

<b>APPLICATION NO</b>	<b>PA/2021/2070</b>
<b>APPLICANT</b>	Mrs Lisa Bray
<b>DEVELOPMENT</b>	Planning permission for material change of use of land to a caravan site for one caravan
<b>LOCATION</b>	Land east of Newlands Lane, Epworth
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Martin Evans
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan
<b>POLICY</b>	

**National Planning Policy Framework:**

Paragraph 7 states, ‘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 states, ‘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 wellbeing; 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.’

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, 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 planning 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 the Framework as a whole.

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 47 makes clear that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'

Paragraph 130 states, 'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 159 states, 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

Paragraph 162 states, 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

Paragraph 163 states, 'If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.'

**North Lincolnshire Local Plan:** DS1, DS16, RD2, RD14, LC7, LC14, T2 and T19

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS6, CS19

**Housing and Employment Land Allocations Development Plan Document (DPD)**

## **CONSULTATIONS**

**Highways:** No objections.

**LLFA Drainage:** No objections.

**Environmental Protection:** Recommends conditions regarding contamination found during construction and linking occupation to the business.

**Environmental Health and Housing:** No comment if this is for an agricultural worker.

**Historic Environment Record (Archaeology):** Summary of advice:

- The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14) within the Early Enclosed Land character type.
- The Paddocks is the site of a former small farmstead first recorded on the 1st edition OS map of 1887 that appears to have survived until the 1960s or later.

- A temporary dwelling in connection with an established agricultural business in the historic landscape would be considered acceptable in this location.
- No objection subject to standard conditions removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area.

**Environment Agency:** The proposed location of the temporary dwelling/mobile home is within Flood Zone 2 of our Flood Map for Planning and Zone 2/3a of your Strategic Flood Risk Assessment (SFRA). The submitted flood risk assessment does not fully comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change section, paragraph 030. It does not assess the risks to the site in detail, refer to the SFRA or confirm the finished floor level of the temporary dwelling, only that of a future permanent one. However, the site level is approximately 4.0 metres AOD and thus close to the critical flood level of 4.1 metres AOD established for this location in the SFRA. In addition, the mobile home brochure indicates a raised floor level. We therefore do not wish to object to the application or request that a revised FRA is submitted.

**Severn Trent Water:** Provides guidance on foul and surface water drainage options and an informative regarding public sewer potential.

## **TOWN COUNCIL**

Supports the proposal subject to appropriate landscaping.

## **PUBLICITY**

A site notice has been displayed. One general comment has been received, summarised below:

- The appearance of the historic landscape is being compromised by the two static caravans already on the site.
- If granted, could it be conditioned that it is painted to blend in with the countryside and landscaping is added to disguise the impact.

## **ASSESSMENT**

### **Planning history**

Land to the north-east within the farm:

PA/2021/1045: Planning permission to erect a general-purpose agricultural building – approved 02/09/2021.

### **Site characteristics**

The application site comprises a parcel of land that forms part of a larger farm holding in the countryside to the east of Epworth. The site is within a flat open landscape within SFRA Flood Zone 2/3 (a) Fluvial and an area of special historic landscape interest. To the north-east of the application site is an existing agricultural building which contains a number of sheep pens and is also used for general agricultural storage. To the north-east of this

building crushed material has been installed in preparation for the construction of the building permitted under PA/2021/1045.

## **Proposal**

Planning permission is sought for the material change of use of land to a caravan site for one caravan. The application form refers to this being a temporary dwelling and the planning statement refers to the three-year rule. The agent has confirmed a temporary three-year planning permission is sought. The caravan was already in place at the time of the officer site visit. A further caravan was in place adjacent to the applicant caravan. The farm worker explained the second caravan was in place because they had recently bought it and were still deciding what to do with it.

### **The following considerations are relevant to this proposal:**

- **the principle of development**
- **residential amenity**
- **highway issues**
- **flood risk and drainage**
- **contamination.**

### **Principle of development**

The application site is located far beyond the development limit of Epworth as defined in the Housing and Employment Land Allocations Development Plan Document (DPD). Policy CS1 supports a vibrant countryside. Policies CS2 and CS3 require any development that takes place outside the development limit to be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location.

Policy RD2 also permits development essential to the efficient operation of agriculture provided the open countryside is the only appropriate location and the development cannot reasonably be accommodated within defined development boundaries; 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; the development would not be detrimental to residential amenity or highway safety; account is taken of whether the site is capable of being served by public transport; and the development is sited to make the best use of existing and new landscaping.

