

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0688-22 **Applicant:** T W Roffe Farming & T W Roffe Haulage Ltd.

Proposal: Proposed new dwelling for agricultural worker

Location: Ivy House Farm Sutton Road Sutton St James

Terminal Date: 10th March 2023

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 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.
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
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a 4 bedroom agricultural dwelling.

Site Description

The site is located in open countryside on the north-western side of Sutton Road, Sutton St James. It forms part of an associated farmyard, including agricultural buildings. Vehicular access is gained off Sutton Road.

Equestrian facilities, including a residential caravan, are situated to the south on the opposite side of Sutton Road and dwellings some 200 metres plus to the north-east, the nearest being Holland House and Home Farm.

Recent Planning History

None

Consultation Responses

Sutton St James Parish Council

Supported subject to agricultural clause.

LCC Highway and Lead Local Flood Authority

No objections subject to informative(s).

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws, in this case byelaw 3.

Agricultural Consultant

No agricultural support for the proposal.

Environmental Protection

Request contaminated land condition.

Public

No comments received.

Information from Applicant

The applicant (Mr Roffe/ T W Roffe Farm) has two well established businesses that operate within and around Sutton St James. The first business is the local village butchers shop, which was established by his grandparents in 1946 and known as T W Roffe & Sons and been a key part of the village for some 76 years. The shop is now known as N W Roffe & Daughter and is run by Mr Roffe's sister and daughter.

The meat for the shop is supplied to the family butchers by T W Roffe Farm. As peoples preference for locally sourced products is increasing so too is the demand for more produce. The shop is becoming increasingly busier. The shop also caters and provides foods for external private and corporate functions. As the village and surrounding areas are expanding, so too is the business. T W Roffe Farm currently have around 90 bovine at Franville (F W Roffe Farm), and with the purchase of Ivy House Farm and surrounding fields in 2018, this is expected to increase to around 150 in total within the next few years. All the cattle would then be located at Ivy House Farm.

The purchase of Ivy House Farm also allows for the much-needed additional storage for animal feed and straw.

Expansion

Due to the planned increase in the number of cattle and the current premises being inadequate to accommodate the number and they need more space for grazing, F W Roffe acquired Ivy House Farm in 2018 where all livestock will be placed in the next couple of years. As a respected and established business and members of the community, they believe the welfare and needs of the animals is paramount. As we are a family business it is the intention of our son Ben who will become the farm manager to take over the day-to-day welfare of the live-stock and running of the business. Ben has a keen interest in moving the business forward and embraces the advancements, new technologies and practices within the industry. With this in mind, it would be extremely advantageous for the need to reside in-situ so that the welfare of the live-stock can be monitored at all times.

The second business with which the application relates to is T W R Haulage Ltd. As the name suggests, it is principally a haulage business operating from Franville. The types of vehicles used for the haulage are Volvo Artic lorries and they have 6 vehicles. They mainly transport corn, potatoes and animal feed and operate from 6am to 6pm. They currently employ 10 full-time staff and 3 part-time staff. It is the intention to employ 2 additional staff members as part of the expansion plans.

Planning Considerations

The main issues in this case are:

- Policy/sustainability.
- The likely impact upon the amenity of nearby residents.
- Highway safety.
- Other material considerations such as flood risk and archaeology.

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 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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.

Policy/Sustainability

The proposed development is outside Sutton St James settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP is therefore applicable. It states that development will be permitted in the countryside 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.

Explanatory text accompanying the Local Plan indicates that there are types of development that require a countryside location and that they include agriculture.

Agricultural dwellings may also, by exception, be justified in the countryside.

The above approach is consistent with general advice within the National Planning Policy Framework, 2023. In the context of supporting a prosperous rural economy, paragraph 84 says decisions should enable the development and diversification of agricultural and other land-based rural businesses. Paragraph 80(a) states planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances such as 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. Paragraph 80 is considered applicable in this case since the site is divorced or physically separate from a settlement.

The application is for a large two storey dwelling with four bedrooms and three bathrooms with a usable floor area of around 3,000 square feet (279 square metres), plus additional garage and storage areas.

Mr. P. Roffe (the applicant) purchased Ivy House Farm in 2018. In addition to the farm, Mr. P. Roffe also operates a haulage business from Franville, which is also situated on Sutton Road a short distance (approximately 850 metres) from the application site.

