

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0101-24 **Applicant:** Mrs K Doubleday-Collishaw

Proposal: Erection of agricultural dwelling

Location: Land At Green Lane Holbeach St Johns Spalding

Terminal Date: 22nd April 2024

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 6. Building a strong competitive economy.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

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

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for the erection of an agricultural dwelling, with all matters reserved for subsequent approval. The application is accompanied by a detailed justification statement.

Site Description

The site is located in open countryside on the north-western side of Green Lane, Holbeach St Johns. It is currently used as grazing land. Access is off Green Lane.

The nearest properties include a bungalow (Green Lane Lodge) to the south-west and "The Paddocks" to the south off Old Fen Dike. Jekyll's Farm is situated approximately 150 metres to the west, including livestock buildings.

Recent Planning History

None relating to the site.

Consultation Responses

Gedney Parish Council

Supported.

LCC Highway and Lead Local Flood Authority

No objections subject to informative(s).

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water and/or treated foul water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws, in this case byelaw 3.

Environmental Protection

No comments/observations.

LCC Historic Places Team

Recommend conditions.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Information from Applicant (summarised)

CDC Farms is a family Farming Business of husband and wife Å??ç?? based at Jekylls Farm, Holbeach St. Johns, covering approximately 400 acres of mainly grassland being owner occupied land and tenanted land. The buildings at Jekylls Farm are used for their Suckler cow and Fattening business. In association with this they also run Fendyke Farming Ltd the arable enterprise covering a further 800 acres.

Mr C Doubleday-Collishaw originally started in 2005 as a Sole Trader and then became a Partnership with his wife Katie in 2018 trading as CDC Farms.

Original there were 5 cows followed by another 6 in 2006 with the intention of selling the young fatstock to the local butchers, however due to the quality of the cows it was suggested that he started breeding using the heifers as replacements and fattening the steers. After 10 years the herd numbers had grown to between 120-150 cows with 30% plus heifers being retained. The current cow numbers are at 300 plus youngstock and fattening beasts meaning that there are approximately 700 plus cattle on the farm at any one time.

In 2009 planning permission was granted for erection of the first finisher building at Jekylls Farm, being 100'x120' with open yards beside. In 2018 a further livestock building being 100'x40' was granted planning and a similar building was built in 2022.

There are four main livestock buildings, together with grain store, two machinery stores and straw store.

Present Farming Business

Arable - The farm continues to operate an arable operation as Fendyke Farming Ltd on the land producing Wheat Barley Maize beans Oats and rotational grass. The Barley Maize beans Oats and Grass are used for feeding the livestock making them almost self-sufficient.

Livestock - Jekylls Farm continues to be used for the production of fat cattle. The recent expansion of herd numbers and building of further livestock buildings means that the business continues to expand meeting the continued demand from local supermarkets. However, being in the countryside attracting qualified and reliable staff to work and look after the animals is proving incredibly difficult without housing in close proximity or on site.

At present the farm employs one livestock person alongside the Owners but he is housed away from the farm and the need for someone other than the Owners to be close by to the livestock is becoming a requirement to meet Health and Safety and Welfare concerns and the demands of the supermarkets. It also plays a part in the story of farm to fork.

The Stockman is a full-time person responsible for carrying out all the necessary functions including calving weaning feeding, watering, strawing, ventilation and mucking-out. The systems are straw based and require a reasonable amount of manual strawing and mucking out throughout the year. All temperature control is manual, and it is important to get this correct especially during hot and cold periods to maintain a constant temperature for health and welfare, it also improves the feed conversion ratios.

The production of Cattle is also governed by the Welfare codes and the Welfare of Farmed Animals Regulations 2000. The code must adopt the highest standards of husbandry. Without good stockmanship animal welfare can never be adequately protected. The welfare of pigs is considered within a framework that was developed by the Farm Animal Welfare Council known as the Five Freedoms.

This therefore always requires constant supervision by an experienced stockperson on site.

Attention to detail is paramount with the breeding and production of fat cattle. Supermarkets have very high specifications for the carcass classification, quality of cattle and the condition that they arrive in. Any failure in standards by the stockman will mean contracts or market prices can be terminated or reduced. Inspections are carried out annually by approved Inspectors. The scheme requires stringent paperwork in relation to each individual beast and attention to detail in providing

the best quality beef.

Planning Considerations

The main issues in this case are:

- Policy/sustainability.
- The likely impact upon the amenity of nearby residents.
- Highway safety.
- Other material considerations such as flood risk, ecology and archaeology.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Policy/Sustainability

The site is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Part D of Policy 1 of the SELLP 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. Agricultural dwellings may also, by exception, be justified in the countryside.

The above approach is consistent with general advice within the National Planning Policy Framework, December 2023. In the context of supporting a prosperous rural economy, paragraph 88 says decisions should enable the development and diversification of agricultural and other land-based rural businesses. Paragraph 84(a) states planning policies and decisions should avoid the development of isolated 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. Paragraph 84 is considered applicable in this case since the site is divorced or physically separate from a settlement.

The application is in outline for an agricultural dwelling, with all matters reserved for subsequent approval. Details relating to the existing agricultural holding and the need for a stockman's dwelling are outlined earlier within the report.

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 when applying paragraph 84(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 effective 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).

