

<b>APPLICATION NO</b>	<b>PA/2022/653</b>
<b>APPLICANT</b>	Mr Rupert Padgett
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration
<b>LOCATION</b>	Land off Belshaw Lane, Belton
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Alan Redmond
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Support by Belton Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

**North Lincolnshire Local Plan:** Policies RD2, LC12, H5, H8, HE9, T2, T19, **LC14**, DS1, DS7, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18 and CS19 apply.

### **North Lincolnshire Housing and Employment Land Allocations Development Plan Document**

**Consultation Draft North Lincolnshire Local Plan:** The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to the Reg 19 Plan (as the 2nd draft) where its policies are relevant, but this is still of limited weight whilst consultation/amendments are

taking place and the extent to which there may still be unresolved objections is currently unknown.

### **National policy and guidance (material consideration)**

- National Planning Practice Guidance
- National Design Guide (2019)
- National Design Code (2021)

### **CONSULTATIONS**

**Highways:** No objections subject to a condition.

**Drainage (Lead Local Flood Authority):** No objections, but recommend an informative with regard to a potential watercourse running through the site.

**Environmental Protection:** No objections subject to appropriate investigation for contaminants and control on occupation of the property.

**Water Level Management Board:** No objections to the proposal. The Board-maintained Steeking Drain, an open watercourse, exists to the south-west of the site, to which byelaws and the Land Drainage Act 1991 apply. Advice given on the consenting regime with regard to the watercourse.

### **PARISH COUNCIL**

Supports this application.

### **PUBLICITY**

Site notice posted; no comments received.

### **ASSESSMENT**

#### **The proposal**

The proposal is for outline planning permission to erect a dwelling with all matters reserved for subsequent consideration on the site of an existing agricultural business, which includes a recently added agricultural building. The applicant states that the new dwelling is essential for the development of his business.

#### **Material considerations**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Land Allocations DPD.

- Principle of development
- Essential functional need

- Visual amenity
- Residential amenity
- Highway safety.

## **Principle**

The application site is outside the settlement boundary of Belton and is therefore considered within open countryside. New residential development outside settlement boundaries is covered by saved policy RD2 of the local plan.

Saved policy RD2 does not specifically cover dwellings for agricultural workers, as this was covered by policy RD11, which is not a saved policy. Criterion i) of the policy permitted development within the countryside where it is essential to the efficient operation of agriculture or forestry.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill.

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Policies RD2 and H5 are not considered up to date with the NPPF as these policies apply a restriction on residential development outside of the built framework and as the adopted local plan only considered growth up to 2013, housing need beyond that date was not accommodated. As such it is considered that these policies should be given reduced weight in the decision-making process.

Paragraph 80 of the National Planning Policy Framework (NPPF) sets out permissible development in rural areas where one or more of the criteria of the policy are satisfied. Criterion A provides for new rural dwellings where 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.

It is considered that, in principle, the proposal could represent appropriate development within the countryside providing an essential need can be demonstrated.

### **Essential need**

The Planning Practice Guidance (the PPG) sets out that the functional need and the degree to which there is confidence that the enterprise will be viable for the foreseeable future are both factors that may be relevant when considering whether there is an essential need for a rural worker.

The application is accompanied by a planning statement which provides supporting information on the essential need the proposed dwelling would allow for a permanent presence on the site.

The need for this presence is stated as follows:

'The enterprise requires a permanent presence throughout the year. Without this there could be serious risk of vandalism, theft and more importantly, material damage to, or loss of, essential equipment and produce, vital for the continued success of the business. The nature of some of Mr Padgett's activities require immediate access to machinery at any time of day or night. The remote location is desirable as least possible disturbance or delay will be caused. Immediate response facility is a requirement for the River Authority and Scottish Power.'

The statement advises that the applicant is currently farming a total of 62 acres of his own crops. He additionally takes straw from a further 12 acres at harvest and is responsible for plant care of another 100 acres. He also cuts hedges across the local area of a further 300 acres of farmland, and works co-operatively with other local farmers and landowners. The applicant also has contracts with Belton Parish Council and North Lincolnshire Council mowing grass verges and amenity areas. He also is on 24-hour call for Scottish Power to assist with anticipated or current emergencies. His work also extends to ground maintenance work for Scottish Power. The applicant has the opportunity to work for the Severn Trent River Authority, but this will also require him to give immediate response in event of emergencies. The machinery employed has a replacement value of £200,000 and Mr Padgett has also invested £50,000 in his new building.

