



Application for removal or variation of a condition following grant of
planning permission. Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	<input type="text"/>
Suffix	<input type="text"/>
Property name	<input type="text" value="Kalm Oak Nursery"/>
Address line 1	<input type="text" value="Hunters Chase"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Ardleigh"/>
Postcode	<input type="text" value="CO7 7LW"/>
Description of site location must be completed if postcode is not known:	
Easting (x)	<input type="text" value="605683"/>
Northing (y)	<input type="text" value="230780"/>
Description	<input type="text"/>

2. Applicant Details

Title	<input type="text" value="Mr"/>
First name	<input type="text" value="Sam"/>
Surname	<input type="text" value="Garnham"/>
Company name	<input type="text"/>
Address line 1	<input type="text" value="51"/>
Address line 2	<input type="text" value="Cheltenham Avenue"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Ipswich"/>

2. Applicant Details

Country

Postcode

Are you an agent acting on behalf of the applicant? Yes No

Primary number

Secondary number

Fax number

Email address

3. Agent Details

No Agent details were submitted for this application

4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

To Remove or waver of condition 2, from planning permission TEN/1959/87 on Kalm Oaks, Hunters Chase, Ardleigh, so me and my wife can purchase the property.

Reference number

Planning Permission ref TEN/1959/87 dated 9th February 1988.
Previous LUEX application 19/01071/LUEX dated 12th September 2019

Date of decision (date must be pre-application submission)

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 2 of Ten/1959/87

Has the development already started? Yes No

5. Condition(s) - Removal/Variation

Please state why you wish the condition(s) to be removed or changed

I wish the conditions to be removed as I would like to purchase the property with my family to make this our family home.

The house and previous owners (who have now past away) have not been using this property with agricultural use since the nursery closed in year 2000 due to it not being profitable for time/supplies spent, and searched for other work since this time. The house and land has solely been used as residential and nothing relating to agriculture has been there / this has all been completely removed. As per other properties along Hunters chase and the surrounding area where we have been advised this tie has been removed due to failing / unprofitable business in an agricultural industry.

I am very keen to use the land in certain ways to help be self sufficient as much as possible, but would not like to be tied down with having to make a business to support my family on a piece of land I believe can not sustain making a profit; given the next door neighbour owns 8 acres and this was recently removed due to non profit making, again along with many others on this road.

I believe this condition was put on the property back in the 80's and since agricultural / house prices have moved on. This is also not sustained by having any lower house value to have a tie on this property, the area where this is based (edge of an AONB) is considerably higher in value in this current climate than they ever have been, hence having an agricultural business to support the running of this house on a small plot would not be viable to uphold a mortgage and day to day running and up keep of the property.

In conclusion, and with speaking to many other people within this area, on this road, and who have recently had these ties removed on much larger plots, my view is that this condition that was put on the property / land 33 years ago would have been able to be sustained, and very useful to occupiers in the area at that time, but now I believe this is very much outdated with the current financial climate and agricultural industry that we live in 33 years later , with the likes of house prices having risen on average 500% increase since 1995 on this road.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

To be removed only.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

8. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE B - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that:

- I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
 The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

*** 'owner' is a person with a freehold interest or leasehold interest with at least 7 years to run. ** 'agricultural tenant' has the meaning given in section 65(8) of the Town and Country Planning Act 1990.**

Owner/Agricultural Tenant

Name of Owner/Agricultural Tenant	
Number	
Suffix	
House Name	Kalm Oaks Nursery
Address line 1	Hunters Chase
Address line 2	
Town/city	Ardleigh
Postcode	CO7 7LW
Date notice served (DD/MM/YYYY)	05/05/2021

Person role

- The applicant
 The agent

Title

First name

Surname

Declaration date (DD/MM/YYYY)

Declaration made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

11/05/2021