

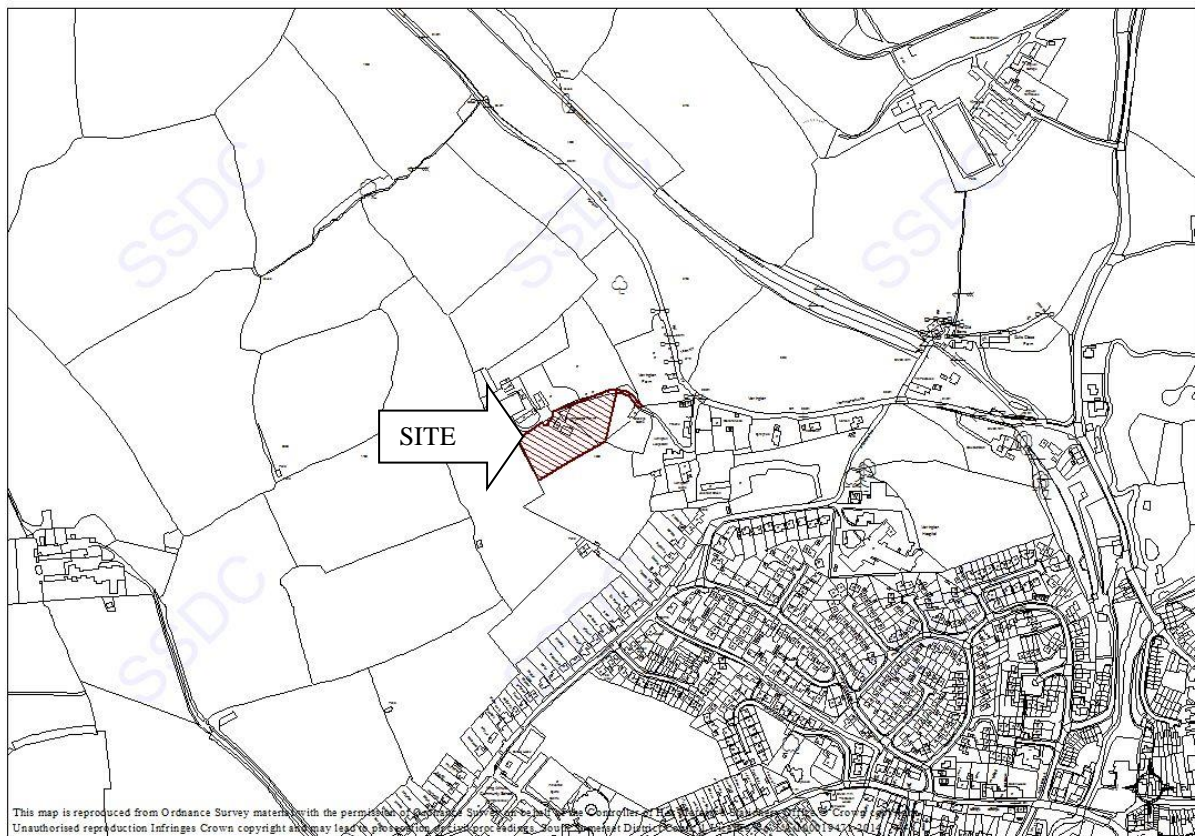
Officer Report on Planning Application: 14/02116/COL

