SOUTH HOLLAND DISTRICT COUNCIL

Land Compensation Act 1961

Certificate of Alternative Development

Reference: H17/1193/92 Received:16-NOV-92 Type:CERT OF ALT DEV

Name: Mr & Mrs K Napper
'Wedgewood'
Seas End Road
Surfleet
Spalding Lincs

Agent: William H Brown
18/19 Sheep Market
Spalding
Lincs
PE11 1BG

Description: Residential development

Location : Land adj. 'Wedgewood' Seas End Road
Surfleet Spalding Lincs

South Holland District Council certify that in their opinion, if the land was not proposed to be acquired, planning permission WOULD HAVE BEEN GRANTED for the above class(es) on the following conditions:

1 The following matters are reserved for subsequent approval by the Local Planning Authority, and no development to which they relate shall be carried out until these matters have been approved, viz:
(1) Detailed drawings to a scale of not less than 1/100 showing the siting design and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs;
(2) The siting and design of any vehicular access to a road;
(3) Landscaping of the site, including details of positions, heights on planting and species of trees and shrubs.

Reason: The application was submitted in outline only.

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

Reason: In the interests of visual amenity.

3 Before the access is commenced to be used, provision shall be made within the site to the satisfaction of the Local Planning Authority for a motor vehicle to turn to enable it to enter and leave the highway in forward gear.

Reason: To enable vehicles to enter and leave the highway in forward gear in the interests of road safety.

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)

