APPLICATION NO	PA/2023/1888
APPLICANT	Witter, Witter Farms
DEVELOPMENT	Planning permission to erect a dwelling at Klondike Farm, adjacent to the existing old farm buildings
LOCATION	Klondike Farm, East Marsh Road, Goxhill, DN19 7NQ
PARISH	GOXHILL
WARD	Ferry
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Support by Goxhill Parish Council
POLICIES	
National Planning Policy Framework:	
2 Achieving sustainable development	
5 Delivering a sufficient supply of homes	
12 Achieving well-designed and beautiful places	
14 Meeting the challenge of climate change, flooding and coastal change	
North Lincolnshire Local Plan:	
RD2 Development in the open countryside	
H5 New housing development (part saved)	
H8 Housing design and mix	
LC7 Landscape protection	
DS1 General requirements	
DS3 Planning out crime	
DS7 Contamination	

DS14 Foul sewerage and surface water drainage

DS16 Flood risk

- T2 Access to development
- T19 Car parking provision and standards

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
- CS7 Overall housing provision
- CS8 Spatial distribution of housing sites
- **CS17** Biodiversity
- CS18 Sustainable resource and climate change
- CS19 Flood risk
- CS25 Promoting sustainable transport

New North LincoInshire Local Plan Submission: The new North LincoInshire 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 late 2024.

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
- SS11 Development limits
- RD1 Supporting sustainable development in the countryside
- DQE3 Biodiversity and geodiversity
- DQE1 Protection of landscape, townscape and views

CONSULTATIONS

Highways: No objection, recommend conditions.

Environment Agency: The submitted FRA does not fully comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. However, the submission of an amended FRA is unlikely to result in changes to our position as the proposed mitigation is adequate. We therefore do not wish to object to the application or to request that a new FRA is submitted. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Recommend condition.

The FRA does not make any reference to the Environment Agency's Hazard Mapping. Our Hazard Mapping shows the consequences should a breach or overtopping of our sea defences occur, including the likely flood depths, velocities and overall hazard that could impact the site over its lifetime. The site has a current day and future hazard classification of 'danger to all' as defined in Research & Development report FD2320 'Flood Risk Assessment Guidance for New Development'. It could experience flood depths of up to 2.10 metres arising from a breach in the defences during a flood that has a 0.5% chance of occurring in any one year up to 2115; during the 2115 0.1% breach scenario, depths could reach up to 2.20 metres.

LLFA Drainage: No objection, recommend conditions.

Environmental Protection: Following receipt of additional information, recommend a condition in respect of the investigation of any unexpected contamination.

North East Lindsey Drainage Board: The application site is within flood zone 3 on the Environment Agency's flood maps. It is noted a Flood Risk Assessment (FRA) is included with the application that contains appropriate mitigation (placing habitable areas on the first floor).

The FRA states that surface water will be drained through a system to be submitted to and approved by the drainage provider. It needs to be established what this system is, and no development commenced until the local planning authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

PARISH COUNCIL

Supports the application.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

Relevant planning history

- PA/2020/620: Planning permission to erect an agricultural worker's dwelling approved with conditions 04/06/2020
- PA/2019/1001: Planning permission to erect a detached dwelling refused 24/07/2019.

PA/2018/1777: Outline planning permission to erect an agricultural worker's dwelling – approved with conditions 14/03/2019.

The application site consists of an agricultural field in the open countryside, approximately 2.65 km to the north-east of Goxhill, within flood zone 2/3a. The land is in arable production and there are ruins of former agricultural buildings directly to the north-west. The field is to the east of East Marsh Road. To the south-east of the site is an established poultry farm and East Marsh Road lies to the west; the highway is single track. The site is open along its frontage with the public highway and is therefore visible within the rural landscape. Planning permission is sought to erect a detached two-storey house to be occupied by a farm worker.

The main issues in determining this application are the principle of development (essential need), impact on the character and appearance of the rural landscape, and flood risk.

