

APPLICATION NO	PA/2016/707
APPLICANT	Mr & Mrs T Logan, T/A Willow View Farm
DEVELOPMENT	Planning permission to retain the siting of a residential static portable building in connection with agricultural holding to breed pigs and sheep, retain door position on existing barn and retain bore hole
LOCATION	Willow View Farm, Ruard Road, Goxhill, DN19 7NW
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 28 states that 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. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Paragraph 55 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of the special circumstances identified is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy RD2 (Development in the Open Countryside)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

CONSULTATIONS

Highways: No objection.

Environmental Health: Recommend conditions relating to land contamination. Also comment that a licence will be required from the Environment Agency should abstractions from the borehole exceed 20 cubic metres per day.

Environment Agency: No objection. Also comment that a licence will be required should abstractions from the borehole exceed 20 cubic metres per day.

PARISH COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified by letter. Letters of objection have been received citing the following concerns:

- This application has been refused before many times, this is just a different way of trying to get permission.
- The application is no different to previous applications and should be refused on the same grounds.
- There are too many animals on this site as half is hard runway not grass.
- The land in question is grade 3 agricultural land and well outside the area sited for development.
- There is no essential need for the applicants to live on the land and this position has been consistently reiterated by North Lincolnshire Council in the former applications (PA/2005/1000, PA/2006/0514, PA/2007/0251, PA/2012/0055, PA/2013/0613 and PA/2015/0957).
- The development would be detrimental to the area and would set a precedent for anyone wanting to convert agricultural land into residential dwellings.

- All the planning regulations referred to by the applicants in their statement refer to the need to live on or near the site. The assessment implies that there is no existing dwelling suitably close to the site; in fact on page 8 it is stated 'there is nobody connected with the business living within 2 kilometres'. It is unclear where this arbitrary figure came from, but the applicants reside in a property in Goxhill village 1.5 miles away (2.4 kilometres), which would take approximately 30 seconds longer to drive than the 2 kilometres stated. This point was covered in the appeal decision APP/Y2003/A/12/2185731 when the planning inspector stated 'It would take only a few minutes to drive from that property to the appeal site some 1.5 miles away. That is not so far that it would place an onerous burden on the business... That it would be more convenient to have a home on the holding for that reason and for child care does not amount to special circumstances that would amount to an essential need for a dwelling'. This was reiterated in PA/2015/0957 when it was stated 'Any functional need at present or in the future could be met by the applicants' existing dwelling which is located in close proximity... The business can be operated successfully from the applicants' existing property'.
- On page 6 of the supporting report under 'functional need' it is stated that the business Willow View Farm currently occupies 23 acres in Goxhill. On page 8 it states that the site occupies 4 acres of land at Ruard Road and the applicants farm a further 15 acres in the village. There is a difference of 4 acres between these two statements.
- Regardless of the amount of land farmed elsewhere, this land is separate from the site and therefore irrelevant as stated in the delegated report of PA/2015/0957. The addition of this land would necessitate an agricultural worker's dwelling on the site.
- The supporting report fails to mention that the applicants keep a number of horses (six and seven) on the small application site.
- There is confusion over the number of animals used to calculate the standard man days required on page 13 of the report; this seems to conflict with the figures on page 9.
- The figures used to calculate standard man days also include 12 acres for grass and hay and an arbitrary figure of 38 days for maintenance. They have also added a random 25 days for additional duties and 3 days for baling straw (presumably included in the previous 12 acres of grass and hay). It is considered that these figures have been justified and seem to have been inflated in order to attain the correct number required.
- The applicants cite animal welfare as a justification for having a dwelling on the land and a copy of the Animal Welfare Act 2006 is included as part of the application. However, this act refers purely to animals being provided with a suitable environment, diet etc. and it doesn't follow that they require 24-hour care.
- It is stated in the supporting report that Oxford Sandy and Blacks are noted for their excellent temperament and mothering abilities and will function well under most management systems. The daily routines quoted are basic animal husbandry and do not require a person to be on site 24 hours a day.
- The only recommendation made when breeding pigs is that farrowing is planned, pigs are brought in for farrowing and lights are left on and this can be done as there is a barn with power on the site. If it is necessary to be with the animals then they have the barn for this provision; if they are in the caravan then they may as well be at home.

