

March 4 2018

Mr and Mrs P Wilson
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DN19 7NW

Mr Andrew Willerton
Senior Planning Officer
Development Management
Operations Directorate North Lincolnshire Council
Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Dear Mr Willerton,

Re: Planning application PA/2018/77 (Re-submission of PA/2016/707; PA/2015/0957)

Proposal: Planning permission to retain the siting of a residential static portable building in connection with agricultural holding to breed pigs and sheep, retain door position on existing barn and retain bore hole.

Applicant: Mr and Mrs A Logan

Pursuant to your email dated 2/3/18, we are grateful for this opportunity to comment on planning application PA/2018/77 (the Application). As owners of the property adjacent to the planned development we would like to object to the Application. As we have been informed that this is a re-submission of applications PA/2016/707 and PA/2015/0957 our objections to the Application are as follows:

1. Protection of green belt land

The land in question is Grade 3 agricultural land which is well outside of the area sited for development in the 10-year plan for the village. We do not feel that there is any substantial change to the previous applications and maintain that it does not follow from this Application that there is any essential need for the Applicants to live on the land.

This is a position which has been agreed upon and consistently reiterated by the North Lincolnshire Council in the Applicants' former applications PA/2005/1000, PA/2006/0514, PA/2007/0251, PA/2012/0055, PA/2013/0613, PA/2015/0957, PA/2016/707.

We reiterate that the approval to site a temporary home on the Applicant's land would not only be detrimental to the area but would also set a precedent for anybody wishing to convert agricultural land into residential dwellings.

The Application states that the site cannot be seen from a public road which is incorrect and RD2(c) states that 'development will not be detrimental to the character or appearance of open countryside, or a nearby settlement'. We contend that the current development for which approval is sought is already detrimental to both the open countryside and to the rest of the nearby properties in the location both due to its appearance and the nuisance smells generated.

Section 6.12 further states that 'development should be of the highest quality and make a positive contribution to the environment and the socio-economic prospects of the area'. In light of this, we would like to reiterate that the present development meets neither standard and is in fact detrimental to the landscape and its visual appeal.

2. Residential use of the property

In addition to the detriment such an installation would bring to the green belt land, we have a number of concerns regarding the proposed residential use, even temporary, of this property.

As I am sure you are aware, the Applicants submitted several applications over the years, primarily for permission to build varying businesses, in an attempt to acquire permission to build residential dwellings on the land. Yet, in direct insubordination of the decision of the North Lincolnshire Council in the matters of planning applications PA/2005/1000, PA/2006/0514 – following which the Applicants failed to remove the static caravan within a reasonable time of the decision – the Applicants reinstated a residential static caravan on the land in April 2015. Once again, the Applicants have shown a complete disregard for both planning law and the decisions of North Lincolnshire Council by not only failing to remove the caravan when permission was refused per PA/2015/0957 and PA/2016/707, but also by demonstrating their lack of any intention to do so by continuing to install a telephone line attached to the caravan and installing a large storage container, once again without planning permission being sought.

3. Absence of a functional need to reside on the land

The assessment, submitted by Richard Alderson as part of the Application, quotes many planning regulations in an attempt to claim a functional need to reside on the land, however all of the paragraphs quoted refer to the need to live on or close to the site:

- The NPPF states (in para 55) ‘that new isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at **or near** their place of work in the countryside’.
- Likewise, PPS7 Annex A (para 1) states that ‘there will be some cases where the nature and demand of the work concerned make it essential for one or more people engaged in the enterprise to live at **or very close to**, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not the personal preferences or circumstances of any of the individuals involved’.
- PPS7 Annex A paragraph 12 point 4 states that ‘the functional need could not be fulfilled by another existing dwelling on the unit, **or any other existing accommodation in the area which is suitable and available**’.

This assessment implies that there is no existing dwelling suitably close to the site, in fact on page 9 of the report it is stated that ‘there is nobody connected with the business living within 7 miles’. This statement is a shocking attempt to misguide the North Lincolnshire Council as the Applicants have owned a property in Goxhill village 1.5 miles away from the site concerning the Application for several years. We note that the application does not contain a current address apart from Willow Farm so can only assume that the Applicants have either sold or rented out this property for the purposes of this application as it had previously been raised in planning decisions. This point was covered in the Appeal Decision APP/Y2003/A/12/2185731 when the Planning Inspector stated:

‘It would take only a few minutes to drive from that property to the appeal site some 1.5 miles away. That is not so far that it would place an onerous burden on the business. (...) That it would be more convenient to have a home on the holding for that reason and for child care, does not amount to special circumstances that would amount to an essential need for a dwelling.’ (paras 19-20)

This was reiterated in PA/2015/0957 when it was stated:

‘Any functional need at present or in the future could be met by the applicants existing dwelling which is located in close proximity’

and

‘The business can be operated successfully from the applicants existing property’.

