



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Planning Committee

2 February 2023



S22/1828

Proposal: Siting of residential log cabin structure to be occupied in connection with petting farm use
Location: Tiny Steps Petting Farm, Park Wood Road, Thurlby, PE10 0EL
Applicant: Mrs Tracey Hall
Agent: Mr Mike Sibthorp, Mike Sibthorp Planning
Application Type: Full Planning Permission

Reason for Referral to Committee: Application called in by Councillor Barry Dobson in support of the principle of the development

Key Issues: Principle of Development
Impact on the character and appearance of the area
Impact on neighbouring land uses

Technical Documents: Planning Statement
Essential Need Case – comprised of the following documents:

- Addendum to Planning Statement
- Monthly Expenditure Information
- Monthly Sales Information
- Business Plan
- Additional Breeding Information
- Response to Independent Assessment

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Dole Wood

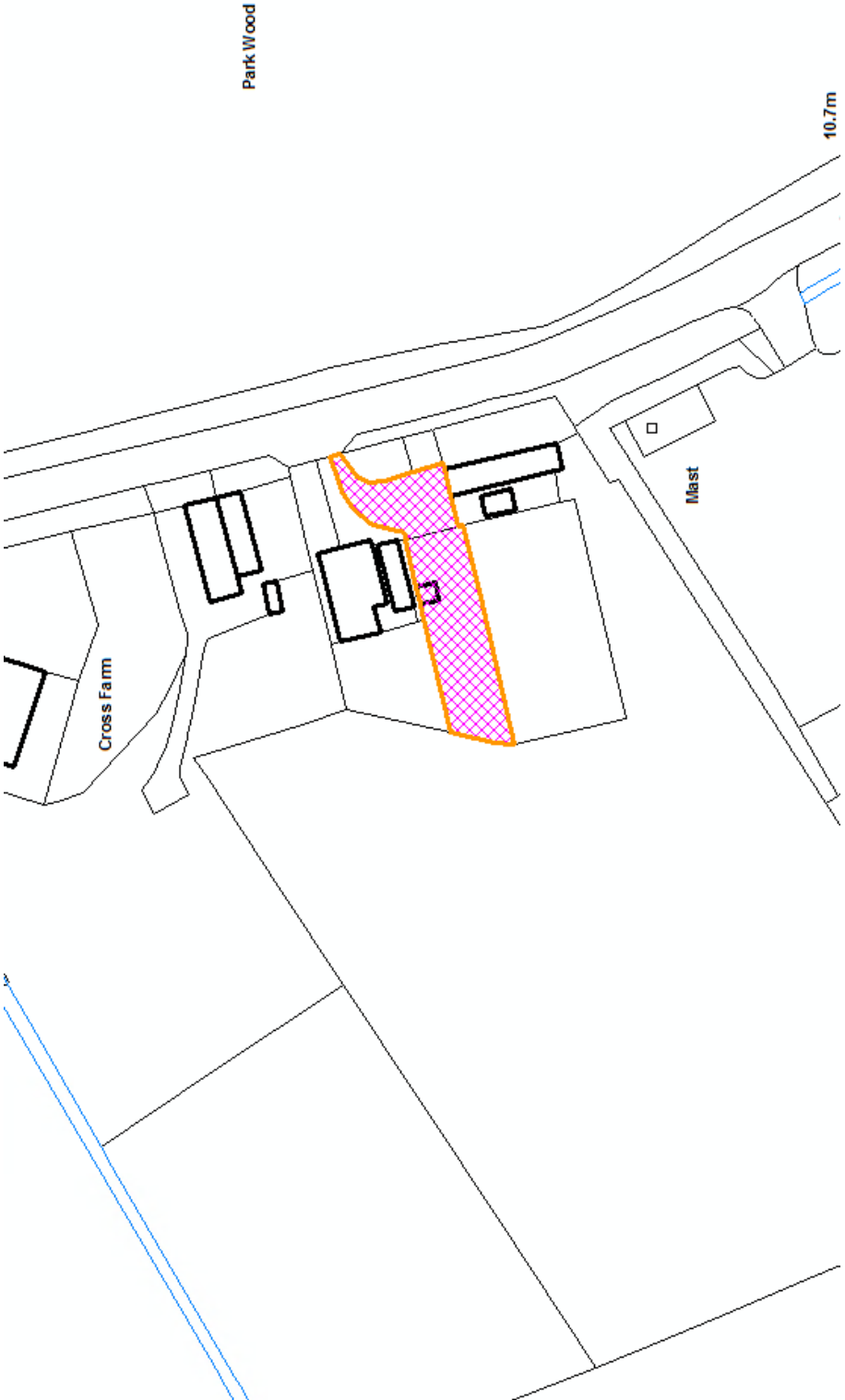
Reviewed by: Phil Jordan – Development Management Manager

23 January 2023

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to REFUSE planning permission

