

Town and Country Planning Act 1990

## Refusal of Planning Permission

Reference: H19/0028/93

Received: 18-JAN-93 Type: FULL

Name: Mr E Godfrey  
Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding Lincs PE12 0QS

Agent: Mr E Godfrey  
Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding Lincs PE12 0QS

Description: Retention of dwelling without complying with agriculture habitation

Location : Southeau Farm Hallgate Road  
Throckenholt Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

- 1 In the opinion of the Local Planning Authority, the dwelling has been offered for sale at a price which does not reflect the existence of the occupancy condition. As such, the Local Planning Authority are not satisfied that the market from potential purchasers who could have complied with the condition has been adequately tested and consequently the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would be contrary and damaging to the aims of Policy 7A of the approved County Structure Plan which seeks to restrict residential development in the open countryside to that essential to the interests of agriculture.

Director of Planning and Building Control Services  
02-APR-93 H19/0028/93

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.

3557  
5.407ha  
13.36

5955  
5.015ha  
12.39

5639  
1.213ha  
3.00

0112  
.776ha  
1.92

2700  
1.355ha  
3.35

5800  
11.081ha  
27.38

PRODUCED ON A SITE FROM THE  
ORANGE B. ...  
NOT BE GIVEN FOR ANY PURPOSE.

South Holland District Council

Map produced from the Ordnance  
Survey's 1:50,000 scale map  
with the addition of the  
Ordnance Survey  
Harbour and Tidal Survey Office  
Ordnance Survey 1:25,000 scale  
Lancaster and LA 60000

One grid square on this plan  
represents one hectare.

The number

EX

When identifying  
Enclosures or fi  
Limit of area w

ENGLAND & WALES

County

District

Ward

BOUNDARIES

SCOTLAND

Region or Islands Area

District

Not shown

# PLANNING APPLICATION

## For office use only

Application No. H19/0028/93

Date Registered 18 JAN 1993

1. Please complete in block letters

### NAME AND ADDRESS OF APPLICANT

MR. E. GODFREY  
SOUTHEAV FARM  
HALLGATE RD  
THROCKWORTH LINES  
PE12 0AS  
Tel. No. 0945 700 619

### NAME AND ADDRESS OF AGENT

(if form completed by agent)

Tel. No.  
(Personal contact name)

OFFICE  
COPY

Please complete in block letters

### FULL POSTAL ADDRESS OF THE APPLICATION SITE

SOUTHEAV FARM THROCKWORTH LINES

Please complete in block letters

### DESCRIPTION OF PROPOSED DEVELOPMENT

RETENTION OF DWELLING WITHOUT COMPLYING WITH  
AGRICULTURE HABITATION condition

Please complete

I attach \* Four copies of all plans

\* an ownership certificate (see back page)

\* a fee of £100.00 If you consider no fee is payable include a written explanation instead.

Signed, *Eric Godfrey* Date, ..... 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 worksor 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

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 previous permission

B. Please state Condition Number referred to

C. Please state variation required

Now complete an Ownership Certificate

Now complete Parts  
3, 4 and 5 and an  
Ownership Certificate

H19/0342/74

## TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:-

(Tick one or more boxes)

(i) New building(s)

(ii) Alterations or extension

(iii) Change of use

B. If new dwellings are proposed, please state how many:

4. A. If building works are proposed, other than residential, please state extra floorspace to be created:

B. Please state size of any new structure:- (a) max. height:

(b) max. length:

(c) max. width:

C. Please state type and colour of materials for facing external walls:

D. Please state type and colour of roofing materials.

E. Has a survey of the site been undertaken? State Yes or No

sq. metres  
metres  
metres  
metres

N/A

## 5. GENERAL INFORMATION Please complete each section

### EXISTING USES

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

### 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

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

If so, name of road:

Will there be —  
Individual access(es)  
New estate road

### 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 of more trees

### 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

### OTHER MATTERS Please complete

The proposal is in connection with agriculture

The proposal affects a listed building

The proposal affects a public footpath

The proposal is known to affect contaminated or filled land

The proposal is for industrial, warehousing, offices or shopping purposes

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.

