

Town and Country Planning Act 1990

Planning Permission

Reference: H19/0323/93

Received:05-APR-93 Type:SEC 73 MODIFICATION

Name: E J Warner Esq
The Barn
Hallgate Road
Sutton St Edmund
Spalding Lincs

Agent: William H Brown
Crescent House
8/9 Market Street
Wisbech
Cambs PE13 1EX

Description: Occupation of the residential dwelling without complying
with Condition 2 attached to permission H19/1293/88

Location : The Barn Hallgate Road
Sutton St Edmund Spalding

South Holland District Council hereby give notice that PERMISSION HAS
BEEN GRANTED for the proposal described above, subject to any
condition(s) set out below:

Director of Planning and Building Control Services
17-MAY-93 H19/0323/93

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.

289
23.598

50-17
DE ADZ 1237
0323/93

301
3.614

300
2.104

308
6.140

311
11.148

299
1.500

.698

310
6.048

321
7.833

322
3.975

325
7.310

ONE:2500 SCALE

PLANNING APPLICATION

For office use only

Application No. H19/0323/93

Date Registered

05 APR 1993

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

E J WARNER ESQ
THE BARN
HALLGATE ROAD
SUTTON ST EDMUND
SPALDING, LINCS

Tel. No.

NAME AND ADDRESS OF AGENT

(if form completed by agent)

WILLIAM H BROWN
CRESCENT HOUSE, 8/9 MARKET STREET
WISBECH, CAMBS, PE13 1EX

Tel. No. 0945 64451

(Personal contact name) MARK VAWSER

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

THE BARN, HALLGATE ROAD, SUTTON ST EDMUND, SPALDING, LINCS

OFFICE COPY

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

OCCUPATION OF THE RESIDENTIAL DWELLING WITHOUT COMPLYING WITH
CONDITION 2 ATTACHED TO PLANNING PERMISSION REFERENCE: H19/1293/88

Please complete

I attach

* Four copies of all plans

* an ownership certificate (see back page)

* a fee of £60.00

If you consider no fee is payable

include a written explanation instead.

Previous application No.

Signed

W. H. Brown

Date 2. APRIL 1993

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

(✓)

or This is an **outline** application

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

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

H19/1293/88

B. Please state Condition Number referred to

TWO

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.

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 W.H. Brown (Applicant / Agent) Date 2 APRIL 1993.

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 W.H. Brown (Applicant / Agent) Date 2 APRIL 1993.

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

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Site features

Inspected by *DMG*
Date *21/4*

Notice posted by *DMG*
Date *21/4*

Accuracy

Other

Currently appear to have separate curtilages. The Barn has its own individual access & garden, plus garage. Property opposite.

Neighbours

Boundaries

Resident Notices required

Sent

Delivered

Case Officer Conclusions *DMG 14/5 -*

No objection now raised on policy grounds (appears to satisfy criteria).

No objection raised on amenity grounds in respect of previous application. (Ref HIA/1203/88).

Holly Tree Farm, Hattgate Rd.

RECOMMENDATION

COMMITTEE

Departure from Policy

Ward Member request

Recommend approval against material objection

Other circumstance viz:

Change to Committee recorded

DELEGATED

Case Officer *DMG*

Senior Officer *DMG/B*

Case Officer Recommendation

Approve

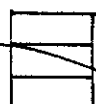
Refuse

Signed *DMG*

Conditions/~~Reasons~~
(continue overleaf)

None

~~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:

.....

.....

Case Officer

DAVID GEDNEY

Recorded on board:

ADMIN RECORD SHEET

Initial

Submitted Fee £ 60.

Receipt Issued PASA

Date first Rec'd 05 APR 1993

Registration

Reference H19/0323/93

Cross-Ref

Date 06-APR-93

Validation

TYPE SEC 73

Earliest permission

Site area

No of dwellings

Floorspace

Description

Tech

Certificate
Site plans
Description

Accuracy
Incomplete form

Fees

Nil fee

Discounted fee

Correct fee

60.

Previous app
Type

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 365

OS No's

Grid ref 536090 312480

Ward W

Parish SSE

TR Rural
TR Bypass
Level Cross
Footpath

CA
LB
TPO

Inside IBD NO

Inside LP area NO

Linked to site

Ref

Linked to property 0305919 Ref

Planning Records:
Earlier apps

B Reg Records:
Already submitted - Ref
Request
Requested

William H. Brown

— Estate Agents, Valuers & Surveyors —

Our Ref: MAV/SM

Your Ref: H19/0323/93

Date: 21 May 1993

Crescent House, 8/9 Market Street,
Wisbech, Cambridgeshire, PE13 1EX
Tel: 0945 64451
Fax: 0945 474703
DX: 41355 WISBECH 1

Director of Planning and Building Control Services
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs
PE11 2XE

For the attention of B Smith Esq Dip MT MRTPI

Dear Sir

Section 73 Modification
The Barn, Hallgate Road, Sutton St Edmund - E J Warner Esq

I acknowledge receipt of the Council's Planning Decision Notice in respect of the above mentioned application and appreciate your Department's prompt attention in this particular matter.

