

## DELEGATED ASSESSMENT

**Application no:** PA/2024/447

**Proposal:** Outline planning permission for a rural worker's dwelling (Self Build) and detached garage with all matters reserved for subsequent consideration

**Location:** Owston Ferry Fisheries, Owston Ferry Road, Owston Ferry, DN9 1BJ

**Applicant:** Gordon Teale, Owston Ferry Fisheries

**Officer:** Jennifer Ashworth

## POLICIES

**National Planning Policy Framework:** Section 2: Achieving sustainable development, 4: Decision making; 5: Delivering a sufficient supply of homes, 12: Achieving well-designed and beautiful places.

**North Lincolnshire Core Strategy:** CS1: Spatial Strategy for North Lincolnshire, CS2: Delivering More Sustainable Development, CS3: Development Limits, CS5: Delivering Quality Design in North Lincolnshire, CS7: Overall Housing Provision, CS8: Spatial Distribution of Housing Sites, CS17: Biodiversity, CS18: Sustainable Resource and Climate Change, CS19: Flood Risk, CS25: Promoting Sustainable Transport, LC5: Species Protection and LC6: Habitat Creation.

**North Lincolnshire Local Plan:** RD2: Development in the Open Countryside, R6: Water Based Leisure, RD11: New Agricultural or Forestry Dwellings, H5: New Housing Development (Part Saved), H8: Housing Design and Mix, LC7: Landscape Protection, DS1: General Requirements, DS3: Planning Out Crime, DS7: Contamination, DS14: Foul Sewerage and Surface Water Drainage, DS16: Flood Risk, T2: Access to Development and T19: Car Parking Provision and Standards

## Housing and Employment Land Allocations DPD (2016)

PS1: Presumption in favour of sustainable development.

Proposals Map – Open Countryside. Site not allocated.

**Supplementary Planning Guidance – Design in the Countryside**

## CONSULTATIONS

Below sets out a précis of the consultation responses received. The comments can be viewed in full on the Council's website.

**Highways:** No objection. Condition recommended to address access, parking and manoeuvring within the site.

**LLFA Drainage Team:** The LLFA Drainage Team has no objection subject to the inclusion of recommended conditions relating to provision of a flood risk and drainage strategy AND would also recommend inclusion of an informative comment.

**Environmental Protection:** No Objection, do request a phase 1 being prepared but equally this can be dealt with via condition. Condition recommended in relation to contamination. A condition is also recommended to tie the occupation of the dwelling to the wider use of the land.

**Archaeology:** No Objection. The site lies just outside the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14) to the south of the Warping Drain boundary. It is important that this proposal does not adversely affect the character of the protected heritage asset or its setting, and that the scale, design and building materials are appropriate to the area in accordance with the policy.

**IANN Water Level Management Board:** The site is within the Isle of Axholme and North Nottinghamshire Water Level Management Board district. The Board maintained Snow Sewer Warping Drain, an open watercourse, exists to the North of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. 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.

**Ecology:** Building a new dwelling outside "existing farmstead and agroindustrial areas" is contrary to the adopted guidance. The site has potential for otters, water voles, foraging bats, grass snakes and nesting birds. Planning conditions are proposed to minimise harm to protected and priority species and to seek a measurable net gain in biodiversity in accordance with Policy CS17 and the National Planning Policy Framework.

## **PARISH/TOWN COUNCIL**

**Owston Ferry Parish Council:** Owston Ferry Parish Council were originally consulted and objected to this outline planning application noting that this is outside of the development plan. The Parish Council were reconsulted following the submission of additional information and retained their objection stating "The Parish Council have not changed their views on this planning application and continue to object to this proposal. The application is in a rural area with diverse wildlife. This application is outside of the local plan and any development would spoil the open aspect of the area".

**Environment Agency:** The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the recommended planning condition is included. In accordance with Paragraph 168 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the sequential test establishes if this is the case. Where the sequential test has to be applied, it is for you as Local Planning Authority to determine an appropriate area of search and whether the test is passed.

We note that this is an outline permission with all matters reserved and accordingly no floor plans have been submitted. We confirm that we would have no objection to bedrooms being included at ground floor, as we are satisfied that by raising floor levels to the critical flood level with a 300mm freeboard (4.1mAOD) the dwelling will remain safe during the extreme flood events, based on our updated hydraulic modelling.

**PUBLICITY:** The proposal has been advertised by means of site notice which was displayed on the 30/05/24 and also a Press Advert was placed on 30/05/2024. This is in accordance with the LPAs statutory duty set out under article 15 of the Development Management Procedure Order 2015.

## **COMMENTS RECEIVED**

No Public Comments have been received. The applicant has provided a comment as follows:

The need for the dwelling and garage is to provide the applicant and his 2 children security and comfort due to the continual back and forth commute 26 miles per day with mechanical tools, strimmers, chainsaws and grass mowers and fishing equipment.

The applicant confirms he has have owned the land since early 2009 and has built the fishery from scratch.

There have been many break-ins – fishing equipment, mowers and strimmer stolen, doors broken open and also have had poachers on several occasions , stealing and fish stocks and livelihood.

The applicant confirms he wants to secure the future of the fishery with residential purpose, for which will give him 24 hour security around the clock 7 days per week. The applicant wishes to be able to work on site full time as the site is open 24 hours per day for day and night fisherman.

