inside IBD NO Inside LP area YES

Constraints:

- ☐ CA Cons Area
- ☐ LB Listed – Grade:
- ☐ ARC Archaeology
- ☐ AM Ancient Mon
- ☐ SSI Special Int
- ☐ TR Rural
- ☐ BP TR proposed 67m
- ☐ LC Level Cross
- ☐ FP Footpath
- ☐ TPO Tree Pres

Hazards –

- ☐ HAZ Site
- ☐ AIR Safeguard
- ☐ LIN Elect
- ☐ PIP Pipe
- ☐ CON Waste/contamin

Linked to site — Ref — ☐ Dist Bound

Linked to property — Ref 0195295 — ☐ Other:

Planning Records:
Earlier apps 994/80
655/80
894/81

B Reg Records:
Already submitted – Ref:
Request needed
Requested

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

H16/1092/93

S73A CONTINUATION

Applicant: Mrs J E Sampson
Tel:

Agent: Calthrops
0775 724381

Description: Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - occupancy clause

Location: 31 Kellet Gate
Low Fulney
Spalding
Lincs

Valid date:	11-JAN-94	Terminal date:	08-MAR-94
Target dates:		Target Committee:	08-MAR-94
To case officer	18-JAN-94	Report deadline:	22-FEB-94
Inspected by	25-JAN-94	Agreed TD Ext:	
Extra contacts	01-FEB-94	Case Officer:	
Report if not clear by	15-FEB-94		D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry	
Site/Press Advert MIN	13-JAN-94	03-FEB-94	✓ further info. rec'd.
Dir of Environmental	12-JAN-94	26-JAN-94	
Cllr E N Davies	12-JAN-94	19-JAN-94	
Cllr J Goodley	12-JAN-94	19-JAN-94	
Cllr Mrs D F Davies 0406 380546	12-JAN-94	19-JAN-94	

L.C.C. - No objections fc CB 13/1/94

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

H16/1092/93

S73A CONTINUATION

Applicant: Mrs J E Sampson
Tel:

Agent: Calthrops
0775 724381

Description: Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - occupancy clause

Location: 31 Kellet Gate
Low Fulney
Spalding
Lincs

Valid date: ~~26-NOV-93~~ 11-JAN-94

Terminal date: ~~21-JAN-94~~ 08-MAR-94

Target dates:

To case officer 03-DEC-93
Inspected by 10-DEC-93
Extra contacts 17-DEC-93

Target Committee: ~~05-JAN-94~~ 08-MAR-94
Report deadline: 22-DEC-93
Agreed TD Ext:
Case Officer: D M GEDNEY

Report if not clear by 31-DEC-93

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry	
Site/Press Advert MIN	~~07~~ 01-DEC-93	~~28~~ 21-DEC-93	Amended description
Dir of Environmental	03-DEC-93	17-DEC-93	
Cllr E N Davies	03-DEC-93	10-DEC-93	
Cllr J Goodley	03-DEC-93	10-DEC-93	
Cllr Mrs D F Davies 0406 380546	03-DEC-93	10-DEC-93	

L-C-C – No Bds

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Committee

H16/1092/93

S73A CONTINUATION

Applicant: Mrs J E Sampson
Tel:

Agent: Calthrops
0775 724381

Description: Retention of dwelling without complying with ~~Agricultural Habitation~~ ~~Clause~~ condition 3 of outline planning permission H16/994/80. ✓ done

Location: 31 Kellet Gate
Low Fulney
Spalding

Valid date:	26-NOV-93	Terminal date:	21-JAN-94
Target dates:		Target Committee:	05-JAN-94
To case officer	03-DEC-93	Report deadline:	22-DEC-93
Inspected by	10-DEC-93	Agreed TD Ext:	
Extra contacts	17-DEC-93	Case Officer:	
Report if not clear by	31-DEC-93		D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Site/Press Advert MIN	~~03~~ 02-DEC-93	~~24~~ 23-DEC-93
Dir of Environmental	30-NOV-93	14-DEC-93
Cllr E N Davies	30-NOV-93	07-DEC-93
Cllr J Goodley	30-NOV-93	07-DEC-93
Cllr Mrs D F Davies 0406 380546	30-NOV-93	07-DEC-93

C C C - No Dis fee CD 1/12/93

APPLICATION REFERENCE: H16/1092/93 DATE RECEIVED: 11-JAN-94

TYPE: S73A Continuation

DESCRIPTION: Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - occupancy clause

LOCATION: 31 Kellet Gate, Low Fulney, Spalding.

APPLICANT: Mrs J E Sampson AGENT: Calthrops

REASON FOR COMMITTEE CONSIDERATION

Policy implications.

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date - 8 MAR 1994

RECOMMENDATION

Grant Permission.

COMMENTS

1 Planning permission granted in October 1980 for erection of additional dwelling in association with a haulage business (H16/0994/80). Condition 3 stated that "the occupation of the dwelling hereby permitted shall be limited to a person employed in the haulage and motor repair business to the north of and immediately adjoining the application site, or the dependents of such a person residing with him." (Mr R W Sampson).

2 Unfortunately, applicant died in August 1982. Consequently, business ceased and commercial premises were inherited by Mr Sampson's children under the terms of his will. His widow (Mrs J E Sampson) continued to reside in the dwelling granted by virtue of H16/0994/80.

3 Application is now to remove Condition 3, partially on the grounds that "the business referred to is no longer carried on by the family, and the terms of the condition are so restrictive that it would be impossible for any other party to comply with it, which effectively makes the property incapable of being lived in".

4 The wording of the condition does not make it entirely clear whether or not Mrs J E Sampson would comply with the condition. In that case, she has occupied the property for a period of more than 10 years since the death of her husband and as such would be immune from enforcement action.

5 Further, the legal validity of the condition is open to question (dwellings are now normally tied to associated businesses by virtue of legal agreements). Given this fact

and also the unusual circumstances it is considered in this instance that the proposal would not set an undesirable precedent, and that the removal of the condition cannot be resisted on policy grounds.

REPRESENTATIONS

Env. Services: This is fundamentally a commercial area and experience has shown that where such requests have been granted there is risk of new occupants being prepared to accept a reduced-amenity scenario. I am of the opinion that where such original permissions have been granted then they should remain.

Applicants Representative: (Summarised)

- Shortly after issue of planning permission H.6/0994/80, Mr Sampson, in whose favour the permission was granted, died. His widow has remained in the property to date, although from the terms of the planning consent we have doubts as to whether this is itself valid.
- Mrs Sampson now wishes to live closer to town now that she is older. The business referred to is no longer carried on by the family, and the terms of the conditions are so restrictive that it would be impossible for any other party to comply with them, which effectively makes the property incapable of being lived in. This is a far more restrictive situation than the agricultural tie.
- Dwelling house and garden to immediate north owned by Mr and Mrs G D Sampson (one of applicant's sons). Transferred to present owners in December 1983.
- Remaining commercial parts of property were inherited by the late Mr Sampson's children under the terms of his will.
- Main building which was previously occupied by Mr Sampson's haulage business is now let to Eurogarden Imports Ltd and the other building for vehicle repairs. Mrs Sampson has no control over the commercial premises, nor has she ever had such control.
- The actual wording of the clause is unusual and there must be some doubt as to whether it is a valid condition. Considered to be so restrictive as to be unenforceable.

Minutes of a Meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Priory Road, Spalding on Tuesday, 8th March, 1994.

