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| APPLICATION NO | PA/2023/1244 |
| APPLICANT | Mr & Mrs G Hirst |
| DEVELOPMENT | Planning permission to erect a general-purpose agricultural building |
| LOCATION | Land adjacent to Torne Gatehouse, Sandtoft Road, Epworth, DN9 1LE |
| PARISH | EPWORTH |
| WARD | Axholme Central |
| CASE OFFICER | Jennifer Ashworth |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Epworth Town Council |

POLICIES

National Planning Policy Framework:

12 Achieving well-designed places

North Lincolnshire Local Plan:

DS1 General requirements

T2 Access to development

T19 Car parking provision and standards

DS14 Foul sewage and surface water drainage

DS16 Flood risk

LC14 Area of special historic landscape interest

RD2 Development in the open countryside

RD14 Agricultural and forestry buildings

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

CS19 Flood risk

Housing and Employment Land Allocations DPD: The site lies outside the development limits, is located within the open countryside and comprises land allocated as LC14 as shown on the Proposals Map.

Supplementary Planning Guidance: Design in the Countryside

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 Spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

RD1 Supporting sustainable development in the countryside

HE1 Conserving and enhancing the historic environment

HE2 Area of special historic landscape interest

DQE1 Protection of landscape, townscape and views

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to make.

Environmental Protection: This proposed development is in close proximity to a residential dwelling granted under planning permission PA/2020/1057. The proposed agricultural building has the potential to introduce noise and odour which may have an adverse impact on residential amenity. This department has received complaints historically in relation to agricultural development which can be difficult to resolve.

With the above in mind, this department recommends that the proposed agricultural building is tied to the residential dwelling on site to protect residential amenity.

Archaeology: No objection subject to standard conditions removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape.

Environment Agency: No objections to this application, but have provided informative advice in relation to flood mitigation and an environmental permit.

TOWN COUNCIL

Objects to this application because the earlier planning application (PA/2020/1057) stated that agricultural use was not needed, however now it is said to be needed.

PUBLICITY

Advertised by site notice – no responses received.

ASSESSMENT

Planning history

PA/2018/1975: Application for determination of the requirement for prior approval for a proposed change of use of an agricultural building to a dwellinghouse (Class 3) – refused 04/01/2019

PA/2020/398: Application for a lawful development certificate for the existing use of an agricultural barn – approved 22/05/2020

PA/2020/1057: Application for determination of the requirement for prior approval for change of use from an agricultural building to a dwelling – approved 21/09/2020.

Proposal and site characteristics

The site is located off Sandtoft Road, Epworth and relates to an area of land which comprises an existing barn which has been converted to a dwelling under Part 2 Class Q of the GPDO. The site lies to the south of existing buildings including Torne Gatehouse. To the west of the site lies the River Torne. The site lies beyond the settlement boundary for Epworth and within the area of special historic landscape interest. The site is accessed via a lane from Sandtoft Road, with an open area for parking and turning to the south.

The barn converted under Class Q was approximately 304m². A lawful development certificate was granted in May 2020 (PA/2020/398) confirming the use of the building for agricultural storage of hay, feed and machinery. Then prior approval was granted to allow the change of use of the agricultural building to a dwelling in September 2020.

The land to which this planning application relates is located to the east of the dwelling house and comprises agricultural grassland. The building measures approximately 110m².

The applicant confirms that the building is required to provide safe and secure storage facilities for machinery and general agricultural produce including hay and straw.

The site is located within policy LC14 land which is designated as an area of special historic landscape interest. The site is within SFRA flood zone 2/3 (a) fluvial.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**
- **design, character and appearance/historic environment**
- **highway safety**
- **flood risk.**

Principle of development

The site is outside the development limits of Epworth and therefore open countryside policies apply. Policy RD2 strictly controls development within the open countryside and identifies the specific types of development that will be considered to be acceptable in these locations. The building is proposed for the storage of machinery and general agricultural produce including hay and straw.

A general agricultural building is considered to be an appropriate use within the open countryside. A tractor and other equipment stored on the site will be used for the maintenance of the wider land. It is considered that the building complies with policy RD2 in that it allows the storage of equipment for the maintenance of existing land.

