

**APPLICATION NO** PA/2022/1370  
**APPLICANT** Mr Brian Askham  
**DEVELOPMENT** Planning application to remove condition 2 of 2/0358/92/PA  
**LOCATION** Willow Farm, Wroot Road, Epworth Turbary, Epworth, DN9 1EA  
**PARISH** Epworth  
**WARD** Axholme Central  
**CASE OFFICER** Jess Hill

**SUMMARY** Grant permission  
**RECOMMENDATION**

**REASONS FOR REFERENCE TO COMMITTEE** Departure from the development plan

## **POLICIES**

**National Planning Policy Framework:** Section 4 (Decision-making)

**North Lincolnshire Local Plan:** Policies DS1, RD2, LC14

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS8

## **CONSULTATIONS**

**LLFA Drainage:** No comments or objections.

**Highways:** No comments or objections.

## **TOWN COUNCIL**

No response received.

## **PUBLICITY**

A site notice has been displayed. No comments have been received.

## **ASSESSMENT**

### **Site location and context**

The site comprises a parcel of land to the west of Epworth (south of Epworth Road). The site includes a dwelling, disused agricultural buildings and a pet crematorium.

## **Planning history**

- 2/0031/91/PA: Erection of buildings in connection with a mushroom farm, siting of a residential caravan and installation of a septic tank – approved 19 March 1991
- 2/0358/92/PA: Erection of a detached bungalow and garage, and installation of a septic tank in connection with a mushroom business – approved 14 July 1992
- PA/2002/1158: Planning permission to site a temporary farm dwelling – approved 30 June 2003
- PA/2002/1159: Planning permission to erect a spawn running shed in conjunction with mushroom growing – approved 30 June 2003
- PA/2002/1160: Planning permission to construct an access road to Willow Farm – approved 30 June 2003
- PA/2004/2194: Outline planning permission to erect a bungalow – refused 8 March 2005
- PA/2005/1720: Planning permission to remove condition 2 of 2/0358/92 to allow occupation of the dwelling by a non-agricultural worker – refused 7 December 2005
- PA/2010/0984: Planning permission to erect a detached annexe – refused 1 October 2010
- PA/2011/0815: Planning permission for change of use to a pet crematorium – approved 30 August 2011
- PA/2012/0016: Advertisement consent to display sign – approved 10 February 2012.

## **Designations/constraints**

- Outside any defined development limits
- Not within a conservation area and there no listed buildings on or next to the site
- Within the Isle of Axholme Area of Special Historic Interest (policy LC14)
- No tree preservation orders on the site
- There is a public right of way next to the site (to the west and south)
- Partly within and partly outside SFRA Flood Zone 2/3(a) (Fluvial)

## **Proposal**

This application seeks consent to remove condition 2 of planning permission 2/0358/92/PA. Condition 2 is an agricultural worker occupancy condition and reads as follows:

‘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 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him), or a widow or widower of such a person.’

Therefore, the application seeks consent for the dwelling to continue to be occupied by residents who no longer work in agriculture. No physical alterations are proposed. The main consideration in the determination of the application therefore relates to the principle of development.

### **Principle of development**

The proposed development was granted permission for the production of mushrooms and the erection of a bungalow under permission 2/0358/92/PA in 1992.

The mushroom farm operated on site from 1992 until 2010. During this period the bungalow was occupied in accordance with condition 2, given the residents were mushroom farmers.

Operations then reduced as the increase in the foreign importation of mushrooms meant that the mushroom farm no longer remained a viable business. Operations subsequently diversified after permission was granted for a pet crematorium in 2011 under permission PA/2011/0815.

The pet crematorium opened on 1 July 2012. The applicant has provided a copy of the licence that was issued by the Animal Health and Veterinary Laboratories Agency dated 15 June 2012. This allowed the business to begin operating from July 2012.

The pet crematorium business has therefore been operating for over 10 years, during which time the bungalow has been occupied in breach of condition 2.

Under the provisions of the Town and Country Planning Act 1990 section 171B (3), local planning authorities are limited in taking enforcement action against alleged breaches of planning control after 10 years. The period commences from the date of the original breach in relation to the use of a site. In this case, July 2012. The applicant has provided a copy of an invoice issued 8 July 2012 to confirm the use started at this time.

The breach of condition 2 appears to have been continuous and unbroken since 2012. The applicant has provided statements to confirm the occupation has been unbroken. Given that no enforcement action has been initiated by the local authority to bring this unauthorised use to an end during this period, no enforcement action can now be taken by the council.

There would therefore be no purpose in refusing the current application.

Furthermore, whilst the pet crematorium business does not necessarily require a worker's dwelling, the business has consent to operate and represents a diversification of the original agricultural business on the site. The applicants have needed to diversify operations to ensure they can maintain an income and the dwelling was originally occupied in accordance with condition 2.

### **Other matters**

Permission 2/0358/92/PA included five conditions. Conditions 1, 3, 4 and 5 are no longer relevant or applicable for the reasons set out below. As such, these conditions will not be reattached to the decision notice should planning permission be granted.

