

**APPLICATION NO** PA/2023/1354

**APPLICANT** Mr Antony Edmondson-Bennett

**DEVELOPMENT** Planning permission to erect a barn for agricultural use

**LOCATION** Fox Farm, Cadney Road, Howsham, LN7 6LA

**PARISH** CADNEY

**WARD** Brigg and Wolds

**CASE OFFICER** Paul Skelton

**SUMMARY RECOMMENDATION** **Approve with conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Cadney cum Howsham Parish Council

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

### **North Lincolnshire Local Plan:**

- RD2 Development in the open countryside
- RD14 Agricultural and forestry buildings
- HE5 Development affecting listed buildings
- LC7 Landscape protection
- DS1 General requirements
- DS7 Contaminated land

### **North Lincolnshire Core Strategy:**

- CS1 Spatial strategy for North Lincolnshire

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

**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

SS3 Development principles

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DM1 General requirements

## **CONSULTATIONS**

**Highways:** No comments or objections to make on this application.

**LLFA Drainage:** No objections or comments to the proposed development.

**Environmental Protection:** Recommends refusal due to the siting of the barn immediately adjacent to the boundaries of several residential gardens which could result in loss of amenity to neighbouring properties. Activities likely to be carried out at this site have the potential to give rise to noise nuisance due to the housing of animals and the comings and goings of tractors and other machinery. Furthermore, this type of development has the potential to give rise to nuisance caused by odour and flies as a result of the housing of livestock, and the collection, storage and disposal of foul bedding and manure, particularly when located close to residential properties.

**Conservation Officer:** The proposed barn is sited some way from the grouping of heritage assets here, and from the public road it is unlikely the heritage assets and the new structure will be seen together. Concerns raised regarding the proposed roofing material and details required regarding timber cladding.

**Historic England:** Do not wish to offer advice on the application.

## **PARISH COUNCIL**

Objects on the following grounds:

- There are concerns about the use of the land as the building is not tall enough for agricultural machinery.
- If it is for livestock and it is a new building, it should not be within 400 metres of residential buildings and this clearly does not meet that criteria.

- The application states that no work has commenced but it has been reported to the council that the building has already been started with the digging of foundations. The council is frustrated and disappointed to note that we are dealing with yet another potential retrospective planning permission.
- There are concerns about the field and that it floods during winter which would be exacerbated by a building with such a large footprint diverting the run-off management into concentrated areas. The soakaway is not adequate to manage this level of run-off.
- We are concerned about the lack of planning for the management of animal waste. As this is not a working farm site, there appears to be no outlet or plans for this in the future.
- The council is really concerned about drainage and its lack of planning for it the dry ditch shown in the application is not on the land owned by the applicant.
- This is classed as agricultural land and we would question an application that is on land significantly less than 5 hectares in area.
- We believe this is the first agricultural construction on the unit which contravenes the planning advice of central government.
- As this application is for an agricultural building and therefore needs to be no more than 9 metres from the middle of the road, it does not meet this criteria for access.
- We have concerns that it may not be within 75 metres of the nearest part of the group of principal farm buildings associated with the property.
- Access to the barn is via a residential drive and then it is an open field to the building itself. There is a concern that vehicles driving across that field will lead to the churning of the land and therefore more flooding issues.

## **PUBLICITY**

The application has been advertised by site and press notice. Objections have been received from two individuals and are summarised below:

- Preparatory work has commenced and the siting appears to be closer to neighbouring properties than indicated on the plans.
- There would be overshadowing as a result of the height of the building which would impact residential amenity.
- Existing flooding problems would be exacerbated.
- As the proposed building would be used for livestock, it must be more than 400m from the nearest residential property, whereas the proposed building is about 30m from the boundary with neighbouring properties.
- The siting of the building will give rise to impacts from noise, smell and effluent.
- The building appears large for a family home that is not a working farm.
- The building will be visible from Cadney Road when the trees have lost their leaves.

