



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 11 December 2013 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members:

Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton,
Richard Doran, Paul Howitt-Cowan, Malcolm Leaning, Giles
McNeill, Jessie Milne, Roger Patterson, Judy Rainsforth.

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
 - i) Meeting of the Special Planning Committee held on 30 October 2013, previously circulated.
 - ii) Meeting of the Planning Committee held on 13 November 2013, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.11 13/14

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Mrs C Tindale against West Lindsey District Council's failure to give notice within the prescribed period of a decision on an application for outline planning permission for the construction of a single-storey dwelling to be sited on Village Farm, Marton to allow for an adequate residential living on the farmholding.

The Appeal is Dismissed, Planning Permission is Refused and the application for an award of costs is refused – See copy letters attached as Appendix B

M Gill
Chief Executive
The Guildhall
Gainsborough
3 December 2013

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

1 – 130564 - Fenton

Planning application for demolition of existing workshop and office building and construction of seven new small business units at 40 Lincoln Road, Fenton.

RECOMMENDED DECISION: Grant Planning Permission

Appeal Decision

Hearing held on 19 November 2013

Site visit made on 19 November 2013

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2013

Appeal Ref: APP/N2535/A/13/2202879

Village Farm Marton, Trent Port Road, Marton DN21 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs C Tindale against West Lindsey District Council.
 - The application Ref 129455, is dated 15 December 2012.
 - The development proposed is "the construction of a single-storey dwelling to be sited on Village Farm Marton to allow for an adequate residential living on the farmholding".
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Application for Costs

1. An application for costs was made by Mrs C Tindale against West Lindsey District Council. That application is the subject of a separate decision.

Decision

2. The appeal is dismissed and planning permission is refused for "the construction of a single-storey dwelling to be sited on Village Farm Marton to allow for an adequate residential living on the farmholding".

Preliminary Matters

3. The application sought outline planning permission with all matters reserved. A number of plans, in addition to that defining the site¹, were submitted as part of the planning application. It was agreed by both parties at the Hearing that these are illustrative rather than a formal part of the proposal.
4. In response to requests from the Council, additional information was provided by the appellant in support of the proposal during the course of the planning application. However, in July 2013, some seven months after the date of the application, a decision had not been made. The appellant considered at that time that sufficient information had been provided, and therefore an appeal was made against the failure of the Council to have given notice of its decision. The Council has subsequently confirmed that it is of the opinion that the proposal is not justified and that planning permission should be refused.

¹ Existing location plan ref 08.XP.0001.

Main Issue

5. The site is outside any defined settlement and in a location where national² and local³ planning policies generally seek to prevent the erection of new dwellings in order to protect the countryside for its own sake and to achieve sustainable development in rural areas. The main issue is, therefore, whether the proposed dwelling is required in order to meet an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Reasons

6. "Village Farm" comprises several fields on the banks of the River Trent a short distance outside the small village of Marton. Vehicular access is by way of a track from Trent Port Road running alongside the village cemetery, with substantial metal gates at the entrance to the first field. An indicative block plan indicates that the proposed dwelling would be sited on an area of rough grass to the rear of the cemetery served by a new driveway from the road. The nearby parts of the farm are rough grass strewn with numerous portacabins, metal containers, static and touring caravans, farm machinery, poultry coops, hay bales, and piles of waste and debris. The steel frame of a partially constructed agricultural building is located close to a hedgerow on one of the boundaries of the farm. Fields closer to the river appear to be used for hay production and grazing animals.
7. The appellant has lived in several of the caravans on the site since 2003, and developed the farm business over the years. At present there are a few horses; several bulls, cows, calves and pigs; and hundreds of hens, ducks and geese on the site⁴.

Essential Need?

8. Policy RES10 of the West Lindsey Local Plan First Review 2006 allows the erection of dwellings for agricultural workers, as an exception to the normal prohibition on new homes in the countryside, provided that a number of criteria are met. Whilst this policy is based on national guidance⁵ that has now been superseded by the National Planning Policy Framework (2012), the approach is broadly consistent with current national planning policy⁶. It is, therefore, appropriate to test the proposal against the relevant local plan policy criteria.
9. Most farms that involve livestock and poultry require work to be done from early in the morning until late in the evening, and sometimes through the night, to feed, water and monitor animals, and deal with births, medical problems, and emergencies of various types. This does not mean, however, that it is essential to the needs of all such enterprises for a worker to live on, or very close to, the farm.