The agricultural holding comprises a total of 34.5 hectares (85.17 acres) of land which it is understood is all owned. At the time of submission, the land was cropped with 13 hectares (32.2 acres) of grassland and 21.5 hectares (52.97 acres) of arable. No breakdown of the arable crops has been given. The holding was stocked with 25 suckler cows, one bull, 10 calves up to six months of age, and 30 store/fattening cattle aged 6-30 months. At the time of submission, the cattle were housed at Franville; however, it is proposed to keep the cattle at Ivy House Farm when numbers are to be increased.

The applicant is accompanied by four years accounts (years ending 31 March 2019, 2020, 2021 and 2022).

Planning Practice Guidance was provided in July 2019 at paragraph 010, which deals with the need for agricultural workers' dwellings in the countryside and which sets out considerations that may be relevant when applying paragraph 80(a).

They are as follows:

1. Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the affective operation of an agricultural, forestry or similar land based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products).

The Council's Agricultural Consultant considers that the existing part-time enterprise has only a limited essential/functional need when the cows are calving. This limited need relates to a part-time enterprise and is currently based at Franville. Therefore, there can be no essential/functional need for a permanent dwelling at Ivy House Farm, and there is no evidence of the necessity for a rural worker to live at or near Ivy House Farm.

Therefore, this consideration has not been satisfied, and neither has the essential need criteria in paragraph 80(a) of the Framework.

2. The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

The Council's Agricultural Consultant has assessed the submitted accounts for the farming business for the year ends 31 March 2019, 2020, 2021 & 2022. The business made a loss in the year ended 31 March 2019, and a small profit in 2020 which increased slightly in 2021. However, the business again made a small loss in the year ended 31 March 2022. The profits in 2020 and 2021 do not equate to a minimum wage for a full-time worker and would be unable to sustain the cost of a permanent dwelling. The Consultant is therefore of the opinion that there can be no confidence that the enterprise will remain viable for the foreseeable future as the enterprise is currently financially unviable and unable to sustain the cost of the proposed large dwelling.

He therefore considers that the proposal is unable to satisfy this consideration or the sustainability element of the Framework.

3. Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.

As the enterprise is currently part-time and financially unviable, a new dwelling would not be essential for the continued viability of the farming business as it is currently unviable. Therefore, this consideration has not been satisfied.

4. Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context.

The Council's Agricultural Consultant has indicated that the existing dwelling at Franville is currently fulfilling the limited essential/functional needs of the enterprise. Therefore, this consideration has not been satisfied.

5. In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period.

Because the existing enterprise is not a new enterprise and is currently part-time with any essential/functional need being fulfilled by the existing dwelling at Franville, I do not consider this consideration to be relevant to this application.

Concluding, therefore, the Agricultural Consultant is of the opinion that there is no agricultural support for the proposed agricultural worker's dwelling at Ivy House Farm as any limited essential/functional need is currently being fulfilled by the existing dwelling at Franville. Furthermore, the proposed dwelling is a large dwelling which is not commensurate with the functional requirements of the unit, and the proposal is unable to comply with the sustainability element of the Framework as the enterprise is currently financially unviable and is unable to sustain the cost of the proposed new dwelling.

Consequently, the application is unable to comply with part 1 of Policy 1 of the SELLP, paragraph 80(a) of the Framework or paragraph 010 of the Planning Practice Guidance.

SELLP Policy 1 also indicates that development will be permitted in the countryside if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:

Economic Role - the proposal would make a small contribution towards housing supply and future occupants would work locally, support local services and make a contribution to the local economy.

Community/Social - the proposal is deliverable and would make a small contribution to the supply of housing required to meet the needs of present and future generations.

However, the site is physically separate from an existing settlement. There are no footpaths, street lighting or bus stops served by a regular bus service nearby. Consequently, pedestrian access would be potentially hazardous due to the lack of footpath connection from the site as well as street lighting and Sutton Road being subject to the national speed limit. Access to the nearest services and facilities would be difficult without the use of a private car.

It is, therefore, considered that the proposal would be contrary to Paragraph 110 of the National Planning Policy Framework (NPPF), 2023 which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 112 which states that priority should be given to pedestrian (and cycle) movements and that the scope for conflict between pedestrians and vehicles should be minimised. In locational terms therefore, the site is not considered to be appropriate for housing, as opposed to within a settlement limit.