- Any short notice requirements can be easily served from the applicants' current home.
- It is stated that there could be serious livestock welfare issues due to pig and sheep rustling. There is no knowledge of this ever being an issue in the area and there are no recorded instances in local crime records.
- Contrary to the submitted statement the location of manure is adjacent to residential properties on one side;
- The site is in a Nitrate Vulnerable Zone and therefore under strict regulations regarding the amount of nitrogen that can be produced by animal excreta, the current limit being 170 kilograms per hectare. Based on the number of animals currently present on site the unit currently produces approximately 356 kilograms of nitrogen a year, over twice the permitted limit.
- Having no waste removal system or plans to establish one, the breeding of pigs and sheep presents a risk to adjacent residents.
- The applicants have installed a borehole on site, but DEFRA regulations state that no animals producing waste should be kept within 50 metres of such an installation. The Environment Agency states that it is up to the applicants to comply with this restriction, but if they did so it would significantly cut down the amount of land that can be used for animals.
- All the properties on the street rely on boreholes for drinking water and there are serious concerns regarding the potential of pollution from the site.
- Potential for growth is limited by the size and nature of the site. It is very unlikely that the site in question would be capable of supporting a level of growth and intensification of the existing operation to result in a functional need in the foreseeable future. This is especially the case if the applicants are to adhere to the relevant Nitrate Vulnerable Zone and DEFRA restrictions.

Two letters of support have been received from customers that have purchased meat from Willow View Farm on the grounds that the animals are well cared for and the produce is of high quality.

ASSESSMENT

Site

The application site is a piece of land located outside the development boundary for Goxhill, within the open countryside. Access to the site is gained via Ruard Road to the south, which is a narrow country road. The site is approximately 4 acres in area and is a mix of grassland and hard standing (former runway). There are a number of structures on site at present, including stables, a barn and small pig shelters as well as post and rail fencing around animal enclosures. There is also earth bunding along the frontage of the site. The site is currently used for the breeding of pigs and the keeping of sheep and horses.

Proposal

This application seeks planning permission to retain a static caravan on site for use as a temporary agricultural worker's dwelling, to retain a borehole and to retain amendments to the approved barn.

This is a resubmission of a previous planning application (PA/2015/0957) which was refused under delegated powers last year on the grounds that there was not an essential need for a farm worker to live on site 24 hours a day and that any existing or future need could be adequately met by the applicants' existing dwelling which is located close to the site, within Goxhill. The proposal remains the same as the previous application; however additional justification has been submitted with the new application.

There have been previous applications on the site for agricultural workers' dwellings (PA/2007/0251 and PA/2012/0055) which were refused; however these applications were related to a proposed alpaca business whereas the current proposal seeks consent for a dwelling related to an existing pig breeding enterprise.

Policy

Policies RD2 of the North Lincolnshire Local Plan and CS3 of the Core Strategy for North Lincolnshire are the most relevant development plan policies in the determination of this application. Guidance set out in the National Planning Policy Framework is also a material consideration, with paragraph 55 setting out specific guidance with regard to dwellings in the countryside.

Policy RD2 sets out the council's approach to new development in the open countryside. This policy strictly controls development outside development limits and specifies the types of development that will be allowed in these locations, one of which is development essential to the efficient operation of agriculture or forestry. Policy RD2 goes on to state that new development will only be allowed in the open countryside if this is the only appropriate location; the development accords with the relevant policies of the local plan; and the development would not be detrimental to the character or appearance of the open countryside, residential amenity or highway safety.

Policy CS3 of the Core Strategy also seeks to restrict development in the open countryside. This policy states that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Paragraph 55 of the National Planning Policy Framework relates specifically to new dwellings in rural areas. This paragraph states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of these special circumstances is where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The relevant policies, discussed above, seek to restrict development in the open countryside. However all three policies make allowances for development that is essential for the operation of agriculture, forestry and other businesses connected with the countryside.

The key consideration in the determination of this application is whether it has been demonstrated that there is an essential need for a farm worker to live on site 24 hours a day.

Essential need

The applicants have submitted a supporting statement as part of their application which sets out the amount of livestock currently on site and the reasons why it is considered to be essential for a full-time worker to reside on site 24 hours a day.

The application site is approximately 4 acres in area, with a significant amount of the land being former runway. However the supporting statement confirms that the applicants farm an additional 15 acres in the parish. The site is currently being used, along with the applicants' other land, to breed pigs, sheep and chickens and to house the applicants' horses. There is a large stable block on site, some of which has been converted for the breeding of pigs; there is also a general-purpose barn and a number of pig shelters and fenced pens. A significant part of the site is currently being used for the keeping of horses.

