

**AGENDA**

**This meeting will be webcast live and the video archive published on our website**

**Planning Committee**

**Wednesday, 31st March, 2021 at 6.30 pm**

**to be held virtually via MS Teams and available to watch at:**

**<https://west-lindsey.public-i.tv/core/portal/home>**

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Robert Waller (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Jane Ellis
- Councillor Cherie Hill
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Jessie Milne
- Councillor Keith Panter
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Angela White

**1. Register of Attendance**

**2. Public Participation Period**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. To Approve the Minutes of the Previous Meeting**

(PAGES 3 - 14)

- i) Meeting of the Planning Committee held on 3 March 2021

4. **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.

5. **Update on Government/Local Changes in Planning Policy**

**Note** – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

a) 142026 - Poultry Unit, Laughterton (PAGES 15 - 41)

7. **Determination of Appeals** (PAGES 42 - 69)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 23 March 2021

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 3 March 2021 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Robert Waller (Vice-Chairman)

Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor Michael Devine  
Councillor Jane Ellis  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Keith Panter  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White

**In Attendance:**  
Russell Clarkson Interim Planning Manager (Development Management)  
Richard Green Planning Officer  
Danielle Peck Development Management Officer  
Carol Slingsby Area Development Officer  
Liz Mayle Conservation Officer  
Martha Rees Legal Advisor  
Ele Snow Democratic and Civic Officer  
James Welbourn Democratic and Civic Officer

**Apologies:** Councillor David Cotton

### 102 REGISTER OF ATTENDANCE

The Chairman undertook the register of attendance for Members and each Councillor confirmed their attendance individually.

The Democratic Services Officer completed the register of attendance for Officers and, as with Members, each Officer confirmed their attendance individually.

### 103 PUBLIC PARTICIPATION PERIOD

The Chairman confirmed there was one registered speaker for the Public Participation

period. He explained that Mr Sath Vaddaram wished to address the Committee in relation to the public report due to be heard in agenda item 7a. This was a report regarding a tree preservation order and, as a public report, was not part of the scheme used for those wishing to speak on planning applications. The Chairman stated Mr Vaddaram had three minutes in which to address the Committee and invited him to speak.

Mr Vaddaram thanked the Chairman and the Committee for the opportunity to speak. He stated he was the owner of 23 Wragby Road and wished to speak regarding the tree preservation order. He explained that he did not object to the TPO in general but that he did have concerns as to how the process had been carried out. He highlighted that he had detailed his concerns in two letters to the council, one in November 2020 and the other in January 2021. To summarise what he saw as the failures of the council, he stated that the Officer had clearly stated she had been thinking of putting a TPO on the softwood trees for many years but for some reason this had not happened. He noted that a lack of resources had been the reason given for this. He explained to the Committee that he had contacted the council regarding all planned tree work prior to making the application in July 2020. He felt this had given them opportunity to be aware of all trees in question. Had the TPO been in place previously, it would have saved him from needing to make a second application in relation to the softwood trees. He felt there had been opportunity for an emergency TPO which had also not been put in place. His objections to the manner in which the TPO had been dealt with focussed on the unnecessary time taken to resolve the matter and the impact this had had on him, both in lost time and costs.

The Chairman thanked Mr Vaddaram for his comments, they would be noted for the item later in the meeting.

#### **104 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 3 February 2021 be confirmed as an accurate record.

#### **105 DECLARATIONS OF INTEREST**

Councillor I. Fleetwood made a declaration on behalf of all Members of the Committee that a lobbying email had been received in relation to application number 141228 (agenda item 6a). It was accepted that the email would not influence decision making unless any Councillor wished to state otherwise.

Councillor R. Waller declared a personal interest in the public report for the TPO in Sudbrooke. He stated he was Vice-Chairman of the Parish Council and had been involved in discussions regarding the matter and as such would stand down from the Committee at that point in the meeting.

#### **106 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Committee heard of the latest updates from Government, including a reminder that the Government consultation on revisions to the NPPF (to strengthen policies on design quality)

would end on 27 March 2021. Members were invited to raise any comments through Russell Clarkson or Rachael Hughes. Further information could be found by using the following link:

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

Updates on Neighbourhood Plans included the following information:

Morton NP: Examination completed. Examiner's final report to be issued shortly. Assuming examination is successful, referendum to be held 6 May 2021. To be afforded increasing weight

Corringham NP: Submission NP consultation (Regulation 16) underway soon. Some weight

Sturton & Stow NP: Submission version of NP (Regulation 16) in preparation. Some weight

**NOTE:** Councillor M. Boles joined the meeting at 6:42pm.

## **107 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the applications detailed in agenda item 6 be dealt with as follows:

### **108 141128 - HEMSWELL**

The Chairman introduced the first application of the evening, application number 141128 to demolish existing main building and replace with 1no. dwelling including landscaping, ancillary works and installation of solar panels to existing garage on land adj 19 Brook Street Hemswell Gainsborough. He stated there was one registered speaker and invited the Planning Officer to provide any updates to the Committee. She stated that, since the report had been published, following the urgent works notice which was served on 17 February 2021, Officers visited the site on 2 March to inspect the works. The new propping and bracing installed was all robust and suitable for purpose. The south-west corner had collapsed further since the last inspection and was in an unstable and dangerous state. It was agreed with the owner on site that it should be carefully dismantled, to around waist height, to remove the risk to the public and remaining fabric. It was also agreed that an additional prop should be installed overhanging the south-west masonry, at eaves level, as near vertical as possible to avoid disturbing the propping already in place. Given its condition at the time of the original inspection, the loss of stone to the south-west corner was not entirely unexpected. The building is still entirely repairable as concluded in the report. Following the presentation of the application from the Officer, the Chairman invited the registered speaker, Mr Paul Morris to address the Committee. He explained there were slides to be shown during his time and he made the following statement.

“Good evening Planning Committee please allow me to introduce himself. I'm Paul Morris, son of one of the applicants, and the former Local Authority Town Planner and Head of Town Planning for the London 2012 infrastructure. I am addressing you this evening to seek

your support for sustainable development, which is in full accordance with the recently drafted Hemswell Neighbourhood Plan and the West Lindsey Local Plan, which agrees the site is suitable for one family.

This is the applicant's proposal that we feel brings added value to the Hemswell Conservation Area by revitalising 17b Brook Street. Mr and Mrs Morris bought the plot with the full intention of carrying out the 2004 approved scheme. However on the advice of West Lindsey building control to take it down, they sought structural engineering expertise which confirmed the building is structurally unstable with serious health and safety issues associated with any attempt to convert. Unfortunately the 2006 structural report which was shared with West Lindsey was not contained in the map land sale pack, nor was this available on your website and was only brought to our attention during the recent parish council meeting. Had the applicants been aware of this, it's very, very likely they would not have purchased the site.

As you'll see, despite this being as a cherished building, most of the character reflecting its former life as the old Forge has already been demolished by previous owners. This includes the Shoe House, which had the same level of building of interest protection, the lowest level of protection available as per the 1985 Conservation Area appraisal, yet has been satisfactory replaced with the benefit of full plan mission as an attached double garage. We have three independent structural surveys stating 17b Brook Street is in a precarious state and as Committee are aware, the previous Planning Officer who agreed the West Gable was "shot" (their quote) in 2006, so none of the issues we're raising today are new and none of them can be attributed to Mr and Mrs Morris. As Planning Committee Members previously agreed, if this was a significant building, the council should have been looking at it, yet it has been allowed to fall into ruin. As one Member said last time, this is a travesty.

The applicants were asked by a Planning Committee to consider whether the front wall of the building could be retained and engaged the heritage specialist consultant and a structural engineer to consider alternatives in October 2020. Unfortunately the conclusion of the survey is the same: the front wall is in a seriously perilous condition as is the remainder of the structure. We're disappointed you, as Planning Committee, had not been asked to undertake a site visit to assess the poor state of the building. You would undoubtedly conclude from the health and safety perspective, any attempt to retain the building, the front wall in particular may result in liable damages to people or property.

Thank you to the case officer for sharing some recent photos so I don't need to go through these. All I will say is if you notice on the next door neighbour there's large solar panels on the roof. Hemswell Conservation Area is a place to propose sustainability. Our proposal is much more sustainable and reduce carbon emissions, versus any attempt at a conversion.

This is the applicant's proposal and you can see it's almost identical in design to the existing building almost on the same footprint. There is clear boundary delineation as suggested by national building design guides, and the next door neighbour who's requested this. Through careful dismantling existing material from the building would be reused to develop a 15% larger building. This aligns with the new garage, which is 50% larger than the demolished Shoe House.

This slide is to demonstrate the claims we've made in this presentation today are all factual, they all exist it's all here if you need to read it, please feel free.

The attached garage was built in 2005. A 2018 character assessment said it's a unique and charming vernacular structure, well if they think it's okay why is our proposal not okay? Ours will be vernacular in nature, it will mirror that of the newly constructed building, and therefore from the street perspective we don't agree that the proposal negatively impacts on the conservation area.

If Planning Committee agree that the site is suitable for one residential home they have to accept the best way for 17b Brook Street to add value to the conservation area, the building is no longer economical, safe nor sustainable to retain. The applicant simply cannot convert the existing building due to the health and safety liabilities and costs associated and we doubt anyone could now, given the state of the building. So if you choose to prove this scheme tonight. I will look forward to bringing my children to the Hemswell Conservation Area in time for my parents retirement. Please remember the applicants, if they hadn't bought this site these issues would remain and 17b would be left to further deteriorate. Throughout the process the applicants have been collaborative within the community, they've engaged professional advice for these proposals and on their behalf, I thank you for your time.”

The Chairman thanked Mr Morris for his time and invited any further comment from Planning Officer. The Development Management Team Leader explained that Officers had specified that an assessing engineer needed to have the speciality knowledge relevant to the building. One had been appointed, he had been to the site, read previous reports and supporting information, was registered as a conservation accredited engineer and with his most up to date information, it was concluded that the building could be retained. Previous decisions regarding loss of authenticity had been upheld.

The Chairman invited comments from Members of the Committee. It was expressed that the state of the current building was disappointing to see and that if the matter was not resolved, the building would only fall into further disrepair. It was also noted that other buildings of a similar nature in the area had already been lost and replaced.

The Development Management Team Leader explained the use of the urgent works notice and stated that consultation between the Secretary of State and Historic England had led to the advice that, despite the loss of other buildings, this particular premise was still important. It contributed to the Conservation Area and should be retained. In line with the urgent works notice, the applicant had undertaken the works which should stop any further collapse.

Members expressed sympathy for the applicants but felt that if the building could be saved, it should be. It was considered to be an asset to the area and Members did not wish to see that lost. It was noted that, in terms of preservation matters, the guide was 'to do no harm' and it was felt that demolition of the building would not adhere to this.

There was further discussion regarding the expert knowledge of the structural engineer and possible conflicting opinions however it was confirmed that the specialist engineer had been provided with all information and his was the most recent report on the building.

Having had the Officer recommendation moved and seconded, the Chairman undertook the vote. With one abstention it was agreed that planning permission be **REFUSED**.

**109 140156 - DUNHOLME**

The Chairman invited the Committee to consider application number 140156 for extension and alterations to existing community centre, including the removal of the portable timber frame building and construction of proposed community room with toilets, offices and staff facilities at The Old School 8 Market Rasen Road Dunholme Lincoln. With no Officer update, the Chairman invited the only registered speaker, Councillor S. England, to address the Committee.

Councillor England thanked the Committee and stated he was speaking as Ward Member for the application. He wished to state that he fully supported the application and Officer recommendation to grant permission. He offered local knowledge as to the use of the building and the benefit to the local area. He explained that the proposals would enhance both the building and the local community. He spoke highly of the proposal and requested his colleagues to kindly approve the application.

The Chairman thanked Councillor England for his comments and, having fully supported the application and moved the recommendation from the Chair, invited Members to discuss the application. Members were supportive of the application and, those who were aware of the work undertaken by people involved with the building, praised the commitment to the local community.

Having been proposed and seconded, it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.



**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

**Conditions which apply or are to be observed during the course of the development:**

**3.** With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 11455 05M dated 08/09/2020, 11455 06G dated 03/11/2020, 11455 07 F dated 02/11/2020 and 11455 08B dated 03/09/2020. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

**4.** No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset and the street scene in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

**5.** No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details (see notes to the applicant below).

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

**6.** The development shall be carried out in accordance with the mitigation measures outlined in the submitted Flood Risk Assessment received 03/12/2019.

**Reason:** To reduce the risk and impact of flooding on the approved development and its occupants in accordance with LP14 of the Central Lincolnshire Local Plan, National Planning Policy Framework.

**7.** The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

**8.** Following the archaeological site work referred to in condition 8 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

**9.** The report referred to in condition 9 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

**10.** The use hereby permitted under this permission shall not operate outside the following times:

Daily opening times (Monday to Sunday) – 9.00 am to 10.00 pm throughout the year.

**Reason:** To protect the amenities of adjoining properties and the locality in general in accordance with the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

## **110 141907 - WADDINGHAM**

The Chairman introduced the last of the planning applications for the evening, application number 141907, outline planning application for 4no. dwellings with all matters reserved on land East of The Wolds Waddingham Gainsborough. With no updates from the Planning Officer, the Chairman invited the first speaker, Tori Heaton, Agent for the Applicant, to address the Committee. She made the following statement.

