DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0181-19**	**Applicant:**	**Mr David Price - The Seed Co-Operative**
Proposal:	Proposal for Temporary Permission to site a Residential Caravan at Gosberton Nursery to house an essential worker		
Location:	Gosberton Bank Nursery Gosberton Bank Gosberton		
Terminal Date:	26th July 2019		

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

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for the siting of one residential caravan at Gosberton Bank Nursery, Gosberton Bank, Gosberton Spalding.

Seed Co-operative is a community owned company based on the site. It sells and produce organic seeds for commercial growers and amateur gardeners. The applicants live permanently in the farmhouse and run daily the business on site. Under a volunteering international scheme, further people stay regularly on the site up to three months in order to learn the organic farming techniques and the operation of an organic food company. The reason of the proposal is to provide temporary accommodation to host these volunteers.

Sanham Agricultural Planning Ltd. Consultants advised that no essential need had been demonstrated for the new mobile home on the basis of the requirements laid down in Para 3 of Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas. In view of this objection, the agent submitted further details comprising a 5 year plan to convert the unused dwelling loft into habitable space whilst the applicant would be temporarily in the static caravan.

Site Description

The site is out of the built-up area of Gosberton within open countryside. Gosberton Bank is a lane which links the site to A16 further to the east and also Gosberton to the west. Roman Lodge is a house farm onto Gosberton Bank. An adjacent track to the east dips into agricultural land to the south to serve access to Gosberton Bank Nursery. The dwellinghouse and a detached garage are the first buildings coming from the track. A large agricultural outbuilding, greenhouses and other ancillary development to the rural business are located further to east. A spacious rear garden in grass would extend to the rear boundary of the nursey complex. The adjacent land of the garden is vacant and grassed.

The caravan would be located some metres away from the rear of the detached garage and set an angle with the northern end facing the north.

History

None

Consultation Responses

Sanham Agricultural Planning Ltd. Consultants

In a letter dated 4 April 2019, Mr. Coombe made an objection to the proposal stating that the proposal does not comply with the five criteria contained in Para 3 of Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas which must be satisfied to justify a new dwelling on an agricultural holding.

Para 3(i) - "There is a clearly established existing functional need" - any existing essential/functional ne ed which exist in Gosberton Bank Nursery is currently being fulfilled by the existing farm house.

Para 3(ii) - "The need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement" - as there is no essential/functional need for more than one person to live at the application site this criteria has not been satisfied

Para 3(iii) - "The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so" - no financial information has been submitted with this application. Therefore, I am unable to assess the financial viability of the enterprise.

Para 3(iv) - "The functional need could not be fulfilled by another existing dwelling on the uni or any other existing accommodation in the area which is suitable and available for occupation by the workers concerns" - as stated above under Para3(i) I consider that any essential/functional need is being fulfilled by the existing farm house on the unit, and therefore there is no need for a second dwelling.

Para 3(v) - "Other planning requirements, e.g in relation to access, or impact on the countryside, are satisfied" - I consider this is a planning criteria and should therefore be assessed by yourself as the Case Officer, as it will not affect the agricultural or horticultural needs of the enterprise.

In conclusion, it was advised that there was no agricultural or horticultural support for the proposed siting of a mobile home for a second rural worker at Gosberton Bank Nursery.

Mr. Coombe sent a letter dated 10 June 2019 after being consulted about the amended proposal. The objection remains since the amended proposal still do not comply with all the agricultural/horticultural criteria mentioned above. It was advised that should the conversion of the loft space in the farmhouse and the adjacent garage into habitable space be granted under planning grounds, then no agricultural justification would be required.

Lincolnshire County Council Highways/SuDs

No objection

Gosberton Parish Council

No comment

Planning Considerations

Principle of development

The site location is out of the settlement boundaries of Gosberton as per the Inset Map 18 of South East Lincolnshire Local Plan, 2019. The site is therefore located within an area designated as countryside.