The livestock on site currently amounts to 19 pedigree sows with piglets or in pig, and two pedigree boars. There is also a small flock of sheep using Jacob ewes (20 breeding ewes) with Texel and Jacob rams which is kept on site and on other land farmed by the applicants. The applicants also keep a small number of chickens and ducks on site. A number of the applicants' horses are also kept on the site, but these do not form part of the business. The applicants have stated that the number of livestock kept will be increased once it is possible to provide accommodation on site for a livestock person.

The applicants state that they need to be on site at all times due to the need to care for their livestock, including aiding the animals during birthing and caring for the young animals once they are born. The supporting statement asserts that there is a need for somebody to be on site 24 hours a day to check animals for health issues, ensure ground conditions are suitable, ensure the breeding programme goes to plan, provide additional feed, administer medication treatments, ensure animals have water and to assist with farrowing and lambing. The statement states that it is particularly important to watch young piglets closely for signs of diarrhoea or respiratory disease, and that help is often needed during the birth of piglets to prevent distress, injury or the death of animals. It is also stated that, in addition to animal welfare issues, vandalism, theft, and pig and sheep rustling are major concerns.

The submitted supporting statement includes a calculation of the labour requirement of the agricultural holding, using the John Nix Farm Management Statistics. This concludes that the operation has a minimum need of 325 Standard Man Days with regard to labour requirements. The report is quite vague with regard to how some of the labour requirements have been calculated but it does show that there is a requirement for at least one full-time farm worker to manage the site.

In addition to the needs identified above, the applicants have stated that they have made significant investment in the business in the form of buildings (stable block and barn), animal shelters, bunding, fencing and landscaping. The supporting statement projects that the unit will make £11,493 profit in the first year, which will grow to £35,079 profit by the end of the fourth year. On this basis it would appear that the pig breeding business has been planned on a sound financial basis.

The key issue in the determination of this application is whether the reasons set out in the applicants' 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 application site itself is relatively small for an agricultural holding at approximately 4 acres. This is exacerbated by the fact that significant areas of the site are currently either hard-paved or used for the keeping of horses not associated with agriculture. The amount of livestock on site at present is modest and the potential for growth is limited by the size and nature of the site and the fact that part of it is used for purposes separate to the business.

The main justification for a dwelling put forward by the applicants is on animal welfare grounds. However, the majority of the welfare operations identified are considered to be general animal husbandry which could be carried out during the day without the need for somebody to reside on site 24 hours a day. The need for care overnight relates primarily to the specific and limited periods of time when the animals are birthing. It would be possible for somebody to be present at these times and to aid with the birthing and care of the animals without residing on the site. It is considered that the modest amount of livestock on site at present is not sufficient to necessitate a full-time worker on site 24 hours per day. Furthermore, due to the small size of the site and its nature, with large areas being hard-surfaced and other areas used for the keeping of horses, it is considered that it is very unlikely that the site in question would be capable of supporting a level of growth and intensification of the existing operation to result in a functional need for a new dwelling in the foreseeable future.

The submitted supporting statement states that nobody associated with the business currently lives within 2 kilometres of the site and that there are no dwellings available within this distance which would be affordable for a farm worker. However, there is no guidance which suggests that a farm worker must reside within 2 kilometres of a holding to be able to provide adequate care for livestock or to respond to emergencies. The applicants' existing property is located within Goxhill, approximately 1.5 miles (2.4 kilometres) from the application site. It would only take a few minutes to drive from that property to the site and it is considered that the distance between the applicants' existing property and the application site is not so far that travelling between the two would place an onerous burden on the business. If there is a need to monitor equipment and/or livestock regularly this is likely to be for specific, short periods, when the piglets/lambs are first born. The holding is of a limited size which would make these monitoring and other functional operations possible by commuting the short distance from the applicants' current dwelling to the site without the need for somebody to live on site.

The applicants have indicated that they farm another 15 acres of land within the parish in addition to the 4 acres at the application site; however this land is separate from the application site and as such would not benefit from somebody residing on the site. It is considered that any additional land farmed by the applicants in the local area at present or in the future can be adequately managed from their existing dwelling within Goxhill.

Character/appearance

The temporary dwelling, borehole and barn are located towards the centre of the site, set well back from the public highway. These structures are screened by existing earth bunding along the frontage of the site and existing timber stable buildings on site. As such the dwelling and borehole are not highly visible and are not intrusive features within the

landscape. The barn has consent but has been built with its door in the wrong position. The relocation of the door has no material impact on the appearance of the building or the surrounding area. On this basis it is considered that the proposed development would not have a significant impact on the character or appearance of the area.

