

APPLICATION NO	PA/2023/96
APPLICANT	Mr John Brears, TC Bears & Sons
DEVELOPMENT	Outline planning permission to erect a pair of semi-detached dwellings in connection with agriculture (all matters reserved)
LOCATION	Greenfield Farm, Godnow Road, Crowle, Scunthorpe, DN17 4BN
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr John Briggs – significant public interest)

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 14 – Meeting the challenge of climate change, flooding, and coastal change

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan: RD2, H5, H8, DS1, T1, T2, T9, T19, DS1, DS14, DS16

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS7, CS8, CS19, CS25

Housing and Employment Land Allocations DPD: Inset map for Crowle

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

DM1: General Requirements

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage System

T1: Promoting Sustainable Transport

T2: Promoting Public Transport

T3: New Development and Transport

T4: Parking

H2: Housing Mix and Density

H7: New Agricultural Workers or Forestry Dwellings

CONSULTATIONS

Highways: Recommend conditions relating to access, parking and turning be applied to any permission.

LLFA Drainage: No objections subject to conditions to secure details relating to surface water drainage within the site. The LLFA also notes foul sewer flooding issues in the Crowle catchment and indicates that no surface water from the development can be connected into the foul sewer network.

Environmental Protection: Recommend conditions be imposed to secure appropriate site investigation in relation to potential sources of contamination, along with a condition to secure occupancy to persons solely or mainly working, or last working in agriculture in the interests of residential amenity.

Environment Agency: Recommend a condition to ensure development is undertaken in accordance with the Flood Risk Assessment submitted with the application.

Ecology: Recommends conditions in the event that permission is granted to secure a biodiversity management plan, detailing bat roosting features, nesting sites for birds, lighting restrictions, hedgehog mitigation, provisions for planting and aftercare of native trees and shrubs, delivery of biodiversity net gain and proposing timings for these works. A separate condition is proposed to ensure that any biodiversity management plan is carried out in accordance with the approved details.

TOWN COUNCIL

Request an agricultural tie be imposed in the event that planning permission is granted.

PUBLICITY

A site has been notice posted – no comments have been received.

ASSESSMENT

Planning history

PA/2021/1764: Planning permission for change of use to allow transfer of forage business including relocation of office portable building and garage/workshop – approved

WF/2014/0710: Planning permission for wind farm development consisting of the erection of six three-bladed horizontal access wind turbines, 126.5 metres maximum height to blade tip and associated infrastructure, including transformers, new and upgraded access tracks, underground cabling, electrical substation, hard standings, upgraded construction site access off Godnow Road and ancillary equipment for a period of 25 years. Also, temporary works including construction compound, blade and nacelle lay-down areas, assist crane pads, turning areas and associated construction access tracks – refused

PA/2013/0156: Application for a lawful development certificate for the storage and distribution/transportation of a maximum of 3000 tonnes per annum of hay and straw – approved

PA/2012/0273: Application for removal of condition 3 of PA/2011/1304 (extension to an agricultural hay/straw and general-purpose barn) and to vary condition 4 of PA/2011/1304 (to omit the wording 'HGVs') – refused

PA/2011/1304: Planning permission to erect an extension to an agricultural hay/straw and general-purpose barn – approved

PA/2007/1441: Planning permission to change the use of an agricultural building to offices – refused

PA/2005/1113: Planning permission to erect a general-purpose agricultural building – approved

- PA/2005/0556: Application for determination concerning prior approval of siting and appearance of a general-purpose agricultural store – prior approval not required
- PA/2004/1377: Planning permission to erect offices, 2 hay barns and vehicle workshop in connection with a hay and straw merchant's – refused
- PA/2002/0302: Planning permission to erect an extension to a straw and hay barn – approved
- PA/2001/0336: Planning permission to erect an agricultural building for the storage of straw and hay – approved
- PA/1999/0812: Prior notification to erect a steel-framed agricultural building – prior approval not required.