² National Planning Policy Framework (2012) paragraph 17, 5th bullet point, and paragraph 55.

³ West Lindsey Local Plan First Review 2006 policy STRAT12.

⁴ 3 horses, 9 bulls, 15 cows, 15 calves, 13 pigs and 469 hens, ducks and geese according to the Agricultural Appraisal Report by Perkins George Mawer & Co, 16 September 2013.

⁵ Planning Policy Statement 7: *Sustainable Development in Rural Areas* (2004), Annex A: *Agricultural, Forestry and Other Occupational Dwellings*.

⁶ National Planning Policy Framework (2012) paragraph 55.

10. In this case, the type of animals on the farm are not unusual. The number of calves born in recent times has been limited⁷, and this is expected to reduce in the future as the appellant intends to sell her bulls and cows of breeding age and instead concentrate on rearing calves up to the age of four months rather than breeding cattle. Poultry-hatching, and increased pig production in the future, may necessitate some night-time work, but there is no substantive evidence before me that this would be required during a significant proportion of the year. Nor is there anything to demonstrate that the particular nature of the animals means that immediate attendance is frequently required in order to provide essential care on a twenty-four hour basis.
11. Despite the presence of the substantial entrance gates, the farm has been the subject of a number of break-ins over the years, with vehicles, machinery and other items being stolen. However, whilst this is regrettable, it has not been demonstrated that such instances fundamentally threaten the profitability of the business, or that potential alarm systems and other forms of deterrent have been properly investigated.
12. It has not been shown, therefore, that a dwelling on the site is essential to the efficient and operational running of the enterprise, meaning that the proposal fails to comply with criterion (i) of local plan policy RES10.
13. The theoretical labour requirement for a business of this type and scale is around one full-time worker⁸, although both the appellant and her husband currently work full-time on the farm, she taking main responsibility for looking after animals, and he for buildings, fences, and machinery. Thus the requirement of local plan policy RES10(ii) for the business to provide full-time work appears to be met.
14. The appellant advises that in recent times the business has made a profit of around £15,000 per year, the main sources of income being from the sale of cattle and eggs⁹. However, no business accounts or other documentary evidence has been provided in support of this. Whilst the appellant and her husband clearly have ideas about how to take forward the business in the future, including through investment in new buildings¹⁰, improving the land and facilities in accordance with an aspirational masterplan, and increased egg and pig production, there is no business plan setting out how this would be achieved or funded.
15. Thus whilst the farm may have provided a means to support the appellant for a number of years, I am not satisfied that it has a sound financial basis and will continue to generate sufficient income in the future to be sustainable in the long term. The appellant advised at the Hearing that the proposed dwelling, which it is estimated would cost in the region of £100,000 to £120,000 to construct, and other buildings, would be funded by means other than profits from the farm. This suggests to me that this investment would not be proportionate to the scale of the business. It is not clear, therefore, that the

⁷ Around 20 calves were born on the site last year according to oral evidence at the Hearing for the appellant.

⁸ Appendix 6 of the Agricultural Appraisal Report by Perkins George Mawer & Co, 16 September 2013.

⁹ Egg sales are currently in the region of 100 dozen eating eggs per week, plus 30-50 dozen fertile breeding eggs per week.

¹⁰ Three barns for storing grain and feed; processing coppice wood; and egg packing and incubators; and an office building for record storage.

proposal meets the requirements of local plan policy RES10(iii) relating to the financial soundness of the enterprise.