S22/1828 – Tiny Steps Petting Farm, Park Wood Road, Thurlby



Key



Application Boundary



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1 Description of Site

- 1.1 The application site comprises an area of approximately 0.10 hectares (0.24 acres) of broadly rectangular land situated to the west of Park Wood Road; approximately 0.5 miles to the south of the main built-up area of the village of Thurlby. The private access road is accessed via the A15, which runs north-south to the east of the site, beyond Park Wood, and connects Thurlby to the larger settlements of Bourne and Market Deeping.
- 1.2 The site comprises part of the Tiny Steps Petting Farm, which is a community-based leisure operation which provides close contact animal experiences for children. The Petting Farm use is understood to have commenced in June 2021, and retrospective planning permission was granted in January 2022 (LPA Ref: S21/1546).
- 1.3 The Petting Farm has an overall site area of approximately 1.5 hectares (3.7 acres) and includes a small barn structure, stables, a menage area, and a static caravan (which is understood to be used as a restroom facility) as well as several field shelters and sheds. The barn structure along the north boundary of the site is used for housing some of the animals and is the main petting location of the business, in front of this building is an area of hardstanding which is used for vehicular parking. To the south, backing onto Park Wood Road is timber stable building which is also used to house some of the petting animals, and a compound used to house chickens. The remainder of the site consists of the paddocks and enclosures, which contain the remainder of the animals; the different animals are separated into each enclosure and there is a fenced walkway through the centre of the site which provides a viewing area. The opening hours of the Petting Farm and the total number of visitors per day are restricted by planning condition; which limits the operation to 4 visiting groups per hour.
- 1.4 The site is bound to the east by Park Wood Road, beyond which lies Park Wood, a designated Ancient Woodland and Local Wildlife Site; it is bound to the north and south by existing agricultural landholdings, including agricultural dwellings associated with those uses; and to the west by further undeveloped, grassland, which forms part of the Open Countryside. The site benefits from clearly defined boundaries on all sides marked by a mixture of post and rail fencing and post and wire fencing.
- 1.5 As referenced above, the site is located outside of the main built-up area of an existing settlement within the District – the nearest settlement is Thurlby, which is located approximately 0.5 miles to the north of the site – and, therefore, the site falls to be defined as being located within the Open Countryside. The site is not subject to any further planning policy constraints. However, Park Wood, to the east of the site, is a designated Ancient Woodland and Local Wildlife Site.
- 1.6 Furthermore, it is noted that the site has been the subject of a number of recent planning applications for the use of the land as a Petting Farm. Planning permission was originally granted in January 2022 for the use of the land as a petting farm (Ref; S21/1546), and it is noted that this application did originally include proposals for the siting of a residential log cabin to be occupied in connection with the business use. This element of the application was subsequently removed following the receipt of an independent assessment of the need for residential accommodation on-site, which indicated that there was only a marginal case

for a dwelling to be provided. Subsequently, a further planning permission has been granted (Ref: S22/1829) for the use of the site as a petting farm, which sought to regularise some inaccuracies between the original planning permission and the manner in which the site was being operated.

2 Description of proposal

- 2.1 The current planning application seeks full planning permission for the siting of a residential log cabin to be occupied in connection with the petting farm use.
- 2.2 The current application has been accompanied by a Proposed Block Plan and Proposed Log Cabin Elevation and Floor Plans, which indicate that the development would consist of the following:
- 2.3 The application proposes the siting of a 4-bedroom timber-clad, log cabin structure which is proposed to be occupied in connection with the operation of the approved Petting Farm. It is argued that there is an essential need for a full-time on-site presence and, therefore, formal residential accommodation, for animal welfare reasons and security purposes.
- 2.4 The proposed timber cabin structure is proposed to be sited at the northern end of the site, in a similar location to the existing static caravan at the site, which is positioned between the barn structure and the former menage area. Access to the proposed log cabin would be via the existing vehicular access from Park Wood Road, which is utilised as part of the operation of the Petting Farm.
- 2.5 The proposed timber log cabin would be a single storey structure and would measure 19.6m long by 6.42m wide, and is rectangular in shape and has a shallow pitched roof, as well as an additional wrap-around verandah positioned at the eastern and south-eastern end of the raised structure.
- 2.6 The submitted application form indicates that surface water drainage from the site would be managed via soakaway, whilst foul water drainage would be managed via a septic tank.

3 Relevant History

Reference	Proposal	Decision
S21/1546	Change of use to provide a community based leisure business (including a variety of miniature farm animals) (Use Class F2c)	Approved Conditionally 31.01.2021
S22/1829	Change of Use of land as petting farm (Use Class F2c) (revised submission following planning permission S21/1546)	Approved Conditionally 12.01.2023

4 Policy Considerations

- 4.1 **South Kesteven Local Plan 2011-2036 (Adopted January 2020)**
Policy SD1 – The Principles of Sustainable Development in South Kesteven
Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy
Policy SP5 – Development in the Open Countryside
Policy E7 – Rural Economy
Policy EN1 – Landscape Character
Policy EN2 – Protecting Biodiversity and Geodiversity
Policy EN3 – Green Infrastructure
Policy EN4 – Pollution Control
Policy EN5 – Water Environment and Flood Risk Management
Policy DE1 – Promoting Good Quality Design
Policy SB1 – Sustainable Building
Policy ID2 – Transport and Strategic Transport Infrastructure

4.2 **Thurlby Neighbourhood Development Plan (Made March 2019)**

Policy TNP01 – Respecting the Distinctive Landscape Character and Biodiversity
Policy TNP05 – Nature Conservation and Improvement of the Environment in the Countryside
Policy TNP11 – Design and Local Character

4.3 **Design Guidelines for South Kesteven Supplementary Planning Document (Adopted November 2021)**

