DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1085-21**	**Applicant:**	**Mrs S Long**
Proposal:	Occupation of dwelling by persons not employed in agriculture (H23-1926-88 - Condition 2)		
Location:	Cranesgate Farm Cranesgate North Whaplode St Catherine		
Terminal Date:	13th December 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks the granting of a Certificate of Lawfulness for occupation of Cranesgate Farm by persons not employed in agriculture.

Site Description

The site is located in countryside on the western side of Cranesgate North and is occupied by a large house and spacious gardens.

"Cranesgate House" and associated agricultural buildings are situated to the south.

Relevant Planning History

H23-1926-88 - Full - Proposed agricultural dwelling with access and garage - Granted subject to agricultural occupancy clause (condition 2).

H23-0922-13 - Full - Use of part of dwelling for keeping/breeding of show dogs (retrospective) - Granted 17 December 2013.

Material Considerations

The application seeks the granting of a Certificate of Lawfulness for occupation of Cranesgate Farm by persons not employed in agriculture.

This is a legal determination and planning policy is not therefore relevant to the determination as to whether the claimed use is indeed lawful. The test which the application must meet is that the use has been on-going for a continuous period of 10 years, although it is not necessary for the use to be on-going at the time of the application provided the use has not been lost by operation of law (ie by way of abandonment, the formation of a new planning unit, or a further material change of use). The evidence submitted must be considered on the balance of probability.

The evidence accompanying the application indicates that the applicant has been the sole occupier of the property since her divorce in April 2011 and that her employment has not been in agriculture during that period. She has stated that although her late husband stayed on occasions after the divorce due to illness it was not as a permanent resident. This is supported by records, which indicate that he last resided at Cranesgate Farm in 2011.

Conclusion

On the balance of probability, it has been satisfactorily demonstrated that there has been a breach of the agricultural occupancy condition for at least the last 10 years. There is no substantive evidence held by the Council to dispute this.