PRESENT

Councillors:

Mr. B. Alcock - Chairman
Mr. T. Bray - Vice-Chairman

Mr. J.R. Pearl	Mr. E.N. Davies	Mr. B.A. Paul
Mr. T. Barker	Mr. J.A. Dobney	Mr. N.H. Pepper
Mr. C.J.T.H. Brewis	Mr. C.F. Fisher	Mr. W.D. Skells
Mrs. P.J. Bu[illegible]ham	Mr. J. Goodley	Mr. D.A. Tennant
Mr. J. Clark	Mrs. E.O. Hall-Patch	Mr. T.G.M. Tyler
Mr. B.J. Davies	Mr. N.P. Judge, M.B.E.	Mr. R.C. West
Mrs. D.F. Davies	Mr. A.E. Naylor	Mr. M.C. White

Councillor Mrs. A.M. Newton attended the meeting as an ex-officio non-voting member.

The Director of Planning and Building Control Services, the Deputy Director of Administration and the Principal Environmental Health Officer (Pollution and Environmental Protection).

In attendance: Councillor J.T. Davis and the Press.

Apologies for absence were received from or on behalf of Councillors N.I. Capes and M.S.L. Rollinson.

135. MINUTES

The Minutes of the meeting held on 16th February, 1994 were signed by the Chairman as a correct record.

136. PLANNING APPLICATIONS

Consideration was given to the report of the Director of Planning and Building Control Services upon applications to be determined, including his recommendations, copies of which had previously been circulated to all members.

RESOLVED:

(a) Applications Granted

Planning permission be granted in respect of the following proposals in accordance with the recommendations of the Director of Planning and Building Control Services, as amended, where indicated:-

Plan. No and Applicant	Proposal
H06/1085/93 Messrs R & D Wright	To infill dyke at Lowgate, Gedney.
H16/1092/93 Mrs J E Sampson	Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - at 31 Kellett Gate, Low Fulney.

Town and Country Planning Act etc

DRAFT PERMISSION

Reference: H16/1092/93 Received:11-JAN-94 Type:S73A CONTINUATION

Name: Mrs J E Sampson
31 Kellet Gate
Low Fulney
Spalding
Lincs

Agent: Calthrops
11 Market Place
Spalding
Lincs
PE11 1SP

Description: Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - occupancy clause
Location : 31 Kellet Gate Low Fulney
Spalding Lincs

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

10-MAR-94 AD check.....N 14/3.....

Authorised to issue (inc Delegation).....N.....

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)

Tel: (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Tatnall

Salient points highlighted
LATE OBS. ON MS. Date 23.2.94

Our ref: BKT/TS

Your ref: DMG/JK/H16/1092/93

23rd February, 1994

Dear Sirs,

Application H16/1092/93 - Retention of Dwelling Without Complying with Condition 3 of Permission H16/0994/80 (Occupancy Clause) - 31 Kellett Gate, Low Fulney

We wonder whether it is possible as yet to let us know the date upon which the above numbered application is likely to go before Committee for consideration?

Yours faithfully,

DIR.	D. DIR.	H.M.	M. & A.	R.T.B.
P.S.M.	S. H. D. C.			H.S.M.
REP.	24 FEB 1994			RENT
ARCH.	H. A. P. S.			S. SER.
P. BLD.	D. ENG.	PL. M.		

DPBCS

Phd 8/2

8/3 dtec

S.H.D.C. PLANNING DEPT.
DG

Planning & Building Control Department
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs
PE11 2XE

A MEMBER OF

Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)

Tel: (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Tatnall

Our ref: BKT/FMH

Your ref: DMG/JK/H16/1092/93

9th February 1994

Dear Sirs,

Application H16/1092/93 - Retention of Dwelling Without Complying with Condition 3 of Permission H16/0994/80 (Occupancy Clause), 31 Kellet Gate, Low Fulney, Spalding (Mrs. J.E. Sampson)

We refer to your letter of 1st February, on which we have now taken instructions. There has never been any question of this property being used for agricultural purposes, and our client is quite unable therefore to accept the suggestion that you have put forward. The fact that the property is outside of the normal development area is of course fully understood. The grounds for the original application were, however, totally bona fide. It is a sad fact, nevertheless, that matters went wrong because of the unexpected and premature death of Mr. Sampson. We must say that we would not regard the lifting of the condition as requested as in any way creating a precedent in future cases, as the circumstances here are surely unique, and we would urge, therefore, that the Planning Committee give consideration to granting the permission as applied for.

In our experience, the actual wording of the clause within the Planning Permission is unusual, and there must be some doubt as to whether it is in fact a valid condition. We obviously, however, reserve judgement on that argument until the outcome of the planning application is decided. We would submit to you that the more normal clause for development of this nature, where an agricultural condition is not applicable, is to make the permission subject to the property being first occupied by the person working on the commercial premises, but not making the permission conditional upon that in the future.

Yours faithfully,

S.H.D.C. PLANNING DEPT.
RECEIVED
10 FEB 1994 DG

Planning & Building Control Department,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincs.,
PE11 2XE.

A MEMBER OF

Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

Messrs Calthrops
11 Market Place
Spalding
Lincs PE11 1SP

Mr D M Gedney

DMG/JK/H16/1092/93

BKT/FMH

1 February, 1994

Dear Sirs

Application H16/1092/93 - Retention of Dwelling Without Complying with Condition 3 of Permission H16/0994/80 (Occupancy Clause), 31 Kellet Gate, Low Fulney, Spalding (Mrs J E Sampson)

I refer to the above application submitted by yourselves.

As you are no doubt aware, the site is located in an area where approved Lincolnshire Structure Plan Policy 7A applies. The explanation behind this policy implies that when permission is granted for residential development in the open countryside, an appropriate occupancy condition should be attached to ensure that any dwelling erected to serve a defined need continues to do so.

Pursuant to the above, therefore, a total removal of the present occupancy condition would be contrary to policy. However, a more acceptable course of action under the circumstances would be an extension of the present occupancy condition to include a person or persons solely or mainly, or last employed, locally in agriculture as defined within the Town and Country Planning Act 1990, or a dependant of such a person residing with him, or a widow, or a widower of such a person.

Further to the above, therefore, could you please indicate within the next 10 days whether or not the applicant would be prepared to seek such a modification as opposed to a total removal of the condition.

Yours faithfully

N R MIDLEN
Principal Planning Officer (Development Control)

Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)

Tel: (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Tatnall

SOUTH HOLLAND D.C.
PLAN DEPT
11 JAN 1994
REF 1092/93

Our ref: BKT/FMH

Your ref:

10th January 1994

Dear Sirs,

Application No. H16/1092/93 - Mrs. J.E. Sampson

We refer to your letter of 15th December, and are now able to deal with the points you raise in detail as follows:-

1. The dwellinghouse and garden to the immediate north of the site are owned by Mr. and Mrs. G.D. Sampson (one of the applicant's sons and daughter-in-law.) It was transferred to the present owners in December 1983.

2. The remaining commercial parts of the property, including the mobile home site, are owned by Mr. and Mrs. G.D. Sampson and Mr. and Mrs. K. Hodgson jointly. Please note, however, that these never belonged to Mrs. Sampson, but were inherited by the late Mr. Sampson's children under the terms of his Will.

3. As far as we understand the position, Mr. R.W. Sampson obtained planning permission for the bungalow the subject of the present application for use in connection with his adjoining haulage contractor's business. Mr. Sampson died in August 1982, and his business ceased at that time. There has been no one within the family or otherwise carrying on the business from that date, although Mrs. Sampson has of course continued to live in the bungalow as her own private residence in the intervening period. Recently Mrs. Sampson has sought to sell the property as she is now a pensioner and keen to be moving closer to Spalding, and thus the reason for the present application.

4. Ignoring the mobile home site, which is obviously occupied by individual parties, we are told that the main building that was previously occupied by Mr. Sampson's haulage business is now let to Eurogarden Imports Limited, and that the other building on the site is let to Alan Philpots. The Sampson family have no financial or other interest in these two businesses. Mrs. Sampson has no control over the commercial premises, nor has she ever had such control, in view of the fact that those premises were inherited by her children.