NPPF paragraph 80 states:

'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;

The amended appraisal of need submitted by the applicant sets out that the farming operation, known as Newlands Paddocks, is a 30 acre farm that has been in the applicant's family ownership for 12 years. It is a sheep breeding and rearing business but is going to expand into pig rearing within the building permitted under PA/2021/1045 and for which ground preparation has commenced. The farm produces hay and straw for their own use and for sale to other farmers, and rears pedigree sheep.

The flock of 90 ewes plus 3 rams produces 160 lambs on average each year. Added to this the straw and hay sales have resulted in a current gross margin level of £16,000 per annum. The pig rearing will produce a gross margin in the region £19,000 per annum.

The proposed pig farm unit will accommodate 800 pigs which arrive on the farm as weaners at 3 weeks old and reared to 11 weeks when they are sold into the food chain. Six batches of pigs will be reared per annum.

The appraisal of need seeks to justify the proposal based, in part, on the now revoked PPS7 as well as relevant national and development plan policies. Whilst this assessment refers to some planning policy that is no longer in force it does serve to demonstrate an essential need for an agricultural worker to live on the site in accordance with the aforementioned development plan and national policies on the following basis. There is a need to oversee the welfare and breeding programme of existing sheep and proposed pig farm operations. The site is remote from other dwellings and the applicant lives beyond the council boundary which means there are no reasonably available alternative dwellinghouses the farm operation could make use of that provided the required proximity to the livestock.

The pig building has not yet been completed but ground preparation works have commenced.

It is considered reasonable to grant a temporary three-year planning permission to allow the expanded farming operation to establish itself, and at the end of this temporary period to allow the local planning authority to consider whether a further temporary planning permission is appropriate or whether a permanent, better designed dwelling would be appropriate. Further conditions will be required to limit the application site to a single caravan and that it is occupied by an agricultural worker.

Policy CS6 states, 'The council will promote the effective management of North Lincolnshire's historic assets through:

- safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries) and supporting initiatives which seek to realise the potential of these areas as a tourist, educational and environmental resource.'

Policy LC14 states, 'The Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Development required to meet the social and economic needs of rural communities and small scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.'

Policy LC7 requires, 'special attention will 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.'

Policy RD14 states, 'Agricultural and forestry buildings which require planning permission or prior notification should be sited in close proximity to existing buildings and designed to utilise existing land forms and vegetation to minimise visual impact.'

The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme within the Early Enclosed Land character type. The caravan is conspicuous in this open landscape. The Paddocks is the site of a former small farmstead first recorded on the 1st edition OS map of 1887 that appears to have survived until the 1960s or later. A temporary dwelling in connection with an established agricultural business in the historic landscape would be considered acceptable in this location. The HER raises no objection on this basis and recommends a condition removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area. Such a condition is considered unnecessary because the planning permission will be limited to a single caravan.

There is not considered to be a need for landscaping because it would further enclose the characteristic open landscape the policy seeks to preserve. The supportive comments of Epworth Town Council are noted and there is not considered to be a need for landscaping in this instance. The caravan is grouped with the existing building on the site in accordance with policy RD14. The comments of a local resident refer to the second caravan on the site. This is not part of the application before the local planning authority. Their suggestion that the caravan be painted to help it blend in with the countryside is a reasonable one given that there will be no landscaping conditions to mitigate the visual impact. A condition is attached requiring the caravan to be painted green within three months of the date of the permission.

The impact upon the character and appearance of the countryside and the Area of Special Historic Landscape Interest are acceptable.

### **Residential amenity**

Policy DS1 requires 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 proposal is removed from residential receptors. No harm to residential amenity would arise from the proposal.

### **Highways**

Policies T2 and T19 are concerned with providing safe access and sufficient parking. Highways raise no objections to the proposal. Access is provided by a farm track which is also a public right of way and sufficient parking is provided adjacent to the caravan. These access and parking arrangements are acceptable. No harm to highway safety would arise.

### **Flood risk and drainage**

NPPF paragraph 159 states, 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

Paragraph 162 states, 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

Paragraph 163 states, 'If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.'

Policy CS2 states, 'A "sequential approach" will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.'

Policy CS19 states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.

Development within the Lincolnshire Lakes area will comply with the flood management principals set out in the Western Scunthorpe Urban Extension Exception Test Strategy. Any further flood management proposals will have to be agreed by both the council and the Environment Agency during the process of the Lincolnshire Lakes Area Action Plan. Development proposals in flood risk areas which come forward in the remainder of North Lincolnshire shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.'