An Environmental Role - The site is located beyond the existing built-up area of the settlement within an area of countryside. It has an agricultural character. The dwelling would constitute an intrusive and inappropriate form of domestic development that would urbanise and significantly harm the rural character and appearance of the area.

The proposal is therefore unsustainable and contrary to Policies 1, 2 and 3 of the SELLP, 2019 and advice within the National Planning Policy Framework, 2023. Policies 2 and 3 of the SELLP, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework, 2023. Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to local character and maintain an area's prevailing character.

Amenity

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

Equestrian facilities, including a residential caravan, are situated to the south on the opposite side of Sutton Road and dwellings some 200 metres plus to the north-east, the nearest being Holland House and Home Farm. Access to the site would be via an existing driveway serving the farmyard. Given the separation distances and circumstances it is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc. The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

Highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

This proposal is for a new dwelling for agricultural worker which will utilise the existing access from Sutton Road, which serves the current business use and meets the guidelines set out in Manual for Streets. Adequate provision for car parking and turning space has been provided within the limits of the site. LCC Highways therefore consider that the proposal would not result in an unacceptable impact upon highway safety.

That said, the existing vehicle access crossing is really only appropriate for a business/agricultural use and therefore needs to be made up to the County Council's specification within the extent of the public highway appropriate for its proposed residential use. This could be addressed by means of a condition/informative if permission was forthcoming.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in this respect, subject to the aforementioned.

Flood risk

Policy 4 of the South East Lincolnshire Local Plan relates to flood risk and indicates 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 is met.

The Framework states that development in areas that are at risk of flooding should be avoided. It also states, at paragraph 161, that all plans in such areas should apply a sequential test to avoid flood risk and steer development toward areas with the lowest risk of flooding. If it is not possible to locate development in a lower risk area the exception test may be applied. Similar to SELLP Policy 4, this would need to demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk and would be safe for its lifetime, without increasing flood risk elsewhere.

The site lies within Flood Zone 3 defined by the Environment Agency Flood 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. Also, large parts of the South Holland District 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.

The SFRA indicates that the extent of flooding within the vicinity is defined as low or medium. However, the depth is defined as zero. Moreover, the Environment Agency has produced mapping which shows the maximum hazard, depth and velocity predicted following breaching of the tidal defences of the tidal River Nene east of the site. The EA have stated that the site would not be affected by overtopping of the defences. On balance, therefore, the proposal passes the sequential test.

Annex 3 of the National Planning Policy Framework, 2023 classifies residential development as "More Vulnerable". Table 2 of NPPG states that an exception test is therefore required. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. 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 terms of the first element, this matter has already been addressed. In terms of the second element, the submitted Flood Risk Assessment recommends that finished floor levels be set at least 300mm above existing ground level.

The proposal is therefore satisfactory in flood risk terms and in accordance with Policies 2 and 4 of the SELLP in this respect.

Planning Balance

As detailed above, 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.

The proposed development is outside Sutton St James settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP is therefore applicable. It states that development will be permitted in the countryside 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.

Applying the above, there is no necessity for an agricultural dwelling in this countryside location. Moreover, although the proposal would have some economic and social benefits they are outweighed by the harm that the proposal would cause on environmental grounds. The site is

physically separate from an existing settlement. There are no footpaths, street lighting or bus stops served by a regular bus service nearby. Consequently, access to the nearest services and facilities would be difficult without the use of a private car. In addition, the proposal would introduce a new dwelling into the countryside that would constitute an intrusive and inappropriate form of domestic development that would urbanise and significantly harm the rural character and appearance of the area.

The site is not therefore considered to be a suitable location for a new dwelling with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is therefore contrary to Policies 1, 2 and 3 of the SELLP, 2019 and advice within the National Planning Policy Framework, 2023. Paragraph 80 stresses that local planning authorities should avoid new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. It has not been satisfactorily demonstrated that the latter is the case having regard to advice within National Planning Practice Guidance published 22 July 2019 (Housing Needs of Different Groups). Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to local character and maintain an area's prevailing character.

Conclusion

The proposal conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (2023). The planning balance is not in favour of the proposal. It is therefore recommended that the application be refused under 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 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.