Please let us know if we can help further.

Yours faithfully,

Planning Department,
South Holland District Council,
Priory Road,
Spalding, PE11 2XE.

A MEMBER OF
Regulated by the Law Society in the conduct of investment business
Solicitors Financial Services

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H16/1092/93

Applicant: Mrs J E Sampson
31 Kellet Gate
Low Fulney
Spalding
Lincs

Agent: Calthrops
11 Market Place
Spalding
Lincs
PE11 1SP

Description: Retention of dwelling without complying with Condition 3 of permission H16/0994/80 - occupancy clause

Location: 31 Kellet Gate
Low Fulney
Spalding
Lincs

Type: S73A CONTINUATION

Date received: 18-NOV-93

15-DEC-93

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
REQUIREMENT FOR ADDITIONAL INFORMATION ETC

Your submission for the above has been received, but I regret that it cannot be dealt with as it stands.

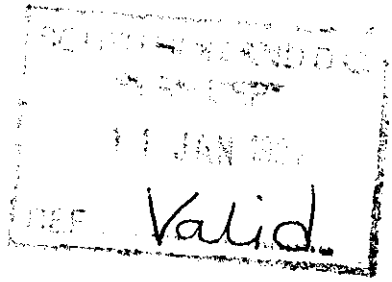
The Council is of the opinion that the information contained in the application is insufficient to enable the Authority to determine it, and under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, you are therefore requested to supply the following:

- Who owns the dwelling and commercial premises immediately to the north of the site and when were they sold by the applicant?
- Can you please provide details of the name of the person/firm who presently operates from the above commercial premises.

Please return one copy of this letter with your reply to enable me to deal with this application without further delay.
If you have been sent a Notice of Receipt, the time limit for determining the application should be ignored as this will have to be recalculated from the date when I receive the above. If you wish to contact the department at any time, the officer dealing with the application at present is D M GEDNEY

Yours faithfully

Principal Planning Officer



SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: 23.12.93

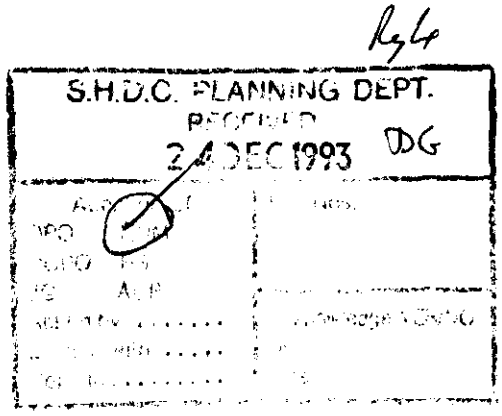
OUR REF: JC/SS/PC

TO: DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES YOUR REF:

Planning Application H16/1092/93
Removal of occupational condition, Kellet Gate

This is fundamentally a commercial area and experience has shown that where such requests have been granted there is a risk of new occupants being unprepared to accept a reduced amenity scenario. I remain of the opinion that where such original permissions have been granted then they should remain.

Director of Environmental Services



Calthrops

Solicitors and Commissioners for Oaths

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)

Tel: (0775) 72438
Fax: (0775) 72228
DX: 26704 Spalding

When calling please ask for

Mr. Tatnall

4 Market Place
Spalding
Lincs
PE11 1SP

S. HOLLAND D.C. ADMINISTRATION DEPT.
RECEIVED
26 NOV 1993
PASSED TO | FILE No | INITIALS

Our ref: BKT/GLF

Your ref:

23rd November, 1993

Dear Sirs,

Application No. H16/1092/93
Mrs. J.E. Sampson

We return your letter and enclose cheque for £60.

Yours faithfully,

Principal Administrative Officer,
South Holland District Council,
Priory Road,
Spalding, Lincs.
PE11 2XE.

Enc.

A MEMBER OF

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Solicitors Financial Services

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H16/1092/93

Applicant: Mrs J E Sampson
31 Kellet Gate
Low Fulney
Spalding
Lincs

Agent: Calthrops
11 Market Place
Spalding
Lincs
PE11 1SP

Description: Retention of dwelling without complying with Agricultural Habitation Clause

Location: 31 Kellet Gate
Low Fulney
Spalding

SOUTH HOLLAND D.C.
PLANNING
REF Valid

Type: S73A CONTINUATION

Date received: 18-NOV-93

22-NOV-93

Dear Sir/Madam

NOTICE THAT APPLICATION IS INVALID
Requirement for additional information, fees etc

Your submission for the above has been received, but I regret that it cannot be dealt with as it stands. Please provide the following:

A fee of £60.00 is payable.

Please return the additional copy of this letter with your reply.
If I do not hear from you within the next 14 days it will be assumed that you have no wish to continue with the application. It will then be filed away and any fee already received will be reimbursed.
If you wish to contact the department at any time, please ask for Mrs Lowe quoting the above reference.

Yours faithfully

K Lowe
Principal Administrative Officer

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department.
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3569
Date received : 26-NOV-93

Received from

Calthrops

Address

11 Market Place
Spalding

Fee paid	£	60.00
VAT	£	0.00
Total received	£	60.00

Cash/Cheque : Cheque

Signed.....K.S. Lowe.....
(Authorised Collector)

Town and Country Planning Act 1971

Form P4

THIS PERMISSION GRANTS CONSENT UNDER THE TOWN AND COUNTRY PLANNING ACT 1971 ONLY IF APPROVAL IS REQUIRED UNDER THE BUILDING REGULATIONS THIS MUST BE OBTAINED SEPARATELY

Approval of reserved matters

Name and address of applicant

Mr R W Sampson
Kellet Gate
Low Fulney
SPALDING
Lincs

Name and address of agent (if any)

Part I – Particulars of application

Date of application: 03.08.81

Application no. H 16/854/81/1525

Particulars of planning permission reserving details for approval:
Erection of one dwelling with garage and access at Kellet Gate, Low Fulney, SPALDING.

Application no. H 16/994/80

Particulars of details submitted for approval:
Erection of bungalow and garage with access at Kellet Gate, Low Fulney, SPALDING.

Part II – Particulars of decision

The South Holland District Council hereby give notice that **approval has been granted** in respect of the details referred to in Part I hereof for the purpose of the conditions imposed on the grant of planning permission referred to above.

NOTE TO APPLICANT:
Your attention is drawn to condition no 3 attached to outline permission reference H 16/994/80 dated 29 October 1980.

Date 26 August 1981

Council Offices, 12 Market Place
SPALDING Lincs

B. Smith
District Planning Officer

Note: This approval 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.

Town and Country Planning Act 1971 Form P2A

Outline planning permission

Name ddress of applicant

Mr R W Sampson
Kellet Gate
Low Fulney
SPALDING
Lincs

Name and address of agent (if any)

Part I—Particulars of application

Date of application: 18.08.80

Application no. H 16/994/80

Particulars and location of development:

Erection of one dwelling with garage and access at Kellet Gate, Low Fulney, 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 Planning Authority, namely detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of the building including particulars 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 hereby permitted shall be limited to a person employed in the haulage and motor repair business to the north of and immediately adjoining the application site, or the dependants of such a person residing with him.