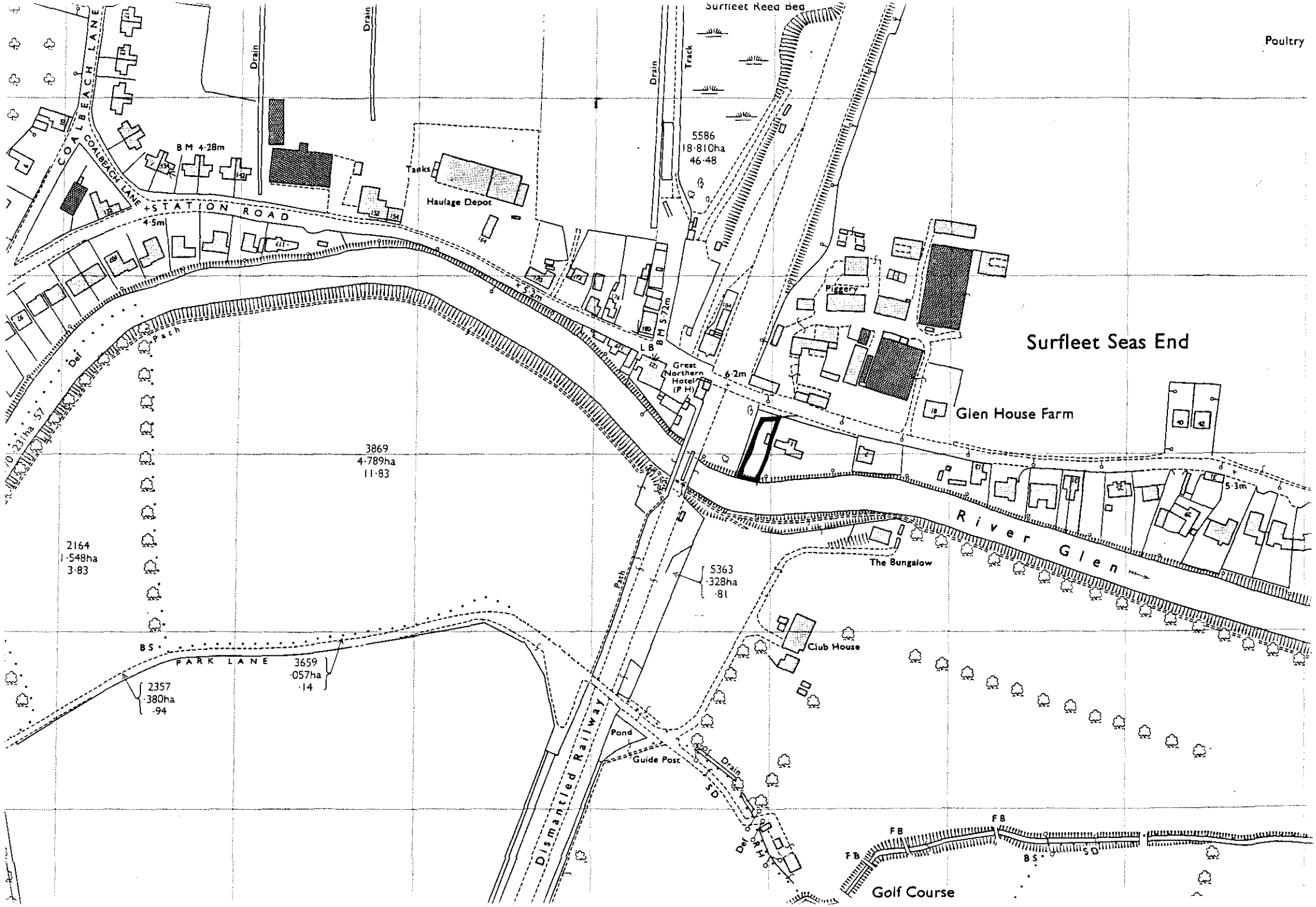
SOUTH HOLLAND DISTRICT COUNCIL

Director of Planning and Building Control Services
11-JAN-93 H17/1193/92

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)


Surfleet Reed Bed
Poultry
COALBEACH LANE
Drain
Drain
Drain
Track
B M 4·28m
Tanks
Haulage Depot
STATION ROAD
4·5m
5586
18·810ha
46·48
5·2m
B M 5·72m
Piggery
Surfleet Seas End
LB
Great Northern Hotel (P H)
6·2m
Glen House Farm
Def Path
0·231ha 57
3869
4·789ha
11·83
River Glen
5·3m
The Bungalow
2164
1·548ha
3·83
5363
·328ha
·81
Path
Club House
BS
PARK LANE
3659
·057ha
·14
2357
·380ha
·94
Pond
Guide Post
Dismantled Railway
Def
Drain
SD
FB
FB
FB
BS
SD
Def
RH
Golf Course

Please read the accompanying notes before completing any part of this form

Form LC1

Application for certificate of alternative development

Land Compensation Act 1961

Application no. H17/1193/92	For official use only
Date received 16 NOV 1992	

Four completed copies of this form and plans should be sent to the local planning authority

1. **Applicant** (in block capitals)

Name MR. & MRS. K. NAPPER

Address WEDGEWOOD, SEAS END ROAD, SURFLEET, SPALDING, LINCS.

Tel No. -

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

Name N.A. HARPER, WILLIAM H. BROWN

Address 18/19 SHEEP MARKET, SPALDING, LINCS. PE11 1BG

Tel. No. 0775 - 722321

2. Other party directly concerned (in block capitals):

Name SECRETARY OF STATE

Address: C/O DIRECTOR OF NETWORK MANAGEMENT AND CONSTRUCTION, THE DEPARTMENT OF TRANSPORT, ROOM 802, CRANBROOK HOUSE, CRANBROOK STREET, NOTTINGHAM. NG1 1EY

3. Full address or location of the land to which this application relates: plans should be submitted sufficient to identify the land:

Land adjoining Wedgewood, Seas End Road, Surfleet, Spalding, Lincs.

Land shown edged red on the attached plan.

4. Particulars of applicant's interest in the land:

Freeholders

5. State the purpose for which the land is to be acquired (if known):

Construction of A16 Spalding to Sutterton By-Pass

6. Specify one or more classes of development which appear to the applicant would be appropriate for the land if it were not to be acquired by any authority possessing compulsory purchase powers: Residential Permission was granted on 4th March 1989 for a single dwelling. An application for renewal was refused on 8th June 1992 as it would prejudice the proposals for the By-Pass. The applicant is seeking residential classification of land adjoining and including that to be acquired and the planning authority's attention is drawn to the case of Sutton v Secretary of State for the Environment 1984.

7. Has a reference been made to the Lands Tribunal to determine the amount of compensation payable (see note 3) ?

No

8. State the date on which a copy of this application has been or will be served on the other party specified in 2 above:

13th November 1992

An interest in the land described in this application is proposed to be acquired by an authority possessing compulsory purchase powers and I hereby apply for a certificate of appropriate alternative development in accordance with section 17 of the Land Compensation Act 1961.

Date 13th November 1992

Signed N.A. Harper for William H. Brown

On behalf of Mr. and Mrs. K. Napper

(insert applicant's name if signed by an agent)

APPLICATION ASSESSMENT

ACP confirms no requirement for Publicity DSC 27/11

Notes for Case Officer

Site Inspection | Accuracy | Neighbours | Boundaries

Site features | Other

Small ht next to modern House in lee of former Railway embankment

Inspected by DC
Date 27/11

NO objection on planning grounds. P.P. would have been granted whe it not for N.P.T. Direction.

Notice posted by
Date

Resident Notices required

Sent | Delivered

Case Officer Conclusions

RECOMMENDATION

COMMITTEE

Departure from Policy .....

Ward Member request .....

Recommend approval against material objection .....

Other circumstance viz: .....

Change to Committee recorded

DELEGATED

Case Officer .....

Senior Officer .....

Case Officer Recommendation

Approve | Refuse

Signed .....