- The proposal would either require a man-made track or result in the ground being disturbed, potentially affecting water run-off.

Two representations have been received in support of the application and are summarised below:

- As direct neighbours, the applicants should be allowed to have a building to house their animals for shelter and protection from possible predators.
- The building is in keeping and sympathetic to the surrounding environment.
- As an employee at Fox Farm, it is warming to note the level of care and welfare consideration that the owners are prepared to go to, to ensure animals are well nourished, safe and happy.
- The addition of a barn will be an integral part of this process and provide perfect shelter for poorer and colder weather. It also allows great isolation facilities for any unwell animals and frequent and ongoing health checks, inoculations etc.
- This project should be viewed as a positive aspect to the site and will be positioned sympathetically.

## **ASSESSMENT**

### **The site and its location**

The application site comprises a field to the east of the residential use at Fox Farm and to the north (rear) of properties on Cadney Road. To the east and north of the site is agricultural land. The site is surrounded on three sides by hedgerow and there are trees within the ownership of the applicant between Fox Farm and the site of the proposed building. The land is currently used for the keeping of various animals which the applicant's agent has advised as follows:

'...they don't have horses, they have 4 pigs, 12 sheep, 2 Alpacas and 1 goat'.

Fox Farm itself is a grade II listed building, the only listed building in the vicinity.

There are no landscape designations affecting the site, which lies in flood zone 1. Two public footpaths run in a north-westerly direction from Cadney Road.

### **Planning history**

There is no planning history for the site itself although there have been a number of planning and listed building consent applications for Fox Farm, including permission reference PA/2021/2168 which, amongst other things, granted permission for the extension of the residential use at Fox Farm, encompassing part of the field the subject of this application.

### **The proposed development**

The application proposes a single agricultural building which would house existing animals on the land over the winter period. The barn is designed in a similar way to an American barn with compartments off a central corridor, reflecting the different types of animals kept on the land.

The walling would be constructed of a brick plinth with timber cladding above, and the roof with corrugated metal sheeting. Three panels on each roof slope would be translucent sheeting to act as rooflights.

The original plans showed an elongated porch structure to the front of the building, however amended plans have been submitted which omit this structure following discussions with officers.

**The key issues to be considered in determining this application are the principle of development; heritage matters; landscape impact/design; and living conditions.**

### **The principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Other material planning policy considerations include the National Planning Policy Framework (the NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents.

Policies RD2 and RD14 allow for agricultural buildings where, inter alia, an open countryside location is appropriate; the development accords with the specific requirements set out in relevant policies; the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and the development is sited to make the best use of existing and new landscaping.

Policy RD14 provides 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.

The location of an agricultural building in the countryside to serve the needs of the land on which it is located is acceptable in respect of policy RD2. Subject to consideration of the potential impact on the landscape and the impact on the neighbouring listed building, which are discussed below, the provision of an agricultural building in this rural location is therefore acceptable in principle.

### **Heritage matters**

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Local plan policy HE5 and Core Strategy policy CS6 reflect this duty.

Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given

to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 continues by stating that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

As set out above, the site is within the setting of the neighbouring Fox Farm, a grade II listed building also within the applicant's ownership.

The Conservation Officer does not object to the principle of the proposals, however has raised concerns regarding the materials. In terms of the timber cladding proposed for the walling, this can be addressed by planning condition requiring approval of the materials. In terms of the roofing materials, the conservation officer has commented that the use of clear plastic sheeting for the roofing would not be appropriate; however, as described above, the majority of the roof would be covered in profiled metal sheeting, in a similar way to the majority of modern agricultural buildings. It is only the three panels on each roof slope highlighted on the proposed roof plan which would be clear plastic. These would effectively act as rooflights and are considered acceptable in this context.

Subject to the recommended conditions controlling the materials used in the construction of the building, it is not considered that there would be any harm to the setting of Fox Farm.

### **Landscape impact/design**

Local plan policy RD2 sets out that new development in the countryside should not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design or materials. Policy DS1 includes similar criteria.