Yours faithfully

W. H. Brown

M A Vawser
WILLIAM H BROWN

Handwritten: *encl*

S.H.D.C. PLANNING DEPT. RECEIVED 24 MAY 1993 DG	
Amended by DPO ☒ MS DCPO ☐ MS JC ☐ ACP	File Nos.
Action by	Acknowledge YES/NO
Directed with	by
Copy to	date

BRIAN S. 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



H19/0323/93

SEC 73 MODIFICATION

Applicant: E J Warner Esq
Tel:

Agent: William H Brown
0945 64451

Description: Occupation of the residential dwelling without complying with Condition 2 attached to permission H19/1293/88

Location: The Barn
Hallgate Road
Sutton St Edmund
Spalding

Valid date: 05-APR-93

Terminal date: 31-MAY-93

Target dates:

Target Committee: 12-MAY-93

To case officer 12-APR-93

Report deadline: 28-APR-93

Inspected by 19-APR-93

Extra contacts 26-APR-93

Case Officer:

Report if not clear by 10-MAY-93

D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:

Category: Misc works

Listed building:

Other Constraints:

Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Owner/Occupier, Holly Tree Farm, Hallgate	22-APR-93	13-MAY-93 ✓
Site/Press Advert MIN	16-APR-93 21	07-MAY-93 12
Cllr Mrs E O Hall-Pa 0945 700 829	13-APR-93	20-APR-93
clerk to Sutton St Edmund	13 APR 93	27 27 APR 93
L.C.C. - No objection for 5/5/93		

BRIAN ITH 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



H19/0323/93

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DEVELOPMENT/CONSTRAINTS

Size:

Category: Misc works

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Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Clerk to Sutton St E 0406 26739	13-APR-93	27-APR-93
Cllr Mrs E O Hall-Pa 0945 700 829	13-APR-93	27-APR-93
Site/Press Advert MIN	16-APR-93	27-MAY-93
	21	12

POLICY R2

OUTSIDE THE BOUNDARIES OF DEVELOPMENT NEW RESIDENTIAL DEVELOPMENT WILL NOT NORMALLY BE PERMITTED. THE POLICIES OF THE LINCOLNSHIRE STRUCTURE PLAN WILL BE APPLIED.

THE DISTRICT COUNCIL:

- (i) WILL, IN DEALING WITH PROPOSALS FOR RESIDENTIAL DEVELOPMENT, NEED TO BE SATISFIED THAT THERE IS AN ESSENTIAL AGRICULTURAL NEED FOR A DWELLING TO BE LOCATED OUTSIDE THE BOUNDARIES OF DEVELOPMENT IN THE OPEN COUNTRYSIDE. WHERE PERMISSION IS GRANTED FOR SUCH A PROPOSAL, THE FOLLOWING CONDITION WILL BE ATTACHED TO THE PERMISSION:

'THE OCCUPATION OF THE DWELLING SHALL BE LIMITED TO A PERSON SOLELY OR MAINLY EMPLOYED, OR LAST EMPLOYED IN THE LOCALITY IN AGRICULTURE, AS DEFINED IN SECTION 336 OF THE TOWN AND COUNTRY PLANNING ACT 1990, OR A DEPENDENT OF SUCH A PERSON RESIDING WITH HIM (BUT INCLUDING A WIDOW OR WIDOWER OF SUCH A PERSON)'.

- (ii) WILL, IN DEALING WITH PROPOSALS WHERE AN AGRICULTURAL JUSTIFICATION IS CLAIMED, EXPECT THE APPLICATION TO BE ACCOMPANIED BY INDEPENDENT EXPERT EVIDENCE JUSTIFYING THE NEED FOR A DWELLING IN THAT LOCATION.

- (iii) WILL, IN DEALING WITH PROPOSALS FOR THE CONVERSION OF BUILDINGS TO RESIDENTIAL USE, NEED TO BE SATISFIED THAT:

- (a) THE BUILDING IS OF SUFFICIENT CHARACTER AND/OR LOCAL INTEREST TO WARRANT ITS RETENTION.
- (b) THE CONVERSION WILL NOT MATERIALLY ALTER ITS VISUAL CHARACTER.
- (c) CONVERSION IS STRUCTURALLY FEASIBLE AT REASONABLE COST.