4.4 **National Planning Policy Framework (Adopted July 2021)**

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

4.5 **National Planning Practice Guidance**

Section 67 – Rural Housing

5 Representations Received

5.1 **Forestry Commission**

5.1.1 No comments received

5.2 **Historic England**

5.2.1 No comments to make

5.3 **Lincolnshire County Council (Highways and SuDS)**

5.3.1 No objections.

5.4 **SKDC Environmental Protection**

5.4.1 No comments to make.

5.5 **Thurlby Parish Council**

- 5.5.1 Neutral
- 5.5.2 The application states that the residential log cabin structure is in connection with the petting farm. Questions whether the structure is necessary or appropriate.
- 5.5.3 Request for conditions restricting occupation of the residential accommodation to be linked to the business.
- 5.5.4 Further information needed about the septic tank arrangements
- 5.5.5 Further clarity required about the scale of the development.
- 5.6 **Kernon Agricultural Consultants (Independent Review of Essential Need) – Full Report at Appendix 1**
- 5.6.1 Typically, the main rationale for farm businesses to have an essential need to live on site relates primarily to the animal's welfare needs and whether the only way the needs can be met are by living on site. Whilst security is a relevant consideration, it is not the primary reason to justify the essential need to live on site.
- 5.6.2 In terms of breeding operations at the site, this has increased slightly since our previous assessment. However, with breeding occurring over a relatively condensed period of time and the small number of animals living on site, it remains our view that the need to live on site is very marginal. Whilst it has been argued that a number of incidences have occurred at the farm that could have been prevented if there was an on-site presence, it is not entirely clear that this is the case. Breeding requires a site worker to be on hand at most times, however, injuries at night are more difficult to prevent. Regular checks could still be made when living a short distance away.
- 5.6.3 The number of animals kept on site is, in our opinion, not significant and the management of the enterprise is not considered to be overly complex in terms of welfare needs. The addition of breeding increases the need to live on site but given that breeding is set to occur over a condensed period of time, periods of stronger need to live on site are limited. On this scale, the protection of livestock from theft or injury is not great enough for us to conclude otherwise.
- 5.6.4 The financial information provided does not show the levels of profit we would expect to conclude that the business is viable or likely to become viable. The business would not be capable of providing a reasonable return on labour for a single site manager, regardless of whether other employees are volunteers. We are also concerned that missing costs which have the potential to further reduce income considerably. This in turn raises concerns as to the affordability of a temporary dwelling.

6 Representations as a Result of Publicity

- 6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and 2 letters of representation have been received, both of which have raised objection to the application proposals. The representations received have raised the following material planning considerations:

1. Objection to the principle of residential accommodation on site – it is stated that there is no breeding programme on site with all animals having been purchased.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises of the following documents:

1. South Kesteven Local Plan 2011-2036 (Adopted January 2020); and
2. Thurlby Parish Neighbourhood Development Plan (Made March 2019).

7.2 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (Adopted November 2021) and this document is a material consideration in the determination of all planning applications.

7.3 In addition, the policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Adopted July 2021) are also a relevant material consideration in the determination of planning applications.

7.4 Principle of Development

7.4.1 As identified above, it is noted that representations received from Thurlby Parish Council have questioned the necessity for a residential log cabin structure at the site; whilst public representations have objected to the application on the basis that there is no functional need for a dwelling due to the absence of an active breeding programme.

7.4.2 In respect of the above, Local Plan Policy SP1 (Spatial Strategy) outlines the overall spatial strategy for the District during the plan period, in particular the focus for the majority of growth is in and around the four market towns with Grantham being a particular focal point for development. In connection with the above, decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy.

7.4.3 As noted, by virtue of the site’s location outside of the main built-up area of an existing settlement – the nearest one being Thurlby which is approximately 0.5 miles to the north – the site falls to be defined as being within the Open Countryside. Policy SP5 (Development in the Open Countryside) is the principal spatial policy of the Development Plan in respect of such locations. It identifies that development within the Open Countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement. The policy goes on to identify a series of exceptions, whereby development in the Countryside is considered to be acceptable in principle, including:

- (a) Agriculture, forestry or equine development
- (b) Rural diversification projects
- (c) Replacement dwellings (on a one-for-one basis); or

- (d) Conversion of buildings, provided that the existing building(s) contributes to the character and appearance of the local area by virtue of their historic, traditional or vernacular form; and
- (e) Are in sound structural condition; and
- (f) Are suitable for conversion without substantial alteration, extension, or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) and their setting.

7.4.4 In the context of the above, the proposed development scheme would involve the siting of a timber log cabin for residential purposes on land situated within the Open Countryside. The proposed dwelling would not be a replacement dwelling nor would the dwelling be the result of the conversion of any existing buildings on site. As such, the proposed development scheme would be contrary to Policy SP5 of the adopted Local Plan.

7.4.5 Notwithstanding the above, Paragraph 80 of the National Planning Policy Framework provides further guidance in relation to the development of dwellings within the countryside. It states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside, unless one or more of the following circumstances apply:*

- (a) *There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*
- (b) *The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*
- (c) *The development would re-use redundant or disused buildings and enhance its immediate setting.*
- (d) *The development would involve the subdivision of an existing residential building; or*
- (e) *The design is of truly exceptional quality, in that it:*
 - 1. *Is truly outstanding, reflecting the highest standards in architecture, and would help to raise the standards of design more generally in rural areas; and*
 - 2. *Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”.*

7.4.6 Furthermore, it is appreciated that the proposed residential accommodation is to be occupied in connection with the existing, consented Petting Farm business. As such, the application scheme also falls to be assessed in the context of Policy E7 (Rural Economy), which supports proposals for rural enterprise and tourism, such as the approved Petting Farm. It states that *“any new building or extension to an existing building will only be permitted where it is clearly demonstrated that it is an essential element of the business proposal. The scale, design and construction of any new building or extension must be appropriate to its rural setting and fully justified by the business proposals”.*

7.4.7 In this case, the application submission states that the proposed residential timber log cabin is an essential requirement for the ongoing operation of the Petting Farm for animal welfare and security purposes, and as such, the proposed accommodation falls to be assessed as a rural workers dwelling under the provisions of Paragraph 80 of the NPPF.