Principle

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. Residential development is only permitted in the open countryside by policy RD2 of the North Lincolnshire Local Plan where, amongst other policy requirements, the dwelling is demonstrated to be essential for the efficient operation of agriculture or forestry. National planning policy and planning case law has directed that essential need is normally only justified by the submission of functional and financial tests. National Planning Policy Framework (NPPF) advises that local planning authorities should avoid new isolated houses in the open countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Paragraph 010, reference ID 67-010-20190722, of the PPG offers considerations which may be relevant to take into account when assessing applications for rural workers' dwellings. These 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;
- 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.

In support of the application the applicant's planning agent has submitted a planning statement, in which information has been provided to justify the proposed development in

light of local and national planning policies and material considerations. In terms of complying with the criteria above, it is evident the farming enterprise is well established since 2000, it mainly specialises in beef and arable farming and appears to be profitable. There is confidence on this basis that the enterprise will remain viable for the foreseeable future.

The supporting information states that Witter Farms is employed in arable and food production, and is owned by third generation farmers, the business specialising in root crops. The farming enterprise comprises 1520 acres (615 hectares) which are used for a variety of arable crops requiring different levels of care, depending on seasonality and weather conditions, a head of cattle totalling 450 cows and an operational farm shop.

The supporting statement states:

The application is for a dwelling for the family member taking a major share in the management and running of this business. He is fully engaged seven days a week taking over the managing the family's own land in Goxhill.

The nature of the farm activities requires immediate attention to crop care and animal husbandry.

Both are subject to the vagaries of the weather and rely on prompt attention and accurate timing.

Although not strictly a planning issue, security is becoming a key element of remote sites where people are vulnerable as well as machinery at risk from thefts or vandalism.

and:

The application reflects the needs of an existing business, the current use, and to give confidence for future business security and future opportunities for farm diversification. The existing cropping and numbers of livestock on hand at any one time, require a labour force of 6 full time workers, not including the farm shop.

It is clearly a genuine rural based enterprise, with a sound backing, and a secure future. There is a clear need for a dwelling on the site to provide essential protection of persons, property, and animals on the site at all times of day and night. The application conforms to National and Local Planning Policies.

The main thrust of the applicant's case is that an on-site presence is required at the farm to maintain crops and provide immediate attention to crop care and animal husbandry which rely on prompt attention and accurate timing. No evidence has been provided to substantiate this, other than a brief analysis of the standard number of man days required to deal with cropping and animal husbandry which at Appendix B concludes a farmworker works 275 notional days per annum and the business requires a minimum of 5.66 farm workers.

The overall size of the farm holding is of a scale which can reasonably be assumed to be viable, albeit no evidence of financial viability has been provided, but is available for inspection if required. It is also evident that some of the business comprises a farm shop, yet no details have been provided as to whether this requires additional worker hours and how that affects the demand for agricultural workers in that regard.

The supporting statement notes that the application is for a family member taking a major share in the management and running of the business and is engaged seven days a week, taking over managing the family's land in Goxhill. The existing farmhouse is within the ownership of the applicant's family and an additional dwelling has been tied to the agricultural business, constructed and occupied under PA/2020/620 (known as Humber View), which is located in close proximity to the existing farmhouse and the farm buildings established at East Marsh Farm. Other than a brief section within the appraisal, it has not been established why either of these dwellings associated with the agricultural enterprise couldn't meet the functional requirements set out in the applicant's supporting case.

The supporting statement states there are no alternative dwellings that meet the needs of the business as the two houses already connected with it are occupied by employees of the business. Alternative accommodation is sought in the form of a new three-bedroom detached dwelling which is proposed over three floors and has some provision for space within it that is associated with the agricultural worker's need being put forward, but no evidence has been put forward to demonstrate whether it is commensurate to the needs of the business rather than the personal needs of its intended occupant.

This proposal is to erect a dwelling at the farm on land which is currently an agricultural field, and which is isolated from the existing cluster of farm buildings and dwellings which are associated with the agricultural enterprise. In terms of site selection, it is an open field in the countryside in close proximity to some redundant agricultural buildings which are in ruin. This site is 1.4km to the north of the dwellings and farm buildings associated with the business and as such no justification has been put forward to justify its location or conversely why it cannot be sited in proximity to the existing cluster of agricultural buildings and dwellings. Furthermore, the applicant resides locally (within Barrow upon Humber), approximately a 10-minute drive from the site and therefore the functional needs of the business could be met and are met from their current address.

