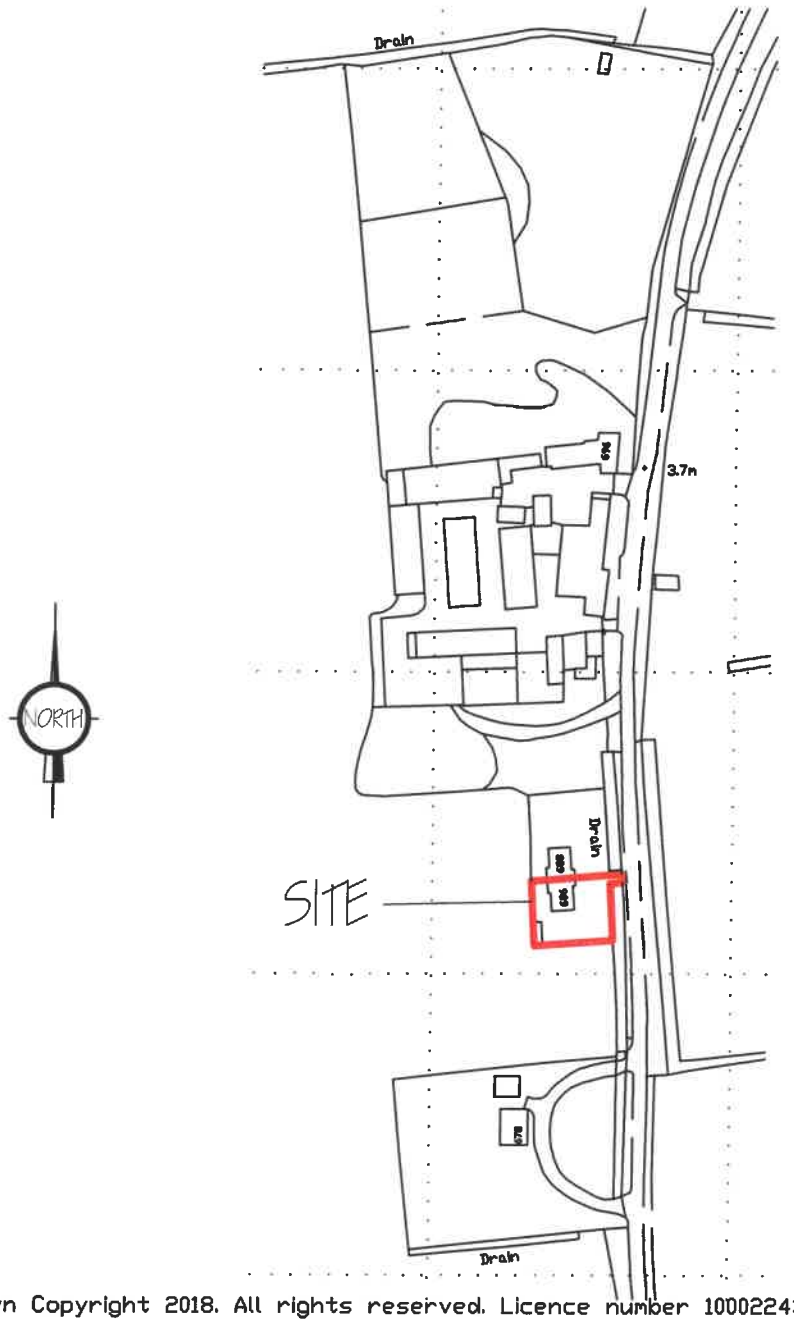


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LOCATION PLAN
1/2500


Exit Street Vi

COPY

Ref. No. SR 93/65.

HOLLAND COUNTY COUNCIL

Permission for Development subject to Conditions

Town and Country Planning Act, 1962

To Messrs. Runciman Farms Ltd., Messrs Runciman Farms Ltd

(per Messrs. D.P. Lawrence & Associates,

5, a, Southgate, Sleaford).

The Holland County Council HEREBY PERMIT the development proposed by you in your application dated the 22nd day of April, 1965 namely :— the erection of a pair of semi-detached houses, with garages and provision of combined vehicular access, at Broad Gate, Boston.

and shown on the plan(s) accompanying the application, subject to due compliance with the byelaws and general statutory provisions in force in the district, and **subject to the conditions specified hereunder :—**

1. The applicants shall at their own expense and to the satisfaction of the local planning authority construct a proper crossing over the highway margin from the development to the carriageway of the county road.

2. The developers shall not, in connection with the development hereby permitted, fill in, culvert or in any way obstruct any dyke or watercourse unless they shall first obtain the written consent of the local planning authority to the work; and the developers shall comply with such requirements or conditions as the local planning authority may impose in consenting to works affecting dykes or watercourses.

3. The occupation of the houses shall be limited to persons employed, or last employed, locally in agriculture or to their dependents.

