

**APPLICATION NO** PA/2020/1238

**APPLICANT** Mrs F Horstwood

**DEVELOPMENT** Planning permission to remove condition 4 of 7/441/86 to allow unrestricted occupation of the dwelling

**LOCATION** Westfield, Gainsborough Road, Kirton in Lindsey, DN21 4EN

**PARISH** Kirton in Lindsey

**WARD** Ridge

**CASE OFFICER** Brian McParland

**SUMMARY RECOMMENDATION** **Grant permission to remove the condition**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Kirton in Lindsey Town Council

#### **POLICIES**

**North Lincolnshire Local Plan:** DS1, RD2, T2, T19

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5

#### **CONSULTATIONS**

**Highways:** No objection.

**Drainage:** No objection.

#### **TOWN COUNCIL**

'Kirton in Lindsey Town Council object to this application as the restriction at condition 4 was put into place to enable the construction of this building outside the development boundary and in open countryside. In addition, the planning authority should seek an assessment of existing need for accommodation at the address and within the local area.'

#### **PUBLICITY**

The application has been advertised by a site notice and in the press. No comments have been received.

## **ASSESSMENT**

**The main issue to be considered is whether adequate justification can be demonstrated regarding the removal of condition 4 attached to planning permission 7/441/86.**

### **The site**

The site is located on the north side of Gainsborough Road, outside the development limit, and so is within the open countryside. It is acknowledged that the site is occupied by a bungalow known as 'Westfield', which is within an agricultural curtilage. This dwelling benefits from planning permission, reference 7/441/86, dated 21 August 1986.

The site is within SFRA flood zone 1 (low), is not within a conservation area, does not relate to any listed buildings, and there are no tree preservation orders on or adjacent to the site.

### **Proposal**

The submitted application seeks to remove condition 4 attached to the original planning permission reference 7/441/86.

Condition 4 reads:

*'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).'*

### **Assessment**

Looking into the planning history of the site, the applicant has previously submitted a Certificate of Lawfulness by way of a section 191 application, reference PA/2020/798. The Certificate of Lawfulness was submitted on the basis the dwelling was in use without complying with condition 4 of the original planning permission, reference 7/441/86, for a period of 10 years (or more). The Certificate of Lawfulness was determined as lawful on 9 July 2020 as the applicant was able to provide evidence, on the balance of probabilities, in favour of their application. This certificate is appended to the report.

Kirton in Lindsey Town Council outlined that approving this application would set a precedent on the outlying road for which planning permission was only originally granted under the restrictions imposed. Furthermore, Kirton in Lindsey Town Council also commented how they were unable to raise their concerns regarding the Certificate of Lawfulness.

The Certificate of Lawfulness did not form an application for planning permission. Accordingly, it was not subject to publicity requirements as set by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended). It is considered the removal of condition 4 would not set a precedent as each case is assessed on its individual merits. In this instance it is recognised the site has a unique planning history.

It is therefore considered, given the recent approval of the Certificate of Lawfulness, reference PA/2020/798, that condition 4 attached to planning permission 7/441/86 is not materially relevant and can be removed.

**RECOMMENDATION      Grant permission to remove the condition.**

**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.



B1206 to  
Kirton in Lindsey



33.4m

B1206

Maple Lea  
Ash Keys  
Lodge

Westfield

27.4m

**North  
Lincolnshire  
Council**

 **Development Boundary**

**PA/2020/1238**