Is this application related to a previous submission

State Yes or No

Yes  
No  
Yes  
No  
Yes

→ If so, please give details in Part 6

→ If so, please complete Part 7

No

→ Date:  
Consultee(s):

Yes

→ Application No.:

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

# OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE  
SECTIONS.

Use the notice at the bottom of the page only  
when necessary.

## 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

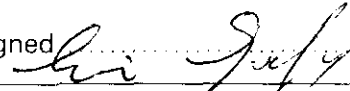
## 2. OWNERSHIP OF THE SITE

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**.

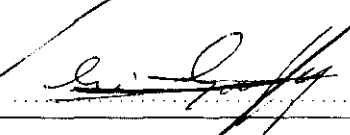
In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B**. You can use the notice at the bottom of the form to send to the owner. (An "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 15.1.93

**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.

State Name and address of owner: State Date notice served:

Signed  (Applicant/Agent) Date

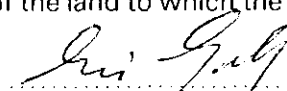
## 3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use, complete Certificate 1.

If the land is agricultural, but there is no agricultural tenant, complete Certificate 1.

If the site does relate to an agricultural holding, you must give notice to any tenant, and complete Certificate 2. (You can use the notice at the bottom of the form to send to the tenant). 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 15.1.93

**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.

State Name and address of tenant: State Date notice served:

Signed (Applicant/Agent) Date

## NOTICE UNDER SECTION 27 OF TOWN AND COUNTRY PLANNING ACT 1971

Proposed development at

Take notice that application is being made to South Holland District Council by  
for planning permission for

If you should wish to make representations about the application, you should make them in writing within 21 days from the date of service of this notice, to Chief Executive, South Holland District Council, Priory Road, Spalding, Lincolnshire.

TO BE COMPLETED  
BY APPLICANT OR  
HIS AGENT

Signed Date

# APPLICATION ASSESSMENT

## Notes for Case Officer

### Site Inspection

Site features

Inspected by *DMG*  
Date *8/12*

Notice posted by *DMG*  
Date *8/12*

### Accuracy

Other

*Bungalow - located on junction of Hathgate & South Lane Bank. ~~Appears to be~~ agricultural buildings surrounded with trees, very stable.*

### Neighbours

### Boundaries

### 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

Previous  
Current  
Required

Siting Design Ext app Access Landscape

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

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

Extra Publicity:

Departure

Requested

Sent

Setting of LB

Public Right of Way

Discretionary

Extra Consultations:

Dept of Transport

Environmental Serv.

LB/Cons. Area - Local

- Local & National

- English Heritage

Consultant Name: \_\_\_\_\_

Order No \_\_\_\_\_

Other: DISTRICT VALUER 9/2

9/28 4/0999

Case Officer

Daniel Stanley

Recorded on board:

# ADMIN RECORD SHEET

## Initial

Submitted Fee £ 60  
 Receipt Issued 02139  
 Date first Rec'd 18 JAN 1993

## Registration

Reference H19/0028/93  
 Cross-Ref N/A  
 Date 19/1

## Validation

TYPE SEC 63

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 60

Additional  
 Refund

Receipt  
 Issued

## Information

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

Earlier permission Ref

RM

Previous  
 Current

Siting Design Ext app Access Landscaping

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |

Index sheets 391

OS No's

Grid ref 5 35850 309400

Ward N

Parish 556

Inside IBD NO

Inside LP area NO

TR Rural  
 TR Bypass  
 Level Cross  
 Footpath

|  |
|--|
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|  |
|  |
|  |

CA  
 LB  
 TPO

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|  |
|  |

Linked to site

Ref

Linked to property

027302 Ref

Planning Records  
 Earlier apps

720/90

342/74 Barn + garage

141/73 Extension to 141/73

532/74 Glathwaite

534/74 Barn + garage

B Reg Records  
 Already submitted - Ref  
 Request  
 Requested

**PLANNING COMMITTEE - 31st March, 1993**

**219. PLANNING APPLICATIONS (Continued)**

**(a) Applications Granted (Continued)**

| <u>Plan No. and Applicant</u> | <u>Proposal</u>                                                                             |
|-------------------------------|---------------------------------------------------------------------------------------------|
| H08/0118/93<br>M J Barney     | O.A. Residential development (renewal of permission H08/1545/89) at High Street, Gosberton. |

(It was reported that two further letters of objection had been received.)