7.4.8 In connection with the above, Section 67 Paragraph 10 of the Planning Practice Guidance sets out guidance on how the essential need for a rural workers dwelling in the countryside can be assessed. It identifies that the following considerations may be relevant:

- (a) *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)*
- (b) *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.*
- (c) *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 local context; and*
- (d) *In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

7.4.9 The application submission includes a Planning Statement (Mike Sibthorp Planning) (September 2022). Paragraphs 27 to 43 sets out the Applicant's case for the essential need for a rural workers' dwelling on the site, which can be summarised as follows:

- (a) *When planning permission was sought for the petting farm use, the application also sought consent for the sitting of a log cabin type structure to be occupied in connection with the use. During the life of that application, the Council Officers advised that there was not considered to be a functional need justification for the residential accommodation, albeit there was a reasonable financial justification for a temporary mobile home.*
- (b) *It is considered that since the earlier submission, the range and diversity of the livestock has increased, that provides further justification for the dwelling.*
- (c) *The applicants are also in the process of purchasing 2 (no) Golden Guernsey nanny kids for a breeding programme, as well as being able to produce cheese and specialist soaps. The anticipation is that the amount and number of animals kept at the site will increase as breeding – particularly pygmy goats develops. Surplus males will be sold and this will allow the purchase of new animals.*
- (d) *Moreover, there have been a number of further security incidents that have arisen, which reinforce the need for an on-site security presence at all times.*
- (e) *The majority of these incidents relate to the health and well-being of the livestock. The absence of any overnight, onsite supervision inevitably had an impact. An on-site presence would have enabled a more immediate response to medical emergencies, reduced distress, and suffering to the animals, and possibly have avoided less.*
- (f) *Regrettably, some of the incidents that have been noted point towards site trespass and wilful damage and acts. There are several incidents where animals have escaped or disappeared from their enclosures and there is a reasonable suspicion that some of these events were malicious. In this respect, security and animal welfare considerations are completely intertwined and there are very compelling security consideration in this case that lend support for on-site accommodation.*

- (g) There is some CCTV coverage at the site. However, even with several cameras, this technology does not provide good coverage of all the areas where animals are kept. Consequently, this technology does not guarantee the welfare of the animals within the applicant's control.*
- (h) These circumstances are sufficient in our view to satisfy the functional test. It is considered that the changes in circumstances since the submission of the previous application – both in terms of stocking changes and security issues – represent material changes that now tip the balance of consideration in favour of on-site provision.*

7.4.10 Given the specialist nature of an essential need assessment, the Local Planning Authority commissioned an independent agricultural consultant (Kernon Agricultural Consultants) to undertake a review of the evidence submitted by the Applicant. An initial review was undertaken and the Applicant was invited to submit further information including a timeline outlining the breeding operations that are proposed and a business plan taking into consideration the operation of the business to date. The Applicant subsequently confirmed that there would be a goat breeding programme with the estimated birth period in July; and also submitted a Business Plan and additional financial information. Furthermore, during the course of the application the Applicant also reported further incidents of animal welfare and security breaches; this information was passed on to the independent consultant for their consideration as part of the review.

7.4.11 A full copy of the completed independent review by Kernon Agricultural Consultants is enclosed at Appendix 1. In short, the conclusions of this report are as follows:

- (a) Typically, the main rationale for farm businesses to have an essential need to live on site relates primarily to the animal's welfare needs and whether the only way the needs can be met are by living on site. Whilst security is a relevant consideration, it is not the primary reason to justify the essential need to live on site.*
- (b) It is evidenced in the information provided that the rarer breeds of animals attract unwanted attention by members of the public which have led to several incidences which has jeopardised the animal's welfare. Living on site will act as a deterrent, however, security is not the primary consideration when justifying the need to live on site.*
- (c) In terms of breeding operations at the site, this has increased slightly since our last assessment. Additional information provided by the Applicant's detailed that 3 nanny goats are to go to a pygmy billy goat this year, with the billy goat to return to another 4 female goats in February of next year. With a gestation period of around 150 days, this will therefore lead to 3 goats giving birth in April next year, and another 4 to give birth in July 2023. The relatively condensed breeding period will only give rise to a need to live on site for a few weeks of the year, as ideally someone should be on site to closely monitor the animals and call for veterinary assistance if required.*
- (d) However, with breeding occurring over a relatively condensed period of time and the small number of animals living on site, it remains our view that the need to live on site is very marginal. Whilst it has been argued within the information provided that a number of incidences have occurred at the farm that could have been prevented if there was an onsite presence, it is not entirely clear that this is the*

case. Breeding requires a site worker to be on hand at most times, however, injuries at night are more difficult to prevent. Regular checks could still be made when living a short distance away.