Policy LC7 requires special attention to be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted. This must of course be read in conjunction with policies RD2 and RD14, which specifically allow for agricultural buildings in the countryside subject to the criteria referred to above.

The application proposes a low-key agricultural building in the countryside, where such buildings can be expected to be found. As set out above, the scale of the building has been reduced through negotiations with the removal of the superfluous porch feature. The building would be relatively well screened from public vantage points. Whilst there would be views of it, especially in the winter months when the trees have lost their leaves, there would be no significant harm to the landscape arising from the proposals.

Whilst policy RD14 indicates that new buildings should be located close to existing buildings, in this particular case, where the host property is a listed building, and other nearby buildings are separate dwellings, there are good reasons why a departure from this requirement is appropriate in this case. The building is located close to the existing boundary hedgerow in accordance with the second part of policy RD14.

In conclusion, it is considered that the amended proposals would have an acceptable impact on the wider area in accordance with the relevant development plan policies.

## **Living conditions**

Local plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local plan policy DS1 states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Policy DS5 of the local plan requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Proposals should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

Concern has been raised by the parish council and local residents about the potential for unacceptable impact on the amenity of neighbouring properties. Some comments have been made about restrictions set out in permitted development regulations regarding the location of agricultural buildings; however, they are not relevant to the consideration of a planning application.

The Environmental Health Officer (EHO) has also objected to the application given the location of the building in relation to nearby houses.

Whilst the building would be located within 30 metres of the boundary of the nearest dwelling and within 48 metres of the nearest habitable building, it must be recognised that the field is currently lawfully used for the keeping of animals. This is a countryside location where residents can expect to live side by side with agricultural uses. In respect of the current use of the land, and the way it is managed, the applicant has stated:

'The land staff spend a couple of hours every morning collecting all the animal droppings. This happens at a minimum 5 days per week. They do this again every day between 2–4. All animal waste is removed from the animal enclosures. This happens all year round rain or shine. The waste is dumped into a fenced compost. It is removed from the land once or twice a year. The challenge is that in winter when the enclosures flood the waste becomes part and parcel of the clay and mud. There would be no difference in the storing and disposing of the waste as the method has been in play for 18 months and has not proven problematic. There have been no complaints and no noticeable problems with pests.'

There is no indication/evidence that the proposal would result in a material increase in the numbers of vehicles/farm machinery using/operating on the site to such a degree that this would unacceptably impact on the living conditions of neighbours.

In light of the relatively small size of the proposed building, its proposed use (compared to the existing use of the land) and the distance to neighbouring properties, it is not considered that the proposed building would give rise to any undue harm to existing neighbouring dwellings.

## **Other matters**

The proposal would not give rise to any increase in traffic movements to/from the site and the Highways Officer has raised no objection to the application.

Concerns have been raised in respect of drainage from the building affecting neighbouring properties. The site is in flood zone 1 and the application form indicates that surface water is proposed to be dealt with by way of a soakaway. Given the amount of land associated with

the building, there is no reason to believe that a soakaway would not satisfactorily deal with surface water adequately and the LLFA do not object to the application. Whether or not the applicant's activities on the land, for example driving across the site and compacting the earth, would lead to surface water run-off is not considered to be an issue for this application. This would be a civil matter between respective landowners.

Reference has been made by the parish council to a history of unauthorised development at the site. Nevertheless, the planning system is not a punitive one and it specifically allows for retrospective applications. In any event, whilst it appears in this case that some ground preparation has taken place, it does not appear that any development has taken place.

## **Conclusions**

The principle of development is acceptable, and it is not considered that the proposal would result in significant harms to justify refusal in this case. The application is therefore recommended for approval subject to the conditions set out below.

## **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:

- Drawing number LN7-3729 - PLN - 011 Rev B (Plans and Elevations as Proposed)
- Drawing number LN7-3729 - PLN - 010 Rev B (Site Location and Block Plans).