**(b) Applications Refused**

The undermentioned applications be refused planning permission in accordance with the recommendations of the Director of Planning and Building Control Services, as amended, where indicated:-

| <u>Plan No. and Applicant</u>   | <u>Proposal</u>                                                                                                            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| H13/1319/92<br>Miss R V O White | 5 dwellings in parkland setting, associated road, hedges, driveways, create 2 acre public open space at The Park, Moulton. |

(It was also agreed that the Director of Planning and Building Control Services, and other appropriate officers, be authorised to discuss the future use of Moulton Park with the owners.)

(It was reported that a further 6 letters of objection had now been received, together with a letter from the applicant's agent.)

|                               |                                                                                                                            |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| H19/0028/93<br>Mr E Godfrey   | Retention of dwelling without complying with agricultural occupancy condition, Southern Farm, Hallgate Road, Throckenholt. |
| H05/0140/93<br>Mrs G Sketcher | O.A. Residential - one plot at 5 Eastgate, Eastgate Gardens, Fleet.                                                        |

(It was reported that the Parish Council had raised no objections to the proposed development.)

|                                 |                                                                                                                                              |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| H05/0154/93<br>Mrs M M Berry    | O.A. House including details of siting and means of access at 9 Branches Lane, Fleet Road, Holbeach.                                         |
| H09/0178/93<br>D A & R J Foster | O.A. Pair of semi-detached cottages with access and parking areas plus demolition of existing building on site at Roman Bank, Holbeach Bank. |

(It was reported that an objection had been received.)

**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



COM

Application no: H19/0028/93

Type: FULL

Applicant: Mr E Godfrey  
Tel: 0945 700619

Agent: Mr E Godfrey  
0945 700619

Description: Retention of dwelling without  
complying with agriculture  
habitation

Location: Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding Lincs

Valid date: 18-JAN-93  
Target dates:  
To case officer 25-JAN-93  
Inspected by 28-JAN-93  
Extra contacts 01-FEB-93  
Report if not clear by 22-FEB-93

Terminal date: 15-MAR-93  
Target Committee: 09-MAR-93  
Report deadline: 23-FEB-93  
Case Officer:  
D M GEDNEY

#### DEVELOPMENT/CONSTRAINTS

Size:  
Category: Newbuild  
Listed building:  
Conservation Area:

Other Constraints:

#### CONSULTATIONS CARRIED OUT

|                                   | Sent      | Expiry    |
|-----------------------------------|-----------|-----------|
| Clerk to Sutton St E 0406 26739   | 22-JAN-93 | 05-FEB-93 |
| Cllr Mrs E O Hall-Pa 0945 700 829 | 22-JAN-93 | 05-FEB-93 |
| District Valuer 0205 311102       | 09-FEB-93 | 23-FEB-93 |
| Site/Press Advert MIN             | 08-FEB-93 | 01-MAR-93 |

L.C.C. - No objections for

**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



Application no: H19/0028/93

Type: S73A CONTINUATION

Applicant: Mr E Godfrey  
Tel: 0945 700619

Agent: Mr E Godfrey  
0945 700619

Description: Retention of dwelling without  
complying with agriculture  
habitation

Location: Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding Lincs

Valid date: 18-JAN-93

Terminal date: 15-MAR-93

Target dates:

Target Committee: 09-MAR-93

To case officer 25-JAN-93

Report deadline: 23-FEB-93

Inspected by 28-JAN-93

Extra contacts 01-FEB-93

Case Officer:

Report if not clear by 22-FEB-93

D M GEDNEY

#### DEVELOPMENT/CONSTRAINTS

Size:

Category: Newbuild

Listed building:

Conservation Area:

Other Constraints:

#### CONSULTATIONS CARRIED OUT

|                                   | Sent                       | Expiry                       |
|-----------------------------------|----------------------------|------------------------------|
| Clerk to Sutton St E 0406 26739   | 22-JAN-93                  | 05-FEB-93                    |
| Cllr Mrs E O Hall-Pa 0945 700 829 | 22-JAN-93                  | 05-FEB-93                    |
| Site/Press Advert MIN             | <del>26-JAN-93</del> 3 Feb | <del>16-FEB-93</del> 1 March |

*L.C.C. No objection for CB*

*28/1/93*

TYPE: Full

DESCRIPTION: Retention of dwelling without complying with agricultural occupancy condition.

