

APPLICATION NO	PA/2020/1967
APPLICANT	M & E Goring
DEVELOPMENT	Planning permission to site a temporary dwelling in connection with an equestrian business
LOCATION	Land off Ings Road, Kirton in Lindsey, DN21 4BX
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Kirton in Lindsey Town Council Departure from the development plan

POLICIES

National Planning Policy Framework:

Paragraph 7 relates to sustainable development and notes that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 further states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

On sustainability, paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) 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;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential dwelling; or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 83 states that planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

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
- CS19: Flood Risk

North Lincolnshire Local Plan:

- H5: New Housing Development
- RD2: Development in the Open Countryside
- DS1: General Requirements
- DS7: Contaminated Land
- DS14: Foul Sewage and Surface Water Drainage
- DS16: Flood Risk
- T2: Access to Development
- T19: Parking Provision

Housing and Employment Land Allocations DPD:

- PS1: Presumption in Favour of Sustainable Development

CONSULTATIONS

Highways: No comments or objections.

Drainage (Lead Local Flood Authority): No comments or objections.

Historic Environment Record: Checked the HER database and the proposal will not affect any known heritage assets. The nature and scale of the proposals is such that the potential to encounter unknown archaeological remains would be low.

Network Rail: No comments.

Environmental Protection: This application for residential development is a sensitive end use. In addition, the proposed residential mobile home is to be located on land that was once used for agricultural purposes. There is, therefore, the potential for the site to have

been impacted by contamination. A condition is therefore recommended requiring notification and mitigations if unexpected contamination is found during development.

To prevent sensitive receptors being introduced to the site, a condition is also recommended restricting occupancy to agricultural workers only.

Ecology: The application site appears to be improved grassland of low biodiversity value. The submitted documentation describes the land as having been converted to grassland from arable. On that basis, no ecological surveys will be required. However, the site does lie close to a network of scrub and other habitats along the railway line. A biodiversity management plan will be required.

Scunthorpe & Gainsborough Water Management Board: Standing advice provided.

TOWN COUNCIL

Strongly objects to this application due to serious concerns regarding the proposal being outside the development boundary, the change of agricultural land to domestic land, the increased traffic this will bring to a rural single track green country lane and the increased flood risk to the surrounding area.

If the permission is granted, the town council requests a condition be attached tying the temporary dwelling to the business and agricultural land.

PUBLICITY

Advertised by site notice. Four comments have been received. Two comments note the following:

- dog and cat boarding facilities missed out of the description of the proposal
- uncertainty over the proposed use of the land
- the proposed business does not have approval
- where will the parking be for the business?

One comment has been received supporting the proposal, noting:

- the positive impact on preservation of the countryside
- no parking or access issues
- flood risk is not a concern.

One comment has been received objecting to the proposal for the following reasons:

- does not meet the 'threshold' for development in the countryside
- there are alternative options to improve security
- there is no need for the proposed business

- the poor access is not suitable for increased use
- the proposed need is speculative
- harm to the appearance of the countryside
- PPS7 superseded by the NPPF
- the applicants currently live on the same road as the business and in close proximity.

ASSESSMENT

Site and proposal

The site forms part of a landholding which is used primarily for the keeping of horses on a private basis. There are stables and other outbuildings in the vicinity, with access from Ings Road to the south. The applicants have 12 stables and on average 9 horses on the premises at any one time.

Planning permission is sought to erect a temporary dwelling in connection with a proposed equine business with dog and cat boarding facilities.

Assessment

The main consideration in the determination of this application is the principle of the development. Visual and residential amenity, and highway, environmental and drainage issues are also matters discussed in this report.

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Notwithstanding the development plan, the NPPF is a material consideration when determining planning applications. Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, which gives increased weight where a five-year housing land supply has not been identified. The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021. North Lincolnshire does not have an identified five-year housing supply, and therefore a tilted balance is applied in support of this application for a new housing unit, albeit temporary.

The above should be taken into account and balances against the considerations below.