## **MATERIAL PLANNING CONSIDERATIONS**

### **Planning History**

The following history is relevant to the site and wider fisheries site:

- PA/2009/0198 - Planning permission to create two commercial fishing ponds including bunding and landscaping, erect brick site cabin, create a car parking area and temporary siting of caravan – Withdrawn - 09/11/2009
- PA/2010/0722 - Planning permission to create two commercial fishing ponds including bunding and landscaping, erect brick site cabin, create a car parking area and temporary siting of caravan - Approve with Conditions - 11/10/2010

### **Constraints**

The site is unallocated and located outside the development limits of Owston Ferry as shown on the Proposals Map Insert Map. The site is within the open countryside.

The site is within SFRA flood zone 2/3 (a) fluvial.

The site is not located within a conservation area and there are no listed buildings or TPOs within the site.

## **SITE / PROPOSAL**

The Housing and Employment Land Allocations DPD designates the site as being within the open countryside. The site is in close proximity to a working farm including the rearing of livestock, albeit the proposal does not relate to the farm.

The site comprises two fishing ponds accessed via an existing track (east) off Owston Ferry Road which leads onto Station Road.

The wider site includes two commercial fishing ponds which were granted permission in 2010. The permission also included bunding and landscaping, erect brick site cabin, create a car parking area and temporary siting of caravan.

The application site is south-east of the existing farmhouse and designated as within flood zone 2/3a in the North and North East Lincolnshire SFRA 2022.

Access into the site is achieved via an existing metal farm style gate providing access to the grassed parking area. A further post and rail style fence and post and chain divides the parking area to from the fishing ponds, static caravan, mobile building and wooden structure. Beyond the ponds on all sides lie agricultural land. Warning signs are placed around the site suggesting CCTV is in operation at the site.

There are no formal footpaths, the site is largely laid to grass which is evidently mowed regularly. The site includes a variety of trees and other planting.

The applicant has confirmed that the site comprises a total of 9 acres with 56 fishing pitches available across both ponds. The ponds are stocked with a variety of different coarse and match fishing fish species including carp, trench, chub, barbel, bream, golden rudd and roach. The supporting information reports that there are between 300 – 400 fish in each pond. According to the supporting Agricultural Justification report and appraisal the business has been built up and trading for over 15 years as Owston Fisheries. Section 4.1 of the same report suggests the business operating as Owston Ferry Fisheries is a relatively new fishing venue to accommodate pleasure anglers and match fishermen. The business is registered with the Environment Agency.

The supporting information also confirms that the applicant also manages a small herd of highland cattle and that all cattle are kept at the fisheries year round in a field shelter.

The site is not within a conservation area, does not relate to a listed building and does not affect any protected trees. The site is located within flood zone 2/3a.

The applicant seeks outline planning permission for the erection of a rural worker's dwelling (Self Build) and detached garage with all matters reserved for subsequent consideration. The proposal is for the erection of a 1.5 storey dormer bungalow with a detached garage. The applicant has provided a block plan showing the indicative proposed layout of the site. The property would be located to the north in between the two fishing lakes with garden space to the northeast and parking and access to the north west.

The applicant has provided a statement in support of the application relating to essential need, citing the following:

- There is a functional need for one full time worker for security and the needs of their animals and grassland operations.
- Essential Care at Short Notice
  - To monitor climatic conditions and oxygen within the fishing lakes
  - To be available in the event of an emergency
  - To protect fish stock from predators
  - To provide security
  - To be within sight and sound of visual alarms
  - To inspect and record fish stock
  - To assist angler with landing larger fish
  - To provide essential jobs outside usual working hours
    - Nighttime inspections – fishing lake climate conditions
    - Oxygen level monitoring / ph level monitoring
    - Pollution of fishing lakes
    - Poaching/theft of fish
    - Illegal/unauthorised fishing
    - Antisocial behaviour
    - Bird predation on fish
    - Algal bloom

The following considerations are relevant to this proposal:

- Principle of Residential Development / Assessment of Essential Need
- Residential Amenity
- Appearance / Quality of Design
- Flood Risk / Drainage
- Highways
- Contamination
- Noise

### **Principle of Development**

The site is located within the open countryside, wherein residential development is normally restricted to that which is essential for the purposes of agriculture or some other essential countryside use. There are currently no buildings on the site other than the welfare building which was developed as part of planning permission PA/2010/0722 which granted permission for two commercial fishing ponds and the temporary siting of a caravan. The site is currently operated as Owston Ferry Fisheries.

Policy CS1, CS2 and CS8 of the adopted Core Strategy seeks a sequential approach to development focussing first on land within the Scunthorpe Urban Area followed by previously developed land and other suitable infill opportunities to meet identified local need within the Market Towns. Small Scale developments within the defined development limits of rural settlements to meet local identified need will then be considered. Policy CS1 discusses development within rural settlements. The site is not located within a rural settlement. The site is located within the Open Countryside. Policy CS1 reads:

“In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area’s important natural and built environments”.

Policy CS2 states “Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as that related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry”. The provision of a detached residential property on the site is not considered acceptable on the site and would conflict with Policy CS2.

Policy CS3 confirms that “development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry”. Development limits ensure that the countryside is protected from inappropriate development and no uncontrolled expansion of settlements.

Policy CS7 relates to overall housing provision, the policy sets out net density ranges for residential development. Housing development will be required to make efficient use of land, but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.

The application site is outside of any defined development boundary and is therefore considered to be in the open countryside in planning terms. In such areas, development is highly restricted. One exemption to this restriction, however, is highlighted within NPPF paragraph 84 which states:

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.

This is reiterated by local plan policy RD2 which states that planning permission will be granted for development which is essential to the efficient operation of agriculture or forestry, provided that:

- a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- d) the development would not be detrimental to residential amenity or highway safety; and
- e) account is taken of whether the site is capable of being served by public transport; and
- f) the development is sited to make the best use of existing and new landscaping.