Some evidence has been provided to demonstrate the types of crops at the farm: Appendix B of the supporting statement provides a breakdown of the acreage of types of crops grown at the farm (including wheat, barley, cereals and grass) but no plan has been provided to show where this is at the farm and where the proposed dwelling is located in relation to the extent of land ownership (i.e. whether it has been selected as a site which is best positioned to serve the functions/needs of the business briefly outlined in the supporting information). Case law demonstrates that arable farms seldom provide a situation where the functional test may be satisfied.

Case law example: An appellant argued that the premium quality of their cereals required an additional worker's dwelling on the farm. The inspector appreciated that the field operations required to produce the high-quality crops might need two agricultural workers nearby, but he was unconvinced by the evidence presented that alternative arrangements could not be made to ensure these operations could take place in a timely manner. For example, the weather forecasts could be monitored so that workers could be brought into the farm with prior notice. See East Northamptonshire 29/05/2015 DCS No 200-003-660.

Very limited evidence has been provided to suggest alternative dwellings have been considered and discounted, other than it states in the supporting information the existing two dwellings associated with the agricultural holding are already occupied by workers. The applicant confirms that they undertook a search of Rightmove and no properties were considered suitable. It is considered that the distances and times would not significantly add to the response time compared with someone living at the site. There are already two

properties within immediate proximity of the site which provide an existing deterrent and a form of natural surveillance at the site and which, in the opinion of the local planning authority, serve the functional needs of the agricultural business. Furthermore, the applicant for whom the dwelling is proposed resides in Barrow upon Humber, a 10-minute journey by car. This is considered sufficient time and distance to enable them to react to any emergencies associated with the farming enterprise.

By undertaking a quick online search, it is evident there are 26 properties available in the nearest settlement of Goxhill (less than five minutes' travel time from the site) and whilst it is accepted some of these properties will not be affordable, it does seek to demonstrate some properties are available which could serve the functional requirements of the business. Indeed, one of the properties is a piece of land within Goxhill which offers the opportunity to build a new dwelling, such as proposed in this application. In addition, some of the properties are affordable within Goxhill, less than a 10-minute drive of the farm, therefore it is considered that this short distance allows the applicant to attend the site in swift response to any emergencies or requirements outlined in the supporting statement. It is considered that the applicant could reasonably reside locally (such as in Goxhill, or Barrow upon Humber as is the existing case) and undertake the functional requirements outlined in the supporting statement. It is therefore considered that there is no essential need for a rural worker to live permanently at their place of work in the countryside.

There is no guarantee that living on the site would prove any more a deterrent to potential thieves than the existing property, which is in the same ownership. The applicant has failed to provide any evidence of alternative security measures being explored at the site. Measures such as security systems, alarms, security lighting and CCTV could provide the level of security which is needed on site. Even if a farm manager lived on site, this person would not be present 24/7. However, by having two dwellings already established on the farming enterprise (which are directly linked to the enterprise by way of an occupation condition), it is considered the functional need is already met.

The applicant has suggested another need for a presence on site is the care of crops, especially in extreme changes in weather conditions. It is not considered that living on the site compared to 2.65 kilometres away (such as in Goxhill) would offer much difference in terms of responding to changes in weather conditions or any emergencies. No detail has been provided in relation to the types of crops at the farm that require such urgent assistance/maintenance that someone needs to live on site. An assessment of case law demonstrates that security is rarely a justification for a rural worker's dwelling.