- (e) Based on the application form, it is understood that the Applicant lives just a 5 minute drive from the site. Whilst not within sight and sound of the livestock, this makes it relatively easy to undertake checks of livestock in the early morning and late evening.*
- (f) The financial information provided does not show the levels of profit we would expect in order to conclude that the business is viable or likely to become viable. The business would not be capable of providing a reasonable return on labour for a single site manager, regardless of whether other employees are volunteers. We are also concerned over missing costs which have the potential to reduce income considerably. This in turn raises concerns as to the affordability of a temporary dwelling.*

7.4.12 Following receipt of the completed report, the Applicant was invited to submit any further evidence that may alter the conclusions of the independent assessment. The Applicant subsequently submitted a rebuttal statement indicating:

- (a) The breeding programme is expected to increase the stocking levels at the farm quite significantly. The anticipation is that within the next 12 months, the breeding programme will produce at least 10 kids and that this will increase the need for an ongoing site presence at the site.*
- (b) Whilst we have not made any reference to this in the application, the intention is that any on-site accommodation would also be able to offer overnight bed and breakfast tourist accommodation.*
- (c) The security issues, which are quite clearly frequent, malicious and targeted, differ quite significantly from more general security concerns about speculative security incidents and represent a significant animal welfare risk. That risk would be significantly reduced by an on-site presence. It is considered in this case that the security issues are of such a magnitude that they may reasonably be seen to tip the balance of functional need considerations in favour of the proposals.*

7.4.13 Officers' have subsequently consulted within the independent consultant on the rebuttal statement, and the consultee has confirmed that their advice remains unchanged from the initial report.

7.4.14 Taking the above into account, it is Officers' assessment that the results of the independent review confirm that the functional need for rural workers dwelling on site is marginal; with the evidence indicating that the need only occurs during periods of breeding. Given that this breeding period requirement would be a short-term, seasonal requirement, it is Officers' assessment that this need could be appropriately met through the seasonal siting of a caravan, which can be carried out using permitted development rights, and does not justify the siting of a residential log-cabin year round. The assessment confirms that the day-to-day operational and security needs of the business could be appropriately met by an employee living within a short distance of the site and, therefore, this need could potentially be met by residential accommodation within Thurlby, which is identified as an appropriate location for residential uses. As such, it is Officers' conclusions that there is not an essential, functional need for a rural worker to live at the site.

7.4.15 Whilst the independent review has confirmed that any functional need for the site could only be met through the provision of a new building, and that the proposed log cabin would be proportionate to any identified need, these conclusions do not override the in principle assessment that there is only a marginal functional need for a dwelling.

7.4.16 Consequently, the application scheme proposes the siting of a residential dwelling within the open countryside to be occupied in connection with the existing Petting Farm business. However, on the basis of the evidence provided as part of the application, it is concluded that there is no clear essential need for a rural workers dwelling to be provided on site in order to support the Petting Farm business operations. As such, the application proposals do not fall to be defined as exceptional form of residential development in the open countryside, and therefore the proposals are contrary to Policy SP5 and E7 of the adopted South Kesteven Local Plan, and Paragraph 80 of the National Planning Policy Framework.

7.5 **Impact on the character and appearance of the area**

7.5.1 It is appreciated that there have been no objections raised to the impact of the proposed log cabin on the character and appearance of the area.

7.5.2 In assessing the appropriateness of the proposed development for the character and appearance of the area, it is appreciated that the proposed development would entail the provision of a single, timber log cabin structure at the northern end of the site situated immediately to the south of the timber clad barn structure, and to the north of the former menage, which is now used as a children's play area as part of the Petting Farm's operations. The proposed cabin would be a single storey structure with a shallow pitched roof and have a gross internal floor area of approximately 120 sq. metres.

7.5.3 In this respect, it is appreciated that the application site would be viewed within the context of its Open Countryside location, as well as the existing structures and sheds positioned within the Petting Farm site. Thus, in assessing the scheme within this context, Officers consider that the proposed log cabin would be appropriately positioned within the site to ensure that it assimilates with the existing character and streetscene; views of the proposed log cabin would be primarily from public vantage points to the east of the site from Park Wood Road, and in this view, the proposed cabin would be seen in the context of the existing timber clad barn immediately to the north.

7.5.4 In taking the above into account, it is Officers' assessment that the scale, design and materiality of the proposed holiday lodge is appropriate for its rural context, and would also be appropriate in respect of any functional need for a rural workers dwelling on the site.

7.5.5 Consequently, it is Officers' position that the application proposals are of an appropriate design, scale, massing, and appearance when viewed in the context of the existing site characteristics and the surrounding built-form. As such, the application proposals would appropriately assimilate into the existing streetscene and would not give rise to any unacceptable impacts on the character and appearance of the area. Thus, the application proposals would accord with the principles of Policy E7, DE1 and EN1 of the adopted South Kesteven Local Plan; Policy TNP01 and TNP11 of the made Thurlby Neighbourhood Plan,

the Design Guidelines SPD, and Section 12 of the National Planning Policy Framework in this regard.

