

Present:

Chairman: Councillor David Middleton

Vice-Chairman: Councillor David Scoot

Councillors: Jyothi Arayambath, Dale Broughton, David Brown,  
Barrie Pierpoint, Claire Rylott, Lina Savickiene,  
Sarah Sharpe and Suzanne Welberry

Officers: Assistant Director - Planning and Strategic Infrastructure,  
Legal Advisor Legal Services Lincolnshire, Deputy  
Development Manager, Planning Officer and Democratic  
Services Officer

### **172 APOLOGIES**

Apologies for absence were tabled by Councillor Alison Austin, Peter Bedford and Stephen Woodliffe. No substitute members.

### **173 MINUTES**

With the agreement of the committee the Chairman signed the minutes of the last meeting held on the 12 September 2023.

### **174 DECLARATION OF INTERESTS**

Standing declarations of interest are tabled for Members of the Planning Committee who are also a:

#### **Member of Lincolnshire County Council:**

None recorded.

#### **Members of the South East Lincolnshire Joint Strategic Planning Committee:**

Councillor: David Middleton.

#### **Representatives of the Drainage Boards:**

Councillors David Middleton, Claire Rylott, David Scoot, and Suzanne Welberry

Councillor Sarah Sharpe and Councillor David Scoot each made the following declaration:

I would declare that I was not in attendance at the planning committee meeting held on the 6<sup>th</sup> June 2023 at which planning application B 22 0491 was deferred by the committee for additional information.

As such, I have not received the original presentation of the application, nor the representation received by public speakers at that meeting, and I am unaware of the committee deliberation which took place. Therefore, I would declare I will not take part in any final decision making on that item today.

### **175 PUBLIC QUESTIONS**

No questions were tabled.

**176 PLANNING APPLICATION B 22 0491**

**Proposed two storey dwelling for an essential worker  
Lincolnshire Firewood & Coal, The Plantation, Rowdyke Road,  
Wyberton, Boston PE21 7AQ  
Mr Evan Jenkins, Lincs Firewood Company Ltd**

The Planning Officer presented the report and confirmed that the application had been deferred at the Planning Committee on the 6<sup>th</sup> June 2023. Members at that meeting had noted that they were not comfortable in determining the application when key information was not available, including sight of a business plan, sight of a Flood Risk Assessment and reference to the accident noted. Furthermore members felt more justification was required for the need of the dwelling in respect of the operation of the business, along with identification of alternative sites that had been explored and/or discounted, including the identification of other sites within the business grounds. Members had also sought clarification on the siting of the shed on the adjacent site within the ownership of the applicant in relation to a separate farming enterprise under application B/22/0196.

Committee were asked to consider the supplementary report tabled which provided additional information as requested by the members in conjunction with the report tabled on the 6<sup>th</sup> June 2023.

Members were advised that no additional representations had been received and that the Environment Agency – subject to a condition requiring the development to accord with the submitted Flood Risk Assessment, had withdrawn their previous objection.

Financial accounting details had been provided by the applicant which included the turnover of the company in the 2022 tax year, which outlined that the company has a sound financial footing.

Additional information relating to the siting for the proposed build and the reasons for the need for the accommodation were included in greater detail within the report, and public representation received included a plan of the site map which had been circulated to all members with a hard copy on their placements for reference. A further single representation received had also been circulated.

In conclusion committee were advised that in accordance with the previous committee report, it should be reiterated that it was considered that although the business was in a rural location, it was considered that the business did not constitute a farm or agricultural business. The development did not accord with the requirements of Paragraph 80 of the NPPF 2023 and the NPPG as the dwelling was not for a farm business with there being no livestock or birds on the site and the need was only for mechanical servicing and longer working hours.

Whilst additional information had been provided as requested at the planning committee meeting in June 2023, it was still considered that the proposal did not meet the requirements of Policy 1 of the South East Lincolnshire Local Plan 2019. The evidence presented did not demonstrate that the proposal was 'necessary to its location', or that the development would not have a detrimental effect on the open countryside character and appearance of the area, by virtue of encroachment in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Finally, the application site was located within Flood Zone 3, and the requirements of Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the NPPF 2023 required a successful Sequential Test, to demonstrate that no sites at lesser risk of flooding were available.

No such Sequential Test had been submitted. Therefore, the proposal, by virtue of its location within the countryside and within Flood Zone 3, would be harmful and conflicts with fundamental elements of the South East Lincolnshire Local Plan 2019 and National Planning Practice Framework 2023. It is therefore recommended for planning permission to be refused.

Representation was received from Mr Giles Crust in support of the application which included:

Members were reminded that there was no statutory objection to the application and that the Environment Agency (EA) had now lifted their objection having accepted the flood risk assessment. However, it was still claimed the application had not passed the sequential test, but if the application passed the EA flood risk and was required for an essential worker, then it should be built. The EA had accepted the 5km radius sequential test before removing its objection.