“Good evening Members, thank you for the opportunity to speak on behalf of my client, Mr David Waite. To give you some background, the Waite family have been farming for the last three generations, the farm is currently operated by David Waite and he runs a mixed arable and livestock farm, which in the future will be passed down to his children. This application is not one from the big corporate or national housing developer, but one from a local farming family who are custodians of the land and good village citizens. They're proposing a small scale logical infill development which is ultimately compliant with the Central Lincolnshire Local Plan. We started working with David back in 2018, when the Central Lincolnshire Local Plan was adopted. The Plan showed Waddingham to have a growth level of 15%. David is a local person who's grown up in the village, and will continue to earn a living from his family farm, based in the heart of Waddingham. He wants to engage in the planning process in the correct way, that being a grassroots local level through the Neighbourhood Plan. The stated purpose of the Neighbourhood Plan is to allow local people to strongly influence where development is to occur, and give local communities a voice. My clients and I have tried very, very hard to engage in this process. However, despite our best efforts, we understand that the Waddingham Neighbourhood Plan has reached impasse, and progress has effectively stalled. However, we decided to continue and have now submitted this application, which is policy compliant for small scale and logical infill sites in the hearts of the

village. We are wholly content that this application meets the fundamental policies required and meets the core shape and form of the village. Highway Safety, vehicle movements, as well as pedestrian safety of all being an absolute overriding consideration in putting this small scale application forward access and parking, have been big considerations when evolving our application, and we have demonstrated that the site can accommodate this modest development, whilst generating insignificant additional vehicle movements. In summary, as of the end of February 2021 Waddingham still has an outstanding growth capacity of 26 dwellings, the village needs an appropriate growth level to remain a thriving and desirable destination. This application provides a policy compliant, well designed, logical, and small scale infill development. I therefore urge members to support your officer's recommendation and grant approval. Thank you for your time.”

The Chairman thanked her for her comments and invited the second speaker, Mr Martin Woodliffe, speaking as an objector, to address the Committee.

Mr Woodliffe thanked the Committee and explained he was acting as spokesperson for the objectors in the village. He stated that the site was not, as stated by the previous speaker, an infill site. He stated it was agricultural land and as such should not be used for development. He noted that LP2 demonstrated a need for clear community support and that there was no support for the development from the local community or the Parish Council. He raised a number of safety issues with the site, including the lack of pedestrian access and the driveway access straight onto a busy road. He noted the increased number of vehicles on the road and raised serious concerns about the safety of vehicle movements for the proposed new dwellings. Given the level of community objection to the proposal, as well as safety issues and the fact the land was for agricultural use, he stated that the application clearly did not supply the information required for this application and as such it should be refused.

The Chairman thanked Mr Woodliffe for his comments and invited response from the Planning Officer. The Committee heard that under LP2, for the development proposed, community support was not required to be evidenced.

The Chairman invited comments from Members and there was significant unease regarding the use of agricultural land for residential development. A Member of the Committee supported the second speaker's comments regarding road safety and felt there must be a more suitable alternative that the proposed site. Members acknowledged that concerns had not been raised by the Highways Agency although there was some concern as to the entrance to the site on a busy road.

With no Members looking to speak further, the Chairman requested the Committee to consider the Officer recommendation or whether an alternative was to be put forward. A Member of Committee subsequently moved the Officer recommendation and this was duly seconded. On taking it to the vote, with seven votes for and six votes against, it was agreed that planning permission be **GRANTED** subject to the following conditions.

**Conditions stating the time by which the development must be commenced:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the access, appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

4. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

**Conditions which apply or are to be observed during the course of the development:**

5. No development other than to foundations shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme and be available for use before the first occupation of the dwellings.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

7. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 4 of this permission.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

8. Following the archaeological site work referred to in condition 7 written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

9. The report referred to in condition 8 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

## 111 PUBLIC REPORTS

**RESOLVED** that the public report detailed in agenda item 7 be dealt with as follows:

## 112 TPO - SUDBROOKE

**Note:** Councillor R. Waller left the meeting at 7:39pm

The Chairman invited the Trees and Landscape Officer to introduce the public report. She stated that the report related to an objection received against the making of a Tree Preservation Order protecting sections of two tree belts crossing the front and rear gardens of a property on Wragby Road, Sudbrooke. She explained that the trees in the garden were prominent features within the locality, significantly contributing to the character and amenity of the area. The 1950 Order already protected hardwoods, but it was well overdue for updating, and this new TPO would ensure tree protection for both hardwoods and softwoods. The confirmation of this order was the only way to ensure the integrity of the two tree belts was not diminished by work at this property to remove yew trees, or individual

trees inappropriately pruned, or trees compromised by development.

The Chairman thanked the Trees and Landscape Officer and reminded Members they had heard from Mr Vaddaram at the start of the meeting. Having moved the Officer recommendation from the Chair, this was duly seconded and taken to the vote.

**RESOLVED** that confirmation of the Tree Preservation Order Sudbrooke No1 2021 be approved.

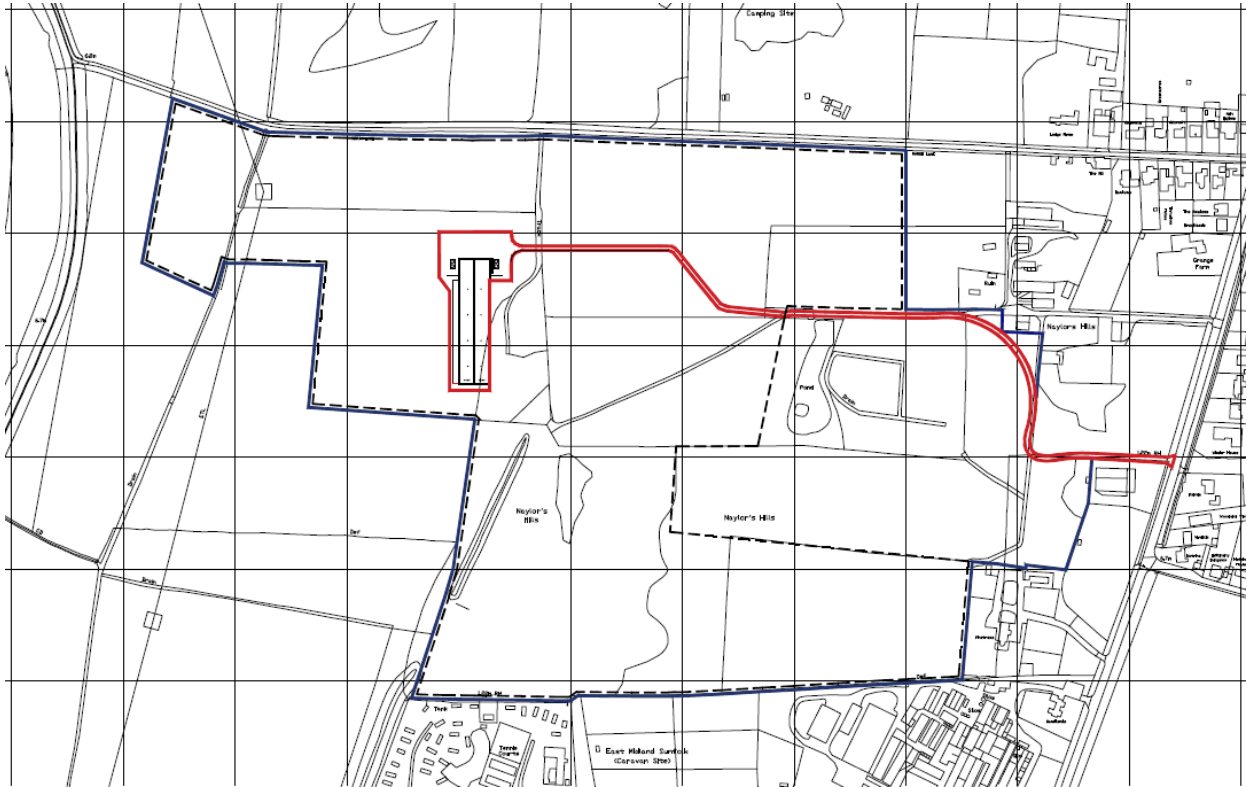
### **113 DETERMINATION OF APPEALS**

The determination of appeals was **NOTED**.

The meeting concluded at 7.47 pm.

Chairman

## LOCATION PLAN NEWARK ROAD LAUGHTERTON REF 142026



## Officers Report

### Planning Application No: 142026

**PROPOSAL:** Planning application to erect 1 no. free range poultry unit with ancillary feed silos, generator, hardstanding and access.

**LOCATION:** Land at Naylors Hill Newark Road Laughterton Lincoln LN1 2JT

**WARD:** Torksey

**WARD MEMBER:** Cllr Jane Ellis

**APPLICANT NAME:** Mr Andrew Arden

**TARGET DECISION DATE:** Extension of Time to 01/04/2021

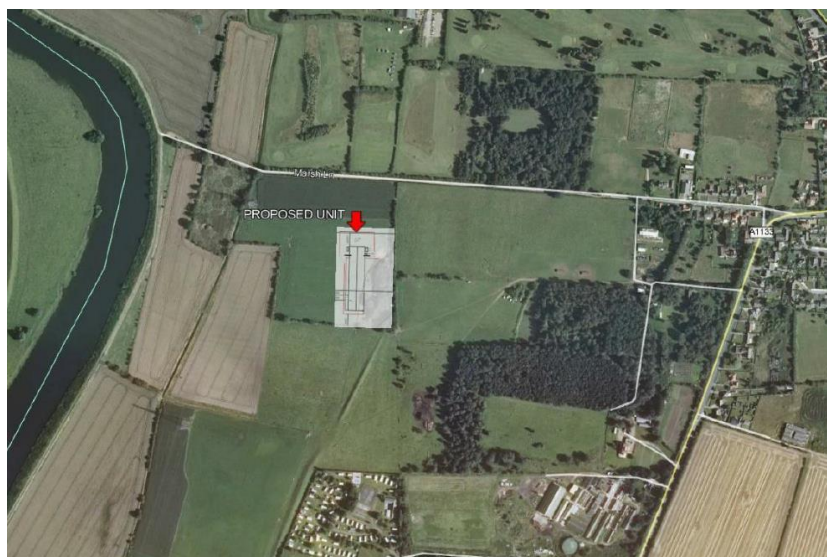
**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant subject to conditions

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**Description:** The site is located within a predominantly rural area on locally elevated land comprising a mix of arable and grazing land with copse and woodland to the immediate east and larger areas of woodland to east and south east between the site and Newark Road in the village of Laughterton approximately 630 metres to the east of the site. A caravan park is located approximately 300 metres to the south. The current access is via Marsh Lane which runs east to west and is predominantly single width and unsurfaced.



Aerial photograph with layout plan overlay depicting proposed unit amidst surrounding landscape.

It is proposed to erect a poultry unit running north to south measuring 27m in width and 111m in length. Eaves height is 4m rising to a ridge of 7.35m. Running along the base will be a series of “popholes” that allow poultry to exit the building. There will be a 25m long concrete apron at the northern end of the unit with 4 feed silos in total located in pairs close to the eastern and



western ends of the building. A new agricultural access was approved in 2019 (see relevant history) and it is intended to utilise this to access the new unit. It is intended that 32,000 birds are housed in the unit for the purposes of egg production. There will be a poultry roaming area of 16 hectares. The planting of 1000 trees of native species including Oak is proposed.

An odour and ammonia report was submitted with the application and during the course of assessing the application, a revised Flood Risk Assessment (FRA) was submitted as the site falls within Flood Zones 2 (medium probability) and 3 (high probability).

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2017:**

The application is Schedule 2 Development' under the 2017 Regulations. It is concluded that the development as indicated is unlikely to have significant effects on the environment by virtue of such factors as its nature, size or location. The Local Planning Authority has therefore adopted the opinion that the development would not be EIA Development, for the purposes of the regulations

### **Relevant history:**

139624: Planning application for engineering operation to create an Agricultural access road onto land west of A1133 Newark Road. Conditional Permission was granted on 03.09.19.

### **Representations:**

**Chairman/Ward member(s):** No comments received.

**Kettlethorpe Parish Council (Summary):**

My Parish Council **strongly objects to this application** as we feel the landowner has many other suitable locations that would not create such an environmental impact on others as this. Nor would it result in the potential devaluation of other people's properties.

- Whole village will suffer from odours and would also be detrimental to the Scout campsite on Marsh Lane which has been there since the 1940s. A number of holes on Millfield Golf Course border Marsh Lane and players could possibly find the situation objectionable and choose to play elsewhere
- Discrepancies in the submitted reports including distances to dwellings
- The site is at 5 metres datum. Environment Agency maps indicate the flood banks are at 7 metres datum. The site location is below maximum river level at the time of flooding.
- 'Climate control system ventilation will be achieved via side inlets with roof ridge mounted high velocity extraction fans. Putting them in the ridge is more likely to get any odours into the wind stream, and to houses in the village. A similar building under the same ownership has extraction fans at one end of the building, so much lower down than the roof ridge. Any emissions from the end of the building will surely be dispersed gradually by the wind. We prefer this system from the point of view of not getting odours into the wind-stream so readily.

- Transportation - will this be carried out in daytime hours? No evening/night-time activity should be permitted.
- The access road to the site is within the village 30mph speed limit, is it possible that traffic speed control measures for the village could be funded and provided by the developer?
- 5.37 Statement - The litter is not stored on site once removed from the unit. It will either be sold as fertiliser or spread upon P. A. Arden & Son's outlying farmland as manure. Where will it be stored? Is it close to other residential properties? Similar litter problems have already been experienced within the Parish boundaries created by the farmer making this application. Will this be stored within Kettlethorpe Parish?
- Evacuation and finding other facilities for relocation of 30,000 hens would be extremely difficult in such an emergency. The most likely outcome is either total slaughter or drowning.
- 6.15 The proposed development will utilise an existing private carriageway that extends approximately 0.45 kilometres westward from the public highway (A1133). The access, which was constructed following the grant of planning permission No 139624 in September 2019, terminates at the north-western edge of a block of woodland located centrally within the farm holding. The carriageway will therefore need to be extended a further 260 metres westwards in order to juncture with the proposed unit hard standing. The trees have been cut down and a route cleared but no carriageway construction has apparently yet taken place.
- Has any statement been given as to whether the generator is diesel or wind powered? Does the ancillary equipment include a wind turbine?
- The proposed unit would predominantly occupy land within Flood Zone 3.

**Newton on Trent Parish Council:** No comments.

### **Representations:**

Representations against and some in support of the proposals have been received from outside the District and in some cases outside the Country to the application together with a petition (with no address for the signatories) organized by PETA (People for the Ethical Treatment of Animals).

The text is reproduced in full below

**PETA:** We object to this proposal for the following reasons:

Operations on the farm – as well as the chickens' waste and the bodies of dead chickens – would likely produce strong odours which could potentially disturb local residents and have a negative impact on their quality of life.

