

APPLICATION NO PA/2012/0843

APPLICANT Mr F Saxon

DEVELOPMENT Planning permission to erect an agricultural worker's dwelling

LOCATION White Rose, Ferry Road, Goxhill

PARISH **GOXHILL**

WARD Ferry

CASE OFFICER Graeme Moore

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Goxhill Parish Council

POLICIES

National Planning Policy Framework: Paragraph 17 – planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

Paragraph 28 – planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Plans should promote the development and diversification of agricultural and other land-based businesses.

Paragraph 55 – local planning authorities should avoid new isolated homes in the 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 57 – states that it is important to plan positively for the achievement of high quality and inclusive for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 103 – requires a flood risk assessment where development is proposed in an area with a high probability of flooding.

North Lincolnshire Local Plan: Policies DS1 (General Requirements), RD2 (Developments in the Open Countryside) and DS16 (Flood Risk).

North Lincolnshire Core Strategy: Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering Sustainable Development), CS3 (Development Limits), CS5 (Delivering Quality Design in North Lincolnshire), CS7 (Overall Housing Provision) and CS19 (Flood Risk).

CONSULTATIONS

Highways: No objections subject to conditions 3, 4 and 5.

Environment Agency: No objection subject to conditions 6 and 7.

Bridges and Drainage Engineer: Requests that in relation to the disposal of surface water any soakaway system must be maintainable with an effective storage capacity.

North East Lindsey Drainage Board: No objection subject to surface water being diverted to a sustainable soakaway system.

PARISH COUNCIL

Object on the following grounds:

- The site already has planning permission for a dwelling not yet built. The application does not make it clear whether this replaces the original permission or if it is to be a second dwelling.
- The proposed application has the appearance of an executive home, not that of an agricultural worker and feel this would be out of character in such a setting.
- If approved, any development on the site should be tied to agricultural occupancy only.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No comments have been received.

ASSESSMENT

Planning permission is sought for the erection of a farm worker's dwelling to the east of Ferry Road in connection with a free range egg producing business supporting over 2000 chickens which has been run from an on-site mobile home for the past seven years. It is a resubmission of PA/2008/1332 which was granted planning permission in March 2009 but not implemented because of the applicant's involvement in developing the business. The proposal involves the creation of a three-bedroom house with all living accommodation on first floor due to the Environment Agency's requirements, the site being within zone 3 flood risk area of their indicative flood map. The site is outside the development boundary for Goxhill and is therefore in the open countryside.

Previously, applications for new farm worker/forestry worker dwellings would have been assessed in accordance with Annex A of PPS7, which set a number of tests in relation to the need for a dwelling on site, both functional and financial. However, since the introduction of the NPPF, PPS7 has been deleted and thus there has been in effect a policy vacuum. To this end, the proposal has been assessed in accordance with policies contained within the North Lincolnshire Local Plan and the Core Strategy.

The main issues which need to be addressed in determining this application are whether there has been any change in circumstances since the previous approval as to whether there is a need for an essential agricultural worker to live on site, whether

the dwelling is at an adverse risk of flooding, and whether the size and design of the dwelling are in keeping with its rural setting.

Policy RD2 of the North Lincolnshire Local Plan allows for development in the open countryside if it is essential for forestry or agriculture. In this case members of the applicant's family have been living in a mobile home on site for over seven years and operating this business for the same length of time. The business plan which accompanied the 2008 planning application was considered financially sound and it would appear that the enterprise has continued to thrive. Since the approval of the original application the applicant has further improved the business by gaining and implementing permission for two extra poultry housing units and an extra 2,000 birds. Accounts submitted in relation to this application have shown that the applicant has continued to invest in the business, the costs of investing in the business have resulted in a loss for 2010 to 2012, although they are forecasting a profit for 2013.

The applicant has also provided a short statement stating the need to be based on site due to DEFRA regulations and for security purposes as there have been attempts at theft from the site. It is therefore considered that the business is still based upon a sound financial footing and could conceivably still grow depending on market conditions.

Questions have been asked of the applicant to ascertain whether the business can sustain both the construction of the dwelling and the long-term running of the poultry business in question. The applicant has stated that he has stockpiled all the materials required and will construct the property on a self-build basis, only using specialist trades as and when required, and that there will be no mortgage payments required as it is entirely self-funded.