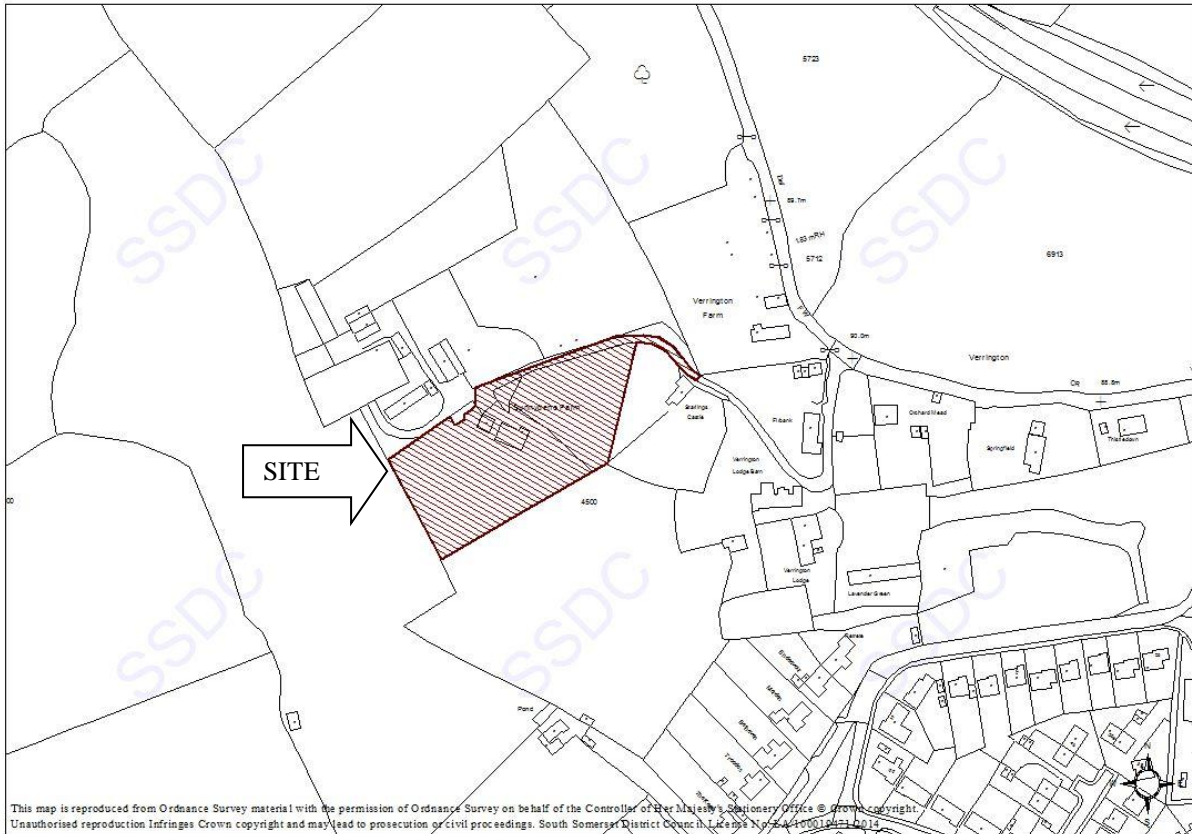
Proposal :	Application for a certificate of lawfulness for the continued occupation of the dwelling without compliance with condition 2 (agricultural tie) of planning permission 791810 dated 30th August 1979 (GR 370596/128981)
Site Address:	Lavender Green Verrington Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr N Colbert Cllr C Winder
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	10th July 2014
Applicant :	Mrs Maureen Foreman
Agent:	Mr Edward Dyke Agriculture House Market Place Sturminster Newton DT101AR
Application Type :	Other

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of a Ward Member with the agreement of the Area Chairman to allow the issues to be fully debated.

SITE DESCRIPTION AND PROPOSAL





A certificate of lawfulness is sought to permit the use of the dwelling known as Lavender Green without compliance with the agricultural tie condition imposed on planning permission 791810 dated 30 August 1979. This permission was for the erection of a bungalow.

The condition relating to this application stated the following:

'The occupation of the dwelling shall be limited to persons employed or last employed full time locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971 or in forestry and the dependants of such persons.'

The application covering letter explains that occupation of the property has been in breach of the condition since the property was purchased in 2001. In essence it is claimed that Mr Foreman was never employed 'locally' in agriculture being employed at his company's enterprise in Sussex, returning to Lavender Green at weekends.

Supporting evidence, for their case, included as part of the application includes:

- A covering letter from the agent
- 3 statutory declarations
- A site location plan

Following further enquiry by the Council's legal officer the applicant submitted a further statutory declaration by Clare Lyons, used to corroborate the evidence submitted already.

RELEVANT BACKGROUND

791810 - Erection of an agricultural bungalow on land at Verrington Lodge Farm - conditional approval - 04 January 1980.

CONSULTATIONS

SSDC Legal Services - Their response recommends that a certificate is granted on the basis that on the evidence presented to the Council the existing use of the dwelling without compliance with the condition attached to the planning permission under reference number 791810 containing an agricultural occupancy condition has existed for a continuous period of 10 years on the date of the application made for this certificate.

Wincanton Town Council recommend refusal. Condition 2 (Agricultural Tie) should remain. The residents have been committing an offence for several years.

Representations

9 neighbours were consulted with the main aim to identify any representations that might seek to contradict the claims of the applicant. There were no responses.

Considerations

The application seeks a Certificate of Lawfulness and as such the planning merits of the development cannot be considered. The application is to be determined on the basis of the evidence submitted by the applicant and any evidence that might contradict this.

It is the view of the SSDC Legal Services Department that the application should be approved as there has been sufficient evidence provided that existing use of the dwelling without compliance with the condition attached to the planning permission under reference number 791810, containing an agricultural occupancy condition, has existed for a continuous period of more than 10 years on the date of the application made for this certificate.

In the absence of any evidence to contradict the application and based on the supporting documents submitted with the application it is considered that on the balance of probability, as advised by the Council's Solicitor, the Certificate should be granted.

RECOMMENDATION

That a Certificate of Lawfulness be issued for the continued occupation of the dwelling without compliance with condition 2 (agricultural tie) of planning permission 791810, dated 30 August 1979.