Reason

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

3.

The development hereby permitted shall be carried out only in accordance with details of walling and roofing materials which have first been submitted to and approved in writing by the local planning authority.

Reason

In the interests of good design and to protect the setting of the nearby listed building (Fox Farm).

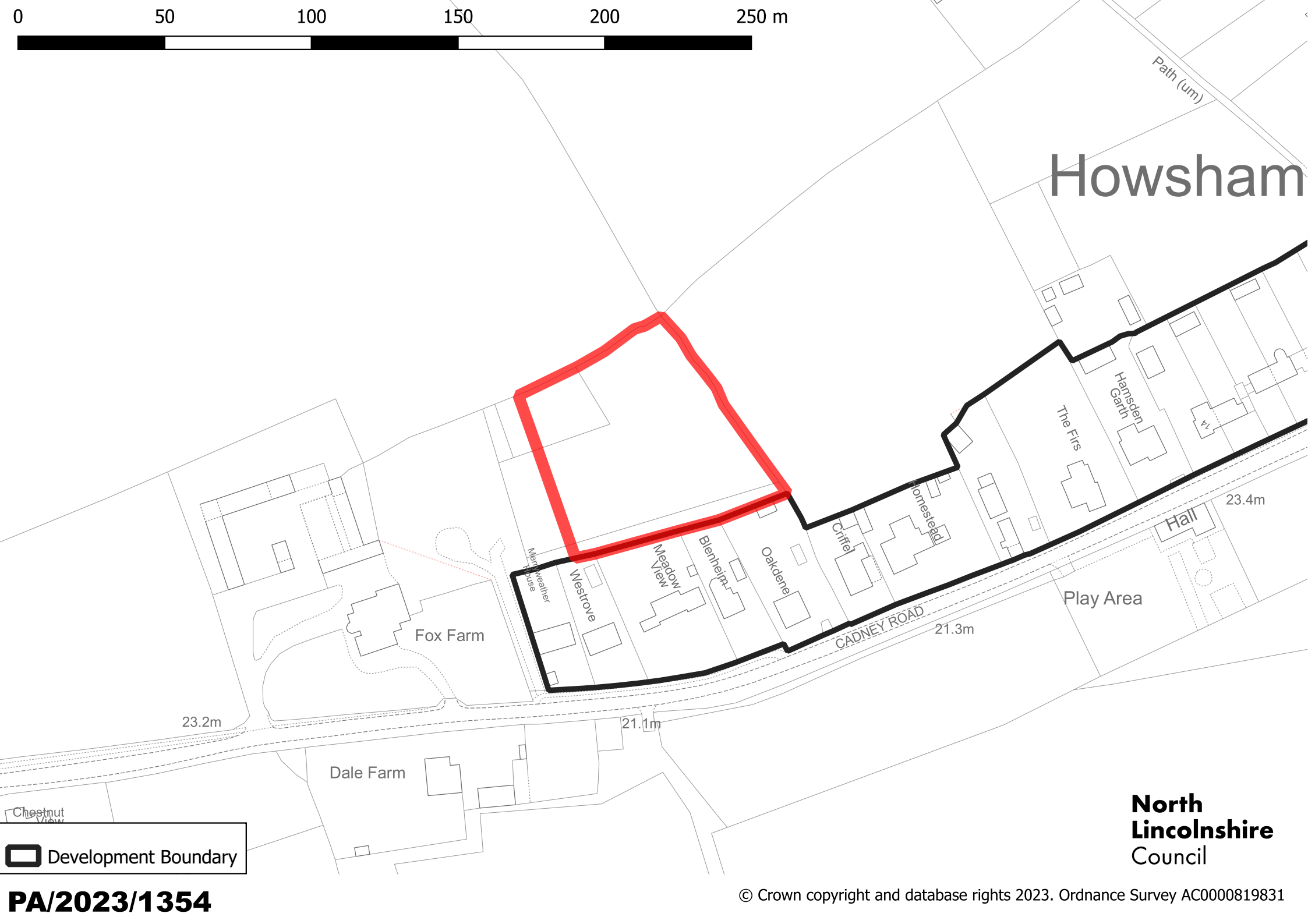
## **Informative**

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.