- On page 5 of the appraisal Mr Alderman states that ‘this appraisal is not intended to take into consideration non-applicable factors such as personal needs etc which are outside the scope of the

Planning Application but will consider whether there is a genuine need for buildings on the holding. The Planning Authority may however wish to consider merits of the application outside the scope of this appraisal'.

We are assuming that this is a reference to the Applicants childcare needs which has been raised previously as a reason for needing to live on the site but again we refer to the Appeal report which held that this situation '*is no different to the situation of any person working away from the home*'.

Further under the section headed 'Alternative dwellings' Mr Alderman states that the only property available in the close vicinity is £395,000 which is outside the affordability of this type of business. We assume he is referring to our property here, which has not been on the market now for well over a year. However, a cursory glance at 'Rightmove' does show a property for sale on Ruards Lane for £280,000 (this is approximately half a mile from Willow farm) and a further property for sale on Meadow Close (the location of their property which was deemed close enough on several previous applications) for £145,000. We would therefore like to contend that suitable properties are available in the area.

4. Factual inconsistencies

a. In the reported size of land

On page 6 of the report under 'functional need' it is stated that the business 'Willow View Farm' currently occupies 23 acres in Goxhill. On page 9 it states that there are 4 acres of land at Ruard Road (we maintain this is 3.5 acres) and Mr and Mrs Logan's farm 'a further 15 acres in the village'. There appears to be a difference of 4 acres between these two statements. However, regardless of the amount farmed elsewhere, this land is separate from the site and therefore irrelevant as stated in the delegation report of PA/2015/0957:

'The addition of this land would not necessitate an agricultural workers' dwelling on the application site'.

It also states that the business currently supports 15 sows, 150 store pigs, 2 boars and 20 ewes and 40 lambs but fails to mention that they also keep a number of horses on this very small plot.

There is also confusion over the number of animals used to calculate the Standard Man Days (SMD) required on page 16 as this has been calculated using a figure of 300 pigs for fattening whereas on page 9 it states that they have 150 store pigs (we dispute this figure). It also includes 15 breeding stock not previously mentioned as well as meat preparation for which they have no licence at this site. Likewise, the figures for the ewes and the lambs (a total of 43 SMD) refers to animals not kept on this site as it states on page 9 of the report that the additional 15 acres is used for the sheep.

The figures used to calculate SMD also includes 22 SMD for grass and hay from 12 acres and an arbitrary figure of 26 SMD for maintenance. They have also added on a confusing 25 SMD for additional duties and 3 SMD for baling straw (which presumably is included within the previous 12 acres of grass and hay).

We do not feel that these figures are accurate and respectfully suggest that they have been inflated in order to persuade North Lincolnshire Council in granting this Application.

b. In business information

There also appears to be some misreporting concerning when the business commenced. Mr Alderson states on page 6 that the business commenced in 2007, then on page 8 that it started in 2015 after the erection of the barn in 2013 and on page 9 he refers to it as an 'embryonic business'. He also states on page 12 that they have been unable to grow the business due to a lack of winter accommodation, however they installed a large barn in 2013 (built in disrespect to the approved designs) which is traditionally used for this purpose and the current Application does not include any proposal for additional animal accommodation.

Finally, Mr Alderman states that at present the site only houses a caravan with basic facilities. This is once again an incorrect statement of fact as installations have been made for the provision of electricity, water and a telephone connection. It is unclear whether the present Application is seeking to retain this caravan as Mr Alderman states on page 8 that the proposal is to build a dwelling house and on page 12 that the Applicants are planning to build a permanent residence.

5. Animal Welfare

The Applicants cite animal welfare as a justification for having a dwelling on the land and a copy of Annex B of the Animal Welfare Act 2006 is included as part of the Application. However, this act refers purely to animals being provided with a suitable environment, diet etc. It does not follow that they require 24-hour care. As it is stated on page 6 *'the breed is Oxford Sandy and Black, and this breed is noted for its... excellent temperament and mothering abilities and will function well under most management systems'*. The daily routines quoted are basic animal husbandry and do not require a person to be on site 24/7.

