APPLICATION NO	**PA/2016/1036**
APPLICANT	Mr G Farmer
DEVELOPMENT	Outline planning permission to erect a farm manager's dwelling with appearance, landscaping, layout and scale reserved for subsequent approval
LOCATION	Croft Bank Farm, Langholme Lane, Westwoodside, DN9 4EX
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	**Refuse permission**
REASONS FOR REFERENCE TO COMMITTEE	Agent request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 12 states that proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that local planning authorities should avoid new 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 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraphs 101-104 also apply.

North Lincolnshire Local Plan: Policies H5, H8, DS1, DS16, RD2, T2, T19 and LC14 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS7 and CS19 apply.

CONSULTATIONS

Highways: No objection, but recommend a condition that the dwelling is not occupied until the vehicular access and parking spaces are completed.

Historic Environment Record: The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). This area is designated for its unique historic landscape, retaining the pattern of medieval open strip fields and early enclosures surrounding the villages on the Isle; the application site is located on the edge of the early enclosures south of Westwoodside. Provided the dwelling is appropriately designed to fit in with the character of the historic landscape in this location, the proposal will not cause any significant adverse effect on the historic landscape or its setting.

The proposal will not adversely affect any heritage assets of archaeological interest or their settings. No objection to the outline application subject to conditions securing appropriate design and building materials in accordance with policy LC14.

Emergency Planning Manager: Having reviewed the flood risk evacuation plan and self-assessment checklist it is confirmed that it covers the elements expected of a successful flood evacuation/shelter plan.

Environment Agency: Following receipt of a supplemental flood risk assessment no objection subject to a condition in respect of the development taking place in accordance with the document and the mitigation measures set therein.

PARISH COUNCIL

No objection, but the following observations were made:

The applicant has a farming business based on livestock, he does not have any farmhouse or buildings other than a farm shop which is a diversification allowed to agricultural businesses under policy RD2 vi of the local plan. This application is for a dwelling in connection with the business at the site of the farm shop and is sited in open countryside.

The applicant lives in the locality currently and this appears to be a viable option to building on site. The main business of livestock keeping appears to be established and the farm shop appears to have become popular; it is not clear how sustainable this business is and whether a functional test has been carried out as per RD11 iii.

Should it prove to be a sustainable business we would expect an agricultural tie to be agreed RD 11 vi and vii with North Lincolnshire countryside design summary. Furthermore, given its location, it should be built in a style applicable to the area.

PUBLICITY

The application has been advertised by site notice. One letter of objection has been received but no reasons for objecting were given.

ASSESSMENT

The application site consists of a farm shop located in the open countryside, approximately 360 metres to the south-east of Westwoodside. The site is located within flood zone 2/3a and within the Isle of Axholme Area of Special Historic Landscape. The farm shop is

constructed from timber and is located towards the northern boundary; the site also contains cattle sheds, metal storage containers and a large area of car parking to the front of the site (to the west). The site is accessed via Langholme Lane which in turn is accessed via Akeferry Road in Westwoodside. Within the vicinity of Langholme Lane there is an existing farmstead and other agricultural buildings within open fields. Langholme Lane is bound by open fields with mature hedgerows as boundary treatment. The application site itself is bounded by mature hedgerows to fields within the open countryside and to Langholme Lane itself.

The main issues in the determination of this planning application are the principle of development (essential need) 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.

Planning permission was granted for the retention of a farm shop and associated buildings/structures in 2016 (PA/2014/0006). The applicant has submitted a joint planning and design and access statement with the planning application. This supporting statement includes a policy appraisal and sets out the justification for the need for a permanent residential dwelling at the site. It states that the applicant manages a herd of 105 cows with an average of 50 births per year and that the applicant is needed on site to undertake monitoring, calving and to prevent deaths. It sets out that the applicant lives remote from the site in the village (Westwoodside) and in eight years there have been losses to the herd in terms of deaths and stress, escaped animals and injuries. In addition the applicant has increased the size of the herd and runs a butchery business from the site. An example is provided within the supporting statement that in June 2016 the applicant was required to attend an emergency at the site. Within the document it is concluded that if a 24-hour presence was established at the site then these emergencies could be attended to swiftly.