7.6 **Impact on neighbouring properties**

- 7.6.1 Similar to the above, it is also noted that no objections or public representations have been received in relation to the potential impact of the proposed residential accommodation on the level of residential amenity afforded to the existing neighbouring properties.
- 7.6.2 In assessing the potential impact of the development on the level of privacy afforded to the occupants of the existing agricultural residences to the north and south of the site, it is noted that these properties are separated from the boundaries of the Petting Farm by a minimum of 50 metres. As such, it is Officer's assessment that there is an appropriate level of separation between the site and the existing properties to ensure that these residential uses benefit from a suitable level of privacy.
- 7.6.3 Likewise, it is also appropriate that the proposed log cabin is to be sited to the south of the existing timber clad barn, which is equivalent to two-storey residential scale, and therefore would screen the proposed cabin from the residential property to the north. Whilst the residential property to the south would also be screened by the existing boundary treatments, including a dense tree line.
- 7.6.4 Whilst the full-time occupation of the proposed residential accommodation may give rise to additional levels of noise and light pollution, as the use of the site would extend beyond the current hours of operation of the Petting Farm, it is Officers' assessment that the scale of the proposed log cabin would be relatively limited, and therefore, levels of noise and light pollution generated by its occupation would be minimal, and would not detract from the amenity and / or character of the rural context.
- 7.6.5 In relation to the level of residential amenity afforded to future occupants of the proposed log cabin, it is appreciated that the submitted Site Layout does not indicate the provision of any dedicated private amenity space for the proposed cabin. However, it is noted that the log cabin would feature a wrap-around veranadah on the eastern and southern side, which would provide future occupants with a suitable outdoor recreational space. As such, it is Officer's assessment that the scheme would provide suitable amenity space to serve the needs of the future occupants.
- 7.6.6 Taking all of the above into account, it is concluded that the proposed siting of a residential log cabin would not have any unacceptable adverse impacts on neighbouring land uses, and would secure an appropriate level of amenity for existing and future occupants. As such, the application proposals would be in accordance with Policy E7, DE1 and EN4 of the adopted South Kesteven Local Plan, Policy TNP04 of the Thurlby Neighbourhood Plan, the Design Guidelines SPD, and Section 12 of the Framework in this respect.

7.7 **Ecology and Biodiversity**

- 7.7.1 As previously identified, the application site is not specifically subject to any planning policy designations. However, Park Wood, which is located to the east of the site beyond Park Wood Road, is designated as a Local Wildlife Site and Ancient Woodland.
- 7.7.2 As part of the planning permission for the use of the site as a Petting Farm, conditions were imposed which required the submission and approval of a Biodiversity Mitigation and Enhancement Plan, based on the recommendations of the Preliminary Ecological Appraisal submitted as part of the original application. The Applicant subsequently submitted details of the Mitigation and Enhancement Plan, which were approved under application ref: S22/0650. As such, it is Officers' assessment that compliance with the previously approved details, which could be secured via planning condition, would be sufficient to ensure that the scheme does not give rise to any unacceptable adverse impacts on biodiversity and ecology.
- 7.7.3 Notwithstanding the above, the Forestry Commission have been consulted on the application proposals in relation to the potential impact of the development on Park Wood; however, they have declined to provide any comments. Notwithstanding this, it is noted that the Government guidance for protecting ancient woodland is to have a minimum 15 metre buffer before an ancient woodland and a development. In this case, the siting of the proposed log cabin would be positioned approximately 32 metres away from the western edge of Park Wood, and therefore, would accord with the identified guidance. In any event, it is appreciated that the proposed log cabin would be sited on an existing area of hardstanding, and would not entail the piling of any foundations and / or a concrete pad and, therefore, does not involve any engineering operations which may otherwise give rise to adverse impacts on the woodland.
- 7.7.4 Taking the above into account, subject to the imposition of conditions requiring compliance with the previously approved Biodiversity Mitigation and Enhancement Plan relating to the wider Petting Farm operations, the application proposals would accord with the requirements of Policy E7 and EN2 of the adopted South Kesteven Local Plan, Policy TNP05 of the made Thurlby Neighbourhood Plan, and Section 14 of the Framework in respect of ecology and biodiversity.

7.8 **Access and Highways Impacts**

- 7.8.1 As previously identified, the current application proposals would utilise the existing access and parking arrangements available as part of the operation of the Petting Farm. Similarly, whilst the proposals would involve residential occupation of the site, the proposed residential accommodation would be occupied in connection with the existing Petting Farm, and therefore, any vehicular movements generated by occupants of the dwelling are likely to be existing movements associated with the operation of the business.
- 7.8.2 In any event, it is appreciated that the proposed occupation of a 4-bed timber cabin is unlikely to give rise to any significant impacts on the local highways safety and / or capacity, when considered in the context of the approved operations at the site.

7.8.3 Notwithstanding the above, Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that they have no objections.

7.8.4 Taking the above into account, the proposals would not give rise to any unacceptable adverse impacts on highway safety and / or capacity, and would provide an appropriate level of parking. As such, the application proposals would be in accordance with Policy E7 and ID2 of the adopted South Kesteven Local Plan and Section 9 of the Framework in this regard

7.9 **Flood Risk and Drainage Infrastructure**

7.9.1 In relation to matters of flood risk and drainage, it is noted that representations received from Thurlby Parish Council have raised concerns about the use of a septic tank. In particular, they have indicated that there is insufficient information about where any such tank would be located and any arrangements for discharging of foul drainage.

7.9.2 In respect of the above, Officers acknowledge that there is limited information available as part of the current application in relation to foul drainage. However, in the event that the development was acceptable in all other respects, further details of foul drainage arrangements, including the proposed discharge arrangements.

7.9.3 With regards to surface water drainage, the application site is located with Flood Zone 1 of the Flood Map for Planning, and is also identified as being at very low risk of surface water flooding.

7.9.4 The current application proposals would involve the siting of a log cabin on an existing area of hardstanding, and as such, would not increase the overall impermeable area on site.

7.9.5 Taking the above into account, it is concluded that the application site is not at risk of flooding, and subject to conditions, the proposed development would not give rise to any increased risk of flooding to neighbouring properties.

7.9.6 Lincolnshire County Council (as Lead Local Flood Authority) have been consulted on the application scheme. However, given that the proposal is a minor development, they are not required to provide any drainage comments.

