

**AGENDA ITEM NO.8/2(e)**

<b>Parish:</b>	<b>Walsoken</b>	
<b>Proposal:</b>	<b>Change of use of the land to allow for the siting of a log cabin (to fall within the definition of a caravan) associated with existing fishing lake).</b>	
<b>Location:</b>	<b>Land And Ponds S of 52 Broadend Road E of Zoar Cottage and W of Turpitts Field, Green Lane, Walsoken, Norfolk, PE14 7BJ</b>	
<b>Applicant:</b>	<b>Mr Peppercorn</b>	
<b>Case No:</b>	<b>21/02311/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 7 February 2022</b>

**Reason for Referral to Planning Committee** – Previous Appeal Dismissed and Referred by Sifting Panel.

**Neighbourhood Plan:** No

**Case Summary**

Temporary planning permission is sought for the siting of a log cabin (to fall within the definition of a caravan) for residential use in connection with a fishery/fishing lake business in Green Lane, Walsoken.

The site comprises a red line area of 0.1ha of a larger 1.1ha fishing lake site. Two lakes are on site, including one larger fishing lake and a smaller breeding lake/pond. The site is operating as a fishing lake as approved under 16/01842/F.

The site has been the subject of a previously dismissed appeal, for the siting of three holiday homes.

**Key Issues**

Planning History  
Principle of Development  
Highway Safety  
Form and Character  
Any other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

Temporary planning permission is sought for the siting of a log cabin (to fall within the definition of a caravan) for residential use in connection with a fishery/fishing lake business in Green Lane, Walsoken.

The site comprises a red line area of 0.1ha of a larger 1.1ha fishing lake site. to the north of Green Lane Two lakes are on site, including one larger fishing lake and a smaller breeding lake/pond. The site is operating as a fishing lake as approved under 16/01842/F.

The caravan has a modern design with asymmetric pitched roof, timber cladding and a green roof. The proposed caravan comprises a twin unit, measuring below the limits required by the Caravan Sites Act, with a width of 6.8m, total length of 12.5m and internal height of 3m (measured internally floor to ceiling). The Agent has confirmed within their design and access statement that the dwelling will meet the definition of a caravan and therefore, the dwelling will be capable of being removed from the site at the end of the temporary period.

## **SUPPORTING CASE**

The proposal is for the stationing of a log cabin to allow for a site manager to live on site to support the existing fishing and fish breeding business.

The accommodation will allow for 24/7 care of the site to ensure that the quality of the water is maintained in the health interests of the fish. Without constant supervision and monitoring there is a real risk that the fish will perish. Constant supervision of the site will also provide for general health and safety for existing customers and will ensure that no fishing takes place in the breeding lakes, where there is a real health and safety issue given the overhead electric cables in this part of the site.

The site is within a rural location and the proposal is for accommodation for a worker where Policy DM6 of the SADMPP applies. Given the policy requirements, a temporary 3 year consent is sought at this stage.

For temporary occupational dwellings, Policy DM6 requires that there is an established functional need for occupants to be adjacent to the enterprise day and night and that the need cannot be met by existing dwellings nearby. It also requires that there is evidence of a firm intention and ability to develop the enterprise concerned and that the application is supported by evidence that the enterprise has been planned on sound financial basis.

The proposal seeks planning permission for the siting of a cabin which falls within the definition of a caravan. Permission is sought for a temporary 3 year consent. A statement from the applicant, which accompanies this application, confirms that 24/7 presence on site from a worker is required for security purposes as the site has already suffered from incidents of theft of equipment and of fish which seriously threatens viability of the business. Due to the scale of the site, it is not practical or financially viable to provide CCTV coverage of all of the land to act as a deterrent for crime and therefore round the clock on site presence is the most effective form of security.

In addition, a permanent presence on site will allow for continual monitoring of the breeding lake to ensure that the conditions are suitable for the fish. Water quality conditions can change quickly which can have a significant impact on the health of the fish. By being on site permanently, a worker can ensure that if any issues with the water quality arise, they can be resolved quickly and therefore the health of the fish preserved as well as the vitality and viability of the enterprise.