The Environment Agency, as a statutory consultee, originally objected to the 2008 proposal on the grounds that it is in the highest flood risk area. The NPPF does allow for farm workers' dwellings in areas of high flood risk, provided that the applicant has a proven need for the development. The applicant has shown that there is a need for the development to support the business. The proposal also needs to pass the sequential and exceptions test outlined in the NPPF. The proposal passes both the sequential and exceptions test – the applicant has no other land in his possession that is at less risk of flooding than this site. Table 2 of the Technical Guidance for the NPPF states that buildings used for agriculture and forestry are classed as less vulnerable which are compatible with flood zones 3a. Whilst, in relation to the exceptions test, the proposal is for an essential agriculture worker and it is therefore considered to pass the exception test. The Environment Agency has recommended the imposition of conditions in order to ensure the development is built in accordance with the mitigation measures contained within the flood risk assessment.

In terms of the proposal's impact on the open countryside, the area is isolated and the nearest dwelling is located some 500 metres away further down Ferry Road. Due to the topography of the land it is a prominent location. The dwelling itself displays little in architectural flair in its design, and is of a simple design. The proposed design is not harmful to the surrounding area. The dwelling would be set back 200 metres from Ferry Road which would make it less imposing when viewed from the public domain.

With regard to the parish council's concern that this dwelling could be developed in addition to the one granted in 2009, this is not the case since the previously approved permission has lapsed. Its request for an agricultural occupancy restriction has been taken on board and an appropriate condition recommended. In relation to the design of the building, it is accepted that this is large, however it should be noted that it is a suggested condition of the

Environment Agency that no living accommodation be provided at ground floor level. This has resulted in a dwelling which has all its living accommodation at the first floor, with ancillary uses on the ground floor and in turn an increased volume over and above what would normally be expected, however it is still only a three-bedroom dwelling.

Therefore in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5, CS7 and CS19 of the North Lincolnshire Core Strategy and paragraphs 17, 28, 55, 57 and 103 of the National Planning Policy Framework, the proposal is recommended for approval.

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: 240.01A and 240.08.

Reason

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

3.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

Development shall proceed in accordance with the submitted flood risk assessment, specifically the following mitigation measures:

- all living accommodation to be at first-floor level;
- ground floor level to be set no lower than 5.35m above Ordnance Datum (AOD);
- first floor to have finished floor levels set no lower than 7.95m AOD;
- flood resilient construction techniques to be incorporated.

Reason

To reduce the risk and impact of flooding.

7.

The ground floor accommodation of the property shall only be used for those ancillary residential purposes specified on approved drawing 240.01.A, received by the local planning authority on 13 July 2012.

Reason

To define this permission and reduce the impact of flooding on the dwelling and future occupants.

8.

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

Reason

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

9.

The occupation of the dwelling 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 dwelling remains available to meet the needs of the farming 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.

10.

No development shall take place until details of a soakaway system have been submitted to and agreed in writing by the local planning authority and all surface water run-off from the development shall be discharged to the agreed system.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

11.

Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 or any order revoking and re-enacting that order with or without modification, no extensions or buildings shall be erected on the site other than those expressly authorised by this permission.