7.9.7 Notwithstanding the above, subject to the imposition of conditions requiring further details of foul water drainage, it is concluded that the application proposals would not give rise to any unacceptable risk of flooding and, therefore, would accord with Policy EN5 of the adopted Local Plan and Section 14 of the National Planning Policy Framework.

7.10 **Climate Change**

7.10.1 In relation to the Local Plan policy requirements on climate change, it is appreciated that the application site is located within an area identified as Open Countryside and, therefore, would not accord with Policy SD1's locational requirements, which seeks to direct development towards the more sustainable settlements of the District.

- 7.10.2 In addition, it is also noted that the application scheme fails to provide any information as to how the proposed residential accommodation would accord with the requirements of Local Plan Policy SB1 on sustainable buildings, such as details in relation to sustainable construction, water efficiency and electric vehicle charging points. However, it is Officers assessment that, in the event that the application were to be recommended for refusal, additional details of sustainable building measures could be secured through the imposition of conditions.
- 7.10.3 Consequently, subject to the imposition of conditions, the proposals would be in accordance with the overarching principles of Policy SB1 and SD1 of the adopted South Kesteven Local Plan.

8 Crime and Disorder

- 8.1 As previously identified, it is appreciated that the application proposals in this case relate to the siting of a residential log cabin in association with the existing Petting Farm use. As part of the application submission seeking to justify the essential, functional need for a rural workers dwelling at the site, the Applicant has referenced a number of incidents of security breaches at the site, which have resulted in harm to the animal's welfare and safety.
- 8.2 In assessing the functional need for a rural workers dwelling, the Local Planning Authority have had regard for the potential impact of the siting of a residential log cabin at the site, and thus a permanent on-site presence, in reducing / mitigating the potential continuation of the identified security breaches. However, in accordance with the Planning Practice Guidance, security considerations are not to be used as the primary consideration for a rural workers dwelling. Similarly, the LPA's independent consultant has reviewed the details provided and has raised queries as to whether a permanent on-site presence would have avoided to aforementioned security breaches.
- 8.3 Thus, whilst the Local Planning Authority is sympathetic to the Applicant's security concerns, it is concluded that the provision of a rural workers dwelling at the site would not be appropriate to address these issues.
- 8.4 As such, it is concluded that in making this recommendation there would not be any significant crime and disorder implications.

9 Human Rights Implications

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that Act will be breached

10 Planning Balance and Conclusions

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

- 10.2 The application proposals seek full planning permission for the siting of a residential log cabin in connection with the approved Petting Farm operations at Tiny Steps Petting Farm. The proposed development would involve the siting of a residential dwelling on land situated within the Open Countryside; the proposed residential accommodation would not be a replacement dwelling nor would the dwelling be the result of the conversion of any existing buildings on the site. As such, the proposals are contrary to Policy SP5 of the adopted Local Plan.
- 10.3 Notwithstanding the above, Paragraph 80 of the National Planning Policy Framework does support the provision of dwellings within the Countryside, where there is an essential need for a rural worker to live at or near to their place of work. In this case, the proposed log cabin is to be occupied in connection with the operation of the Petting Farm, and the Applicant has submitted evidence which states that there is a requirement for a permanent on-site presence for animal welfare and security purposes.
- 10.4 In reviewing the case made for an essential need for a rural workers' dwelling at the site, the Local Planning Authority have commissioned an external consultant to carry out an independent review of the evidence provided by the Applicant. The results of the independent review confirm that the functional need for a rural workers dwelling on the site is marginal; with the need occurring during breeding periods only. Given that this breeding occurs over a short-term, seasonal period, it is Officers' assessment that such a need could be met through the temporary, seasonal siting of a caravan, which can be undertaken utilising permitted development rights, and would not justify the siting of a residential log cabin on a permanent / full-time basis. Indeed, the independent review indicates that the day-to-day operational and security requirements of the business could be appropriately met by an employee living within a short distance of the site and, therefore, could be achieved through occupation of a residential property within the nearby settlement of Thurlby. Taking the above into account, it is Officers' conclusion that there is not an essential, functional need for a rural workers dwelling at the site. As such, the application proposals are contrary to Local Plan Policy SP5 and E7, and Paragraph 80 of the National Planning Policy Framework.
- 10.5 On the other hand, subject to the imposition of conditions, the application proposals would accord with the adopted development plan on all other material considerations, including all technical matters.
- 10.6 However, it is Officers' assessment that, when taken as a whole, the application scheme would be contrary to the adopted development plan. This identified harm by virtue of the conflict with the development is to be given significant weight in the overall planning balance.
- 10.7 In respect of any material considerations to indicate that permission should be granted contrary to the development plan, it is appreciated that the proposals would involve the provision of an additional residential dwelling and would therefore give rise to a social benefit. Albeit, the Local Planning Authority can demonstrate an up-to-date five year housing land supply, and therefore, the weight to be attributed to the provision of a single dwelling is limited.

- 10.8 In addition, it is also appreciated, that the application scheme is stated to be necessary to support the vitality of an existing rural business. Whilst the conclusions of the independent review do not identify a functional need for the dwelling, it is appreciated that some economic benefits may occur as a result of the support for the existing business operations.
- 10.9 Similarly, subject to the imposition of conditions requiring compliance with the Biodiversity Mitigation and Enhancement Plan submitted as part of the Petting Farm planning permission, the application proposals would result in benefits to biodiversity.
- 10.10 Notwithstanding this, in taking all of the above into account, it is Officers' assessment that the application proposals would be contrary to the adopted development plan, when taken as a whole, and there are no material considerations of sufficient weight to outweigh the identified harm by virtue of the in principle conflict with the development plan.