The application had been registered for a year without any objection until the supplementary agenda had been issued, when an objection had been received. Members were asked to take on board Mr Crust's revulsion at the contents of the objections within the representation and he hoped that the committee too, would share his feelings in respect of the representation. Mr Crust further questioned why the public representation had not been uplifted to the Council's website and questioned that if the application had been tabled by another company, it may have been treated as progress. The business was a multi-pound organisation which had to comply with complex Government legislation. The applicant had to provide a decent standard of living for his staff who worked full time on the site and undertook night time duties in re fuelling the kilns. Referencing the ridge height of the existing building at 8m, Mr Crust advised it was the same as the ridge height for the application, with the ridge height of the recently approved application on the 6<sup>th</sup> October 2023 being almost double. That building would shield the house from the open countryside.

The Chairman invited committee to table any questions to Mr Crust in respect of the representation tabled. No questions were tabled.

Representation was received by the applicant Mr Evan Jenkins which included:

Members were advised that it was extremely hard to find skilled people to work in Lincolnshire. The cost of training staff was around £20k per trainee due to the nature and demand of the skill set required included operation of forklifts / teleports etc. and it was very difficult to retain staff once trained. The Government regulations had made life very difficult with the need now for all wood to be below 20% moisture, with very strict penalties incurred when it did not comply. The results meant the kiln times had nearly doubled with a lot more transference of the wood along with increased times in watching and maintain the kilns.

Mr Jenkins stressed that the idea of two staff to sit in a canteen over night to do the job was ridiculous and he thought the suggestion made at the previous committee meeting of using a caravan in the winter time, was not agreeable. Members were further advised that it was critical the business had somebody on site for when staff took holidays or were ill. Walking out of the door to the kilns was so easy, but having to travel for that short period of time was very difficult and Mr Jenkins questioned how he could get staff to work for him with the conditions being suggested by the committee. Confirming the turnover of £4.5m of firewood per year, Mr Jenkins stressed he needed the support of the Council to continue trading and the it could not carry on when people had to travel through the night and being expected to work the next day.

The Chairman invited committee to table any questions to Mr Jenkins in respect of the representation tabled:

On referencing the kiln times within the report as varying between 2-4 hours a member questioned if the times had increased in line with the new regulations and Mr Jenkins advised that that previously the dry time was 2 days but was now for 4-5 days so they were running more kilns.

Questioning what expansion plans Mr Jenkins had for the business, a member was advised that there were no plans for expansion, Mr Jenkins advised his intention was to maintain the current business position, which due to the new regulations, was making it more difficult to do so.

Clarifying the situation in respect of the business which was previously located in Norfolk, Mr Jenkins confirmed the site had been closed following the fatality of a lone worker at the site, with all the business being relocated back to Lincolnshire and all the turnover came from the Boston site.

Councillor Richard Austin addressed the meeting in his role as Ward Member for the applicant which included:

This company had a multi-million pound turnover, was locally owned, and Mr Jenkins had grown it from scratch. Profits benefitted the local economy and were not drained off to elsewhere in the UK or offshore. It is sited in an appropriate place with no known complaints for the transport working hours or for the amenity of the area. The type of businesses was almost always located in a countryside location. It served a valuable service to the local area and the local environment and was highly sustainable and helped to reduce the Council's carbon footprint. The wood comes from tree surgeons who are working on roadsides and in gardens. Other logs arrive in 2.4 m bars from woods in the area where the trees are replanted. These are then processed into dried logs for local sale. Log burning, as a means of domestic heating, is a growing trend and for much of the year the business works 24/7. The fork lifts are constantly in use and it needed to be stressed that lone working was not an option for health and safety reasons.

Referencing the house within the application Councillor Austin stated that like much of the country there was a shortage of housing in the area and the one being applied for could only help. Members who may have recently viewed the site will have seen that there is a huge new building immediately behind the proposed site of the house. It is for housing agricultural machinery. That building was 8 metres high and dominated the plot of the proposed house. The planning permission for the first of these large sheds was granted in June 2022 and construction has been ongoing for most of this year. These are permanent structures. The small size and shape of the plot between the building and the roadside hedge made it unsuitable for crop production in view of the large size of machinery used by farmers for cultivation, drilling and harvesting. For these two reasons committee, I am at a loss to know why the proposed site is being described as encroaching into open countryside. If members had doubts about this matter, Councillor Austin recommended that the application be deferred, and a site visit be arranged.

Concluding Councillor Austin stated that The Lincolnshire Firewood Company was a busy, vibrant business, which for much of the year was working at full bore round the clock. Constant care and attention to detail were core requirements as they were with many livestock farm and it was a unique and specialist business that we should be very pleased to have in Boston.

It was fully understandable why it is very desirable to have three well trained and experienced staff living onsite and with the committee's support the company had a bright and sustainable future.

The Chairman invited committee to table any questions to Councillor Austin in respect of the representation tabled:

In response to a query in respect of the reference to agricultural buildings dominating the area around where the house was proposed to be built and likening it to a farm with reference to live stock, Councillor Austin advised he was referencing the immediate area which was dominated by existing agricultural buildings with another being built, and that the proposed dwelling would hardly be noticed as when looking at the site, the eye would be taken by the huge buildings at the rear of where the proposed build would be

It is recorded that Councillor Austin left the meeting at this point in the proceedings.

