SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Determination that Prior Approval of Details is Not Required

Reference: H22/0616/93 Received:30-JUN-93 Type:AGRIC DETERMINATION

Name: Messrs C B King
Sunnyfield Nursery
Wragg Marsh
Spalding
Lincs, PE12 6HH

Agent: ADAS
Chequers Court
Huntingdon
Cambs
PE19 1DU

Description: Excavation of irrigation reservoir and deposit of spoil on site
Location : Sunnyfield Nursery Wragg Marsh
Spalding Lincs

South Holland District Council hereby give notice that PRIOR APPROVAL OF DETAILS WILL NOT BE REQUIRED, and the development may be carried out, subject to the conditions below:

1 (a) The development must be carried out within a period of five years from the date this application for determination was received.
(b) The development must be carried out in accordance with the information contained in the application.

Director of Planning and Building Control Services
21-JUL-93 H22/0616/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

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

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

APPLICATION FOR AGRICULTURAL DETERMINATION

For Office use only 22
Application No. H16/0616/93
Date registered 30 JUN 1993
Grid reference .....

Please complete in block letters
NAME AND ADDRESS OF APPLICANT
MESSRS C. B. KING
SUNNYFIELD NURSERY WRAGG MARSH
SPALDING LINCS. PE12 6HH
Tel No: 0406-370239

NAME AND ADDRESS OF AGENT
(if form completed by agent)
ADAS, CHEQUERS COURT HUNTINGDON
CAMBS. PE19 1DU
Tel No: 0480-52161 EXT 211
Contact Name: MR A. SLAYMAKER ARICS

Please complete in block letters
FULL POSTAL ADDRESS OF THE APPLICATION SITE
SUNNYFIELD NURSERY, WRAGG MARSH, SPALDING LINCS PE12

Please complete in block letters
FULL DESCRIPTION OF AGRICULTURAL BUILDING (OR PRIVATE WAY)

SEE ATTACHED SHEET.

Please complete
I attach the necessary plans and apply for a determination as to whether approval of details is required.
Signed ..... (~~Applicant~~/Agent) Date 29/6/93

Please complete
Describe the materials to be used, including colour, and any other details to describe the building.

N/A

NOTES
One copy of the application form is required, together with one copy of a site plan to identify the land (preferably at a scale of 1/2500 and with the site edged red).

A fee is required with this application.

APPLICATION ASSESSMENT

Notes for Case Officer

Can be dealt with as Dep Del. Total holding including Dwelling curtilages is over 5 H. Area of reservoir is 2400 m² allowed ± 1 ie 5000

Site Inspection

Accuracy :
Neighbours :
Boundaries :
Site Features :

Inspected by PDM
Date 13-7

Site Notice posted by
Date
Expiry NOT NEEDED

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Case Officer Conclusions

Large area bounded by hill ridges

CK

RECOMMENDATION/DECISION

NON-DETERMINATION

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

Senior Officer confirmed .....

Withdrawn .....

DELEGATED DECISION

Case Officer Recommendation

Approve ✓ (or equiv)
Refuse (or equiv)

Signed PDM Date 15-7

COMMITTEE

Confirmed as agenda .....

SUB-COMMITTEE

Confirmed as agenda .....

DPBCS AUTHORISED

Decision Issue confirmed .....

Notes:

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

Conditions/Reasons: (cont overleaf)

DC INSTRUCTION SHEET

APPLICATION REF: H16/0616/93

Directions

Art 7 (Outlines) ☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current					
Required					

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

☐ Non Std Precise details:

Direction authorised by Senior Officer..... Date.....

Revalidation after Direction

Information satisfactory Signed..... Date.....

Valid date:

Amended description

Reconsultations:

All.....
Specified:

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

Precise details:

Para 5-7 Total Area Site Boundary = 5.6 H

TR 8/7

Additional Consultation/Publicity Required

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

Extra Consultations:

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

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

Case Officer

Senior Officer Confirmed ..M..... Date..... Recorded DC....