The site is outside of any defined settlement boundary (as per the Housing and Employment Land Allocations Development Plan Document (HELADPD)) and is considered to be in the open countryside for planning purposes. There is a general presumption against development within the open countryside, with some exceptions set out in local plan policy RD2. The first part of this policy states:

'Development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:

- (i) essential to the efficient operation of agriculture or forestry;
- (ii) employment related development appropriate to the open countryside;
- (iii) affordable housing to meet a proven local need;
- (iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- (v) for the re-use and adaptation of existing rural buildings;
- (vi) for diversification of an established agricultural business;
- (vii) for the replacement, alteration or extension of an existing dwelling;
- (viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.'

Core Strategy policy CS8 also states that in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development that relates to agriculture, forestry or to meet a special need associated with the countryside. All development should have no adverse impact on the environment or landscape.

The degree to which the proposed temporary dwelling falls within one or more of these categories is therefore the first consideration.

The applicants have provided a statement of need in support of their proposal, which states that they are setting up a new business within their 9 acre farm, 'KG Equestrian & Boarding', based at their site off Ings Road, Kirton in Lindsey, using existing land and buildings to provide a full livery and schooling service for up to 11 horses. Their plan is to also improve horses in readiness for sale on behalf of clients using their existing experience in equestrianism. Over the years, the family have produced youngstock and would like to extend their knowledge to breeding. They currently have one brood mare, a Welsh D pony with good bloodlines and would like to purchase a second mare to use for breeding. This is a step that cannot be taken until there is a permanent presence at the site. The Gorings are also targeting the market to offer holiday horse care, something not readily available in the area. The family would then like to extend this holiday care to cats and dogs.

The statement notes that there have been several break-ins at the existing farm resulting in the theft of equipment and damage to property. It states that the nature of an equine unit is that normal alarm systems are not effective, except in the case of a fire, as the type of emergencies are likely to involve animal health and vulnerability to attack by person or persons unknown. The applicants identify an existing need for a worker to live on site to

manage this and the horses themselves – particularly breeding mares. The applicants plan to add an additional mare for breeding and expand what is a private equestrian use into the larger commercial operation outlined above.

Relating to the need for a worker on site, the applicants' statement notes that the application is for a dwelling for the principal of this business who currently lives in a house in Kirton in Lindsey, but out of sight and sound of the premises. That location is too distant from the business premises and makes proper oversight and the necessary animal care impossible. A dwelling on site is the only practical solution. The application is for a temporary dwelling to enable the business to get started and prove viability and continuity of need.

The gist of the applicants' statement of need is that, whilst the site has been used by them for private equestrian purposes since 2006 (15 years), the ongoing growth of this and the planned growth, including diversification into horse breeding and boarding facilities, in addition to cat/dog kennels, will further increase a need for a manager to live on site. A temporary dwelling is sought in order to establish a permanent need from the proposed business venture.

The need for a manager for the proposed commercial equestrian and associated use is accepted, with the applicants outlining a need for one full-time worker and one part-time worker. The use of the site for equestrian purposes, commercial or otherwise, is considered to be a use appropriate to the open countryside and one which is existing. There is an established equestrian use here with associated stables and other buildings. The temporary dwelling is required in order to move forward with plans to provide a rural business and a diversification of the existing small farm. It is therefore accepted that the proposed temporary dwelling would fall under exceptions set out in local plan policy RD2, specifically (ii), (iv) and (vi). The proposal is considered to meet a 'special need associated with the countryside' in line with policy CS8. Whilst the proximity of the village of Kirton in Lindsey is noted, as are comments relating to the applicants' own dwelling further down the road, the need for a farm manager's dwelling to provide security and welfare to the horses is accepted. This need, however, is not considered to be so significant as to outweigh any unacceptable visual or other impacts should they be identified. Policy RD2 provides further tests which state that if countryside development falls into one of the exemptions, it should be ensured that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) 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
- (d) the development would not be detrimental to residential amenity or highway safety; and
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Parts (b), (c), (d) and (f) are considered later in this report. With regard to part (a), the need for a worker on site to manage welfare and security needs associated with the proposed business is accepted. With regard to part (e), the site is approximately 10 minutes by foot from the bus services in Kirton in Lindsey.

The broad principle of the proposal is therefore acceptable on balance subject to the considerations below. Whilst the business and associated intensification of the site has yet to be commenced, a three year permission for a temporary dwelling on the site would provide time for the business to be established and for proof of a longer need to be provided.

The proposal, when considered holistically, would provide increased potential to the site to provide a benefit to the local rural economy.

