

<b>APPLICATION NO</b>	<b>PA/2019/1536</b>
<b>APPLICANT</b>	Mr Kevin Johnson
<b>DEVELOPMENT</b>	Planning permission to erect a dwelling and two stock ponds
<b>LOCATION</b>	Messingham Sands Fishing Complex, Butterwick Road, Messingham, DN17 3PN
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Messingham Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 7 – The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 27 – Planning policies and decisions should ensure that developments:

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Paragraph 47 – Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside

- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting
- (d) the development would involve the subdivision of an existing residential dwelling, or
- (e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 83 planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses; and
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 127 – Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraph 159 – If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

Paragraph 160 – The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 161 – Both elements of the exception test should be satisfied for development to be allocated or permitted.

**North Lincolnshire Local Plan:** Policies RD2, H5, T2, T19, DS1 and DS16 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS7, CS8, CS11, CS17 and CS19 apply.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Environment Agency:** No objection.

**Drainage (Lead Local Flood Authority):** No objection subject to conditions .

**Severn Trent Water:** No response received.

**Environmental Protection:** No objection subject to conditions.

**Ecology:** No objection subject to conditions.

## **PARISH COUNCIL**

Objection. The site is outside the development boundary. It is open countryside, in an unsustainable location, remote for local services and public transport.

## **PUBLICITY**

Advertised by site notice. No responses have been received.

## **ASSESSMENT**

The proposal is twofold. The first aspect of the proposal is for a park home building that resembles a log cabin to provide accommodation for a manager for the existing commercial fishery being carried out from the site. The second part of the proposal is for two fishing stock ponds to support the existing commercial fishery business. The site is located within the open countryside and lies within flood zone 2/3a; it is therefore at high risk of flooding.

**The main issues associated with this proposal are whether there is a functional need for a dwelling on the site to accommodate a rural worker, and if so, whether the development is acceptable in terms of design, flood risk/drainage, ecology and highways. In terms of the stock ponds, the main issues are whether this development is acceptable in principle on this site, and if so, whether the siting and design are acceptable within the character of the open countryside.**

### **The principle of the development**

The proposal is twofold in that permission is sought for a dwelling and two stock ponds on the site. Turning to the proposed dwelling, paragraph 79 of the National Planning Policy Framework (NPPF) states that planning decisions should avoid development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Policies CS2, CS3 and CS8 of the Core Strategy and Policy RD2 of the North Lincolnshire Local Plan set out the council's spatial aims for development, including housing development across North Lincolnshire, and largely reflect the approach taken in the Framework, with housing development in the open countryside being limited to that which is essential to the functioning of the countryside, such as that related to agriculture. Therefore, if an essential need for a rural worker to live permanently at or near their place of work in the countryside can be demonstrated, the proposal is acceptable in principle.

In relation to the proposed two stock ponds, these are required in connection with the existing rural business being carried out on the site. The aspect of the proposal aligns with paragraph 83 of the NPPF, policies CS1, CS2, CS3 and CS11 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

### **The essential need for a rural worker**

Part of the proposal is for a dwelling for a manager's accommodation. The owner of the site resides in Messingham and employs a manager at the fishery. The site is 22.7 hectares and has eight coarse fishing lakes. The business has been established for 32 years and is open all year round. It comprises match and pleasure fishing and specimen catfish and carp fishing. In order to manage the fishery, stock ponds and hatchery efficiently and to ensure the welfare and security of the fish, a manager's accommodation is sought on the site. The manager manages the fish stock and breeding fish, and oversees the fish farm and the fishery. A facilities building on the site provides toilets, a hatchery/storage room and reception area for customers. Accounts have been submitted for the businesses operating from the site which show the business is profitable and can support the need for

a full-time worker on the site. Currently the business employs the applicant (part-time), a full-time fishery manager, four part-time workers and eight additional part-time workers during competitions. Night fishing also takes place on some of the fishing lakes.