Conditions/Reasons
(continue overleaf)

Notes to applicant

- [ ] Disabled
- [ ] Outstanding RM
- [ ] Amended plans

DC RECORD SHEET

APPLICATION REF:

Directions

Art 7 (Outlines)
RM checklist

	Siting	Design	Ext app	Access	Landscape
Previous					
Current					
Required					

Reg 4 Scale drawing ..... Highway S/W ..... Agric appraisal .....

Other ....

Precise details, for non-standard direction:

Senior Officer authorised: ..... Sent .....

Revalidation after Direction

Information satisfactory/unsatisfactory Signed: .....

Further direction: Precise details:

Amended description:

New valid date: .....

Consultation/Publicity Required

PSM 19-11

DP 25/11

		Requested	Sent
Extra Publicity:			
	Departure	.....	.....
	Setting of LB	.....	.....
	Public Right of Way	.....	.....
	Discretionary	.....	.....
Extra Consultations:			
	Dept of Transport	✓	20/11
	Environmental Serv.	.....	.....
	LB/Cons. Area – Local	.....	.....
	– Local & National	.....	.....
	– English Heritage	.....	.....
	Consultant: Name.....		..... Order No .....
	Other:	.....	.....

Case Officer DL **Recorded on board:**

ADMIN RECORD SHEET

Initial

Submitted Fee £ NIL

Receipt Issued

Date first Rec'd 16 NOV 1992

Registration

Reference H17/1193/92

Cross-Ref N/A

Date 17/11

Validation

TYPE CAD

Earliest permission

Site area

No of dwellings

Floorspace

Description

Tech

Certificate
Site plans
Description

Accuracy
Incomplete form

Fees

Nil fee

Discounted fee

Previous app
Type

Correct fee NIL

Additional
Refund

Receipt
Issued

Information

Newbuild/Redevelopment/Change of use/Extension/Alteration/Works

Earlier permission Ref

RM

	Siting	Design	Ext app	Access	Landscaping
Previous					
Current					

Index sheets 41G

OS No's

Grid ref E 560000 N 173100

Ward U

Parish SWANSCOMBE

TR Rural
TR Bypass
Level Cross
Footpath YES

CA
LB
TPO

Inside IBD YES

Inside LP area NO

Linked to site

Ref 945

Linked to property

Ref

Planning Records:
Earlier apps 003/93
176/95

B Reg Records:
Already submitted - Ref
Request
Requested

APPLICATION REFERENCE: H17/1193/92 TYPE: Cert. of Alt. Dev.

DESCRIPTION: Residential development (part site of A16 Spalding-Sutterton by-pass

LOCATION: Land adj. 'Wedgewood', Seas End Road, Surfleet

APPLICANT: Mr & Mrs K Napper

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date - 5 JAN 1993

REASON FOR COMMITTEE CONSIDERATION
Previous refusal for single dwelling.

RECOMMENDATION
That a certificate be granted.

PLANNING ISSUES

1 Site inside I.B.D: Outline permission for single dwelling granted 1988: subsequent renewal refused June, 1992 on grounds that development would prejudice the Secretary of State's proposals for future trunk road (ref: H17/0202/92).

2 Present application concerned only with question of compensation and if granted would not entitle land to be developed for purpose stated on certificate.

REPRESENTATIONS

Parish Council: None received.

Department of Transport: Response awaited.

Ward Member: Very near new road.

Applicant: Attention drawn to previous case where it was held that the Local Planning Authority should issue a certificate...providing there were circumstances to justify that, but for the compulsory purchase, development of the land...might have been permitted.

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: H17/1193/92 Type: CERT OF ALT DEV

Applicant: Mr & Mrs K Napper
Tel:

Agent: William H Brown
0775 722321

Description: Residential development(part site of A16 Spalding-Sutterton By-pass)

Location: Land adj. 'Wedgewood'
Seas End Road
Surfleet
Spalding Lincs

Valid date: 16-NOV-92
Target dates:
To case officer 23-NOV-92
Inspected by 26-NOV-92
Extra contacts 30-NOV-92
Report if not clear by 21-DEC-92

Terminal date: 11-JAN-93
Target Committee: 05-JAN-93
Report deadline: 22-DEC-92

Case Officer:
D J ROBERTS

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints: FP

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Clerk to Surfleet PC 0775 85 319	27-NOV-92	11-DEC-92
Cllr J A Dobney	27-NOV-92	11-DEC-92
Department of Transp 0602 476121	27-NOV-92	11-DEC-92

SITE DETAILS

Grid ref: 526600 328700
OS Sheets: 96 Parcel:

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

Please do new front sheet + start again AM has changed description

SOUTH HOLLAND DISTRICT COUNCIL

+ acknowledgement with compliment slip "Amended Description"

