

APPLICATION NO	PA/2008/0717
APPLICANT	Miss L Ogg
DEVELOPMENT	Outline planning permission to erect a detached house and garage for farm/rare breeds manager incorporating farm office, WC and shower (re-submission PA/2007/1478)
LOCATION	Shepherds Place, Akeferry Road, Graizelound, Haxey
PARISH	HAXEY
WARD	Axholme South
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council
POLICIES	<p>National Planning Policy Guidance: Planning Policy Statement 7 (Sustainable Development in Rural Areas) sets out detailed criteria for new agricultural and other occupational dwellings in rural areas. Annex A of the same document sets out five points that an application must meet for a permanent dwelling to be established in rural areas.</p> <p>Planning Policy Statement 25 (Development and Flood Risk) states that development within Flood Risk Zone 3a 'high probability' shall be assessed against the sequential test and exception test to decide whether a site is suitable for more vulnerable development such as a new dwelling.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: Policy H1 (Provision and Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes with the need to place a greater emphasis on meeting local needs in rural areas.</p> <p>North Lincolnshire Local Plan: Policy H5 (New Housing Development) states that new housing should be in keeping with the scale and character of the settlement and immediate environment; have an area of private amenity space; and not result in overlooking, loss of privacy, loss of light or other loss of amenity to existing dwellings. Additionally the development should ensure</p>

the conservation and retention of features that make an important contribution to the character and amenity of the site and the surrounding area.

Policy RD2 (Development in the Open Countryside) states that planning permission will only be granted for development which is essential to the efficient operation of agriculture provided that the development would not be detrimental to the character or appearance of the open countryside and that the open countryside is the only appropriate location.

Policies DS1 (General Requirements), H8 (Housing Design and Housing Mix) and LC14 (Area of Special Historic Landscape Interest) also apply.

CONSULTATIONS

Highways: No objections.

Severn Trent Water Ltd: Comments made that no building shall be erected or tree planted within 4 metres either side of the rising main sewer that runs close to the site.

Yorkshire Water: No objections.

Environment Agency: Suggest that a condition be attached to any planning permission subject to the sequential test and exception test being passed and development being considered acceptable.

Isle of Axholme Internal Drainage Board: Suggest conditions.

PARISH COUNCIL

Object on the grounds that the proposed development does not comply with policy RD11 (New Agricultural or Forestry Dwellings) of the North Lincolnshire Local Plan in that the agricultural unit has not been in existence for more than three years and it is not known whether the business has been profitable for at least one of those years.

PUBLICITY

Neighbouring properties have been notified and three letters of objection have been received, raising the following material planning issues:

- The site is located in the open countryside, outside the settlement of Graizelound.
- The size of the agricultural holding is not large enough to justify the construction of a permanent agricultural dwelling.

ASSESSMENT

The application site is an agricultural holding in the open countryside. The site is used as a rare breeds centre producing rare breed animals for sale at livestock markets. The site also serves as a rare breeds visitor centre that is open to the public. There is an existing vehicular access to the site from Akeferry Road which bridges over the ditch that runs along the northern boundary.

A previous planning application (PA/2007/1478) was refused on the grounds that insufficient justification was put forward to merit a new agricultural worker's dwelling and that the Flood Risk Assessment failed to demonstrate that the proposed development would be safe or not increase flood risk elsewhere.

The main issues in determining this application are whether there is justification for a new dwelling to be built in the open countryside and whether the agricultural holding is large enough to merit a dwelling being built.

It should be noted that Policy RD11 of the North Lincolnshire Local Plan (referred to by the parish council) is now a deleted policy and is no longer relevant. However the proposed development has to satisfy the criteria set out in Annex A of PPS7. The information submitted with the planning application satisfies the criteria of Annex A of PPS7 as follows:

- A functional need has been established as an agricultural worker is needed at the site in the event that animals require essential care at short notice.
- The need for the dwelling is related to a full-time worker who is primarily employed in agriculture.
- The unit and the agricultural activity has been established at the site since 2004 when planning application PA/2004/1112 was approved for the rearing of calves and breeding of sheep. The financial information provided by the applicant demonstrates that the business has been profitable for the past year and is currently financially sound.
- The applicant is currently residing in a mobile home at the site and there are no buildings worthy or capable of conversion to residential use. Furthermore there are no existing dwellings at the site and the nearest settlement, namely Graizelound, is defined as a rural hamlet where no new dwellings are permitted.

Therefore it is considered that the functional test for a new dwelling has been satisfied in accordance with the criteria set out in Annex A of PPS7 and the development is acceptable.

With regard to the size of the agricultural holding not being large enough to merit a new dwelling being built, it should be noted that this site is operated in conjunction with a larger agricultural unit owned by the applicant elsewhere in North Lincolnshire.

The proposed development passes the sequential test and the exception test in accordance with PPS25, thereby meaning the development is considered appropriate in terms of flood risk.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.

Plans and particulars of the reserved matters referred to in condition (1) above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

3.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with the provision of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provision of Section 92 of the Town and Country Planning Act 1990.

5.

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 comply with policy RD2 and PPS7 of the North Lincolnshire Local Plan because the site lies in an area where permission for development unrelated to the essential needs of agriculture is not normally granted.

6.

No development shall take place until details of a soakaway system have been 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.

7.

Development shall proceed fully in accordance with the mitigation measures (eg finished floor levels) set out in the approved Flood Risk Assessment, and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

8.

The dwelling shall be sited in the area shown hatched black on the attached plan no. 2008/0717.

Reason

To ensure the development reflects the character of adjacent development in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

The use of the mobile home as temporary residential accommodation shall be discontinued, the mobile home removed from the site known as Shepherds Place, and the land restored to its former condition no later than three months from the date when the new dwelling is first occupied.

Reason

In the interests of amenity and to minimise development in the open countryside the mobile home should be removed when a permanent dwelling is ready for occupation.



 Approximate site of proposed dwelling

Drawing Title: 2008/0717

OS Grid Ref: SK76859862

Drawn by: SJ

Scale: 1:2500

Date: 23/06/2008



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NORTH LINCOLNSHIRE COUNCIL 100013349 2008



Highways and Planning Service

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