Ammonia from the chickens' waste would be emitted from the farm into the surrounding area, likely having a negative impact on air quality and potentially having a detrimental effect on human health, wildlife, and the environment.

The site's close proximity to the River Trent and the possibility of overwhelming the local land-draining system mean that some areas within the site are located in flood zones two and three (medium and high risk). This could result in the chickens' waste being carried into public areas and potentially have a negative impact on the surrounding environment.

The farm would produce large amounts of poultry litter, which would be exported off-site. There could be a risk that this would leak or spill and contaminate the surrounding area.

It has been demonstrated that the proposed development has the capacity to generate approximately 460 vehicle trips per annum – excluding trips made by staff members. The increased number of vehicles accessing the farm would likely worsen traffic on the A1133, which adjoins the public highway used to access the farm.

There is insufficient woodland surrounding the area to prevent a farm from likely diminishing the character of the rural landscape and spoiling natural vistas.

A small collection of archaeological artefacts were found 70 metres from the proposed development, and it could therefore interfere with future archaeological finds.

The farm would cause immense suffering to the chickens confined there. Chickens are intelligent and social animals who can feel pain and distress. As many as 32,000 birds at a time would be crammed into the unit, each having just slightly more than an A4 sheet of paper's worth of space. They would be denied the chance to do anything that comes naturally to them, such as roaming, pecking for food, scratching, and building nests for their offspring. As a result of living in these stressful conditions, chickens often fight each other, and to prevent this, they are commonly de-beaked with an infra-red laser at a day old, which can cause them immense pain.

Chickens naturally live for up to 12 years, but those held at this facility would likely be sent to an abattoir after just 56 weeks on the farm. There, they would face a throat-cutting machine before being plunged into scalding-hot water.

Finally, taking into account the negative impact the coronavirus pandemic has had on our society, it is imperative that farms such as this one no longer be built in the UK. The proposed facility would potentially be a breeding ground for bird flu and could pose an immense risk to public health. Around 1.3 million chickens are now set to be killed after avian influenza broke out on Sweden's largest egg farm. Some strains of bird flu can be transmitted from birds to humans, and the most deadly of these, H5N1 and H7N9, have killed hundreds of people around the globe. Right now, as the UK is battling yet another bird flu outbreak, the last thing the country needs is another chicken farm.

**Representations:**

Representations **objecting** to the proposal have been received from

Home Farm Main Road, 16 Dunham Road, 2 Home Farm Close, 4 Home Farm Close, 6 Home Farm Close, 16 Home Farm Close, 18 Home Farm Close, 22 Home Farm Close, 24 Home Farm Close, 26 Home Farm Close, 28 Home Farm Close, 32 Home Farm Close, 34 Home Farm Close; Bell Lodge, Main Road, Sandilands Newark Road, Woodland View Newark Road, West View Newark Road, Bungalow Newark Road, Katrina Newark Road, Stoneleigh Newark Road, Gladischoyce Newark Road, The Meadows Newark Road, Kenvia Newark Road, Brooklands Newark Road, Winder House Newark Road, The Pantiles Newark Road, The Mill Marsh Lane, The Willows Marsh Lane, Auchtermuchty Marsh Lane, The Cedars Marsh Lane, Lodge Pines Marsh Lane, 1 Swynford Close, 2 Swynford Close, 5 Swynford Close, 6 Swynford Close, 10 Swynford Close, 2 Aspen Close, 4 Aspen Close, 6 Aspen Close, Pezzoe House Friendship Close,

Broomhills Caravan Park Main Road:

11 The Brambles, Newton on Trent, 37 Littleborough Lane Marton, 99, Victoria Road Barnetby-le-Wold, 55 West Street Hibaldstow (North Lincolnshire Green Party)

74 Chelsea Court Sloane Walk Croydon, Patisson 59 Attika Athens. Bluegate Tindale Fell Brampton Cumbria, 11 Walker Mead Bedfordshire, 8A, Salisbury Road Edinburgh, 321 Hatherley Rd Cheltenham, 37 Lea vale road Stourbridge, 85 Cotswold Road, Malvern Worcestershire

**Grounds of objection (summary)**

- Despite the contents of the Modelling reports concerning odour and ammonia Emissions, which are merely computer models and therefore not reality, I believe that odours from this project will severely impact our quality of life especially in the summer. The prevailing wind being from the South West will result in the village experiencing frequent obnoxious Odours from this development. The report which is based on computer modelling agrees with this. However the various attached reports tend to present differing proximities for 'nearest properties'. Ranging from 390m to 500m. The odour report states that there are no commercial properties in the vicinity. It mentions the Naylor hills caravan site to the south. However, it omits to recognise the Scout Camp site.
- Furthermore these emissions are based on the output from the fans and do not properly address the droppings of 32000 birds on the free range area outside. That's going to be wonderful in the summer with a south westerly breeze. Also missing from this report is the noise generated by these 32000 ladies pecking away merrily.
- Unpleasant odours from the site will prevent residents having reasonable enjoyment of outdoor activities.
- The Village already has too many Lorries and farm traffic passing through it, this project would increase heavy vehicles which the roads approaching the farm proposal are not suited too. Although just within

the 30mph speed limit, this section of road leading up to the village from Newton on Trent has seen several accidents, including fatal ones. It is a long straight road. Vehicles have been hit while waiting to turn into properties to the west of the A1133. With numerous farm and HGV vehicles using this access on a daily basis, and there being no path or pedestrian access to it, I feel it is only going to create further risks to all.

- The vehicle access is new, contrary to the documentation submitted for Planning Permission. A large area of land has been cleared and opened up for access since the land was purchased
- Having a business such as this so close to residential properties is counter intuitive to the belief that living in a rural area is a healthy and quiet place to live. Too many times, nowadays, commerce comes before quality of life. We are all proud of our Village and community and feel that a project such as this would damage our way of life inexorably.
- This will bring nothing to the village apart from smell from ammonia, noise from further traffic (lorries), further decay to roads and disruption as a whole, this is totally unfair to the residents of marsh lane (single track road) and the village as a whole, it will also decrease the value of properties in the village - as has happened elsewhere when similar "hatcheries" have been constructed.
- The applicant is a large farmer with many alternative locations away from flood risk areas and away from populated areas, which would not affect the reasonable enjoyment of life by residents of the village. (Please note the Applicant does not live in this village).
- Why did I move? Because a farmer who lived 150 yards from our cottage decided to install two large industrial cooking units to process chicken offal from nearby intensive chicken rearing units. For the 10 years that this operation was in action our house was unsellable. All windows and doors (apart from the front door) were sealed up due to the unremitting stench from the cooking process. We couldn't invite friends or family to visit due to the disgusting, vomit inducing stink from the farm.
- The Birds are to be kept in 8 units of 4000 birds but all in one shed of 32,000 birds. Currently due to the risk of Avian flu, all birds must be kept inside. This 'lockdown' situation occurs fairly frequently so, is such intensive housing in-line with the 'high welfare standards' being portrayed in the report?
- I would also like to draw attention to the fact that there has not been a site-specific flood risk assessment. I would have thought this was mandatory for such a proposed development, being so close to the River Trent, and the flooding possibilities of the location. The land where the proposed unit would occupy is within Flood Zone 3, the designation with the highest possible risk of flooding.
- I have lived in Laughterton for the past 15 years. During that time the River Trent has overtopped the embankment along the stretch from Torksey to Newton once in the first 14 years but 3 times last winter. The effects of climate change will ensure that this will happen more often and more severely and I believe that the area of the proposed

development will flood at some time in the near future and 32,000 chickens will drown.

- One of our biggest concerns is that this proposed development is on a flood plain designated area. We would like to understand how large areas of concrete on a flood plain will work?
- Will disrupt local businesses (pub, golf course) and put people off moving to what is currently a lovely village due to the constant foul smell produced by these facilities. This odour will impact on the village pub being it has a beer garden serving food and is regularly used all year round
- The Jim Page Camp site normally receives several hundred visitors over a year. This facility has been there since the 1940's and if affected by unpleasant odours will likely result in people not using the site, ultimately rendering the resource for the youth of Lincolnshire and surrounding Counties un-viable.
- The riverside walk and fishing pegs along the riverbank are well used by the residents of Laughterton and nearby villages as well as visitors from further afield. This is currently, the only safe and easily accessed, walk which is very important in the current climate. This development will be a detriment to both walkers and fishermen who have enjoyed this area for many years.
- It is alleged that the applicant has been disposing of chicken waste in the village for 3 years
- Currently we have to endure the smell of chicken waste from other units that gets dumped on an open pile at the end of Hatchery Lane. I can only guess that would get worse.
- We already suffer from obnoxious odours from a chicken waste dump owned by the applicant situated approx. 100metres from the back of our house. When waste is being dumped by the lorry load, turned by mechanical equipment and after a period of time reloaded back onto Lorries the smells are particularly obnoxious and windows have to be kept closed.
- Since coming to the village my wife and I have endured four years of the frequent sickly stench of chicken manure, black dust coating window sills from the early morning to dusk tipping, not to mention the continual dense swarm of flies attracted to the area; there also appears to be a significant increase in the rat population. Spontaneous ignition of the chicken waste occurs frequently during loading of vehicles accompanied by dense acrid smoke with face blackened drivers running around in an attempt to contain the fire. My sympathies go out to the unfortunate elderly gentleman who lives on the lane providing vehicle access to the site.
- It should be noted that a proposed housing development just a few hundred yards south of this proposal and to the north of Newton was rejected recently on the grounds of the land being flood plain.
- We are also worried about declining air quality, a large proportion of residents are elderly in the village and many have underlying health problems which could be exacerbated by noxious odours

- Laughterton is only a small village with no facilities. The road is not built for big Lorries, it has bad bends with roads turning off on the bends. The smell is not pleasant and it will devalue the homes around the village. I am asthmatic and the smell would mean having to keep my windows and doors closed and not be able to spend time outside in my garden or walk the footpaths locally. I have lived in Laughterton for over 48 years.
- The emergency generator is proposed to be situated on the north east corner of the building. It is admitted to be noisy - it should be situated on the south west corner of the building
- This would bring nothing but discord and a diminished level of pleasure to many villagers and visiting golfers to the village.
- We should be avoiding crowding any animals together due to disease (there is currently yet another bird flu outbreak which is resulting in the confinement of all poultry in sheds) H5N1! And H7N9 bird flus are transmissible to humans. Who knows what else can be produced by farms such as this. Is cheap meat worth this risk? Given that we are currently undergoing a huge negative impact from Covid 19 it makes sense that farms such as this are no longer permitted
- People who feel this is a good thing for the village don't live in the village.
- Would transport be restricted to daytime access only or would we have to suffer it moving in and out during the evenings and night?
- Please reject plans for a poultry unit for 32,000 chickens in your district. There is no way it will be 'free range'. The cruelty of factory farms has to stop. It has no place in a civilised society. Chickens are the most abused animals on the planet. To authorise another battery facility would bring shame to our country. It has to be about more than just making money.
- To grant planning permission is totally irresponsible, welfare issues for thousands of overcrowding chickens, and as a consumer, this is not organic
- A factory farm will have a negative impact on the landscape

Representations in **support** of the proposal have been received from:

Bredon Sallie Bank Lane, 2 "The Rowans" Sallie Bank Lane, Naylors Hills  
Newark Road, 1 Marsh Lane, Blossom Farm Main Road,

33 High Street, Newton on Trent; Drinsey Nook Farm Bungalow Drinsey Nook  
16 Glentworth Road Kexby Gainsborough,

Anglia Free Range Eggs Ltd. Attleborough, Norfolk, The House Aubourn  
Farm Spalford Road North Scarle, Lincoln, Gibbetwood Farm Drinsey Nook  
Lane, Thorney Newark, Highwood Farm Eagle Barnsdale Lincoln, Eastview  
Brown wood Lane Thorney Newark, 77 Greenfield Close Edwinstowe  
Mansfield, LLancayo Farm Gwelhelog Usk Monmouthshire

**Grounds of support (summary)**

- My family and I have lived in the village for over 25 years and welcome more jobs which are few and far between.
- The previous owner at Naylor's Hill until recently ran a free range laying farm on the site and even though this is larger it will be set back a lot further and will be "state of art"
- The application is for an up to date, clean and efficient operation
- The occasional odour of chicken manure raised as an objection to this application by local residents is a result of the removal of organic chicken waste at Hatchery Lane in Laughterton.
- The land on which the proposed unit would be based is light sand which would require high inputs of both fertilizer and water if it was to be used for arable crops or commercial grazing. Presumably free-range poultry would require less grass thus minimising such inputs which would be good for the environment. Until recently we farmed the land to the south and east of the proposed unit and managed it on a low input system which increased species diversity in the grassland and allowed us to maintain much of the land in a semi-natural state. Many of the remaining trees are past maturity and each winter more succumb to the winter storms. The plan to plant a thousand new trees is very encouraging as this will redress the balance and, hopefully, enable the area to continue to be managed in a more traditional way.
- We live in a village already surrounded by many modern forms of farming and smells are part of living in a country location although modern farms produce so little in the way of smells and pollution compared to years gone by due to the strict standards modern farmers have to work to. Traffic through the village is less now than in years gone by as a resident of the village for 50 years the traffic is much less now than in previous decades. We have been surrounded by farms and farming all our lives historically poultry farming has created many jobs and opportunities in this local area and should be encouraged to do so again.
- Having read the proposal, supporting documents and comments in detail I took the time to visit the two sister sites in the local area. It becomes clear that the proposed site is a 'state of the art' installation and has no resemblance to the old fashioned chicken sites people are familiar with. They seem tidy and blend well into the countryside with trees and hedges planted to give a natural look to the site. The waste is automatically removed via hopper into enclosed storage and no 'heaps' of manure were to be seen anywhere and no smell was present.
- This is Lincolnshire a historic farming county producing high quality food products and support should be given for this. Eggs are one of the most healthy and essential foods for all ages
- Egg Consumption worldwide is growing especially in the UK. We must as a country keep developing our own standards of eggs as if we can't meet the demand then eggs will come into the UK from systems abroad which do not meet RSPCA -Freedom & Compassion in world farming standards and the birds will not be Free Range but from very large sheds with huge numbers of birds in them and were the birds have no access to the outside for carrying out natural behaviour etc.



