

APPLICATION NO PA/2018/1771

APPLICANT Mr K Scott

DEVELOPMENT Planning application to remove condition 5 of PA/2003/1260 (in order to remove occupancy condition)

LOCATION West End Grange, Epworth Water Gardens, West End Road, Epworth, DN9 1LA

PARISH Epworth

WARD Axholme Central

CASE OFFICER Scott Jackson

SUMMARY RECOMMENDATION **Grant permission**

REASONS FOR REFERENCE TO COMMITTEE Objection by Epworth Town Council

POLICIES

National Planning Policy Framework: No relevant policies.

North Lincolnshire Local Plan: Policies DS1, RD2 and RD12 apply.

North Lincolnshire Core Strategy: Policy CS3 applies.

CONSULTATIONS

Highways: No objection.

TOWN COUNCIL

Object to the removal of the agricultural occupancy condition.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

The planning application site consists of a large two-storey detached dwelling located to the north of Epworth in the open countryside. There is a metal profile sheeted agricultural building located to the north-east of the dwelling and the site is accessed from West End Road to the east. The site is bordered by the Folly Drain to the west and by West End Road to the east. The site is located within Flood Zone 2/3a as set out in the North Lincolnshire SFRA.

Planning permission is being sought to remove the agricultural occupancy condition (condition 5) of planning permission PA/2003/1260.

The main issue in the determination of this application is whether the removal of the agricultural occupancy condition is acceptable in planning terms.

Condition 5 of planning permission PA/2003/1260 reads as follows:

'The occupation of the dwelling shall be limited to a person whose sole source of employment is derived from Epworth Water Gardens.'

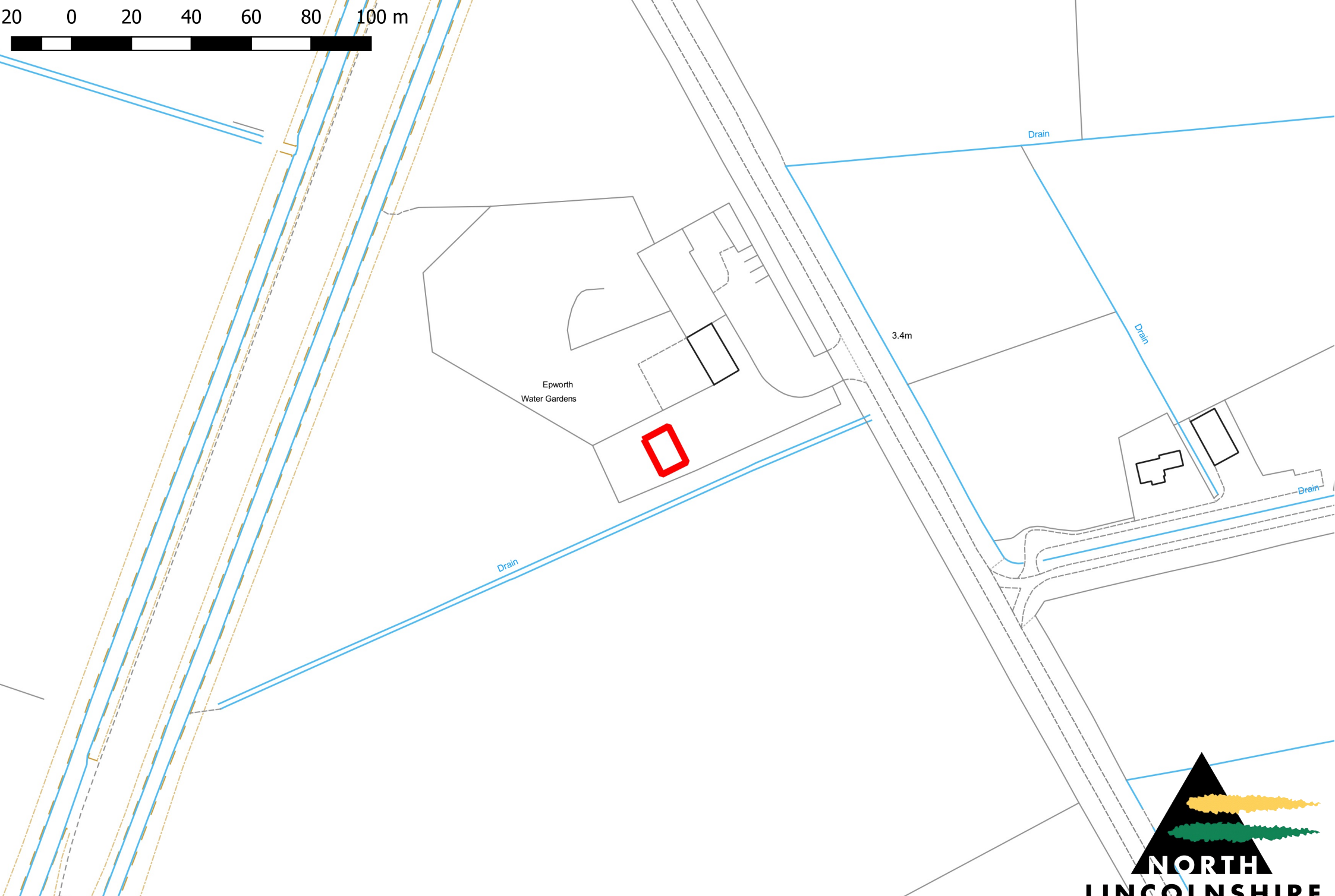
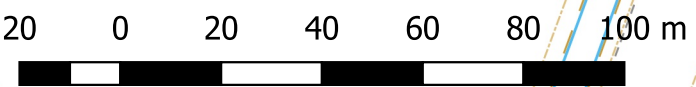
Policy RD12 of the North Lincolnshire Local Plan applies and sets out the criteria for the removal of agricultural occupancy; this requires the submission of a report concluding whether there is a substantiated reason for the removal of the planning condition and evidence of attempts to sell the dwelling at a price which reflects the effect of the occupancy condition.

The supporting statement submitted with this planning application makes reference to a recent planning application for a certificate of lawfulness which was granted on 29 August 2018 and determined that the dwelling had been occupied in breach of the agricultural occupancy condition for a period of more than 10 years (PA/2018/1340). That planning application is therefore relevant to this application as it clearly establishes that the dwelling has been occupied for the past 10 years without complying with the agricultural occupancy condition. 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 in that regard, it is considered that the occupancy condition is no longer relevant or necessary and it is therefore concluded that the agricultural occupancy condition can be removed in this case.

RECOMMENDATION Grant permission.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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