The key issue in the determination of this application is whether the reasons set out in the applicant's supporting statement, outlined above, are sufficient to constitute an essential need for a full-time worker to reside on site 24 hours per day. The agricultural holding supports a herd of 105 cattle which is growing in number and the applicant has established a farm shop and butchery at the site. The main justification appears to be on the grounds that a presence on site is required for the welfare, calving, monitoring and in case of emergency for the applicant's stock of cows. The applicant's existing place of residence is within Westwoodside located approximately 670 metres to the north-west or 0.7 miles via the public highway, which results in a car journey of approximately four minutes. 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.

In addition, no financial information has been submitted with the planning application to demonstrate whether the business established at the site is profitable, financially sound and derived from the applicant's existing operations at the site. No supporting information has been submitted in respect of the total hours involved in working at the site to justify a

permanent presence there; all of this information would be anticipated by the local planning authority to support a case for establishing the functional need for a permanent residence at the site.

In conclusion, it is considered that the applicant could reasonably reside locally (as per the existing situation) and undertake the functional requirements outlined in the supporting statement and, in the absence of a financial appraisal, it is considered that there is no essential need for a rural worker (the applicant in this case) to live permanently at their place of work in the countryside

Flood risk

The site is located within Flood Zones 2 and 3a in the Strategic Flood Risk Assessment. A flood risk assessment has been submitted with the planning application, which demonstrates that the land level at the site is below the critical flood level established for this area and that finished floor levels would be set at 4.4 metres above Ordnance Datum (AOD). The Environment Agency has raised no objection to the proposed development on flood risk grounds. 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 test. As it has been considered there is no need for the applicant to reside on the site, the applicant has failed to demonstrate whether there are any sites available which are at lower risk of flooding and which could accommodate a dwelling. Due to a lack of information it is considered the sequential test is failed in this case.

Other issues

The proposal seeks outline planning permission with means of access to be considered and all other matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation of the dwelling, external appearance of the dwelling and scale and impact on the character and appearance of the Area of Special Historic Landscape would be considered at reserved matters stage. The potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process. Notwithstanding this a block plan has been submitted with the planning application, which shows that there will be sufficient land in which to site the dwelling and to provide the necessary off-street parking and private amenity space. An issue of note is that finished floor levels will be set at 4.4 metres AOD; this is significantly above the existing site level of 2.2 to 2.6 metres; therefore the height of the dwelling would be a matter prudently considered at reserved matters stage.

In the event that 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.

