

## **Officers Report**

### **Planning Application No: 143287**

**PROPOSAL:** Planning application for access track, car park and footpaths, lodge building to create 1no. residential dwelling, kennels and office space, 3no. animal pens, conversion of caravan to onsite office space, 2no. poly tunnels, enlargement of lake and other timber structures. Retention of former kennels to use as pig shed, caravan to be used as an office, wooden structure with shed and containers for shelter/gardening activities and storage.

**LOCATION:** Regangroom East Ferry Road Laughton Lincolnshire DN21 3QB

**WARD:** Scotter and Blyton

**WARD MEMBER(S):** Cllr Mrs M Snee, Cllr Mrs L Clews and Cllr Mrs L A Rollings

**APPLICANT NAME:** Mr Dean Parkinson

**TARGET DECISION DATE:** 11/11/2021

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission subject to conditions

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The application is presented to Planning Committee as the matters are of public interest.

#### **Description:**

The site is reached by means of a wooded track from East Ferry Road and the trees screen it entirely from that direction. By contrast the site itself is open with a few trees and groups of trees in the main body.

The applicants are already living on site in the lodge applied for. Two caravans are being used as an office and storage. Old kennels from the previous application have been converted to a pig shed with outdoor pen.

A pen for Shetland ponies has been erected within the site and planters for growing vegetables.

There is also a pen for goats and alpacas and an existing animal house.

The application seeks permission for an access track, car park and footpaths, lodge building to create 1no. residential dwelling, kennels and office space, 3no. animal pens, conversion of caravan to onsite office space, 2no. poly tunnels, enlargement of lake and other timber structures. Retention of former kennels to use as pig shed, caravan to be used as an office, wooden structure with shed and containers for shelter/gardening activities and storage.

**Relevant history:**

122520 - Planning application to erect poultry house for 500 hens and the change of use of land for siting of temporary mobile home for agricultural worker. Permission refused 01/12/08

124102 – Planning application to site a temporary mobile home for an agricultural worker employed in respect of a poultry farm and other farming activities on site, erect a poultry shed, retain an open sided barn and erect other associated buildings. Permission granted 01/07/09

125066 - Planning application to retain siting of mobile home, retain access and erect 4 number alternative hen houses to replace approved single hen house. Granted 31/12/09

133020 – Planning application to vary conditions 2 and 4 of planning permission 125066 granted 31 December 2009 re-change in applicant name and time period conditions. Application withdrawn 01/10/15

133468 – Retrospective planning application to retain mobile home for temporary period of 3 years for occupation of an agricultural worker in connection with the use of land for agricultural purposes. Permission granted 10/11/15

139689 – Planning application to retain mobile home for a temporary period of 3 years in association with agricultural and rural use, including the change of use of land for the keeping of animals and erection of livestock field shelter and goat hut. Permission granted 10/12/19

**Representations:**

**Chairman/Ward member(s):** No representations received to date

**Parish/Town Council/Meeting:** No representations received to date

**Local residents: Hardwick Grange** - We welcome the proposals in the main part but as highlighted in our letter attached, we seek reassurance that reasonable limitations will be made to the planning approval in order to protect our privacy, safety and home life as direct neighbours.

Living in such a peaceful setting, passing traffic is particularly notable, especially as road users are required to open and close the farmer's private gate just by our own gate, each time causing standing traffic and noise from vehicles. This single lane track which circles our home is owned and also used by the neighbouring farmers and it is impossible to pass by oncoming farm traffic, so sitting vehicles caused by congestion for visitors to the proposed site will also result in increased noise and disturbance to us in our property. Passers-by can easily see into our home as due to the road surface, surroundings and blind corner, they must drive very slowly past us, alerting our dog to begin barking on almost every occasion.

With regards the parking space and maximum capacity of visitors on site (as mentioned in the “*Design and access statement*” section 1.6 in support of this application), there are self-imposed restrictions on maximum visitor capacity outlined by the applicant which state “*that the actual number of vehicles coming onto the site will be minimal (less than four) and will be sublimated by a mini-bus that will be used exclusively by the charity involved. However, the car parking identified has been highlighted as a maximum number required at any time.*” It is also worth noting that the new access track is single lane, and so any standing traffic not able to fit in the newly built car park would also pose a highway safety risk for users.