LOCATION: Southeau Farm, Hallgate Road, Throckenholt

APPLICANT: Mr E Godfrey

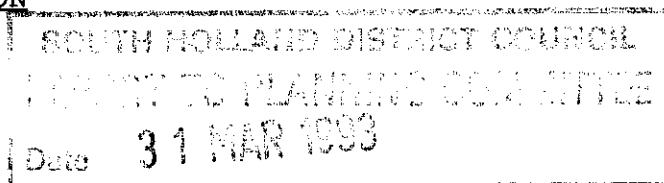
AGENT:

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REASON FOR COMMITTEE CONSIDERATION

Recommendation of refusal.

RECOMMENDATION



A. *Refusal of permission.*

- 1 In the opinion of the Local Planning Authority, the dwelling has been offered for sale at a price which does not reflect the existence of the occupancy condition. As such, the Local Planning Authority are not satisfied that the market from potential purchasers who could have complied with the condition has been adequately tested and consequently the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would be contrary and damaging to the aims of Policy 7A of the approved County Structure Plan which seeks to restrict residential development in the open countryside to that essential to the interests of agriculture.

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PLANNING ISSUES

- 1 Whether the applicants have demonstrated that there is no longer a need for the dwelling from the agricultural workforce with the condition in force. Given the District Valuers advice, I am not satisfied that sufficient attempts to market the property have been made at a realistic price in the current market with the condition in force.
- 2 Information from District Valuer that applicants not employed in agriculture and states he never has been and therefore in breach of agricultural occupancy condition: this is being investigated and a further report will be made if necessary.

REPRESENTATIONS

Parish Council:

The agricultural permission was granted for a purpose, so surely this should stay that way unless it causes hardship.

District Valuer:

(summarised)

Applicant has no involvement in agriculture and has not at anytime since he first occupied the building. Claims he purchased the property without any knowledge of the implication of the agricultural habitation condition, particularly on the effect the condition would have on any future re-sale of the property. This would appear to be backed up by the price which Mr Godfrey paid for the property when he purchased it in July, 1989, this being a figure which in my opinion reflected an unrestricted value of the freehold interest in the dwelling.

The property comprises modern 4 bedroom bungalow, small stable block, paddock/pasture land (approx. 3 acres). Also includes substantial open front agricultural building and single storey wooden store/garage.

Of the opinion that the current market value of the freehold interest in the property on a vacant possession basis is in the region of £66,500. Property recently been marketed at £110,000, which is way in excess of current value.

Applicant:

(summarised)

Property placed on market on 29 June, 1990 at price of £127,000. Since that date price reduced to current price of £110,000 (latter reduction made on 14 January, 1992).

During the period the records show that some 92 sets of sale particulars have been given out, but there have only been 7 viewings.

---

Searches checked between the period April to Sept 1989.

No evidence of one submitted during this period under the name of Godfrey.

DMG 17/3

Valuation Office

|                                     |          |          |
|-------------------------------------|----------|----------|
| S. HOLLAND D.C. - SECRETARY'S DEPT. |          |          |
| RECEIVED                            |          |          |
| 17 MAR 1993                         |          |          |
| PASSED TO                           | FILE No. | INITIALS |

D J Gilbert FRICS  
District Valuer and Valuation Officer  
Peterborough

Crescent House  
46 Priestgate  
Peterborough PE1 1JB

The Director of Administration  
South Holland District Council  
Council Offices  
Priory Road  
SPALDING  
Lincs PE11 2XE

Tel 0733-347842 extn 221  
Fax 0733-893443

Your reference :  
Our reference : OGD 26973/PAH/JE  
Please ask for : Mr Halmshaw

Date : 15 March 1993

Dear Sir

AGRICULTURAL HABITATION CONDITION  
SOUTH EAU FARM, HALLGATE ROAD, THROCKENHOLT  
MR E GODFREY

I refer to a recent instruction received from the Director of Planning and Building Control Services which requested a valuation of the above property on which a planning application has been made for the removal of an Agricultural Habitation Condition.

