

APPLICATION NO	PA/2008/1554
APPLICANT	Mr P & Mrs S Moynan
DEVELOPMENT	Planning permission to erect a temporary dwelling in connection with agriculture
LOCATION	Land north of Winteringham Lane, West Halton
PARISH	WEST HALTON
WARD	Burton Stather and Winterton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by West Halton Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Policy E7 (Rural Economy) allows for essential development for agriculture or forestry purposes in the countryside.</p> <p>North Lincolnshire Local Plan: Policy ST3 – the site is outside the development limit and is therefore in the open countryside.</p> <p>Policy ST2 (Development in the Open Countryside) sets out the criteria whereby development in the open countryside may be permitted.</p> <p>Policy RD13 (Temporary Agricultural and Forestry Dwellings) states that applications for such dwellings for a newly created agricultural holding, which has yet to establish itself financially, will only be permitted if the applicant can conclusively prove that the enterprise has been planned on a sound financial basis.</p> <p>Policy DS1 (General Requirements) provides general design guidance for all new developments.</p> <p>Planning Policy Statement 7 (Sustainable Development in Rural Areas): In relation to temporary agricultural dwellings it states that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or for an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can easily be</p>

dismantled, or other temporary accommodation. It should satisfy the following criteria:

- clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions)
- functional need
- clear evidence that the proposed enterprise has been planned on a sound financial basis
- 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
- other normal planning requirements, for example siting and access

CONSULTATIONS

Highways: No objections subject to a condition.

Environment Agency: No objection subject to the development being carried out in accordance with the approved flood risk assessment.

PARISH COUNCIL

Object to the application on the following grounds:

- located in a very wet area where flooding is a high probability and as such question the suitability of the site for the proposed use
- viability of a septic tank
- outside the development boundary
- a successful calf-rearing unit would result in an application for a permanent dwelling
- the site is off an unadopted lane
- responsibility of damage to Winteringham Lane by large vehicles
- suitability of the route to the application site by heavy lorries
- availability of similar sized houses in the adjacent village of West Halton

PUBLICITY

Neighbouring properties have been notified. No representations have been received.

ASSESSMENT

Planning permission is being sought to erect a temporary agricultural dwelling on agricultural land to the north of Winteringham Lane, approximately 300 metres to the east of West Halton. It is required and forms part of a proposal to establish a new calf-rearing enterprise. It is the first of two applications relating to this site; the other, which is the next item on this agenda, concerns an agricultural building.

The building would be modest in size, occupying 87 square metres of floor space within the overall agricultural holding of 3.1 hectares. It would be constructed with wooden elevations and a roof of shingle/pantiles so as not to detract from its rural setting. The temporary dwelling would provide family accommodation whilst the business becomes established.

The main issue which needs to be addressed in determining this application is whether it complies with policies RD2 and RD13 of the North Lincolnshire Local Plan and national policy PPS7.

Policy RD2 allows development in the open countryside where it can be demonstrated that it is essential to the efficient operation of agriculture. Policy RD13 maintains that temporary agricultural dwellings may be allowed for a new agricultural business which has yet to establish itself financially if it can be conclusively proved that the enterprise has been planned on a sound financial basis. This is complementary to PPS7 which emphasises the added criteria for a functional need.

In this case, the applicant has a well recognised and long-standing background in agriculture, especially in calf-rearing. The business plan submitted with the application appears to be sound and well founded and is projected over a three-year period as required by policy. Due to the nature of calf-rearing there is a functional need for a 24-hour presence on site as opposed to living in the nearby village.

Turning now to the other parish council objections which have not been addressed in the policy compliance section, these relate mainly to highway and drainage issues. Winteringham Lane is classified as a rural non-maintained highway but the applicant would be responsible for any damage caused to its surface.

However, Highways are satisfied that the proposed number and type of vehicles generated by the proposed development can be accommodated on this road without causing any traffic problems subject to minor improvements which will be discussed with the applicant. With regard to flood risk, the site is situated within flood zone 3 (high probability) on the flood zone maps but the Environment Agency has assessed the submitted flood risk assessment and considers that it and the suggested mitigation measures are proportionate to the scale, nature and location of the development. Discharge of surface water into the existing watercourse will need to be agreed with the Internal Drainage Board. No evidence has been received to suggest that the proposed foul drainage system of using a Klargestor BioDisc would not be functional in this location.

The applicant has submitted a satisfactory business plan showing how the business would be viable and thriving in the next few years. In view of this the application can be supported but because of the temporary nature of the accommodation permission should be limited to three years.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

3.

