

<b>APPLICATION NO</b>	<b>PA/2018/77</b>
<b>APPLICANT</b>	Mr & Mrs Logan, T Logan T/A Willow View Farm
<b>DEVELOPMENT</b>	Planning permission to site a temporary dwelling for a key agricultural worker, and retain existing barn and borehole
<b>LOCATION</b>	Willow View Farm, Ruard Road, Goxhill, DN19 7NW
<b>PARISH</b>	Goxhill
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Officer discretion Member 'call in' (Cllr Richard Hannigan – support for the proposal)
<b>POLICIES</b>	

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 28 states that the sustainable growth and expansion of all types of business and enterprise in rural areas should be supported.

Paragraph 55 states that to support sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances such as where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 123 states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

**North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

**Housing and Employment Land Allocations DPD:**

Inset Map for Goxhill

Presumption in Favour of Sustainable Development

**North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

RD14 (Agricultural and Forestry Buildings)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS15 (Water Resources)

**National Planning Practice Guidance.**

**CONSULTATIONS**

**Highways:** No objection or comments to make.

**Drainage:** No comments received.

**Environmental Health:** Advises the need to secure further information in respect of contaminated land and a condition to restrict the occupation of the temporary dwelling to persons connected with the agricultural business. It was also highlighted that an abstraction licence from the Environment Agency may be required.

**Environment Agency:** No objection and refers to previous responses in relation to abstraction and flood risk. Notes that the proposal has altered insofar as foul sewage is to be dealt with by septic tank instead of a cess pit and provides guidance on this issue.

**PARISH COUNCIL**

No objection or comments.

## **PUBLICITY**

The application has been advertised by site notice for a period of not less than 21 days prior to writing this report. Six letters have been received from five properties. Two of the letters support the proposal and four object. The letters of objection raise the following issues:

- The site is outside the development limit for Goxhill and the parish council has previously objected to the proposal on this basis.
- The application has previously been refused and is retrospective.
- There are no substantial changes to the applicants' situation and application should be refused as there is no essential or functional need for the applicants to live on the land, which has been confirmed by a planning inspector.
- The proposal would be detrimental to the character and appearance of the open countryside.
- Granting the proposal could lead to other agricultural land being developed for residential purposes.
- The statement by the applicants that 'nobody lives within 7 miles' of the farm is incorrect as they have owned a house in Goxhill for years which can be proven by previous applications on the site.
- The applicants have chosen to move further away from the site by living with relatives in Barrow upon Humber, despite claiming that they need to live closer to the farm; this is purely to secure planning permission.
- Other properties are available in Goxhill that could be bought instead of allowing residential development on the site, and the claims made by the applicants are incorrect as there are affordable properties close to the site in Goxhill for sale.
- Animal welfare does not form sufficient justification for a dwelling as the breed of pig does not require a person to be on site providing care 24/7.
- The application documents do not demonstrate that the business has grown substantially since the previous refusal in 2016.
- The applicants do not substantiate their claim that further business growth cannot be achieved without them living on the site.
- The applicants indicate that they intend to reside in a permanent dwelling on the site in the future.
- There may be risks of contamination to groundwater from waste effluent at the site.
- Concerns are raised over the appearance of and odour from the development.

## ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

Planning permission is sought to site a temporary dwelling for a key agricultural worker, and retain an existing barn and borehole. The application site forms a 1.62 hectare parcel of land which hosts a specialist livestock breeding business. The site hosts a number of agricultural buildings, including the barn for retention by this application. A static caravan was also observed on the site in the location proposed for the siting of a temporary dwelling for a key agricultural worker.

A summary of relevant planning history at the site is provided below:

- PA/2005/1000: Planning permission to erect a stable block for domestic use and retain a static caravan for a temporary period, which was refused.
- PA/2006/0514: Planning permission to erect a single-storey stable block and retain a temporary static caravan (re-submission of PA/2005/1000), which was granted.
- PA/2007/0251: Planning permission to site a residential static caravan in connection with an agricultural holding, which was refused.
- PA/2012/0055: Planning permission to site a mobile home in connection with agriculture and construct a barn for the breeding and storage of alpacas, which was refused and dismissed at appeal.
- PA/2013/0613: Planning permission to erect a barn for storage for agricultural use, which was granted.
- PA/2015/0957: Planning permission to retain the siting of a residential static portable building in connection with an agricultural holding to breed pigs and sheep, retain the door position on an existing barn and retain a borehole, which was refused.
- PA/2016/707: Planning permission to retain the siting of a residential static portable building in connection with an agricultural holding to breed pigs and sheep, retain the door position on an existing barn and retain a borehole, which was refused.
- PA/2017/201: Application for determination of the requirement for prior approval of an agricultural building, which was deemed not to require prior approval.