I attach for your attention my report on the matter and trust that this is sufficient for your purposes. I would also refer to a recent discussion between Mr Halmshaw of this office and Mr Gedney in which it was explained that it emerged upon the inspection of the property that the occupier, Mr Godfrey, has no involvement in agriculture and has not at any time since he first occupied the building. Mr Godfrey claims that he purchased the property without any knowledge of the implication of the Agricultural Habitation Condition, particularly on the effect that the Condition would have on any future resale of the property. This would appear to be backed up by the price which Mr Godfrey paid for the property when he purchased it in July 1989, this being a figure which in my opinion reflected an unrestricted value of the freehold interest in the dwelling. I highlight this point for two reasons: firstly in that his occupation is in breach of the Agricultural Habitation Condition and, secondly in order that if the Planning Committee felt so minded, they may perhaps wish to view the application for the removal of the Condition somewhat differently given the unusual circumstances which would appear to attach to this case.

If you have any queries on the matter, please do not hesitate to contact Mr Halmshaw on the above extension.

Yours faithfully

*Audrey Hay*  
District Valuer

ENC

0315d

|                         |             |
|-------------------------|-------------|
| S.H.D.C. PLANNING DEPT. |             |
| RECEIVED                |             |
| 17 MAR 1993 DG          |             |
| Assigned to             | File Nos.   |
| DRG                     |             |
| DRPO                    |             |
| DRD                     |             |
| DRP                     |             |
| Assigned by             | Assigned to |
| DRG                     | DRG         |

  
**Valuation Office**

**AGRICULTURAL HABITATION CONDITION  
SOUTH EAU FARM, HALLGATE ROAD, THROCKENHOLT  
MR E GODFREY**

**District Valuer & Valuation Officer, Peterborough  
Crescent House, 46 Priestgate  
Peterborough PE1 1JB**

# Report

**AGRICULTURAL HABITATION CONDITION  
SOUTH EAU FARM, HALLGATE ROAD, THROCKENHOLT  
MR E GODFREY**

**PURPOSE OF REPORT**

The above property, which is subject to an Agricultural Habitation Condition, has been for sale since June 1990 but no sale to a party engaged in agriculture has been forthcoming. The owners have now applied to South Holland District Council as Planning Authority for the lifting of the Agricultural Habitation Condition attached to the property. Advice is sought by South Holland District Council as to whether the price which is being sought for the property is realistic given the presence of the Condition.

**LOCATION & DESCRIPTION**

The property comprises a modern 4 bedroom bungalow located at the junction of Hallgate and South Eau Bank, Throckenholt. The property benefits from a small stable block, together with a paddock and pasture land amounting to just over 3 acres. The property also includes a substantial open fronted agricultural building of approximately 2,000 sq ft and a single storey wooden store/garage which is in poor condition. A double garage and workshop/store are also attached to the property, which is fully centrally heated and double glazed.

**COVENANTS & RESTRICTIONS**

It has been assumed that no onerous covenants or restrictions attach to the property other than the Agricultural Habitation Condition to which this report is subject.

**OPINION OF VALUE**

I am of the opinion that the current open market value of the freehold interest in the property, on a vacant possession basis, is in the region of £66,500 (Sixty Six Thousand Five Hundred Pounds). It is understood that the property has recently been marketed at a figure of £110,000. This is clearly way in excess of my opinion of current value.

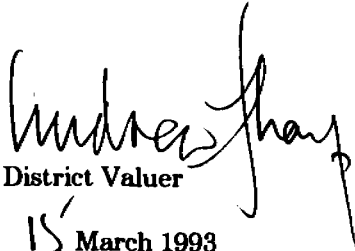
**SURVEY**

A structural survey of the property has not been carried out, nor have the services been tested. It is assumed for the purposes of this valuation that no structural, services or other problems exist.