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site or that the functional test that there is a need for a full-time worker to live in or near the unit has been passed. In addition, the functional need is already met by the two existing dwellings which are located on the established agricultural unit. The development would therefore be contrary to policies RD1, RD2, RD11 and H5 of the local plan which seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary, where an essential need can be justified. The proposal is also contrary to paragraph 84 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

Rural landscape

Another key matter to consider is that this dwelling would be on land which is classed as open countryside. The proposed dwelling with dimensions of 20 metres x 14.46 metres, and

a ridge height of 9.28 metres, is proposed to be sited towards the centre of an existing agricultural field with its principal elevation facing west towards the public highway (East Marsh Road) at a distance of approximately 32 metres. The plans show it will be positioned 10 metres to the south-east of the derelict, collapsed agricultural buildings and is proposed to share the same field access in its north-western corner. The site is not well screened along its western approaches or along its western boundary with some tree and hedge planting, but this will mean the dwelling, with its principal elevation facing west, will be highly visible within the rural landscape.

The dwelling will be visible in the rural landscape as there is a visible lack of landscaping along the boundaries of the site where it is proposed to be locate. This will be exacerbated by its height and size, particularly as it would take a number of years for any proposed landscaping to establish around any boundaries of the site. Based on the extent of the proposed domestic curtilage to be attributed to the proposed dwelling (which is shown to be extensive at approximately 3,240 square metres), it would mean an extensive landscaping scheme would be required to screen the dwelling being proposed, which in itself would be alien and discordant within the rural landscape.

The plans show the proposed dwelling will have a ridge height of 9.28 metres, which is the equivalent of three storeys in height. This factor, together with the lack of vegetation cover and the flat landscape, would result in a visually prominent form of built development in the rural landscape, to the detriment of its character and appearance, and in addition would be seen as an isolated dwelling in the open countryside, sited away from existing buildings/dwellings associated with the agricultural enterprise. Given the openness of the landscape receiving the proposed development, the height, bulk and proximity to the highway of the dwelling and the straight trajectory of the public highway (East Marsh Road), it is the opinion of the local planning authority that the proposed dwelling will be visible in the wider rural landscape upon approach along East Marsh Road from both a northerly and southerly direction.

The plans show the proposed dwelling is balanced in its appearance with an entrance porch positioned centrally within the principal elevation; this is flanked by a window to either side, and window and rooflight openings in vertical alignment on the first floor and within the roof. The pitch of the canopy above the entrance door is the same as those proposed to serve the two dormer windows within the front-facing roof slope. The space above the flatroofed garage to the side of the dwelling is utilised as a roof terrace at first floor, flanked by a glass balustrade offering views of the wider rural landscape, and all of the elevations have some element of glazing to them which removes blank facades from the dwelling.

Given the location of the dwelling in the open countryside, the scale, height and bulk of the dwelling proposed and the extent of domestic curtilage being shown in the red edge around the proposed dwelling, it is recommended that if planning permission is granted, a condition is imposed which removes permitted development rights to extend within the curtilage of the dwelling and to extend or alter the dwelling in this case.

In conclusion, it is considered the dwelling proposed to be erected on this rural agricultural site results in an alien and discordant form of built development in the rural landscape which would be viewed in isolation away from existing built form and from buildings associated with the agricultural business to which the dwelling is linked. With the introduction of soft landscaping around the boundaries of the dwelling, this would be at odds with the character and appearance of the rural landscape. This is considered to represent a direct consequence of the development proposals as a measure which is

required to mitigate the impact of a large, bulky, new dwelling being introduced into the open countryside.

Flood risk and drainage

Policies CS19 and DS16, both relating to flood risk and drainage, require proposals to be assessed appropriately and to ensure that suitable drainage strategies are secured for developments. The LLFA drainage team have not raised any comments or objections to the proposal but recommend the inclusion of conditions to prevent surface water run-off from the site onto the public highway and conversely from the public highway into the site.

The site is within flood zones 2/3a as identified in the North Lincolnshire Strategic Flood Risk Assessment. A flood risk assessment (or FRA) has been submitted with the application which, along with a topographical site plan, demonstrates that the average land level at the site is 2.5 metres AOD (above Ordnance Datum). The FRA shows there will be no ground-floor habitable or sleeping accommodation and the finished floor level of the first floor (where habitable rooms and a bedroom are proposed) will be set at 5.4 metres AOD.

