



PLANNING STATEMENT

LAWFUL DEVELOPMENT CERTIFICATE APPLICATION

for

MR & MRS ANDREWS

at

NEW HOUSE NURSERY

HOSPITAL DROVE

LONG SUTTON

SPALDING

PE12 9EN

INTRODUCTION

This Planning Statement supports the Certificate of Lawfulness (Existing) application seeking the removal of an agricultural occupancy condition attached to New House Nursery, Hospital Drove, Long Sutton, Spalding, PE12 9EN.

The dwelling achieved Outline Planning Permission through application H18/1886/88 and following this Full Planning Permission through application H18/0910/89. The initial Outline Planning Approval and subsequent Full Planning approval have the following occupancy condition attached:

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or a dependent of such a person residing with him, or a widow or widower of such person.

Reason: The site is in a rural area where it is the policy of the Local Planning Authority not to permit residential development except in the interests of agriculture or where related to the use of the land. The circumstances of this case relate to an agricultural need, and permission is therefore confined to it."

This statement will now investigate the planning history of New House Nursery along with the surrounding area, provide summary to the timeline of events and prove that the applicants have continually breached the agricultural occupancy condition for a period long enough to render the condition void and unable to be enforced.

PLANNING HISTORY OF NEW HOUSE NURSERY

H18/1886/88 - Outline Planning Permission – One Residential Dwelling House - New House Farm, Hospital Drove, Long Sutton, Spalding, PE12 9EN – Approved.

H18/0910/89 - Full Planning Permission - One Residential Dwelling House - New House Farm, Hospital Drove, Long Sutton, Spalding, PE12 9EN – Approved.

H18/0931/99 – Use of land for siting of caravan for animal food storage – New House Nursery, Hospital Drove, Long Sutton, Spalding, PE12 9EN – Approved.

H18/0700/01 - Continuation of permission without complying with agricultural occupancy conditions - New House Nursery, Hospital Drove, Long Sutton, Spalding, PE12 9EN – Approved.

PLANNING HISTORY OF SURROUNDING AREA

H18-0611-24 - Confirmation that The Lords Manor, The Lords Manor Barn & The Lords Manor Static all have an established use (beyond relevant periods for immunity) as individual residential dwellings – Lords Manor, Hospital Drove, Long Sutton, Spalding, PE12 9EN – Approved.

The above application relates to a site that is the immediate neighbour to New House Nursery and establishes three individual residential dwellings, none of which are restricted by an agricultural occupancy condition.

TIMELINE & PERSONAL STATEMENT

The applicants, Mr & Mrs Andrews, purchased the property in January of 1999 (please see title deeds attached to this application). Both applicants have had continuous employment outside of agriculture since the purchase and occupation date of the property. Please see below a person statement from Mrs Andrews:

“We actually moved here in January 1999. At that time, Paul was a taxi driver. I had no job at that time but with excess monies from the property sales, I purchased holiday caravans (eventually building up to nine) and set up a business of renting them out for holiday makers. We sold our smallholding in Kent in order to move up here to Lincolnshire.”

Mr & Mrs Andrews applied to remove the occupancy condition in 2001 through H18/0700/01 which was approved. However, within the past year, it has been discovered that the 2001 application incorrectly referenced the Outline Planning Permission and not the Full Planning Permission and has subsequently been considered to be invalid. The applicants have therefore, unknowingly continuously been in breach of the condition throughout their occupancy at New House Nursery.

CONCLUSION

The above statement declaring Mr & Mrs Andrews occupational history since moving to New House Nursery in 1999 demonstrates that both have continuously worked outside of agriculture since moving into the dwelling. This is backed by application H18/0700/01, submitted and approved in 2001, which sought the continuation of permission without complying with agricultural occupancy conditions.

This indicates that since 1999 the applicants have continually breached the agricultural occupancy condition for a period long enough to render the condition void and unable to be enforced.