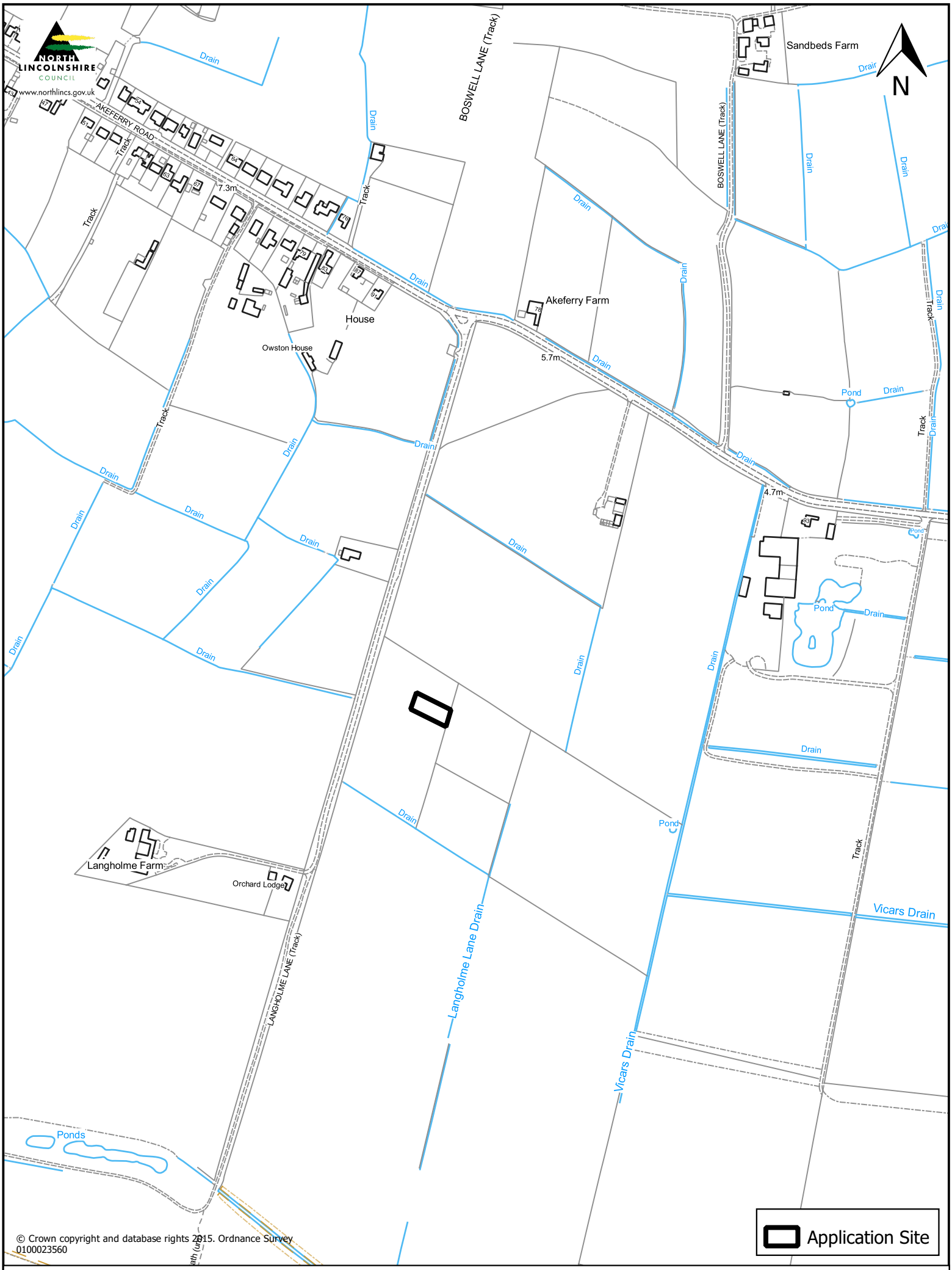
RECOMMENDATION Refuse permission for the following reasons:

1.
The local planning authority is of the opinion that insufficient information has been submitted to require the applicant to reside at the site 24 hours a day on a permanent basis. In addition any functional need at the site could be adequately met from the applicant's existing place of residence which is located close to the site, within the

settlement of Westwoodside. Therefore the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the adopted Core Strategy and Paragraph 55 of the National Planning Policy Framework.

2.
The proposed residential development is classified as 'more vulnerable' in terms of flood risk vulnerability and the site is located in 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 test. 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, CS19 of the North Lincolnshire Core Strategy and paragraphs 100, 101 and 102 of the National Planning Policy Framework.

Informative
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.