Policy 1 of the Local Plan states that "in the Countryside development will be permitted 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".

Although there would be sequentially alternative sites to accommodate the mobile home out of the Gosberton Bank Nursery if needed, the purpose of the development is inherently linked to the agricultural enterprise based on the site. Consequently, any alternative location elsewhere would be somewhat meaningless.

Having said that, the development should meet the principles of sustainable development to justify their location in the countryside and comply with Policy 1. The proposal would bring benefits per each dimension of the sustainable development as follows:

Economic

-The applicants and volunteering workers live in the farmhouse occasionally with some volunteers sharing a room. The siting of a temporary mobile home would allow to meet urgently the lack of appropriate accommodation which is having an adverse effect to the daily function of the business.
-The need for a mobile home is the result of the business growth. Should planning permission be granted, the habitable space of the dwelling would be no longer overlapped with business activities undertaken inside the residential building. Therefore, the business growth would not resulted stagnant due to the lack of suitable living space.
-The growth of Seed Co-operative plays a key role in encouraging sustainable practices in the predominant agri-food sector in Lincolnshire which produces and processed over 12% of the UK's food supply (Source: Strategic Economic Plan by Greater Lincolnshire, dated 31 March 2014).

Social

-The proposal would allow Seed Co-operative to keep growing and continuing to facilitate the share of knowledge and experiences between local workforce and non-Lincolnshire based volunteers.

Environment

-The siting of a mobile home in the large domestic garden of the farmhouse would not create any unduly detrimental impact to the surrounding rural landscape.

-The site is out of flood risk as per the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The siting of the mobile home would be safe for its lifetime as well as its occupiers without increasing flood risk elsewhere.
-Should permission be granted for the mobile home, the growth of the organic farming enterprise on the site would be ensured. This business expansion would enhance albeit in a small scale agricultural production without synthetic substances in front of the large agricultural producers which deploy less-sustainable techniques with harmful impact upon the biodiversity.

For these reasons, it is concluded that the principle of development is acceptable because the proposed mobile home would meet the wider sustainable objectives and, in turn, would comply with Policy 1 of the Local Plan unless other material considerations indicate otherwise as laid down in section 70(2) of the Town and Country Planning Act 1990.

Size and scale

The specific dimensions of the mobile home have not been provided in the application documents although it has been said that the static caravan would be "of the types used on holiday park, so it is self-contained with two bedrooms". A photograph of the caravan has been enclosed to the application. The size and scale of the mobile home would be commensurate with the farmhouse and large outbuilding.

Design and layout

The mobile home would be sited some metres away behind the large detached garage. The relationship of the ancillary development with the main property would be acceptable.

The appearance of the caravan would not be incongruous with the rural character of the location. Similar static caravans are sited in agricultural holdings and other rural locations across the district. As there is no flood risk on the site, the caravan would not be highly raised for the safety of the unit and its users. Thus, the visual impact of the mobile home would not be increased. Overall, there is no reason to object the design and external layout of the proposed development.

Impact upon residential amenity

The caravan is located so that it would not appear to be totally isolated from the farmhouse neither unduly close to the main residential building. The angles and distance between the windows of the caravan and the rear conservatory of the dwelling are such that no overlooking would occur. There is no other adjacent house to the application's site. Therefore, the amenity standards of the mobile home occupiers and farmhouse residents would be preserved after carrying out the proposal.

Conclusion

Even though there might not be sufficient justification to grant the siting of the temporary mobile home under agricultural/horticultural policies, the proposal has similarities with other agricultural enterprises where permission has been granted on a temporary basis for migrant workers' accommodation. Taking this into account it is considered that the case put forward by the applicant is sufficient to explain the requirement for the temporary accommodation, notwithstanding the views of our agricultural consultant. Material planning considerations suggest that the proposed development is in accordance with Policy 1, 2, 3 and 4 of South East Lincolnshire Local Plan, 2019 and Section 2, 12 and 15 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated powers.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.