DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0216-19**	**Applicant:**	**Mr Paul Adams**
Proposal:	Siting of portable log cabin for use as residential dwelling		
Location:	Cheal House Farm Cheal Road Gosberton		
Terminal Date:	19th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning application for the siting of a portable log cabin for use as residential dwelling at Cheal House Farm, Cheal Road, Gosberton.

The exact proposal is discussed in further detail below but, in summary, the applicant wishes to site a log cabin for residential use on the site in order to support the agricultural business they operate. Agricultural equipment owned by the business is stored on site and contracted out. The applicant wishes to live on site to provide security for this. In addition, the applicant has highlighted an intention to operate a small livestock element on the site in the future, which it is suggested would also require someone to be on site.

Site Description

The site is predominantly greenfield in nature comprising of a large area of agricultural land at the rear, but with an area of hardstanding in front of two large agricultural sheds. There is also a cluster of dilapidated red brick barn type buildings towards the front of the site. The wider area has a distinctly agricultural feel. There are few residential properties in the vicinity.

The site is not located within any defined settlement limit as set out in the South East Lincolnshire Local Plan (2019) and is therefore classed as being in the countryside.

History

None.

Consultation Responses

Gosberton Parish Council - No comments.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

LCC Historic Environment Officer - No archaeological impact.

SHDC Environmental Protection - Requests note re unexpected contamination.

Agricultural Consultant - Concludes that there is no agricultural support for the proposed log cabin as there is no essential/functional need for the applicant to live on the site, and the proposal is unable to comply with the criteria in the NPPF or Annex A to PPS7 (full response is expanded on below).

Planning Considerations

The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is therefore classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only 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.

Paragraph 79 of the NPPF makes provision for new 'isolated' dwellings in the countryside where there is 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. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. There are buildings and residential properties in the vicinity, therefore the site cannot be described as remote or 'isolated'.

In the absence of any specific guidance on assessing the details of applications for agricultural workers dwellings in the Local Plan or NPPF, Annex A to PPS7: Agricultural, Forestry and Other Occupational Dwellings remains a useful guide in assessing such applications. This sets out a range of criteria to be fulfilled, including that there should be a clearly established existing functional need, the unit and the agricultural activity concerned should have been established for at least three years and have a clear prospect of remaining financially sound.

Turning to the proposal itself, the applicant has submitted that the site comprises of 1.62 acres of hardstanding, a grain store and several agricultural buildings as well as arable/grazing land of just over 3 acres. The applicant states that a presence is required on the premises at night to provide security for the agricultural equipment owned by the business and that any future livestock operation on the site would also require someone to be on site. The applicant is currently operating a contracting business from the premises for agricultural machinery, which they have built up over 3 years. It is stated that the profits from the business are being invested in the applicants aim to establish an arable and livestock business from the premises. The site is currently leased from a relative and the grain store is used by another relative who are both long established farmers in the local area. It is the applicants intention to undertake increased crop growing in the future when the financial position allows. Accounts have been provided for years ending 31st December 2017 and 31st December 2018 as well as a projected trading and profit and loss account for the end of financial year 2019.

The submitted information has been considered by the Council's Agricultural Consultant, who advises that (summarised):
- The NPPF is only supportive of sustainable development which, in the case of agricultural workers dwellings, is taken to mean that the farming enterprise is required to be financially viable, and capable of sustaining the cost of the proposed dwelling after the deduction of all costs in the long-term.
- The two years accounts submitted do show a profit in each year, however, the profit when added to the director's salary shown in the accounts does not add up to the minimum wage. In addition, no wages are shown in the accounts for the existing employee which it is stated is employed by the business. Therefore concludes that the existing business is financially unviable.
- The applicant is operating as an agricultural contractor and the site is effectively a base for an agricultural contracting business rather than an agricultural/horticultural business itself. Therefore consider that there is no clearly established existing essential/functional need for a worker to live a the application site.
- The business has not been established on the unit for at least three years, and there is not agricultural activity carried out on the unit.
- The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. In addition, the proposed livestock enterprise has not been disclosed, and if it is based on only 3 acres it would be very much part-time, and have no essential/functional need for a full-time worker to live on the application site.
- As there is no essential/functional need for a person to live at the application site, any dwelling within the area which is available would be suitable to fulfil the needs of the site.
- In conclusion, there is no agricultural support for the proposed log cabin as there is no essential/functional need for the applicant to live on the site, and the proposal is unable to comply with the criteria in the NPPF or Annex A to PPS7.

Given the above, it is not considered that the proposal complies with Annex A to PPS7 or the necessity criteria of Policy 1 of the SELLP.

Although it has been established that the proposal does not meet the necessity criteria of Policy 1, the policy does also make provision for development in the countryside where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Given that the Council's Agricultural Consultant has concluded that the enterprise is not financially viable, it is not considered that the proposal would result in the delivery of meaningful sustainability benefits beyond the immediate to short-term. It can therefore be argued that it does not satisfactorily comply with Policy 1 of the Local Plan.

Conclusion

The Agricultural Consultant's advice is clear that the case put forward fails to justify a permanent agricultural dwelling on the application site.

It has been concluded that there is no existing essential/functional need for the applicant to live on the site and, as such, the proposal does not comply with the criteria in Annex A of PPS7, specifically parts 3 and 4. Furthermore, it is not deemed to be economically viable, contrary to part 8 of Annex A of PPS7 and the NPPF's key theme of sustainable development. It is also contrary to Policy 1 of the South East Lincolnshire Local Plan (2019).

As a result, a delegated refusal is considered to be appropriate.

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