The reasons for the Council's decision to grant permission for the development subject to compliance with the conditions hereinbefore specified are :—

1. To prevent damage to the highway margin.

2. To prevent damage to the land drainage system or interference with the rights of surface water drainage from the highway.

3. This building is sited in an area in which buildings, other than those connected with an agricultural need, would not be permitted.

Dated the 10th day of June, 1965.

Signed Signed H. A. H. WALTER

Clerk of the County Council.

County Hall,
Boston,

Gmail

G R MERCHANT <grmerchant.arch.cons@gmail.com>

Planning Enquiry

1 message

G R MERCHANT <gr.merchant@btconnect.com> 18 April 2018 at 11:44
To: _planningadvice <planningadvice@sholland.gov.uk>

Dear Sir/Madam

REMOVAL OF AGRICULTURAL OCCUPANCY CLAUSE
686 BROADGATE, WESTON, PE12 6JA

I have been approached by Mr & Mrs B Smith regarding removal of the agricultural occupancy clause on their property.

The Planning Permission was acquired on the 2nd April 1965 under reference SR93/65 and stated at Condition 3:- *"The occupancy of the houses shall be limited to persons employed, or last employed, locally in agriculture or their dependents"* (see attached)

Mr & Mrs Smith purchased the property in 2005, at the time he was employed locally by an agricultural business in 2006/2007 he was made redundant, he is now semi-retired and not employed locally in agriculture (11 to 12 years).

Your informal opinion would be appreciated on the way forward in this case as Mr & Mrs Smith appear to have been occupying the property "unlawfully" for 11 to 12 years since 2006/2007. Would a section 73A Continuation application be appropriate in this case.

If you require any further information or clarification of the situation to enable you to advise, please do not hesitate to contact me.

Yours faitfully
G R Merchant

G R Merchant Ltd
01406 490800

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70K

Gmail

G R MERCHANT <grmerchant.arch.cons@gmail.com>

Pre-Application Advice - PE-00162-18 G R Merchant Ltd
1 message

planningadvice@sholland.gov.uk <planningadvice@sholland.gov.uk> 18 April 2018 at 12:49
To: gr.merchant@btconnect.com

ACKNOWLEDGEMENT OF PRELIMINARY ENQUIRY

REFERENCE: PE-00162-18

PROPOSAL: Removal of Agricultural Occupancy Clause

LOCATION: Field View 686 Broadgate Weston Spalding

APPLICANT: G R Merchant Ltd

We acknowledge the receipt of the above preliminary enquiry which has been recorded on our system and passed to a case officer to deal with.

If contacting us about this enquiry please quote the reference number given above.

Our preliminary enquiry system is currently free to use and we aim to deal with your request within 20 working days. However, priority is given to the processing and determination of formal planning applications. In busy times this may mean a longer than usual response time for this free preliminary advice service.

Yours faithfully

Richard Fidler

Development Manager

South Holland District Council

Gmail G R MERCHANT <grmerchant.arch.cons@gmail.com>

PE-00162-18 Pre-app advice 696 Broadgate Weston

1 message

Simmonds, Angela <asimmonds@sholland.gov.uk> 16 May 2018 at 10:54
To: G R MERCHANT <gr.merchant@btconnect.com>

Morning

I am currently looking at the pre-app for the Agricultural condition query for your client. Can you kindly confirm what the nature of the part-time work your client has been involved in for the 10 plus years? I note it is classed as 'semi-retirement' but I assume the part time work was paid etc.

Many thanks

Angela

Gmail G R MERCHANT <grmerchant.arch.cons@gmail.com>

PE-00162-18 Pre-app advice 696 Broadgate Weston

G R MERCHANT <gr.merchant@btconnect.com> 22 May 2018 at 11:00
To: "Simmonds, Angela" <asimmonds@sholland.gov.uk>

Dear Angela,

PE-00162-18
REMOVAL OF AGRICULTURAL OCCUPANCY CLAUSE
686 BROADGATE, WESTON, PE12 6JA
MR & MRS M SMITH

Further to your email of the 16th May requesting additional information:-

- Mr & Mrs Smith purchased the property in 2005
- Mr Smith worked full time for Drings Farm
- In 2006/2007 Mr Smith was made redundant
- In November 2006 Mr Smith went to work full time for Intergreen at Fleet
- Since March 2018, Mr Smith has been working part time for Intergreen (2/3 days/week)

Intergreen are a cut flower importer based in Fleet and are part of the Dutch Flower Group, Mr Smith works in the Warehouse and is part of the maintenance team.

I trust the above information is sufficient to enable you to advise, if you require any further information or clarification please do not hesitate to contact me.