ADMIN RECORD SHEET

Initial

Submitted Fee £ 22

Receipt No P2910

Date first Rec'd 30 JUN 1993

Registration

Reference H/22/0616/93

Cross-Ref

Date 1/7/93

Validation

TYPE AG

Site area
No of dwellings
Floorspace

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

Description to be recorded: ~~AP~~ Excavation of Irrigation Reservoir + deposit of spoil on site

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

Fees
- Correct fee £ 22
- Nil fee ☐
- Discounted ☐
- Previous app – ref:
- Type of app
- Reason:
- Additional £
- Refund £
- Receipt No
- Voucher No
- Date
- Date

Information

Index sheet 113 OS Plots
Grid ref 529503 176600

Ward X Parish WESTON

Inside IBD NO Inside LP area NO

Constraints:

- ☐ CA Cons Area
- ☐ LB Listed – Grade:
- ☐ ARC Archaeology
- ☐ AM Ancient Mon
- ☐ SSI Special Int

Hazards –

- ☐ Dist Bound
- ☐ Other:

- ☐ TR Rural
- ☐ BP TR proposed 67m
- ☐ LC Level Cross
- ☐ FP Footpath
- ☐ TPO Tree Pres
- ☐ HAZ Site
- ☐ AIR Safeguard
- ☐ LIN Elect
- ☐ PIP Pipe
- ☐ CON Waste/contamin

Linked to site Ref

Linked to property Ref 0289/90

Planning Records:
Earlier apps

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

RIAN SMITH Dip TP MRTPI
irector 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

H22/0616/93

AGRIC DETERMINATION

Applicant: Messrs C B King
Tel: 0406 370239

Agent: ADAS
0480 52161 Mr A Slaymaker

Description: Excavation of irrigation reservoir and deposit of spoil on site

Location: Sunnyfield Nursery
Wragg Marsh
Spalding
Lincs

Valid date: 30-JUN-93
Target dates:
To case officer 07-JUL-93
Inspected by 14-JUL-93
Extra contacts 21-JUL-93
Report if not clear by 21-JUL-93

Terminal date: 28-JUL-93
Target Committee:
Report deadline:

Case Officer:
P J UDY

DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry

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

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

SOUTH HOLLAND DISTRICT COUNCIL

VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P2910
Date received : 30-JUN-93

Received from

Kinder Garden Plants Ltd.

Address

Sunnyfield Nursery
Wragg Marsh
Spalding

Fee paid	£	22.00
VAT	£	0.00
Total received	£	22.00

Cash/Cheque : Cheque

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

Your Ref: PJU/SJS/1870/22

Our Ref: 51468

29 June 1993

ADAS
FOOD, FARMING, LAND & LEISURE

ADAS HUNTINGDON
CHEQUERS COURT
HUNTINGDON
CAMBS
PE18 6LT

TEL: (0480) 52161
FAX: (0480) 412049

Mr P Udy
South Holland District Council
Planning and Building Control Services
Priory Road
SPALDING
Lincs
PE11 2XE

SOUTH HOLLAND D.C.
PLAN DEPT.
30 JUN 1993
REF .0618.93

Dear Mr Udy

NURSERY EXPANSION
SUNNYFIELD NURSERY, WRAGG MARSH - MESSRS KING

Further to our recent correspondence, I am enclosing an Agricultural Determination form and layout plans for a determination as to whether prior approval will be required for the siting of an irrigation reservoir or the deposit of excavated material, at Sunnyfield Nursery.

As previously discussed, we are proposing to submit a full application for the expansion of the unit some time in September.

If you require further information on any point please contact me.

Yours sincerely

Arthur Slaymaker

A J G SLAYMAKER ARICS
Land Management Consultant

2. Permission under Class A: the nature of the land

3B–1124 The Class A permission is restricted to a parcel of land which:—

(1) is not less than 1 hectare in area
(2) is comprised in an agricultural unit of 5 hectares or more in area
(3) is in use for agriculture
(4) for the purpose of a trade or business

The Class B permission is restricted to a parcel of land which:

(1) is not less than 0.4 hectare in area
(2) is comprised in an agricultural unit of between 0.4 and 5 hectares in area
(3) is in use for agriculture
(4) for the purposes of a trade or business.