Design and appearance

Policy CS5 of the Core Strategy is concerned with delivering quality design in North Lincolnshire. It states that all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable. Local plan policies DS1 and H5 reinforce this, and seek good design in all development, sympathetic to its surroundings.

Local plan policy RD2 states that development in rural locations must 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.

The mobile home would be situated close to existing stables and other associated outbuildings to the south and east, with the railway line approximately 40m to the northwest. The proposed mobile home would be of appropriate scale and siting for the area and is not considered likely to be of significant detriment to the character or appearance of the surrounding landscape, given the current use and appearance of the wider area. From Ings Road, the building would be read within the context of the nearby existing buildings closer to the road. For this reason, the visual impact of the proposal is considered acceptable.

Flood risk

The proposal is a vulnerable end use (residential dwelling) and as such, flood risk is an important consideration. The site is located within a low risk flood zone (SFRA Level 1) and given this, and the scale of the proposal, it is not considered that the siting of the proposed temporary dwelling would increase flood risk on or off the site. In this regard, the proposal accords with local plan policy DS16 and Core Strategy policy CS19.

Local plan policy DS14 is concerned with foul sewage and surface water drainage. The council's drainage team has been consulted on the proposals and has no objections.

Access and parking

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision, as well as general highway safety. Both policies are considered relevant.

The council's highways team has reviewed the submitted layout plan and has no objections. The existing access has safe visibility onto the highway, and there is sufficient space within the application site for appropriate levels of parking for the dwelling.

Residential amenity

Policy DS1(iii) states that 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.

The proposed temporary dwelling would not be situated in close proximity to any neighbouring dwelling insomuch as to result in any unacceptable risk to existing residential amenity.

Environmental matters

Policy DS7 is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The application for a residential development is a sensitive end use. In addition, the proposed residential mobile home is to be located on land that was once used for agricultural purposes. There is, therefore, the potential for the site to have been impacted by contamination. Environmental Health recommend a condition requiring appropriate mitigation measures should any unexpected contamination be found. This is considered reasonable should the application be approved. Additionally, ensuring that future occupancy is limited to 'a person solely or mainly working, or last working, in equestrian facilities, or a widow or widower of such a person, and to any resident dependants' would ensure that unacceptable amenity impacts from the existing equestrian use would be avoided.

Ecology

The council's ecologist has been consulted and notes that the application site appears to be improved grassland of low biodiversity value. The submitted documentation describes the land as having been converted to grassland from arable. On that basis, no ecological surveys will be required. However, the site does lie close to a network of scrub and other habitats along the railway line.

The ecologist seeks a biodiversity management plan for the wider site. However, given the location and scale of the proposal and the existing use of the wider site, such a condition would not be considered reasonable or necessary. It is unlikely that the siting of a mobile home would impact on the existing habitats as it would be placed on part of the arable land.

Other matters

It should be noted that this application is for a temporary dwelling only and does not include any proposals for any future business, although this is referenced in the applicants' supporting information and in letters objecting to the development.

Conclusion

In summary, the proposal for a temporary dwelling is finely balanced. However, it is considered that sufficient evidence has been provided of an identified need through a proposed expansion of the equestrian use of the site and for an on-site farm manager to look after the security of the site and the welfare of the horses. As such, the application is considered to accord with local plan policy RD2 and Core Strategy policy CS8.

In the absence of any unacceptable visual, highway, amenity or other impacts being identified, the proposal is recommended for temporary approval with a view to providing the applicants with the ability to establish their proposed business during a three-year temporary period.

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:

BR/RA/CG/GORING - 032277 - Location Plan

BR/RA/CG/GORING - 032277 - Block Plan

Reason

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

3.

The temporary dwelling erected shall be of the type shown on the submitted supporting information, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the temporary dwelling is of a modest scale thus limiting visual impact in accordance with policy CS5 of the North Lincolnshire Core Strategy.

4.

The occupation of the dwelling shall be limited to a person or persons employed in the equestrian and/or pet care businesses operated by Mr and Mrs Goring of 41 Ings Road, Kirton in Lindsey.

Reason

To ensure that the dwelling is used to meet the stated need, as permission is granted only in light of the special justification for the accommodation, in accordance with policy RD2 of the North Lincolnshire Local Plan.

5.

The building hereby permitted shall be removed and the land reinstated to its former condition on or before three years from the date of this decision.