Contamination

Objections and concerns have been received from neighbouring properties with regard to the borehole which has been installed on site and the potential for the pollution of ground water supplies. Similarly, concerns have been raised that the site is located in a Nitrate Protection Zone and that manure from the agricultural operation may contaminate the ground water. The Environment Agency has been consulted on the application and has raised no objection to the development with regard to ground water pollution. The Environment Agency is the statutory body with regard to the protection of ground water supplies and as it does not object it is considered that the proposal is acceptable in this regard.

Conclusion

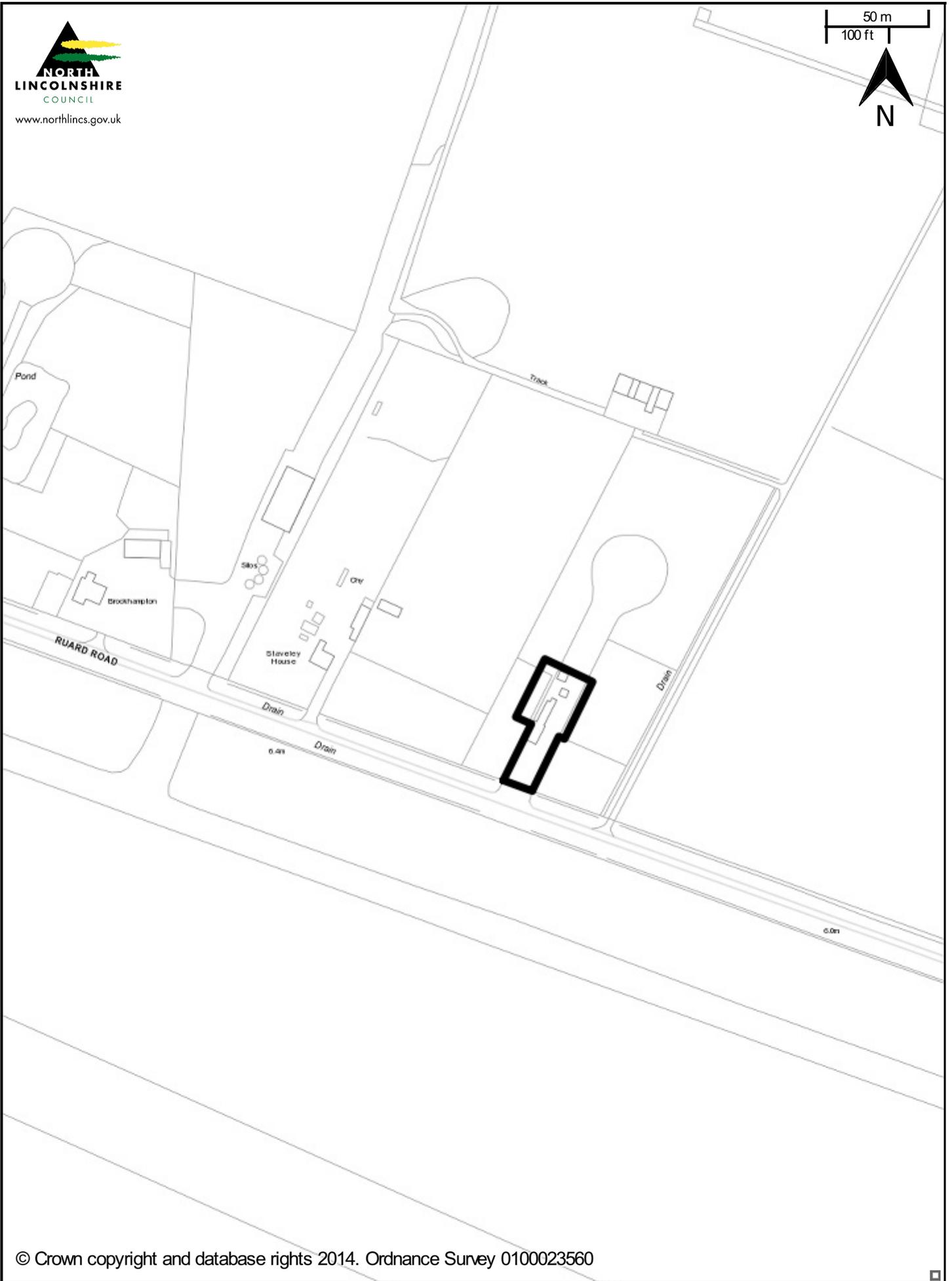
Whilst it is acknowledged that the applicants have made an investment in the agricultural business on site, which is operational, and projected to expand and become financially viable, it is considered that, due to the size and nature of the business, there is no essential need for a full-time worker to reside on site. Furthermore, it is considered that the business can be operated successfully from the applicants' existing property, a short distance away in Goxhill.

