DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-1078-18**	**Applicant:**	**Mr & Mrs M Smith**
Proposal:	Retention of dwelling without complying with agricultural habitation clause (Condition 3 of SR93-65)		
Location:	Field View 686 Broadgate Weston		
Terminal Date:	19th December 2018		

Planning Policies

Local Plan July 2016:

HS7 New Housing in the Open Countryside including Other Rural Settlements

National Guidance

National Planning Policy Framework 2018

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

This application is for the removal of an agricultural occupancy condition that arises out of a permission granted in the 1960's under planning reference SR93-65 for a dwelling in connection with agriculture at Field view, 686 Broadgate, Weston, Spalding.

The applicant applied for a Lawful Development Certificate (LDC) for the occupation of a dwelling by persons not employed in agriculture which is in breach of the condition. The LDC was granted on the 25th September 2018 as the evidence submitted on the balance of probabilities proved that the agricultural occupancy condition had been breached for a period in excess of the required 10 years. The Council held no records or evidence to dispute the claim. Therefore the occupation of the house in breach of the condition is considered lawful and immune from enforcement.

The granting of a LDC does not automatically lead to the grant for the removal of the condition but when considering the length of time the applicant has lived in the property and the lack of any material or demonstrable harm arising from the occupation of the property in breach of the condition, it is felt appropriate to grant the application as applied for. No objections have been received to the application therefore on the balance of probabilities it is considered that the need for

the condition has sufficiently diminished the actual need for the restriction and the application, on this occasion, should be a delegated approval.