

APPLICATION NO PA/2011/0080

APPLICANT Mrs J Sinclair, Marshland Alpacas

DEVELOPMENT Planning permission to erect a temporary dwelling, egg washing and packing unit and a wind turbine

LOCATION Marshland Alpacas, Oxmarsh Lane, New Holland

PARISH NEW HOLLAND

WARD Ferry

SUMMARY RECOMMENDATION Refuse permission

REASONS FOR REFERENCE TO COMMITTEE Applicant request to address the committee

POLICIES

National Planning Policy: Planning Policy Statement 7 (Sustainable Development in Rural Areas) (PPS7), Annex A states that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned;
- (ii) functional need for the dwelling;
- (iii) clear evidence that the enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements (eg siting, access) are satisfied.

Authorities should not normally grant successive extensions to temporary permissions over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.

Planning Policy Statement 25 (Development and Flood Risk) (PPS25) states that planning applications for new development located in flood zones 2 and 3 should be accompanied by a flood risk assessment (FRA). This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. A flood risk assessment will also be required where the proposed development or change of use to a more vulnerable class may be

subject to other sources of flooding or where the Environment Agency, Internal Drainage Board and/or other bodies have indicated that there may be drainage problems.

North Lincolnshire Local Plan: Policy ST3 (Development Limits) states that development outside development boundaries will be considered as development in the open countryside and will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the countryside.

The site is located outside of defined development boundaries and as such is in the open countryside. Policy RD2 (Development in the Open Countryside) restricts the granting of planning permission to proposals which are essential to the efficient operation of agriculture or forestry, appropriate employment and related development, affordable housing to meet a proven local need, essential for the provision of outdoor sport and recreation or the re-use of existing buildings.

Policy DS16 (Flood Risk) states that development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of flood water; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences;

unless adequate protection or mitigation measures are undertaken.

Policy DS1(General Requirements) also applies.

CONSULTATIONS

Highways: No objection.

Environment Agency: Object on the grounds that the submitted Flood Risk Assessment fails to demonstrate that the proposed temporary dwelling will be safe from flooding. Furthermore, a permanent dwelling at this location would not be appropriate because once an allowance has been made for climate change the site is shown to be within the 'Danger for All' hazard category. 'Danger for All' indicates that the depth and velocity of water would present a risk to both the general public and emergency services.

PARISH COUNCIL

No objections or comments.

PUBLICITY

Neighbouring properties have been notified by letter and a site notice posted. Letters of objection have been received raising the following concerns:

- The smallholding will not be able to generate sufficient income to support a dwelling.
- The needs of the enterprise do not justify the provision of a dwelling.
- The applicants are already living directly adjacent the site in a caravan on their parents' property (Thornyfield) whilst they convert an existing garage to ancillary accommodation.
- The existing large barn on the site could accommodate the egg washing/packing unit.
- The additional buildings on the site would have a significant visual impact.
- The proposed wind turbine will impact on neighbouring properties via noise and interference.

ASSESSMENT

The application site is a field adjacent to Thornyfield on Oxmarsh Lane, New Holland. Thornyfield is a residential property with a number of outbuildings to the rear. The site is bounded by open fields to the north and east and by the railway line and fields to the south. The site is located outside the development boundary for New Holland and is currently used for the keeping and breeding of alpacas and poultry. There is an existing agricultural building (PA/2010/0824) at its north end close to Oxmarsh Lane.

This planning application seeks permission for the siting of a temporary dwelling associated with the existing smallholding based around the breeding of alpacas and the erection of a building for the washing/packing of eggs and a free-standing 12 metre high wind turbine.

The key issues to consider in the determination of this application are whether there is a functional need for a dwelling on the site to serve the smallholding, whether this need could be met by existing accommodation in the area and whether the proposed dwelling would be at risk of flooding.

The local planning authority does not consider that the existing holding, consisting of 15 alpacas, 100 laying birds and 27 chickens/ducks of specialist varieties, has sufficient need to require a member of staff to be on site 24 hours a day. Therefore there is no functional need for a temporary dwelling in connection with the smallholding as set out in Planning Policy Statement 7, Annex A and as such the proposal is contrary to this policy.

The applicants are currently living in a caravan at Thornyfield – their parents' dwelling. This property is directly adjacent to the application site. As far as the local planning authority is aware this caravan was brought onto Thornyfield whilst an existing garage was being converted into ancillary accommodation for the applicants. Additionally the application site itself is located close to the settlement of New Holland, approximately 160 metres to the east of the development boundary of the settlement and 370 metres to the main road that runs through the village. As such, even if a functional need were to exist, such a need could quite easily be met by existing accommodation adjacent to the site, or within New Holland itself.

The Environment Agency have been consulted on the application and have objected to the proposed dwelling on the grounds that the Flood Risk Assessment submitted with the planning application does not demonstrate that the dwelling would be safe from flooding.