The Environment Agency has raised no objection to the proposed development on flood risk grounds but has recommended a condition that the development takes place in strict accordance with the mitigation measures set out in the FRA. The proposal is for 'more vulnerable' development in a high flood risk zone, therefore the proposed development needs to be assessed against the sequential and the exceptions tests. In terms of the sequential test the FRA states the following:

The NPPF (para 162) requires Local Authorities to apply the sequential approach to all planning applications for developments within a designated flood plain area.

The Sequential Test requires that alternative locations for the development be considered before granting permission for development in the location under consideration. The alternative sites should represent reduced risk of flooding. If none are available, then a site with a greater risk will be considered.

In this case, the application is to erect an additional dwelling house in connection with East Marsh Farm, with specific reference to the site on East Marsh Road. There are no other sites with a lower flood risk, and none that would satisfy the needs of the business with which the application is inextricably linked. Therefore, there are no other sites in Goxhill that are sequentially better than the site detailed in this application.

Notwithstanding the above text, as it has been considered there is no need for the applicant to reside on the site, the applicant has therefore failed to demonstrate whether there are any sites available which are at lower risk of flooding (for example within Goxhill) and which could accommodate a dwelling, and the existing dwellings on the holding already serve the functional needs of the business. Due to a lack of information, it is considered the sequential test is failed in this case.

Given that there is no functional need for a dwelling on the site and the applicant has provided no evidence as to whether there are any sites which are at lower risk of flooding; the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 168 of the National Planning Policy Framework.

Other issues

Access is shown to be from East Marsh Road to the west via a new driveway in the northwestern corner of the field. Given an existing field access is to be utilised and a new driveway is proposed within the site, it is unlikely that the access to the site would result in significant highway issues. Adequate access and parking could be provided on the site, and this is shown on the proposed site layout plan. Highways have considered the development proposals and raised no objection on highway or pedestrian safety grounds, but have recommended conditions that the dwelling is not occupied until the vehicular access, parking and turning spaces are completed and the existing vehicular access is improved within highway limits in accordance with details to be submitted to the local planning authority for future consideration.

If planning permission was granted for a permanent dwelling at the site, then the occupation of the dwelling would be conditioned with a restrictive occupancy condition. This is considered on the merits of the special circumstances set out to support a dwelling in a rural area where development is strictly controlled.

Conclusion

In summary, insufficient agricultural need has been identified for a dwelling as proposed. The application is therefore considered to be contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the North Lincolnshire Core Strategy, and the broader aims for sustainable development within the NPPF and Core Strategy. In addition, given that there is no functional need for a dwelling on the site and the applicant has provided no evidence as to whether there are any sites which are at lower risk of flooding, the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 168 of the National Planning Policy Framework. Finally, the proposed dwelling, by virtue of its siting, height, size and bulk, constitutes an alien and visually dominant form of built development in the rural landscape which would be viewed in isolation away from existing built form in the open countryside, to the detriment of its character and appearance. The application is therefore recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development is contrary to policy RD2 of the North Lincolnshire Local Plan, policies CS2 and CS3 of the North Lincolnshire Core Strategy, and guidance in the National Planning Policy Framework, in that the site lies outside of a defined settlement, in the open countryside, and is located in an unsustainable location, remote from local services and public transport. In addition, it is not considered that the application demonstrates there is sufficient essential agricultural need for the new dwelling as proposed, accounting for the history of the site and wider farm, current scale and type of the farm business, and the proximity of nearby settlements, and the need is already met by the two existing dwellings which are associated with the farming business.

2.