The reasons for the conditions are:

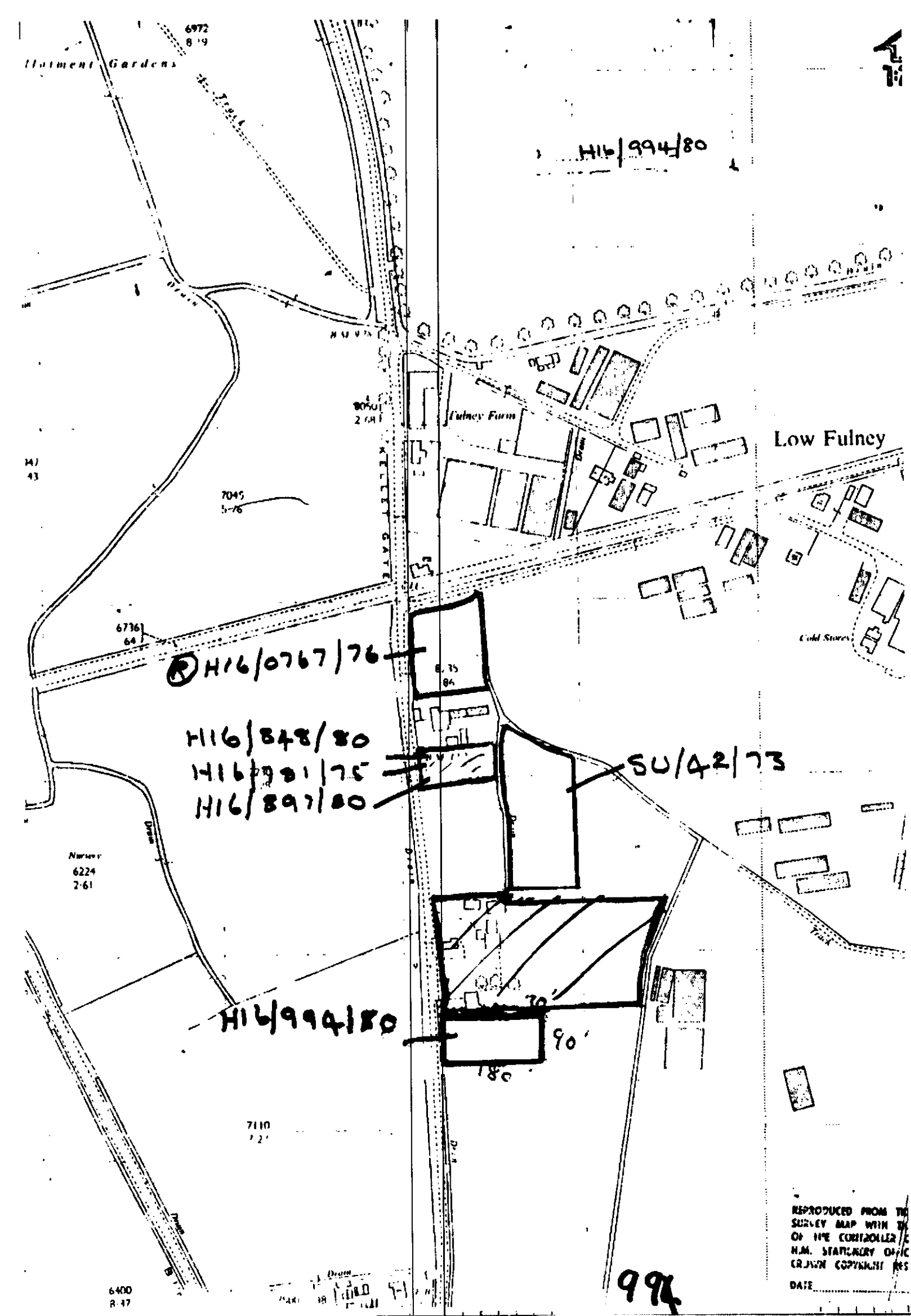
1. Required to be imposed pursuant to section 42 of the Town and Country Planning Act 1971. 2. The application is submitted in outline only. 3. The site is in a rural area where it is the policy of the local planning authority not to permit residential development except in the interests of agriculture or where related to the use of the land. This permission has been granted having regard to the circumstances of the case and its implementation therefore related to the needs of the adjoining businesses.

Date 29 October 1980

Council Offices, 12 Market Place
SPALDING Lincs

COUN

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 enactm byelaw, order or regulation.


H16/994/80
Low Fulney
Fulney Farm
H16/0767/76
H16/848/80
H16/891/75
H16/897/80
SU/42/73
H16/994/80
70'
90'
180'
994

Town and Country Planning Act 1971 Form P4

Approval of reserved matters

Name and address of applicant

Mr R W Sampson
Kellet Gate
Low Fulney
SPALDING
Lincs

Name and address of agent (if any)

Part I – Particulars of application

Date of application: 03.08.81

Application no. H 16/854/81/1525

Particulars of planning permission reserving details for approval: Erection of one dwelling with garage and access at Kellet Gate, Low Fulney, SPALDING.

Application no. H 16/994/80

Particulars of details submitted for approval:
Erection of bungalow and garage with access at Kellet Gate, Low Fulney, SPALDING.

Part II – Particulars of decision

The South Holland District Council

hereby give notice that approval has been granted in respect of the details referred to in Part I hereof for the purpose of the conditions imposed on the grant of planning permission referred to above.

NOTE TO APPLICANT:
Your attention is drawn to condition no 3 attached to outline permission reference H 16/994/80 dated 29 October 1980.

Date 26 August 1981

Council Offices, 12 Market Place
SPALDING Lincs

B Smith
District Planning Officer

Council

Note: This approval 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.

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.	H16/994/80
Date received	18 AUG 1980
Grid reference	526840 322150

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)	**Agent** (if any) to whom correspondence should be sent (complete details below in block capitals)
Name R. W. SAMPSON.	Name
Address KELLET GATE LOW FULNEY SPALDING	Address
Tel. No. 2450.	Tel. No.

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) KELLETT GATE. 180' x 90' Marked Red on plan.

(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 RESIDENCE.

(d) State whether applicant owns or controls any adjoining land and, if so, give its location OWNS ADJOINING LAND. MARKED BLUE.

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

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

(a) State
(i) Present use of ~~buildings~~/land: YARD → DOMESTIC GARDEN.

(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	[redacted] NO.
	pedestrian	NO
(ii) Alteration, including change of use, of an existing access to a highway	vehicular	YES
	pedestrian	YES
(iii) The crossing of a ditch or other water course		NO

(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: ONE. RESIDENCE.

(ii) Alteration or extension: NO

(iii) Change of use: NO.

(c) Size of any new structure:–
(a) height: 24' Approx.
(b) length: 30'
(c) width: 24'

(d) Type and colour of materials for facing external walls: BRICKS RED.

(e) Type and colour of roofing materials: TILES GREEN.

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

(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? SOAK-AWAY.
(ii) How will foul sewage be dealt with? SEPTIC TANK
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

4 PLANS.

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

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 R. W Sampson

***On behalf of** ~~.....~~
(Insert applicants name if ~~signed~~ by an agent)

Date August 16 1980

** 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 sole owner 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~~ was an owner *(a)* of any part of the land to which the *~~application~~ relates at the beginning of the period of 20 days before the date of the accompanying *~~application~~

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

or

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

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

Signed R. W Sampson

***On behalf of** ~~.....~~
(Insert applicants name if signed by an agent)

Date August 16 1980

** 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

I wish to erect a new dwelling for myself as I require my existing home to be occupied by someone connected with my business in adjoining yard which has agricultural connections.

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

At 3/E card

18

REF. H/6/994/80

Kellet Gate
Low Fulney
Spalding.
Lincs.

August. 18. 1980.

Planning Committee members.

Dear Sir & Madam.

Please find attached my application for Planning Permission. I have submitted this application again for the following reasons

This is a application for something I need not a case of obtaining permission then selling off at a large profit.

At the meeting on July 29 there was considerable confusion as to how your members voted mainly due to shortage of time available for the number of applications to be dealt with.

Also certain information regarding permission granted to Messrs Horlico Ltd in 1978 was omitted from your report this I feel was to my disadvantage.