Policy RD11 relates to new agricultural dwellings and will only permit development where the applicant demonstrates that:

- (i) there is no other viable option for utilising alternative types of accommodation;
- (ii) the proposed dwelling should be located within, or adjacent to, existing buildings on the holding – *The site is located close to the existing farmyard and cluster of buildings on the site.*
- (iii) the applicant must demonstrate by means of a functional test that there is a need for a full-time worker to live in or near the unit.
- (iv) the dwelling is of a size appropriate to the established functional requirements of the unit. Dwellings which are unusually large in relation to the needs of a

unit, or unusually expensive to construct in relation to the income that the unit can sustain in the long term, will not be permitted.

- (v) the unit to which the dwelling must be attached will have been proved to have been in existence for more than three years and profitable for at least one of them and be currently financially sound
- (vi) the occupation of the dwelling shall be restricted to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants
- (vii) where necessary, an agreement or obligation will be entered into between North Lincolnshire Council and the applicant in order to tie the occupancy of the dwelling to the related operation
- (viii) the external appearance and materials reflect local building traditions and the means of access is acceptable

The supporting statement confirms that the business has been trading since 2009 on a sound and profitable financial basis. No business accounts have been provided for the last 3 years to confirm this position. Whilst PPS 7 has been replaced by the NPPF, the guidance is still referenced in that evidence should be provided that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.

Paragraph: 010 Reference ID: 67-010-20190722 Revision date: 22 07 2019 of Planning Practice Guidance - Addressing the need for different types of housing relates to rural housing and assessing the need for isolated homes in the countryside for essential rural workers. Paragraph 010 identifies that applicants should provide:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

- Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

### Essential Need

The applicant confirms that a rural workers dwelling is required to meet the business needs of the holding.

The applicant sets out within the supporting Agricultural Justification Report that there is a lack of available housing within the vicinity in terms of pig rearing and general fish welfare. The supporting report also refers to approx. 5 acres of the wider site being utilised as a paddock area for cattle grazing to accommodate the applicant's small herd of cattle. The report suggests the applicant also manages a small herd of highland cattle. It is unclear from the supporting information what type and numbers of cattle or pigs are located on the site and where the pigs and cattle are located. The images within the report suggest two different types of breeds of cattle are located on the site but again limited information is provided in regard to this.

- **Alternative Housing / Accommodation**

It is understood that the applicant, who owns and manages the fisheries, currently lives 13 miles from the site, with the travel time of approximately 25 minutes. The applicant has provided information regarding alternative accommodation and notes that there no dwelling on site or within the wider holding and that the only properties within 0.5miles have an average price of £476,000. A search undertaken on right move was shared with the agent which brought up 22 properties ranging from £110,000 - £750,000. 8 of which were under £200,000, 3 properties - £200,000 - £300,000, 4 properties £300,000 - £400,000 and 6 above £400,000. The agent responded and rightly noted that the market data is only for a point in time and when they conducted a further search on the 9th September 2024, for the Owston Ferry Fisheries postcode (DN9 1BJ) it showed there were only two available properties within a ½ mile radius - these being East Ferry Road at £450,000 and Meynell Street at £325,000, making the updated average price £387,500, which they suggested is still unaffordable. No assessment of build costs for the property to be built on the site have been provided to provide a comparative assessment.

Cundalls then expanded the search to a 1-mile radius and found 12 available properties with an average property price of £429,579 which the applicant confirmed is again unaffordable. There was only one property under £325,000 - High Street at a value of £140,000 but located 0.82 miles away from the fisheries. Whilst this would reduce the applicant's travel time, the applicant confirmed that the property would still be remote from the site.

No comparison cost data has been provided by the applicant for the cost of the build on site. This would need to be taken into account.

It is therefore considered that there is suitable and alternative accommodation available in close proximity of the fishery.

- Cattle and Pigs

In relation to the cattle on site the supporting information suggests these are used to help manage grassland at the holding, provide another visitor attraction to the business for customers to enjoy and give another small income stream to help support the business overall. The applicant also confirms that the cattle are kept at the fisheries year round in a field shelter and all daily management, feeding and care is completed by the applicant. The supporting information also refers to pigs on the site but there is little supporting evidence in terms of justifying essential need in relation to the cattle and pigs on site. On the date of the site visit the planning case officer did not observe any pigs or cattle on site.

- Fisheries Business

The majority of the supporting evidence relates to the fishery business. It is evident that there is an existing business on site, however, it is unclear as to the level of operation that is taking place. The applicant confirms that the site includes 56 fishing pitches which are charged at £10 a pitch per day generating a daily income of £560 at 100% capacity and sales of fish feed and pellets at £3.50 selling 600 bags per week at peak times. The applicant fails to provide any specific detail / supporting business accounts to confirm the actual numbers at the site, even though they report that the site is profitable. This raised doubt as to whether there is sufficient profit within the business to support a full time worker and provide enough finance to finance costs associated with the business.

The planning case officer has requested this additional information from the applicant's agent, however, no information was provided.

The supporting statement outlines that the business is currently profitable, however, no accounts have been provided to demonstrate this. There is also no information confirming the number of people using the site over the past year or more. This information was requested by the case officer but has not been provided. The applicant requires the planning department to believe that the business is profitable but has failed to back this up with any evidence. Insufficient information is available in this regard.

The supporting information suggests that the business generates 1.64 labour units which equates to over 1 full time worker. The supporting statement states that the applicant works on a full-time basis at the fisheries / holding and that no other people are employed. It is understood from the information submitted that the applicant lives approx. 13miles from the site and is the full-time fishing manager and owner of Owston Fisheries. It is understood that the business operates both daytime and night time fishing.