# Howsham

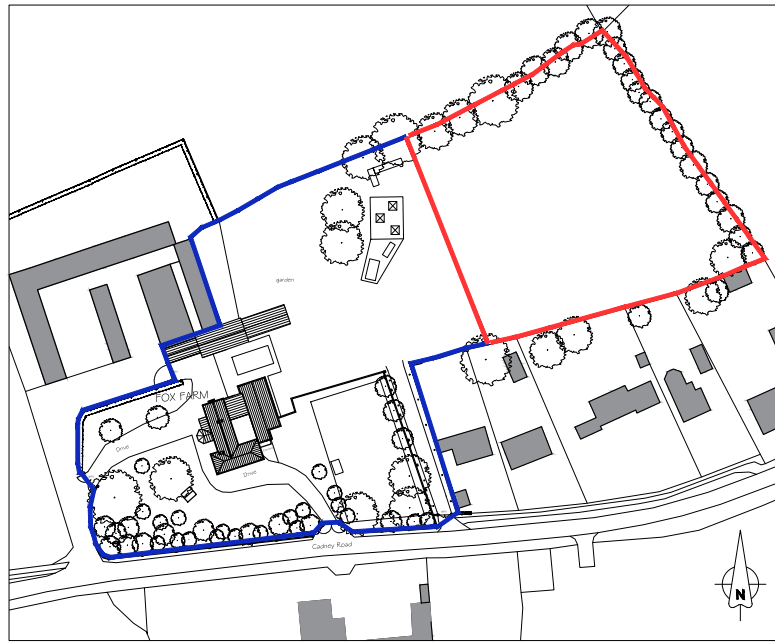


 Development Boundary

**PA/2023/1354**

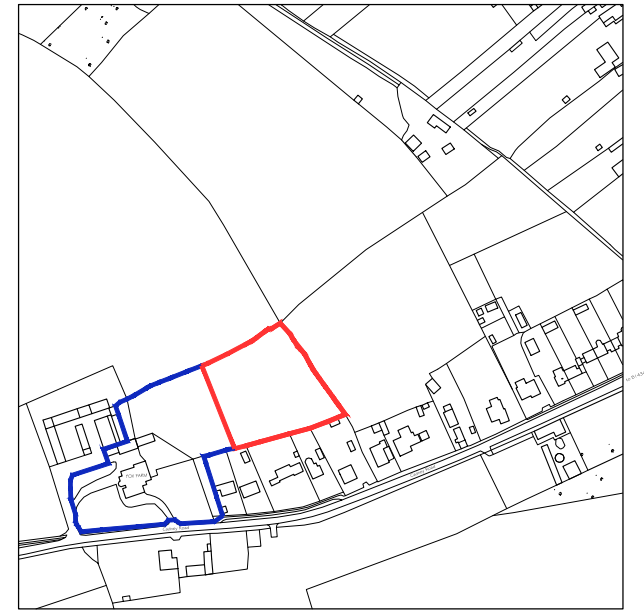
**North  
Lincolnshire  
Council**

# PA/2023/1354 Proposed siting (not to scale)



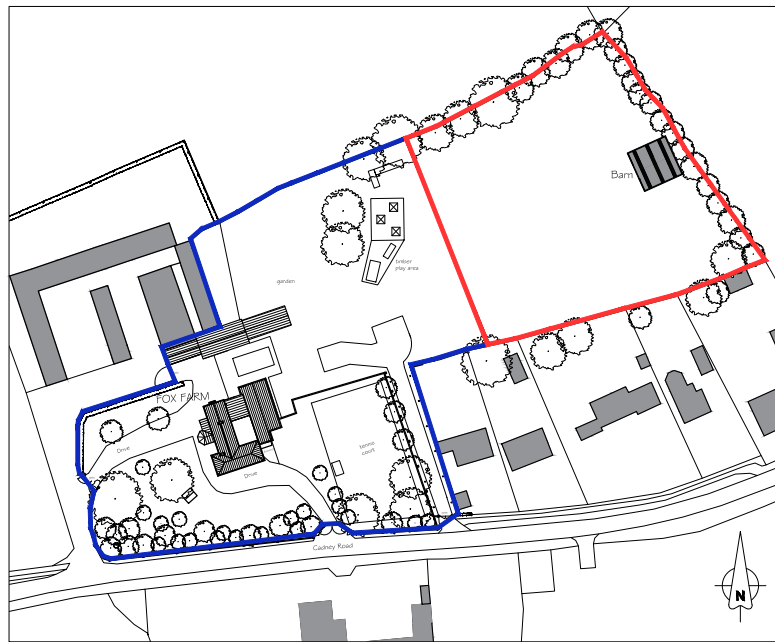
Block Plan as Existing

AMENDED

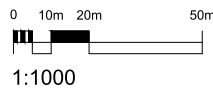


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Site Location Plan

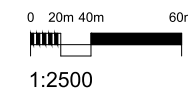


Block Plan as Proposed



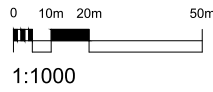
1:1000

Area of Site / Access (Agricultural Land)  
Land under client ownership



1:2500

Area of Site / access  
Land under client ownership



1:1000

Area of Site / Access (Agricultural Land)  
Land under client ownership



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DATE	NOTES	BY	REV
21/09/21	Issued for planning approval	SG	A
11/10/23	Issued for planning (canopy removed)	SG	B

PROJECT TITLE Proposed Barn		CLIENT Mr & Mrs Edmondson-Bennett Fox Farm, Cadey Road, Howsham, LN7 6LA		
DRAWING STAGE Planning	SCALE varies @ A2	CHK JD	DRAWN BY SG	
SHEET TITLE Site Location and Block Plans	PROJECT NUMBER LN7-3729	STAGE PLN	REV B	SHT 010

# PA/2023/1354 Proposed elevations (not to scale)

**Notes**

**DANGER ELECTRICITY** service into existing building.  
Care must be taken when any excavation is taking place near these points. Confirmation of gas supply pipe, with National Grid (0800 111 999) before commencing any work, and also on plans since confirmation has been received.