It is also worth highlighting that the site often accommodates night fishing, as is set out in the 'Syndicate Lake Rules' dated 13 February 2017 which was submitted to and formed a condition of planning permission 16/01842/F. Noting that the site rules specify that night fishing is between 7pm and 7am it is only reasonable to expect a site manager to be on site during these times for health and safety and general operational purposes. The use of a residential caravan on site for a worker would provide for a worker's presence overnight which would allow for this part of the business to operate effectively and safely.

There are no dwellings for sale within the vicinity of the site and therefore no other properties available nearby which could accommodate a worker to meet the needs of the business. In any case, it is imperative that a worker resides on the site itself for security purposes and to be able to monitor the water and health and safety aspects. Any other properties along Green Lane would be too far away from the site to deter crime and to be able to respond to health and safety or animal welfare aspects quickly.

The development of the site including the formation of the access, car park and landscaping features and confirmation of investment from the applicant demonstrates the applicant's intention and ability to develop the business. It also demonstrates that the business is based on sound financial planning as the applicant would not have invested in the business if it was apparent that it would fail.

There are no objections from statutory consultees including the Environment Agency, the King's Lynn Internal Drainage Board, and NCC Highways.

It is submitted that the above demonstrates that the proposal complies with Policy DM6 of the SADMPP and that the development can be supported.

## **PLANNING HISTORY**

18/01037/FM: Application Refused: 12/11/18 - Proposed change of use to site 3 static holiday homes (to fit within the definition of a caravan) to support existing fishing lake - Land and Ponds S of 52 Broadend Road E of Zoar Cottage and W of Turpitts Field - DELEGATED DECISION - Appeal Dismissed 01/08/19

16/01842/NMA\_1: Application Permitted: 06/09/18 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/01842/F: Proposed extension of lake, associated earthworks and new parking area, and use of both existing and proposed lakes for commercial fishing/angling - Land and Ponds S of 52 Broadend Road E of Zoar Cottage and W of Turpitts Field - DELEGATED DECISION

16/01842/F: Application Permitted: 27/02/17 - 27/02/17 - Proposed extension of lake, associated earthworks and new parking area, and use of both existing and proposed lakes for commercial fishing/angling - Land and Ponds S of 52 Broadend Road E of Zoar Cottage and W of Turpitts Field - DELEGATED DECISION

## **RESPONSE TO CONSULTATION**

**Parish Council: defers to Borough Council** with the following observations:

'It is difficult to see how this falls within the definition of a caravan and that with modern technology there is little need for on-site security. There is a concern that this may be an attempt to get a house outside the development area.'

Planning Committee  
05<sup>th</sup> December 2022

**Highways Authority: NO OBJECTION** with the following comments:

'I am very aware of the appeal decision for planning reference 18/01037/FM which supports a highway concern that has not changed.

However, should your authority feel that there is justification for a manager to be on post 24/7 as indicated in the design and access statement then we would be of the view that the trips otherwise undertaken to and from the site are then likely to balance.

Therefore, subject to the above and provided that the cabin is conditioned to be restricted in its use to only being occupied in direct association with the operation of the business then, on such a basis, we would not seek to restrict the grant of permission.'

**Internal Drainage Board: NO OBJECTION** provided comments relating to infiltration testing and the Board's Byelaws.

**Environmental Quality: NO OBJECTION** provided comments on previous land use as agriculture and requested Unexpected Contamination condition.

**Environment Agency: NO OBJECTION** with the following comments (summarised):

'The Kings Lynn and West Norfolk SFRA places the site as being located within flood zone 1. The SFRA is based upon more up to date flood risk information than the current flood map for planning. We therefore have no objections to the proposed development as defined within the Flood Risk Assessment.'