Application no: H17/1193/92 Type: CERT OF ALT DEV

Applicant: Mr & Mrs K Napper
Tel:

Agent: N A Harper
0775 722321

Res. dev (part site

Description: Construction of A16 Spalding to Sutterton by-pass)

Location: Land adj. 'Wedgewood'
Seas End Road
Surfleet
Spalding Lincs

Valid date:	16-NOV-92	Terminal date:	11-JAN-93
Target dates:		Target Committee:	05-JAN-93
To case officer	23-NOV-92	Report deadline:	22-DEC-92
Inspected by	26-NOV-92		
Extra contacts	30-NOV-92	Case Officer:	
Report if not clear by 21-DEC-92		D J ROBERTS	

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building: Other Constraints: FP
Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Clerk to Surfleet PC 0775 85 319	20-NOV-92	04-DEC-92
Cllr J A Dobney	20-NOV-92	04-DEC-92
Department of Transp 0602 476121	20-NOV-92	04-DEC-92

SITE DETAILS

Grid ref: 526600 328700
OS Sheets: 96 Parcel:

LK

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
TELEPHONE 0602 476121 Ext. 455
FAX 0602 799743
GTN 6202

Your Ref: H17/1193/92

Our Ref: EMRT F 265287 Pt 2

Date: 24th December 1992

The District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs
PE11 2EX

For the attention of D Roberts Esq

Dear Sir

LAND COMPENSATION ACT 1961 - SECTION 17
PROPOSED RESIDENTIAL DEVELOPMENT AT LAND ADJACENT WEDGEWOOD, SEAS END ROAD, SURFLEET A16 SPALDING - SUTTERTON IMPROVEMENT

Thank you for the application submitted by William H Brown on behalf of Mr & Mrs K Napper for a certificate of appropriate alternative development at the above mentioned site.

The Department has given due consideration to the proposed residential development from a trunk road point of view.

In the circumstances, I would wish to confirm that the Department would wish to retain the stance established on form TR110 dated 15 April 1992 (reference H17/0202/92 - EMRT F 265287 Pt 2) in respect of the proposed development as shown on that part of the site outlined in red on the deposited plan drawing number 10058 NTT 6-1-8 received 16 November 1992 by the South Holland District Council Planning Department.

Yours faithfully

J J BACH
for Director of Network Management & Construction

cc: C Briggs/Development Control Section, Lincs CC

BRIA[illegible]MITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Pr[illegible] Road, Spalding,
Lin[illegible]shire. PE11 2XE

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

SOUTH HOLLAND DISTRICT COUNCIL

LATE OBS: Off. ✓ Date 14.12
Salient points highlighted ✓

Application no: H17/1193/92

Applicant: Mr & Mrs K Napper
'Wedgewood'
Seas End Road
Surfleet
Spalding Lincs

Agent: William H Brown
18/19 Sheep Market
Spalding
Lincs
PE11 1BG

Description: Residential development(part site of A16 Spalding-Sutterton By-pass)

Location: Land adj. 'Wedgewood' Seas End Road
Surfleet Spalding Lincs

Type: CERT OF ALT DEV Date received: 16-NOV-92

27-NOV-92

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 12-DEC-92. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is D J ROBERTS

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Surfleet PC
Hungate Lane
Surfleet
Spalding Lincs
PE11 4BW

FOR PARISH COUNCIL USE ONLY

Comments:

No objections

Signed:

Frances M. Richardson
p.p. Secretary

S/1 due

S.H.D.C. PLANNING DEPT.
RECEIVED
14 DEC 1992 DS

Allocation of
DEO Asst
DOPO EO
JC ACP
Action by .....
Discuss with .....
Copy to .....

Plan Nos.

Acknowledge YES/NO
By
Date

S.H.D.C. PLANNING DEPT.
RECEIVED
09 DEC 1992

B Smith Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

NRA

National Rivers Authority
Anglian Region

3rd December 1992 Our Ref:GT/92/1/SH/0327

Dear Sirs

PLANNING APPLICATION NO H17/1193/92
FOR PROPOSED ERECTION OF A DWELLING AT SEAS END ROAD, SURFLEET
FOR MR & MRS K NAPPER

With regard to the above-mentioned application received on 25th November 1992, I would inform you that the NRA Anglian Region has the following observations to make on the proposal:

Foul drainage from the proposed development should be connected to the main foul sewer.

This site referred to for development is located adjacent to the River Glen a main river under our jurisdiction for land drainage purposes. I shall be grateful if the Developer can therefore be made aware of the NRA Anglian Region's Land Drainage Byelaws which prohibit, without prior approval, the development of any land within a distance of 9 metres horizontally from the foot of any bank of the landward side or, where there is no bank, within 9 metres measured horizontally from the top edge of the batter enclosing the river.

