DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H03-0781-19**	**Applicant:**	**R P Watts**
Proposal:	Erection of pair of semi-detached houses		
Location:	Deeping Fen Farm Baston Outgang Road Baston		
Terminal Date:	29th April 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12, 14 and 15 of the National Planning Policy Framework (2019)

2 - Achieving sustainable development
3 - Plan making
4 - Decision making
5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a pair of semi-detached houses on land at Deeping Fen Farm, Baston Outgang Road, Baston. The proposal seeks to provide two mirror image semi-detached properties. At ground floor level each property will contain an integral garage, utility, water closet, cloakroom and open plan kitchen / dining / living area with a decking area to the rear. At first floor level three bedrooms, an en-suite and a bathroom will be provided. The proposed roof material is corrugated roof cladding with corrugated timber wall cladding and PPC metal windows and doors.

The dwellings are requested by the applicant, as they consider it essential that two workers live nearby to assist with an onsite egg production unit. One dwelling would be for an site manager, and the other dwelling for a security operative.

As the proposed housing footprints are within the defined settlement limits of South Kesteven District Council (SKDC), it is they who are responsible for issuing the final decision.

Site Description

The proposal is within outside of the defined settlement limits in the open countryside. The surrounding area is predominately arable land and is characterised by buildings of varying ages and design.

The site is in Flood Zone 3 on the Environment Agency Flood Maps. The site shows as a "Danger for Some" hazard area, with a predicted maximum flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping.

The proposed housing location is within the district boundary of SKDC with the proposed garden land to the rear within the district boundary of South Holland District Council.

History

H03-0876-18

Full - Construction of a 32,000 Bird Multi-Tier Free Range Egg Production Unit - Approved - 20 December 2018.

Consultation Responses

LCC - County Highways & SUDS Officer

No objection.

LCC - Historic Environment Officer

No archaeological impact.

Sanham Agricultural Planning

Andrew Coombe, Agricultural Consultant, was consulted as further information was requested by SKDC concerning the size and detail of the egg production unit, the size of the agricultural holding, any other dwellings in the holding, and the past three years of accounts.

Andrew Coombe in his responses has stated "The free range poultry unit at Deeping Fen Farm is stocked with 32,000 laying hens, the labour is provided by three full/part-time workers... The site of the free range poultry unit is situated away from the farm buildings at Deeping Fen Farm which provides storage for 2,500 tonnes of wheat, and 5,000 tonnes of potatoes... Any new dwelling should be sited in a position close to and well related to the free range poultry unit and not at the current application site; I still consider this to be the case, as 450 metres is not sufficiently well related to the free range egg unit to fulfil the essential / functional needs of the free range egg unit, if an existing dwelling is not being used. Normally, applicants claim that a dwelling nearby or in a local village/town etc. is not close enough to fulfil the essential functional needs of the enterprise because it is not within sight or sound of the enterprise."

"Paragraph 2.3.14 states "Prevention of losses to foxes and other predators are minimised when staff are living at the farm day and night. At night time a fox or foxes digging into sheds can kill hundreds of birds, if the arising commotion is not quickly reacted to. This protection cannot be delivered if there is no manager living on the farm." - if the manager was living at the application site 450 metres from the shed there is no way he would hear any commotion within the building."

The report response concluded that there was only an essential need for one agricultural worker's dwelling for the unit. There are already two existing dwellings adjacent that are owned by the business. The report recommends that the recommended single dwelling should be located closer and more better related to the business than the proposed location.

Agent response to Sanham Agricultural Planning final comments

"I am struggling to understand the arguments outlined; in as much as there exists technology to monitor the egg laying facilities whereby the worker / manager could be made aware of any commotion in the facilities and attend site from the proposed site in a matter of minutes - without having to physically hear / see - making the proposed site viable. Similarly the statement seems to suggest that it is acceptable for a single operative to remain responsible for the monitoring of the facilities 24 hours a day, which is simply not practical / legal / realistic."

SHDC - Environmental Protection Officer

Requests full contaminated land condition.

Welland & Deepings Internal Drainage Board

Provides general drainage guidance.

Planning Considerations

Principle of development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic,

community or environmental benefits.

Explanatory text accompanying the Local Plan indicates that there are types of development that require a countryside location and that they include agriculture. Consequently, agricultural dwellings may also, by exception, be justified in the countryside. This approach is consistent with advice within the National Planning Policy Framework, 2019. Paragraph 79 of the Framework states "planning policies and decisions should avoid the development of homes in the countryside unless there are special circumstances such as an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside."