Mr Teale currently meets and greets anglers throughout the day at the site, provides advice and he collects payments. There is currently no facility for online payments. Mr Teal also provides daily maintenance and management of the site.

The supporting document and further supporting emails from the applicants agent sets out that the most significant issue, which poses the largest risk to the business, is a sudden loss of oxygen levels within the water, which could result in the loss of

fish. It is understood from the Agricultural justification Report and Appraisal document that oxygen levels on both lakes are checked at 7.30am, 12pm and 7.45pm each day, with water samples taken at 8.30am to check pH levels. No detailed information / records of checks has been provided. Or information as to if and/or when such checks are carried out outside of the usual working hours by the applicant, and the frequency of such checks during the night. The supporting information simply states that the owner is alerted to any issues with oxygen levels, but fails to set out in what form these alerts take place. Also no information is provided setting out how often oxygen levels have dropped over the last year and how often levels have needed to be restored and what activity is required to restore levels.

One of the key responsibilities set out is the management of oxygen to the ponds which is provided with a diesel powered system. Section 6.2 of the supporting statement suggests this is a daily task at 1:30pm, however, no evidence is provided to state this is needed or must be undertaken (i.e. records that back up to show this is pumped when levels drop to a certain level or how often levels drop for this to be needed). Little information is provided about other alternative ways to address oxygen within the ponds such as the introduction of plants. The applicant has provided a standard advice note from the Environment Agency, however, as pointed out by the applicants agent this relates to the close monitoring of water levels. No information has been provided by the applicant to demonstrate the levels monitored on a daily basis for a prescribed period (over a year) to show that oxygen is needed to be provided on a daily basis. More information is required in order to make a through assessment of this matter.

This daily task of monitoring is reported as being needed to be completed everyday, 3 times a day for 30minutes. This currently takes place at 7:30am, 12:00 noon, 19:45. Whilst the detailed schedule demonstrates activities taking place throughout the day there are no specific regular activities throughout the night time hours that are documented. The supporting information suggests Mr Teale can get alerted to security issues such as poaching, illegal fishing, deal with oxygen levels, and to take feed and stock deliveries.

Within the supporting evidence it suggests Mr Teale is alerted to return to deal with fish oxygen levels, however, no details about how he is alerted is provided and if he is already being alerted how often does this occur. Is there a log book of night time alerts. More information is required in this regard.

The Angling Trust website Lines on the Water includes information in relation to Aeration and Oxygen Levels in Fisheries and suggests that with a good quality commercial monitor and a check taken twice a day at dusk and dawn, when oxygen levels tend to be at their highest and lowest, will create a pattern and help understand what is going on and help fisheries spot when things are about to go wrong. The article advises that keeping a simple chart so fluctuations can be spotted over time as well as oxygen reductions/crashes can help. (No chart or reports have been provided to demonstrate oxygen levels / patterns at the ponds). The information does suggest that oxygen crashes can happen very quickly, however there is nothing to suggest levels could fall particularly rapidly over the course of 12 hours (i.e. if checking at 7am and 7pm). The same article notes that digital units are available, which are easy to calibrate, are resilient and are available with state-of-

the-art telemetry and then monitor the results on your phone. Paragraph 11.12 of the submitted report states that the business could use an alarm system as well as specialist aeration equipment to mitigate against oxygen level drops, however these alarms are visual and require a person to be within sight and sound of the alarms. It is evident that there are a range of products on the market which could be explored to undertake more regular monitoring which could also take place off-site. The applicant is aware of these products as they are referred to within paragraph 11.12 but they are discounted due to concerns that telephone linked alarms can become unreliable should the operator be out of signal range or have no power on their mobile device. It is considered that this option could be researched further by the applicant as an alternative solution to providing a new dwelling on the site.

The same article suggests that other factors can raise nutrient levels in the ponds, field run off, even geese and cattle and that these should be tried to be reduced where possible. An assessment of the impact of this would be helpful, especially given the applicant states he has cattle and pigs on site. The question could be asked whether this could lead to a variation in oxygen levels which could be addressed in an alternative way.

Little evidence has been provided to suggest that such monitoring could not be undertaken by remote technology or that it could not be undertaken as part of the routine operations of the fishery, as is currently the case.

An assessment of the daily routine plan has been assessed and it is not considered that these daily tasks equate to 'essential need' for a rural workers dwelling.

TIME	JOB DESCRIPTION	JOB DURATION	OFFICER COMMENTS
06:00	Receive calls and provide gate security code to new customers.	0.50HRS	<b>This element could be managed off site.</b> There are many examples where people are issued codes to access properties. This could be achieved without being on site.
06:30	<p>Arrive on site and unlock remaining facilities, ensure all previous day's customers have vacated the site ahead of new customers attending the site from 07.00 onwards.</p> <p>General tidy up of pigs and site and open all facilities.</p> <p>Feed cattle on site and check bedding</p>		<p><b>This element could be managed off site.</b></p> <p>Codes could be given to customers for facilities on site. It is understood there is only a static caravan and mobile unit for toilets.</p> <p>Customers could be asked to sign out when they leave using a mobile app. This would negate the need for someone to be onsite at all times.</p> <p>Limited information is provided in relation to the pigs and cattle on site. It is not considered that the level of animals on site would justify the need for a rural workers dwelling.</p> <p>General tidy up / feeding could take place at an alternative time.</p>