Explanation

The Lincolnshire Structure Plan considers the consolidation of most large scale new housing and associated development into the towns and a number of villages as the way to improve accessibility to work, to shopping centres and to social and community facilities for a growing proportion of the County's population. There is a hierachial category of towns and villages which are to accommodate future development proportionate to their status. Consolidation will help secure the best return from existing investment and secure the most economic use of utilities.

Outside the boundaries of development of settlements, in the open countryside, there is a presumption against new development unless the Local Planning Authority is satisfied that there is an essential agricultural, horticultural or forestry need for a dwelling that cannot be met in a nearby settlement. In these cases an appropriate occupancy condition is attached to the grant of any planning permission. This policy is concerned with maintaining the present, often attractive character of the open countryside, minimising the loss of agricultural land and avoiding the higher than average costs of serving new dwellings in scattered locations. It is also to help in the consolidation of development in the towns and main villages in accordance with the overall strategy. There is also a presumption against new housing development which would intensify the effect of ribbon or scattered development, and a presumption against new housing in settlements comprising a loose group of houses in scattered locations.

LATE OBS. Off. Date. P.S. 1/4
 Salient points highlighted

William H. Brown

Our Ref: MAV/SJB

Your Ref: H/19/0323/93

Date: 23rd April 1993

— Estate Agents, Valuers & Surveyors —

Crescent House, 8/9 Market Street,
 Wisbech, Cambridgeshire, PE13 1EX
 Tel: 0945 64451
 Fax: 0945 474703
 DX 41355 WISBECH 1

B Smith Esq Dip MT MRTPI
 Director of Planning and Building Control Services
 South Holland District Council
 Council Offices
 Priory Road
 Spalding
 Lincs
 PE11 2XE

S.H.D.C. PLANNING DEPT.	
RECEIVED	
26 APR 1993 DG	
Attention of	File Nos.
DPO ☒ M	
DOPO GS	
JC ACP	
Action by	Knowledge YES/NO
Discussed with	BY
Copied to	DATE
	ST 26/4

Dear Sir

The Barn, Hallgate Road, Sutton St Edmund - E J Warner Esq

I refer to my telephone conversation with your Mr D M Gedney when I offered to submit additional background information. I understand that our clients have already advanced information to you relating to their personal circumstances.

In essence the application approved by your Council in October 1988 appeared to relate to the conversion of an existing barn. Although it may have been at that time that your Council did not have in place a specific policy for dealing with barn conversions it would appear that the building was of sufficient visual merit, being constructed in 1826, that Paragraph 6 of Government Circular 16/87 and Paragraph 18 of Planning Policy Guidance Note Number 7 together set a presumption in favour of its conversion to an alternative use. These policy documents set a presumption in favour of the conversion of redundant farm buildings which are in keeping with the character of the countryside to new uses, providing that the existing structure was in keeping with the rural scene and that drastic rebuilding was not required.

More recently the District Council under Policy R2 (iii) "will in dealing with proposals for the conversion of buildings to residential use, need to be satisfied that

- a) the building is of sufficient character and/or local interest to warrant its retention
- b) that the conversion will not materially alter its visual character
- c) conversion is structurally feasible at a reasonable cost".



Royal Insurance

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



I trust your Council will be able to consider the current planning application in light of the aforementioned policies which I believe would not have envisaged the use of Occupancy Condition Number 2. I would be grateful if the Council will take into account the personal circumstances advanced by our clients resulting from the difficulties of using two physical separate buildings.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W. H. Brown'. The signature is written in a cursive style with a large, stylized 'B'.

M A Vawser
WILLIAM H BROWN

TYPE: Section 73 Modification

DESCRIPTION: Occupation of the residential dwelling without complying with Condition 2 attached to permission H19/1293/88.

LOCATION: The Barn, Hallgate Road, Sutton St Edmund.

APPLICANT: E J Warner Esq

AGENT: William H Brown

REASON FOR COMMITTEE CONSIDERATION

~~To assess whether acceptable on policy~~ ^{and amenity} grounds.

this is not a reason for refusal & etc

RECOMMENDATION

~~Grant Permission.~~ That upon the expiration of the consultation period (13th May 1993) the Director of Planning and Building Control Services be authorised to grant permission.

COMMENTS

1 Condition 2 states that "the extension of ^{the} a dwelling shall be used and occupied in conjunction with the existing dwelling, and shall not be used as a separate unit ~~with~~ of living accommodation."

Not now considered to be sufficient reason to refuse application on policy or amenity grounds.

was then the ground for the refusal? is this relevant?

3 Some detailing differs from approved plans; however, would have been possible to carry it out under Permitted Development rights.