**VALIDITY**

This report should not be regarded as valid for a period in excess of 4 months from the date hereof, nor if the circumstances are altered.

This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (see section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985) and your Council is recommended to treat it accordingly.

  
District Valuer

15 March 1993

OGD 26973/PAH/JE

0315e

**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



VAT Reg No 121 5277 01

**OFFICIAL RECEIPT - APPLICATION FEES**  
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Receipt No : P2138  
Date received : 18-JAN-93

Received from

E Godfrey

**Address**

Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding

|          |   |       |
|----------|---|-------|
| Fee paid | £ | 60.00 |
| VAT      | £ | 0.00  |

Total received £ 60.00

Cash/Cheque : Cheque

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

**FILE COPY**



Established 1770

# LONGSTAFF



Legal and General is a member of LAUTRO.

CHARTERED SURVEYORS  
AUCTIONEERS, VALUERS & ESTATE AGENTS

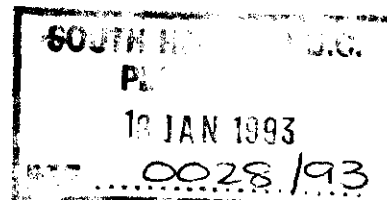
**2 West End, Holbeach, Lincs. PE12 7LW. Tel: (0406) 22760**

Your ref:

Our ref: JMD/EH/H962

Date: 21st May 1992

Mr. and Mrs. E. Godfrey,  
South Eau Farm,  
Hallgate Road,  
Throckenholt,  
Spalding,  
Lincolnshire.



Dear Mr. and Mrs. Godfrey,

Re: South Eau Farm, Hallgate Road, Throckenholt.

Further to our telephone conversation with you yesterday, we are pleased to note below the information you have requested.

Your property was placed on the market with us on 29th June 1990 at an asking price of £127,000. Since that date the property has been reduced in price three times to the current price of £110,000. This latter price reduction was made on 14th January 1992.

During the period our records show that some 92 sets of sale particulars have been given out but there have only been 7 viewings during this time.

We trust the above will prove helpful to you.

Yours sincerely,

Mrs. Jean M. Dewhirst  
Residential Sales Negotiator.

R. Longstaff & Co.

C R M Longstaff, FRICS, FAAV, IRRV; J J Allen, FRICS, FAAV; R A Smitheringale, FRICS; J A Smith, FRICS, FSA, FAAV  
Also at: Spalding (0775) 766766 Market Deeping (0778) 342466 and Crowland (0733) 210517

DG / 62 Huntingfield RD  
Putney SW15  
8 ym See London  
0181-342-1823

Dear Miss Wulham,  
C/O David Gedney.

We will be perching South East  
Farm Haugate RD Throckenham  
Gedney Hill and would be  
Greatful if you could confirm  
in writing if possible  
to keep horses for our own  
pleasure as our Banding Society  
needs this in writing before  
a offer of a mortgage can  
be granted. Thank you

Yours

Sincerely  
L. Newton.

Miss Lynn Newton  
and David Byrne.

---

Mr D Barnes and  
Miss L Newton,  
62 Huntingfield Road,  
Putney,  
London,  
SW15 5EE.

Mr D Godney  
DMG/12 1870.19

31 Jan 1996

Dear Sir and Madam,

PROPOSED PURCHASE OF SOUTH EAU FARM, HALLGATE ROAD, SUTTON ST EDMUND.

in respect of the above.

Condition No 3 of the planning permission for the bungalow (ref: H19/0342/74) states that "the occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture ... (including any dependants or such a person residing with him) or a widow or widower of such a person". The reason for this condition was essentially that the building is sited in open countryside in which dwellings other than those connected with an agricultural need would not be permitted.

Unfortunately, it is considered that your particular circumstances are not such as to enable you to comply with the agricultural clause referred to above. More specifically, the keeping of recreational horses is not considered to fall within the definition of agriculture.

Finally, for your information, an application was submitted in 1993 for the removal of the agricultural clause (ref: H19/0028/93). This was refused on the basis that the dwelling had been offered for sale at a price which did not reflect the existence of the occupancy condition. As such, the Council were not satisfied that the market from potential purchasers who could have complied with the condition had been adequately tested.