**The main issue for consideration is whether or not the applicant has demonstrated an essential need for the development of a temporary residential dwelling at the site to support the agricultural business.**

This application is made up of two distinct parts: the siting of a temporary dwelling for a key agricultural worker; and the retention of an existing barn and borehole. Each of these developments is considered in turn below.

The application site is outside of any development limit as defined by the HELA DPD. Accordingly the site is, for the purposes of planning, considered to be within the open countryside and policies relating to such form the basis of assessing the principle of development at this site.

### **The temporary key worker's dwelling**

Paragraph 28 of the NPPF supports the development of rural enterprise and paragraph 55 states that isolated new homes in the countryside should be avoided unless there are exceptional circumstances. The paragraph continues to state one of these circumstances is to provide residential accommodation if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Local planning policy is silent on the issue of creating a new dwelling within the open countryside for the purposes of housing a key agricultural worker. Local planning policy within NLCS policies CS2 and CS3 and NLLP policy RD2 do support development in the open countryside that is essential for the efficient operation of agriculture, however.

The key consideration is whether the applicant has robustly justified that there is an essential need for a key agricultural worker to be resident on this site in connection with the specialist livestock breeding business. It is evident from a review of the planning history that this development has been sought previously under PA/2015/0957 and PA/2016/707. PA/2015/0957 was refused for the following reason:

*“The local planning authority is of the opinion that the current needs of the holding are insufficient to require a member of staff to be on site 24 hours a day. Furthermore, any functional need of the unit at present or in the future could be adequately met by the applicants’ existing dwelling which is located in close proximity to the site, within the settlement of Goxhill. Therefore the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the Core Strategy and paragraph 55 of the National Planning Policy Framework.”*

PA/2016/707 was refused for a similar reason:

*“The local planning authority is of the opinion that the current needs of the holding are insufficient to require a member of staff to be on site 24 hours a day. Furthermore, any functional need of the unit at present or in the future could be adequately met by the applicants’ existing dwelling which is located close to the site, within the settlement of Goxhill. Therefore the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the Core Strategy and paragraph 55 of the National Planning Policy Framework.”*

It is also noted that a similar application was refused under PA/2012/0055 and the decision was upheld at appeal. There is, however, a change to the proposal since this decision insofar as the business has changed from the breeding of alpacas to the breeding of rare

breed pigs and sheep. Despite this, it is considered relevant to discuss the matters raised within the inspector's findings of this case as these have some relevance to the determination of this application.

The applicants have provided information to support their claim that there is an essential need on the site for an agricultural worker in connection with the specialist livestock breeding business. Financial information has been provided which indicates the growth of the business, which also provides a stable income for an individual to take a salary from. The applicants have also stated that no person in connection with the business resides within 7 miles of the site. The statement continues to assert that no affordable dwellings are available within close proximity of the site that could house the key worker. Only one property was found to be available which was for sale at a price of £395,000. The applicants consider that in order to further grow the business it will be essential for the key worker to live on the site.

Turning to the previous reasons for refusal, it is considered that the business has now grown to a level where it is financially viable and provides a small income. The supporting information also indicates that the business will support a full-time worker and will continue to do so as the business grows. However, the previous reason for refusal also infers that the functional need for a worker at the business can be provided within the village of Goxhill. It was known at the time of the previous applications that the applicants lived in Goxhill, which is now no longer the case, as put forward by the applicants. It is noted within letters of objection received that the applicants may be living with relatives in Barrow upon Humber, although this cannot be substantiated. It is unknown where the applicants currently live and the address provided on the application form is simply Willow View Farm, the application site.

The main justification for a dwelling put forward by the applicants is on animal welfare grounds. However, the majority of the welfare operations identified are considered to be general animal husbandry which could be carried out during the day without the need for somebody to reside on site 24 hours a day. The need for care overnight relates primarily to the specific and limited periods of time when the animals are birthing. It would be possible for somebody to be present at these times and to aid with the birthing and care of the animals without living on the site. These views are the same taken by the planning authority on previous applications.