The applicant has submitted a detailed appraisal of the business being carried out and has demonstrated a functional need to be on site at all times. This involves monitoring oxygen levels of the ponds and lakes, dealing with adverse weather conditions, monitoring the breeding and health of the fish stock, feeding stock, implementing aeration equipment in the event of deoxygenation, and monitoring and regulating this equipment, preventing predators, monitoring and maintaining water quality, and supervising fishing on the site (day and night). The current manager works an average of 12 hour days. The applicant has assessed if any rental properties close to the site would provide accommodation for the farm manager. These have been discounted as they are offered on a six-month/one-year rental and no rentals are available within a mile of the site. In addition, the applicant has demonstrated in the appraisal that even if the manager lived close to the site, they would not be able to access the site within the 10 minute 'golden window' opportunity within which intervention is needed for fish welfare. As a result, the local planning authority is satisfied that there is a functional need for an essential rural worker to live on the site. The proposal therefore aligns with paragraph 79 of the NPPF, policies CS2 and CS3 of the Core Strategy and policy RD2 of the north Lincolnshire Local Plan.

## **Design**

In terms of the dwelling, a single-storey park home designed as a log cabin style of building is proposed on the site. The building will be 13.71 metres wide and 6.4 metres deep with a maximum height of 4.3 metres. It will comprise three bedrooms, a kitchen, lounge, bathroom and en-suite. The building is quite substantial but is single-storey. The roof space could not be converted for additional accommodation. The design, siting and size are acceptable in this rural location and will fulfil the functional need for a manager's dwelling on the site. The proposal accords with the NPPF, policy CS5 of the Core strategy and policies RD2 and DS1 of the North Lincolnshire Local Plan.

In terms of the two stock ponds, an area of the site close to the access road and the site of the proposed dwelling will be excavated to provide the ponds. They will be 15 metres by 5 metres, to a depth of 1.5 metres. These are functional ponds to serve the commercial business, which is supported through the NPPF and policy CS11 of the Core Strategy. These will be viewed in context with the existing commercial fishery taking place on the site. The design and siting of these ponds is acceptable and accords with the NPPF, policy CS5 of the Core Strategy and policies RD2 and DS1 of the North Lincolnshire Local Plan.

## **Ecology**

The site is an existing rural business (commercial fishery). The council's ecologist has raised no objections to the proposal subject to conditions relating to biodiversity enhancements, which will be imposed on any planning permission. The proposal therefore accords with policies CS5 and CS17 of the Core Strategy.

## **Impact on the amenity of the locality**

The proposed dwelling will be located on the site of the existing commercial fishery business which comprises a large area of land (over 22 hectares). The building is single-storey and will be viewed in conjunction with the lakes and ancillary buildings already on

the site. The surrounding soft landscaping also provides some screening for the dwelling. The dwelling reflects the rural area and will not result in any demonstrable harm to the amenity of the locality. In terms of the stock ponds, these will be viewed in context with the existing lakes and ponds already on the site and therefore no adverse impact on the character of the area will be caused. The proposal accords with the NPPF, policy CS5 of the Core Strategy and policies RD2 and DS1 of the North Lincolnshire Local Plan.

## **Highways**

Highways have raised no objections to the proposal subject to conditions which will be imposed on the planning permission. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

## **Flood risk and drainage**

In terms of drainage, no objections have been received subject to conditions. A septic tank will be installed on the site to provide drainage for the dwelling. The site is located in flood zone 2/3a and is therefore at high risk of flooding. A flood risk assessment (FRA) has been submitted with the application. Due to land levels of the site, the Environment Agency has raised no objections to the proposal. In terms of the sequential and exceptions tests set out in the NPPF, the sequential test is passed as the dwelling needs to be located on this specific site to serve the needs of the fishery. In terms of the exceptions test, the submitted FRA is acceptable and, in terms of the wider community benefits of the scheme, the dwelling will provide accommodation for a rural worker, therefore supporting a rural enterprise that supports a number of employees and provides recreation/tourist facilities to customers. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

## **Conclusion**

The applicant has demonstrated a functional need for a rural worker to reside on the site at all times and the siting, design and size of the dwelling are considered to be acceptable. The stock ponds are required in connection with the existing fishery carried out on the site and are therefore considered to be acceptable.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

#### **Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2019/1536/01, PA/2019/1536/02, 4672, S4672 and FPV391/001.

#### **Reason**

For the avoidance of doubt and in the interests of proper planning.

3.

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, at the commercial fishery being operated from Messingham Sands Fishery, Butterwick Road, Messingham, DN17 3PN, or a widow or widower, or surviving civil partner, of such a person, and to any resident dependants.

**Reason**

The site lies in the open countryside. Planning permission has only been granted for the proposed dwelling due to the need for a rural worker to live on the site in accordance with paragraph 79 of the National Planning Policy Framework, policies CS3 and CS8 of the Core Strategy, and policy RD2 of the North Lincolnshire Local Plan.

4.