Whilst we absolutely understand the need for access and egress to the neighbouring land and welcome the proposals generally, we would stress that increases in volume of traffic and standing traffic on these access routes would pose an invasion of our privacy and home life and increased noise and disturbance from the traffic generated by visitors to this charitable business. As such, we request that reasonable permissions are in place for the new access track which should include that ***no standing traffic should be permitted on the new access route proposed which runs along our garden fence*** and that the ***maximum capacity outlined in the proposal for 4 cars or minibus in the car park are recognised in the permitted development as an absolute maximum capacity for site visitors.*** As mentioned, these points have already been discussed and agreed informally with our neighbour the applicant (as well as the car park capacity being mentioned in their application), but for peace of mind in the long term we request that these points form a material part of the permissions for development.

The intended hours of visiting will be between 9am and 4pm Monday to Friday (no weekend visits) and that all staff (aside for the applicants themselves who will be resident there) should be off site by no later than 5pm. Our discussions and the applicant’s assurances on this matter have meant a great deal to us from the point of view of our privacy, home life, safety and security and this really is a *critical* point to our support of the application.

Repeating all the points regarding privacy and disturbance outlined above in point 1, we ***request that the planning approval is based on business operating hours of 9am to 4pm Monday to Friday with all staff excluding residents to be off site by 5pm, and no weekend visitors as suggested by the applicant.*** It would be with a very heavy heart that we contested these plans, as we do believe that they are for an incredibly good cause, but whilst that sentiment is present, we cannot support plans that are permitted at a detriment to our privacy and safety. Open hours of visiting would leave us as neighbours feeling vulnerable, unable to allow our children to play freely outdoors after school and on weekends in our garden, and to feel we can be easily overlooked in our home by strangers outside of normal work and school hours. The perimeter fence, traffic routes and animal petting areas are all very close to our garden and home where our children play, and the fencing is as such that they can easily be seen and interacted with. Outside of school and office hours it is important that we

retain our privacy when using our garden space and hope this request is considered reasonable and agreed.

*“In the longer term, it is envisaged that 4No Overnight Accommodation Mobile Pods (Clear Sky Luxury Canvas Lodges) will be installed around the perimeter of the existing pond.”* For the reasons already stated in item 1 and 2 above, **we cannot and do not support plans for overnight stays as per the restricted business operating hours for visitors we are requesting in point 2** and we have discussed these concerns post application with the applicant. With a thought to the potential mitigation of the issues which cause us distress in this matter, it would be completely draconian for the owners to place a limitation which holds visitors on site between the hours of 4pm and 9am so they are not passing our home during the night as there are not sufficient on-site amenities for overnight stays. Visitors could also not be expected to remain in their canvas tent spaces away from our fence where the animals are kept during these hours either; policing and restricting stays in such a way for the entire stay after hours would in all likelihood make for a very distressing time for guests and sit in complete juxtaposition to the ideal of this proposal which is intended to improve user’s confidence and self-awareness whilst enjoying the open air and natural setting of the venue. The obvious alternative to this would be that visitors would be allowed to roam around on site at night, along our garden fence, and be able to use the access route during night hours. This would clearly be an invasion of our privacy for all the reasons already discussed with regards traffic and being overlooked in our home. Additionally, during dark hours after 4-5pm in winter months, the view into our lit home is enhanced, fences are knee height in many places, and the idea of visitors roaming around in the dark around our property leaves us feeling vulnerable at best. Additionally, users are highlighted in the *“Design and access statement Section 1.2”* as being individuals with “behavioural challenges,” and whilst we are sure every effort and measure will be in place to maintain a calm and safe environment for their visitors, that there will of course be times when behaviour can be unpredictable, or potentially even dangerous here in the forest where at night time we are in complete and utter darkness in respect of the protected wildlife we share this space with. On this basis and the points previously explained, we feel strongly that use by visitors should be restricted to daylight hours for their own safety and that of the on-site staff, our family and animals.

Upon raising this objection to overnight stays with the applicant after the application was made and having discussed the 9-4 operating hours and how this contradicts any overnight stays, we were assured that this element of the plans was sometime in the very distant future, if even at all, but certainly not within the next few years as implied in the application. We are confident that common ground can be found on this matter, and that their use could be perhaps limited to daylight hours 9am – 4pm Monday to Friday perhaps as a further learning/discovery space, a quiet place for distressed visitors where they can feel safe and enclosed if they become overwhelmed, or as all-weather cover for day visitor use so that activities can continue in poor weather, and only as per the business hours restriction we are requesting above in point 2. We hope that the requested exclusion of this element of the plans does not cause the applicants any

distress as we have a fantastic neighbourly relationship with them and look forward to being neighbours for many years to come.