RECOMMENDATION Refuse permission for the following reasons:

The local planning authority is of the opinion that the current needs of the holding are insufficient to require a member of staff to be on site 24 hours a day. Furthermore, any functional need of the unit at present or in the future could be adequately met by the applicants' existing dwelling which is located close to the site, within the settlement of Goxhill. Therefore the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the Core Strategy and paragraph 55 of the National Planning Policy Framework.

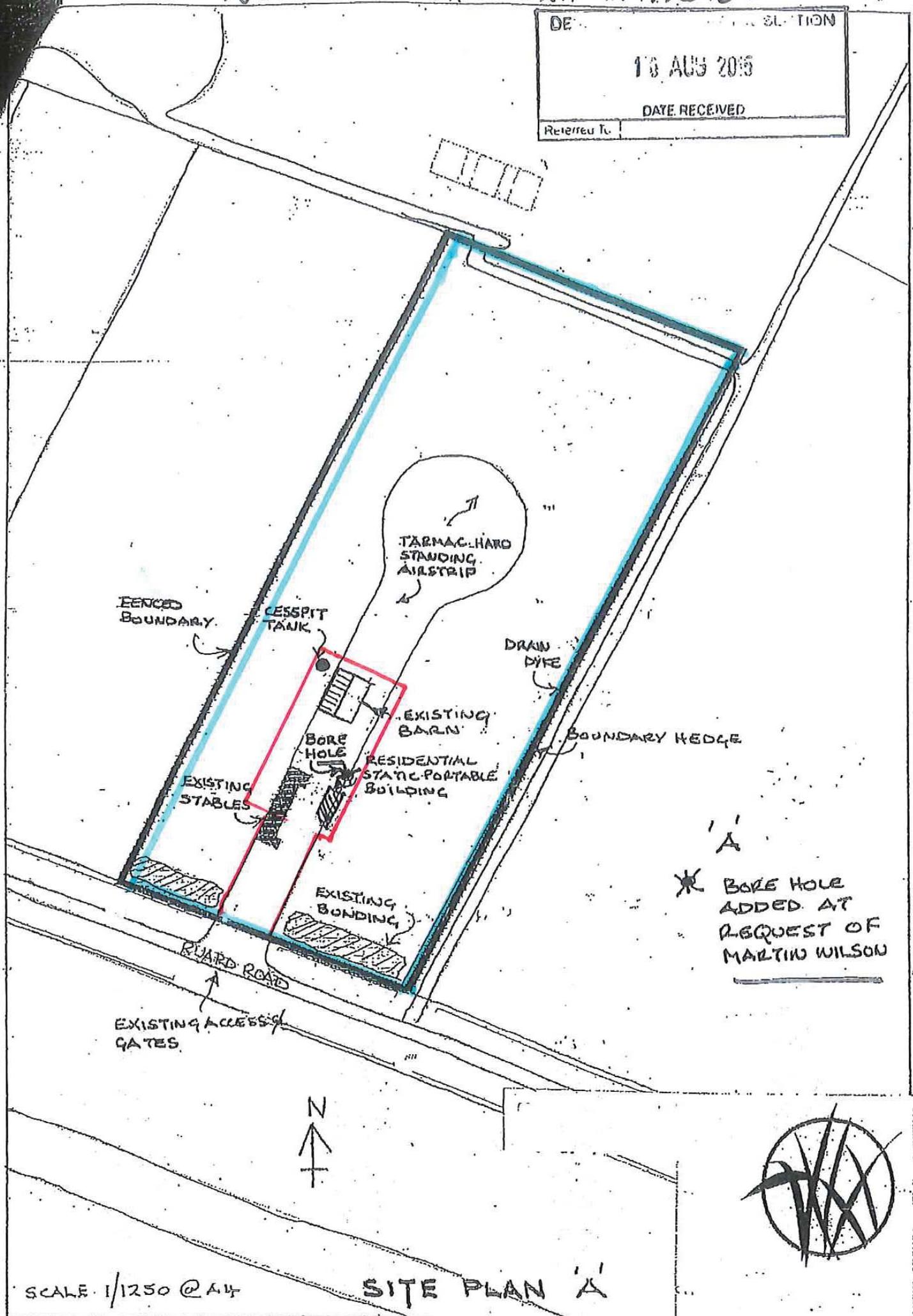
Informative

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.