The inspector, within a previous appeal, considered that the applicants' dwelling within Goxhill, at 1.5 miles away from the site, would not place an onerous burden on the business. It is accepted that this view was taken when the agricultural business was for the breeding of alpacas. However, it is evident from the previous decisions made by the planning authority that the need for an agricultural worker at the specialist livestock breeding business can be met by property within Goxhill which is approximately 1 kilometre from the site.

The applicants have stated that no person connected with the business lives within 7 miles and that the only property in close proximity to the site is unaffordable at a price of £395,000. It is not known whether or not the applicants have included the settlement of Goxhill within their search but, from a review of property, it is apparent that numerous dwellings are for sale within Goxhill which are significantly less in value. Given the previous decisions taken by the planning authority, it is considered that properties within Goxhill should be included within the search area. On this basis it is considered that the applicants have not provided a robust case to demonstrate that there is an essential need for the

temporary residential caravan on the site that cannot be met within the adjacent settlement of Goxhill.

It is not considered that the temporary caravan would be to the detriment of the character and appearance of the area. The caravan is to be sited within an established agricultural holding amongst existing structures and buildings. It is also noted that the Highways team does not have any objection to the proposal.

The Environmental Health Team has been consulted on the proposal and notes that the proposed residential use of the site forms a sensitive end use. Accordingly, the team has advised of the need to investigate the potential for land contamination given that the site is a former airfield. However, it is not considered necessary to impose conditions to secure the submission of a land contamination investigation given that the proposed residential use of the site relates to siting a caravan which does not involve intrusive ground works. The team considers that a condition should be imposed to restrict the occupation of the caravan to the agricultural worker on the farm to prevent the introduction of other persons unrelated to the business living at the site who could be affected by noise and odour.

### **The retention of the barn and borehole**

The existing barn on the site is in the same location as what was previously approved under PA/2013/0613 but has not been constructed in accordance with the submitted details. Paragraph 28 supports the expansion and growth of rural enterprise and local policies NLCS CS2 and NLLP RD2 support development for the efficient operation of agriculture. The barn is considered to be acceptable in terms of its use for the purposes of agriculture and its appearance appropriate to the rural location.

A borehole is also located on the site which is proposed to be retained. Objection has been received in relation to the potential for groundwater contamination from waste effluent at the site given the location of the borehole. The Environment Agency, who is responsible for groundwater, has been consulted on the proposal and has raised no objection. It is noted that the development now comprises the use of a septic tank instead of a cess pit to deal with foul sewage. The Agency has advised that a water abstraction licence may be required should the applicant abstract more than 20 cubic metres of water per day. It is advised that this comment is conveyed to the applicants by informative. It is considered the development of the borehole is acceptable.

### **Conclusion**

The specialist livestock breeding business forms a rural enterprise and the business endeavour is supported by planning policy at all levels. It is noted that the application has attracted letters of support for the business. The business itself is supported by national and local planning policy. However, it is not considered that the information submitted sufficiently justifies that there is an essential need for a key worker in connection with the agricultural business on the site that cannot be met by alternative residential accommodation within Goxhill which is approximately 1 kilometre away from the site. Whilst the barn and borehole have been found to be acceptable in planning terms, the application must be determined in its totality and it is therefore recommended that permission be refused.

It is noted that objection has been received in relation to noise and odour from the business but these issues do not relate to the application for consideration which is for the siting of a



residential caravan, the retention of an existing barn and borehole. The principle of development of the existing specialist livestock breeding business is not for consideration.

