

East Lindsey District Council
The Hub
Mareham Road
HORNCASTLE
LN9 6PH

Our ref:- CL/BR-23/167

Your ref:-

Date:- 19 March 2024

Dear Sirs

SUPPORTING INFORMATION FOR THE REMOVAL OF THE AGRICULTURAL OCCUPANCY CONDITION AT NEW BUNGALOW, RYE LANE, ABY, ALFORD, LINCOLNSHIRE, LN13 0DX

BACKGROUND

Planning permission was originally granted on 09 June 1971, for the erection of a bungalow at Rye Lane, Aby, Alford under application reference: LR/206/71. Condition 3 of the planning permission states:-

“The occupation of the dwelling shall be limited to a person employed, or lastly employed, locally in agriculture, as defined in Section 221 (1) of the Town and Country Planning Act, 1962, or in forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).”

In January 2024 an application for a Certificate of Lawful Use or Development as a dwelling without complying with agricultural occupancy condition was submitted under planning reference number: N/001/00126/24. The application was approved on 11 March 2024, 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 Bristow have occupied the bungalow since 1994 and continue to reside there.
- Neither Mr Bristow nor Mrs Bristow have ever worked in agriculture, as defined within Section 290 of the Town and Country Planning Act 1971, or as Section 221 (1) of the Town and Country Planning Act 1962, as detailed in Condition 3 of planning application number LR/206/71.
- The dwelling has been occupied in breach of the agricultural occupancy condition since 1994 i.e. for over 10 years.

PLANNING POLICY

Paragraph 56 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 or necessary, 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.

Yours faithfully



CECILIE LISTER BSc (Hons)
Assistant Surveyor

e: cecilie.lister@ddmagriculture.co.uk
m: 07733 706292



Regulated by RICS



DDM Agriculture Limited
Registered Office Eastfield, Albert Street, Brigg, DN20 8HS
Registered in England No. 3740827
Providing professional services since 1889