Policy DS16 states, 'Development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or



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

The Strategic Flood Risk Assessment (November 2021) states, '4.53 The areas shown as FZ2/3a on these maps should be considered as Flood Zone 3 as defined in NPPF when preparing development plans, making planning allocations or determining planning applications and informing the sequential test.'

The Planning Practice Guidance (PPG) is clear the flood risk sequential test applies to the proposed change of use of land to a caravan site. The land in occupation and ownership of the farm is shown within the documentation for planning application PA/2021/1045. Almost the entire farm is within SFRA Flood Zone 2/3 (a) Fluvial. Only the far south-western fringes of the farm are in flood zone 1. It would be unreasonable to require the caravan to be located within this area at lower risk of flooding because it is too far away from the related livestock buildings to allow the occupants to oversee the livestock, which is the fundamental reason for this application. Therefore, the area of search for the flood risk sequential test is the immediate surroundings of the existing and proposed livestock buildings. This area is subject to the same level of flood risk which means it is not possible to locate the proposal in an area at lower risk of flooding. The sequential test is passed for these reasons.

The PPG states, 'The Exception Test should only be applied as set out in Table 3 following application of the Sequential Test.' NPPF Annex 3 classifies caravans for permanent residential use as 'Highly vulnerable'. Table 3 indicates that highly vulnerable development in flood zone 3a 'should not be permitted'. Table 3 does not allow the exceptions test to be applied to the proposal.

In the event of a flood the occupants of the caravan could walk approximately 70m south to land within their ownership that is in flood zone 1 or alternatively drive to the junction of the farm track with Newlands Lane which is in flood zone 1. The actual vulnerability of residents of the caravan to flood risk is considered to be reduced by the location on the periphery of flood zone 2/3a and their ability to move to safe areas within their land ownership or elsewhere a short distance away.

The proposal is considered to provide wider sustainability benefits to the community by allowing the continued management and expansion of an agricultural business with associated benefits to the rural economy. There are no reasonable alternative previously developed sites for the proposal. The proposal would not make flood risk worse elsewhere.

The Environment Agency raises no objections to the site-specific flood risk assessment, despite noting technical deficiencies it contains. The EA requests no conditions nor does the LLFA. Foul drainage is to septic tank to which the General Binding Rules apply. This will be highlighted by informative.

In the event permission is granted it would be necessary to condition a flood risk evacuation plan to ensure safe escape for residents in the event of a flood and that the finished floor level of the caravan is 4.1m AOD.

Based on the above considerations, the need for an agricultural worker to live on the application site is considered to be essential to the effective operation of agriculture. This need outweighs the associated flood risk implications. This represents a departure and justifiable exception to flood risk policy.

## **Contamination**

Environmental Protection recommend a condition regarding contamination found during development. The development has already been carried out making this condition unnecessary.

## **Conclusion**

The principle of a temporary planning permission for an agricultural worker's caravan is acceptable. The impact upon the area of historic landscape interest is acceptable. No harm to residential amenity, highway safety or through contamination would arise. There is conflict with flood risk policy but this is considered to be outweighed by the essential need for an agricultural worker to live on the site. It is recommended that planning permission is approved.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.  
The occupation of the caravan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

### **Reason**

To ensure the caravan remains available to meet the needs of the business, as permission is granted only in the light of the special justification for the accommodation, in accordance with policy RD2 of the North Lincolnshire Local Plan.

2.  
The use of land hereby permitted shall cease and the land reinstated to its former condition on or before the date three years from the date of this planning permission.

### **Reason**

Permission has only been given for a temporary period in order for the applicant to demonstrate an essential need in relation to agriculture and to allow the expanded farming operation to establish itself, and at the end of this temporary period to allow the local planning authority to consider whether a further temporary planning permission is appropriate or whether a permanent, better designed dwelling would be appropriate in accordance with policy RD2 of the North Lincolnshire Local Plan.

3.  
The development hereby permitted shall be carried out in accordance with the following approved plans:

DRWG/PA/2021/2070/01  
1:500 scale block plan.

Reason

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

4.

The caravan shall have internal finished floor levels set no lower than 4.1 metres above Ordnance Datum (AOD).

Reason

To minimise the risk of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

5.

Only one caravan shall occupy the site at any one time.

Reason

To prevent the over-proliferation of caravans on the site which would harm the landscape.

6.

Within three months of the date of this planning permission the caravan shall be painted green.

Reason

To mitigate the landscape impact of the proposal.