- The customers present farms are of the highest quality in the UK and are kept extremely clean and tidy and something to be extremely proud of. The laying system going into the new proposed free range shed has been developed with the RSPCA and meets all the relevant standards required and for the future.
- The farm will have the latest technology for controlling the environment and at all times the customer will know exactly what's happening in the poultry sheds. This application will also create local employment which can only be a positive for the future
- Whilst we understand the concerns of other local residents, the majority of objections / complaints arise from increased traffic, the possibility of more road traffic accidents, offensive odour, loss to local businesses, and spoilt views for local walkers. Traffic & Accidents: The planning proposal deals with access issues, yet the position of the site entrance is at the very edge of the village, allowing easy access both in and out of the facility to the main access road, without having to traverse through the village. Accidents along this road are generally caused by speed, and the issue is that there is little to deter the speeding of any vehicle through this village. Better road calming is required which is not an issue that should be used to prevent the success of this planning application

#### **LCC Highways:**

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, **does not** wish to **object** to this planning application.

Requests that any permission given by the Local Planning Authority shall include the conditions below.

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to green field rates;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by

any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

### Highways

There is no precise definition of "severe" with regards to NPPF Paragraph 109, which 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 would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for periods extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

### **Environment Agency (Summary):**

05.03.21: We have reviewed the FRA (ref: 717 Naylors Hill FRA 02) dated 23 February 2021 and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore **withdraw our previous objection**, dated 05 January 2021.

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning conditions are included.

1. The development shall be carried out in accordance with the approved flood risk assessment dated 23 February 2021 and the following mitigation measures it details:

- Finished floor levels shall be set between 8.15 and 7.85 metres above Ordnance Datum (AOD) as shown in the drawing on page 40 of the FRA (ref: 717-002, Rev A) dated February 2021.
- Offices and electrical equipment shall be located in the northern section of the building with a finished floor level of 8.15 metres AOD.
- Elevated laying platforms shall be provided for the birds as described in the FRA.

- An elevated safe refuge from flooding shall be provided for the staff as described in the FRA.

### **Reasons**

1. To reduce the risk of flooding to the proposed development and future occupants
2. To provide a safe refuge from flooding in the event of a severe flood.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

05.01.21: As the proposed number of birds is below 40,000, the poultry unit would not be regulated by the Environment Agency through an environmental permit.

In the absence of an acceptable flood risk assessment (FRA) we **object** to this application. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. It does not therefore adequately assess the flood risks posed by the development.

### **Public Protection:**

The application site is well removed from existing residential dwellings with the odour and noise assessments both concluding that there will be no significant impact on either existing domestic or commercial premises. In view of this provided the unit is built and managed as per these reports I have **no** comments or **objections**.

### **Archaeology:**

The proposed development is located a short distance from the River Trent in an area that may be of archaeological interest. An Iron Age gold coin was found associated with early Roman pottery very close to the proposed development in 1982. Two further Iron Age coins have also been recorded during the 1980s in adjacent fields to the north and south. Such coins are not common and several from such a small area may indicate a focus high status Iron Age activity. A number of prehistoric flints have also been found nearby indicating earlier Neolithic and Bronze Age activity in the vicinity.

It is therefore recommended that the groundworks of the proposed development should be subject to a programme of archaeological monitoring and recording in order that a record can be made of any remains that are directly impacted by the development.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning

authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction.

“[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.” National Planning Policy Framework, section 16, paragraph 199.

Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. A brief can be produced by this department which would lay out the details above. Please ask the developer to contact this office for further details.

**Tree and Landscape Officer:** Having looked at the proposed landscape planting, the position of new planting is shown on the landscape plan and the basics of the scheme are provided. The intended new tree and large shrub planting is of native species which is best for biodiversity value and to help integrate the proposed development into the surrounding area. The new planting includes 10% evergreen in the form of Scots pine trees. This would be okay while the trees are young or semi-mature, but as the tree mature the characteristics of Scots pine are that lower branches will die off and snap away leaving a high crown with foliage offering little in terms of screening value. To ensure evergreen screening the percentage of evergreen should be increased to 15% by the introduction of 5% holly and a reduction by 5% of oak, which will provide evergreen screening at a lower level at maturity than just Scots pines. Oak trees are characteristic to the area and offer high biodiversity value, however, they are bare of foliage for almost 6 months of the year due to being late coming into leaf in spring, whereas holly will improve screening value. Further details to clarify spacing, form and size of the intended planting should be required, along with planting details and future management.

**Historic England:** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Minerals (LCC):** It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has **no safeguarding objections**.

**Trent Valley Internal Drainage Board:**

The site is within the Trent Valley Internal Drainage Board district. The Board maintained Fenton Marsh Drain, an open watercourse, exists in close proximity of the site and to which Byelaws and the Land Drainage Act 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any

tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form is available on the website: [www.wmc-idbs.org.uk/TVIDB](http://www.wmc-idbs.org.uk/TVIDB)

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

### **Relevant Planning Policies:**

#### Local Policy

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan (June 2016).

#### Central Lincolnshire Local Plan 2012-2036 (CLLP)

The policies considered most relevant are as follows:

- LP1 A Presumption in Favour of Sustainable Development
- LP2 The Spatial Strategy and Settlement Hierarchy.
- LP5 Delivering Prosperity and Jobs
- LP13 Accessibility and Transport
- LP14 Managing Water Resources and Flood Risk
- LP17 Landscape, Townscape and Views
- LP21 Biodiversity and Geodiversity
- LP25 The Historic Environment
- LP26 Design and Amenity
- LP55 Development in the Countryside

#### Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies)

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

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<sup>1</sup> [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

Kettlethorpe Neighbourhood Plan (KNP)  
Kettlethorpe is not a designated Neighbourhood Area

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

### **Main issues**

As an application for planning permission, the Local Planning Authority is only to consider the land use implications of the proposed development on the site.

Animal welfare matters are covered by legislation outside of the planning system, and are not therefore a material planning consideration, in the determination of this planning application.

- **Principle**
- **Manure and Odour Impacts**
- **Ammonia Impacts**
- **Highway Safety**
- **Noise and Disturbance**
- **Flood Risk**
- **Drainage**
- **Archaeology**
- **Visual Impact on existing character and appearance and consideration of proposed landscaping**
- **Impact on existing businesses**

### **Assessment:**

**Principle.** As a point of clarification with reference to the objections received this is not a broiler operation where chickens are bred and raised specifically for meat production. It is focused on the production of eggs over a typical 59

week production cycle with activity focused within the first 56 weeks of each cycle. The poultry house is left empty for three weeks thereafter prior to commencement of restocking. On average, there are accordingly 0.9 production cycles per annum. The chickens will not be confined to the building for this period as the hens will leave the unit through 'pop holes' in the sides allowing them to range over the adjacent woodland and meadows.

Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: 'horticulture, fruit growing, seed growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land). The proposed use would therefore fall within the definition of "agriculture" and as such the principle of this use on arable/grazing land is accepted. Whether to grant planning permission depends on a consideration of its detailed impacts which is discussed below.

### **Manure disposal and Odour Impacts:**

This is a significant concern of residents who have objected to the proposal.

(From the application submission):

"Poultry litter will be removed from within the proposed unit via conveyor belt systems (one for each side of the unit) and emptied into trailers outside the building twice per week. The litter comprises a valuable fertiliser and will therefore be marketed as manure for spreading upon farmland in accordance with the Code of Good Agricultural Practice (DEFRA, 2009). It will be transported from the site via tractor and covered trailer either directly to outlying farms or P A Arden & Son's arable holding (or remote manure storage compound if necessary)".

In response to a query in relation to chicken droppings outside the unit the following response was provided by email:

"To prevent any manure build-up immediately around the perimeter of the poultry unit (where hens enter and exit the pop holes), cleaned/treated cockle shells are spread upon the ground. These 'catch' manure where hens congregate in the mornings and evenings, enabling it to be removed in a manner that prevents ground contamination/nitrogen deposition. The cockleshell/manure combination is also a valuable fertiliser and is thus periodically collected up and transported to outlying arable farms. A new layer of cockleshells is then applied adjacent to the unit pop holes. Though this process is not technically essential, the applicant very keenly manages his poultry farms to a high level of cleanliness. This ensures that the hens remain in good productive health (profitable) and offers the collateral benefit of further minimising odour emissions (area source emissions referred to in odour impact assessment)".

An odour report was submitted in support of the application which presents the result of a detailed dispersion modelling exercise aimed at predicting the

odour impact of the proposed facility. Table 1 below shows 27 “receptors” shaded in purple for which odour emissions were modelled.

Whilst noting the objections raised to this modelling by residents the public protection officer has confirmed there is no cause to dispute or object to the predicted level of impact. The unit of measurement is the European odour unit per cubic metre : ouE/m<sup>3</sup>. The guidance level is that 3 ouE/m<sup>3</sup> is indicative of having a negligible impact (‘negligible’ at, or below 3 ouE/m<sup>3</sup> as a 98th percentile of hourly means ;). The levels predicted range from 0.12 to 1.12 ouE/m<sup>3</sup>; with an average of 0.28 ouE/m<sup>3</sup> which all fall well below the guidance threshold.



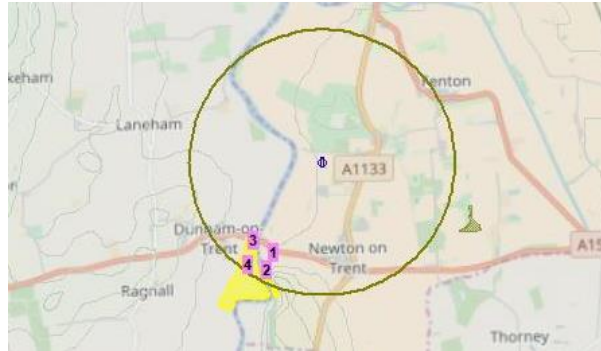
TABLE 1

On this basis odour impacts do not represent a reason to withhold permission and this would be in accordance with policy LP 26 and paragraph 180 of the NPPF.

### **Ammonia**

An ammonia report was submitted in support of the application which presents the result of a detailed dispersion modelling exercise aimed at predicting the ammonia impacts of the proposed facility. This is in relation to assessing impacts on ecology. The closest areas to the application site are reproduced below from the submitted report.





The modelling predicts that:

The process contribution of the proposed poultry unit to annual ammonia concentrations (or concentrations equivalent to deposition rates) would be below the Environment Agency's lower threshold percentages (4% for an internationally designated site, 20% for a SSSI and 100% for a non-statutory site) of the relevant Critical Level or Load at all of the wildlife sites considered.

The process contribution of the proposed poultry unit to annual ammonia concentrations (or concentrations equivalent to deposition rates) would be well below 1% of the relevant Critical Level or Load at all statutory wildlife sites considered. The modelled impacts on the interests of ecology fall within acceptable levels. This does not take into account the extensive tree planting proposed by the applicant which will also enhance the interests of biodiversity and will be secured by an appropriately worded condition.

#### **Highway Safety:**

Access to the site will be from the A1133 Newark Road to the east via one previously approved. It is noted that there are uncertainties expressed as to whether this is already in place. A condition will be imposed requiring that this in place and certified as complete prior to the commencement of development. No objection on highway safety grounds is raised by Highways to the proposal and on this basis it is not considered reasonable to withhold permission on the grounds of highway safety.

#### **Noise and Disturbance**

The applicants agents have confirmed by email that: "Unlike with broiler farms, all the key operations (egg collection, cleaning, feed deliveries etc.) have to take place when the hens are active during normal daylight hours. Apparently if they get disturbed at night, it can put them off laying the next day. As a rough idea of times, deliveries etc. will therefore usually occur somewhere between 6:30am and 6:30pm. This might vary slightly depending on the season." The table below sets out the vehicular movements over a 56 week cycle arising from the operation of the unit averaged down to an annual figure of 52 weeks.

OPERATION	VEHICLE TYPE	FREQUENCY OF ACTIVITY	VEHICLE NUMBERS PER CROP CYCLE	VEHICLE TRIPS PER ANNUM (Access & Egress)
Delivery of birds	Fixed wheel 10/15 tonne HGV	2 vehicles in week 1	2	1.8 (3.6)
Removal of birds	Fixed wheel 10/15 tonne HGV	2 vehicles in week 56	2	1.8 (3.6)
Delivery of feed	Artic, 25 tonne HGV	1 vehicle every 2 weeks	28	25.2 (50.4)
Egg Collection	Fixed wheel 10/15 tonne HGV	2 vehicles per week	112	100.8 (201.6)
Removal of poultry litter	tractor and trailer	2 vehicles per week	112	100.8 (201.6)
TOTAL	n/a	n/a	256	230.4 (460.8)

Table detailing type and frequency of vehicular activity.

This shows that the total number of separate vehicles utilising the previously approved access would be 230 annually with a total of 460 movements in and out over a 365 day period. In a typical week the site would receive 4 to 5 vehicle movements (2 x egg collection; 2 x litter removal; and every other week, 1 feed delivery). This is not considered unacceptable in highway safety terms and with the movements taking place during normal daylight hours in addition to existing traffic on the roads it is not considered to give rise to significant noise disturbance sufficient to withhold permission. A condition restricting arrivals and departures from the site to between 0600 and 1900 is proposed in the interests of amenities of residents on the opposite side of the road to the access.

Concerns have been expressed about potential noise created by a generator although this is not considered to be a significant issue given distance separation and lack of concern from public protection on such matters. The application submission also sets out that the emergency back-up generator will be a small diesel electric unit.

It is concluded that noise and disturbance would not be a reason to withhold permission. It would be in accordance with LP26.

### **Flood Risk:**

The site is located within Flood Zone 2 (Medium Probability Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding) and Flood Zone 3 (High Probability Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding). The Flood risk vulnerability classification for the development ("land and buildings used for agriculture and forestry") is "Less Vulnerable" which is considered "appropriate" on land falling within these Flood Zones. Nevertheless in accordance with guidance a sequential test would be required to demonstrate why the development could not be located on land at lower risk of flooding.

