

APPLICATION NO	PA/2016/1347
APPLICANT	Ms Angela Pearce
DEVELOPMENT	Planning permission to change the use of an existing building to a residential dwelling, retain the use of existing timber constructed buildings consisting of a public recreational area, toilet housing units and storage units in a compound facility, erect animal shelters for breeding pigs in a paddock and sheep, retain a polytunnel and erect a further two polytunnels
LOCATION	Clampit Creek Campsite, Blackmoor Lane, Epworth Road, Haxey, DN9 2LL
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emma Carrington
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest) Applicant request to address the committee Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 55 states that local planning authorities should avoid isolated new homes in the open 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 56 states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting.

Paragraph 131 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 137 states that local planning authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy RD2 (Development in the Open Countryside)

Policy LC7 (Landscape Protection)

Policy LC14 (Area of Special Historic Landscape Interest)

North Lincolnshire Core Strategy:

Policy CS2 (Delivering more sustainable development)

Policy CS3 (Development Limits)

Policy CS6 (Historic Environment)

Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: Does not wish to restrict the grant of permission.

Natural England: This application is close to Rush Furlong Site of Special Scientific Interest (SSSI). Natural England requires further information regarding this development on the grounds that the application, as submitted, makes it unclear as to whether it is likely to damage or destroy the interest features for which Rush Furlong has been notified....Should the application change, or if the applicant submits further information relating to the impact of this proposal in the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it and amend our position as appropriate.

Fire Service: Offers advice relating to the provision of water supplies for fire-fighting appropriate to the proposed risk in connection with the proposed development.

Environment Agency: No objections.

Environmental Protection: Recommends a range of conditions to assess and deal with the potential presence of contaminated land.

Environment Team (Ecology): Further Information is required in relation to the nearby Rush Furlong SSSI. It is not clear why the polytunnels are required as most trees are grown outside.

Previous applications have been refused due to the unwelcome introduction of new features into the historic landscape.

Historic Environment Record: Recommends refusal as the development would adversely affect the character, appearance and setting of the historic landscape contrary to policies LC7 and LC14 of the North Lincolnshire Local Plan, policy CS6 of the North Lincolnshire Core Strategy and paragraphs 131 and 137 of the National Planning Policy Framework.

PARISH COUNCIL

The site has a long history of trying to gain residential use and is subject to enforcement orders. It is in a sensitive area of the Historic Isle of Axholme environment and close to an SSSI. The parish council objects to any development of the site which is considered inappropriate in its location; it appears more about justifying the need for a residential dwelling than a sustainable business.

- The parish council empathises with the applicant's desire to live an alternative lifestyle, but lifestyle is not a planning consideration. It is outside the NLC local plan.
- The business appears to be developed around a registered caravan site outside of planning control. Had it needed planning permission, the parish council would object on the grounds of impact on the historic landscape. The large rallies and associated events that go on in the night are inappropriate, not in keeping and could have an adverse effect on wildlife and the environment. The addition of permanent human habitation can only further the impact on the historic environment.
- The business is not an extension of an existing agricultural/forestry business therefore does not attract any exemptions, and whilst it may be argued that it is a rural business and does bring in tourists, it is at the detrimental expense of the environment.
- The use of the 5 caravan licence site seems to be inconsistent with the planning statement and the protection of wild species.
- The applicant states that the livestock require particular farming practices. The parish council is not convinced that the use is sustainable as normal farming practices do not require 24-hour presence and good husbandry practices should be sufficient.
- The expansion of the smallholding may have possible pollution problems for the SSSI.
- There is no evidence that vandalism is an ongoing problem or that security is an issue.
- The provision of housing in the area is good and private rented accommodation is underutilised.
- The isolated location of the site does not negate the fact that it is set in the open countryside in the Isle of Axholme Historic Landscape which has seen little impact from human habitation.
- Welcomes employment prospects and are mindful of the value of tourism brought in by the registered camping site, but not convinced that the proposal to site this business was fully considered or the impact it has on its surrounds.