No development shall take place on the site until details showing an effective method of preventing surface water run-off from the highway onto the developed site has been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

**Reason**

To prevent increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of sustainable drainage structures, in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the Core Strategy.

5.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the Core Strategy.

6.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;

(e) proposed timings for the above works in relation to the completion of the building.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

7.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.

**Reason**

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

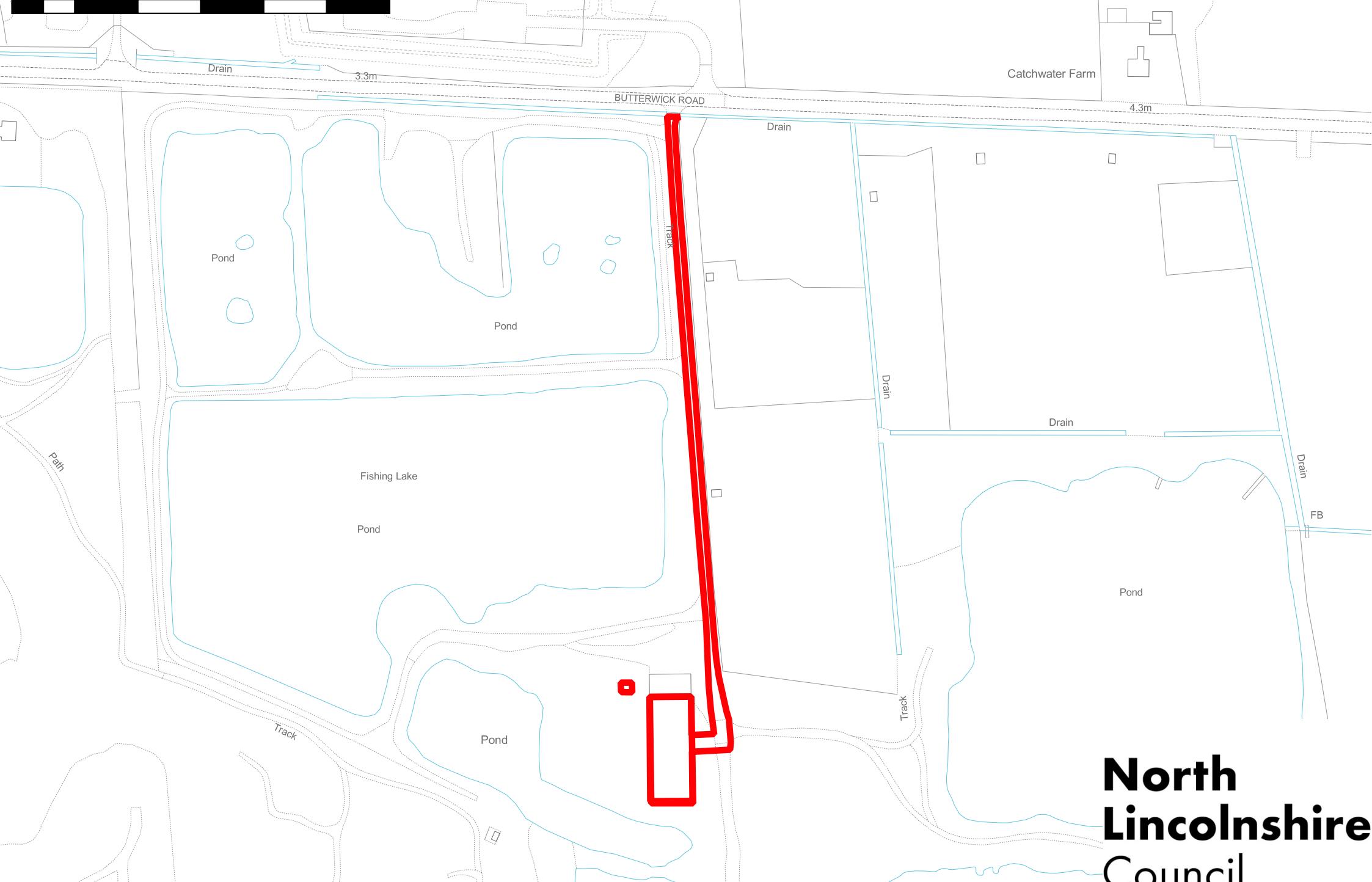
**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

**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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**North  
Lincolnshire  
Council**

**PA/2019/1536**

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# PA/2019/1536 Block plan (not to scale)