To summarise, whilst supporting the plans generally, as neighbours we reasonably request that:

1. Standing traffic is not permitted on the new access track proposed.
2. Maximum visiting vehicles on site will be restricted to the car park which would be 4 x cars/minibus at any time.
3. Business operating hours are restricted to Monday to Friday 9am to 4pm and no weekends.
4. Overnight stays are not permitted on site by the organisation, and that the only persons on site overnight would be the residents and their personal visitors.

**Kelfield Grange** - I have an objection regarding the access. We currently share access of the track which is a single lane which is currently used to access farm land, Hardwick House which is a very private residential dwelling and Regangroom. The lane is a single track, which I walk my dogs and ride my horse down. My house can be accessed by this track alongside with our farm land and I have concerns about people driving and walking on our private farm land and using our private track which goes down to our house, as it joins to the joint access road. The track often has lorries and farm machinery going up and down, as we run a farming business. I'm not sure how safe it is for public coming up and down this single lane and the volume of traffic due to the heavy farm duty machinery. Also, we have some buildings next to Hardwick House which are farm buildings, there is a very blind corner, which the public would have to drive round to access Regangroom. The access is not good. This is a blind corner and I would raise serious concerns about Health and Safety with the volume of traffic expected from this planning application. Again, we use the track to access our buildings at Hardwick. We have a sugar beet pad located next to these buildings at Hardwick and we store straw bales down there, hence there is farm traffic about all the time. These plans will be an invasion of privacy to us. We live where we do for privacy and this plan will be very intrusive to our privacy. Also, on the track is our farm gate, which the public would need to open and close. This gate is located outside the Hardwick dwelling and therefore would be intrusive for the family at Hardwick Grange House.

**GF Robinson & Sons** – Object - As the owners of land which the applicant has to use to access his property we would like to bring your attention to the following points. The applicant has right of way over a single track road through our farmyard bordered at one side by a private residence and on the other side by a concrete pad which for many years has been used to store sugar beet or straw, both crops require considerable traffic to get in and out and when loading lorries, access is limited. Any increase in traffic volume would have commercial, and also safety issues, for instance there is a blind corner at the exit of the yard and loaded grain trailers and all manner of heavy machinery connected to agriculture need to be able to move freely and safely, we have had traffic volume problems in the past with previous applicants for planning on this

land. The public roads in the immediate locality are very poor and any increase in traffic volume would create further problems.

Over a period of many years we have run a shoot (not recently because of covid restrictions) on land adjacent to the proposed development and would question the suitability of disabled people being close by this activity.

This site has been steadily developed over the period of three previous applications, mobile homes, lodges, various other buildings, lake excavation, the development continues regardless of planning approval.

If approval were granted we would ask for restrictions on amounts of traffic to be a big consideration.

**LCC Highways:** 18/10/21 - The proposal will require the existing access point reconstructing to Lincolnshire County Council's specification, can the applicant update the block plan to reflect this intention.

08/11/21 – No objections, one informative

**Environment Agency:** 01/09/21 - In the absence of a flood risk assessment (FRA), we **object** to this application.

Reasons - The application site lies mostly within Flood Zones 2 and 3, which is land defined by the planning practice guidance as having medium and high probabilities of flooding respectively. The National Planning Policy Framework (NPPF) (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

In accordance with the NPPF (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.

13/10/21 - The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

Condition: The development shall be carried out in accordance with the submitted flood risk assessment (ref: 21401) and the following mitigation measures it details:

- Finished floor levels of the lodge building and accommodation pods shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

Reason

To reduce the risk of flooding to the proposed development and future occupants.

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.

03/11/21 – We have no further comments to make and would refer you to our letter (ref: AN/2021/132221/03-L01) dated 13 October 2021 which still applies. The condition proposed in our previous response is still relevant and we would like it to be included on the decision notice.

**Archaeology:** No archaeological input

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017).

#### Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

#### 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 July 2021. Paragraph 219 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)**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Central Lincolnshire Local Plan**

The consultation on the Draft Central Lincolnshire Local Plan has now commenced. The consultation ran for 8 weeks from 30 June to 24 August 2021.

The very early stage of preparation, unknown extent of unresolved objection because consultation has only just completed and untested consistency with the Framework mean very limited weight is given to the policies it contains relevant to this proposal at this moment.

- **Neighbourhood Plan**

West Lindsey District Council has approved the application by Laughton Parish Council to have the parish of Laughton designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>



## Main issues

- Principle and Need for a Dwelling on Site
- Impact on the Open Countryside
- Highways
- Residential Amenity
- Flood Risk

## Assessment:

### Principle and Need for a Dwelling on Site

There is a long and complex planning history on the site spanning over a decade.