Policy RD2 also sets out certain criteria against which all development in the countryside must be assessed. These criteria require that development is not detrimental to the character or appearance of the countryside; is not detrimental to residential amenity or highway safety; and that the proposal makes best use of existing and new landscaping. Compliance with policy RD2 is dependent on these criteria being met and these issues are assessed in detail below.

Policy RD14 states that new agricultural buildings should be sited in close proximity to existing buildings and designed to utilise existing landforms and vegetation to minimise visual impact. This will be assessed further but it is considered that the siting of the building in principle is acceptable.

The principle of development is contested by Epworth Town Council who consider that the earlier prior approval for the conversion of the existing barn to a dwelling house confirmed that the use was no longer needed on site. This new application now confirms that there is a need for the storage of agricultural equipment to manage the wider site. There are no policies which address this issue. The North Lincolnshire Local Plan allows the erection of agricultural buildings which are essential to the efficient operation of agriculture or forestry. The supporting planning statement confirms that beyond the curtilage of the converted dwelling the land remains agricultural grassland. The applicant requires a small tractor to maintain the land and cut the grass for straw/hay. The applicant also proposes to make use of the land in future cultivation projects. Although small scale, the applicant requires safe storage for the agricultural machinery required to maintain and cultivate the agricultural land.

The proposed building is significantly smaller than the converted barn and is considered appropriate for the scale of operations on the wider land.

Residential amenity

Local plan policies DS1 and DS11 are concerned with residential amenity and seek to ensure that there is no unacceptable loss of amenity to neighbouring land uses.

The proposed building is proposed to be located to the east of the existing dwelling.

The council's Environmental Protection team have noted that the proposed agricultural building has the potential to introduce noise and odour which may have an adverse impact on residential amenity. The department has received complaints historically in relation to agricultural development which can be difficult to resolve. With the above in mind, the department recommends that the proposed agricultural building is tied to the residential dwelling on site.

It is considered that this condition is appropriate and should be applied at this time to both protect the amenity of neighbours and the character of the countryside.

Design, character and appearance/historic environment

Local plan policies DS1, RD2 and RD14 are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest and policy LC14 of the local plan is relevant. The council's archaeologist is satisfied that the application does not conflict with local plan policy LC14 in the Recent Enclosed Land character area. Where the planning authority is minded to grant permission, it is requested a condition be attached to remove permitted development rights to avoid the extension of the built environment into the historic landscape, and beyond the development limit, as follows:

'Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

Reason: To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.'

This condition appears unreasonable as it relates to development within the curtilage of a dwelling house. The proposal is for an agricultural building which sits outside the curtilage of the adjacent residential dwelling.

The application site comprises an area of land which is currently laid to agricultural grassland. The building sits to the south of existing buildings and east of the existing dwelling. The buildings are clustered together and as such the proposal satisfies the requirements of policy RD14 and part c of policy RD2. It is not considered that development on this land would damage or adversely affect the character, appearance or settling of the historic landscape or any of its features within this location. The proposed development is to a high standard and seeks to provide a use which is compatible with a countryside location.

It is considered that this element of the site is suitable for development and would not conflict with the requirements of policy LC14.

The proposed agricultural building measures approximately 12.1m by 9.1m, and is approximately 4.2m to eaves height and approximately 5.5m to ridge height. The materials are not confirmed within the planning statement, application form or on the plans. A condition to secure the final materials would need to be included should the application be considered favourably.

For these reasons it is considered that the agricultural building will not have an unacceptable impact on the character or appearance of the open countryside and complies with policies RD2, RD14 and DS1.

Flood risk

Policy DS16 of the local plan states that development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of floodwater; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.

Policy CS19 of the Core Strategy notes that the council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere.

The site is located within flood zone 2/3(a). The proposal is for agricultural storage purposes. It is recommended to follow standing advice from the Environment Agency in flood zone 2 where uses are less vulnerable (of which this use is classified).

The applicant has confirmed that whilst the development falls within flood zone 2, the use class classifies the proposed use as 'less vulnerable'. Due to the nature of the 'less vulnerable' use, in the unlikely event of any flooding, the farm machinery can be transported/moved to areas of less flood risk by the applicant. The applicant has confirmed that they are aware of the Environment Agency's (EA) flood risk warning system and in the unlikely event of flooding the general evacuation of the whole site would be conducted in accordance with the EA's advice and guidelines. A flood evacuation plan will be in place for such eventualities.