The applicants have responded by email detailing 3 alternative sites within the ownership of the applicant (as opposed to land under agricultural tenancy) within the surrounding farm holding. They have also set out the criteria against which the suitability for a free range operation is assessed which are:

- The proposed unit must be sited in a location that avoids adverse impacts upon outlying receptors arising from ammonia emissions;
- The proposed unit must be sited in a location that avoids adverse impacts upon outlying receptors arising from odour emissions;
- The proposed site must afford suitable access to the public highway;
- The land must comprise a single continuous unit exceeding 16.2 hectares (minimum poultry ranging area for 32,000 bird unit);
- The positioning of the proposed unit must allow the formation of eight operationally viable ranging area paddocks;
- The ground must be free draining in order to be suitable for poultry ranging;
- The site must be suitably remote from sensitive noise receptors;
- The site must avoid significant landscape and visual impacts;
- For reasons of biosecurity, the poultry unit cannot be sited adjacent to land already used for free range poultry farming operations;
- The development must safeguard existing habitat (e.g. woodland, ponds, and mature hedgerows);
- The vulnerability of the site to flooding; and
- The site must be under ownership of the applicant (as opposed to agricultural tenancy).

Site 1 is sequentially in an area of lower flood risk (flood zone 2) than (part) of the application site. However, the land adjoins Laughterton and does not include suitable available poultry ranging space. The environmental impact of siting the proposed unit in this location would be unacceptable (exceeding EA odour emission thresholds at most proximate dwellings, giving rise to noise disturbance) The site was therefore discounted.

Site 2 Site two is already associated with an established 32,000 bird free range poultry farm and is not therefore viable in terms of biosecurity. Furthermore, the existing and proposed units would not be accompanied by enough combined ranging area. The established 'Furrowland' agricultural storage complex occupies land within the western confines of this parcel. Sequentially, the entire area is in Flood Zone 3

Site 3 is predominantly in Flood Zone 2 and thus sequentially preferable for the proposed development in this regard. However, the site is already host to an organic free range poultry farming operation and is not therefore available

This is considered a reasonable approach and is accepted in the absence of any evidence of reasonably available and suitable alternative land at a lower risk of flooding.

The Environment Agency (EA) originally objected to the application as the original Flood Risk Assessment (FRA) did not adequately address flood risk. A new one was prepared and submitted which outlined measures to address flood risk including specification of finished floor levels above ordnance datum (AOD); location of offices and electrical equipment within the northern section

of the building (which falls within Flood Zone 2); provision of elevated laying platforms that would function as a refuge for the birds from flooding below and an elevated safe refuge for staff. The EA have withdrawn their objection subject to the imposition of a recommended condition securing implementation of all specified measures. This will be imposed. Flood risk is now not a reason to withhold the grant of planning permission.

### **Drainage**

The strategy for the disposal of surface water from the development is also set out in the revised FRA. The access from the A1133 running through the site will be permeable and have falls to the sides so that any excess run off will flow to the side of the track and discharge via infiltration.

The majority of the surface water generated will be from the poultry shed roof. It is proposed to install pipes along the eastern side of the building and an infiltration trench along the southern and western sides which will be constructed in cellular crates to give the required volume. The crates would be nominally 800mm deep covered with 200mm of topsoil which would support a grassed surface. The southern hardstanding area and western access track would have cross falls to the infiltration trench and surface water run-off would percolate through the topsoil to the infiltration trench. On the western side of the building the rainwater pipes would connect directly into the cellular crates forming the infiltration trench.

Calculations submitted have determined that an infiltration trench 1.5m wide x 0.8m deep of cellular crate construction and 160m long would provide more than sufficient attenuation. For the concrete hardstanding area at the northern end of the building, there will be no access for the birds so an open infiltration basin can be provided. The concrete surface will fall away from the building and a grassed swale/ infiltration trench will be provided around the perimeter. Calculations submitted show that a swale of depth of 600mm with a 1.0m wide base and 1 in 3 side slopes has more than 4 times the storage volume required. An outline design illustration of this was submitted with the application. The strategy outlined shows a satisfactory drainage scheme can be provided for the development. A detailed scheme will be secured via the drainage condition recommended by the Lead Local Flood Authority which will be conditioned.

**Foul water:** A sealed 12,000 litre tank located beneath hardstanding to the immediately north of the poultry unit northern elevation is proposed. The foul water will be collected and removed from the farm via a specialist contractor then disposed of by the contractor or alternatively sold as manure for spreading upon farmland in accordance with the Code of Good Agricultural Practice (DEFRA, 2009). The sealed tank will also prevent contamination of groundwater.

### **Archaeology**

The proposed development is located a short distance from the River Trent in an area that may be of archaeological interest. This can be satisfactorily

resolved by imposition of conditions suggested by Historic Services. On this basis it would accord with LP25.

### **Visual Impact on existing character and appearance including consideration of proposed landscaping**

As the site does not contain any buildings any form of physical development will lead to a change in the character of the site. It is however located within an agricultural context comprising arable land and land used for grazing purposes. What is proposed is a large building on a north to south axis with the walls and roof clad in profiled steel sheeting coloured Juniper Green. It is a utilitarian agriculture building that will be separated by a distance of approximately 640 metres and topography included wooded areas from the main body of the village of Laughterton to the east. The gable end of the building is approximately 280 metres from the private caravan park to the south which is not readily visible from within the site. Marsh Lane as it passes to the north of the site at this point is simply a single width access track at a distance of approximately 90 metres from the northern gable end of the poultry unit with views filtered by distance and existing vegetation. The north to south positioning of the unit also helps to reduce visual prominence. In addition the proposed landscaping consists of over 1000 deciduous trees of native species planted to form new rectilinear copse areas to the north, south and west of the proposed unit in addition to the existing copse east of the unit and a final section to the north east south of Marsh Lane. This will help to assimilate it within the wider landscape. The landscape proposals are generally acceptable however changes will be required to introduce more evergreen planting and additional details are required in terms of sizes; spacing and mix. This will be conditioned. Given the current agricultural context of grazing and arable land together with the existing land form including wooded areas together with its location to the east away from the village and the additional landscaping proposed it is considered that its impact on the character and appearance of the site and wider area falls within acceptable limits and does not represent a reason to withhold consent. It would be in accordance with LP26.

### **Impacts on existing businesses and the scout camp**

The odour modelling previously referred to above included the scout camp which showed levels well below the guidance threshold. It is therefore concluded that an unacceptable impact upon this neighbouring land use is unlikely to arise.

### **Reference to past occurrence of odours within the village**

These are noted however they appear to relate to organic material and are not a material consideration in the determination of the current application for a free range poultry unit.

### **Animal Welfare /Disease Transmission**

This is not a matter that is relevant for consideration under planning legislation with other regulatory mechanisms in place to deal with such issues.

### **Planning balance and conclusion**

This is a proposal that subject to the imposition of the conditions discussed above is not considered to cause significant harm to: the interests of highway safety; the living conditions of nearby dwellings; biodiversity; the character and or appearance of the open countryside. It will also support the development of an existing established rural enterprise. Therefore having considered the proposal against the provisions of the development plan and specifically policies LP1 A presumption in Favour of Sustainable Development; LP2 The Spatial Strategy and Settlement Hierarchy; LP13 Accessibility and Transport; LP14 Managing Water Resources and Flood Risk; LP17 Landscape, Townscape and Views; LP21 Biodiversity and Geodiversity; LP26 Design and Amenity and LP55 Developments in the Countryside of the Central Lincolnshire Local Plan (2017) ; as well as against all other material considerations including the revised National Planning Policy Framework (2019) it is considered that the proposal is acceptable and a grant of conditional planning permission is considered appropriate.

### **Recommendation: Grant consent subject to the following conditions:**

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

### **Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall commence, including vegetation clearance, soil stripping, earth moving or site preparation, shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out a strategy for archaeological investigation and shall include:

- i. The programme and method of site investigation and recording.
- ii. The requirement to seek preservation in situ of identified features of importance.
- iii. The programme for post-investigation assessment.
- iv. The provision to be made for analysis and reporting,
- v. The provision to be made for publication and dissemination of the results.
- vi. The provision to be made for deposition of the archive created.
- vii. Nomination of a competent person/persons or organization to undertake the works.
- viii. The timetable for completion of all site investigation and post investigation works. Development shall only take place in accordance with the approved WSI, and the development shall not be occupied until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled.

**Reason:** The site is located in an area that may be of archaeological interest with a number of historical finds in proximity of the site and in accordance with policy LP 25 of the Central Lincolnshire Local Plan

**3.** No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

Provide attenuation details and discharge rates which shall be restricted to greenfield rates;

Provide details of the timetable for and any phasing of implementation for the drainage scheme; and provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development and in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

**4.** The access improvements shown on “Drawing No.482-A-002 Rev B” must be in place prior to commencement of development and **certified as complete** in writing by the local planning authority.

**Reason:** In the interests of Highway Safety in accordance with Policy LP 13 of the Central Lincolnshire Local Plan

**5.** Notwithstanding the submitted information no development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The details submitted must include the position, size, species and density of all trees to be planted together with details for future maintenance.

**Reason:** To help assimilate the proposed development within its rural setting and in the interests of biodiversity in accordance with policies LP21 and LP26.

**Conditions which apply or are to be observed during the course of the development:**

6. The development hereby approved shall be carried out in accordance with the following drawings:

- Floor Plans and Elevations F2988-01 Date October 2020
- Site Layout (including location of additional tree planting) F2988-02 Date October 2020

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

7. The development shall be carried out in accordance with the approved flood risk assessment dated 23 February 2021 and the following mitigation measures it details:

- Finished floor levels shall be set between 8.15 and 7.85 metres above Ordnance Datum (AOD) as shown in the drawing on page 40 of the FRA (ref: 717-002, Rev A) dated February 2021.
- Offices and electrical equipment shall be located in the northern section of the building with a finished floor level of 8.15 metres AOD.
- Elevated laying platforms shall be provided for the birds as described in the FRA.
- An elevated safe refuge from flooding shall be provided for the staff as described in the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reasons:** To reduce the risk of flooding to the proposed development and future occupants and providing a safe refuge from flooding in the event of a severe flood and in accordance with Policy LP14 of the Central Lincolnshire Local Plan



**Conditions which apply or relate to matters which are to be observed following completion of the development:**

**8.** There shall be no departures or arrivals to the site outside the hours of 06.00 to 19.00 at any time.

**Reason:** To limit noise and disturbance to dwellings in proximity of the proposed access on Newark Road in accordance with Policy LP 26 of the Central Lincolnshire Local Plan.

**9.** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

# Agenda Item 7



**Planning Committee**

**Wednesday, 31 March  
2021**

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

James Welbourn  
Democratic and Civic Officer  
[james.welbourn@west-lindsey.gov.uk](mailto:james.welbourn@west-lindsey.gov.uk)

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

**Equality and Diversity including Human Rights:** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment:** None arising from this report.

**Climate Related Risks and Opportunities:** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr Andy Judge against the decision of West Lindsey District Council to fail to give notice within the prescribed period of a decision on an application for planning permission at Red Hog Pastures, Main Street, Apley LN8 5JQ.

**Appeal Dismissed** – See copy letter attached as Appendix Bi.

**Officer Decision** – Appeal against non-determination

**Costs Decision** – Dismissed – see costs letter attached as Appendix Bii.

- ii) Appeal by Mr Ian Manser against the decision of West Lindsey District Council to refuse planning permission for the erection of a single storey dwelling with associated parking at Salisbury, Main Street, Grasby, Barnetby DN38 6AH.

**Appeal Dismissed** – See copy letter attached as Appendix Biii.

**Officer Decision** – Refused

**Costs Decision** – Dismissed – see costs letter attached as Appendix Biv.

- iii) Appeal by Messrs Sodha and Jacobs against the decision of West Lindsey District Council to refuse planning permission for a single dwelling house at land at Woodlands, North Kelsey Road, Caistor LN7 6HF.

**Appeal Dismissed** – See copy letter attached as Appendix Bv.

**Officer Decision** – Refuse

- iv) Appeal by Mr T Knapton against the decision of West Lindsey District Council to refuse planning permission for the erection of an agricultural worker's dwelling at Hall Farm Park, Caistor Road, South Kelsey, Market Rasen, LN7 6PR

**Appeal Allowed** – See copy letter attached as Appendix Bvi

**Officer Decision** – Refuse



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## Appeal Decision

Site visit made on 20 January 2021

**by Sarah Housden BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 February 2021**

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**Appeal Ref: APP/N2535/W/20/3256638**

**Red Hog Pastures, Main Street, Apley Market Rasen LN8 5JQ**

- 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 planning permission.
  - The appeal is made by Mr Andy Judge against West Lindsey District Council.
  - The application Ref 141074, is dated 6 April 2020.
  - The development proposed is 'erect 2 no. general purpose agricultural buildings and 2 no. silos'.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Andy Judge against West Lindsey District Council. An application for costs was also made by West Lindsey District Council against Mr Andy Judge. These applications are the subject of separate Decisions.

### Procedural Matters

3. This is an appeal against the failure of the Council to determine the planning application within the prescribed period. The Council has subsequently provided a statement of case for the purposes of the appeal which confirms that subject to the imposition of conditions, including one to prevent the buildings being used to accommodate livestock, it does not object to the principle and details of the proposed development. I have taken account of this in framing the main issue below.
4. When the appeal was submitted, the appellant did not include a full statement of case. In order to comply with the 'Procedural Guide Planning Appeals – England', a statement of case was subsequently provided and the Council and third parties were given an opportunity to comment on it. I have taken account of those comments in coming to my decision on the appeal.
5. A screening direction was issued dated under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulations 14(1) and 7(5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.

6. An appeal for the development of two general purpose agricultural buildings and two silos on the appeal site was dismissed on 30 December 2019<sup>1</sup>. I have had regard to that decision in my assessment of this case, but I have determined this appeal based on the evidence and information submitted with this appeal and my visit to the site.
7. The revised Design and Access Statement (Revision C)<sup>2</sup> submitted with the planning application confirms the proposed use of the buildings and the appellant has indicated his agreement to a planning condition that would prevent them from being used for pig accommodation. I have determined the appeal based on the description of the proposed development and the evidence before me and for the avoidance of any doubt, the appeal proposal is for two general purpose buildings and two silos to store equipment, vehicles, feed, bedding and other provisions in conjunction with the pig rearing use of the site.