Outline planning permission is sought to construct two dwellings on land at Greenfield Farm outside the settlement of Crowle. All matters are reserved for future consideration and as such **the main issue concerns whether the principle of the development is acceptable. Technical issues for consideration at this stage include potential flooding and contamination risks given the site's location on existing agricultural land within Flood Zone 3.**

The site is within open countryside beyond the settlement boundary for Crowle as identified in the Housing and Employment Land Allocations (HELA) DPD. Policy RD2 of the local plan together with policy CS3 of the Core Strategy seek to restrict development beyond settlement limits to that which is essential. Policy RD2 indicates that development will only be granted in a limited number of circumstances, one of which is where it is essential to the efficient operation of agricultural or forestry. On the other hand, policy CS3 states that development will be restricted to that which is essential to the functioning of the countryside, including uses related to agriculture, forestry and other uses which require a countryside location.

Through the development plan, the local planning authority is seeking to secure the delivery of new housing to meet identified needs in locations which are sustainable. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

Policy SS1 of the council's emerging local plan relates to presumption in favour of sustainable development. It requires that a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF be taken when considering development proposals.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in

favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 80 of the NPPF makes clear that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. One of these circumstances is 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.

The NPPF indicates that weight can be afforded to emerging plans, depending on their stage of preparation, degree of consistency with the Framework and level of unresolved objections to specific policies within it. The emerging local plan has been submitted for examination and is at an advanced stage. Some limited weight can therefore be afforded to its policies in line with paragraph 48 of the NPPF.

Policy H7 of the emerging local plan indicates that new rural workers' dwellings will only be allowed where they satisfy all of a number of criteria. The policy requires applicants to demonstrate that there is no other viable option of utilising other existing forms of accommodation or buildings, that the business is financially sound and that accommodation is appropriate with the needs of the enterprise rather than those of the owner or occupier.

The application has been supported by a Planning Statement with further written justification submitted on 2 March 2023. The thrust of the applicant's reasoning behind the application relates to the relocation of the company's base from 59 Fieldside, within the settlement of Crowle, to the site's current base outside the settlement. It is suggested that this involves the relocation of 4 HGVs, tractors, trailers and general farm equipment to the new location at Greenfield Farm. Supporting statements indicate that two sons of one of the business partners will be assuming overall control of the farming business.

The business focus is on forage. Supporting documents indicate that crops of hay and straw are baled in local fields and transported to the yards at Fieldside and Godnow Road for storage. It indicates that all vehicles are kept at Fieldside where the company have a maintenance workshop and fuel storage, and that in future these vehicles will take all the hay and straw to Greenfield Farm. The application indicates that these arrangements will change once provision is made for accommodation at Greenfield Farm. The reasoning

behind this centres on perceived security risks and further information has been submitted in support of the application to expand upon these concerns.

This additional information indicates that “there have been many break-ins throughout the area, many relating to theft of fuel oil and machine parts and tools as well as vehicles.” It has also been suggested that straw and hay fires in the area have become frequent, rather than rare occurrences, and details of the value of hay stored on site during and outside of harvest times has been provided.

From the applicant’s submission it is apparent that the need for permanent accommodation on the site is based on perceived security risks from potential theft and arson, rather than any functional need associated with the business. The key consideration therefore centres on whether this need is essential.

There is currently no policy requirement within the development plan relating to financial considerations for rural workers’ dwellings. Notwithstanding this, whilst no financial appraisal has been submitted with the application, it is clear that the business is well-established and has been operating from its site in Crowle for many years. There is no concern over the business’s long-term prospects, and no reason to seek further financial information in this instance based on knowledge and understanding of the firm.

The business is primarily concerned with the production of crops for grazing by livestock. No livestock are kept on the farm, and from the information provided with the application there is no requirement for rural workers to be present on site to tend to animals. The main reason for requiring accommodation at the site is to reduce security risks.