Addressing this matter, a labour requirement test indicates that the present need is for a minimum of two full-time stockman. This is based on John Nix's Farm Management Pocketbook using standard man-days, in accordance with well-established methods and tables.

In addition, the applicant has argued the following:

At present the farm employs one livestock person alongside the Owners, but he is housed away from the farm. The need for someone other than the Owners to be close by to the livestock is becoming a requirement to meet Health and Safety and Welfare concerns and the demands of the supermarkets.

The Stockman is a full-time person responsible for carrying out all the necessary functions including calving weaning feeding, watering, strawing, ventilation and mucking-out. The systems are straw based and require a reasonable amount of manual strawing and mucking out throughout the year. All temperature control is manual, and it is important to get this correct especially during hot and cold periods to maintain a constant temperature for health and welfare. It also improves the feed conversion ratios.

The production of Cattle is also governed by the Welfare codes and the Welfare of Farmed Animals Regulations 2000. The code must adopt the highest standards of husbandry. Without good stockmanship animal welfare can never be adequately protected. The welfare of pigs is considered within a framework that was developed by the Farm Animal Welfare Council known as the Five Freedoms.

This therefore always requires constant supervision by an experienced stockperson on site.

The evidence provided satisfactorily demonstrates that there is a necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land based rural enterprise. This consideration has therefore been satisfied.

2. The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

The enterprise is fully established and has operated for a considerable number of years. Moreover, the submission is accompanied by a letter from the applicant's accountant indicating that the enterprise is clearly profitable. The project would be funded by CD-C Farm machinery which, based on the current estimated build costs as well as historic and expected future profitability and investments would have no problems financing the project.

It is considered that the enterprise is currently financially viable and able to sustain the cost of the proposed dwelling. The proposal is therefore able to satisfy this consideration and the sustainability element.

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 enterprise is currently viable and a new dwelling for occupation by a stockman is considered essential for the continued viability of the farming business. Therefore, this consideration has been satisfied.

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.

The need could not be met through improvements to existing accommodation on or near the site. Although the owners live nearby the need is for a dwelling to be occupied by the stockman. Therefore, this consideration has not been satisfied.

5. In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period.

The existing enterprise is not a new enterprise. This consideration is not therefore relevant to this application.

Concluding, there is agricultural support for a proposed agricultural worker's dwelling in this location, the design and appearance of which would be determined at the reserved matters stage. Consequently, the application complies with Part D of Policy 1 of the SELLP, paragraph 84(a) of the Framework and paragraph 010 of the Planning Practice Guidance.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (December 2023). Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest properties include a bungalow (Green Lane Lodge) to the south-west and "The Paddocks" to the south off Old Fen Dike. Jekyll's Farm is situated approximately 150 metres to the west, including livestock buildings.

Given the general relationship to existing properties and the separation distances it is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc. The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

Highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The proposal is for the erection of an agricultural dwelling - outline with all matters reserved. There are adequate locations in which a safe and suitable access could be installed on Green Lane. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in this respect.

Flood risk

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by a) applying the sequential test and then, if necessary, the exception test".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this. If, following the application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exceptions test can be applied if appropriate.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood

risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source.

In this case, the site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The sequential test therefore needs to be applied. However, these have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

In terms of the aforementioned, the Residual Flood Hazard Map classifies the site as no hazard. Consequently it is considered that the proposal passes the sequential test.

Notwithstanding the above, in accordance with Government advice, the exceptions test still needs to be applied because the development is classified as "more vulnerable" and is within Flood Zone 3.

The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In consideration of the requirements of the exceptions test, the proposed use would be connected to the existing business and is considered essential in this location, so there is a specific need for the development in this location. Consequently, wider sustainability benefits outweigh flood risk.

In terms of the second element, the submitted Flood Risk Assessment recommends that finished floor levels be set at least 300mm above existing ground level, with flood resilient construction.

The proposal is therefore satisfactory in flood risk terms and in accordance with Policies 2 and 4 of the SELLP in this respect.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate. This is considered sufficient at this time to conform with Policy 28 of the SELLP.

Archaeology

The site lies in an area of high archaeological potential associated with possible Roman rural agricultural activity (ditches, double ditches and/or old watercourses). The Lincolnshire HER records multiple sites lying in the adjacent fields to the north, northeast and west of the site. These have been identified through cropmark assessments and are likely not recorded within the site boundary due to a lack of previous investigation. A hoard of Roman coins was found at 'Gigglesburn', circa 300m. to the northwest of the site, when a ditch was dug before 1724. In addition to this, a Romano British Settlement, Fleet Drain is located to the south of the proposed development site.

The proposed development comprises residential development comprising one single detached dwelling with garage in addition to associated works including access road, potential landscaping, drainage, and services. Groundworks associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

LCC Historic Places Team therefore recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above, and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions and is in accordance with National Planning Policy Framework paragraphs 200 and 211.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed development is outside Sutton St James settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP 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.

Addressing the above, it is considered that there is a necessity for an agricultural dwelling in this countryside location in association with the existing agricultural enterprise, subject to design considerations which would be considered at the reserved matters stage.

There are no objections to the proposal on amenity, highway safety, flood risk, ecology and archaeological grounds, subject to conditions where appropriate.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved conditionally under Delegated Authority.