

Eastfield Albert Street Brigg
North Lincolnshire DN20 8HS
Telephone 01652 653669
Fax 01652 653311
DX 24358 BRIGG
E-mail enquiry@ddmagriculture.co.uk



East Lindsey District Council
Tedder Hall
Manby Park
Louth
Lincolnshire
LN11 8UP

Our ref:- TC/SJP/BR-20/190

Your ref:-

Date:- 19 January 2020

Dear Sirs

**SUPPORTING INFORMATION FOR THE REMOVAL OF THE AGRICULTURAL OCCUPANCY CONDITION
AT 2 THE BUNGALOW, MAIN ROAD, SOUTH RESTON, LN11 8JQ**

BACKGROUND

Planning permission was originally granted on 10 January 1973, for the erection of a single dwelling house Main Road, South Reston under application ref: LR/960/72. Condition 2 of the planning permission states:

"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 290 of the Town and Country Planning Act 1971, or in forestry or a dependant of such a person residing with him (but including a widow or widower of such a person)."

In November 2020 an application for a Lawful Development Certificate for an Existing Use as a dwelling without complying with agricultural occupancy condition was submitted under planning reference number: N/161/02178/20. The application was approved on 19 January 2020, on the basis that the occupier of the dwelling had been in breach on the occupancy condition for over 10 years.

The salient points of the aforementioned application were;

- Mr & Mrs Taylor entered into a tenancy agreement on 27 October 2000 at 2 The Bungalow.
- Mrs Taylor worked as a psychiatric nurse and then a manager of a care home until 1993 when she left work to look after the couple's children. Mr Taylor worked as the reprographics manager for East Lindsey District Council until 2003 when he was made redundant. He did not work, [REDACTED]
- Mr and Mrs Taylor were never employed in agriculture.
- The dwelling has been occupied in breach of the agricultural occupancy condition since 27 October 2000 i.e. for over 10 years.

PLANNING POLICY

Paragraph 55 of the NPPF relates to the test for conditions. It states as follows;

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

The occupancy condition no longer meets the above tests and therefore should be removed.

CONCLUSION

Given that the dwelling has been occupied for a period exceeding 10 years in breach of the agricultural occupancy condition, and that the lawful development certificate has been granted, it is considered that the occupancy condition is no longer relevant, necessary or enforceable it is considered obsolete and serves no useful purpose. It is therefore concluded that the agricultural occupancy condition should be removed.

I look forward your favourable consideration and removal of the aforementioned condition.



TORI CLINCH BSc (Hons)
Assistant Surveyor



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