Along with paragraph 80 of the NPPF, this is supported by advice in the National Planning Policy Guidance under paragraph 10 which states the following:

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

The essential need to be on site needs to be an existing need, and whilst the future expansion of the business is not doubted, the essential functional need has to be established on the current operations at or from the site.

The statement of need focuses on two elements: response times to emergencies and security of the agricultural equipment.

The applicant lives approximately 650m by road from the application site; there is no information as to why this dwelling is no longer suitable for the continued operation of the business. By vehicle this would only be a few minutes' drive from the application site. Having spoken with the applicant, he advises that this property is owned by his parents.

No evidence has been provided to suggest that rural crime from the premises has been an issue, and no information is provided as to how alternative security measures would not be suitable. Furthermore, this is a recently erected storage building, built by the applicant for the purpose it is now used and crime must have been a consideration when deciding to locate the storage building in this location. Whilst the NPPG does identify crime as possible justification for a rural dwelling, given there is no evidence of this being an issue for the property, this can only be given very limited weight in assessing the functional need.

The statement claims that a permanent presence is required on site to respond to emergencies which arise from contracts with Scottish Power. No information has been provided on the nature or frequency of these emergencies, or why a presence on site is required. Therefore, this can be given little weight.

The statement goes on to mention future proposals for the wider site and future contracts with Severn Trent Water. Whilst there is no reason to doubt this, the application has to be assessed on the essential functional need to be on site as the rural business operates now. It is considered that the policy test for a permanent dwelling is a clearly established, existing, essential functional need, and it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to policies RD1 and H5 of the local plan. These policies seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and an essential need can be justified. It would also be contrary to paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

### **Visual amenity**

The application site is within an Area of Historic Landscape Interest as identified by saved policy LC14. Policy LC14 states that within this area development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

This is an application for outline planning permission, with all matters reserved for future consideration. No indicative layout or elevations have been provided. The site contains a large agricultural building, which was recently erected, and the proposal is sited close to the agricultural building.

It is considered that an appropriately designed property could be achieved. As the proposal would be related to a rural enterprise, thereby restricting the location of the dwelling to within the site of operation, it is considered that the proposal would be unlikely to harm the historic landscape.

### **Residential amenity**

The nearest residential property is approximately 125 metres to the east of the application site. Given the nature of the proposal, and the separation distances, it is not considered that the proposal will have any implications, in terms of residential amenity, on neighbouring properties.

As the application is in outline, with no indicative layout, it is considered that an appropriate scheme could be achieved which would provide an acceptable standard of amenity for future occupiers.

### **Highway safety**

The site is accessed from an existing gated farm track off Belshaw Lane, which is an unmade road.

There would be sufficient area within the site to provide parking. The highway authority has considered the access and no objections have been raised. It is therefore considered that an appropriate scheme could be achieved as part of any reserved matters submission.

### **Flood risk and drainage**

The application site is located within flood zone 1. Sites in Flood Zone 1 are identified as having less than a 0.1% chance of flooding (least at risk).

An open watercourse runs to the south-west of the site which is maintained by the Isle of Axholme and North Nottinghamshire Water Level Management Board. No objections have been raised to the proposal, however details of the consent regime regarding the watercourse are provided.

The Lead Local Flood Authority (LLFA) has considered the application, and again no objections have been raised. It has, however, been identified that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance.

It is also recommended that the applicant considers upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice to ensure an increased level of resilience for the development and its future occupiers.

### **Conclusion**

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to policies RD1 and H5 of the local plan which seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and an essential need can be justified. The proposal is also contrary to paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

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

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to policies RD1 and H5 of the North Lincolnshire Local Plan. These policies seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and an essential need can be justified. It would also be contrary to paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

**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.

0 30 60 90 120 150 m  
Pond

BELSHAW LANE (TRACK)

Track

Track

Drain  
Path (um)

Northferry Farm

Drain

Drain

Drain

Pond

Pond

**North  
Lincolnshire  
Council**

LC14 Isle of Axholme Area of Special Historic Landscape Interest

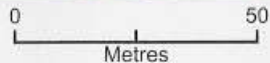
**PA/2022/653**

© Crown copyright and database rights 2021. Ordnance Survey 0100023560



# PA/2022/653 Indicative layout (not to scale)

Rupert padgett



Plan Produced for: Rupert padgett  
Date Produced: 23 Jul 2020  
Plan Reference Number: TORQM20205181608796  
Scale: 1:1250 @ A4  
© Crown copyright and database rights 2019 OS 100042766