- Concerned about the piecemeal buying of land and setting up of business which is impacting on the historic environment.
- Concerned about the maintenance and safety of the public footpath and concerned about the number of vehicles entitled to use the public footpath.
- A similar development at the adjacent Walkabout Farm heightens concerns about development in the area and it is our view this makes competition for viable products all the more problematic.
- Not consistent with CS2, CS3, CS5, CS6, RD1, RD2, RD7, RD8, RD13, RD14, LC2, LC14, SPG3, SPG5, NPPF 109, 110, 111, 113, 118, 120, 123.

PUBLICITY

Advertised by way of site notice and letters sent to neighbouring properties. Seven letters of objection have been received raising the following issues:

- The proposal is contrary to policy as it is not essential for agriculture or forestry. A permanent on-site presence is not required for strip farming methods.
- The volume and weight of traffic are damaging the access track and bridleway encroaching into the ancient mere.
- The use of the site seems to be residential/industrial.
- The proposal will not enhance the view from surrounding areas.
- Visitors to the site are not tourists, but there purely to attend music events.
- A log cabin is uncharacteristic of the area and is not a common feature in the locality.
- Is the black smoke coming from the site from waste burning that could cause pollution?
- Animal breeding will create odour and attract vermin.
- The site is a caravan park – why is the proposal suddenly to breed pigs and erect polytunnels?
- The application lacks detail as the form has not been fully completed.
- The applicant is already living on the site and has been for a number of years.
- None of the current or proposed activities are of a scale and nature to justify on-site living for supervision.
- There is nothing different in this application from the previously dismissed appeal to justify the need for on-site living.
- The site has previously exceeded its caravan club limit and some of the caravans have been used as permanent dwellings.

- The site is more an entertainment venue than an agricultural site. The application does not satisfy the exception criteria set out in policy RD2.
- The noise generated by the entertainment events is unacceptable and out of character with this rural area.
- The proposal does not protect or enhance the Isle of Axholme Historic Landscape.
- The large caravan rallies and music events attract a large influx of people which is noisy and detrimental to the open countryside.
- The plants proposed to be grown are a threat to native species and will impact on the SSSI.

ASSESSMENT

Planning permission is sought to retain the change of use of a single-storey log cabin to residential accommodation. The proposal also involves the use of a range of small wooden outbuildings used for storage, recycling and toilet facilities, and a wooden outbuilding used as a public recreational area. These three buildings have been in existence for four years or more and, as such, are deemed to have planning permission. However, the use of the log cabin as a dwelling is not authorised, and requires a separate planning permission.

A small polytunnel for tree growing is proposed to be retained. The application also includes some elements of new development, which consist of small animal shelters for the breeding of pigs and sheep, and two additional polytunnels. The dwelling is proposed to be used in connection with the applicant's use of the land for breeding livestock, growing fruit, flowers and trees, and the management of a small camping and caravan club site. The site measures approximately 2.69 hectares in area and is served by an unmade track from the A161 Epworth Road. The application site is located in the open countryside to the north east of Haxey village.

The main issues in the determination of this application, are whether the proposal has a detrimental impact on the character and appearance of the Isle of Axholme Historic Landscape; whether the applicant has demonstrated that there is a functional need to live on the site and that the uses both existing and proposed are financially viable; and whether there is an adverse impact on the nearby Site of Special Scientific Interest (Rush Furlong).

The applicant seeks permission to continue living in a small single-storey timber log cabin in order to supervise both existing and proposed activities that are carried out on the surrounding 2.69 acres of land. Part of the land is currently used as a certified camping and caravan club site for 5 touring caravans and 10 tents. There are a range of small poultry pens which currently house chickens. The remainder of the land is given over to grassland, a meadow, a small orchard area, and a fruit bedding area. The proposed activities include an expansion of the existing activities and adding a small sheep and pig breeding programme.

The applicant states that the nature of the activities are such that a permanent on-site presence is required. However, as the majority of the activities, both existing and proposed, relate to the growing of trees, fruit or flowers, it is not considered that there is sufficient evidence to demonstrate that the small number of livestock, both existing and proposed, would require someone to live on site on a permanent basis.

There have been a number of applications for planning permission on this site to carry out activities that have been found to be unacceptable in this location. These include:

PA/2003/1648: Application for stables, storage building, mobile tack room – refused on the grounds that the proposal would have an adverse impact on the Isle of Axholme Area of Historic Landscape.

PA/2004/0108: Application for stable and storage building – approved.