Previous temporary permissions have been granted on the site which were limited to 3 years and for the sole use of the applicant. Two of the four buildings proposed in permission 125066 were built and whilst the permission was implemented the business never started on site and as such the permission lapsed.

The most recent permission (139689) to retain mobile home for a temporary period of 3 years in association with agricultural and rural use, including the change of use of land for the keeping of animals and erection of livestock field shelter and goat hut was granted and conditioned as follows –

*1. The development is permitted for a period expiring on 10<sup>th</sup> December 2022 when the moveable dwelling and any ancillary structure shall be removed from the site unless prior to that date the planning permission has been granted by the Local Planning Authority for its retention.*

**Reason:** *Permission has been granted in this case to enable the Local Planning Authority to assess whether the business being established requires permanent residential accommodation for a worker to live at or near his/her place of work in accordance with policy LP55 of the Central Lincolnshire Local Plan.*

*2. The occupation of the mobile home shall be restricted to a person or persons solely or mainly employed, or last employed prior to retirement, or a widow or widower of such a person, and to any resident dependants of the business detailed in this application.*

**Reason:** *The site is in a rural area where permission for new development is granted only where it is essential to meet an agricultural or other special need, in accordance with policy LP55 of the Central Lincolnshire Local Plan.*

Whilst this business did start, this has now ceased and any development or occupation by the applicant is not in accordance with this permission.

The principle of a temporary agricultural businesses has been established in the permissions 124102,125066 and 133468 although the businesses never commenced.

The application has been supported with a business plan.

The applicants run Friendz & co which is a registered charity that supports adults with a disability or mental health issue. Their aim is to help them find work by offering work experience and the opportunity to learn new skills using a person-centred approach.

This proposal is for a farm homing animals and is based on farm land covering 14.3 acres of land. They aim to offer the opportunity to work and train in the following areas:

- Husbandry / Animal Care
- Horticulture
- Farming

They will also utilise the land to provide outdoor activities to help preserve the environment and develop the natural habitat for local wildlife.

Their focus is to provide person-centred training and support to adults with physical and/or mental disabilities to progress in to work and to develop the life skills needed to grow their everyday independence. To provide the right environment that will increase self-confidence, self-esteem and self-worth.

Their main aim now is to benefit people within the local community to provide them with person centred support, training and work opportunities.

Opportunities for work experience will be within the farming industry working with animals, growing food produce and being involved in outdoor activities.

They want to deliver these opportunities through work-based training programmes; these can be gained through on-the-job training by skilled trainers. They want to also work to develop life skills, particularly with adults who would not benefit from structured training but need support to lead independent lives.

They will also offer therapeutic sessions and sensory areas.

They intend to home farm animals which they will acquire at a very young age.

They will offer the opportunity to work with the animals and to also grow different fruit and vegetables to support the community.

They state that research has shown that the mix of being in nature, being part of a group and taking part in meaningful outdoor activities improves mental and physical health, increases self-confidence and self-worth, reduces social isolation and for many, changes their lives for the better. They want to provide the opportunity for their service users to make a difference to their lives.

They will be obtaining the use of an 18-seater mini bus so that they can provide transport for their service users that are unable to travel independently or have no alternative transport method.

The applicant has stated that the facility will never be accessible to the general public, but only to users that have enrolled onto courses with the applicant.

The applicant's staff will arrive at 9.00am and will leave before 4.30pm.

The maximum number of staff on site would be six in total.

The site users will be limited to arrival and departure times as set out below.

These times will be highlighted in the contracts issued to the users. The applicant feels that this will enable them to have more control over one way traffic, both arriving and departing the site. It is also within their plans to have two people controlling the traffic via walkie talkies.

The proposed times for traffic movements for users are as follows:

9.15am to 9.45am

11.45am to 12.15pm

12.45pm to 1.15pm

3.15pm to 3.45pm

These time slots would enable the traffic movement of the applicant's users to be within a total of a 2-hour window per day, Monday to Friday.

There has been interest in site from various bodies who wish to send students for work experience. Interest from potential users of the site has also been gained.

The charity have received various grant funding for the project.

The business would see 12 users in the morning and 12 users in the afternoon. This is considered to be necessary to be conditioned due to the movements past the neighbouring dwelling, which will be discussed in more detail in the residential amenity section.