Committee deliberation followed which included:

Speaking in support of the application a member stated they noted that the business was trying to sustain itself and keep going by providing for its employees. It was a specialist business with a good turnover and although located in the countryside, it had other buildings in the area and the applicant had provided the additional information requested from the last meeting.

Responding to a question in relation to the implementation of an agricultural restriction on the application if granted, the Assistant Director – Planning and Strategic Infrastructure confirmed that should the application be granted then committee would be asked to agree a delegation to allow officers to impose a similar condition, but it would not be an agricultural condition.

With the permission of the Chairman, Mr Jenkins responded to a question to provide a specific answer and advised members that his staff were charged £100.00 per week for the rent of their properties which included heat provided by the biomass boiler on site.

Expressing their understanding of the owners' issues in finding staff and accommodation, some members did question that should the application be granted, then more applications for similar builds could be received as the site was in open countryside. Further comment note that many similar applications had been received with several refused in recent times and it was very difficult to make an exception and then encourage more such applications to build on greenbelt and agricultural land.

The Legal Advisor made a point of clarification in that any potential proliferation of future planning for the site was a planning consideration for all committee members to take into account. .

At this point in the proceedings the Assistant Director – Planning and Strategic Infrastructure gave a point of clarification in that the site was in the open countryside and not in a greenbelt designated site.

A member voiced further support of the application stating it was not an invitation for future applications but one property which was acceptable as it would help the business be sustainable moving forward.

It was moved by Councillor Barrie Pierpoint and seconded by Councillor Lina Savickiene that the application be approved contrary to officer recommendation as it was felt it was a successful and specialist business, in an established location and the impact of one property was acceptable, and the flood risk test had been passed.

Should the application to approve be carried, then a delegation would be given to officers to impose the necessary conditions for the development and to include a specific condition to regulate and restrict the occupancy of the proposed dwelling.

Prior to moving to the vote the Assistant Director – Planning and Strategic Infrastructure stated that whilst he accepted the reasons for approval, he had to make committee aware of the potential risks for determining against the officer recommendation. As previously advised by the Legal representative, there was a possibility of future applications of a similar nature, using similar arguments and that officers believed they had strong planning grounds for the recommendation to refuse the application.

**Vote: In Favour: 3. Against. 5**

It is recorded that neither Councillor Sarah Sharpe nor Councillor David Scoot voted on this item not took part in any deliberation during debate.

The motion fell.

It was moved by Councillor David Middleton and seconded by Councillor Suzanne Welberry that committee refuse the application in line officer recommendation for the reason

**Vote: In Favour: 5. Against. 3**

It is recorded that neither Councillor Sarah Sharpe nor Councillor David Scoot voted on this item not took part in any deliberation during debate.

**RESOLVED:**

**That the committee refuse the application in line with officer recommendation for the following reasons:**

- 1.1 It is recommended that Committee refuse the planning application on the following grounds:
  - The application site lies in the countryside, outside of any defined settlements listed in Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019. The site is remote and physically and functionally separate from any settlement. It has not been demonstrated that the proposal is necessary to the location or that the proposal would meet the sustainable development needs of the area and as such the proposal is contrary to Policy 1. Future occupiers of this proposed dwelling would be highly reliant on the use of a motor vehicle to carry out essential tasks. As a result the proposal is contrary to the provisions of Policy 1, 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2023.
  - The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the 'Danger for All' flood risk vulnerability category. The application is not accompanied by a successful Sequential Test, and therefore fails to demonstrate a necessity for the development in this location or that sites at lower risk of flooding are unavailable. As such the proposal is

contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2023.

- The application site would be located within an agricultural field and the countryside. It is considered that the development would represent a linear encroachment into the openness of the countryside that as a result would detrimentally effect the character and appearance of the area. Therefore, the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of achieving well-designed places in the National Planning Policy Framework 2023.

## **177 RECEIPT OF APPEAL DECISIONS**

The Deputy Development Manager presented the report confirming that it detailed the number of appeals since the last update in February 2023.

The report contained the Inspectors decisions on 4 applications, 3 for single dwellings in the countryside and 1 for up to 8 dwellings in the Countryside. All had been dismissed by the Inspector and upheld in favour of Boston Borough Council resulting in the Council having a 100% appeals performance since the last update.

Committee noted the report.

## **178 PLANNING LEGISLATION UPDATES**

The Deputy Development Manager presented the report advising members it provided information on upcoming changes to legislation with an increase in planning fees from the 6<sup>th</sup> December 2023, resulting in an increase by 35% for major developments and 25% for all other developments. In addition the regulations introduced an annual increase of fees, capped at 10%, from 1 April 2025 and removed the fee exemption for repeat applications (known as the 'free-go').

The report further referenced changes to the Levelling Up and Regeneration Act 2023 along with changes to the Biodiversity Net Gain (BNG) within the Environment Act 2021. Members were asked to be aware of the changes when making their decisions moving forward.

Committee noted the report.

The Meeting ended at 11.00 am