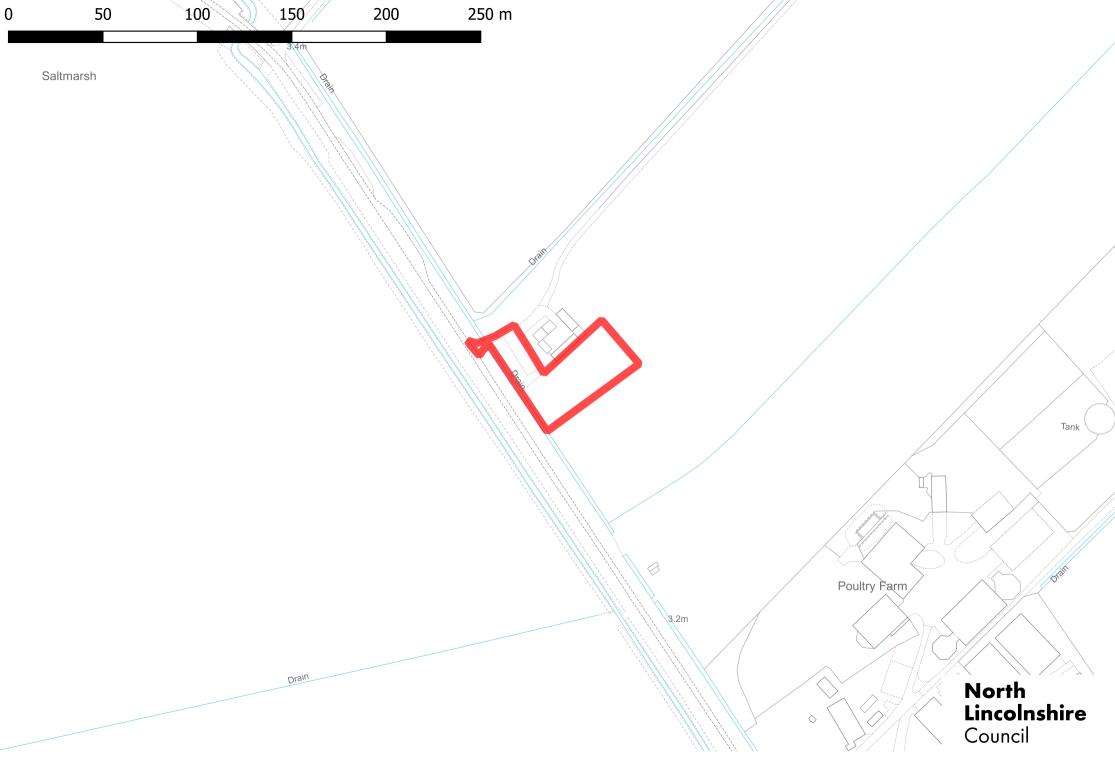
The proposed residential development is classified as 'more vulnerable' in terms of flood risk and the site is within flood zones 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions tests. Given that there is no functional need for a dwelling on the site, the functional need is already met by the existing dwellings associated with the farming enterprise and the applicant has provided no evidence as to whether there are any sites at lower risk of flooding, the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 168 of the National Planning Policy Framework.

3.

The proposed dwelling, by virtue of its size, scale and height, represents a form of development which is disproportionate to the needs of the business, and the applicant has not provided sufficient justification as to why the business would warrant a dwelling of this scale. In addition, it constitutes an alien and visually dominant form of built development in the rural landscape which would be viewed in isolation away from existing built form in the open countryside, to the detriment of its character and appearance. The proposal is therefore contrary to policies RD2, DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS3 and CS5 of the North Lincolnshire Core Strategy.