Policy LP2 states that unless allowed by:

- a. policy in any of the levels 1-7 above; or
- b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:
  - that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
  - renewable energy generation;
  - proposals falling under policy LP55; and

- to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.

Part E of policy LP55 states that Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy **or** the location is justified by means of proximity to existing established businesses or natural features;
- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

The applicant has introduced animal husbandry, animal care, horticulture and farming to the site in connection with their charitable business.

The proposal is of a rural nature in association with a charitable business and is considered to be in accordance with policies LP2 and LP55.

It is considered that given the nature of the business with the animals, a countryside location is appropriate. Furthermore, the social benefits of the proposal providing key life skills to their vulnerable users is considered to be a significant material consideration.

Policy LP9 states that the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals.

The proposal is considered to be in accordance with policy LP9.

Paragraph 93(b) of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Policy LP9 is consistent with the NPPF and is attached full weight.

Part C of policy LP55 states that applications for temporary and mobile homes will be considered in the same way as applications for permanent dwellings.

Part D states that applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;
- b. The need for the dwelling;
- c. The number of workers (full and part time) that will occupy the dwelling;
- d. The length of time the enterprise the dwelling will support has been established;

- e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;
- f. The availability of other suitable accommodation on site or in the area; and
- g. Details of how the proposed size of the dwelling relates to the enterprise.

Any such development will be subject to a restrictive occupancy condition.

With regards to the dwelling, the site is set in the open countryside and is remote. No other property is available locally that would provide suitable accommodation and it is necessary to live on site to provide and maintain animal welfare standards.

There have been incidents on the site previously of rural crime and therefore this highlights the need for the applicant to be on site. A need which cannot be met in any other way as the site is both remote and secluded.

An occupation condition should be attached to the permission for the dwelling.

Paragraph 80(a) of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Policy LP55 is consistent with the NPPF and is attached full weight.

Given the previous history of the site, and the many businesses that have not started or stayed, it would be reasonable to apply the same temporary permission to allow for the business to commence and see if it is viable going forward.

#### Impact on the Open Countryside

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the Areas of Great Landscape Value (as identified on the policies map) and upon Lincoln's historic skyline.

The site is located such that its impact beyond the immediate environs of the site is limited. The site is close to the AGLV but outside it, but taking account of the nature and scale of the development, it does not conflict with policy LP17. The Site of Nature Conservation Interest nearby also overlaps part of the site but for the same reasons no significant conflict arises.

Paragraph 174 (b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Policy LP17 is in accordance with the NPPF and is attached full weight.

### Highways

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Paragraph 11 of the NPPF states 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.

Concerns have been raised from residents regarding pedestrians and vehicles using the single access track due to farm vehicles.

Given the location of the site it is highly unlikely to be reached by foot. The applicant has suggested that pedestrians use the southern gated access. However, the applicant has now been told by the Forestry Commission this would not be safe. Therefore, the likelihood is that users will be in vehicles and given the limited movements within conditioned times, it is not considered that the proposal would be detrimental to highway safety.

LCC Highways have been consulted on the proposal and state that the proposal will require the existing access point reconstructing to Lincolnshire County Council's specification. The plans were amended to reflect this and it is necessary to condition this to ensure the access point is constructed to these specifications.

No concerns were raised from LCC with regards to the amount of movement and access the business will require with 12 users in the morning and 12 users in the afternoon.

Policy LP13 is consistent with the NPPF and is attached full weight.

### Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

There is one immediate neighbour (Hardwick Grange) with the proposal that shares an access road to the site. This access road runs directly adjacent to this neighbour.

The officer visited the site and it is clear that there could be potential for amenity concerns given the relationship of the access road to this dwelling. The proposal initially proposed 4 overnight pods which would make the site 24/7 and would have potential harm during unsociable hours. Therefore, the pods were removed from the application.

Upon discussion with the applicants and the intended amount of students, this was stated to be 12 users in the morning and 12 users in the afternoon.

After discussing access arrangements the applicant stated that the proposed times for traffic movements for users are as follows:

9.15am to 9.45am

11.45am to 12.15pm

12.45pm to 1.15pm

3.15pm to 3.45pm

It is considered that movement between these times would be acceptable. It would, however, be necessary to condition the opening times.

Staff will arrive for 9am and leave before 4.30pm, with a total of 6 staff. These times are also considered to be appropriate and would not impact harmfully on residential amenity. The open times of the site are Monday – Friday 9am - 4.30pm, with no time at weekends or Bank Holidays.