## **REPRESENTATIONS**

**FIVE** letters of **OBJECTION**, the comments summarised as follows:

- Reference to previous appeal
- Highway Safety, lane not sufficient to cater for traffic
- Residential Amenity
- Noise from traffic along Green Lane
- Concern over lack of turning provision along Green Lane
- Concern over viability of business
- Danger to wildlife associated with use of lane
- Noting that no employee/site manager could truly be on site full time and they would need an alternative onsite presence/staff member when they are off site
- General need for on-site presence

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

## **CS12 - Environmental Assets**

### **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM6** - Housing Needs of Rural Workers

**DM15** – Environment, Design and Amenity

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

### **PLANNING CONSIDERATIONS**

The main considerations are:

- Planning History
- Principle of Development
- Highway Safety
- Form and Character
- Other material considerations

#### **Planning History**

Planning permission for the change of use of the land to allow for 3 caravans for use as holiday homes was refused in November 2018 for two reasons which included (1) that the local highway network was not of sufficient quality to allow for safe access to and from the site and (2) that the increase in use of the site and subsequent vehicular movements would harm the amenities of residential properties along Green Lane.

The decision was subsequently appealed (appeal decision attached) and was upheld by the Inspector, who considered that the 3 caravans could be used for holiday purposes and would likely attract an increased number of vehicular movements which would give rise to highway safety concerns due to visibility issues and lack of opportunity for vehicles to pass.

The Inspector did not consider that any harm would be caused to neighbouring residential amenities by reasons of noise.

The current proposal is materially different from the appeal scheme which was dismissed as it constitutes a single dwelling which will be permanently occupied in connection with the business rather than three units which will form holiday accommodation as was previously proposed, however for the purposes of the Scheme of Delegation, as a residential use is proposed on site, the Inspector's reasons for refusal must be addressed.

Planning Committee  
05<sup>th</sup> December 2022

## Principle of Development

Planning permission is sought for the siting of a log cabin (to fall within the definition of a caravan) for residential use in connection with a fishery/fishing lake business in Green Lane, Walsoken.

In relation to the creation of a new dwelling on site, Policy DM6 applies in this instance as the proposed dwelling is approximately 1km east of the development boundary for Walsoken (Wisbech Fringe) outlined on inset map F3 of the SADMPP (2016) and is therefore located within the wider countryside where countryside protection policies apply.

Temporary consent is sought for a three-year period for the siting of a log cabin style caravan to be occupied by a worker in association with the fishing lakes – known as The Laurels Fishery, accessed via Green Lane.

With regards to the creation of new dwellings in association with an existing business, Policy DM6 sets out the following criteria:

### New Occupational Dwellings

1) Development proposals for occupational dwellings must demonstrate the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained. Proposals should show that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

2) Agricultural or rural based occupancy conditions will be placed on any new permanent or temporary occupational dwellings specifying the terms of occupation.

3) New permanent dwellings should only be allowed to support existing rural based activities on well-established rural based enterprises, providing:

a) there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night,

b) The need could not be met by existing dwellings within the locality,

c) The application meets the requirements of a financial test demonstrating that:

d) the enterprise(s) and the rural based activity concerned have been established for at least three years, have been profitable for at least one of them and;

i. are currently financially sound, and have a clear prospect of remaining so and;

ii. the rural based enterprise can sustain the size of the proposed dwelling;

iii. acceptable in all other respects

4. If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.

5. New temporary dwellings should only be allowed to support rural based activities providing:

a. The proposal satisfies criteria 3a and 3b above

b. The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);

c. The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis.'

### *Need for a New Dwelling:*

Irrespective of whether the proposed dwelling is temporary or permanent in nature, in order to comply with Policy DM6, applications must demonstrate a clearly established functional need for an on-site presence in connection with a rural enterprise.

The site is located at the end of Green Lane which is characterised by sporadic development of a mix of uses, including residential development as well as an existing Cattery to the west. No vehicular access is available to the A47 to the south, which results in all traffic accessing the site via Green Lane, which is of restricted width with limited passing provision.