07:00	<p>Intake of new customers and assist customers to designated fishing pegs.</p> <p>Payment also taken from customer.</p>		<p><b>This element could be managed off site.</b></p> <p>An online system for payments could be installed. This has not been fully explored by the applicant. The site is only small. An online map or erection of signage and a plan of the site with low level lighting could address this issue.</p>
07:30	<p>Check oxygen levels on both lakes at various points.</p> <p>Check also undertaken on customers remaining on site from previous day (24 hour + bookings) to ensure they are safe and that everything is in order.</p>		<p>It is understood that there are automatic oxygen monitoring systems available to buy which would negate the need for the manager to be on site at these specific times. The supporting evidence suggests that the manager is currently alerted during the night time hours when oxygen levels are low but is this not the case during the daytime also. The applicant has not explored these in detail as an alternative to manual checks on site or why these would not be suitable or why these checks need to be undertaken at the times specified. The supporting information suggests that a permanent onsite manager would be aware of local weather conditions and could monitor and tend to any potential deoxygenation events which occur outside of the standard working day. No evidence of daily monitoring records have been provided as part of this planning application to support this position. It is also noted that the current manager only lives 13 miles from the site, it is not considered that the weather condition would be so significantly different as to need to live on site. Limited information / details have been provided about what would happen if oxygen levels did drop and the amount of work and what would be required to address this were it to happen. No records regarding the number of night time call outs by the applicant have been provided.</p>
08:30	<p>Water Samples taken for pH of Water</p>	0.25hrs	<p><b>Are there alternatives to allow this element could be managed off site. Electronic monitoring equipment.</b></p>
08:45	<p>Administrative work</p> <ul style="list-style-type: none"> <li>- Voicemail messages</li> <li>- Emails</li> <li>- Phone calls</li> <li>- Receival of online deposits</li> </ul>	1.25hrs	<p><b>This element could be managed off site.</b></p>
10.00	<p>Site maintenance</p> <ul style="list-style-type: none"> <li>- Clean WC</li> <li>- Clear filter</li> </ul>	0.50hrs	<p><b>On-site Activity</b></p>

	- Feeding of fish		
10:30	Check on customer welfare and obtain feedback. Distribution of membership cards, membership application forms also completed by new customers. Spot inspection of fishing tackle and equipment.	1.50hrs	<b>Some off site activity / some onsite activity</b>
12:00	Check oxygen levels on both lakes at various points.	0:50hrs	<b>Are there alternatives to allow this element could be managed off site. Electronic monitoring equipment.</b>  <b>Can Oxygen Levels be taken remotely. Little information has been provided to discount this option.</b>
12:30	Lunch break	1:00hrs	<b>This element could be managed off site.</b>
13:30	Site maintenance  - Provide Oxygen to fishing lakes.  - Grass cutting  - Trimming trees and vegetation  - Repairing fishing pegs/stands  - Trackway maintenance  - Groundworks	4:00hrs	<b>On-site Activity</b>  Little evidence has been provided that demonstrates oxygen is required to be provided at the lakes on a daily basis. No logs / records of oxygen levels in the ponds have been provided to demonstrate how quickly levels drop / or how levels or maintained.
17:30	Evening break.	1:00hrs	<b>Off-Site Activity</b>
18:30	Ensure customers from previous evening have vacated the site. Intake of new customers and assist customers to designated fishing pegs. Payment also taken from customers.	0.50hrs	<b>This element could be managed off site.</b>  An online system for payments could be installed. This has not been fully explored by the applicant. The site is only small. An online map or erection of signage and a plan of the site with low level lighting could address this issue.
19:00	Security patrol of site and ensure new and existing customers are settled.	0.75hrs	<b>On-site Activity / or installation of CCTV alternatives to be considered and discounted?</b>
19:45	Check oxygen levels on both lakes at various points.	0.50hrs	<b>Are there alternatives to allow this element could be managed off site. Electronic monitoring equipment.</b>  <b>Can Oxygen Levels be taken remotely. Little information has been provided to discount</b>

			<b>this option.</b>
20:15 to following morning	Gordon Teale can get alerted to return to site to deal with security issues such as poaching and illegal fishing, deal with fish oxygen levels  during severe cold or hot weather, during severe weather events such as heavy rain, wind, or snow and to take feed and stock deliveries, which all involves finding night care for children and travel time, expense and out of office care.	Varied time depending on issue	Little evidence has been provided to demonstrate the number of call outs that take place during the evening / night time. No records or logs have been provided.

- Security / Poaching / illegal fishing / vandalism / break ins / Predators - Birds

The applicant has confirmed through supporting information that at present there is no CCTV on site and that it is possible for members of the public to gain entry to the fisheries. The applicant considers that CCTV will act as a deterrent but will not provide a complete package and that monitoring of CCTV would be needed at unsociable hours. There are many fisheries that currently operate without the need for a person living on site. The applicant considers that an on-site member of staff would provide the best protection for the business particularly at night when they identify unauthorized fishing to be most prevalent. They also consider the on-site presence also provides the best form of security for the ponds and fish in regards to predators a permanent on site manager would provide the best protection especially as the hunting times of birds usually falls within outside of normal working day hours.

It is considered that security could be addressed at the site though alternative measures and such measures do not appear to have been considered sufficiently by the applicant. The installation of CCTV, improved security fencing and coded access for fishermen/women and a security guard might be some ways to address this matter. CCTV will act as a visual deterrent to crime. Equally, the level of poaching, trespassing and unauthorised fishing taking place at the site has not been detailed, with no justification being provided as to the level of need. No data has been provided in relation to reported crimes having taken place at the site, no police reference numbers / reports / reference to crime statistics or Business Insurance Premiums and claims made against damaged or stolen stock have been provided to suggest this has been an issue in the past.