Really this is only a case of a new dwelling for an old one as you had granted permission for me to

re demise and extend the old cottage which I have demolished, partly on your planning officers advice as he always maintained it was in a bad position for a house.

I notice my neighbour is building a new house replacing his old bungalow (he is employed at Leverton's wages dept - Agricultural?)

My neighbour on the other side has I understand obtained permission for a access road and vehicle park on land which had outline permission granted in 1978 for 2 dwellings when owned by Messrs Horlico Ltd but has since been sold Please explain the 2 outstanding permissions on this road as they appear to have elapsed.

I can also mention other applicants who have been allowed "new" for old in fact one springs to mind where the old was demolished donkeys years ago again no agricultural connection at all

When I applied for permission to build my new workshop I stated clearly that I expected to create

employment, workers have to live somewhere. workers need management. I am trying to reduce the dole fegures of nearly 2 million, are you helping or hindering?

If the improvements to the old cottage was necessary and they must have been because you granted permission surely a new house is the only answer.

Finally in July 1978 your planning office arranged a site meeting with me this was refered to on July 29 meeting Although most inconvenient I was available as arranged, the bus load of members duly arrived. I approached the bus but was told "see you in five minutes" but what happened - suddenly the bus drove away without good day or anything, therefore I do not consider I have ever had a "site meeting".

At the same time as this meeting was arranged the planning office ask to borrow - "for a quick look" my conveyance regarding land I had sold to Mr Furnell I was issued with

a receipt signed by Mr B. Smith.
I have repeatedly asked for the return of this legal document and is part of my deeds. Eventually in 1980 thanks to Mr R. Smith who was not at Spalding when it was borrowed I received a Photo stat copy.
Really considering I lent this for your benefit this treatment is just not good enough. Will you now return my proper document promptly or failing that please give me good advice as to how to get it without a lot of fuss and nonsence in the local Papers.

Yours faithfully.

R. W Lampon.

- Workshop modern construction approx 3/4's complete.
- Established workshop use - manager essentially for business
- Agricultural connections — repair vehicles connected with agric.
- Mobile home site — 6 units - agric management / maintenance
- Each approx 2 acres.
- established on site since 1963
- Area shown on plan represents land holding in that area.
- condition relating to employee

- original applicants to reopen existing college were speculative and not connected with business — this applicant is connected with the ~~the~~ established business use & their management

- Fairly local but new farmsteads will undoubtedly extend area of search

Mr Fennoid ~~[illegible]~~ granted p/p has created commercial access close to a dwelling that could be contrary to one of the reasons for refusal approx July 1978 Reason No 2 H 16/578/78.

If dwelling not essential why did Ctee give p/p to modernise dwelling – refusal based on 2 reasons but Ctee allowed p/p.

Hantico Hyphen / Fennel (Butlers)

Herd) bungalow – rand West Corner

Cinna Corner – Sanderson / Hayton plan

H# / Nun Twell – Holbeach Bank 7/8

Wright @ Sedney Hill

Application not submitted by Mr Sampt in 1978 / 78

LINCOLNSHIRE COUNTY COUNCIL.
COUNTY SURVEYOR'S DEPARTMENT.

Form No. H/AP1

To S.H. District Council.

Application Reference H16/994/80

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

With reference to the application dated 18-8-80 relating to the following proposed development :

a. National Grid Reference of a central point on site

horizontal			vertical		
5	2	68	3	2	21

b. Address or location R. Sampson, Kellet Gate, Spalding

c. Name, classification and number of road Unclass

d. Date application referred 20-8-80

e. State whether outline, detailed application etc.

Outline

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

dwelling

g. Delete as appropriate

1. Notice is hereby given under the provisions of article 12 of the Town and Country Planning General Development 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.

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 20-8-80

Signed N Horsley
for County Surveyor.

29/9

Ref: H16/994/80/8	Proposal: Erection of one dwelling with garage + access at Kellet Gate, Low Fulney Spalding	Applicant: R.W. SAMPSON
Type: O/line		
D/C		Agent:
(BC ref:)		

Observations Received:

~~Parish Council:~~ –

~~Dept of Transport:~~

County Surveyor: No obj.

See letter ex applicant

Report: The applicant in this case was refused permission for an identical proposal on this site at the committee's meeting on 29th July 1980. The present application has been submitted because he feels that members did not have sufficient time [information] to consider his proposal at that meeting. The applicant has also stated that other permissions on Kellet Gate have been granted in circumstances similar to these but records held in the Planning Department show that residential development on Kellet Gate has only been permitted where it has been shown that an agricultural or other special need exists. PT The report presented to committee dealing with the earlier application, re-printed below, shows that the applicant states that this proposal is essential for his business. The applicant is a haulage contractor and already occupies a dwelling on the site. No evidence has been submitted to show that it is essential that another employee resides near the business. It is considered that the report prepared in connection with the earlier application is applicable to this ~~application~~ identical application (H16/655/80) and it is presented below:

PTO →

O Rec: That permission be ~~granted/on the following conditions~~/refused for the following reasons:

as per (H16/655/80).

SRR

24/9

PTO

→ *(please insert). Application No H16/8971/80 reported elsewhere on this agenda ~~follows that principle~~ has been considered in this way.

using the site a further period of at least 12 months will have to be allowed in order to give the applicant reasonable time to relocate.

Alternatively members may consider it more appropriate to refuse this application and authorise the District Secretary to serve an enforcement notice on the applicant requiring him to give up his current use of the premises within 18 months. This course of action would allow the applicants the time they request to execute their proposed move to Wardentree Lane.

PLANNING OFFICER'S RECOMMENDATION

1. That permission be refused for the following reason:

   Because of its proximity to residential properties, the site is in the opinion of the Local Planning Authority unsuitable for the accommodation of the development proposed which has been shown to adversely affect the amenities of local residents by reason of smell, dust and noise.

2. That the District Secretary serve an enforcement notice requiri the cessation of the use of these premises within a period of 18 months.
   12

7.10.80

H 16/994/80/8
Outline

Erection of one dwelling with garage and access at
Kellet Gate
Low Fulney
Spalding

Applicant: R W Sampson

OBSERVATIONS RECEIVED
County Surveyor: No objections
See letter ex applicant

REPORT
The applicant in this case was refused permission for an identical proposal on this site at the Committee's meeting on 29 July 1980. The present application has been submitted because he feels that members did not have sufficient time and information to consider his proposal at that meeting. The applicant has also stated that other permissions on Kellet Gate have been granted in circumstances similar to these but records held in the Planning Department show that residential development on Kellet Gate has only been permitted where it has been shown that an agricultu or other special need exits. Application H 16/897/80 reported elsewhere on this agenda has been considered in this way.

The report presented to Committee dealing with the earlier application, reprinted below, shows that the applicant states that his proposal is essential for his business. The applicant is a haulage contractor and already occupies a dwelling on the site. No evidence has been submitted to show that it is essential that another employee resides near the business. It is considered that the report prepared in connection with the earlier application is applicable to this identical application (H 16/655/80) and it is presented below:

H 16/655/80/S
Outline

(994/80)

... dwelling and ... Applicant: ... Thompson
... with alteration to existing access
Kellet Gate
Low Fulney
Spalding

OBSERVATIONS RECEIVED
County Surveyor: Requests conditions

REPORT
This proposal, for the erection of a dwelling, is located on 0.3 acres of land owned by the applicant and adjacent to his haulage and motor repair business premises. The site is located in a predominantly agricultural area where it is the Council's policy to normally only permit development when essential in the interests of agriculture. Presently the applicant lives in a house, adjacent to both the current application site and his business premises, for which planning permission was granted in 1964. The applicant has stated that he wishes to let the existing dwelling to a person connected with his business and live in the currently proposed dwelling himself. In the same year that planning permission was granted for the dwelling currently occupied by the applicant, outline planning permission was refused for an additional dwelling because it was not essential in the interests of agriculture.