The Environment Agency do not have any objection to the proposed development but do provide informative advice for the applicant which should be included on the decision notice should permission be granted. This advice relates to flood mitigation measures and an environmental permit.

The LLFA Drainage team have considered the proposals and do not have any comments or objection to the proposed development.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The proposed development will not affect the access to the site or parking provision therein. The council's Highways department has raised no objection to the application. It is considered that there will be limited movement of tractors to and from the site. Therefore, the proposal will not be harmful to highway safety in the area.

It is therefore considered that the scheme is in accordance with policies T2 and T19 of the local plan.

Conclusion

The proposed development will not have an unacceptable impact on the character or appearance of the area, the amenity of neighbouring properties, or highway safety. On this basis the application should be supported.

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:

- Site Location & Existing Site Plan - NLWR 001
- Proposed Site Plan - NLWR 002
- Barn Elevations & Floor Plan - NLWR 003.

Reason

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

3.

No above ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The building hereby permitted shall not be used other than by persons occupying the property approved under PA/2020/1057 (Schedule 2, Part 3, Class Q Agricultural Building to a

Dwelling house (Class C3) - Sandtoft Road, Epworth, DN9 1LE, unless otherwise agreed in writing by the local planning authority.

Reason

To protect residential amenity.

Informatives

1.

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.

2.

Flood mitigation

The developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

3.

Requirement for an environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The developer should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the Environment Agency at the earliest opportunity.



Pond

3.6m

Torne Gatehouse

Track

River Torne

LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North
Lincolnshire
Council**

PA/2023/1244

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PA/2023/1244 Proposed siting (not to scale)



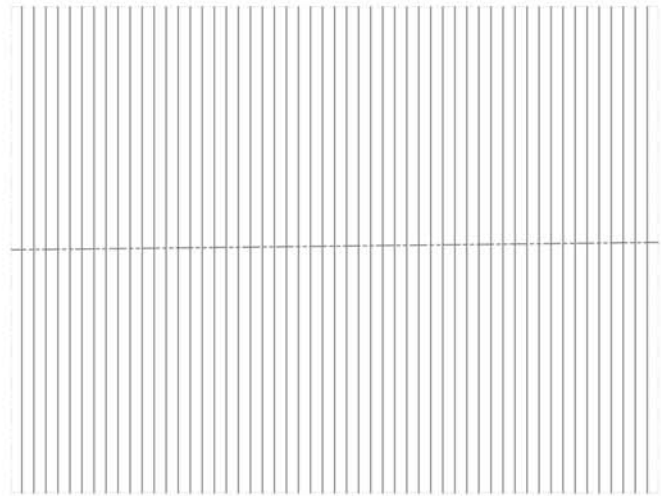
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| Drawing Title | | |
| PROPOSED SITE PLAN WEST END ROAD EPWORTH | | |
| Ref: NLWR 002 | Scale @ A3 1:1250 | Date JUN/23 |



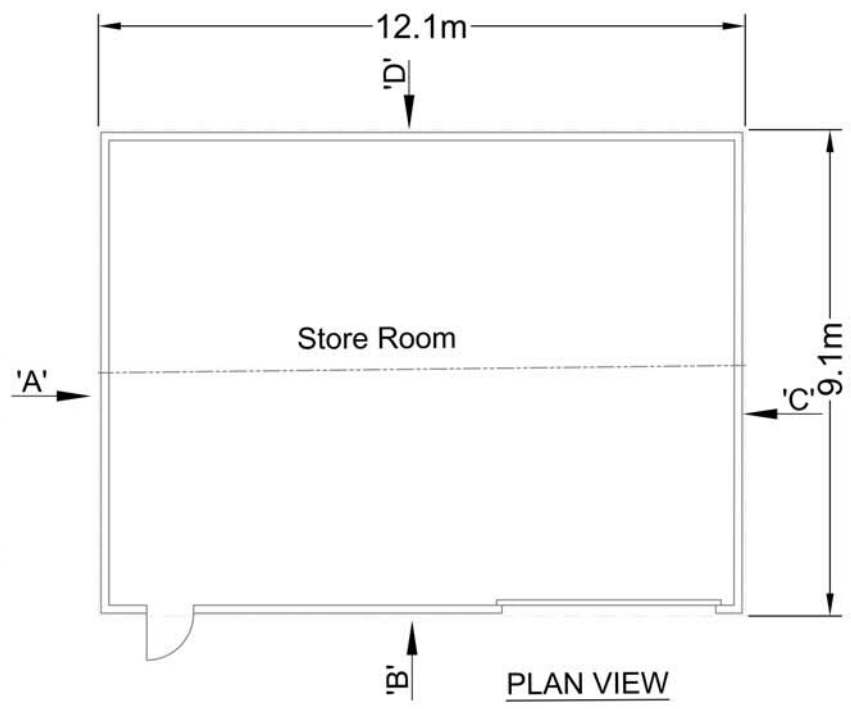
enquiries@marksimmondsplanningservices.co.uk
Mark Simmonds
Director
Mark Simmonds Planning Services Ltd
Mercury House
Willoughton Drive
Foxby Lane
Gainsborough
DN21 1DY