The applicant should be made aware that the site is below retained flood level in the fluvial system and could be at risk from flooding from breach or overtopping of the defences.

All surface water from roofs should be piped direct to a watercourse, surface water system, or shallow soakaways. Open gullies should not be installed.

Yours faithfully

R F Morgan
Planning Engineer

LMP

ROGER HYDE
Regional General Manager

Aqua House
Harvey Street
Lincoln
LN1 1TF
Tel: 0522 513100
Fax: 0522 512927

BRIAN H 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: H17/1193/92

Applicant: Mr & Mrs K Napper
'Wedgewood'
Seas End Road
Surfleet
Spalding Lincs

Agent: William H Brown
18/19 Sheep Market
Spalding
Lincs
PE11 1BG

Description: Residential development(part site of A16 Spalding-Sutterton By-pass)

Location: Land adj. 'Wedgewood' Seas End Road
Surfleet Spalding Lincs

Type: CERT OF ALT DEV

Date received: 16-NOV-92

27-NOV-92

Dear Cllr J A Dobney

NOTIFICATION TO WARD MEMBER

I have received an application for the above proposal in your ward. The officer dealing with this application is D J ROBERTS

As applications can be determined under delegated powers in many cases, please let me know by 07-DEC-92 if you feel that this proposal should be brought to the attention of the Planning Committee for any reason.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Highways Must Look

Cllr J A Dobney
Orchard House
32 Surfleet Road, Surfleet
Spalding, Lincs
PE11 4AG

I request that this application be considered by Planning Committee, because
Entry Near New Road

Signed: J A Dobney

Land Compensation Act 1961

(2) where the development plan allocates the land (not being "land subject to comprehensive development" (1961 Act, s.16(8), Town and Country Planning Act 1990, s.54(5)) for some "primary use"— **1–679**
that planning permission will be granted for any development falling within the scope of that "primary use," *provided* it is development for which planning permission might reasonably be expected to be granted (1961 Act, s.16(2), (6) and (7));

(3) where the development plan allocates the land (not being "land subject to comprehensive development" (1961 Act, s.16(8); Town and Country Planning Act 1990, s.54(5)) for a range of two or more "primary uses"—that planning permission will be granted for any development falling within the scope of that range of uses, *provided* it is development for which planning permission might reasonably be expected to be granted (1961 Act, s.16(3), (6) and (7)); and

(4) where the land is in an action area (that is to say, is land which *is subject to comprehensive development (1961* Act, s.16(8); Town and Country Planning Act 1990, s.54(5)) for which a local plan is in force) that, irrespective of the proposed layout of the area, planning permission will be given for any development falling within the range of uses allowed in the action area, *provided* it is development for which planning permission might reasonably be expected to be granted (1961 Act, s.16(4), (5), (6) and (7)).

It is to be noted that the first three of these four special assumptions do *not* apply to land in an action area, such land being catered for under the fourth special assumption.

It is further to be noted that while the 1961 Act requires the making of the foregoing planning assumptions (or such of them as are relevant to the matter in hand) the Act does not exclude the taking into account of other types of development to which the market in land might conceivably have regard (1961 Act, s.14(3)).

6. Certification of Development

Notwithstanding the making of the foregoing assumptions, there may still **1–680**
remain, under the current system of planning control, some difficulty in computing what would be the market value of land which is being compulsorily acquired. The relevant development plan may be unhelpful on the point if, for example, the acquired land happens to be in an area in respect of which the development plan has refrained from committing itself, that is to say, in an area sometimes referred to as "white land." Again, a development plan may provide that an area shall be zoned as a green belt. Although this usually means that no development in that area will be allowed at all, it is well known that, on occasion, certain kinds of development *are* permitted even in a green belt.

To deal with cases of this kind the 1961 Act makes further (and elaborate) provision (1961 Act, Pt. III, and the Land Compensation Development Order 1974 (S.I. 1974 No. 539)) whereby either the landowner or the authority seeking the compulsory purchase may apply (1961 Act, s.17) to "the local planning authority" (sometimes the county planning authority and sometimes the district planning authority—Local Government Act 1972, Sched. 16, para. 55) to issue a certificate stating the answer to a hypothetical question, namely: What, in all the circumstances, would be the kind of development (if any) for which planning permission might reasonably be expected to be granted if the land were not being compulsorily acquired by the acquiring authority and an application for planning permission for development were lodged in respect of the land? **1–680**

The applicant for a certificate must specify one or more classes of development which would be appropriate for the land in question (1961 Act, s.17(3);
1–680 Local Government, Planning and Land Act 1980, s.121) were it not being compulsorily acquired.

The local planning authority must issue a certificate (1961 Act, s.17(4)) declaring either the class or classes of development which might have been permitted had application therefor been made, or declaring that no development (other than that proposed by the acquiring authority) would have been permitted.