These requirements are analyzed in the following paragraphs.

(1) minimum parcel size

The Order specifies a minimum parcel size, which varies according to the size of the agricultural unit concerned. Previously, the 0.4 hectare minimum parcel size applied to all Part 6 development. Following the 1992 amendments, it applies only in the case of Class B development, which is applicable only where the agricultural unit is smaller than five hectares. For larger agricultural units the minimum parcel size is now 1 hectare. The purpose of these limitations is to prevent over-development on small parcels of agricultural land.

The rules on separate parcels of agricultural land have caused considerable difficulty in past versions of the Order. The 1988 Order permitted development on any agricultural land over 0.4 hectare, but required that area to be calculated without taking into account any separate parcels of land. That was an attempt to override one of the grounds of the decision in *Hancock* v. *Secretary of State for the Environment* [1987] J.P.L. 360, where Hodgson J. had indicated his view that a single piece of agricultural land could comprise a farmhouse and buildings plus garden totalling 1.1 acres situated in a village, together with 2 small fields (1.5 acres and 2.5 acres respectively) close by, and the remainder of the farm (six fields) about a third of a mile away. That decision was upheld on different grounds in the Court of Appeal (*sub-nom Tyack* v. *Secretary of State for Environment; Hancock* v. *Secretary of State for the Environment* [1988] 3 P.L.R. 78; [1989] J.P.L. 99), where the Court appears to have held that where component parts were separated by a substantial feature, they would probably not comprise a single piece of agricultural land, but it was a matter of fact and degree for the Secretary of State.

The 1992 amendments substitute a dual test: the parcel on which the development is to be carried out must be greater than one hectare, and the agricultural unit of which it forms part must exceed five hectares. Although the five hectares may include any dwelling occupied by the farmer of the unit (Class D.1 definition of "agricultural unit"), the minimum area of one hectare on which the development will take place must be calculated ignoring any dwellinghouse or garden (Class D.1 definition of "agricultural land"). This exclusion was first introduced by the 1988 Order, so as to override the other ground of the High Court decision in *Hancock* v. *Secretary of State for the Environment* [1987] J.P.L. 360, where the court held, following *Blackmore* v. *Bulter* [1954] 2 Q.B. 171, that a farmhouse and its garden, occupied by a farmer and surrounded by farm buildings, was "land used for agriculture," and could be included in the calculation of the minimum size requirement. That ruling was upheld in the Court of Appeal,

3B–1124

PROPOSED WORKS

Irrigation reservoir (as shown on the attached plan) to be graded and its surrounding area planted with grass and some small scale trees and shrubs.

The spoil from the excavation will be deposited on site in the immediate area, and over the new planting areas (see plan). Once deposited it will also be graded, and then planted with appropriate locally occurring tree and hedge plants such as oak, ash and horse chestnut, where shading is not a problem, and alder and hawthorn elsewhere.

29 June 1993

SOUTH HOLLAND D.C.
PLAN DEPT.
30 JUN 1993
REF 0616.1993...

SOUTH HOLLAND D.C.
PLAN DEPT
30 JUN 1993
REF .98.16.93..

ADDITIONAL INFORMATION

The Regulations relating to agricultural development are complex and this information will help the Planning Authority to check whether you, in fact, need permission for the proposal.

Area of whole agricultural unit: 4.86 hectares

Area of the parcel of land where the development is proposed: 4.86 hectares

Has a building been constructed on this unit in the last two years (excluding dwellings) ? ~~YES~~ / NO

If yes, Total ground area: N/A sq metres

Distance from proposed new building: N/A metres

Details of proposed new building or extension IRRIGATION RESERVOIR

Length: 60 metres — Height to ridge: N/A metres

2400 m²

Width: 40 metres — Height to eaves: N/A metres

Details of original building (If the proposal is for an extension) - Maximum height: N/A metres

- Cubic Capacity: N/A cu.metres

Is the building to be used for livestock ? N/A ~~YES / NO~~

Distance from highway: 70 metres

Distance from boundary of unit: 25 metres

DPO

SOUTH HOLLAND
Internal Drainage Board

Marsh Reeves,
Foxes Lowe Road,
Holbeach,
Spalding, Lincs.
PE12 7PA.