**DANGER GAS** service into existing building.  
Care must be taken when any excavation is taking place near these points. Confirmation of gas supply pipe, with National Grid (0800 111 999) before commencing any work, and also on plans since confirmation has been received.

**DANGER WATER** supply to be located and isolated prior to removal of any pipework, water supply pipe to be adequately protected at all times. A notice is required to be displayed before any activity.

**DANGER Electrical safety**, all electrical required to meet the requirements of Part P (Electrical Safety) must be designed, installed, inspected and tested by a person competent to do so. This is to ensure the Council should be satisfied that Part P has been complied with. This will require an appropriate BS 7671:2008+A2:2015 Requirements for Electrical Installations. EET Wiring Regulations electrical installation certificate to be issued for the work by a person competent to do so.

The drawings are the copyright of CK Architectural. The drawings must not be scaled from. The contractor should take and verify all dimensions on site before proceeding with any works. All dimensions shown on the drawings are for Planning purposes only.

All dimensions must be checked on site prior to works commencing. Variations in requirements, depth of plaster etc., must be checked for.

Where new walls are shown aligned with existing walls, this must be checked by the physical removal of footings and piers to establish the actual position of the wall being attached to.

Site to be used only for demolition / construction of the proposed works, which is to be completed at all times along with adjacent properties, not forming part of the works.