Any person aggrieved by any such certificate has a right of appeal to the Secretary of State (1961 Act, s.18). The steps in the appeal are regulated by the Land Compensation Development Order 1974 (S.I. 1974 No. 539). The Secretary of State, before determining the appeal, must afford the landowner and the acquiring authority and also the local planning authority whose certificate is being appealed against an opportunity of being heard by a person appointed by the Secretary of State (1961 Act, s.18(3)).

In an appeal against a certificate the Secretary of State either confirms the certificate, or varies it, or cancels it and issues a different certificate as he may consider appropriate (1961 Act, s.18(2)).

7. Compensation where Permission for Additional Development Granted after Acquisition

1–681 Section 66 of, and Schedule 14 to, the Planning and Compensation Act 1991 revives Part IV of the Land Compensation Act 1961 with the result that provision is now made (1961 Act, Pt. IV, ss.23 to 29) for additional compensation to be paid to former owners of land acquired by an authority possessing compulsory purchase powers if it so happens that, within *10 years* of the acquisition, the value of the land increases in consequence of a planning decision.

8. Home Loss Payments

1–682 When an owner-occupier is displaced (Land Compensation Act 1973, ss.29(3), (3A) and 29A), by reason *inter alia* of the compulsory purchase of his land (*ibid.* s.29(1)), from a dwelling-house which has been his only or main residence for not less than *one year* (*ibid.* s.29(2)), he may be entitled to receive a "home loss payment" (*ibid.* s.29(1)) from the acquiring authority. The amount of the home loss payment will be 10 per cent. of the market value of the owner-occupier's interest in the house subject to a maximum of £15,000 and a minimum of £1,500 (*ibid.* ss.30, 32).

A home loss payment may be available to certain caravan dwellers (*ibid.* s.33).

The foregoing sections 29 to 33 of the Land Compensation Act 1973, as they now stand amended by the Planning and Compensation Act 1991, are set out in the Appendix to the aforementioned D.O.E. Circular 15/91.

[THE NEXT PARAGRAPH IS 1–700.]

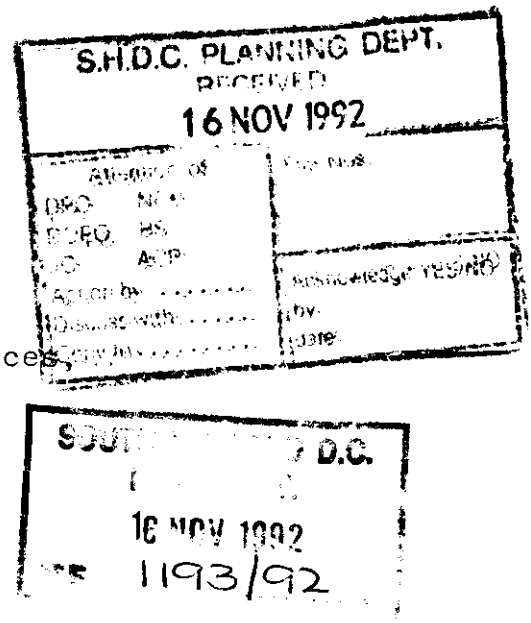
1–680

William H. Brown
AGRICULTURAL
—Land Agents, Valuers & Auctioneers—

18/19 Sheep Market, Spalding, PE11 1BG
Tel: (0775) 722321 Fax: (0775) 711222

Chartered Surveyors: T.H. White, MA, FRICS, FAAV;
S.G.P. Kingston, FRICS, FAAV; J. O'Brien BSc (Agric), FRICS, FAAV;
J.R. Major, BSc, ARICS, FAAV.
Farm Management: Roy Whatton, ARAgS; Charles Whitaker BSc;
Simon G. Mountjoy Dip. FM.

Our Ref: NAH/lh/2608



13th November, 1992

B. Smith, Esq
Director of Planning & Building Control Services,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincs. PE11 2XE

Dear Sir,

Mr. and Mrs. K. Napper
Application for Certificate of Alternative Development

We enclose an application for a Certificate of Alternative Development on behalf of the above client.

The applicant has previously obtained outline planning permission for a single detached 3 bedroom house and garage in the garden adjoining their property known as Wedgewood. This permission expired and the applicant made a new application which was refused on the 8th June 1992 on the grounds that "part of the site is affected by land to be compulsorily purchased for the A16 Spalding - Sutterton Improvement Scheme, the proposed development would, therefore, prejudice the Secretary of State's proposals of this future trunk road."