S.H.D.C. PLANNING DEPT.
RECEIVED
19 JUL 1993
Attention of
DPO NRM
DDPO BS
JO AGB
Action by .....
Discuss with .....
Copy to .....
File Nos.
Your Ref
Acknowledge YES/NO
By
Ref

w/o
G 15/7

Please contact: Mr. Staines

Tel: Holbeach (0406) 24933
Fax: (0406) 26501

Our Ref. RS/PAR/616/93/FES

Date 15 July 1993

Dear Sirs,

PROPOSED IRRIGATION RESERVOIR
SUNNYFIELD NURSERY, WRAGG MARSH, SPALDING

The South Holland District Councils Director of Planning has advised me that you have submitted an application on behalf of Messrs. C.B. King seeking a determination as to whether a full planning permission will be required for the above project.

Unfortunatley no details were available for my inspection at the Planning Department and I am accordingly unable to ascertain whether my Boards interests will be affected.

I will accordingly be glad to receive details for consideration.

A copy of this letter is being forwarded to the Director of Planning so that he is aware details are awaited.

Yours faithfully,

ENGINEER TO THE BOARD

A.D.A.S.
Chequers Court
Huntingdon
Cambs PE19 1DU

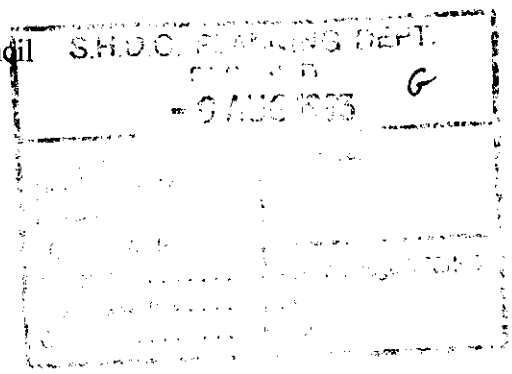
Our Ref: 93/1/SH/0207
Contact: G Thornally

Date: 5 August 1993

NRA

National Rivers Authority
Anglian Region

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



Dear Sir

Planning Application No. H22/0616/93

PROPOSAL : **EXCAVATION OF AN IRRIGATION RESERVOIR AND DEPOSIT OF SPOIL ON SITE**
LOCATION : **SUNNYFIELD NURSERY, WRAGG MARSH, SPALDING**
APPLICANT : **MESSRS C B KING**

I refer to your consultation received on 21 July 1993.

