

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0591-21 **Applicant:** M Grummitt
Proposal: Erection of agricultural dwelling and storage building.
Location: Wheatfields 105a Broadgate Whaplode Drove
Terminal Date: 7th January 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
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 2021**

Section 2. Achieving sustainable development.
Section 3. Plan making.
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for the erection of an agricultural dwelling and detached garage/workshop building. The dwelling would comprise a small detached two-bedroom one and a half storey property with living space on the ground floor and two bedrooms and bathroom on the upper floor. It would be of timber frame construction with timber cladding and a tiled roof.

SITE DESCRIPTION

The site is located on the eastern side of Broadgate, beyond the built form that fronts Broadgate. It is an area of farmland (total some 3 hectares) that forms part of the agricultural holding. An associated farmyard and agricultural store are situated to the west and north-west respectively. Vehicular access is via an existing farm roadway off Broadgate.

No. 105A Broadgate (Wheatfields) is located to the south-west, which presently forms part of the holding. Frontage residential development is situated further to the west beyond the farmyard.

RELEVANT HISTORY

H23-1070-08 - Full - Proposed agricultural store - Refused 26 November 2008.

H23-1263-08 - Full - Proposed agricultural store - Granted 26 January 2009.

REPRESENTATIONS

Whaplode Parish Council

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland IDB

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 (specifically byelaw 3).

Agricultural Consultant

No agricultural support for the proposal.

SHDC Environmental Protection

Request contaminated land condition.

LCC Archaeology

Request conditions.

Public

No comments received.

Supporting information from Applicant's Agent (summarised)

The current agricultural business is operated by a father and son team who have worked together in the farming industry for 22 years, of which the last 13 years has been at the current holding. Currently the father lives adjacent to the site at 105A and the son lives at a property in nearby Moulton Chapel, which is approximately 6 miles away.

The current situation is that the father is soon to retire and the son will take over the running of the whole business. He will need to live permanently on the site in order to manage operations effectively, in a similar fashion to the father who has lived on the site at no. 105A Broadgate and would continue to do so.

A full-time presence on the site is also necessary to prevent trespass, theft and other nuisance behaviour.

Submitted with the planning application are business accounts for the last 4 years. These show that the business is financially viable and making a net profit each year. The Farm Manager intends to continue the farm business in the long term by living on the site and operating it effectively.

The holding comprises 261 hectares (645 acres) of land in total. Of this land approximately 40.5 hectares (100 acres) is owned by the applicant's family and the remaining 220.5 hectares (545 acres) is rented on a long lease. The holding is cropped with 32.4 hectares (80 acres) of oilseed rape, 80 hectares (198 acres) of winter wheat, 41.3 hectares (102 acres) of winter barley, 48.6 hectares (120 acres) of "summer" barley, 20.2 hectares (50 acres) of "summer" beet, and 38.5 hectares (95 acres) of "summer" wheat.

The scale of the farming enterprise is large enough that an agricultural worker needs to be employed full time and live on-site 24/7.

Additional information received from applicant's agent following Chairman's Panel held 26 November 2021

It must be stressed that the father is 69 years old and due to retire in 2022, at which time he would no longer be working on the farm. The established business needs 1.67 full-time persons to operate it (Agricultural Consultant's point) and therefore the applicant Mark will need to live on-site when the father retires.

The father can legitimately continue living in his home on the site when retired. As the farm enterprise needs at least 1 full time person to operate it successfully, the applicant needs his own accommodation on-site to continue operations from 2022.

By granting planning permission in 1991, the LPA accepted the need for on-site accommodation in connection with the agricultural use. This remains the case. We are not making a case that it is essential for a second rural worker to live at the site, but rather new accommodation is required when the father retires and legitimately stays in his home. There would not therefore be 2 full-time persons living on the site as the business does not require this.

The yard area and field at 105A Broadgate is 3 hectares which accommodates all of the plant and machinery required to run the farming business. However, the farm enterprise extends to 261

hectares (645 acres) as detailed in paragraph 5 of the Agricultural Consultant's report. The need for an on-site presence at this location was accepted by the Council in 1991 (planning permission reference H23/1005/90) as the most appropriate means of operating the wider farming enterprise. This is still the case today and will also apply when the father retires in 2022 and Mark takes over full-time.

Mark, like his father before him, would need to be available on-site for deliveries, opening up buildings, refuelling, maintenance of machinery and storing materials. Such a safeguarding and active role is essential to the proper functioning of the whole farming enterprise.

There has been an occasion where an intruder entered the yard in the early hours setting off the alarm and running away. Mark is the only one who has a PA 1,2,4,6 spraying operator's licence and therefore the only one who can spray crops at the farm. Spraying involves regular early starts and late-night finishes, and machinery is stored on the site which needs to be accessed at these times.

