

06<sup>th</sup> February 2024

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Section 191 to determine the lawful use of the occupation of the dwelling without complying with the Agricultural Occupancy Condition (Condition No. 2) imposed on Planning Permission S/120/02077/04

Greenacres, Midville Road, Stickney, Boston, Lincolnshire, PE22 8DU

Dear Sir/Madam

Please find enclosed an application for Certificate of Lawful Existing Use in respect of the occupation of Greenacres, Stickney, for a continuous period in excess of 10 years and in breach of the Agricultural Occupancy Condition applied as Condition 2 of Planning Permission S/120/02077/04.

As you are aware, planning policy is not relevant for this type of application as the determination of the application is based only on the evidence that is submitted. For a Certificate to be granted this application must therefore demonstrate that there has been a breach of planning control, in this case, a breach of an agricultural occupancy condition and that the breach has been occurring for a continuous period in excess of 10 years.

Greenacres is located on the southern side of Midville Road, approximately 100m from the junction with Midville Lane and East Fen Lane, which is on the eastern side of the village of Stickney. The dwelling is a modest bungalow set within a clearly defined garden with access in the north-eastern corner directly off Midville Road.

Mr & Mrs Downes obtained planning permission in 2005 for the change of use, extensions, and alterations to an existing agricultural building to form a bungalow to use in connection with an existing commercial rabbit breeding unit. Work commenced on the construction of the dwelling in February 2005 and in September 2012 Mr & Mrs Downes moved into the property. Mrs Downes continues to live in the dwelling following the recent loss of her husband.

During his time living at the property, Mr Downes did in fact keep some rabbits in one of the farm buildings supplying Mr Blythe at Woldsway meats in Ashby by Partney with the offspring. As the business was not profitable Mr Blythe stopped buying rabbits in 2008 and instead purchased meat from Europe to make dog food. His business slowly wound down and was sold soon after. From 2008 Mr Downes had no rabbits at the property and continued to work as a builder.

For all of their time living in the dwelling neither Mr Downes nor Mrs Downes were employed in agriculture. Mr Downes was a self-employed builder but had not worked for several years due to an injury sustained whilst working. Unfortunately, because Mr Downes was self-employed, Mrs Downes has no evidence to prove his income. She has however provided a declaration which is enclosed with the application.

In recent years, the property has been broken up and only the dwelling itself remains in the ownership of Mrs Downes. In November 2022, permission was granted for the erection of a restaurant and bar and the siting of 4no. holiday lodges on land to the south and east. Further to the south a Certificate of Lawfulness has recently granted for the residential use of a static caravan.

The submitted evidence is conclusive that since the dwelling has been occupied neither Mr Downes nor Mrs Downes have been employed in agriculture as required by the condition. Although some rabbits were bred at the property, this was not the main income and as such occupation has been outside of agriculture. It is therefore proven that the condition relating to agricultural occupancy of planning permission S/120/02077/04 has been breached for a continuous period in excess of 10 years.

I trust that the enclosed information provides you with sufficient information, however, please do not hesitate to contact if you require anything further.

Yours faithfully



Andrew Clover