Whilst it is recognised that rural crime will be of concern to the applicant, insufficient justification has been submitted with the application to demonstrate that there are credible security risks facing the farm. Moreover, the business has successfully operated from its site at Fieldside within Crowle without permanent on-site accommodation, and previous applications indicated that the business could be successfully relocated from Fieldside to Godnow Road through the change of use of the buildings and relocation of office/workshop as approved through application PA/2021/1764.

In this instance it is not considered that the need for permanent on-site accommodation through the construction of two dwellings is essential for the operation of the business. The site could be secured through other measures such as fencing, cameras, alarms etc. Even if there were a proven need for a permanent on-site presence for security reasons, this would not necessitate two separate dwellings as proposed. The proposals are considered to be contrary to the aims of policies RD2 of the local plan and CS3 of the Core Strategy, and are considered unacceptable as a matter of principle. The development would result in the creation of homes within an unsustainable location which is contrary to the spatial strategy of the development plan, and would result in the creation of isolated homes within the countryside contrary to the aims of national planning policy. There are clear reasons for refusing the application and in line with paragraph 11 of the NPPF it is considered that the proposal would not represent sustainable development and that the adverse impacts would significantly outweigh the benefits which would be derived from the development.

Other issues

This application is for outline planning permission with all matters reserved. Landscaping, layout and appearance are therefore not for consideration as part of this application;

however, based on the information provided it is anticipated that a suitable scheme could potentially be brought forward at the site should planning permission be granted. However, given the site's location within the countryside, careful attention would need to be paid to matters of scale and design, to ensure that the open character and appearance of the countryside is retained. This is particularly important owing to the visibility of the site from Godnow Road.

The site is to the south-west of Crowle, accessed from Godnow Road. There are no objections from the council's Highways officers and on this basis it is anticipated that a development could be brought forward which would be acceptable in highway terms and would not prejudice the safety of the road network.

Although a sensitive end use is proposed, officers are satisfied that potential land contamination issues can be addressed through the imposition of suitably worded conditions. Potential sources of contamination would therefore be unlikely to prejudice the safety of occupants at the site, and conditions restricting occupation of the dwellings would ensure that farming activities would not be harmful to residents unconnected with the site.

The site is within Flood Zone 3 and is therefore at the highest risk of flooding. Paragraph 159 of the NPPF indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The application has been supported by a site-specific flood risk assessment which identifies measures to ensure possible flooding risks would not be prejudicial to occupants of proposed dwellings at the site. The Environment Agency has been consulted on the application and has raised no objections to the proposed development, subject to the imposition of a condition requiring development to be undertaken in accordance with the flood risk assessment. The LLFA Drainage officers within the local authority similarly raise no objections to the proposed development. On this basis, it is considered that issues associated with potential flooding would be capable of being addressed. A suitable scheme could be delivered which ensures occupants are safe from flooding risks and prevents any greater risks from occurring elsewhere.

Having regard to the above, there are not considered to be any technical issues which would prejudice the delivery of a suitable housing scheme on the site. Notwithstanding this, the principle of the development is considered to be unacceptable. Whilst there may be benefits to the business and positive social and economic impacts derived from the construction of two dwellings at the site, their location outside the settlement and in an isolated location requires an essential need to be demonstrated. A functional need has not been demonstrated and the justification presented as part of the application centres on security risks associated with the potential loss of produce or machinery. In this instance officers are not satisfied that there is an essential need for two workers' dwellings to be constructed at the site. It is therefore recommended that planning permission be refused.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development would result in the construction of dwellings in the open countryside, an essential need for which has not been demonstrated. The proposed development is considered to be contrary to the spatial distribution aims for development

