

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0736-24 **Applicant:** Mr J Gent

Proposal: Erection of a self-build agricultural workers dwelling and garage to replace existing agricultural workers caravan

Location: Acre Farm 40 Guanockgate Road Sutton St Edmund

Terminal Date: 23rd October 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
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 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & 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	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a self-build agricultural workers dwelling and garage to replace existing agricultural workers' caravan.

The application is supported by financial documents which expands upon the operation of the business. The proposed dwelling is located to the south and east of the Free range egg units and to the east of where the existing caravan is sited as well as a solar array.

The proposal is for a two storey three-bedroom dwelling with detached garage, the proposal is to be made up of red facing brick and clay pantile roofing, no information is given on the openings.

Site Description

The application site is located to the South East of the settlement of Sutton St Edmund and within the open countryside. It relates to an existing agricultural unit at 40 Acre Farm.

The proposal is located within flood zone 3 in accordance with Environment Agency Flood Maps and in a low hazard area (present day) within the SFRA.

The site is access from Guanockgate Road and is located to its east.

History

H19-0703-18 - Siting of agricultural workers mobile home in connection with poultry farm (retrospective) - previously approved under H19-0386-14. Approved 19th November 2018

H19-0386-14 - Siting of an agricultural workers mobile home in connection with an existing free range egg unit. Approved 18-08-14

H19-0431-13 - Erection of agricultural building for free range egg production. Approved 30-07-13

Consultation Responses

IDB

1st Response: Objection based upon the proximity of the development to the watercourse (within 9m).

Subsequently the applicant provided amended plans removing all works outside of the 9m buffer. No response following 2nd consultation.

Historic Environment Officer

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

Highways & Suds Support

No objection - The proposal is for Erection of a self-build agricultural workers dwelling and garage to replace existing agricultural workers caravan and it does not have an impact on the Public Highway or Surface Water Flood Risk. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

National Gas Transmission

Regarding planning application H19-0736-24 at site location 'ACRE FARM 40 GUANOCKGATE ROAD SUTTON ST EDMUND SPALDING PE12 0LU' there are no National Gas assets affected in this area.

Environmental Protection

No comments regarding this application and amendment 1

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

This is a full planning application for an agricultural workers dwelling to be sited close to an existing farm. The proposal would replace the existing caravan that is being lived in by a manager to support the ongoing existing operations.

The following topics are therefore relevant to this assessment.

- Principle of development (including essential and proven need)
- Planning Obligations
- Flood Risk and Drainage
- Highway Safety
- Ecology
- Environmental Issues
- Planning Balance

Planning Principle

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.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed, the paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).* NPPF (December 2023) paragraph 84a states that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) 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;

Essential and Proven Need

At present a full-time manager lives on the application site, in a mobile home, this was allowed in 2014 (and again approved in 2018) for a further 5 years. This mobile home is now in breach of conditions attached to the 2018 permission; this application seeks to regularise that scenario.

The applicant has presented 3 years of business accounts which support the claim that the business is financially sound and nothing within suggests that this will not continue to be the case. Moreover SHDC have support (albeit temporarily) an onsite mobile for full time residential accommodation to support the rural enterprise and this is over a 10 year period.

It is considered given that that an onsite residential presence has been required for over 10 years and that the accounts show a buoyant business there is clear justification to support that a continued on-site residential presence is required. Furthermore, this proposal would result in the removal of the mobile accommodation on site. Lastly the proposed dwelling is also of a scale that is modest, seeking a three-bedrooms for the applicant and family to continue residing at the 40 Acre site.

On the above basis it is considered that it is essential for a worker to permanently sited on this farm and that the scale of the dwelling is commensurate with that purpose. The proposal would therefore

accord with SELLP Policy 1.

Flood Risk & 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 is located within Flood Zone 3 in accordance with EA flood maps for planning. The South East Lincolnshire SFRA shows the area to be at low risk.

The application is of a type where alternative locations are not appropriate to consider (the site is for an essential worker) and so the sequential test is not applied. The exceptions test is two folded, It should be demonstrated that:

-development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and

-the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal would allow for the efficient continuation of a rural enterprise which supplied much needed produce, in these terms there are clear wider sustainability benefits. Secondly in terms of being safe for its lifetime the proposal is located within a 'low hazard' area in accordance with the SFRA and would be subject to meeting with EA standing advice. That said the supporting FRA states that the minimum floor construction would be 600mm above existing ground levels. This would be sufficient enough to ensure that the dwelling would be safe for its lifetime.

In terms of surface water drainage would be via soakaway, this is considered an acceptable approach. These design details will be covered by building regulations requirements and should any flows be directed to watercourse then the IDBs consenting proves will offer further mitigation.

Foul sewage is to be directed to a package treatment plant, again any treated flows directed to watercourse will be covered by the IDBs consenting process. Therefore, there is no requirement to attach drainage conditions.

Lastly the IDB initially objected as some of the development was located within 9m of an ordinary watercourse. Since the applicant has provided additional plans and all works are now outside of this buffer. The objection was not based upon surface of foul water disposal and its is considered that given the concerns are now resolved that the proposal is acceptable.

On this basis then it is considered that the proposal would accord with SELLP Policy 4.

Highway Safety

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.

The dwelling would utilise the existing access from Guanockgate Road, though a new internal track is to be laid to serve the dwelling and this runs along the south of the application site. The applicant also shows a detached garage as well as parking areas close to the dwelling.

Highways have been consulted and have stated that *The proposal is for Erection of a self-build agricultural workers dwelling and garage to replace existing agricultural workers caravan and it does*

not have an impact on the Public Highway or Surface Water Flood Risk.

The proposal then is considered acceptable in highways terms and would accord with SELLP Policies 2 & 3.

Character and Landscape

Policy 2 of the SELLP states 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.

Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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 detached two storey dwelling, made up of red facing brick and pant tiles, no information is given as regards the openings. The proposal in terms of scale and massing is acceptable and would not have wide ranging character impact, given its proximity to the agricultural buildings located nearby. It would also represent some betterment through the removal of the mobile home.

The proposed palette of materials are described within the application form, whilst they may well be acceptable the description is broad and would allow for a wide range of external finished, given the site countryside location it is considered that a condition will be attached to protect the character of the area.

On this basis the proposal is in accordance with SELLP Policies 2 & 3.

Environmental Issues Amenity

NPPF Paragraph 135 of the National Planning Policy Framework (December, 2023) 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 dwelling is sited away from all other neighbouring properties and it is likely that it will have a very limited impact outside of the site due to the separation distances. In terms of amenity for future residents the dwelling would present a better environment than the existing mobile home. The inhabitants of the dwelling will be limited by occupation to 40 Acre Farm. This will ensure an acceptable level of amenity going forward.

On this basis the proposal is in accordance with SELLP Policies 2 & 30 as well as the aforementioned content of the NPPF.

BNG

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 point 3 is 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.

The applicant has stated that the proposed development is BNG exempt as it is a self-build. Normally a legal agreement would be required to ensure that this is the case. However, as this is not for an open market dwelling and is clearly linked to the existing business (and to be lived in by the manager and family), both the terms of the permission (as well as a reinforcing planning condition) will ensure that the dwelling is for the ongoing purposes of the applicant. The proposal then is considered to be exempt from BNG on that basis that it is custom/self build.

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 appropriate development within the countryside. The development hereby proposed has demonstrated that there is an essential need for the dwelling and does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

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 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and 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.