Until recently, there was also a disused cottage on the applicants business premises. In 1978 the applicant was refused consent to replace this cottage with a modern house because it was not essential in the interests of agriculture and because it would lack essential residential and environmental amenities due to its location close to the haulage and repair business. However, later in the same year the Planning Committee felt it appropriate to give consent for the extension and modernisation of the existing cottage. However, in 1979 planning permission was granted for the extension of the haulage business on the cottage site. The cottage has now been demolished and the construction of the haulage building begun.

In 1978 outline planning permission was granted for two dwellings a small distance to the north on Kellet Gate. It is a condition of the planning permission that these dwellings be occupied by a person connected with agriculture.

In this case the applicants business is not directly connected with agriculture and the applicant has not shown any reason why it is necessary for two persons connected with his business living on the premises. The proposal will occupy a further stretch of the frontage of Kellet Gate further diminishing the areas rural character. In view of the circumstances of this case and previous decisions in the same locality there would seem little to justify a departure from the Council's policy.

PLANNING OFFICER'S RECOMMENDATION
That permission be refused for the following reasons:

The site is in an area where it is the policy of the Local Planning Authority 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 Local Planning Authority the circumstance of this case do not warrant a departure from this policy.

PLANNING OFFICER'S RECOMMENDATION
That permission be refused for the following reason:

Defer

Further report

The site is in an area where it is the policy of the Local Planning Authority 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 Local Planning Authority the circumstances of this case do not warrant a departure from this policy.

H 9/844/80/7
Full

Erection of storage building for agricultural chemicals
Northons Lane
Holbeach

Applicants: Farmwork Services (Eastern) Limited

Agents: Loweth Cowling Design

OBSERVATIONS RECEIVED
Parish Council: Supported
County Surveyor: No objections
Environmental Health: See report

REPORT
The proposal is for a 80' x 60' brick building to store agricultural chemicals at the rear of the applicants existing site off Northons Lane.

The building will replace an existing chemical store which has become obsolete due to recent legislation. The products to be stored will comprise pesticides, insecticides, herbicides etc.

The building will be built to within 90' of the boundary of the site with Crestard Avenue to the east, in view of this the proposal has been advertised but no specific objections in relation to this have been received.

The Environmental Health Department have been in close liaison with other authorities and following a site meeting to discuss the safety aspects of the proposal have forwarded the following:

"Following consultations with the technical officers of Anglian Water Authority, Fire Authority, Health and Safety Executive and British Agrochemical Supply Industry Scheme I am of the opinion that the technical design of this proposed store

It is the opinion of the technical officers that if this business is to continue at this location, it is better that chemicals should be stored in a purposely designed building rather than continue to be stored in the present storage building."

In view of the Environmental Health Departments comments it is recommended that permission be granted.

A similar proposal (H 13/842/80) was permitted at the last Committee meeting for a site at Sutton Bridge.

PLANNING COMMITTEE - 7th October 1980

1115. PLANNING APPLICATIONS (Continued)

Plan No. and Applicant	Proposal (O.A. denotes outline application only)
H16/868/80/7 Farrow Irrigation Ltd	Extension to workshop and provision of new access Horseshoe Road, Spalding.

(The Planning Officer to obtain further information from the applicants and to report further on future proposals)

H13/765/80/6 Rev. N. Hulme	Erection of new vicarage Church Lane, Moulton.

(At applicant's request)

H9/886//80/7 Miss. A.S. Chatterton	O.A. Erection of two dwellings and garages with access at Roman Bank, Holbeach Bank.

(That the application be deferred pending the outcome of the proposed I.B.D. amendment and that discussions with the County Surveyor be authorised to negotiate ways of overcoming the requested highway reasons for refusal should the I.B.D. amendment be adopted.)

H16/994/80/8 R.W. Sampson	O.A. Erection of one dwelling with garage and access at Kellet Gate, Low Fulney, Spalding.

(For further investigations by the Planning Officer and for the Plans Sub-Committee to inspect the site)

H16/655/80/5 R.W. Sampson	O.A. Erection of dwelling and garage with alteratio to existing access Kellet Gate, Low Fulney, Spalding.

(The Planning Officer to submit a further report of the area and the Plans Sub-Committee to make a site inspection)

H9/727/80 Machins Transport (Holbeach) Ltd	Extension to vehicle maintenance building North Parade, Holbeach.

(To enable the applicants to comply with existing conditions and submit an application for planning permission for the building erected under ref: H9/1052/75 by the date of the next meeting and to enable the Planning Officer to report further on the undertaking alleged to have been given to local residents)

(e) Applications, including Listed Building Consents Approved

Planning permission and listed building consent be granted in respect of the undermentioned proposals, subject to any conditions recorded in the statutory register:-

SITE MEETING - 29 OCTOBER, 1980

5

H 11/287/80 D Petchell	Erection of bungalow (amendment of approved brick type) London Road Long Sutton	See page 15 Main report
H 21/977/80 A W & E C Willows	Residential development (6 units) Low Gate, Tydd St Mary	See letter ex Applicant.
+ IND. SUB H 14/1030/80 Alan Stacey Ltd	Erection of 3 new light industrial/Commercial units and extension to existing building at Flaxmill Buildings Pinchbeck .	See page 26 Main report
H 16/1114/80 C Hall	Extension to dwelling 202 Pennygate, Spalding	See page 27 Main report
H 16/994/80 R W Sampson	Erection of dwelling with garage and access at Kellet Gate, Low Fulney, Spalding.	See page 34 Main report

H 16/994/80/8
Outline

Erection of one dwelling with garage and access at
Kellet Gate
Low Fulney
Spalding

Applicant: R W Sampson

OBSERVATIONS RECEIVED
County Surveyor: No objections
See letter ex applicant

REPORT
The applicant in this case was refused permission for an identical proposal on this site at the Committee's meeting on 29 July 1980. The present application has been submitted because he feels that members did not have sufficient time and information to consider his proposal at that meeting. The applicant has also stated that other permissions on Kellet Gate have been granted in circumstances similar to these but records held in the Planning Department show that residential development on Kellet Gate has only been permitted where it has been shown that an agricultural or other special need exists. Application H 16/897/80 reported elsewhere on this agenda has been considered in this way.

The report presented to Committee dealing with the earlier application reprinted below, shows that the applicant states that his proposal is essential for his business. The applicant is a haulage contractor and already occupies a dwelling on the site. No evidence has been submitted to show that it is essential that another employee resides near the business. It is considered that the report prepared in connection with the earlier application is applicable to this identical application (H 16/655/80) and it is presented below:

H 16/994/80 78
Outline

Erection of dwelling with garage and access at Kellet Gate, Low Fulney Spalding

Applicant: R W Sampson

29.10.80

OBSERVATIONS RECEIVED
County Surveyor: No objections
See letter ex applicant

REPORT - 7 OCTOBER 1980
The applicant in this case was refused permission for an identi proposal on this site at the Committee's meeting on 29 July 19 The present application has been submitted because he feels that members did not have sufficient time and information to consider his proposal at that meeting. The applicant has also stated that other permissions on Kellet Gate have been granted in circumstances similar to these but records held in the Plann Department show that residential development on Kellet Gate has only been permitted where it has been shown that an agricultural or other special need exists. Application H 16/897/80 reported elsewhere on this agenda has been considered in this way.

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P.T.O

At s/e card.

18

REF. H16/994/80

Kellet Gate
Low Fulney
Spalding.
Lincs.

August 19. 1980.

Planning committee members.

Dear Sir & Madam.

Please find attached my application for Planning Permission. I have submitted this application again for the following reasons

This is an application for something I need not a case of obtaining permission then selling off at a large profit.