Care must be taken at all times to ensure that any works on the supply of all services into from the property (ie electricity, gas, water, WASTE, BT, fibre optic and surface water drainage) does not, at any time interfere with the supply of services into from adjacent properties, in not affected. It is the responsibility of the contractor to ensure that any works are proportionate to be allowed as soon as possible and to negotiate with adjacent properties regarding any appropriate action that may be required.

Prevent smoke, dust, fumes, splash and other harmful substances where possible. No fire to be allowed on site at any time and refuse bins to be kept to minimum and complying with BS 5228-1:2009+A1:2014 & BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control at construction and open sites. Reinforce that adjacent properties are occupied and comply with all reasonable requests from the general public / neighbors regarding the use of power tools etc.

All positions of drainage runs and bases of drainage indicated on drawings are provisional only, contractor to check level and position of all drainage systems to ensure adequate fall & to ensure Building Control Officer is satisfied with site events before excavation of drainage runs.

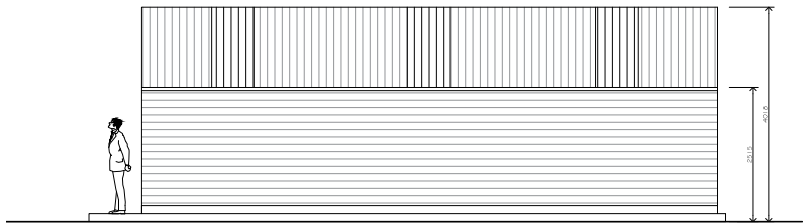
All works are to be carried out with the relevant current British Standard Codes of Practice and Building Regulations Capped Papers, and to be to the approval of the Local Authority and all Statutory Undertakings. All materials shall be suitable for the particular demands and shall be used strictly in accordance with the manufacturer's instructions. All necessary calculations are to be submitted to the Local Authority for approval prior to the commencement of work on site.

Risked areas shall be subjected to prevent soil bridging, or leakage etc., continuity of insulation must be provided at joints, corners and all roof and wall junctions by the provision of weather tapes. All joints are to be level galvanized joint tapes. All wall and roof insulation shall be continuous. It is the owners responsibility to ensure that the property and site is free from any cracks or structural weaknesses, cavements or easements.

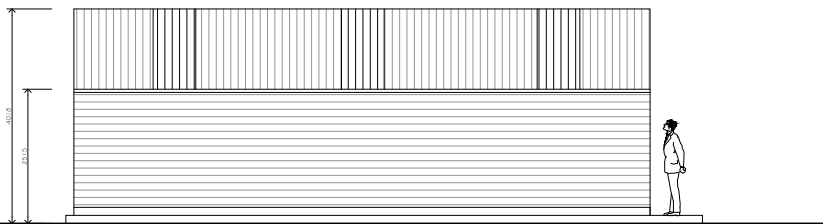
Attention is drawn to the Party Wall Act 1996. The client owner must give notice in writing to the neighbours of the intended building operation and excavations and receive approval of claims.

Attention is drawn to the client with regard to the CDM 2015 regulations. These drawings and specifications are intended for Planning & Building Regulation purposes only, the scope of this does not go any further. It is the duty of the client under the regulations to appoint a Principal Contractor. There is no obligation for the client to appoint a 'Principal Designer'. The 'Principal Contractor' will take on the role of 'Principal Designer' for purposes of the pre construction and construction phases of the project under the CDM 2015 regulations when gates under way, in order that a Health & Safety File and construction plan is provided for the HSE, in order to reduce risks through the design processes of construction etc.