The applicants now seek a Section 17 Certificate for land to be compulsorily acquired and in addition, on that land adjoining, all of which is outlined red on the plan attached to the application. In connection with this point, we wish to draw your attention to the case of Sutton versus the Secretary of State for the Environment (1984) where it was held that the Local Planning Authority should issue a Certificate for the claimant's land alone provided there were circumstances to justify that, but for the compulsory purchase, development of the claimant's and other surrounding land might have been permitted. In the case of Mr. and Mrs. Napper, the land surrounding that to be acquired is within their ownership, but the principle remains the same.

Contd/.....

William H. Brown is a trading name of Royal Life Estates Ltd. Registered in England and Wales Co. No. 2084694. Registered Office: 1 Cornhill, London EC3V 3QR. Appointed Representative of Royal Life Marketing Group (members of which are Members of LAUTRO) to advise on and promote sales of Royal Life Assurance, Pensions and Unit Trust products only.

Contd/.....

We look forward to your acknowledgement of safe receipt and confirm that a copy of this Notice has been served on the Secretary of State, c/o The Department of Transport.

Yours faithfully,

N.A. HARPER
WILLIAM H. BROWN

Enc.

Brown & Company,
18/19 Sheep Market,
Spalding.
Lincs.
PE11 1BG.

Mr P Udy

PJU/JJ H17/1193/92

RDB/AMJ/2608

04 Aug 1995

Dear Sir/Madam,

NO 1 SEAS END ROAD, SURFLEET.

I reply to your letter which was received on the 10th July 1995 and apologise for the delay in responding. From the planning point of view I would tend to agree with your opinion that owing to the proximity of the reduced site to the A16 Trunk Road and its means of access directly onto the T-junction with Seas End Road that planning permission would be refused.

I have spoken to the Environmental Protection Unit who suggest that the site is unlikely to comply with the guidance set out in PPG 24, 'Planning and Noise'. However, until the By-Pass has been open a while and imperical information gathered this cannot be confirmed. In addition extra traffic manoeuvering into the site will be problematic close to the junction and the loss of the in - out, facility of the existing property would be unfortunate.

I trust this satisfactorily answers your query and remind you that this can only be taken as informal advice and that the only definite answer will be received by the submission and determination of the planning application.

Yours faithfully

N Midlen
Development Control Manager

BROWN & CO

Our Ref: RDB/amj/2608

18/19 Sheep Market, Spalding
Lincolnshire PE11 1BG
Tel: 01775 722321
Fax: 01775 711222

7 July 1995

Mr Peter Udy
South Holland District Council
Priory Road
Spalding
Lincs

Dear Mr Udy

No. 1 Seas End Road, Surfleet.

Further to my conversation with you on Tuesday afternoon I would be grateful to receive your informal opinion as to the likelihood of planning permission being granted on the following building plot.

I enclose copies of the previous refusal of planning permission (H17/0202/92) and the Certificate of alternative development (H17/1193/92) which you will see relates to part of the property known as No. 1 Seas End Road, Surfleet, Spalding. Subsequent to the construction of the A16 Trunk Road the District Valuer has asked me to obtain your view as to whether planning permission would now be granted for the building plot as shown on the plan.

It is my view that due to the proximity of the reduced site to the A16 trunk road; the access directly on to the T junction; and the reduced length of frontage that planning permission would be refused.

However, the District Valuer has asked whether you could offer your views as to the likelihood of planning permission.

Yours sincerely

Richard Brogden

Richard Brogden
Brown & Co.

RIGHTS OF APPEAL ETC

Applications for Planning Permission

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any developments which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

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

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Applications for Listed Building and Conservation Area Consents

1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works or to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

2 If Listed Building Consent or Conservation Area Consent is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any works which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