Within the supporting evidence it suggests Mr Teale is alerted to return to deal with security issues such as poaching and illegal fishing, deal with fish oxygen levels during severe cold or hot weather, during severe weather events such as heavy rain, wind, or snow and to take feed and stock deliveries, however, no logs of incidents

have been provided or no details about how he is alerted is provided. How is he currently alerted to these incidents?

There is little evidence to suggest that having a property on site would prevent any of these issues going forward. Further, whilst not the responsibility of customers using the site, the onsite presence of regular anglers must act to some degree as a deterrent. Again, no detailed numbers have been provided in terms of night time anglers. Employing a full time bailiff / night manager to undertake regular evening checks might also be an alternative solution, this could also assist with any antisocial behaviour, theft and vandalism that might occur whilst acting as a deterrent to predators, illegal anglers and poaching.

The submitted justification report document details that bird predation of fish can cause significant financial loss to the business, and that birds such as cormorants, herons, grebes and goosanders have previously been seen on the site attacking and taking fish from the lakes. While the use of visual and audible deterrents have been used in the past, the report states that the birds eventually become unphased by the deterrent and that the presence of a person of the site has proven to be successful in spooking predators. Given that customers are on-site 24 hours a day and that this must to some degree act as a deterrent to predators, it is not understood why having a rural worker resident on the site would act as a deterrent against bird predation, with no information provided as to how often birds are spotted and how frequently the applicant is visiting the lakes to deter predators.

- Deliveries

The applicant suggests that deliveries of stock is taken during the evening and nighttime hours. It is considered that feed and stock deliveries could be managed during daytime hours. These two elements are not considered to pass the tests of essential need in this instance.

Whilst it is acknowledged that a number of reports and assessments have been provided in support of the application, including supporting statements from customers and relevant bodies (for example the Environment Agency), it is not considered that it has been demonstrated that there is an essential need for a rural worker to be a resident of the site. Insufficient evidence is provided to back up claims made by the applicant in relation to oxygen levels at the site including the need for daily oxygen to be provided within the two ponds, the level of security required at the site, the onsite presence being suggested.

Although having a dwelling on the site would appear to be desirable and more convenient for the applicant (for example it would negate the need to undertake trips to and from the site and would allow the applicant to not need additional child care to undertake his role at his preferred times – as set out in the applicant's supporting statement), it is not considered that it has been demonstrated that the operational needs of the business have established an essential need for a permanent presence on the site.

The development would therefore be contrary to policies CS1, CS2, CS3 and CS8 of the Core Strategy and Local Plan RD1, RD2, RD11 and H5 of the local plan which seek to ensure, amongst other things, that new build dwellings in the open

countryside are necessary and where an essential need can be justified. The proposal is also contrary to paragraph 84 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside

### **Residential Amenity**

Policy DS1 is partly concerned with impacts upon residential amenity. It states that "...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing". This is supported by Policy RD2 which states the development shall not be detrimental to residential amenity or highway safety.

Policy H5 also requires "development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings".

The site is located within the open countryside. There are no existing residential properties on the site. The Environmental Protection Team have highlighted that the site is in close proximity to a working farm including the rearing of livestock. The department has received complaints historically in relation to these activities which can be difficult to resolve. In addition, the comings and goings of patrons using the facilities at Owston Ferry Fisheries has potential to cause disturbance to the proposed residential development.

The application is made in outline at this time with matters relating to appearance reserved for subsequent approval. The following condition is however recommended to be included should permission be granted:

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture and fisheries, or a widow or widower of such a person, and to any resident dependents."

An indicative layout plan has been provided as part of the planning application which shows a private access and long driveway which will serve the proposed dwelling. No details have been provided in relation to how this access will function and operate in relation to the wider fisheries site and whether a separate access will be provided. Any reserved matters application would need to address the wider site and how the two would operate together. The current plan whilst in outline at this time suggests a separate access to the fishery site would be needed.

Any future reserved matters application will need to consider the amenity for the owners of the property and how the site functions in relation to the existing fisheries business.

### **Design / Appearance / Character**

Part Saved Policy H5 and Policy DS1 refer to residential amenity. They both discuss the need to ensure development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states adjacent land uses will not result in annoyance or detract from the residential

amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states there should be no unacceptable loss of over shadowing.

Policies H5 (Part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. Policy DS1 requires the design and layout to respect and where possible retain and / or enhance the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states that "...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable." This is reinforced by Local Plan policy, DS1 and CS5 as noted above.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

Policy RD2 requires development not to be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

In relation to design Policy RD11 states the proposed dwelling should be located within, or adjacent to, the existing buildings on the holding, the dwelling must be of a size appropriate to the established functional requirements of the unit and the external appearance and materials shall reflect local building traditions and the means of access must be acceptable.

The NPPF places an emphasis on good design. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. The NPPF is clear that decisions should ensure that developments will function well and add to the overall quality of the area, not for the short term but over the lifetime of the development, are visually attractive, sympathetic to local character and history and use building types and materials which maintain a strong sense of place. Paragraph 139 of the NPPF states development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. The NPPF is also clear regarding amenity, stating that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

All matters are Reserved for subsequent approval. As such no comments can be made in this regard at this time.

No boundary treatments have been provided as part of the proposals. Further information in relation to the access into the wider fisheries for visitors needs to be factored into any future proposals. The current plan does suggest a large area of hard standing leading to the property. This area is currently mowed grass. Any proposals should seek to reduce the amount of hard standing and consider alternative surfacing materials.

The level of amenity space around the proposal is considered excessive given this countryside location. Were the proposal to be accepted then any permitted development rights should be removed through an appropriately worded condition to prevent the unrestricted sprawl of domesticated land within the open countryside.

The Council's Archaeologist has reviewed the proposals and notes that the development does not adversely affect any heritage assets of archaeological interest or their settings. The site lies just outside the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14) to the south of the Warping Drain boundary.