At the meeting on July 29 there was considerable confusion as to how your members voted mainly due to shortage of time available for the number of applications to be dealt with.

Also certain information regarding permission granted to Messrs Horlico Ltd in 1973 was omitted from your report this I feel was to my disadvantage.

Really this is only a case of a new dwelling for an old one as you had granted permission for me to

employment, workers have to live some where, welfare need increased, I am trying to reduce the debt figure of nearly 2 million are you helping or hindering?

If the improvements to the old cottage was necessary and they must have been because you granted permission surely a new home is the only answer.

Finally in July 1978 your planning officer arranged a site meeting with me this was referred to as July 29 meeting although most inconvenient I was available as arranged, the bus load of members duly arrived I approached the bus but was told "see you in five minutes" but what happened - suddenly the bus drove away without good day or anything, therefore I do not consider I have ever had a "site meeting".

At the same time as this meeting was arranged the planning officer ask to borrow - "for a quick look" my conveyance regarding land I had sold to Mr Furnell I was issued with

modernise and extend the old cottage which I have demolished, partly on your planning officers advice as he always maintained it was in a bad position for a house.

I notice my neighbour is building a new house replacing his old bungalow (he is employed at Heveton's wages dept - Agriculture?)

My neighbour on the other side has I understand obtained permission for an access road and vehicle park on land which had outline permission granted in 1978 for 2 dwellings when owned by Messrs Horlico Ltd but has since been sold Please explain the 2 outstanding permissions on this road as they appear to have elapsed.

I can also mention other applications who have been allowed "new" for old in fact one springs to mind where the old was demolished donkeys years ago again no agricultural connection at all

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a receipt signed by Mr B. Smith.
I have repeatedly asked for the return of this legal document and is part of my deeds. Eventually in 1950 thanks to Mr R. Smith who was not at Spalding when it was borrowed I received a Photo stat copy
Really considering I lent this for your benefit this treatment is just not good enough. Will you now return my proper document promptly or failing that please give me good advice as to how to get it without a lot of fuss and nonsence in the local papers.

Yours faithfully.

R. W Sampson.

DC/CH/1

Reference ...H16/994/80..... BC .....Q.....

Type ...OUTLINE Terminal date ...12.10.80...

BC app needed ☐

Post-decision ☐

Requested ☐

Information Plotted ☑

IDB ...SH.....

Councillors .....15.....

OBD / I B D

NEW / RED

Sewered area YES / NO

TR ☐
CA ☐
LB ☐
TPO ☐
FF ☐
River ☐
Hazard ☐

Previous applications:
655180 - out (R)
868179

Determination

DPO ☐

Committee ☑

+ Sub-Committee, i.e. .....

Consultations etc

Standard admin date ....20.8.80...

16 days to 5.9.80

County Matter (d) ☐ other ☐

Recommended: Refusal / grant

CPO notifies minor departure .....

Additional refusal reasons .....

Transfer to County .....

Applicant notified ☐

		Received	Reconsultations: Required	Sent	Rec
Drainage Board	sent to BC				
Surveyors Dept	sent to BC				
Env Health Dept					
Water Authority	formal ☐				
Parish Council					
County Surveyor	to follow ☐	9/C			

	required		sent
Dept Transport	☐	TR108/consult	
Min of Agric	☐		
Consult Arch	☐		
Chamber of Trade	☐		
	☐		

Publicity: date expiry

Advert ☐ -

Type: CA / LBC / Setting of LB / Circ 71/73 / Departure

Residents ☐

See Map ☐

Addresses:

FOR DC USE

Applicant required ☐ sent received ☐ CHECK COLUMN 2

Further information i.e.:

Amendment i.e.:

NB Amended drawings/description

Notes:

897
Butters

H 16/655/80/5
Outline

Erection of dwelling and garage with alteration to existing access
Kellet Gate
Low Fulney
Spalding

Applicant: K W Sempson

OBSERVATIONS RECEIVED

County Surveyor: Requests conditions

REPORT (17 September Committee).

This proposal, for the erection of a dwelling, is located on 0.3 acres of land owned by the applicant and adjacent to his haulage and motor repair business premises. The site is located in a predominantly agricultural area where it is the Council's policy to normally only permit development when essential in the interests of agriculture. Presently the applicant lives in a house, adjacent to both the current application site and his business premises, for which planning permission was granted in 1964. The applicant has stated that he wishes to let the existing dwelling to a person connected with his business and live in the currently proposed dwelling himself. In the same year that planning permission was granted for the dwelling currently occupied by the applicant, outline planning permission was refused for an additional dwelling because it was not essential in the interests of agriculture.

Until recently, there was also a disused cottage on the applicants business premises. In 1978 the applicant was refused consent to replace this cottage with a modern house because it was not essential in the interests of agriculture and because it would lack essential residential and environmental amenities due to its location close to the haulage and repair business. However, later in the same year the Planning Committee felt it appropriate to give consent for the extension and modernisation of the existing cottage. However, in 1979 planning permission was granted for the extension of the haulage business on the cottage site. The cottage has now been demolished and the construction of the haulage building begun.

In 1978 outline planning permission was granted for two dwellings a small distance to the north on Kellet Gate. It is a condition of the planning permission that these dwellings be occupied by a person connected with agriculture.

In this case the applicants business is not directly connected with agriculture and the applicant has not shown any reason why it is necessary to have two persons connected with his business living on or near the site. The proposal will occupy a further stretch of the frontage of Kellet Gate further diminishing the areas rural character. In view of the circumstances of this case, and previous decisions in the same locality there would seem little to justify a departure from the Council's policy.

PLANNING OFFICER'S RECOMMENDATION

That permission be refused for the following reasons:

The site is in an area where it is the policy of the Local Planning Authority 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 Local Planning Authority the circumsta of this case do not warrant a departure from this policy.

(iii) In 1974/75 planning permission was granted for a mobile home site which the applicant also owns and manages.

(iv) More recently planning permission was granted for a new motor repair workshop, the construction of which is nearing completion.

(v) The applicant considers that in order to the various business activities to operate successfully and given the investment in the new workshop that it is essential for the principal employee in the workshop to reside in close proximity particularly if the business is to continue to respond to local needs and emergency situations.

(vi) The applicant is also conscious of the fact that his own general health is such that it is essential to have an employee close to hand to tackle those tasks which require significant physical effort.

(vii) The applicant would accept that if the local planning authority considered that there was sufficient justificati for granting permission for a departure from the normal policy then such a permission is likely to be granted on the basis that the dwelling shall be occupied by an employee in connection with the operation of the established motor repair business on the adjoining land which is owned by the applicant.

PLANNING OFFICER'S RECOMMENDATION

That the Committee consider whether or not there is sufficient justification for determining the application contrary to my earlier recommendation as set out above that planning permission should be refused.

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 local planning authority 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 Local Planning Authority the circumstances of this case do not warrant a departure from this policy.

ADDENDUM TO REPORT

Following the Committee's decision to defer the determination of the application - a decision which seemed to be based on the "allegations" that facts referred to in the applicants supporting letter had not been properly taken into account - I arranged a meeting with the applicant at which the contents of his letter were more discussed together with other matters arising from the consideration of his application. For the avoidance of doubt I have onthis occasion attached a copy of the applicant's original letter and I suggest that the contents are read in conjunction with my original report to the Committee.

Notwithstanding the fact that generally there will always be decisions where it can be claimed by someone that the local planning authority have acted inconsistently I am nevertheless satisfied that on this occasion the advice to the Committee is consistent with my advice on previous proposals affecting land owned by the applicant and other land within the vicinity for which applications have been submitted from time to time by other owners and/or applicants.