11 Recommendation

- 11.1 To authorise the Assistant Director – Planning to REFUSE planning permission for the following reason(s):
1. The application proposals involve the siting of a residential dwelling within the Open Countryside to be occupied in connection with the existing Petting Farm business. However, on the basis of the evidence submitted as part of the application, it is concluded that there is no clear essential need for a rural workers dwelling to be provided in order to support the business' operations. As such, the application proposals are contrary to Policy SP5 and E7 of the adopted South Kesteven Local Plan, and Paragraph 80 of the National Planning Policy Framework. In this case, the application proposals are deemed to be contrary to the development plan as a whole, and there are no material considerations to justify granting planning permission contrary to the development plan.

Standard Note(s) to Applicant

- 1) There is a fundamental objection to the proposal and it is considered that this cannot be overcome. Consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The decision therefore accords with Paragraph 38 of the National Planning Policy Framework (2021).

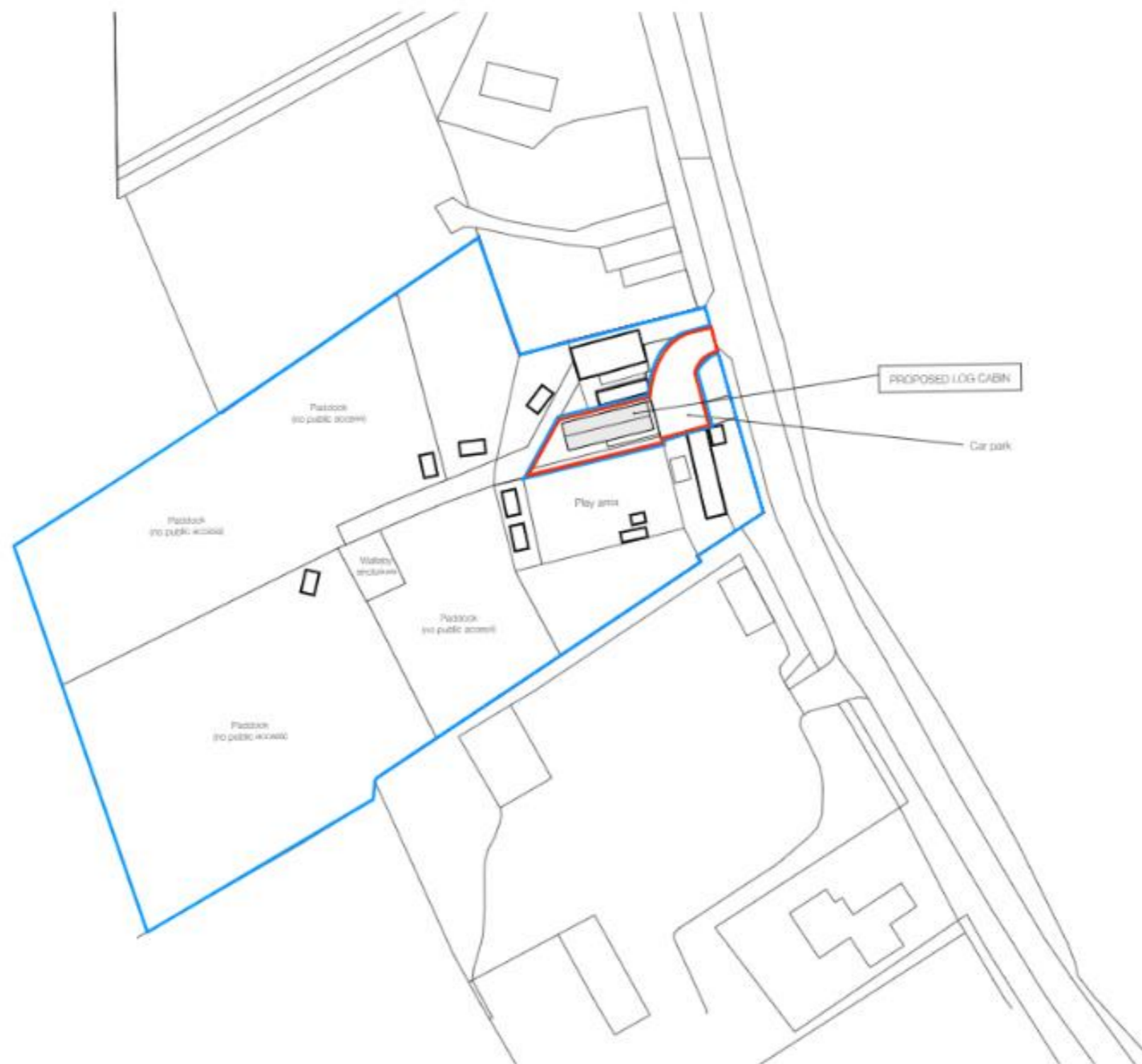
Site Location Plan



Tiny Steps Petting Farm
Park Wood Road, Thurlby
SITE LOCATION PLAN
Drawing No: MSP.1931/001A
Scale: 1:1250@A3


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Proposed Block Plan



Tiny Steps Petting Farm
Park Wood Road, Thurlby
Block Plan
Drawing No: MSP.1931/002
Scale: 1:1000@A3


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Log Cabin Floor Plan and Elevations