PA/2007/0419: Application to construct fishing lakes, four log cabins, retain a static caravan, car parking – refused on grounds of flood risk, impact on archaeology, impact on the SSSI and the Isle of Axholme Historic Landscape.

PA/2013/1193: Application for retention of log cabin for residential purposes, retention of timber veranda and campsite toilets – refused on the grounds that there was insufficient evidence to demonstrate an essential need in relation to agriculture and impact on the historic landscape. Subsequent appeal dismissed and enforcement action in place.

The latest application (PA/2013/1193) was submitted by the current applicant, and was dismissed on appeal. The inspector dismissed the appeal as it was considered that the buildings to be retained had a detrimental impact on the character of the open countryside due to poor design, adverse impact on the heritage asset that is the Isle of Axholme Historic Landscape, failing to demonstrate that the proposed use was viable or sustainable, and that it could not be demonstrated that an on-site presence was essential. This proposal was very similar in terms of scale to that of the current application. This also included the camping and caravan site and a range of proposed agricultural activities. The planning inspector clearly stated that the tourism-related activities did not necessitate a residential presence, and although it may be convenient to have a residence on the site, it would not be essential for the efficient operation of agriculture or forestry.

In the case of the current proposal, it is considered that the information submitted in support of the application does not demonstrate that an on-site presence is essential. The nature of the caravan and camping site has not changed, and the majority of the activities proposed do not require a permanent on-site presence, such as the growing of trees, fruit or flowers. The livestock element of the proposal is very small. The existing poultry compound holds a small number of chickens, and the proposed pig and sheep breeding enterprise only consists of two sows and six sheep (one ram and five ewes) which is not considered sufficient to demonstrate an essential need to live permanently on the land. The supporting information in relation to the income generated from the land fails to provide evidence to demonstrate that the level of activities on the site would be sustainable in to the future.

Objections have been received in relation to the impact of the proposal on the historic landscape, the nearby Rush Furlong SSSI and the character of the area as a whole. Although some of the development on the site is authorised due to time, there are new elements to the proposal that add to the built-up form of the proposal. These additional structures and the associated fencing/enclosure of the land are considered to have an adverse impact on the character of the historic landscape and do not enhance or protect the features for which it has been identified as important.

The proposal involves some works to a dyke on the boundary of the site. Natural England and the council's ecologist have both objected to the proposal on the grounds that the application

does not provide sufficient evidence to demonstrate that the adjacent Rush Furlong SSSI will not be damaged or destroyed by the proposal.

In addition, the parish council and a number of neighbours have raised concerns about the need for the development; its impact on the historic landscape and the open countryside; damage to the access track; the noise generated from the activities related to the camping and caravan club rallies; and insufficient evidence being submitted to justify the proposal. Whilst the camping and caravan club activities are outside the control of the planning department as the site is certified, the majority of the issues raised by neighbours and the parish council are valid planning matters relevant to the proposed development. As referred to previously, it is considered that insufficient evidence has been submitted to demonstrate that the proposal is essential for the purposes of agriculture or forestry, or that the development is sustainable into the future. The additional features proposed are considered to have an adverse impact on the character and appearance of the heritage asset that is the Isle of Axholme Historic Landscape, and no evidence has been submitted to demonstrate that the SSSI will be unaffected by the works to the dyke.

It is considered, therefore, that the proposal as submitted is contrary to policies in the adopted local plan and is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.

Insufficient information has been submitted with the application to demonstrate that there is an essential need to house a farm or forestry worker at or near their place of work. The proposal is therefore considered to be contrary to policy RD2 of the North Lincolnshire Local Plan, policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy and paragraph 55 of the National Planning Policy Framework.

2.

The development, as proposed, due to its layout and design, would adversely affect the character, appearance and setting of the historic landscape contrary to policies LC7, LC14 and RD2 of the North Lincolnshire Local Plan, policy CS6 of the North Lincolnshire Core Strategy and paragraphs 131 and 137 of the National Planning Policy Framework.

3.

Insufficient Information has been submitted with the application to demonstrate that the proposed development will not have an adverse impact on the Rush Furlong Site of Special Scientific Interest and the application is therefore contrary to policy LC2 of the North Lincolnshire Local Plan and policy CS17 of the North Lincolnshire Core Strategy.

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.



Application Site



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