7.

Within three months of the date of this planning permission, a flood risk evacuation plan shall be submitted in writing to the local planning authority. Upon approval of the plan, the caravan shall be occupied in accordance with the details it contains.

Reason

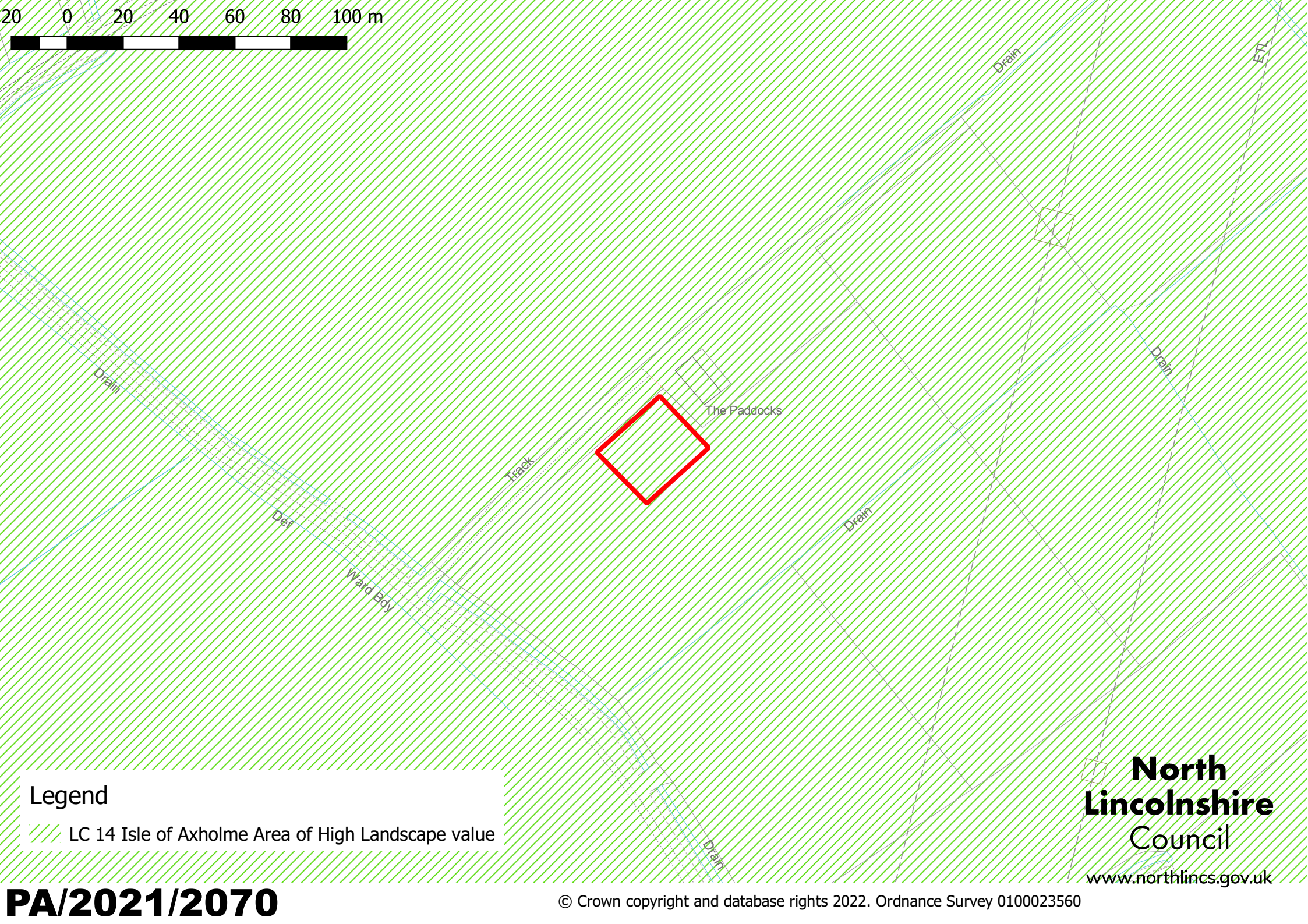
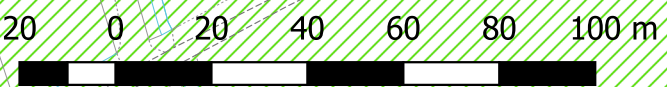
To ensure the safety of residents in the event of a flood.

### **Informative 1**

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

### **Informative 2**

The septic tank General Binding Rules should be adhered to.