There may be an element of standing traffic as there is a gate to open to the proposal site. Therefore, a condition to prevent standing traffic would not be appropriate in this instance. However, given the timings of the movements, this should prevent any harmful impact on residential amenity.

Also noted on the officer's site visit is the visibility of the site in relationship to the neighbouring property's garden. The trees in between the boundary of the neighbour and the animal paddocks are deciduous and do not provide year round screening. It would be necessary to screen the development in the location highlighted in blue below with evergreen trees, in order to reduce the impact upon the neighbouring property's amenity -





- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes

A Flood Risk Assessment has been submitted with the application.

The site is in Flood Zones 2 and 3. The lodge is classed as a highly vulnerable form of development. The Environment Agency have been consulted and raise no objections following receipt of an acceptable FRA subject to a condition on floor levels.

The need for a presence on site is accepted under policy LP55 and there are no reasonable alternative locations for the lodge as it is needed to perform a particular function and the need cannot be met in any other practical way. The proposal therefore meets the sequential test.

The proposed lodge would need to be safe for the lifetime of its users in accordance with EA advice. Subsequently the floor levels of the lodge will be raised such that they are above any potential flood water level to offset any immediate impact of flooding, reducing the risk to occupants.

The proposal initially included overnight pods for the users of the site. These are a more vulnerable type of development. This in combination with vulnerable users was not acceptable within flood zone 3 and in accordance with the NPPF that the development will be safe for its lifetime taking account of the vulnerability of its users, this element was removed from the scheme.

The proposal would be in accordance with policy LP14.

Policy LP14 is consisted with the NPPF and is attached full weight.

### Biodiversity

Policy LP21 states that all development should: protect, manage and enhance the network of habitats, species and sites of international, national and local importance.

There is a pond on site that has been enlarged and is applied for retrospectively. This was enlarged by the previous owner and the applicant of this application seeks to regularise this.

The open water pond will be beneficial to wildlife in the immediate vicinity and will also provide a water source for other animals.

The ponds and surrounding land have been cleared to allow nature to develop.

Paragraph 174(a) states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Policy LP21 is consistent with the NPPF and is attached full weight.

### **Conclusion**

The decision has been considered against 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: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework.

The development needs a countryside location by its very nature and requires an on-site presence to look after the welfare of the livestock and to maintain security of the site.

There is a reasonable prospect of the enterprise becoming viable after three years, therefore a temporary permission to allow time for this viability to be demonstrated is recommended.

The proposal would provide significant social benefits for vulnerable members of society.

Subject to suggested conditions, the proposal would not have an adverse impact on residential amenity or highway safety.

The proposal is in Flood Zones 2 and 3 and subject to conditions would be acceptable.

The proposal is recommended for approval subject to the following conditions:

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

1. The development is permitted for a temporary period expiring on 2<sup>nd</sup> December 2024 when the moveable dwelling and any ancillary structures shall be removed from the site unless prior to that date the planning permission has been granted by the Local Planning Authority for its retention.

**Reason:** Permission has been granted in this case to enable the Local Planning Authority to assess whether the business being established requires permanent

residential accommodation for a worker to live at or near his/her place of work in accordance with policy LP55 of the Central Lincolnshire Local Plan.

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

None

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

**2.** The occupation of the lodge shall be restricted to a person or persons solely or mainly employed, or last employed prior to retirement, or a widow or widower of such a person, and to any resident dependants of the business detailed in this application.

**Reason:** The site is in a rural area where permission for new development is granted only where it is essential to meet an agricultural or other special need, in accordance with policy LP55 of the Central Lincolnshire Local Plan.

**3.** The development shall be carried out in accordance with the submitted flood risk assessment (ref: 21401) and the following mitigation measures it details:  
- Finished floor levels of the lodge building shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

**4.** With the exception of the detailed matters referred to by the conditions of this consent, the works hereby approved shall be carried out in accordance with the following drawings:  
21401-02 E  
21401-04 C  
21401-05 A  
21401-06 B  
PRT-02-0052-000

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.

**5.** The business proposed in this application shall only be open between the hours of 9:00 and 16:30 Monday – Friday and shall be closed at weekends and Bank Holidays.

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. The proposal shall be limited to 24 users a day.

**Reason:** To limit vehicle movements in order to protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. Within 3 months of the date of this permission, details of the screening to be provided, as shown on the attached plan, shall be submitted and approved in writing by the Local Planning Authority. The approved screening shall be carried out in the first planting season following the approval of the details. Any trees 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:** In the interests of amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

None

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report