Given the compelling circumstances outlined above in relation to the applicant and the farming enterprise, a full planning permission is considered appropriate so that there is suitable and stable accommodation on the site for the longer term for the applicant and his family.

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.

Policy/Sustainability

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.

The proposed development is outside Whaplode Drove 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, 2021. 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 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.

The application is for a detached two-bedroom dwelling. The current agricultural business is operated by a father and son team who have worked together in the farming industry for 22 years, of which the last 13 years has been at the current holding. Currently the father lives adjacent to the site at 105A and the son lives at a property in nearby Moulton Chapel, which is approximately 6 miles away.

The current situation is that the father is approaching retirement and the son will take over the running of the whole business. The application states that he will need to live permanently on the site to manage operations effectively, in a similar fashion to the father who has lived on the site at no. 105A Broadgate and would continue to do so. It should be noted that there is no obligation to expect the retired farmer to move out of his long-term home and live elsewhere, in order to allow the son to live on the site. Paragraph 80(a) of the NPPF also refers to a rural worker taking majority

control of a farm business, which applies in the case of the son taking over when his father retires.

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). Although paragraph 80(a) technically refers to isolated homes in the countryside the considerations referred to within paragraph 010 are nevertheless considered relevant to assess whether the development is necessary in this location.

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 effective 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 does not consider there is a necessity for a rural worker to live at, or in close proximity, to their place of work on this arable holding and that there is not an essential/functional need for a worker to live at the application site which is only 3 hectares (7.4 acres). 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 last 3 years, which show that the business has been profitable. However, the profits are unable to pay the 1.67 workers a minimum wage except in 2019. The profits in 2019 after the minimum wage has been deducted for the 1.67 full-time persons would be unable to sustain the cost of the proposed new 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 Agricultural Consultant considers there is no essential/functional need for a full-time worker to live at the application site, he does not consider it is essential for the continued viability of the farming business through the farm succession process. 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 only other accommodation on the application site is occupied by the father. Consequently, this consideration is not relevant to this application.

The applicant's agent has had an opportunity to challenge the points raised by the Agricultural Consultant, who has responded accordingly. The latter remains of the opinion that there is no agricultural support for the proposed dwelling on this arable holding as there is no essential/functional need for a full-time worker to live at the application site. 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. The site is near to an existing settlement and would be accessible to existing services and facilities other than by motor

vehicle.

An Environmental Role - The site is currently agricultural land located beyond the existing built-up area of the settlement within an area of countryside. Although the dwelling would be timber clad it would nevertheless 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 contrary to Policies 1, 2 and 3 of the SELLP, 2019 and advice within the National Planning Policy Framework, 2021. 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, 2021. 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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

No. 105A Broadgate (Wheatfields) is located to the south-west and is currently associated with the holding. Frontage residential development is situated further to the west beyond the farmyard. Access to the site would be via an existing driveway serving the farmyard between nos. 105 and 107 Broadgate. 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.

Vehicular access would be off Broadgate via an existing farm roadway. Sufficient parking spaces would be available for use on the site. LCC Highways has raised no objections on highway safety grounds. The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in this respect.

Flood risk

The site is located within Flood Zone 1 of the Environment Agency's Flood Maps. Moreover, the South East Lincolnshire Strategic Flood Risk Assessment indicates that the site is located within an area identified as no hazard. The proposal is therefore satisfactory in flood risk terms and in accordance with Policies 2 and 4 of the SELLP in this respect.

Archaeology

The proposed development is situated in an area where previous development has disturbed archaeological remains from both the Roman and medieval periods.

Groundworks for a house built to the rear of 101 Broadgate revealed features of Roman date, and an extensive area east of Broadgate has produced cropmarks of Roman settlement. A new house at 107 Broadgate revealed medieval features and significant quantities of medieval pottery thought to derive directly from pottery production and onward sale in this area, likely representing the stock in trade of a medieval potters workshop.

Consequently, there is a high potential for similar remains to survive in this area, and which could be impacted by the proposed development. The Historic Environment Officer has therefore

recommended conditions should permission be forthcoming.

Planning Balance

Whilst there may be a preferred need for an agricultural dwelling in this countryside location the Council's Agricultural Consultant considers that there is not a necessity. 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 currently agricultural land located beyond the existing built-up area of the settlement within an area of countryside. The proposal would introduce a new dwelling 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, 2021. 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

For the reasons outlined above it is recommended that the application be refused.

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

That the application be refused under delegated powers.

The application was referred to Chairman's Panel on 23 December 2021 and a delegated decision was accepted.