REPRESENTATIONS

Parish Council:

No objections
~~No response (expiry 27 April 1993).~~

County Highways:

Response awaited.

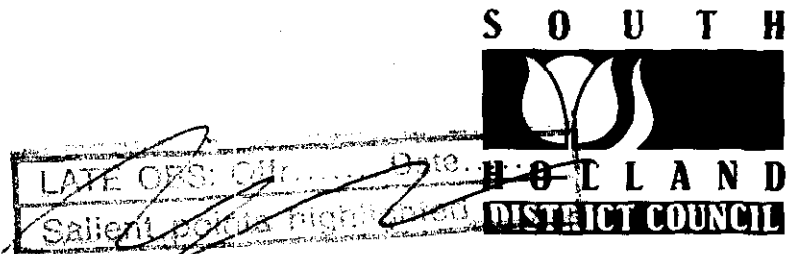
~~SCHEDULE OF CONDITIONS~~

Information from applicant's daughter
(summarised)

*Discussed with MRA 3/4.
Considered that application could be ~~made~~ determined under delegated powers. M6 -*

- My husband and I reside in associated house, own house and barn jointly with my parents.
- We currently have a mortgage on the property which is supporting my parents, who are pensioners on a fixed income.
- They fear that we will not be able to pay the mortgage and they will lose their home.
- Building Society prepared to release my parents ~~from~~ property from mortgage provided Planning refused.

BRIAN SMITH 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: H19/0323/93

Applicant: E J Warner Esq
The Barn
Hallgate Road
Sutton St Edmund
Spalding Lincs

Agent: William H Brown
Crescent House
8/9 Market Street
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Cambs PE13 1EX

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Location: The Barn Hallgate Road
Sutton St Edmund Spalding

Type: SEC 73 MODIFICATION

Date received: 05-APR-93

13-APR-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 28-APR-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

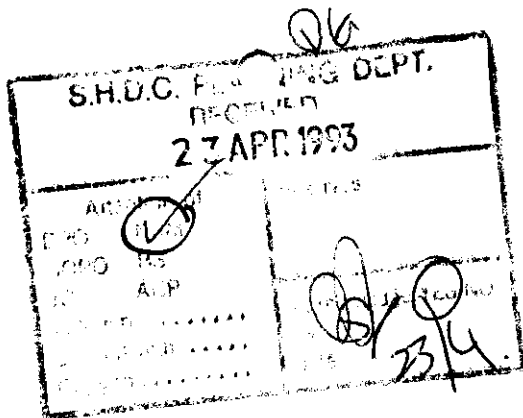
Comments:

No objections

Signed:

[Signature]
25/4/93

S.H.D.C. PLANNING DEPT. RECEIVED 27 APR 1993		DG
Attention of DPO 1-1 DPO 63 JC ACP	File Nos.	
Noted by	Acknowledge YES/NO	
Discuss with	by	
Copy to	date	

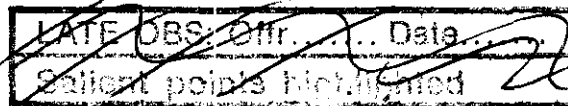


Chestnut Farmhouse
Hallgate
Sutton St Edmund
SPALDING
Lincs
PE12 0LN
April 21st 1993.

Planning Department

Mr Gedney

Dear Sir,



Application NE H19/0323/93

This letter is to accompany the planning application submitted by Mark Vawser of WH Brown on behalf of my parents (Mr + Mrs EJ Warner) and my husband and myself (Mr + Mrs J Williams)

We, all four, jointly own the property known as Chestnut Farmhouse including The Barn. My husband and I live in the house, my parents in the converted barn. Being normal working folk my husband and I have a mortgage secured on the property which is worrying my parents. They are pensioners on a fixed income. Since moving into The Barn they have become more and more worried over our mortgage. Despite the fact that I have a secure and well paid job this does nothing to allay their concern as my husband has been unemployed for the past 18 months although recently he has started successfully

working for himself. They fear that we will not be able to pay the mortgage and they will lose their home.

Our Building Society are quite happy to release their property from the mortgage provided that the planning restrictions are lifted and the existing property can be split into two separate properties. This would make my parents home their own and remove all their worries.

We hope this explanation is clear, and sufficient to enable you to alter the planning approval as requested. If you require any additional information please do not hesitate to contact my husband or myself

Yours sincerely

Carole Williams.

BRIAN SMITH ip 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

FILE COPY



VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P2522
Date received : 05-APR-93

Received from

Mr & Mrs J Williams

Address

The Barn
Hallgate Road
Sutton St Edmund
Spalding

Fee paid	£	60.00
VAT	£	0.00

Total received £ 60.00

Cash/Cheque : Cheque

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