Reason

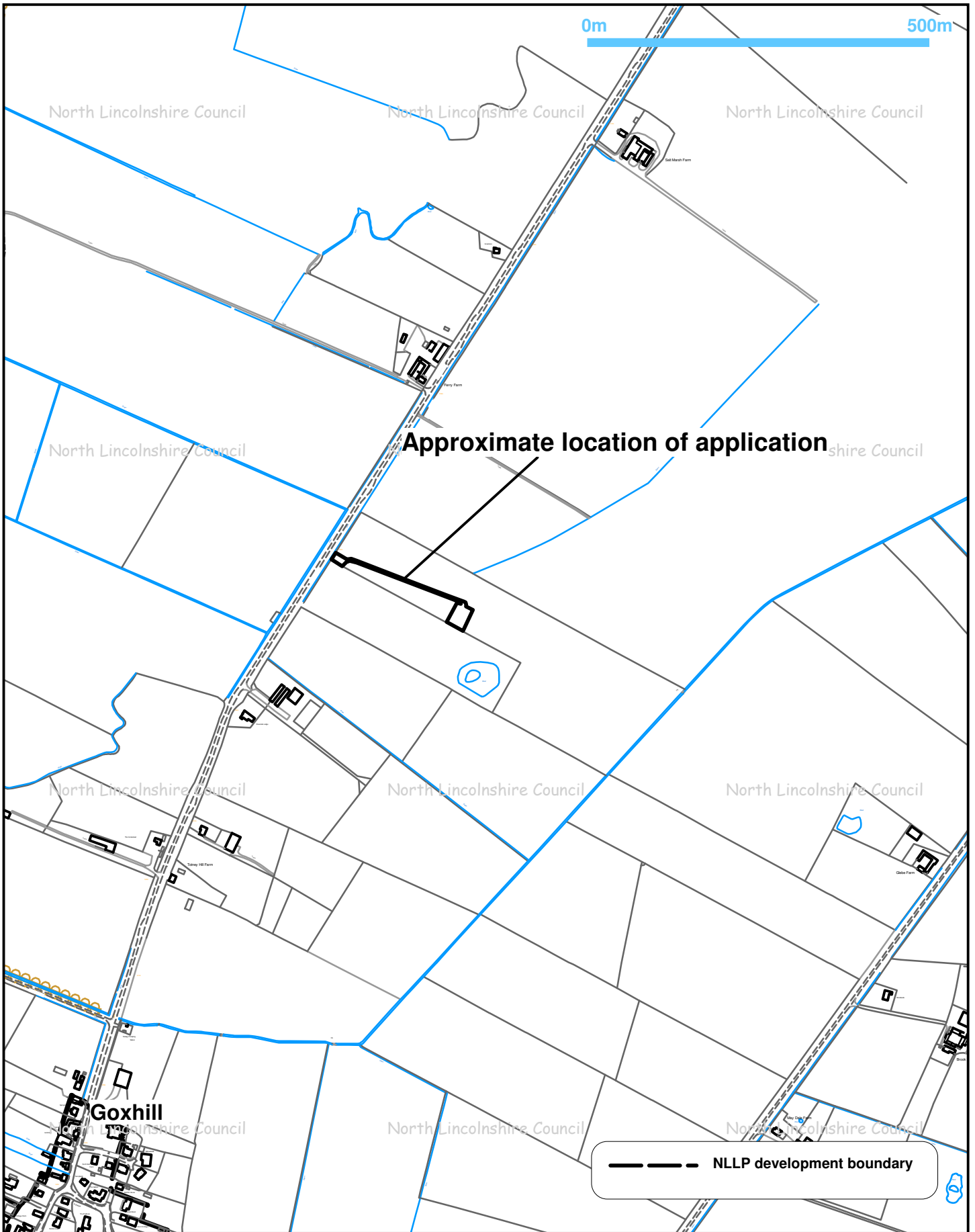
To ensure that the development is in keeping with the character of the area, being in the open countryside, in accordance with policy RD2 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are DS1, RD2 and DS16 of the North Lincolnshire Local Plan, CS1, CS2, CS3, CS5, CS7 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 17, 28, 55, 57 and 103 of the National Planning Policy Framework.

Informatives:

1. The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:
 - before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
 - before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.
2. Please see attached letter from the Environment Agency dated 25 September 2012.
3. In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.



Title: PA/2012/0843		
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Ordnance Survey 0100023560