16. The existing caravans on the site do not provide satisfactory permanent residential accommodation, being limited in size, without mains electricity or gas, damp and cold in the winter, and difficult to secure from intruders. However, there are various properties for sale in Marton¹¹, some within reasonable walking distance of the site. Thus whilst the appellant does not have a driving licence, it would potentially be possible for a worker to be able to gain access to the farm without undue delay from an existing house nearby. Despite this, the appellant does not wish to live in the village, as to do so would be less convenient and also less suitable for housing piglets during the night at times when they are being hand fed, a practice that she undertakes at present in her residential caravan. However, this is essentially a matter of personal preference, and does not mean that the requirements of local plan policy RES10(iv) are met.
17. In summary, I have found that the nature of the agricultural business is essentially similar to that on many small farms in terms of the requirements for looking after the land and animals. The proposed dwelling would, no doubt, suit the personal preferences of the appellant, but that does not mean that the business could not be run by someone travelling to the site from nearby, or even further afield. I therefore conclude on the main issue that it has not been demonstrated that the proposed dwelling is required in order to meet an essential need for a rural worker to live permanently at or near their place of work in the countryside, and the proposal would be contrary to the objectives of national and local planning policies aimed at preventing isolated new houses in the countryside and achieving sustainable rural development.

Other Matters

18. New dwellings for rural workers may have been permitted elsewhere in the district, including on smaller holdings than "Village Farm", in accordance with local plan policy RES10. However, I have been provided with no details of any such developments, and in any case, I have treated the proposal before me on its own particular merits.
19. The appellant and her husband clearly have a long-established personal attachment to the farm¹², and a permanent home on the site would meet her personal aspirations and provide long term physical and financial security. The proposed dwelling would incorporate sustainable design features, be of appropriate appearance, and not be intrusive from vantage points in the village or on the public highway. The masterplan for the site includes extensive landscaping, the tidying up of the farm, and the provision of a riverside footpath and public car park for walkers and visitors to the adjoining cemetery. The farm has been free from tuberculosis and other diseases for over 60 years, and the growth of the business would lead to the production of good quality

¹¹ Appendix 5 of the Agricultural Appraisal Report by Perkins George Mawer & Co, 16 September 2013, identifies 13 dwellings for sale in Marton, with asking prices starting at £119,995.

¹² The land at "Village Farm", which originally included a house in Marton, has been owned by family members since 1950. The appellant's husband gave the farm to his previous wife in 1970, and following her death in 2003 passed it on to his current wife, the appellant.

food, and potentially provide local employment in the future, in line with national policy objectives.

20. However, these actual and potential benefits of the scheme do not outweigh the harm that would be caused to national and local planning policy objectives relating to the protection of the countryside and achievement of sustainable rural development.

Conclusion

21. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

Appearances at the Hearing

For the Appellant

Mrs C Tindale	Appellant
Mr D Tindale	Appellant's husband
Mr R Musson	Design Consultant

For the Local Planning Authority

Mr George Backovic	Senior Area Development Officer
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Documents Submitted at the Hearing

On Behalf of the Appellant:

Two photographs of prize winning eggs.

Email from Reece Musson to Planning Inspectorate Team p1 (undated).

Costs Decision

Hearing held on 19 November 2013

Site visit made on 19 November 2013

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2013

Costs application in relation to Appeal Ref: APP/N2535/A/13/2202879 Village Farm Marton, Trent Port Road, Marton DN21 5AP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs C Tindale for a full award of costs against West Lindsey District Council.
 - The appeal was made against the failure to determine an application within the prescribed period for "the construction of a single-storey dwelling to be sited on Village Farm Marton to allow for an adequate residential living on the farmholding".
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Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process¹.
3. The applicant is clearly of the view she provided sufficient information with her planning application to justify the proposal, and that the Council failed to act in a proactive and positive manner by not making a decision by July 2013. However, it is clear to me that the additional information sought by the Council was necessary in order for it to properly consider the proposal in accordance with relevant national and local planning policies, in particular policy RES10 of the West Lindsey Local Plan First Review 2006.
4. The Council provided evidence at the appeal stage to justify the approach that it had taken in dealing with the planning application, which seems to me to have been entirely reasonable. The appellant decided during the course of the appeal to involve her husband at the Hearing to help present her case, in addition to the agent who had submitted the planning application and appeal evidence on her behalf. However, there is no substantive evidence before me to suggest that the Council failed to respond to any direct requests for information or advice from the appellant's husband, or anyone else acting on her behalf, or that the Council did anything other than provide the necessary information

¹ Circular 03/2009: *Costs Awards in Appeals and Other Planning Proceedings* (DCLG, April 2009) paragraph A12.

relating to the appeal in accordance with normal procedures. There was, therefore, no unreasonable behaviour by the Council at the appeal stage.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

William Fieldhouse

INSPECTOR