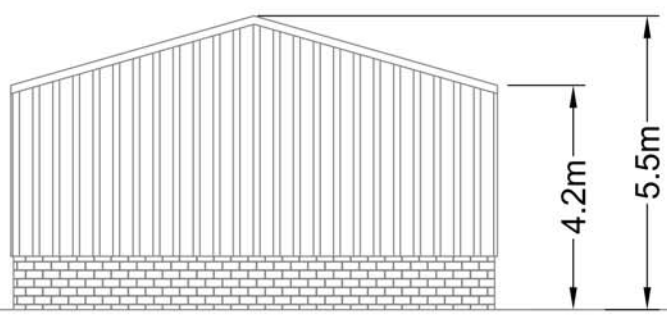
PA/2023/1244 Proposed elevations (not to scale)



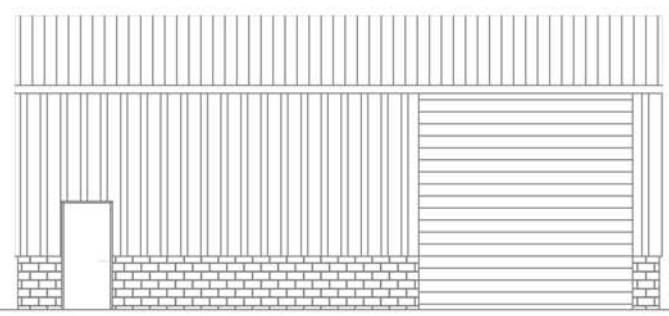
PLAN VIEW DETAIL



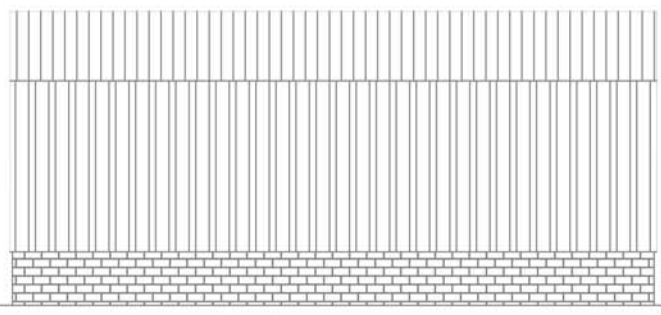
PLAN VIEW



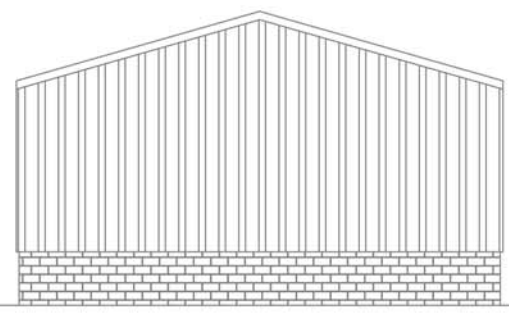
END ELEVATION
VIEW ON 'A'



SIDE ELEVATION
VIEW ON 'B'



SIDE ELEVATION
VIEW ON 'D'



END ELEVATION
VIEW ON 'C'

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| Drawing Title | | |
| PROPOSED BARN PLAN WEST END ROAD EPWORTH | | |
| Ref: NLWR 003 | Scale @ A3 1:100 | Date JUN/23 |



Mark Simmonds
PLANNING SERVICES

enquiries@marksimmondsplanningservices.co.uk
Mark Simmonds
Director
Mark Simmonds Planning Services Ltd
Mercury House
Willoughton Drive
Foxy Lane
Gainsborough
DN21 1DY