The only recommendation made when breeding pigs is that farrowing is planned, pigs are brought in for farrowing and lights are left on. This can be done as there is a barn equipped with power on the site. We also maintain that if it is necessary to be with the animals then they have the barn for this provision. Any short notice requirement can easily be served from the Applicants home within the village, thus avoiding the adverse effect on the Grade 3 agricultural land by installing temporary or permanent residential dwellings.

Finally, it is stated that there could be serious livestock welfare issues due to pig and sheep rustling. We have no knowledge of that ever being an issue within this area and can find no recorded instances in local crime records.

6. Waste management and removal

Contrary to the statement on page 17, the location is adjacent to residential properties on one side and we still have concerns regarding the lack of any foresight in developing measures to preserve the land and sustain the quality of the local community. The application site is situated in a Nitrate Vulnerable Zone and therefore under strict regulations regarding the amount of nitrogen that can be produced by animal excreta, the current limit being 170kg per hectare.

Based on the number of animals currently present on the site, this upkeep currently produces approximately 356kg of nitrogen and excreta per year, over twice the permitted limit. This figure would be significantly heightened if in reference to the inflated stock figures set out by the present Application.

Presently having no waste removal system for animal waste and presenting no plans to establish a waste removal system in the future, the approval of such an Application for breeding pigs and sheep presents an obvious risk to the adjacent residents and an environmental hazard for the wider local community.

We also note the Applicants installed a bore hole on the land, contravening Defra regulations which state that no animals producing waste should be kept within 50 metres of such an installation. Though the Environment Agency states that this is up to the Applicants to adhere to, if the Applicants were to respect these regulations it would substantially cut down the amount of land available for animals. Moreover, since all of the properties on this street are reliant on bore holes for their drinking water, we remain very concerned by this additional prospect of contamination and the sanitation and health risks it would expose nearby dwellings to.

Further, the Application plans highlight a septic tank. In our knowledge, there is no such installation at present and there is therefore no mechanism for disposing of human waste despite the fact that the Applicants are currently living on the site.

We would therefore like to express our concern about the suitability of the site for the proposed plans and agree with the Planning Officers statement in the delegation report for PA/2015/0957:

'Potential for growth is limited by the size and nature of the site. It is very unlikely that the site in question would be capable of supporting a level of growth and intensification of the existing operation to result in a functional need in the foreseeable future'

This is especially the case if the Applicants are to adhere to the regulations regarding NVZ's and Defra.

7. Continuing disregard for local planning regulations

In addition to the points raised above, we would like to highlight that the constructions build pursuant to the grant of planning applications PA/2006/0514 and PA/2013/0613, i.e.: the stable block and the barn for storage, were not built in respect to the approved designs. Likewise the approved application PA/2013/0613 states that the Applicants are not allowed to use the land for commercial or residential purposes, yet they have by their own admission been doing so since April 2015 (or 2007 or 2013 subject to which date in para 4(b) above is correct).

Also in direct disobedience of North Lincolnshire Council's decision in PA/2016/707, the Applicants are living in the caravan on this site and have been doing so for the last couple of months.

Finally, we can see no difference in this latest submission to that of PA/2016/707 which was refused. The livestock they are declaring remains very much the same and although we cannot comment on the financial side as we do not have access to these records, they do not appear to have grown the business substantially. The meat is sold through Shawbrooks Farm shop but to the best of our knowledge, Goxhill Chippy no longer sells their produce. The only difference there appears to be is that they are now saying they no longer have a property in the area. It is submitted that given the Applicants' child still attends Goxhill School, the Applicants cannot live further than 7 miles away. To the best of our knowledge, their property has not been sold, so we respectfully submit that they are choosing not to live in it to mislead North Lincolnshire Council for the purposes of this application. If this is incorrect presumably they will be able to provide evidence of sale, a new address and reasons for sale to the council on request.

We hope that our comments will assist you in coming to a decision in the matter of this eighth Application by the Applicants and would welcome the opportunity to defend our position at a future Planning Committee meeting would you find this appropriate. In the meantime,

Yours sincerely,

Mr and Mrs P Wilson