3 In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

Applications for Consent to Display Advertisements

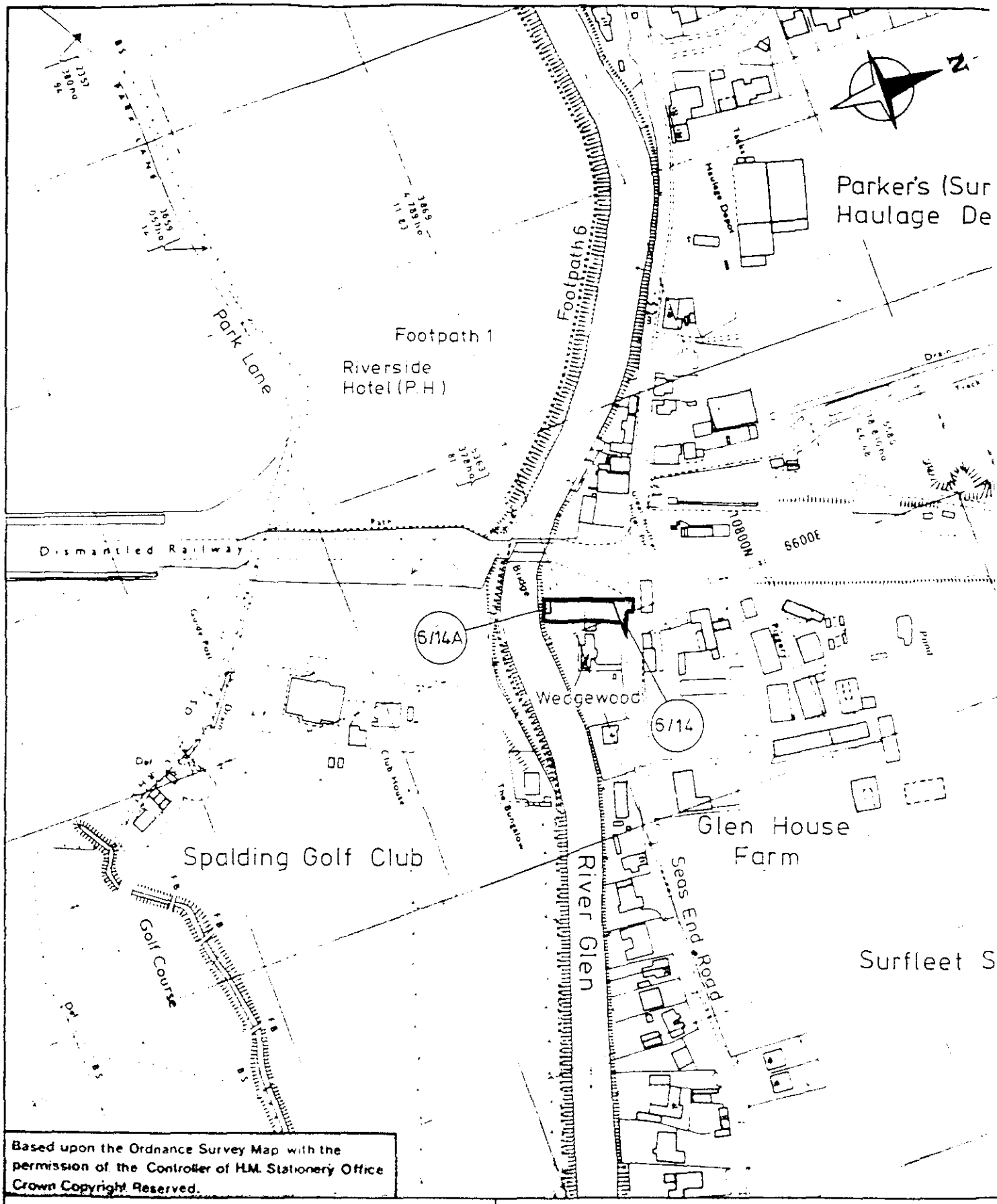
1 (a) The applicant can, if he so desires, at any time within a period of six months before the expiry of the term for which consent is given, make application for renewal of the consent.

(b) Except where the Local Planning Authority impose a condition to the contrary, or where renewal is applied for but refused, the advertisements may continue to be displayed at the expiry of the term for which consent is granted, subject to the right of the Local Planning Authority to serve a notice under the Regulations requiring application to be made for express consent for the continuance of the display.

2 (a) Where, on application being made for consent under the Regulations, consent is refused by the Local Planning Authority or is granted by them subject to conditions (other than the standard conditions) the applicant may appeal to the Secretary of State for the Environment. If consent is granted for a period of less than five years then (unless the application required such consent) the limitation is deemed to be a condition against which an appeal can be made.

Provided that the Secretary of State shall not be required to entertain an appeal if it appears to him, having regard to the provisions of the Regulations, that consent for the display of advertisements in respect of which the application was made could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them.

(b) Any person who desires to appeal shall give notice of appeal in writing to the Secretary of State within 8 weeks from the receipt of notification of the Local Planning Authority's decision or such longer period as he may allow. Forms of appeal can be obtained from the Department of the Environment, Becket House, Lambeth Palace Road, London SE1 7ER.



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PLAN ATTACHED TO NOTICE TO TREAT DATED 12 MAR 1992

Scale 1:2500

METRES 50 0 50 100 50

YARDS 50 0 50 100 150

THE A16 TRUNK ROAD SPALDING TO SUTTERTON IMPROVEMENT

Name K Napper

Address 1, Seas End Road
Surfleet
Lincs
PE11 4DQ

INTEREST FREEHOLD

PLOT REFERENCE	REQUIREMENT	COLOURED	APPROX AREA sq.m.
6/14	Title	Pink	120
6/14A	Right	Blue	18

D.C.
16 NOV 1992
1193/92

Department of Transport,
East Midlands Regional Office,
Cranbrook House,
Cranbrook Street,
Nottingham NG1 1EY

Mott MacDonald
Consulting Engineers

Drawing No. 10058 NTT 6-1-8