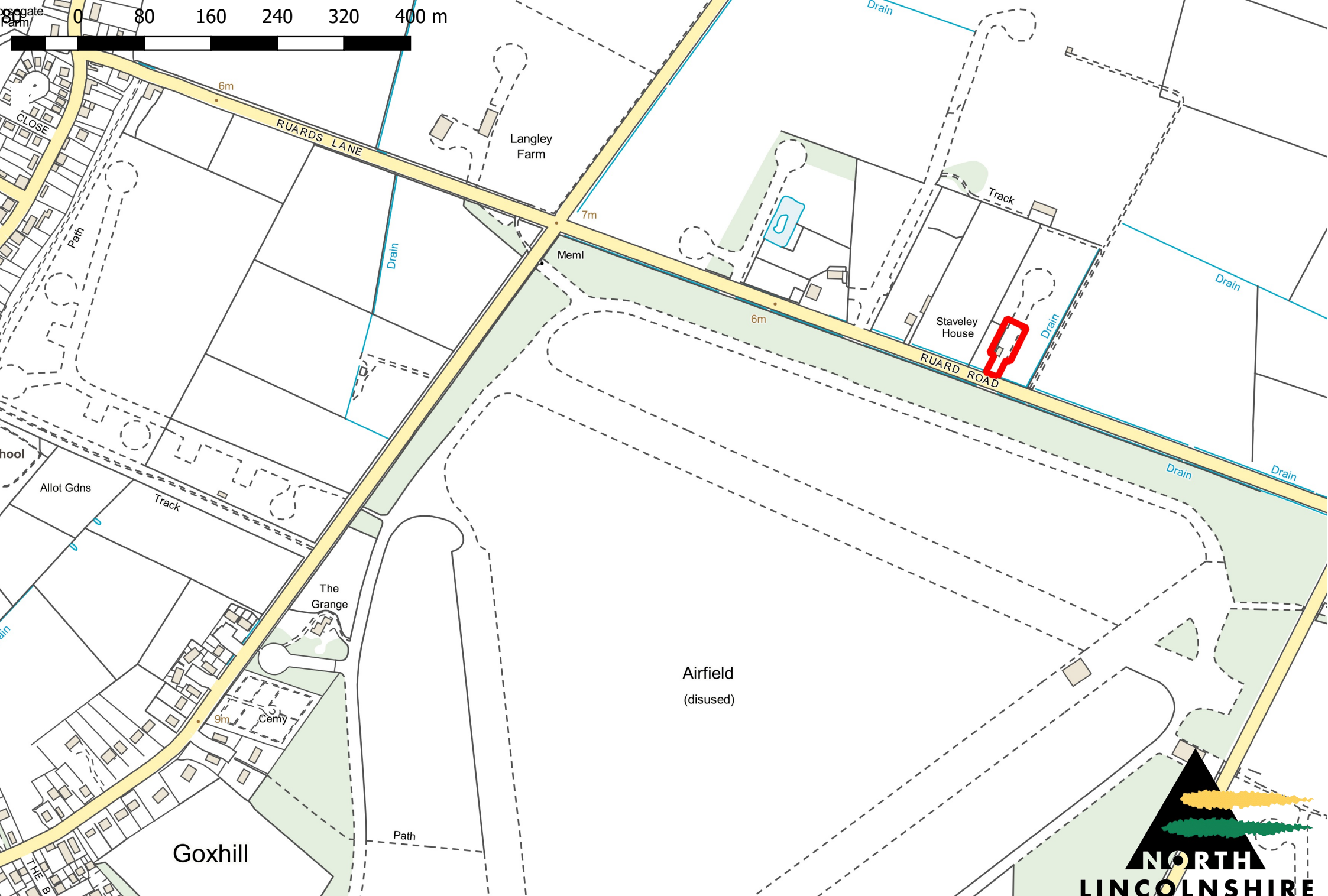
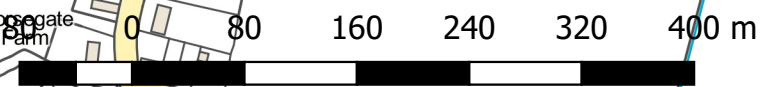
Objection has also been received in relation to the fact that part of this application is retrospective and that the residential use of the site in connection with an agricultural worker has previously been refused. The fact that the application is part retrospective has no bearing on the decision-making process which should be based on the merits of the case. Whilst the site has an extensive history, these matters form considerations with regard to the determination of this application and do not prejudice the determination of this application as each case must be determined on its own merits in accordance with planning policy.

**RECOMMENDATION      Refuse permission for the following reasons:**

It is not considered that a sufficiently robust case has been put forward by the applicants to demonstrate that there is an essential need for a key agricultural worker's dwelling on the site that cannot be met elsewhere within an established settlement. The proposed development is therefore contrary to paragraph 55 of the National Planning Policy Framework, policies CS2 and CS3 of the North Lincolnshire Core Strategy, and policy RD2 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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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