The fishing lake operates throughout the day, with night fishing available between 7am and 7pm. A statement from the applicant, which accompanies this application, confirms that 24/7 presence on site for a worker is required for security purposes as the site has already suffered from incidents of theft of equipment and of fish which seriously threatens viability of the business. Due to the scale of the site, the applicant/agent consider that it is not practical or financially viable to provide CCTV coverage of all of the land to act as a deterrent for crime and therefore round the clock on site presence is the most effective form of security. The presence of a CCTV system would not prevent potential health and safety issues with people potentially falling into the lake or suffering from existing medical conditions with no persons nearby to assist.

The on-site presence would also allow more continuous monitoring of the breeding lake to ensure the health of the stock and will allow quicker resolution of issues and preserve the vitality and viability of this part of the business. The breeding lake is crucial in ensuring the long-term sustainability of a fishing lake by providing consistent good quality stock to replace the existing older fish once they die. Fish are purchased young and are nurtured to increase their size and value. A loss of stock in the breeding lake could lead to financial difficulties for the business. The client has emphasized that the financial value of the lake is within the fish stock and not the people who pay to fish the lake

The LPA therefore consider that this criterion has been sufficiently met to evidence the need for a temporary dwelling.

#### *Financial Information and Business Vitality*

DM6 states that applications must be supported by evidence demonstrating a clear intention to develop the enterprise and evidence that such enterprise has been planned on a sound financial basis.

The Applicant purchased the lake in August 2021 and no financial accounts have been completed as of the date of this report. The business plan provided undertakes a feasibility study and describes the financial potential of the fishery business – which is proposed to expand and operate as both a fish hatchery/breeding pond and a fishing lake.

The business plan provided includes market analysis, SWOT analysis and sales/marketing strategies as well as providing a three-year estimated income statement which is split into various expenses and profits.

The agent has stated that the applicant has the following stock within the lake: at least 200+ fish between 3lb to 6lb with an approximate value of £7,200. 150+ fish between 7lb to 9lb with an approximate value of £12,000. 50+ fish between 10lb to 12lb with a value of approximately £7,150. 25+ fish between 12lb to 15lb with an approximate value £5,600. This is not including the smaller fish below 3lb.

The fishing lakes were extended under an application granted in 2017. It is evident that these works have been implemented, with parking area surfaced and fencing and planting on site. This is evidence of financial investment into the business on site and an intent to continue to grow the business.

The LPA therefore consider that sufficient information has been provided to evidence an intention to development the enterprise concerned and that the business has been planned on a sound financial basis.

*Existing Dwellings in the Locality:*

There are no houses in the immediate vicinity currently advertised for sale. The LPA therefore consider that this criterion has been met.

Overall, the LPA consider that sufficient evidence has been provided to justify the provision of a temporary dwelling to be occupied by a site manager in association with the fishery. The principle of development is therefore considered acceptable in accordance with Policy DM6 of the SADMPP (2016).

### **Highway Safety**

Green Lane is an unclassified public highway which joins Broadend Road to the north west of the site.

The highway impacts of the proposal must be assessed against the existing impact of the business use whilst taking into consideration the dismissed appeal on site. Considering that any site manager based elsewhere would be required to access the site frequently for the day to day operations of the business, there is an existing level of traffic to/from the site which is unlikely to significant impact as a result of the manager having an onsite presence.

The Local Highway Authority supports this viewpoint, stating that any vehicle movements to/from the site are likely to balance if the dwelling is occupied by a manager.

Conditions are recommended to ensure that the use is restricted to only being occupied with direct association with the operation of the business.

The application is therefore considered to comply with Section 9 of the NPPF (2021) and Policies CS08, CS11 and DM15 of the Local Plan.

### **Form and Character**

The site is shielded from view from the A47 by existing orchard land. As a result of the existing sporadic development along Green Lane, the proposed siting of a temporary caravan for this temporary period is considered unlikely to lead to adverse impacts on the visual amenities of the countryside.