The outline application does not provide any information to enable an assessment of the appearance of the proposed dwelling when seen from within the ASHLI, other than the application form indicating a 3—bedroom house. It is recommended that such information be provided as part of a future reserved matters application. It is important that any future proposal does not adversely affect the character of the protected heritage asset or its setting, and that the scale, design and building materials are appropriate to the area in accordance with the policy.

Whilst the design is yet to be confirmed, the site is located within the open countryside and any dwelling in this site would be out of character with the countryside setting and location.

### **Flood Risk and Drainage**

Paragraph 165 of the NPPF is clear in that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”*.

Paragraph 168 notes *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”*.

Paragraph 169 highlights if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3

Paragraph 170 and 171 discusses the exceptions test and states “The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 171 - Both elements of the exception test should be satisfied for development to be allocated or permitted”.

Policy CS19 is concerned with flood risk whilst policy DS14 is concerned with foul sewage and surface water drainage. The application site is located within flood zone 2/3a and is therefore within a location which is considered to be high risk in terms of flood risk. Policy CS19 is consistent with the NPPF and states:

*“The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:*

- 1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.*
- 2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.*
- 3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development”.*

The application site lies within an area identified as having a high flood risk (SFRA Flood Zone 2/3(a)). The proposal is therefore subject to a sequential test, and it

should be adequately demonstrated that there are no other sites in the surrounding area suitable for this development.

The applicant has submitted a flood risk assessment and the Environment Agency has been consulted and considers that the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if their recommended planning condition is included. The EA also point out that the Product 4 mapping data used within the submitted flood risk assessment (FRA) is now out of date. A new hydraulic model was released in 2023; however, this shows reduced impacts to the site when compared to those provided within the FRA. The EA are satisfied that the proposed development will remain safe for its lifetime providing the floor levels recommended in the FRA, based on the critical flood level, are implemented.

The recommended condition is as follows:

The development shall be carried out in accordance with the submitted flood risk assessment compiled by AAH Consultants (ref 47215 dated January 2024). In particular, finished floor levels shall be set no lower than 4.1 metres above Ordnance Datum (AOD) as indicated in section 6.5. These mitigation measures shall be fully implemented prior to occupation and maintained thereafter throughout the lifetime of the development.

In accordance with Paragraph 168 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the sequential test establishes if this is the case. Where the sequential test has to be applied, it is for the Local Planning Authority to determine an appropriate area of search and whether the test is passed.

The applicant within their planning support statement has set out that the development would be classed as more vulnerable development within flood zone 3A and as such requires the sequential test to be undertaken to investigate if there are alternative areas of land can be developed that are at lower risk of flooding. The applicant considers that they have demonstrated a need for the erection of a rural workers dwelling in connection with the fishing business and that there are no properties within 750 metres that will provide the required business needs and as such there are no sequentially preferable locations in this instance.

As the holding is wholly within the higher flood risk area, the applicant considered that a rural worker's dwelling in any other location (outside of existing settlements) would not be reasonably available. If the application were to be acceptable in principle, it is considered that the sequential test would be met by virtue of rural workers need. In this instance the planning department does not consider that the principle of development is acceptable and as such the sequential test has not been

suitably demonstrated or met. It is considered that there are areas of nearby settlements which are outside the flood zone and within reasonable distance to the site for the applicant to operate and manage his business from and these area should be considered and assessed as part of a more detailed Sequential tes assessment.

In relation to the exceptions test the applicant has confirmed that a Rural Worker's Dwelling is essential to allow the applicant to continue working the fishery, and without this, the fishery would be forced to close. Any closure of the fishery would result in the loss of an important tourism and leisure facility to the local community. Therefore, the continuation of the business is considered a benefit to the community, which the applicant considers outweighs any limited flood risk to the Rural Worker's Dwelling. The planning department considers insufficient evidence has been submitted to back up the claims that the business would be forced to close without the provision of a dwelling on site. The applicant has managed to sustain the business until this point and insufficient information is provided to demonstrate what has changed for the business to not be able to continue operating in the same way. It is considered that alternative ways of working / equipment / systems could be introduced to allow the business to operate without the need for a permanent workers dwelling on site.

The applicant has failed to submit sufficient evidence to demonstrate that they have satisfied the Sequential Test or the Exception Test. **The application should therefore be refused on this basis.**

The LLFA drainage team have not raised any objections to the proposal but recommend the inclusion of a planning condition to secure a detailed Flood Risk Statement and Drainage Strategy for the site prior to commencement of development as well as an informative to consider upsizing the pipe network increasing storage around the development, to raise awareness of a watercourse which is present on or close to the site which may require to be addressed at the landowners expense.

The site is within the Isle of Axholme and North Nottinghamshire water level management board district. The board maintained snow sewer warping drain an open water course exists to the north of the site and to which bylaws and the land drainage act 1991 applies. The erection or alteration of any mill dam wear or other like obstruction to the flow or erection or alteration to any culvert whether temporary or permanent within the channel of a riparian watercourse will require the boards prior written consent. The board's planning and bylaw policy advice notes and application form is available on the website.

The board's consent is required for any works that increased the flow or volume of water to any water course or culvert within the board's district. The board's written consent will be required prior to construction of any discharge point from any

biotechnical unit / packaged treatment plant septic tank into any water course or culvert within the barge district.

The board's consent is required irrespective of any permission gained under the town and country planning act as such it is recommended that an informative be placed on any planning permission.

