

# Development Management Delegated Decision Report

B/24/0062



SUMMARY OF APPLICATION				
<b>Application Reference</b>	B/24/0062			
<b>Application Type</b>	Full Planning Permission			
<b>Proposal</b>	Proposed New Cabins, Storage Containers and Polytunnels			
<b>Location</b>	Land adj to The Cottage, Washdike Dove, Wigtoft, Boston PE20 2QA			
<b>Applicant</b>	Mr D Jenkins			
<b>Agent</b>	Rick Smith, Rick Smith Design Ltd			
<b>Received Date:</b>	13-Feb-2024	<b>Consultation / Publicity Expiry Date:</b>	12-Apr-2024	
<b>Valid Date:</b>	16-Feb-2024	<b>Statutory Expiry Date:</b>	12-Apr-2024	
<b>Date of Site Visit:</b>	14-Mar-2024	<b>Extension of Time Date:</b>		
<b>Objections received?</b>	No			
<b>5 day notification record:</b>				
	<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Approve with Conditions			
<b>Report by:</b>	Ian Carrington			
<b>Date:</b>	10-Apr-2024			

## OFFICER REPORT



## **SITE AND SURROUNDINGS:**

The application site is on the north side of Washdyke Drove in an isolated open countryside location approximately 1.6km south east of Wigtoft village. It consists of a group of agricultural/horticultural buildings and an area of open land. To the rear (north west) is a further area of agricultural land in the applicant's ownership and to the immediate south west of the proposal site is a large commercial glasshouse, also in the applicant's ownership.

Two entrances to the highway serve the site, and these bracket the dwelling known as The Cottage, a private residence which is effectively embedded in the edge of the site but in both ownership and operation is unconnected with the application. Washdyke Drove is straight with excellent sight lines in both directions, but is effectively a single track road.

The surrounding area is flat, open farmland bisected with drainage dykes. The Cottage is the only residential neighbour. The site straddles Flood Risk Zones One, Two and Three (FRZ1, FRZ2 and FRZ3).

## **DETAILS OF PROPOSAL:**

The application proposes new cabins, storage containers and polytunnels for agricultural use in producing seed.

## **RELEVANT HISTORY:**

Whilst a formal pre-application process was not undertaken prior to the submission of the proposal, informal officer guidance was given which considered that the scheme would be likely to be supported.

## **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

### **South East Lincolnshire Local Plan 2019**

Policy 1 – Spatial Strategy  
Policy 2 – Development Management  
Policy 3 – Design of New Development  
Policy 4 – Approach to Flood Risk  
Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio  
Policy 28 - The Natural Environment  
Policy 30 – Pollution  
Policy 31 – Climate Change and Renewable and Low Carbon Energy  
Policy 36 – Vehicle and Cycle Parking  
Appendix 6 - Parking Standards

## **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

**National Planning Policy Framework (2023) (NPPF)**

**National Design Guide (NDG)**

**National Planning Practice Guidance (PPG)**

## **CONSULTATION RESPONSES:**

Wigtoft Parish Council - 'no comment'

BBC - Environmental Health – 'no objections'

LCC Highways/SUDS - 'no objections' but requests a condition to bring the surface of the entrance up to the required standard

Environment Agency - 'not necessary to consult us'

## **THIRD PARTY REPRESENTATIONS RECEIVED:**

Occupant of The Cottage - no objection to the application but expresses concern about the siting of a container before the case has been determined and asks about the height of the polytunnels.

## **EVALUATION:**

The main planning considerations are considered to be

- Principle of the development
- Amenity impacts
- Highway impacts
- Design, appearance and local character
- Development in a flood risk area

### **Principle of the development**

Part D of Policy 1 of the Local Plan indicates that, "in the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits." The Reasoned Justification to Policy 1 indicates that "housing needs may also, by exception, be justified in the Countryside".

The proposed use relates seed production which is considered necessary to a countryside location. The proposal therefore accords with Part D of Policy 1.

Notwithstanding the above, the encouraging of sustainable economic growth is a 'golden thread' running through the NPPF. Paragraphs 88 and 89 deal specifically with supporting a prosperous rural economy. Paragraph 88 states that planning decisions should support 'the sustainable growth and expansion of all types of business in rural areas' and 'the development and diversification of agricultural and other land-based rural businesses'. Paragraph 89 makes clear that this may entail development in locations beyond settlements and where public transport is not available. It continues: 'The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

The theme of economic development is reflected in the Local Plan, with Policy 7 ('Improving South East Lincolnshire's Employment Land Portfolio') dealing with

commercial development. Regarding non-allocated employment sites it states: 'new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings'.

In this case the applicant is an established wildflower seed production company seeking to relocate from premises elsewhere in the Borough. The proposal site was historically used by another seed company, so the use (and use class - seed growing falls under agricultural use) would not materially change.