### **Main Issue**

8. The main issue in this case is the effect of the development on the character and appearance of the area and whether the benefits of the proposal would demonstrably outweigh any harm identified in that regard.

### **Reasons**

9. The appeal site is located approximately 0.4 km to the west of Apley and was previously used for oil exploration in the 1980s. It comprises a 0.7 hectare parcel of land, inset from the surrounding field with the site boundaries demarcated by a mature hawthorn hedge to the road frontage and a combination of low bunding, a post and wire fence and new hedge planting to the west, north and east boundaries. The lane is single track, but the site has a wide gated access.
10. The appeal site occupies an elevated and exposed position within open countryside. The wider landscape is characterised by open and undulating fields, mainly in arable cultivation and affording long distance views in all directions. Despite occasional blocks of woodland and tree belts, there is a high degree of intervisibility between public viewpoints to the north, west and south of the site. When approaching from Apley, the intervening hedgerows and topography provide additional screening, such that the site is less visible from this direction.
11. At my site visit there were two enclosures in the north west and south east areas of the site which each contained an arc and approximately 20 – 30 piglets in each. A straw bale enclosure in the middle of the site accommodated an arc and, based on what I saw at my visit, one adult pig. A number of other materials and machinery were also stored on the site including bales of straw bedding, fodder, a large mound of straw material, two separate mounds of topsoil and a number of vehicles and trailers with some stored in an open sided enclosure adjacent to the frontage boundary. Two large storage tanks were positioned at the side of the access.
12. Although the mound of straw material is visible from longer distances to the north, west and south, the existing equipment and tanks on the site can be glimpsed but are not unduly prominent in the wider landscape. However, due

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<sup>1</sup> Appeal Ref APP/N2535/W/19/3235657

<sup>2</sup> Submitted 2.7.20

- to the combination of the site's elevated and exposed location, the low height of the boundary screening and the footprint and bulk of the proposed buildings, they would be extremely prominent and intrusive in the wider landscape. Building 1 would be particularly conspicuous when viewed from long distance public vantage points due to its overall length of 27 metres and unbroken roof ridge. The buildings and the silos would be readily visible across a wide area, from Sparrow Lane to the north, from the lane to Low Apley to the west and from the Viking Way long distance trail to the south of the Main Street/Sparrow Lane junction.
13. The proposed building form and construction materials would be characteristic of other agricultural buildings commonly found in the area. However, these are predominantly found in proximity to other buildings on larger farm holdings. The proposed development would be in an isolated and exposed location on a small parcel of land, unrelated to any larger agricultural holding or farm steading.
  14. For the reasons outlined above, I conclude that the extent of the harm to the landscape would be significant. I acknowledge that this differs from the Council's conclusion on the matter but based on my site visit I do not share the Council's conclusion that the landscape is flat and that the existing bund and peripheral landscaping would help to screen the proposed development to some extent.
  15. In accordance with paragraph 54 of the National Planning Policy Framework (the Framework), I have considered whether a condition could be imposed to secure additional boundary treatment to supplement the existing bunding and hedge planting which would help to mitigate the visual impact of the development. However, in the absence of further details, I cannot be certain that such a scheme would be effective in achieving an acceptable level of mitigation and in these circumstances, such a condition would fail to meet the tests for conditions set out in the Framework and the Planning Practice Guidance.
  16. For the reasons outlined above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. There would be conflict with CLLP Policy LP26 in so far as it requires new development to respect landscape character and identity and relate well to the site and surroundings in relation to siting, height, scale, massing and form.
  17. There would be further conflict with CLLP Policy LP17 which seeks to protect the intrinsic value of the landscape and states that particular consideration should be given to views which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints. However, Policy LP17 also states that where a proposal may result in significant harm, it may exceptionally be permitted if the overriding benefits of the development demonstrably outweigh the harm and in these instances the policy requires that the harm should be minimised and mitigated. I now deal with this issue.
  18. Limited details of the pig rearing business have been supplied. At the time of the planning application, the numbers of pigs on site were indicated to be 70 and with 30 weaner pigs 'due to be delivered within the next 10 days'. Reference is made to recent approval for a 200 breeding sow unit on 6 hectares of land at Kirkby on Bain to supply weaners to the appeal site for

- fattening. However, no further details have been provided of how the two units would operate in conjunction with one another.
19. The buildings would not accommodate livestock but would be used to store a teleporter for moving straw, tractors, trailers for transporting straw, spare pig arcs, livestock movement containers, an office/medication store, quarantine and welfare provisions. The need for the silos is justified for the dry storage of feed. However, there are no further details of the quantity or space requirements of the vehicles and other equipment and where they would be accommodated within the buildings.
  20. The appellant's Management Plan contains some details of how the site would operate and how animal welfare would be managed. It also confirms that the end product would be of a high quality and of local provenance, contributing to the local economy. However, no details of the turnover of the business or its output have been provided. Nor is it clear how the new buildings and silos would support an additional full time and part time job as indicated in the planning application form.
  21. As such, I cannot be certain that the two buildings of the scale proposed are commensurate with the scale and functional needs of the pig rearing business that is currently operating from the site or how they would meet future needs. The extent of the benefits that would arise to the business and the wider economy are not specified. There would be conflict with CLLP Policy LP55 in so far as it supports non-residential development in the countryside where the location is justifiable to maintain or enhance the rural economy and that the development is of a size and scale commensurate with the proposed use and with the rural character of the location.
  22. The Framework supports a prosperous rural economy and the development of agricultural businesses and acknowledges that sites may have to be found beyond existing settlements. However, it also indicates that in these circumstances, it will be important to ensure that development is sensitive to its surroundings and at paragraph 170 states that decisions should recognise the intrinsic character and beauty of the countryside.
  23. I have concluded that the proposed development would cause significant harm to the character and appearance of the area. There is nothing in the evidence which would enable me to conclude that the appeal scheme would have overriding benefits which would demonstrably outweigh the harm identified. For this reason, the appeal proposal would conflict with CLLP Policy LP17 and with the provisions of the Framework in relation to conserving and enhancing the natural environment.
  24. I recognise that the Council has not defended the appeal and that I have reached a different conclusion from the Council on the main issue in this case. However, I have come to my decision based on the circumstances of the site, the details of the proposal and the evidence before me.

### **Other matters**

25. The previous appeal was dismissed for reasons including harm to a minerals safeguarding area. However, for the purposes of this appeal, Lincolnshire County Council has confirmed that having regard to its scale, nature and location the proposed development would have a negligible impact on



- sterilising the mineral resource. Had the appeal been allowed, there would have been no reason to come to a different conclusion on that matter.
26. I am also satisfied that details of a method to deal with any unidentified contamination as construction progresses could have been dealt with by means of a planning condition had the appeal been allowed. In coming to that view, I have had regard to the comments from the Council's Environmental Protection Officer. Similarly, drainage arrangements could also have been dealt with by means of a suitably worded condition.
27. Representations have been made about the adequacy of the local highway network to accommodate the vehicular movements that would be generated by the proposal. However, the Highway Authority has not objected to the proposed development and had the appeal been allowed, I see no reason to disagree with that assessment.
28. Previous events and activities on the site are not matters that can be taken into account in the determination of this appeal which is based on the planning issues in the case.
29. The appellant has indicated that permission for a barn at Hoop Lane, Apley was granted without an appraisal, justification or management statement. However, in the absence of further details including the site context, I cannot be certain that it is comparable with the case before me.
30. I also note the support for the proposal in terms of its environmental impact. However, neither this nor any of the other matters raised are of sufficient weight to outweigh my conclusion in relation to the main issue in this case.

*Planning Balance and Conclusion*

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
32. I have found that the proposal would cause significant harm to the character and appearance of the area and would conflict with CLLP Policies 17, 26 and 55. There are no material considerations in this case of sufficient weight to outweigh that harm and the conflict with the development plan, read as a whole. Accordingly, there is nothing to justify a decision other than one in accordance with the development plan.
33. For the reasons outlined above, and having had regard to all other matters raised, the appeal should be dismissed.

*Sarah Housden*

INSPECTOR



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## Costs Decision

Site visit made on 20 January 2021

**by Sarah Housden BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 February 2021**

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### **Costs application in relation to Appeal Ref: APP/N2535/W/20/3256638 Red Hog Pastures, Main Street, Apley, Market Rasen LN8 5JQ**

- 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 Mr Andy Judge for a full award of costs against West Lindsey District Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for '2 no. general purpose agricultural buildings and 2 no. silos'.
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### **Decision**

1. The application for a full award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may 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 process.
3. The substantive appeal in this case is against the non-determination of the planning application for the proposed development. It is argued that the Council failed to give a proper explanation of why it failed to reach a decision within the statutory time limits. The Council's statement of case confirmed that it did not object to the principle or details of the proposal subject to the imposition of conditions. It is also claimed, therefore, that the application could have been determined in the appellant's favour and the resultant appeal was unnecessary.
4. It is clear from the various email exchanges between the Council and the appellant in the evidence before me that the Council sought clarification on a number of matters throughout the planning application process. The Design and Access Statement Revision A (8.6.20) states that the 'eventual number of pigs to be kept will be 350 once site accommodation consisting of sheds or containers has been established'. Based on this information, along with the description of the proposed development, the Council's approach to seek further clarification of the proposed use of the buildings was entirely justified. If the buildings were to be used to accommodate livestock, an assessment of air quality impacts would have been required to ensure that there would be no adverse effect on the Bardney Limewoods Site of Special Scientific Interest.

5. The appellant's Design and Access Statement Revision C (2.7.20) removed reference to pigs being accommodated within the buildings and confirmed that the items that would be located in them would be a teleporter, trailers, livestock movement containers, office/medication store and quarantine and welfare provisions. Based on this information, the Council's assessment that they would be used for the storage of those items was entirely reasonable. The Council's request for the appellant to change the description of the proposed development from 'planning application to erect 2 no. general purpose buildings and 2 no. silos' to '2 no. agricultural storage buildings and 2 no. silos' prior to re-consultation was also understandable, as the description of the proposed buildings as 'general purpose' could have created some ambiguity and implied their use for accommodating livestock. Although it led to some delay in the planning application process, it was entirely reasonable for the Council to make sure that these details were clear before re-consulting interested parties and statutory consultees.
6. I note that the Council's email to the appellant's agent, dated 2 July 2020, confirmed that the application would need to be determined by the Planning Committee on 19 August 2020. The Council requested an agreed extension of time to complete the necessary re-consultation and determine the application by 21 August 2020. There is nothing in the evidence to suggest that the Council acted other than in accordance with its scheme of delegation and this does not amount to unreasonable behaviour by the Council.
7. The request to revise the description of the proposed development and extend the period for determination was rejected by the appellant by email dated 9 July 2020. I note that on 24 July 2020, the appellant sought clarification about whether the Council intended to determine the application on that day. The appeal form is dated 25 July 2020, the following day.
8. The Council's statement of case for the appeal makes clear that it considers that the proposal is essential to the effective operation of agriculture and that it no longer has any objections to the principle or details of the development, subject to the imposition of suitable conditions to ensure that matters including drainage and dealing with any unsuspected contamination are dealt with. Whilst I understand the appellant's frustration that this position was not arrived at during the course of the planning application, for the reasons set out above, I find that the Council did not act unreasonably in its handling of the planning application and nor was any unnecessary expense incurred by the appellant in the appeal process.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated and that a full award of costs is not justified.

*Sarah Housden*

INSPECTOR



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## Appeal Decision

Site visit made on 12 January 2021

by **G Rollings BA (Hons) MAUD MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 11 March 2021

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**Appeal Ref: APP/N2535/W/20/3259683**

**Salisbury, Main Street, Grasby, Barnetby, DN38 6AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Manser against the decision of West Lindsey District Council.
  - The application Ref 140577, dated 5 February 2020, was refused by notice dated 7 April 2020.
  - The development proposed is the erection of a single storey dwelling with associated parking.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mr Ian Manser against West Lindsey District Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - The effect of the proposed development on the living conditions of the occupiers of The Old Chapel and 1 Clixby Lane, with particular reference to overlooking and privacy;
  - The effect of the proposed development on the character and appearance of the area; and
  - The effect of the proposed development on the setting of a nearby Grade-II Listed Building.

### Reasons

#### *Living conditions*

4. The proposed dwelling would be located on a flat piece of land raised above the sloping Main Street. The gradient of the street is substantial, and residential dwellings The Old Chapel and 1 Clixby Lane have ground levels that are significantly below the level of the appeal site. The side of The Old Chapel almost adjoins the appeal site boundary, whereas the rear elevation of No. 1 faces the site and is separated by private garden space.

5. The elevated position of the site allows views into these neighbouring properties. Although there is some vegetation on the bank and edge of the site and within the gardens of the neighbouring properties, much of it was not in leaf during my visit and as such there were clear views from the site. The noticed that the view towards No. 1 appeared to be across the rear garden of The Old Chapel, and that there was a distance of several metres between the site and the rear windows of No. 1, together with glimpses of its rear garden. The distance between the proposed dwelling and No. 1, together with the erection of boundary fencing, would be sufficient to ensure that there was no significant overlooking of that property, or loss of privacy by its residents.
6. Of greater concern is the potential effect on the occupiers of The Old Chapel. The sloping side roof of this building contains several 'velux'-type roof windows, which directly face the appeal site and proposed dwelling. These are similar to or above the current ground level of the appeal site, and an occupier of this property advises that these include a non-opaque window serving a bathroom, and others serving habitable rooms. From the appeal site, and through these windows, I was able to see activity within the dwelling. Due to the proximity and orientation of The Old Chapel's windows and the proposed living room windows shown on appeal plan 04 F, I am not convinced that there would be an avoidance of overlooking from the proposed dwelling, even with a boundary fence or vegetation in place. I appreciate that the ground level of the appeal site would be lowered as part of the development, but from my observations I consider that direct overlooking into habitable rooms would remain possible.
7. The appellant's statement mentions that the small windows serving the proposed living room would be at an obtuse angle in regard to views to No. 1, but I consider that overlooking would still occur to The Old Chapel. I am also concerned that the proximity of new structures and domestic activity could lead to the occupiers of The Old Chapel experiencing a loss of privacy, which would harm their living conditions.
8. I have taken account of the fact that there are two versions of the proposed floor plan, appeal plan 04 F showing the aforementioned windows, and Plan 03 D showing no side-facing lounge room windows on either the floor plan or the relevant elevation. The use of a planning condition to overcome this discrepancy would not be appropriate in this instance, as such mitigation has not been proposed by any party, and for me to impose a condition during the appeal stage would deprive interested parties of the opportunity to comment, thereby depriving them of natural justice.
9. I therefore conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of The Old Chapel, with particular reference to overlooking and privacy, although there would be no significant harmful impact on the occupiers of 1 Clixby Lane. The proposal would conflict with *Central Lincolnshire Local Plan (2017)* (the Local Plan) Policy LP26, which requires development to not harm the amenities of occupants of neighbouring land, amongst other considerations. This policy is consistent with the *National Planning Policy Framework (2019)* (the Framework).