Legend

LC 14 Isle of Axholme Area of High Landscape value

**North  
Lincolnshire  
Council**

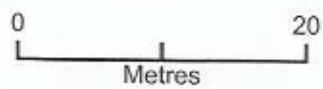
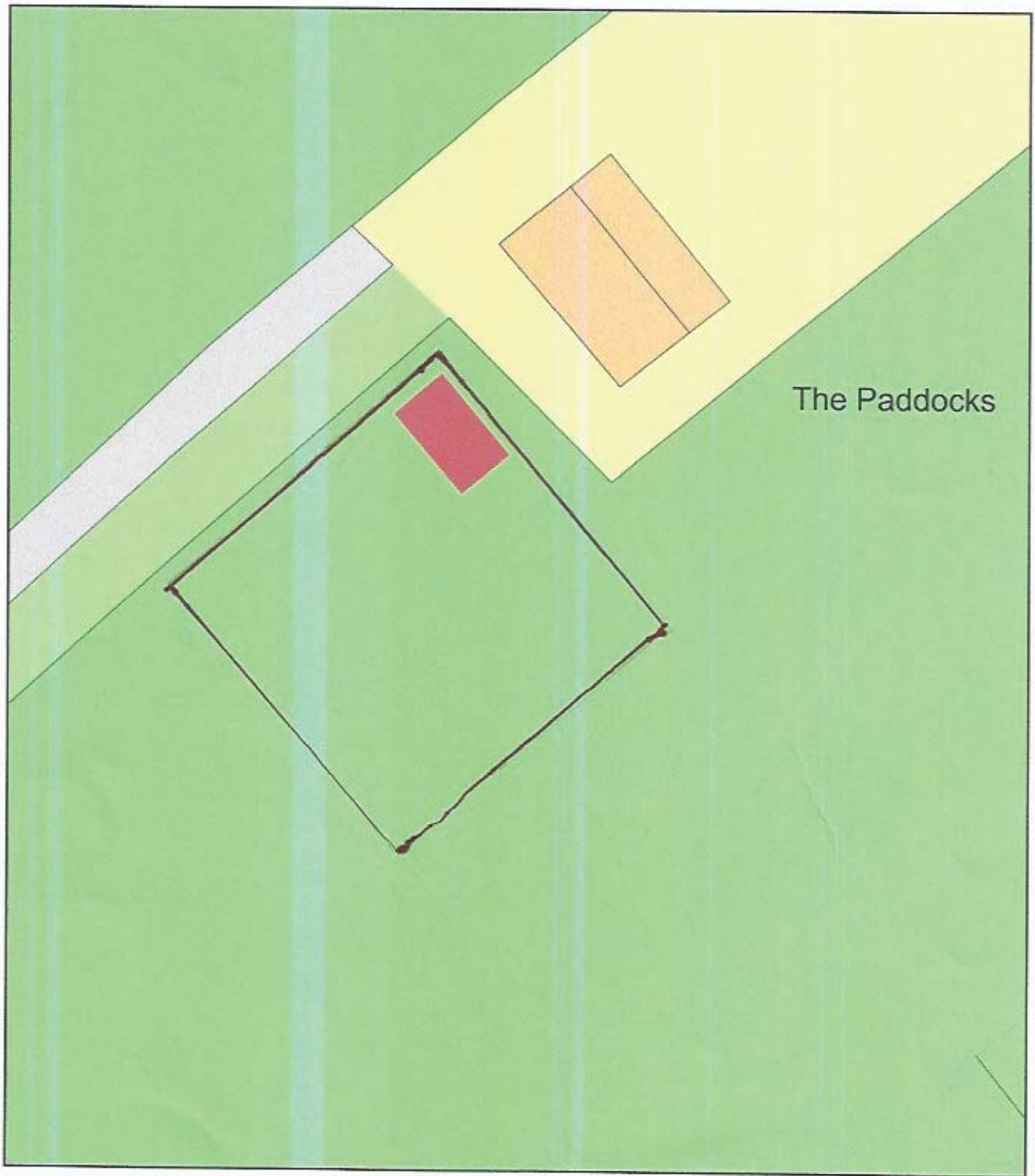
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**PA/2021/2070**

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# PA/2021/2070 Location of caravan (not to scale)

## NEWLANDS PADDOCKS



Plan Produced for: MRS LISA BRAY

Date Produced: 05 Jan 2022

Plan Reference Number: [TQRQM22005124007075](#)

Scale: 1:500 @ A4