The applicant has failed to satisfy the sequential test or exceptions test and as such fails to fulfil the requirements of the NPPF or Policy CS19. The applicant has failed to demonstrate that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. The development is not on previously developed land and no assessment of alternative development sites has been undertaken. The applicant has, however, satisfied the EA and the council that the development will be safe without increasing flood risk elsewhere.

### **Highways**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the Local Plan is concerned with parking provision as well as general safety and is also considered relevant.

Access to the site is reserved for subsequent approval. However, the supporting indicative plan suggest a private drive will be created to serve the proposed dwelling. No consideration of the existing access to serve the fisheries business has been shown on the supporting plans. Any future scheme would need to demonstrate how the two would function together and whether a separate access to the wider fisheries is to be provided for visitors.

Highways do not have any objections at this time but do recommend a condition to ensure parking, turning and manoeuvring is in place prior to occupation of the dwelling. There are no concerns regarding highway safety given the proposals relate to an existing property and do not occur within the main highway.

It is therefore considered that the scheme is in accordance with Policy T2 and T19 of the Local Plan.

### **Contamination**

The Environmental Protection team have considered the proposals and note that proposal for residential development is a sensitive end use. In addition, the application site has historically been used as agricultural land; this has the potential to give rise to contaminants such as pesticides and herbicides and from the over application of slurry and the illegal deposition of waste; which are harmful to human health. A pre-commencement planning condition is recommended to address contamination at the site.

### **Noise and Odour**

This site is in close proximity to a working farm including the rearing of livestock. This department has received complaints historically in relation to these activities which can be difficult to resolve. In addition, the comings and goings of patrons using the facilities at Owston Ferry Fisheries has potential to cause disturbance to the proposed residential development.

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture and fisheries, or a widow or widower of such a person, and to any resident dependents.

### **Trees and Landscaping**

Any reserved matters application should be accompanied by an arboricultural impact assessment to show how existing trees would be protected during and after construction.

### **Ecology**

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity. It seeks to achieve a net gain for habitat wildlife networks and general biodiversity improvements. It is reinforced by paragraph 170 of the NPPF which is also relevant.

The applicant has confirmed that the development is for a self build and custom build development and as such is exempt from BNG. This is also reflected within the description of development. Provided that the applicant has “primary input” into the design and layout of the dwelling, and occupies it thereafter, the application will be exempt from mandatory BNG under the “Self-build and custom build development” exemption.

A preliminary Ecology Appraisal has been provided and has been assessed by the Council’s inhouse ecologist.

Landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and the Countryside Design Summary. Core Strategy Spatial Objective 10, policies CS5 and CS16 and Saved Local Plan Policies LC7 and RD2 should also be considered.

Building a new dwelling outside “existing farmstead and agroindustrial areas” is contrary to the adopted guidance. The proposed planting scheme, featuring largely exotic ornamental species, is also contrary to the guidance. The latter problem could be rectified by revising the proposals to use locally native species of high biodiversity value. Native emergent plant species should be encouraged in the ponds, to complement to aquatic and emergent flora of the nearby Local Wildlife Site

The application site comprises modified grassland, hedgerows, trees, scrub and ponds. Dormice and white clawed crayfish do not occur in North Lincolnshire and do not need to be considered further. The survey methods used and the survey effort deployed are appropriate for the site in question. The surveyors found no evidence of great crested newts, bat roosts, badgers or invasive non-native species. The site

has potential for otters, water voles, foraging bats, grass snakes and nesting birds. Sensitive working methods will be required in relation to these species.

The species-rich hedgerow on-site is described in the submitted report as not being important in terms of the Hedgerow Regulations 1997. Hedgerows in North Lincolnshire require fewer woody species per 30-metre length to class as “important” compared to hedgerows in other parts of the country (Hedgerow Regulations Schedule 1, 7 (2)). It is possible, therefore, that the hedgerow may indeed be important. At present, the hedgerow is proposed to be retained.

Warping Drain Corridor Local Wildlife Site (LWS) lies 75 metres to the north of the application site. The LWS citation notes that, “Warping Drain has a very rich flora of aquatic and emergent species, including shining, curled and fennel pondweeds, fat and common duckweeds, fan-leaved water-crowfoot, rigid hornwort, yellow water-lily and an abundance of the locally uncommon whorled water-milfoil. On the densely vegetated watercourse margins are water dock, water forget-me-not, yellow iris, club-rush, fool’s-water-cress, water mint, purple-loosestrife, branched bur-reed and amphibious bistort. Ferry Drain holds some of the same species, plus others such as water-violet, mare’s-tail and water-starwort.”

With this proposal, biodiversity enhancement should be secured by:

- Planting locally native trees and shrubs of high biodiversity value.
- Installing at least two integral bat boxes in the new dwelling.
- Installing nestboxes in retained trees on-site.

It is considered that the inclusion of the two recommended conditions along with a condition to address planting at the site would address concerns raised in relation to ecology.

## **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the

application does not cause discrimination on the grounds of gender, race and disability.

### **Conclusion**

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees and third parties as well as comments raised initially by previous officers.

It is considered that insufficient evidence has been provided to justify the 'essential' need of a rural workers dwelling on the site in line with local and national policy and guidance.

The applicant has failed to satisfy the sequential test or exceptions test and as such fails to fulfil the requirements of the NPPF or Policy CS19. The applicant has failed to demonstrate that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. The development is not on previously developed land and no assessment of alternative development sites has been undertaken.

It is considered, given the above assessment, that the adverse impacts related to the development would significantly and demonstrably outweigh the benefits that would follow from the proposed scheme. The proposal is considered to be out of character with the area. The proposal is therefore considered to be unacceptable in planning terms and therefore cannot be supported.

**RECOMMENDATION: Refuse Permission for the following reasons:**