Regards
Bob Merchant

G R Merchant Ltd
01406 490800
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103K

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937

planningadvice@sholland.gov.uk
www.sholland.gov.uk

G R Merchant Ltd
Gr.Merchant@Btconnect.Com

23rd May 2018

Dear Sir/Madam

PLANNING: PRE-APPLICATION ADVICE

Reference: PE-00162-18 **Case Officer:** Angela Simmonds
Location: Field View 686 Broadgate Weston Spalding
Proposal: Removal of Agricultural Occupancy Clause

I am asked whether a s.73a is appropriate for the removal of an agricultural occupancy clause.
From the information that I have been given I would advise that a s.191 Certificate of Lawfulness appears to be appropriate. The applicant will have to provide evidence in the form of a Statutory Declaration or a signed letter to confirm that from the date of application the applicant and his dependants have not complied with the condition for a period exceeding the required 10 years. A letter from the applicants employers and/or other letters from independent persons to support the application will also assist in proving the case.
For a s.73a the applicant would need to market the property in line with Council policy to prove that it is no longer required with the condition. Based on this it would appear that the 10 year in breach of the condition rule and a Certificate application would be the best way forward.
The evidence that is required must be sufficient and unambiguous enough to prove the case on the balance of probabilities.

This planning advice is given in good faith but is an officer opinion only and therefore is not binding on any formal decision the Council may make following the receipt of a planning application.

BUILDING REGULATIONS

The works that you are proposing may also require Building Regulations and this informal advice or any subsequent planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557

Yours faithfully

A Simmonds.

Gmail **G R MERCHANT <grmerchant.arch.cons@gmail.com>**

PE-00162-18 FIELD VIEW 686 BROADGATE, WESTON

1 message

G R MERCHANT <gr.merchant@btconnect.com> 23 May 2018 at 15:32
To: "Simmonds, Angela" <asimmonds@sholland.gov.uk>

Good afternoon Angela

Thank you for your response with respect to the above pre-application advice.

Could you please confirm that if we do a Section 191 Certificate of Lawfulness the Agricultural Clause will in fact remain but they would be able to live in the property without complying with the clause. If they wish to sell the property in a few years time would they be able to sell without an Agricultural Clause.

Thank you for your help

Kind Regards
Bob Merchant

G R Merchant Ltd
01406 490800

Gmail G R MERCHANT <grmerchant.arch.cons@gmail.com>

PE-00162-18 FIELD VIEW 686 BROADGATE, WESTON

Simmonds, Angela <asimmonds@sholland.gov.uk> 23 May 2018 at 18:19
To: G R MERCHANT <gr.merchant@btconnect.com>

Dear Bob

The certificate when granted means that the breach is immune from enforcement and your client cannot be prosecuted for any breach. What I would advise (and this is the usual course of events), is that if the certificate is granted the applicant can then apply to remove the condition based on the same evidence provided in the certificate application. SHDC is pretty fair in assessing such applications on the basis that the condition no longer serves a useful purpose as it has been in breach for a period in excess of 10 years.

If I can assist any further please let me know.

Kind regards

Angela

From: grmerchant.arch.cons@gmail.com [mailto:grmerchant.arch.cons@gmail.com] **On Behalf Of** G R MERCHANT
Sent: 23 May 2018 15:32
To: Simmonds, Angela <asimmonds@sholland.gov.uk>
Subject: PE-00162-18 FIELD VIEW 686 BROADGATE, WESTON

This message originated from outside your organization

[Quoted text hidden]

Gmail **G R MERCHANT <grmerchant.arch.cons@gmail.com>**

PE-00162-18 FIELD VIEW 686 BROADGATE, WESTON

G R MERCHANT <gr.merchant@btconnect.com> 24 May 2018 at 10:45
To: "Simmonds, Angela" <asimmonds@sholland.gov.uk>

Dear Angela

Thank you for the explanation. Just one more thing please, will we have to advertise the property for 6 months (the normal way) in local press and also National Farmers weekly.

Kind regards
Bob

G R Merchant Ltd
01406 490800

[Quoted text hidden]

Gmail G R MERCHANT <grmerchant.arch.cons@gmail.com>

PE-00162-18 FIELD VIEW 686 BROADGATE, WESTON

Simmonds, Angela <asimmonds@sholland.gov.uk> 26 May 2018 at 10:29
To: G R MERCHANT <gr.merchant@btconnect.com>

Dear Bob

No, not if you follow the process of a certificate and then if successful the removal of the condition as the Council's policy for removing the ag tag does not need considering following a certificate of lawfulness.

Many thanks

Angela

From: grmerchant.arch.cons@gmail.com [mailto:grmerchant.arch.cons@gmail.com] **On Behalf Of** G R MERCHANT
Sent: 24 May 2018 10:45
To: Simmonds, Angela <asimmonds@sholland.gov.uk>
Subject: Re: PE-00162-18 FIELD VIEW 686 BROADGATE, WESTON

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