The common thread has always been whether or not the proposal if permitted would be consistent with the established planning policy which is basically concerned with only allowing development in what is generally the open countryside on the basis that there is an essential need either related to agricu or the specific use of the land.

On that basis the applicant could argue that there is an essential need for planning permission to be granted on the following grounds:

(i) The applicant owns approximately 2 acres of land on whic he has been established since 1963/64 in connection with his haulage and motor repair business.

(ii) His need to live on the site was recognised in 1964 wher planning permission was granted for his present dwelling.

1209. PLANNING APPLICATIONS (Continued)

(d) Applications Planning Officer Authorised to Approve

Subject to the observations indicated and to any conditions recorded in the statutory register the Planning Officer be authorised to grant planning permission in respect of the undermentioned proposals.

Plan No. and Applicant	Proposal (O.A. denotes outline application only)
H2/1022/80/8 L.E. Wyer & Sons Ltd.	O.A. Residential development (8 plots) with accesses at The Chase, Crowland.

(Subject to the applicant entering into an agreement under Section 60 of the Highways Act 1971 with the Lincolnshire County Council).

H8/1033/80/9 Mr. & Mrs. G. Lineker	Erection of dwelling and access No.7 High Street, Gosberton.

(No objections from the Regional Controller (Roads and Transportation)).

H9/1068/80/9 T.B. Rudd	O.A. Erection of building for the servicing and sale of horticultural and gardening equipment (particularly motor driven equipment) and of motor cycles with alteration to existing access "Barrington", Fen Road, Holbeach.

(On receipt of suitably amended plans and providing no further objections are received).

(e) Amendment of Approved Development

The amended brick and tile details in respect of the undermentioned development be approved:-

Plan No. and Applicant	Proposal
H11/287/80 D. Petchell	Erection of bungalow (amendment of approved brick type) London Road, Long Sutton.

NOTES

1. Councillor P. Rex declared his interest in application H16/1007/80 and left the meeting whilst it was under consideration and declared an indirect interest in applications H16/994/80 and H20/1043/80 but remained in the meeting.

2. In granting planning permission under ref. H22/1037/80/9 it was agreed that the objectors should be consulted about the details of the development when they are submitted.

3. It was agreed that the decision notice relating to application H2/932/80 should be accompanied by a letter informing the applicant that no further extensions will be permitted which result in the reduction of existing parking space.

4. It was agreed that planning permission H9/1042/80 should be subject to an additional condition prohibiting the display of advertisements without the Council's written consent.

NOTES (Continued)

5. In connection with application H16/1057/80 it was agreed that the Planning Officer should explain to the applicants that any subseq application for listed building consent which might be submitted w be considered on its merits.

6. In refusing planning permission for application H16/17/80 the Pla Officer was asked to advise the applicants that the Local Planning Authority would expect to consider sympathetically a revised prop which retained the main elevation of Langton House, but if this i acceptable to them the applicants be requested to appeal without in order that the future of the properties can be finally determi

7. Dr. M. Fox, the Council's Consultant, attended the meeting and ex the proposals included in application H16/1007/80 and, although t were different from those agreed at the local inquiry, he felt th were acceptable. He suggested that the diagram of the new propos attached to the Agreement entered into with the developers in lie those originally included.

8. In refusing application H20/1043/80 the Committee took into acco additional representations received, particularly the views of t police that the proposals would be a danger to highway safety.

(Councillors H.T. Marshall, Mrs. A.M. Newton and B. Paul left the me during consideration of the schedule of applications)

9. In refusing planning permission H8/895/80/7 it was agreed that t Planning Officer inform the applicant that the Council is prepar support him should he appeal against the decision.

10. It was agreed that planning permission H16/994/80/8 should be su a condition requiring occupation of the dwelling to be restricte employee of the adjoining motor repair business established on t adjoining land.

1210. PLANS SUB-COMMITTEE - 29TH OCTOBER 1980

RESOLVED: The Minutes of the meeting of the Pla Committee held on the 29th October 19 of which is attached as Appendix II t Minutes, be received and the recommen thereon adopted.

1211. MOTION BY COUNCILLOR I.K. HOWES

The Chief Executive reported that the Housing Committee had adopted by Councillor I.K. Howes that a letter from the Environmental Health relating to property in Double Street should lay on the table and ex the motion had also been referred to this Committee for considerati

RESOLVED: The motion be supported.

(Councillors Mrs. I.W. Hardy, A.V. Osmond and P. Rex left the meetir juncture).

South Holland District Council

DC / 8

Planning Department

B. Smith M.R.T.P.I. District Planning Officer

12 Market Place - Spalding - Lincolnshire

Telephone: Spalding 3272

Application submitted by:	
On behalf of:	
Particulars of development:	
Location:	

	RECORD INDICATOR	#
1	Application number	*
2	Type of application	*
3	Date received	*
4	Statistical class	DN1 *
	TERMINAL DATE	
5	Site area	HO.18 *
6	Grid reference	*
7	Current land use	RSO2A *
	PRINCIPAL OR ONLY	
8	Proposed land use	RSO2A *
9	Floor - space - gross	*
10	Floor - space - nett	*
	SECONDARY	
11	Proposed land use	*
12	Floor - space - gross	*
13	Floor - space - nett	*
14	Earlier application No.	H16/655/80 *
15	I.D.C.	*
16	Marker	*NL

Previous Applications:

655/80
868/79

Last Committee before terminal date 7.10.80

CLEAR FOR RECOMMENDATION

✓ Date 15/9 By NM

SV requested

DPO

COMMITTEE ✓

Sub SV

Sub Estate

Sub Industry

CAAC

Actual Committee date: 7/10 - DEFERRED

FURTHER REPORT

29/10

either related to agricultural or the specific u
the land.

// On that basis the applicant would argue t
there is an essential need for planning permi
to be granted on the following grounds:-

(i) The applicant owns approximately
of land on which he has been esta
since ~~1957~~ 1963/64 in connection with his haul
and motor repair business.

(ii) ~~Planning permission was also granted~~
his need to live on the site was
recognised in 1964 when p/p was
granted for his present dwelling.

(iii) In 1974/5 planning permission was
for a mobile home site which
applicant also owns and manages

(iv) More recently p/p was granted
a new motor repair workshop
construction of which is nearing co

(v) The applicant considers that in order
the various businesses activities to c
successfully and given the ~~re~~ investment in the ab
that it is essential
the principal employee in the loca
To reside in close proximity part
if the business is to continue to
to local needs and emergency

(vi) The applicant is also conscious of
fact that his own general hea
such that ~~the~~ it is essential to h
employee close to hand to take
~~deal~~ tasks which require
physical effort

(vii) The applicant would accept that

operation of the established motor repair
business on the Lyng Industrial Estate owned by the applic

P.O.R

That the Ctte considers whether
or not there is sufficient justifica
tion for departing from the applicable contra
~~the~~ my earlier recommendation s
out above. That planning permissi
be refused.

Addendum to report

Following the Cttee's decision to defer
of the application – a decision which seem
based on the "allegation" that facts
in the applicants supporting letter have
properly taken into account – I can
meeting with the applicant at which
of his ~~were~~ discussed together with ot
arising from the consideration of his ap
the avoidance of doubt I have ~~attached~~
his occasion attached a copy of
original letter and I suggest that
are read in conjunction with my c
to the Cttee.

Notwithstanding the fact that ~~a person~~ seem
~~always [illegible]~~
there will always be decisions wh
be claimed, that the Ps have act
inconsistently I am nevertheless
on this occasion the advice to the C
consistent with advice on previous
affecting ~~this site~~ land owned by t
and other land within the boun
which applicants have been ca
time to time by other owners o

The common thread does always be
or not the proposal if permitted
consistent with the established
which ~~that~~ is basically concerned with,
~~in what is generally the open a~~
~~and the effect of~~