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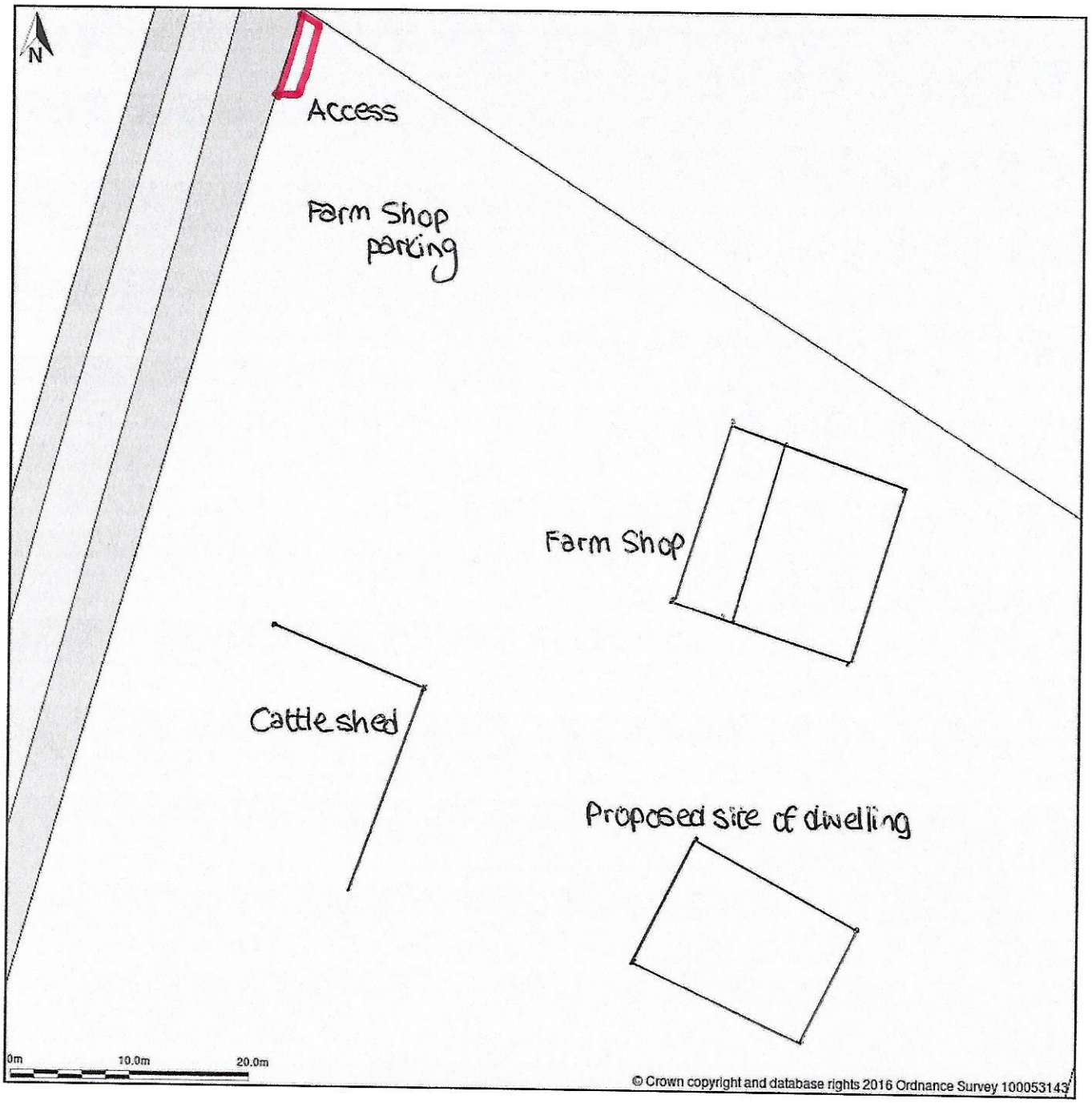
PA/2016/1036

Drawn By: S.Barden

PA/2016/1036 Proposed Block Plan - Not to scale

Buy A Plan
UK's Fastest and Easiest Planning Site

Croft Bank Farm, Langholme Lane, Westwoodside, North Lincolnshire, DN9 2EX



Block Plan shows area bounded by: 475717.16, 398606.18 475807.16, 398696.18 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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