The proposed dwelling shall not be occupied until details of improvements to be made to the unmade section of Winteringham Lane have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

The building and works shall be removed on or before 3 February 2012 and the land shall be restored to its former condition in accordance with details to be agreed in writing by the local planning authority before restoration is commenced.

Reason

Temporary accommodation is approved in accordance with policy RD13 of the North Lincolnshire Local Plan to allow time for the longer term viability of the enterprise to be established.

5.

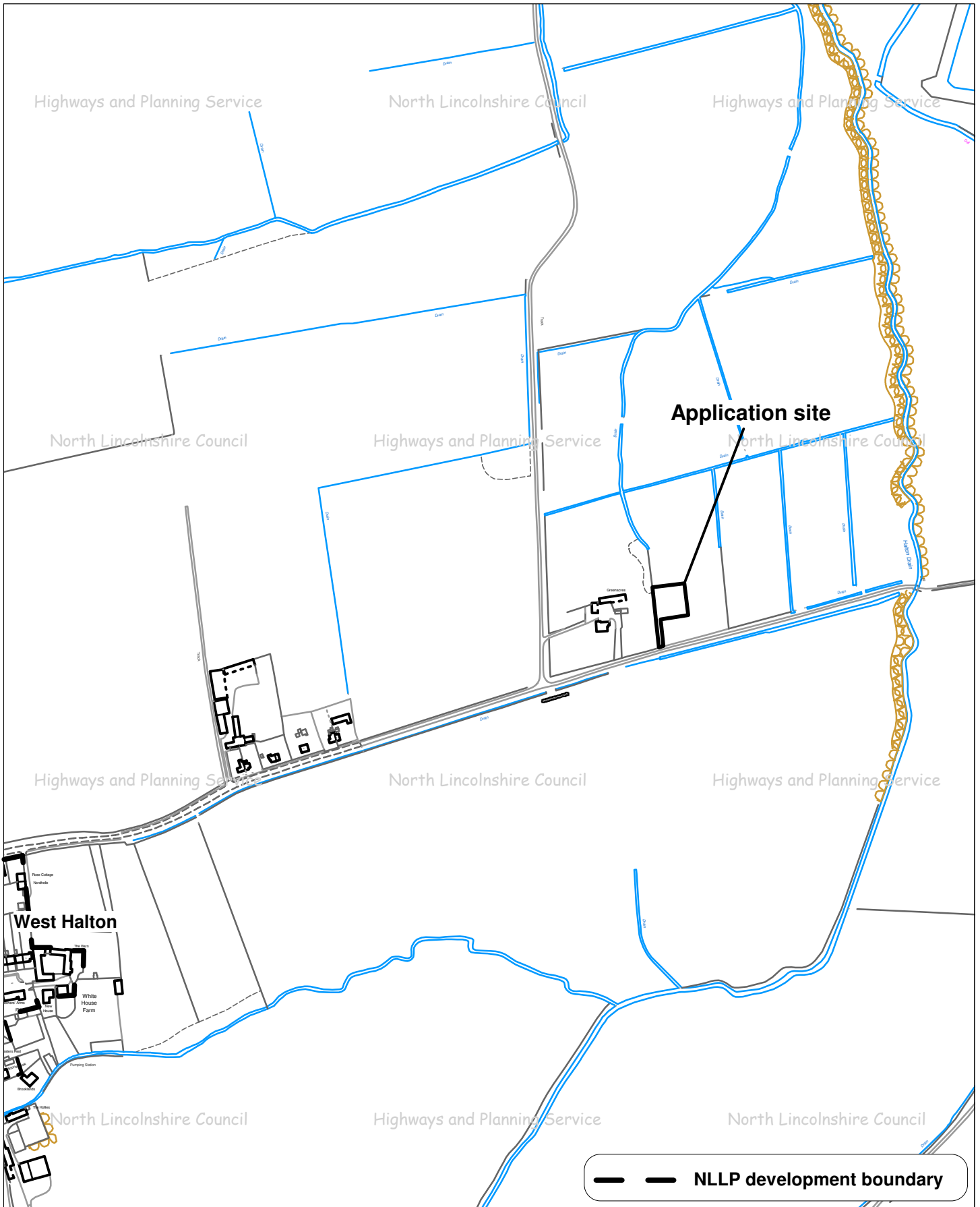
The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment carried out by EWE Associates Ltd dated May 2008 and the following mitigation measures detailed within the flood risk assessment:

- finished floor levels to be set at 4.77 metres AOD
- a boarded out loft with opening roof window
- the access road to be at least 4.5 metres AOD
- adhere to the flood plan

The applicant shall confirm completion of the approved scheme in writing one month thereafter.

Reason

To reduce the risk and impact of flooding on the proposed development and future occupants.



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Highways and Planning Service

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