Additionally the Environment Agency have confirmed that they would consider a permanent dwelling on the site to be inappropriate due to the risk of flooding. Therefore the proposal is contrary to Planning Policy Statement 25 in that it fails the exceptions test, as it has not been demonstrated that it is safe from flooding; and it is also contrary to Planning Policy Statement 7 which states that authorities should not normally give permissions for temporary dwellings where they would not permit a permanent dwelling.

RECOMMENDATION Refuse permission for the following reasons:

1.

The Flood Risk Assessment submitted with the application fails to demonstrate that the proposed temporary dwelling will be safe from flooding. Therefore the proposal is contrary to Planning Policy Statement 25 (Development and Flood Risk) as it does not comply with the requirements of part (c) of the flood risk Exception Test.

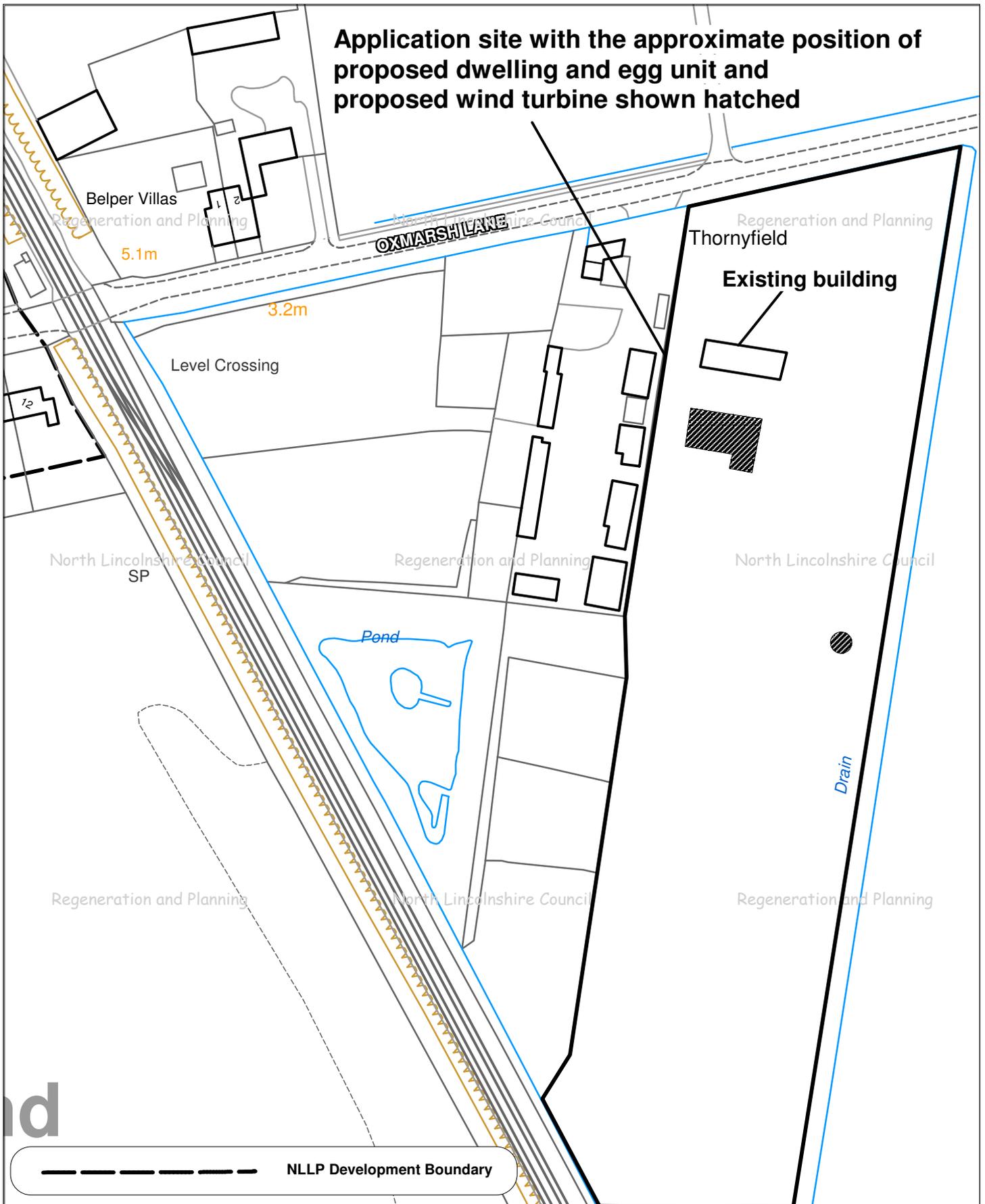
2.

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. As such the proposed development is contrary to Planning Policy Statement 7 (Sustainable Development in Rural Areas) as there is no functional need for a temporary dwelling on site.

3.

The application site is located within very close proximity to the settlement of New Holland and as such any functional need of the unit at present or in the future could be met by existing dwellings in New Holland. Accordingly the proposed development is considered contrary to the requirements of Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas) as the needs of the agricultural holding can be met by existing residential accommodation in the immediate area.

Application site with the approximate position of proposed dwelling and egg unit and proposed wind turbine shown hatched



Drawing Title: PA/2011/0080

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Regeneration and Planning

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