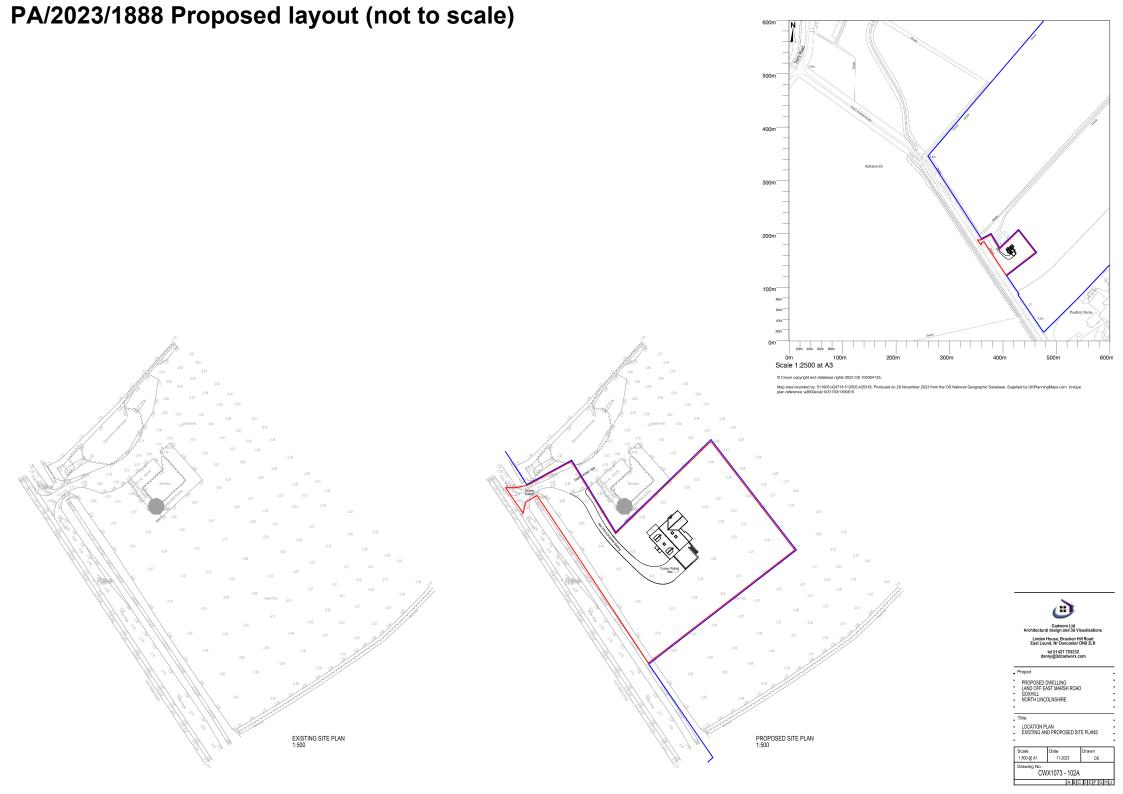
Informative

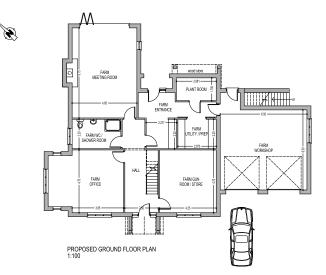
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

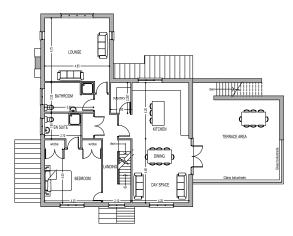


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PROPOSED FIRST FLOOR PLAN Internal floor area = 120m²



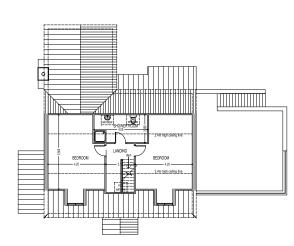
PROPOSED FRONT ~ SOUTH WEST ~ ELEVATION 1:100

PROPOSED REAR ~ NORTH EAST ~ ELEVATION

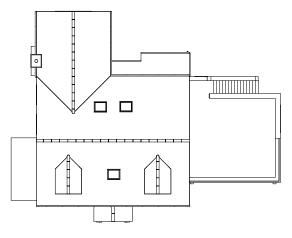




PROPOSED SIDE ~ NORTH WEST ~ ELEVATION



PROPOSED SECOND FLOOR PLAN



PROPOSED ROOF PLAN





tel 01427 753232 danny@3dcadworx.cr PROPOSED DWELLING LAND OFF EAST MARSH ROAD GOXHILL NORTH LINCOLNSHIRE Title: PROPOSED PLANS AND ELEVATIONS Scale 1:100 @ A1 rawn DS 11-2023 CWX1073 - 101D

ABCDEFGHJ

Doors and windows -Cream UPVC / Composite with arched brick headers and stone cills

les (Natural red













