

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0319-25 **Applicant:** K Martin & Sons Ltd

Proposal: Use of site to house 6 static caravans for temporary living accommodation for seasonal agricultural workers - retrospective

Location: Old Brickyard Farm Penny Hill Holbeach

Terminal Date: 9th June 2025

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

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 9 - Promoting sustainable transport
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
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks planning permission to site 6 static caravans for temporary living accommodation for seasonal agricultural workers. The application is retrospective.

The plans show the arrangement of six static caravans, located in an area to the north of Old Brick Yard Farm.

Site Description

The application site is located to the northern most point of Old Brick Yard Farm. The existing farmhouse is located to the south fronting Penny Hill Road, in between there are buildings associated with the working farm including agricultural barns and silos. There are two access points to the farm. The caravans cannot be seen from Pear Tree House Road.

The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area. Surface water will be addressed by a soakaway with foul water addressed via a package treatment plant. Further details of drainage will be addressed via condition.

History

H09-1269-18 - Use of site to house 6 static caravans for temporary living accommodation for seasonal agricultural workers - retrospective. Approved 13-05-19

This was a temporary permission, giving 5 years to the applicant.

Wider Farm

H09-0126-24 - Conversion & Extension of Barn to Holiday Let. Approved 18-04-24

H09-1378-06 Full - Change of use from agricultural to domestic garden - Approved - 24 November 2006.

Consultation Responses

Parish Clerk

Fully Support

South Holland IDB

The Board has reviewed the current submission under reference H09-0319-25 and the Officer Report for the original grant of planning permission under reference H09-0640-19. We understand that there will be no change to the existing surface water or foul water disposal methods for the 6 static caravan units. The Board has no objection to a retrospective grant of permission here. If however, site circumstances change requiring the discharge of either surface water or treated foul water to a local watercourse then the Board's previous consent will be required under the terms of Byelaw 3. A copy of the Board's Byelaws and information about applying for land drainage consent are available on the Board's development web pages.

Highways & SuDs Support

No objection - The proposal is for Use of site to house 6 static caravans for temporary living accommodation for seasonal agricultural workers - retrospective, which had previous planning approval under application H09-0640-19, and it does not have an impact on the Public Highway or Surface Water Flood Risk

Environmental Protection

The caravans will now be subject to risk assessment and testing of water supplies under Regulation 8 (onward distribution) of the 2016 Private water supplies Regulations please provide Environmental Protection with a schematic and details of the water supply arrangements

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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.

Planning Considerations

The key considerations are relevant to this section:

- Principle of Development
- Flood Risk
- Highway Safety
- Character and Landscape
- Environmental Issues
- Biodiversity Net Gain
- Planning Balance

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with

areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states that *The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. 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.*

The proposal is to provide accommodation for seasonal agricultural workers, relating to an established need for such staff in relation to the operations at the Old Brick Yard Farm. The same proposal achieved planning permission under H09-1269-18. In terms of aligning with the overarching spatial strategy (SELLP Policy 1) there is a clear requirement for these caravans to be sited in this location.

The reason for the temporary permission under the former approval was *Permission has been granted on grounds of an essential agricultural need. Also, the static caravans are of a temporary nature and by reason of their materials may become dilapidated and cause injury to the amenities of the locality. A temporary permission enables the Local Planning Authority to review the situation with regard to these issues*

On the site visit, it was noted that the caravans appeared to be in reasonable condition and are likely the same caravans as approved previously, they were also clearly in occupation. It is not considered that the element relating to the materials and their deterioration alone has sufficient reasonableness to once again issue a temporary decision.

Notwithstanding this, the applicant has stated within the application form they are seeking a temporary permission. Notwithstanding this, limited information by way of need has been presented to the LPA to consider allowing a permanent permission for this accommodation in any case. Projected information on their use and how they are commensurate with future operations of the farm has not been received, though it was noted there were workers around the farm and that these units were in occupation. On this basis then it appears that there is clearly a short-term requirement and so a temporary permission will again be issued. This is not based upon need also, but also other matters such as flood risk (which is discussed later in the report).

Therefore, given the proposed units are occupied and required in this location to support the existing farm business they are in accordance with SELLP 1 and compatible due to meeting an essential agricultural need.