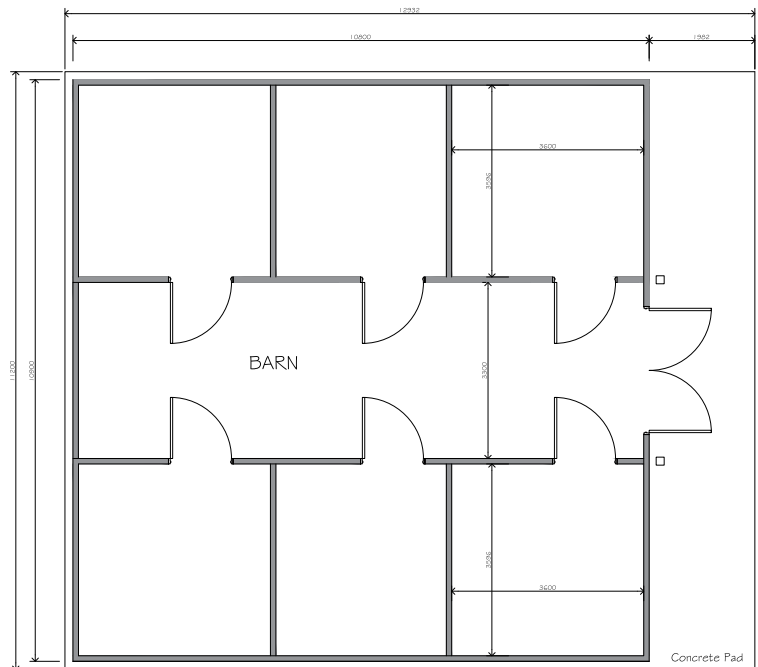
DATE	NOTES	BY	CHK
21/07/23	Issue for Building	SG	A
21/07/23	Issue for Planning Consultation	SG	A



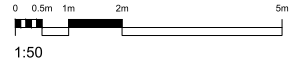
Side Elevation As Proposed



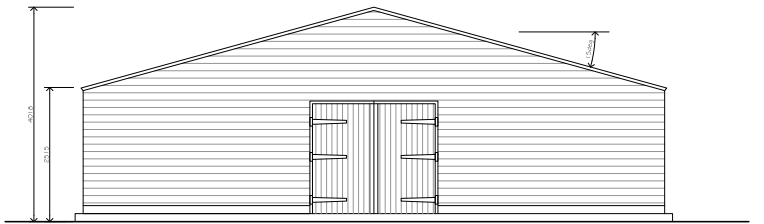
Side Elevation As Proposed



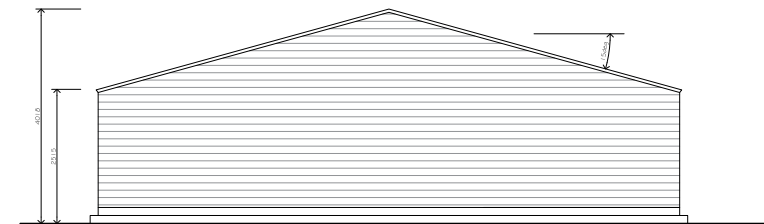
Floor Plan As Proposed



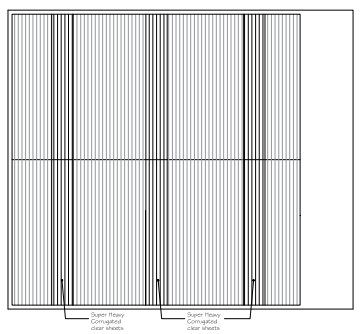
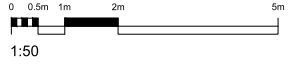
AMENDED



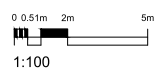
Front Elevation As Proposed



Rear Elevation As Proposed



Roof Plan As Proposed



Schedule of Materials	
Proposed Walls	- Brick dwarf walls with timber cladding walls
Proposed Roof	- Corrugated metal sheeting
Proposed External Doors	- Timber doors



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PROJECT TITLE	CLIENT		
Proposed Barn	Mr & Mrs Edmondson-Barnett Fox Farm, Cadney Road, Howsham, LN7 6LA		
DRAWING STAGE	SCALE	CHK	DRAWN BY
Planning	1:50 @ A1	ID	SG
SHEET TITLE	PROJECT NUMBER	STAGE	REV
Plans and Elevations as Proposed	LN7-3729	PLN	B 011