Previously approved hard standing/parking areas have been implemented on site which has resulted in an existing urbanising impact. The provision of a caravan, clad in natural timber, alongside limited patio/hard standing area for a limited period is not considered to lead to adverse impacts on the amenities of the countryside.

The proposal therefore complies with the NPPF (2021), Policies CS06, CS08 and DM15 of the Development Plan.

### **Other material considerations**

*Neighbour Amenity*

The Appeal Inspector found no adverse impact on the living conditions of the neighbouring occupiers as part of the appeal for three holiday lets. This proposal, with fewer dwellings proposed and additional spacing provided between the log cabin and the site boundaries, is



considered unlikely to lead to any adverse impact on the amenity of dwellings to the west, in compliance with Policy DM15.

### *Flood Risk*

The site is classified as being within Flood Zone 1 in the Borough Council's SFRA (2018) which presents the most up to date flood risk information available. The site therefore has a low probability of flooding and the siting of a caravan on the land for a temporary period is considered acceptable. The Environment Agency raise no objection on this basis. The proposal therefore complies with the NPPF (2021) and the PPG flood guidance.

### *Drainage*

The IDB provided comments which referred to the need for infiltration and the fact that the Board's Byelaws need to be complied with. Given that a temporary dwelling is proposed, it is not considered necessary to condition significant drainage works in association with the proposed caravan. An informative is recommended to ensure that the Applicant is aware of the separate requirement for byelaw consent.

### *Crime and Disorder*

The Agent has put forward reductions in fly tipping and other crime as part of the justification for the proposed dwelling (discussed above). The siting of a dwelling on site and the associated on-site presence has the potential to reduce crime and disorder on and around the site.

### *Response to Representations*

Comments raised by neighbours relating to highway safety and business viability/the need for an onsite presence are addressed above. Comments regarding residential amenity/noise associated with the use of Green Lane are noted however the Inspector did not consider that the increase in traffic along the lane associated with 3 dwellings would lead to adverse impacts. This application proposes a significant reduction to one dwelling in association with the management of the fishing business only and it is not considered likely to lead to any adverse impacts on amenity of surrounding occupants.

Comments relating to impact on wildlife using green lane are noted, however given the balance of traffic discussed above, the proposal is not considered likely to lead to adverse impacts in relation to noise and protected species. There is therefore no conflict with Policy CS12 of the Core Strategy (2011).

## **CONCLUSION**

The application has been supported by sufficient information to demonstrate the financial viability of the rural enterprise and therefore justify the temporary provision of a dwelling on site to be occupied by a site manager in line with Policy DM6 of the SADMP.

The provision of the dwelling to be occupied in association with the operation of the business only is considered to overcome the highway safety concerns which previously formed a reason for refusal of the application for three market dwellings on site. The application therefore complies with the NPPF (2021) and Policies CS08, CS11 and DM15 in relation to highway safety.

The siting of a caravan in this position is not considered likely to lead to significant impacts on the form and character of the area, and the balance of traffic/vehicle movements is such that no adverse impact is considered likely in relation to noise/disturbance. The proposal therefore complied with the NPPF (2021) and Policies CS08, CS11 and DM15 in relation to amenity.

Temporary permission can therefore be granted subject to the below conditions.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: This permission shall expire on 9th December 2025, and unless on or before that date application is made for an extension of the period of permission and such application is approved:
  - (a) the approved caravan shall be removed from the application site,
  - (b) the temporary residential use of the land shall be discontinued, and
  - (c) there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this temporary permission.
- 1 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality contrary to the NPPF.
- 2 Condition: The occupancy of the mobile home shall be limited to persons solely or mainly employed in connection with the commercial fishing lake business shown outlined in blue on dwg No. SE-1736 PP100 or a widow or widower of such a person and to any resident dependents.
- 2 Reason: The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the dwelling in connection with a rural enterprise and in the interests of highway safety in accordance with the NPPF (2021).
- 3 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.