### *Character and appearance*

10. There are two aspects for consideration in this main issue: the amount of development on the site, and the effect of the street scene. I shall examine each in turn.
11. The appeal site is a division of a larger site, on which two other dwellings are located. Rhodesia is sited towards the rear of the site, and Salisbury is a later addition on the front of the site. The latter would be separated from the proposed dwelling by the driveway shared by all three properties. Although the three dwellings would have various plot sizes, these would not be out of character with the varying plot sizes throughout the village, including sites smaller than the one proposed. Although the creation of a 'backland' plot-style access to Rhodesia would be out of character with the general street-facing arrangement of other homes in the village, the harm to the character and appearance of the local area resulting from this arrangement would be minimal.
12. The existing slope between the road is vegetated, with the appeal plans indicating that none of the street-facing trees or shrubs would be retained. The site represents the transitional point between the similarly vegetated conditions uphill, and the built-up part of the village downhill, with buildings directly fronting or close to the street pavement. A bare or paved slope would be wholly out of character and harmful to the street scene, but the plans indicate that there would be space to enable vegetation of much of the retaining slope. Were the appeal to be allowed, a planning condition could be applied to ensure that this would occur, and whilst there would be some harm to the street scene resulting from the loss of existing vegetation, this would not be significant.
13. I therefore conclude that the proposed development would not harm the character and appearance of the area, and would not conflict with Local Plan Policies LP17 or LP26. Together, these policies require development to maintain and respond positively to features which contribute to the character of an area and its townscape, amongst other considerations, and are consistent with the Framework and *National Design Guide* (2021).

### *Listed building*

14. The Old Post Office, a grade-II Listed building, is located on the opposite side of the road and downhill from the appeal site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, its significance, or any features of special architectural or historic interest.
15. The significance of the listed building lies in its architectural form and features, together with a corner location that recalls its former use as an important facility in the village. The appeal site is close to the listed building and part of its setting, with intervisibility from both locations. Visibility of the development could be partly mitigated by tree retention or replanting of the street-facing bank, were the appeal to succeed, and given the existing mostly built-up area around the building, any effects to the setting, including views of the building, would be unharmed.

16. I therefore conclude, in accordance with the clear expectations of the Act, that the setting of the listed building would be preserved, together with the significance of the designated heritage asset. There would be no conflict with Local Plan Policy LP25, which requires development proposals to protect, conserve and seek opportunities to enhance the historic environment, amongst other considerations, and which is consistent with the Framework.

*Other issues*

17. I have received submissions referring to land ownership and boundary issues, together with concerns from neighbours in relation to other matters. However as I am dismissing the appeal, there is no need for me to consider them in this decision letter.

**Conclusion**

18. Although I have found that there would be no harm with regard to the proposal's impact on character and appearance and the listed building, there would be harm to the living conditions of the occupiers of The Old Chapel. As such, the proposal is in conflict with the development plan for the area and there are no material considerations to indicate otherwise.

19. For the reasons given above I conclude that the appeal should be dismissed.

*G Rollings*

INSPECTOR



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## Costs Decision

Site visit made on 12 January 2021

by **G Rollings BA (Hons) MAUD MRTPI**

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

Decision date: 11 March 2021

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### **Costs application in relation to Appeal Ref: APP/N2535/W/20/3259683 Salisbury, Main Street, Grasby, Barnetby, DN38 6AH**

- 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 Mr Ian Manser for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for the erection of a single storey dwelling with associated parking.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may 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 process.<sup>1</sup>
3. The applicant states that the Council has reused a reason for refusal for an issue previously found acceptable by Inspectors for preceding appeals<sup>2</sup> on the site, the latter of which was similar in design to the one before me. Two reasons for refusal were also produced by the Council which were not included in the previous applications or appeals.
4. In respect of the first matter, the representation from an occupier of The Old Chapel states that the proposed windows facing towards that dwelling are a new addition to the most recent design. This does not accord with the applicant's statement that the design of the current scheme, and the more recent of the previous appeal schemes, are similar. I do not have the previous plans as evidence before me. However, there are two different versions of the proposed floorplan are shown in the appeal plans, which indicate a different arrangement of windows in the wall closest to The Old Chapel. Both were before the Council at the time of its decision. The floorplan and elevation on plan 03 rev. D shows fewer windows than that on plan 04 rev. F. This could lead to understandable differences in the parties' interpretation of the proposal.
5. Due to this element of doubt, I cannot be wholly convinced that the current proposal is directly comparable to the previous scheme, in a manner that would

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<sup>1</sup> PPG reference ID: 16-028-20140306; revision date: 06 03 2014.

<sup>2</sup> Appeal decisions APP/N2535/W/17/3189369; decision date: 26 March 2018; and APP/N2535/W/19/3237412; decision date: 20 December 2019.



preclude the Council from applying the relevant reason for refusal. I therefore find that the Council has not acted unreasonably in this regard.

6. On the second matter, the applicant suggests that the Council has not adequately justified its reasons for refusal, and that in any case both could have been overcome with the use of planning conditions. I do not agree that the Council's justification is inadequate, and consider the reasons for refusal to be reasonably detailed, and that the background as set out in its evidence to provide clear reasoning that led to a logical outcome, where it clearly found that the proposal conflicted with the development plan. Although I reached a different decision both in regard to the conflict and mitigation with conditions, I do not consider the Council's approach to be unreasonable.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*G Rollings*

INSPECTOR



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# Appeal Decision

Site visit made on 15 December 2020

**by K Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 March 2021**

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**Appeal Ref: APP/N2535/W/20/3259808**

**Land at Woodlands, North Kelsey Road, Caistor LN7 6HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Messrs Sodha and Jacobs against the decision of West Lindsey District Council.
  - The application Ref 140623, dated 14 February 2020, was refused by notice dated 16 April 2020.
  - The development proposed is a single dwelling house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The Council refused the application for three reasons. In respect of the third reason relating to the effect on protected species, the Council has confirmed that subsequent eDNA testing undertaken by the appellants has overcome its concerns and it no longer wishes to defend this reason for refusal. I have no reasons to disagree. Therefore, the outstanding main issues are:
  - Whether the proposal would represent an appropriate location for housing, having regard to i) relevant local and national policies, including whether the proposal represents an isolated home in the countryside, and, if so, whether it is of 'exceptional quality, and outstanding or innovative design' and ii) accessibility to services and facilities.
  - The effect of the proposal on the character and appearance of the countryside.

## Reasons

### *Location for housing - Development Plan*

3. The development plan for the district is the Central Lincolnshire Local Plan (April 2017) (the CLLP). Policy LP1 sets out the desire to deliver sustainable growth that brings benefits for all sectors of the community. Policy LP2 sets out the spatial strategy and settlement hierarchy for the district.
4. The appeal site lies on a stretch of straight road to the west of the town of Caistor, one of the market towns falling under the third tier of the settlement hierarchy, which is expected to take significant, but proportionate, growth in housing and other development. Most of this growth will be through sites allocated in the local plan, along with non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the 'developed footprint'.

5. An 'appropriate location' is defined to mean a location which does not conflict, when taken as a whole, with national policy or policies in the CLLP, and where the development would retain the core shape and form of the settlement; not significantly harm the settlement's character and appearance; or that of the surrounding countryside or the rural setting of the settlement. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement. There are a small number of detached dwellings either side of the appeal site and intermittently along the road to Caistor, but they are clearly separated from the developed footprint of the town by several open, agricultural fields. Consequently, the appeal site is not immediately adjacent to the developed footprint and so would not amount to an appropriate location for development under the third tier of Policy LP2.
6. Rather, it is located in the open countryside, to which Part 8 of Policy LP2 and Policy LP55 are applicable. Both policies permit specific forms of development in the countryside. However, the proposal for a market dwelling would not meet any of the exceptions set out under these policies and the proposal would thus conflict with the overall spatial strategy set out under Policy LP2.

*Whether an isolated home*

7. Both parties' evidence refers to Paragraph 79 of the National Planning Policy Framework (the Framework), which seeks to avoid development of isolated homes in the countryside unless one or more specific circumstances apply. The appellant advances that the dwelling would fall under criterion e), being a design of exceptional quality, that is truly outstanding or innovative.
8. The judgement in *Braintree*<sup>1</sup> is referred to me by the parties. It established that 'isolated' in terms of the Framework refers to physical proximity to other dwellings and settlements, and not to accessibility to services, which is a separate consideration. *Braintree* confirmed that whether a proposed dwelling would be 'isolated' in terms of the Framework is a matter of fact and planning judgment for the decision-maker in each case.
9. The site is physically close to the dwellings of Auckland House, Woodlands, Rivendell – The Danes and The Birches. As such, I consider the proposal would not amount to an 'isolated home' for the purposes of the Framework and none of the exceptions at Paragraph 79 are therefore applicable. I am aware that a colleague Inspector found the site would be 'isolated' in an appeal decision<sup>2</sup> relating to the same site in August 2017. However, this decision predates the judgement in *Braintree* and its clarification on the meaning of 'isolated'. This is a significant material consideration not before the previous Inspector which limits the relevance of this decision to the present appeal. Similarly, the comments of the Design Review Panel on isolation appear not to reflect the *Braintree* judgement, and I afford them limited weight as a result.
10. The appellants state that the types of dwellings supported under Paragraph 79, such as agricultural workers' dwellings, are often located close to other farm buildings and it should not be the case that a new dwelling must be away from other buildings to be considered to be isolated. However, this statement is not

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<sup>1</sup> Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin)

<sup>2</sup> APP/N2535/W/17/3174266

supported by evidence and, moreover, it contradicts the judgement in *Braintree*. Therefore, it does not dissuade me from the view that the dwelling would not be physically isolated, and that the proposal, regardless of any exceptional design quality, is not supported under Paragraph 79.

11. The appellants also argue that if an exceptionally designed dwelling can be supported in an isolated location, it should also be supported in a non-isolated location. A high quality design would naturally be a material consideration in such a case, and I consider this below, but it would draw support from elsewhere in the Framework and not from Paragraph 79.

*Whether outstanding or innovative design*

12. I have already found that Paragraph 79 is not applicable to the proposal, but I recognise that Paragraph 131 of the Framework states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. There is a high bar to be met to be 'outstanding or innovative'.
13. The proposed dwelling would take the form of a contemporary Dutch barn, comprising a steel superstructure with shallow curved roof, within which would be a collection of modular blocks stacked on top of one another referencing hay bales. The facades would be clad in vertical larch boarding with an irregular pattern of large windows. The site would be reinforced with new landscaping.
14. I note that the proposal has been subject to a considered design process, including evaluation by a Design Review Panel. However, this review was for an earlier iteration of the scheme which proposed two dwellings. Therefore, much of the panel's commentary is not specific to the scheme now before me. Moreover, whilst I accept that the panel endorsed the Dutch barn concept, its response mainly contains advisory notes on further work which should be undertaken, and I do not read these comments as unequivocal support for the proposal. Notably, the panel does not reach any conclusion that the proposal would amount to a design of exceptional quality in terms of the Framework. This limits the weight I afford these comments.
15. I recognise that the Dutch barn concept is a response to the rural location of the site, and the dwelling undoubtedly has merit in its overall architectural approach, including the novel use of the modular blocks to reflect hay bales. However, ultimately the design imitates an agricultural building of which there are examples across the wider countryside, both serving their original purpose and converted to dwellings, and is a concept the Council points out has been undertaken elsewhere in the country. Consequently, the proposal, though well-considered, is not outstanding or innovative in nature.
16. The proposal would incorporate several energy efficiency measures including providing a super-insulated building taking advantage of natural light, the use of solar panels, rainwater harvesting, air source heat pumps and under floor heating. Although the proposal may go further than others in the number of such measures proposed, none of these are particularly ground-breaking or unique, and would not amount to 'outstanding' or 'innovative' features so as to meet the requirements of Paragraph 131 of the Framework.

*Accessibility to services and facilities*

17. Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The dwelling would be located some 1.9 miles from the centre of Caistor on a long, straight stretch of road which does not have footpaths or lighting and is subject to the national speed limit. I saw regular fast moving traffic at my site visit. Such conditions are not conducive to safe journeys on foot or by cycle and future residents would therefore rely heavily on the private car to access local facilities, services and employment opportunities.
18. I acknowledge that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas; but it also requires development proposals to take account of opportunities to promote walking, cycling and public transport. In this case, the appellants offer no specific reason or need for locating the dwelling in the countryside that would justify a lack of viable transport alternatives to the private car. Therefore, I find that the site is not in an accessible location and the proposal would conflict with the spatial strategy of the CLLP, as expressed by Policies LP2 and LP55, which seeks to direct development to the most sustainable locations, and with the similar aims of the Framework.

*Conclusions on first main issue*

19. The proposed dwelling would conflict with the locational and accessibility requirements of Policies LP2 and LP55 and the overall spatial strategy of the CLLP, and the guidance of the Framework. The design of the proposal, though of some merit, would not amount to an outstanding or innovative design and would not outweigh the conflict with the spatial strategy. Therefore, I find that the proposal would not represent a suitable location for housing.