The proposal would re-use the existing buildings and add some further structures. Although agricultural permitted development would cover much of what will be necessary, since the land area is less than five hectares, planning consent is required for new buildings, and the two Portakabin-type structures and storage container would constitute buildings. In this regard the proposed polytunnels raise the question of whether or not they constitute development - legal and Inspectorate decisions vary. However since they are to be permanent features (used for seed drying) the applicant was informally advised to include them in the application.

The development as a whole complies with the guidance set out in the Framework, and whilst some modest additions will take place, its re-use of an existing site also complies with Policy 7 of the Local Plan. The development will augment the operation of a successful existing local business and help facilitate its expansion, and the principle of the development is considered sound.

### **Amenity impacts**

There is only one residential neighbour. The proposed use will be little different from the historical use. The operation is not inherently noisy, and will be very largely contained within the existing and new buildings and the polytunnels. No significant impacts on the neighbour are therefore considered likely, and it is noted that the container mentioned by the neighbour has, according to the applicant, already been removed. Given the nature of the business and the historical use of the site it is not considered reasonable or necessary to restrict hours of operation. The proposal will not have a material impact on public amenity.

### **Highway impacts**

The northern of the two existing entrances will be the main access point, and LCC Highways/SUDS has conformed it considers the arrangement safe. The existing surface (part loose material) does not meet LCC specifications, but this matter can be addressed via a condition.

There is ample space on the site to allow for staff parking, and that provisions exceeds the requirements of Policy 36 and Appendix 6 of the Local Plan.

### **Design, appearance and local character**

The new buildings are small, and will be largely screened from public view by existing buildings including The Cottage. The polytunnels (each measuring 36.576m x 9.144m and c.3.2m in height) will be set well back from the highway, and like the other parts of the

proposal will, as agricultural structures, integrate well with the agricultural character of the area. Overall the impact of the proposal will be limited, and it will accord with the distinctive character of the locality. **The proposal therefore accords with Policies 2 and 3 of the Local Plan.**

### **Development in a flood risk area**

Whilst much of the surrounding farmland is in FRZ3, most of the proposal site (including all the areas for existing and new buildings) is in FRZ1. The northern highway entrance is in FRZ2, with almost all the area to be used for the polytunnels in either FRZ1 or FRZ2, with a very small portion in FRZ3.

The proposed use is categorised as 'less vulnerable' in terms of the classification used in the Framework and its technical guidance. The scheme does not trigger a requirement for the Exception Test, and as a proposal to re-use an existing agricultural facility, sequentially it could not be sited elsewhere. Given the small amount of the site in areas of elevated flood risk and their intended use, it would in any case be neither reasonable nor proportionate to impose the Sequential Test.

The proposed new buildings and container are very small relative to the existing structures on the site, and use of existing surface water drainage systems and/or simple percolation methods is considered adequate. The Lead Local Flood Authority and the local drainage board have been consulted, and neither has objected nor requested any additional drainage or flood mitigation measures.

The proposal therefore accords with the requirements of Policy 4 of the Local Plan.

### **CONCLUSION:**

The proposal will augment the operation of a successful existing local business in an appropriate location and the principle of development is sound. It is not likely to have adverse impacts on private or public amenity, and there is safe highway access. The scheme can be implemented without increasing the risk of flooding on or off the site. It is noted that the application was submitted before the biodiversity net gain regulations came into force.

Subject to the use of appropriate conditions the proposal accords with policies 1, 2, 3, 4, 7, 28, 30, 31 and 36 of the Local Plan and with relevant paragraphs of the National Planning Policy Framework with particular reference to paragraphs 88 and 89.

### **RECOMMENDATION: Approve with Conditions**

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		

2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>• Drawing No. 243284-01 Existing Key Plan &amp; Site Location Plan received by the LPA on 16-Feb-2024</li> <li>• Drawing No. 243284-02 Existing Site Plan &amp; Visuals received by the LPA on 13-Feb-2024</li> <li>• Drawing No. 243284-03 Proposed Site Plan &amp; Visuals received by the LPA on 13-Feb-2024</li> <li>• Drawing No. 243284-04 Proposed Buildings, Plans &amp; Elevations Sheet 1 received by the LPA on 13-Feb-2024</li> <li>• Drawing No. 243284-05 Proposed Buildings, Plans &amp; Elevations Sheet 2 received by the LPA on 13-Feb-2024</li> </ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>
<b>Conditions which apply during the course of and following completion of the development:</b>	
3	<p>Within a period of three months from the date of this grant of planning permission details of resurfacing of the main highway entrance to meet Highway Authority specifications shall be submitted to and approved in writing by the Local Planning Authority. Works to implement the approved details shall be completed within a period of six months from the date of this grant of planning permission and shall be thereafter so maintained.</p> <p><b>Reason:</b> The existing entrance surface is partly composed of unbound material which is not acceptable in terms of highway safety. This condition is imposed in accordance with policies 2, 3 and 33 of the South East Lincolnshire Local Plan (2019).</p>

## INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

1. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>. Highway Informative 08

2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any

other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

**STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.