I hope the above information is of assistance.

Yours faithfully

N. M. D. G.  
Development Control Manager

TYPE: Full

DESCRIPTION: Retention of dwelling without complying with  
agricultural occupancy condition.

LOCATION: Southeau Farm, Hallgate Road, Throckenholt

APPLICANT: Mr E Godfrey

AGENT:

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REASON FOR COMMITTEE CONSIDERATION

Recommendation of refusal.

RECOMMENDATION

A. Refusal of permission.

- 1 In the opinion of the Local Planning Authority, the dwelling has been offered for sale at a price which does not reflect the existence of the occupancy condition. As such, the Local Planning Authority are not satisfied that the market from potential purchasers who could have complied with the condition has been adequately tested and consequently the applicant has failed to demonstrate that there is no demand for the dwelling from the agricultural workforce. To grant permission on this basis would be contrary and damaging to the aims of Policy 7A of the approved County Structure Plan which seeks to restrict residential development in the open countryside to that essential to the interests of agriculture.

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PLANNING ISSUES

- 1 Whether the applicants have demonstrated that there is no longer a need for the dwelling from the agricultural workforce with the condition in force. Given the District Valuers advice, I am not satisfied that sufficient attempts to market the property have been made at a realistic price in the current market with the condition in force.
- 2 Information from District Valuer that applicants not employed in agriculture and states he never has been and therefore in breach of agricultural occupancy condition: this is being investigated and a further report will be made if necessary.

REPRESENTATIONSParish Council:

The agricultural permission was granted for a purpose, so surely this should stay that way unless it causes hardship.

District Valuer:

- (summarised)

June 1989.  
1132/89.

Applicant has no involvement in agriculture and has not at anytime since he first occupied the building. Claims he purchased the property without any knowledge of the implication of the agricultural habitation condition, particularly on the effect the condition would have on any future re-sale of the property. This would appear to be backed up by the price which Mr Godfrey paid for the property when he purchased it in July, 1989, this being a figure which in my opinion reflected an unrestricted value of the freehold interest in the dwelling.

The property comprises modern 4 bedroom bungalow, small stable block, paddock/pasture land (approx. 3 acres). Also includes substantial open front agricultural building and single storey wooden store/garage.

Of the opinion that the current market value of the freehold interest in the property on a vacant possession basis is in the region of £66,500. Property recently been marketed at £110,000, which is way in excess of current value.

Applicant:

(summarised)

Property placed on market on 29 June, 1990 at price of £127,000. Since that date price reduced to current price of £110,000 (latter reduction made on 14 January, 1992).

During the period the records show that some 92 sets of sale particulars have been given out, but there have only been 7 viewings.

**B** **J 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

|                                                     |                                      |
|-----------------------------------------------------|--------------------------------------|
| S.H.D.C. PLANNING DEPT.<br>RECEIVED<br>- 8 FEB 1993 |                                      |
| Attention of<br>DPO MUM<br>DPO AS                   | File No<br>DG                        |
| IC ADP<br>Admitted by<br>Discontinued by<br>Date    | Reconsideration YES/NO<br>by<br>date |



Application no: H19/0028/93

Applicant: Mr E Godfrey  
Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding Lincs PE12 0QS

Agent: Mr E Godfrey  
Southeau Farm  
Hallgate Road  
Throckenholt  
Spalding Lincs PE12 0QS

Description: Retention of dwelling without complying with agriculture habitation

Location: Southeau Farm Hallgate Road  
Throckenholt Spalding Lincs

Type: S73A CONTINUATION

Date received: 18-JAN-93

22-JAN-93

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 06-FEB-93. 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 M GEDNEY

Yours faithfully

B SMITH

Director of Planning and Building Control Services

Clerk to Sutton St Edmund PC  
Parish Council Office  
2 Spalding Road, Holbeach  
Spalding, Lincs

FOR PARISH COUNCIL USE ONLY

Comments: The agricultural

Permission was granted for a purpose so surely this should stay that way unless it causes hardship  
signed: *[Signature]*