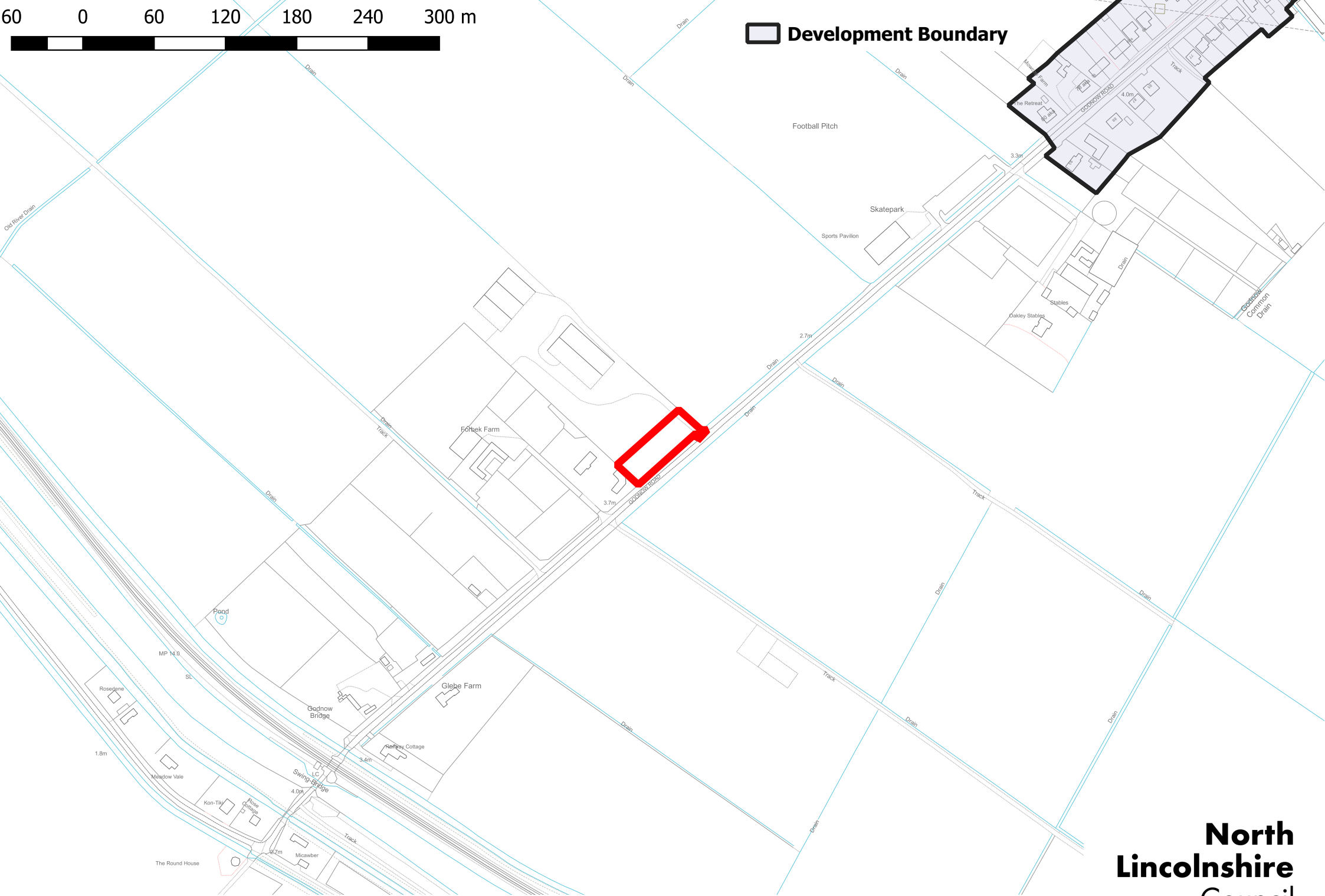
set out in policies RD2 of the North Lincolnshire Local Plan and CS3 of the Core Strategy, and would lead to the creation of isolated dwellings in the countryside contrary to the aims of paragraph 80 of the National Planning Policy Framework.

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.



 **Development Boundary**



**North
Lincolnshire
Council**

PA/2023/96