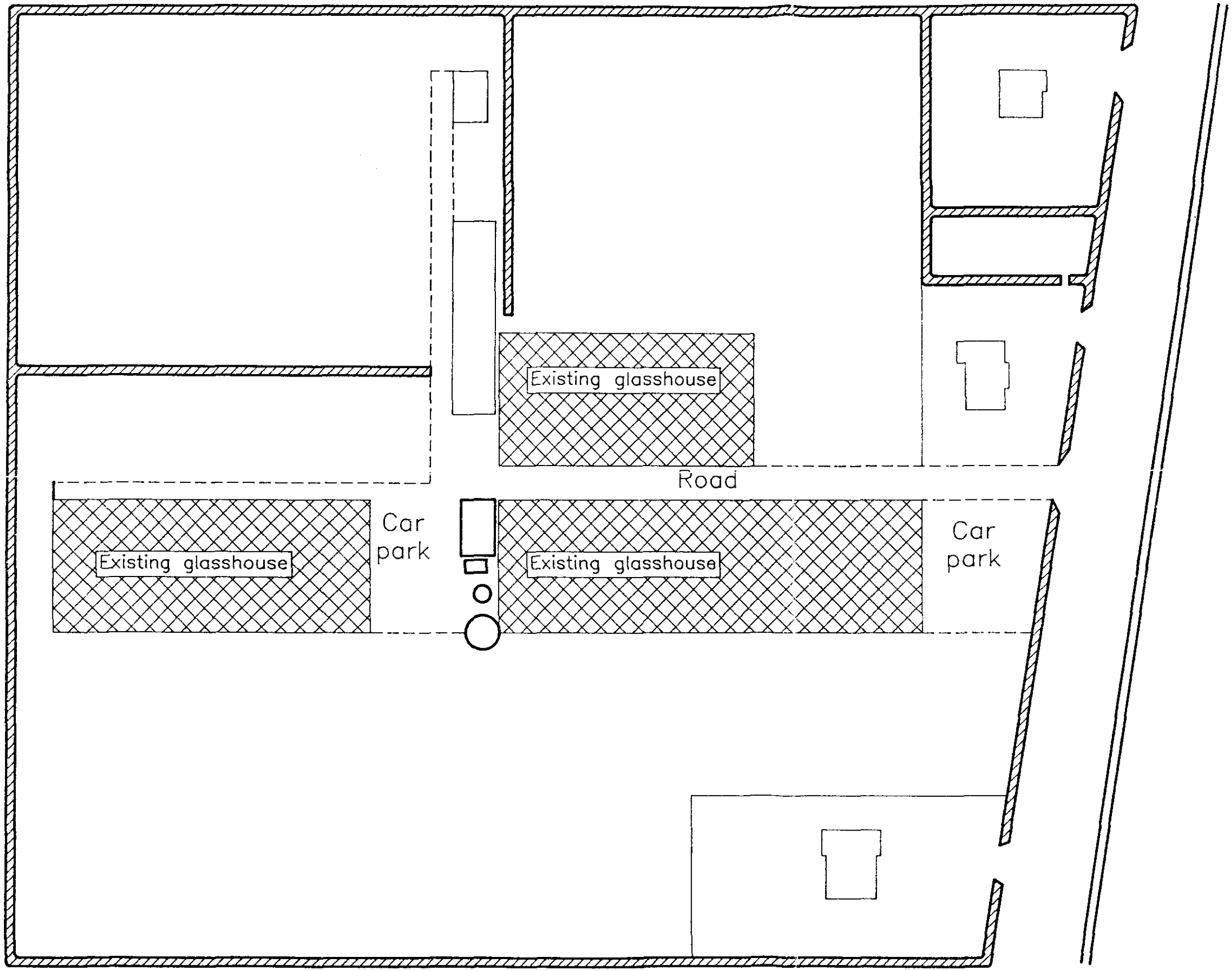
This Authority has no objection to the proposed development, but has advised the applicant on matters to be considered to ensure the proposal does not give rise to pollution of surface or groundwaters, and detrimental effect on water resources.

Yours faithfully

R F Morgan
Planning Manager

GRAINGER DAVIES, B.Sc., C.Eng., F.I.C.E., F.I.W.E.M.
Regional General Manager

Northern Area
Aqua House
Harvey Street
Lincoln
LN1 1TF
Tel: (0522) 513100
Telefax: (0522) 512927



Sunnyfield Nursery
Marsh Road
Weston
Spalding
Lincs

SOUTH HOLLAND D.C.
PLAN DEPT.
30 JUN 1993
REF S/0616/93/...

job title

Proposed Glasshouse

drawing title

Existing Site Layout.

scale	drawn
1:1000	P.M.S.

dwg.no. 384 110

25/03/93

ADAS

GLASSHOUSE CROPS UNIT

Martlett House.
St Johns Street.
Chichester.
W.Sussex. PO19 1UY.
Tel:- 0243 783291.

265m

Phase II

Phase I

New Reservoir

Dwelling

Dwelling

Road

Car park

Phase III

Phase IV

Dwelling

New planting to eventually replace Leyland hedge.

233 m

Sunnyfield Nursery
Marsh Road
Weston
Spalding
Lincs

SOUTH HOLLAND D.C.
PLAN DEPT.
30 JUN 1993
REF ..06.16.93..

job title

Proposed Glasshouse

drawing title

Proposed Site Layout.

scale	drawn
1:1000	P.M.S.

dwg.no. 384 122

25/03/93

ADAS

GLASSHOUSE CROPS UNIT

Martlett House.
St Johns Street.
Chichester.
W.Sussex. PO19 1UY.
Tel:- 0243 783291.