*Character and appearance of the countryside*

20. The appeal site is an area of undeveloped land between the dwellings of Woodlands and Adelaide House, covered at the front by a substantial tree belt, and open to paddocks at the rear. Further bands of trees stand at a distance to the east and south and screen views of the wider countryside. Though there are dwellings to either side of the appeal site, they represent sporadic development within predominately rural surroundings, to which the appeal site contributes positively by maintaining a gap between the built form and retaining natural features.
21. The proposed dwelling would be set into the site behind the retained band of the trees to the front. However, the proposal would involve the creation of a new access and culverting of a drainage ditch, along with a landscaped garden, parking areas and an outdoor store. Consequently, the proposal would introduce considerable domestic built form where there presently is none. Whilst the dwelling would be screened to some extent by the trees and additional landscaping, its size and the presence of the entrance means it would still be discernible from the road, and it would be visible from neighbouring properties and the equine facilities at the rear. The dwelling would be located within a gap in what is an intermittent pattern of housing along the road, creating a more linear form which would detract from the prevailing rural character and sporadic nature of development. In this respect,

my findings concur with those of the Inspector in the 2017 appeal decision on a proposal for two dwellings who found the contribution of the site to the undeveloped character of the countryside would be lost.

22. I recognise that the dwelling has been designed with the rural surroundings in mind and would provide a high standard of accommodation and energy efficiency. Good design is a key aspect of sustainable development, but this is dependent on the proposal being acceptable for that location. Due to the exacerbation of a linear pattern of development I conclude that, overall, the proposed dwelling would harm the character and appearance of the countryside, contrary to Policies LP17 and LP26 of the CLLP which require high quality sustainable design that contributes positively to local character, landscape and townscape, through relating well to the site and surroundings, avoiding ribbon development, and which seek to protect and enhance features which positively contribute to the character of the area. The proposal would also conflict with the aims of Policies 2 and 3 of the Caistor Neighbourhood Plan 2013-2031 (March 2016) particularly the requirement to conserve and enhance rural nature and the Framework's recognition of the intrinsic character and beauty of the countryside.

### **Other Matters**

23. The Council did not refuse the application in respect of neighbours' living conditions, highway safety, trees, archaeology or foul and surface water drainage, subject to possible conditions. On the evidence before me, I have no reasons to reach different conclusions in any of these matters.

### **Planning Balance and Conclusion**

24. The proposal would deliver an additional dwelling for the District's housing stock, but this would be a limited benefit given the scale of the proposal. There would be limited economic benefits from the construction of the dwelling, though these would be temporary, and from subsequent economic activity by future residents in the local area. There would be environmental benefits through additional tree planting, opportunities for biodiversity and incorporation of the aforementioned energy and water saving technologies which together weigh moderately in favour of the proposal.
25. Set against this, the proposal would result in significant environmental harm through conflict with the spatial strategy, the adverse effect on the character of the countryside, the distance of the dwelling from local services and facilities and lack of accessibility by means other than the private car.
26. Planning law states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. I conclude that the identified harm arising from the proposal results in conflict with the development plan taken as a whole, to which I afford significant weight. The other material considerations in this case do not indicate that permission should be forthcoming in spite of this conflict.
27. For these reasons, and having regard to all relevant matters raised, the appeal is dismissed.

*K Savage* INSPECTOR



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## Appeal Decision

Hearing held on 16 February 2021

Site visit made on 17 February 2021

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> March 2021

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**Appeal Ref: APP/N2535/W/20/3263121**

**Hall Farm Park, Caistor Road, South Kelsey, Market Rasen LN7 6PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr T Knapton against the decision of West Lindsey District Council.
  - The application Ref 140686, dated 21 February 2020, was refused by notice dated 27 May 2020.
  - The development proposed is the erection of an agricultural worker's dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural worker's dwelling on land at Hall Farm Park, Caistor Road, South Kelsey, Market Rasen LN7 6PR in accordance with the terms of the application Ref 140686 dated 21 February 2020, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The application is in outline with matters regarding means of access, layout, scale, appearance and landscaping reserved for later determination.

### Main Issue

3. The main issue is whether there is a need for a second agricultural worker's dwelling on the farm.

### Reasons

4. The proposed development would be located adjacent to Hall Farm Park just south of Caistor Road and not far from the village of South Kelsey in Lincolnshire. Hall Farm Park is a visitor attraction and sits within Hall Farm which is operated by KC & VF Knapton & Son and extends to about 480 acres. The farmhouse at Hall Farm is about 600 metres from the visitor attraction. However, the two entities are separate business enterprises with each run as a partnership.
5. Hall Farm Park was established in 2006 as a farm diversification initiative. The facility includes an animal barn, a play barn and a tearoom / giftshop together with outdoor attractions such as animal pens and paddocks, crazy golf, go-carting and a fort. There is also quite a large visitor car park.
6. In 2019 the facility attracted over 35,000 paying visitors. This figure excludes under-2s, free birthday entrants and season-ticket holders. The facility provides 6-7 full time jobs and, according to the season, around 25

part-time jobs. The play barn was extended some years ago and planning permission has been granted for the erection of a second play barn close to the car park of the visitor attraction.<sup>1</sup>

7. The animal barn accommodates breeds such as goats, donkeys, alpacas, llamas and pigs as well as smaller mammals such as rabbits, poultry and parrots. Furthermore, the Appellant also keeps sheep in the fields surrounding the facility.
8. The proposed development comprises a detached dwelling to be used as an agricultural worker's dwelling. It would be located on a broadly rectangular shaped site about 200 metres from Caistor Road and close to the animal barn on the eastern part of the Hall Farm Park visitor attraction. The site is largely screened from Caistor Road by a small standing of trees.
9. Government policy as expressed at Paragraph 79a) of the National Planning Policy Framework ('the Framework') allows for the construction of a rural worker's dwelling provided that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This essential need can include those taking majority control of the operation of the business.
10. An earlier proposal for an agricultural worker's dwelling submitted by KC & VF Knapton & Son was dismissed on appeal in January 2019.<sup>2</sup> The Inspector accepted that it was necessary that the farmer be within sight and sound of the livestock and that 2 people would be required to restrain and treat an animal. At that time the Appellant lived with his parents and grandparents in the farmhouse. The Inspector considered that the farmhouse was within sight and sound of the animal barn and therefore concluded that there was not an essential need for an additional dwelling.
11. The Appellant is not a partner of either business although he expects to become so soon as part of the farm succession process. His father has primary responsibility for managing the arable component of the enterprise which accounts for about 360 acres of the land at Hall Farm. The father anticipates stepping down his level of engagement in the farm in the near future.
12. The Appellant's grandparents are also partners in both enterprises, and live at the farmhouse. However, due to their advancing years they are no longer meaningfully involved in the running of either Hall Farm or Hall Farm Park.
13. The Appellant is responsible for managing the livestock associated with the Hall Farm Park facility. The fact that he is not a partner in the farm does not undermine his importance to the operation of the enterprise. The size of the livestock operation has not changed to any material degree since January 2019 when the previous appeal was determined. However, from the site visit it was evident that the animal barn is at, or is very close to, full capacity.

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<sup>1</sup> See planning application reference 140571 granted permission 27 March 2020.

<sup>2</sup> See planning appeal reference APP/N2535/W/18/3208922



14. The Appellant also has a significant responsibility for looking after the 90 or so beef cattle at Hall Farm. During the winter months the beef cattle are accommodated in a barn adjacent to the farmhouse. Again, it is understood that the scale of this operation has not changed to any degree since January 2019.
15. Using the methodology set out in the John Nix Farm Management Pocket Book 2019 the two business enterprises generate a requirement for just over 2 full-time workers, with a near 50-50 split between arable and livestock. This corresponds closely to the current arrangement with the Appellant managing the livestock and his father managing the arable acreage. Accordingly, this methodology seems credible.
16. Since the previous appeal the Appellant has moved away from the farmhouse, finding the shared arrangement with parents and grandparents unsatisfactory. Currently the Appellant lives about 5-7 miles away in Caistor with his partner. The journey by car, including unlocking the security gates, takes about 20-25 minutes and possibly longer in winter with the need to de-ice windscreens. This time delay could be critical in the context of an ill animal.
17. On a typical day the Appellant is at Hall Farm Park from early in the morning until about 11pm when he performs final checks on the livestock in the animal barn and the beef herd at Hall Farm. However, when any of the animals are sick, he will need to attend during the night. In addition, he will need to be present at night during lambing in late April and to look after cade lambs. Finally, if any of the beef herd are taken ill it is likely that the Appellant will be called out by his father.
18. The animal barn has a CCTV facility. However, even with many cameras this technology does not provide good coverage of all the pens. Consequently, this technology does not guarantee the welfare of all the animals within the Appellant's control.
19. The Appellant is planning to expand the scale of the visitor attraction with the construction of the second play barn. There is also the intention to expand the number and the variety of livestock. Furthermore, the Appellant intends to extend the lambing season into summer which would increase the number of visitors further. However, the Appellant is unable to commit to this at present because of the constraints imposed by living away from the visitor attraction.
20. Neither the current financial health of the enterprise nor the expansion plans are evidenced by business accounts or a business plan. Nevertheless, visitor and employment numbers provided by the Appellant attest to the business's previous performance and its current health. The pandemic has not affected the plans.
21. These facts lend considerable credence to the expansion plans sketched out in the Functional Need Statement. The planning permission for the new play barn is further evidence of an intention to expand the business. Consequently, the information provided is sufficient to confirm that the

business has grown to a point where it is an established enterprise with intentions to develop further.

22. Whilst the business has not grown in the short period since January 2019 there has been a change of circumstances in regard to the Appellant's living arrangements. It would not be reasonable to expect the Appellant and his partner, who intend to start a family, to move back to the farmhouse to live with his parents and grandparents.
23. The livestock operation is the anchor component of the visitor attraction and no doubt helps distinguish it from other family focused facilities in the wider area. The Appellant has built up a significant collection of unusual breeds which will require considerable attention and looking after around throughout the day and night.
24. The farmhouse is not subject to an agricultural worker's occupation restriction and so could be sold on the open market. Nevertheless, it is not possible or necessary to speculate as to whether the farmhouse would be available for occupancy by the Appellant at some point in the future. Consequently, little weight is attached to this matter.
25. There is a redundant Grade II listed building close to the farmhouse which is in a state of some disrepair. This could be converted to a dwelling with the necessary consents. However, it is unclear whether English Heritage would support such a use. Irrespective, it would not be within sight and sound of the animal barn. Consequently, due to the uncertainty concerning the prospects for its redevelopment, and to its distance from the animal barn little weight is given to this conversion option.
26. Any dwelling located more than a short distance away from the visitor attraction would not be within sight and sound of the animal barn. Thus, whilst there might be dwellings available within North Kelsey and South Kelsey which would be within a short drive of the animal barn and might be affordable, they would not be within sight and sound. Consequently, little weight should be attached to the availability of any dwellings in these locations.
27. It would be neither practical nor realistic to require that the Appellant's father performed the role of 'nightwatchman' for both livestock facilities. This would shift both the Appellant and his father away from their respective areas of expertise to the financial detriment of both enterprises. Therefore, little weight is given to this option.
28. Consequently, the need to be within sight and sound of the animal barn means that an agricultural worker's dwelling at Hall Farm Park is operationally essential rather than being merely operationally convenient.
29. The development proposal would therefore accord with Policy LP55 of the Central Lincolnshire Local Plan 2012-2036 2017 which allows residential development in the open countryside where it is essential to the function of an established rural enterprise, where it would be restricted to occupation by a rural worker, where it is supported by adequate business information and where there is no suitable alternative accommodation in the area or on site.

30. Furthermore, it would accord with the advice in Paragraph 79a) of the Framework that agricultural worker's dwellings should be permitted only where there is an essential need to have permanent accommodation close to the place of work.

#### **Other Matters**

31. The animal barn was in agricultural use on and prior to 20 March 2013. It appears to be structurally sound and therefore, subject to the installation of windows and doors, could be capable of functioning as a dwelling without fundamentally altering its appearance. Consequently, subject to gaining prior approval, the structure could be converted to a dwelling under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

32. However, use of this building as a dwelling would not be a realistic possibility since it would require construction of a replacement animal barn and the reconfiguration of the site. Consequently, the proposal only seems to constitute a very remote, theoretical possibility with very little likelihood of being implemented.<sup>3</sup> On this basis, it does not represent a realistic fall-back position for the Appellant and little weight is attached to it.

#### **Conditions and Conclusion**

33. As this is an outline application, a standard condition requiring that the application for approval of reserved matters should be made within 3 years of the date of this decision has been attached. Further, in the interests of good planning and certainty, the development should be implemented within 2 years of receipt from the Council of written approval of the final submitted reserved matter. To ensure that the development has satisfactory surface and foul water drainage, a condition has been included preventing any development from taking place above foundation level prior to the Council's written approval of a drainage plan. Finally, to ensure that the dwelling serves its intended purpose a condition has been attached restricting its occupation to a local agricultural worker.

34. For the reasons given above the appeal should be allowed.

*William Walton*

INSPECTOR

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<sup>3</sup> See paragraph 27 of *Mansell v Tonbridge and West Malling BC ex parte Croudace Portland and East Malling Trust* [2017] EWCA Civ 1314.

## **SCHEDULE OF CONDITIONS**

1. Applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
2. No development shall take place until plans and particulars of the appearance, scale, access, layout and landscaping of the site have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.
3. The development hereby permitted shall be begun before the expiration of 2 years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. No development, other than to foundations level, shall take place until a scheme for the disposal of surface and foul waters, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no dwelling shall be occupied until the drainage system approved has been completed.
5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person and to any resident dependant.

END

**APPEARANCES**

**FOR THE APPELLANT:**

Ms Leanne Pogson MRTPI – Brown & Co, Market Place, Brigg DN20 6HA

Mr Richard Alderson – Brown & Co, Market Place, Brigg DN20 6HA

Mr Tom Knapton – Appellant

**FOR THE LOCAL PLANNING AUTHORITY:**

Mr Richard Green MRTPI - Case Officer

END