Planning Practice Guidance was provided in July, 2019 at paragraph 010 which deals with the need for agricultural workers' dwellings in the countryside and which sets out considerations that may be relevant to take into account when applying paragraph 79(a).

They are as follows:-

1. Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the affective operation of an agricultural, forestry or similar land based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products); - The Agricultural Consultant responses states that only 1 of the 2 proposed houses is required in order to maintain and secure the site.

2. The degree to which there is confidence that the enterprise will remain viable for the foreseeable future; - The Council's Agricultural Consultant does not have financial concerns regarding the business.

3. Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- The Agricultural Consultant responses states that only 1 of the 2 proposed houses is required in order to maintain and secure the site.

4. Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; - There are already two existing properties adjacent to the farm within the ownership of the applicant. However, these buildings already contain an existing agricultural worker in one property and a retired agricultural worker in the other.

SELLP Policy 1 also indicates that development will be permitted in the countryside if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:

Economic - the proposal would make a small contribution towards housing supply and future occupants would work locally on site, support local services and make a contribution to the local economy. The local economy in this context would likely be stores in either Market Deeping or Bourne which are located in the district area of South Kesteven District Council rather than South Holland District Council itself.

Community / Social - the proposal is deliverable and would make a small contribution to the supply of housing required to meet the needs of present and future generations. The proposed housing would be for workers on the adjacent farm to help support the growth of the business. However, the site is not closely related to an existing built up area and would not be readily accessible to existing services and facilities other than by motor vehicle.

An Environmental Role - The site is currently arable land. The installation of two dwellings would give the site a domestic appearance and would constitute an intrusive element that would be detrimental to the prevailing rural character of the countryside. The application site would require the filling in of a section of the dyke at the front of the site. No ecology survey work has been done and therefore insufficient information has been submitted to allow an understanding of the baseline biodiversity value of the site. The above reasons mean that environmentally the proposal is contrary to guidance provided in Policy 28 of the SELLP and Section 15 of the NPPF.

An agricultural appraisal has been carried out on the proposal which also considered the submitted agricultural justification statement. The appraisal reached the followed conclusions:

- There is an essential / functional need for one person to live near the site;
- The associated business is viable and likely to remain viable for the foreseeable future;
- There are two existing dwellings adjacent to the site, one of which could be made available;
- Should it not be possible to make one of the existing dwellings available, a new dwelling should be located closer to the egg production unit and not at the proposed location.

The proposal is therefore contrary to Policies 1 and 2 of the SELLP, 2019 and advice within the National Planning Policy Framework, 2019. Policy 2 indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area. Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 122 and 127 indicate that new development should be sympathetic to and maintain an area's prevailing character.

Design of proposed dwellings

The proposed dwellings, while modern in design do not visually detract from the built character of the surrounding area. They are of an appropriate scale and height, and utilise complementary materials of construction to that of typical agricultural buildings found within the Fenland landscape. The dwellings do not detract from the character or setting of the existing bungalows to the west of the proposal site and therefore considered to be in accordance with Section 12 of the NPPF.

Flood Risk

There is not considered to a material visual detriment from the need to raise finished floor levels 500mm above existing ground level. The land on which the dwellings would be sited is set back and slopes away from the proposed access road and therefore the need to raise the height of the dwellings would not be substantially detrimental as to how the dwellings present to the surrounding area.

Conclusion

It is considered that there is not an essential need for two agricultural dwellings in this countryside location. Moreover, although the proposal would have some economic and social benefits they are outweighed by the harm that the proposal would cause in terms of other social and environmental factors. They include the distance from local services and facilities, reliance upon the motor car and the development's harmful effect upon the character and appearance of the countryside.

The site is not therefore considered to be a suitable location for a new dwelling with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is contrary to Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019 and Paragraphs 7, 8, 11, 47, 79, 122, 127 and 170 of the National Planning Policy Framework, 2019. Paragraphs 7 and 8 indicate that new housing should be in a sustainable location and contribute towards protecting and enhancing the environment. Paragraph 79 stresses 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. It has not been satisfactorily demonstrated that the latter is the case for in excess of one additional agricultural worker, having regard to advice within National Planning Practice Guidance published 22 July 2019 (Housing Needs of Different Groups).

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share

a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.