DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0127-24**	**Applicant:**	**George Thompson Farms Ltd**
Proposal:	Proposed Calf Barn		
Location:	Hurn Bank Holbeach Hurn Spalding		
Terminal Date:	25th 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
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 6. Building a strong competitive economy.
Section 12. Achieving well-designed and beautiful 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	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a calf store (600sqm). The building would have a width of 15m, length of 40m, eaves height of 4.4 metres and ridge height of 7.9m approximately. It would be constructed in part blockwork with wooden cladding above. The roof would be profiled fibre cement sheets.

Site Description

The site is located in open countryside approximately 1km to the north-west of Holbeach Hurn and to the north of Hurn Bank. It is divorced from the main farmyard at Grove Farm and is accessed by a private hard surfaced roadway. Other farm buildings are situated adjacent the site.

An associated house (The Grove) is located some 450 metres to the south-west. Other residential properties are situated within the locality, including off Hurn Road, the nearest being approximately 6-700 metres to the south-west.

Recent Planning History

H09-0281-09 - Agri Det - Proposed livestock building (450 m2 floorspace) - Approved 11 May 2009.

Consultation Responses

Holbeach Parish Council

No comments.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Environment Agency

This proposal comes under cell D4 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'.

Public Representations

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.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability.
- Character/Appearance.
- Impact on Neighbouring Residents/Land Users.
- Highway Safety.
- Flooding Risk Considerations.
- Foul and Surface Water Drainage.

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 adopted South East Lincolnshire Local Plan (SELLP) 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.

Principle of Development

Policy 1 of the SELLP indicates that new development will be permitted in the countryside where it 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 3.2.15 of the SELLP indicates that there are types of development that require a countryside location, either because it is the location of an existing building or use of land. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, December 2023 promotes sustainable economic growth. Paragraph 88 specifically indicates that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal is necessary in this location in conjunction with the existing agricultural holding and would bring economic benefits. It is a sustainable form of development in spatial terms and is in accordance with Policy 1.

Character/Appearance

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 quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposal is for a calf store (600sqm). The building would have a width of 15m, length of 40m, eaves height of 4.4 metres and ridge height of 7.9m approximately. It would be constructed in part blockwork with wooden cladding above. The roof would be profiled fibre cement sheets. It is typical of modern agricultural buildings within the area. It is set well back from the public highway and would be viewed against a backdrop of existing agricultural buildings It is considered that it would not materially harm the character or appearance of the countryside, subject to additional landscaping to help integrate it into the rural landscape.

The development therefore satisfactorily accords with Policies 2, 3 and 28 of the South East

Lincolnshire Local Plan, 2019 and advice within the Framework in this respect.

Impact on Residential Amenity/Land Users

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. Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

They are consistent with advice within the National Planning Policy Framework (December 2023). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site is located in open countryside approximately 1km to the north-west of Holbeach Hurn and to the north of Hurn Bank. It is divorced from the main farmyard at Grove Farm. An associated house (The Grove) is located some 450 metres to the south-west. Other residential properties are situated within the locality, including off Hurn Road, the nearest being approximately 6-700 metres to the south-west.

Given the separation distances from residential properties, it is considered that the proposal would not result in unacceptable adverse impacts that are significantly greater than present activity within the farmyard in terms of noise and disturbance, odour, etc, subject to mitigating conditions.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity, subject to mitigating conditions.

Highway Safety

Policy 2 of the SELLP indicates that sustainable development considerations should be met in relation to access and vehicle generation levels. Policy 36 and Appendix 6 of the SELLP set out the minimum standards for parking provision based upon the use class. In the case of agricultural development car parking should be assessed on a sit by site basis.

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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 a Calf Barn. The site has a good access with the public highway and roads leading to the site. The actual location is well away from the public highway. The proposal will create an additional internal tractor movement a day. There is no precise definition of "severe" with regards to NPPF Paragraph 115, which 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."

Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
· The highway network is over-capacity, usually for period extending beyond the peak hours
· The level of provision of alternative transport modes
· Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to advice within the NPPF.

On the basis of advice from LCC Highways, the development satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood Risk/Drainage

Policy 4 of the South East Lincolnshire Local Plan is clear in that "development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk

during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria are met.

The above include where it can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, ie. there is a specific need for the development in that location.

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 "danger for most". However, the proposed use would be connected to the existing agricultural enterprise and is necessary in this location. If 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 should therefore be applied.

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 NPPG confirms that 'land and buildings used for agriculture and forestry' is classified as 'Less Vulnerable'. Table 2 of the NPPG 'Flood Risk Vulnerability and Flood Zone Compatibility' states that less vulnerable development is appropriate in Flood Zone 3. Moreover, it is considered in this case that the wider sustainability benefits outweigh flood risk in this case.

In terms of part 2, the proposal falls within Cell D4 of the Standing Advice Matrix, which recommends that finished floor levels be at least 300mm above existing ground level, plus flood resilient construction.

In terms of drainage, Policy 4 of the SELLP states, inter alia, that new development should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

Surface water would be disposed of via soakaways, so it is not expected that the proposed development would increase surface water flood risk or put an additional burden on the local drainage network. No foul water drainage facilities are proposed.

The development therefore satisfactorily accords with local and national policy in terms of flood risk/drainage issues.

Ecology

Policy 28 of the SELLP indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

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.

Planning Balance

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.

Policy 1 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and rural businesses are clearly uses which must function in the countryside. No objections are therefore raised in principle to the proposed development in this location.

The building would be of similar scale and appearance to other modern agricultural buildings seen across the district. It is considered that it would not materially harm the character or appearance of the rural locality or countryside.

The amenity of nearby residents would not be harmed to a significantly greater degree than at present in terms of such matters as noise/disturbance, odour, etc, subject to mitigating conditions. The County Highways Authority raises no objections on highway safety grounds. There are no significant flood risk/drainage issues.

The proposal is therefore in general accordance with the development plan and advice within the National Planning Policy Framework, December 2023 as a whole. There are clear economic benefits and there are no adverse matters in this case that outweigh factors in favour of the proposal, subject to mitigating conditions.

Conclusion

The proposal complies with Policies 1, 2, 3, 4, 30 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), December 2023. In considering all the matters raised above, the planning balance is in favour of the proposal and in accordance with the policies referred to above.

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 under Delegated Authority.