Impact on the Character of the Area, Residential Amenity and Land Users

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Paragraph 135 of the National Planning Policy Framework (December 2024) also states that

development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It should be noted that the nearest residential properties are Old Brick Yard Farmhouse and Osborne House located to the south. However, they are separated from the static caravans by existing agricultural buildings. No objections have been received. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise, disturbance, lack of privacy, etc.

The proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, nor would unacceptable impact be caused to the character or appearance of the area. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be a 'Danger to some' rating on the South East Lincolnshire SFRA Hazard flood maps for 2115.

The application site is located within flood zone 3 in accordance with the EA flood maps for planning. SELLP Policy 4 states that:

Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding.

However, large parts of the South Holland District lie within Flood Zone 3 in accordance with EA Maps. The latter 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. 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), which show a 'Danger for some' rating on both the predicted 2115 flood maps.

The statics are only required for a temporary period (as stated within the application form). The hazard mapping (present day) within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. Given they are currently being occupied, it is considered that a new temporary permission subject to conditions, one confirming that only seasonal occupation is allowed are appropriate to apply in this instance.

Conditions will also relate to the floor levels of the static caravans being 500mm above existing ground levels and that they shall be anchored to the ground and with the former being confirmed by the applicant within the FRA.

Locationally, it is clear that there is a need on this site for this type of accommodation and therefore the sequential test is not required. The proposal would provide wider community benefits through supporting essential agricultural working practices. In terms of being safe for its lifetime, this is made acceptable by the temporary permission that will be issued.

It should also be noted that the existing foul and surface water solutions are already in place.

On this basis whilst the proposal does not meet with the aims of SELLP Policy 4, the caravans are currently occupied by seasonal workers and there is a need. Also a permission has been in place since 2019. Therefore, in this instance a temporary permission is considered acceptable subject to

conditions. It is considered that longer term, if a need is established that accommodation that is more suitable for the flood zone should be explored.

Highway Safety

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Vehicular access to the caravans can be gained from Pear Tree House Road and a concrete apron is located next to them which would allow for sufficient parking and turning. Highway have been consulted and have no objections to the proposed development.

On this basis, the proposal is considered acceptable and would accord with Policy 2, 3 and 36 of the SELLP and Section 9 of the NPPF.

Environmental Issues

NPPF Paragraph 135f of the National Planning Policy Framework (December, 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposal would provide workers with an adequate space, as a live to work unit. Also in terms of proximity to other dwellings only the farm house would be affected, given that they are the applicants, then this proposal is acceptable in these terms.

Environmental Protection have made comment that the caravans will now be subject to risk assessment and testing of water supplies under Regulation 8 (onward distribution) of the 2016 Private water supplies Regulations, and have requested details of water supply arrangements. It is considered that as this mitigation exists outside of planning (2016 Private water supplies Regulations) then the matter is mitigated, by that legislation.

On this basis, as regards environmental matters, the proposal is considered to accord with the aforementioned planning policies set out at the start of this section.

BNG

NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this

assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The applicant has provided a BNG statement which claims that the site is not applicable to qualify for providing a net gain. The site is made up of a concrete slab with 6 number caravans located on it. It is considered that this would be a development below the threshold. The development does not impact a priority habitat and impacts less than 25 square metres of onsite habitat (the caravans are sited on a concrete slab, realistically meaning there is no onsite habitat), nor does it impact 5 metres of linear habitats such as hedgerows. On this basis the development is exempt.

Planning Balance

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

The proposal represents inappropriate development within flood zone 3. SELLP Policy 4 is clear that Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding. The SFRA shown that the area is in a Danger for Some. Whilst there would be conflict with SELLP Policy 4, this permission, which is already being used for workers accommodation, and has been since 2019 will only be granted a temporary permission for seasonal workers.

This is considered appropriate as the hazard mapping (for present day) within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. It will also be subject to conditions regarding the finished floor level of caravans and the attachment to ground.

In basic principle terms, given the farm is in operation and is employing workers who are living in the caravans, this in itself demonstrates an immediate need in terms of essential agriculture. However, a long term plan/justification has not been provided and so the permission, in line with the request in the application form, will be issued on a temporary basis (which is pertinent for flood risk considerations also).

Therefore, with regards to the immediate need for these units, and the applications of flood related conditions a temporary permission is considered appropriate in this instance.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to accord with Policies 1 2, 3, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).