Reason

Permission has been given for a temporary period in order for the applicant to demonstrate essential need in relation to the care of animals and rural business in accordance with policy RD2 of the North Lincolnshire Local Plan.

6.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

In the interests of the safety of construction workers and future users of the site.

7.

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in equestrian facilities, or a widow or widower of such a person, and to any resident dependants.

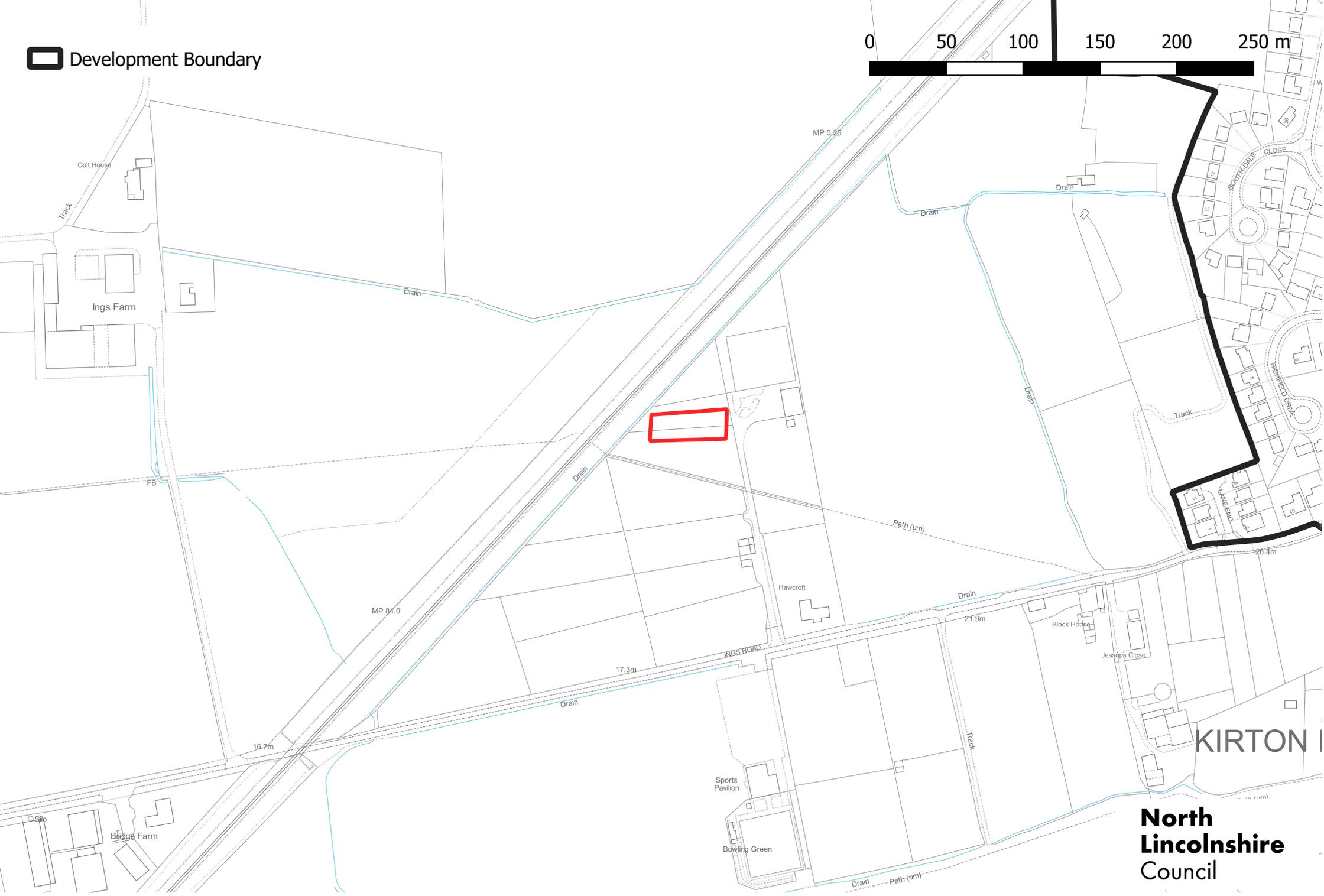
Reason

To protect residential amenity.

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/2020/1967