AMENDED SITE PLAN: 24 MAY 2016

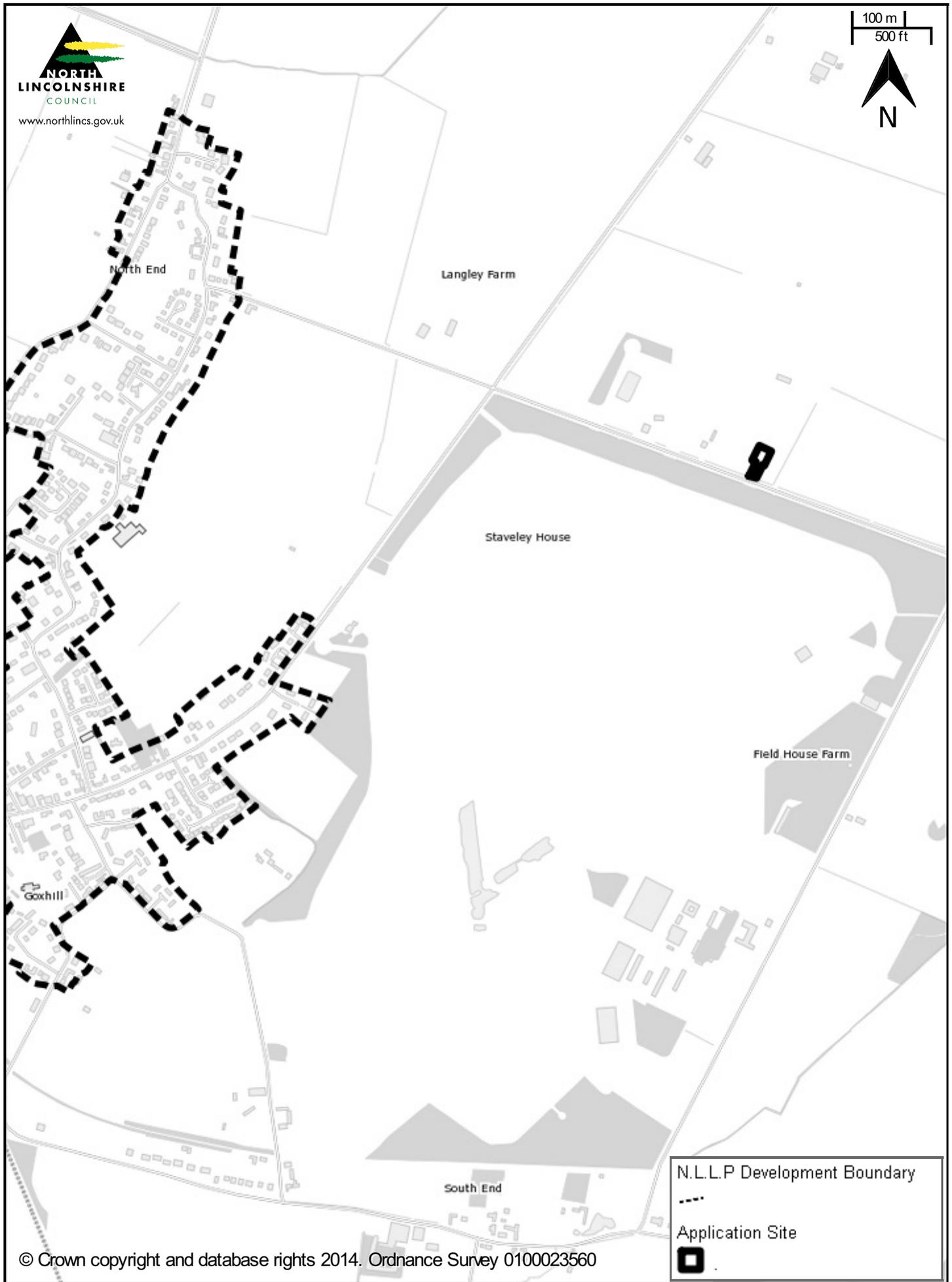
DE	SECTION
16 AUG 2015	
DATE RECEIVED	
Referred To	



'A'
 * BORE HOLE
 ADDED AT
 REQUEST OF
 MARTIN WILSON

SCALE 1/1250 @ A4

SITE PLAN 'A'



N.L.L.P Development Boundary
- - -
Application Site
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