Condition 1: The development for which permission is hereby granted must be begun not later than the expiration of five years beginning with the date of this permission.

*This condition is no longer required given the permission has been implemented and carried out.*

Condition 3: Before development is commenced a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for the external walls and roofs of the proposed building(s) shall be submitted to and approved by the Local Planning Authority.

*As above, the condition is no longer required as the development has been completed.*

Condition 4: When the bungalow hereby permitted is occupied, the existing residential caravan shall be removed and the site reinstated to the satisfaction of the Local Planning Authority.

*The caravan has been removed and as such this condition is no longer necessary.*

Condition 5: Within 28 days of the date of this decision notice the existing vehicular access shall be improved to the satisfaction of the Local Planning Authority.

*As above, the vehicular access has been constructed and this condition is therefore no longer needed.*

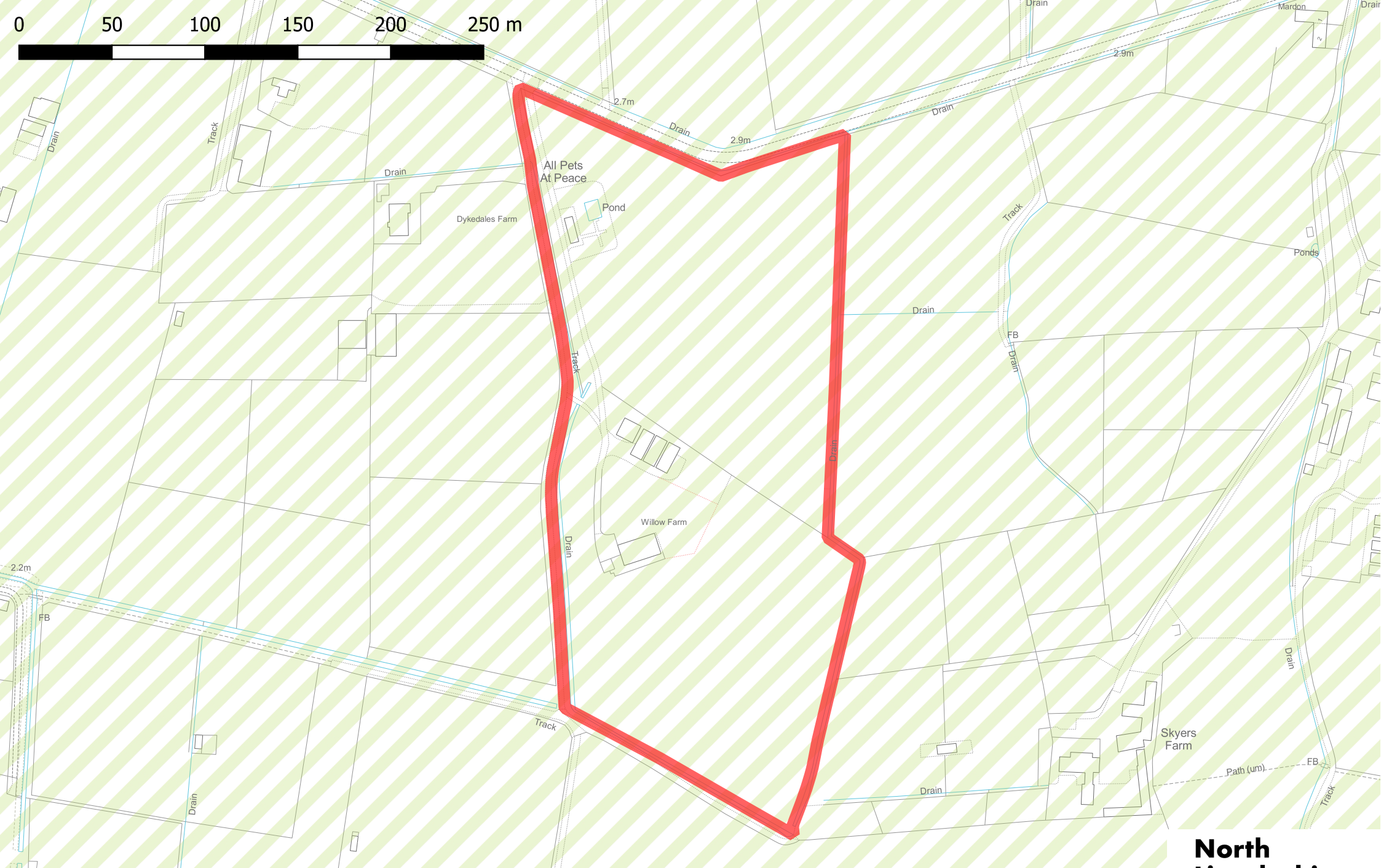
## **Conclusion**

The proposed removal of condition 2 of permission 2/0358/92/PA is considered to be acceptable in principle.

**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.



LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North  
Lincolnshire  
Council**

**PA/2022/1370**

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