Director of Places
Peter Williams
BSc,DMS,CEng,MEI,MCMI,AMIMechE

PA/2012/0843 PROPOSED LAYOUT

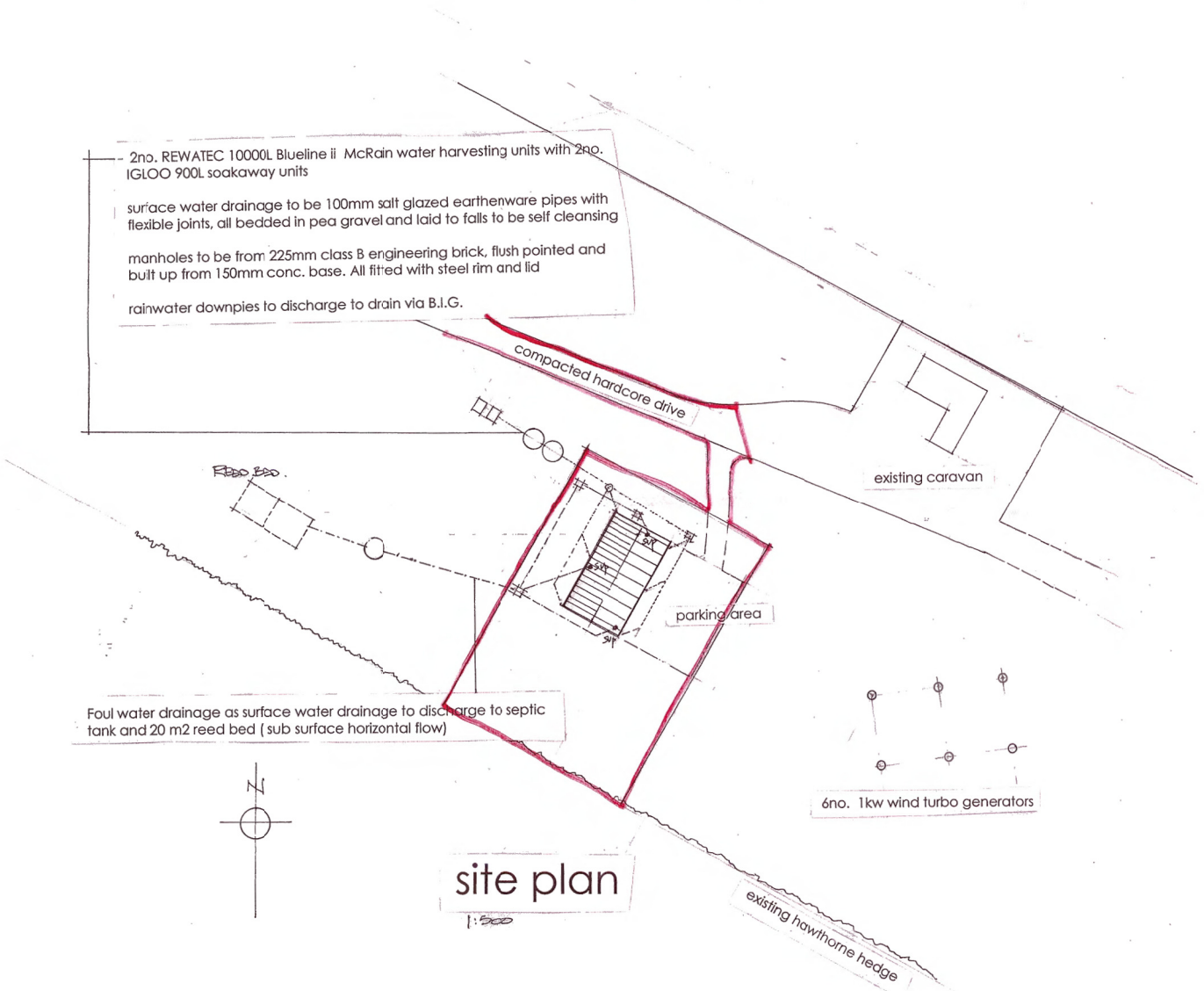
NOT TO SCALE

2no. REWATEC 10000L Blueline ii McRain water harvesting units with 2no. IGLOO 900L soakaway units

surface water drainage to be 100mm salt glazed earthenware pipes with flexible joints, all bedded in pea gravel and laid to falls to be self cleansing

manholes to be from 225mm class B engineering brick, flush pointed and built up from 150mm conc. base. All fitted with steel rim and lid

rainwater downpipes to discharge to drain via B.I.G.



Foul water drainage as surface water drainage to discharge to septic tank and 20 m2 reed bed (sub surface horizontal flow)

DEVELOPMENT CONTROL SECTION
 24 JUL 2012
 DATE RECEIVED

Project
 DETACHED DWELLING
 WHITE ROSE FARM
 FERRY ROAD
 GOXHILL

Client

Dwg
 SITE PLAN / DRAINAGE

Scale	Date	Dwg No
1:500	JAN 2010	240.08

PLANNING UNIT