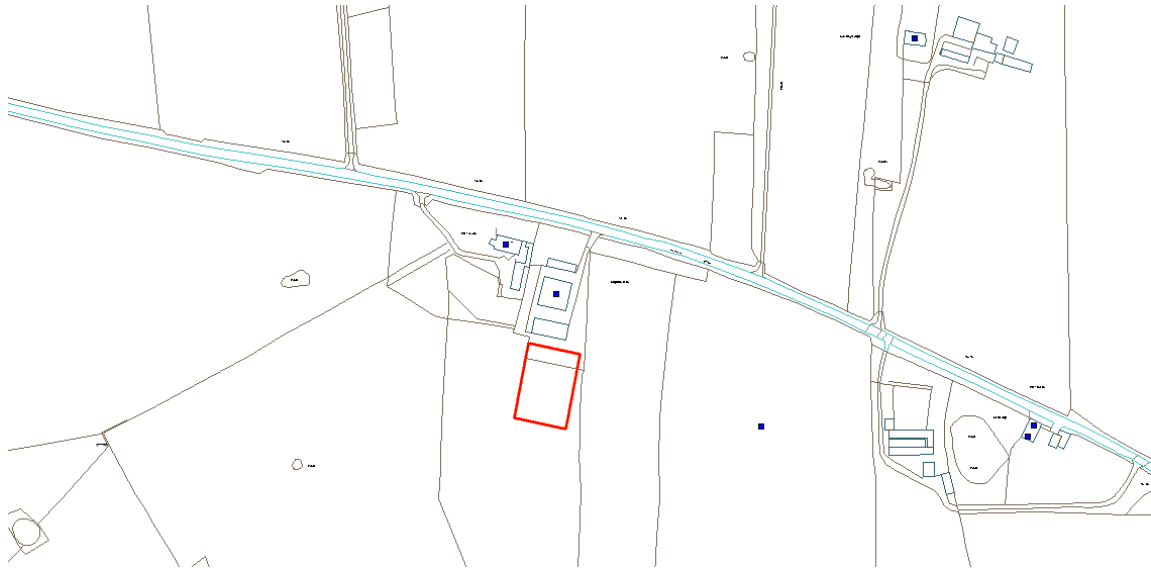


Reference: 14/00096/VAC
Date submitted: 6th February 2014
Applicant: Mr R Broome
Location: Dinghills Farm, Oakham Road, Somerby LE14 2QF
Proposal: Removal of Condition 8 relating to Planning Approval 12/00301/FUL for removal of 40% of agricultural use to allow 100% business.



Introduction:-

The application seeks to remove condition 8 on planning approval 12/00301/FUL for a new storage building to be located to the rear (south) of the existing buildings. Permission was granted on 17th August 2012 subject to the condition that the building should have a split usage, 60% for storage (B8 use) and 40% for agriculture. The building has not yet been constructed, and the permission remains extant. Dinghills Farm is located on the south side of Oakham Road linking Somerby and Cold Overton. The farm comprises of livestock barns housing cows, offices and sheds; the farmhouse is located to the west of the site.

It is considered that the main issues relating to the application are:

- **Compliance with planning policy relating to businesses in rural locations**
- **Impact upon the open countryside**
- **Impact upon highway safety**

The application is required to be considered by the Committee as the application is classified as a major development.

Relevant History:

On 6th March 2014 application 14/00095/GDOAGR was approved to allow the construction of a further agricultural building at the site to the South of this permission to provide further storage for the farm.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, C1, C2 and BE1

OS2 states that planning permission will not be granted for development outside town and village envelopes unless, among other things, it is essential to the operational requirements of agriculture and forestry.

C1 states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) unless there is an overriding need for the development and there are no suitable sites for the development within existing developed areas or where agricultural land is of poorer quality.

C2 states that permission will be granted for farm based diversification proposals provided that the activities would be ancillary to the main agricultural use and would not prejudice the future operation of the holding. In addition where a new building is required it should be sited in or adjacent to an existing group of buildings. The development should also be compatible with its rural location in terms of scale, design and layout, with no significant adverse impact upon the rural landscape. Access and parking should be provided, and traffic generated should be safely accommodated on the local network.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units that the country needs. Every effort should be made to respond positively to wide opportunities for growth.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.
- Promote mixed use development, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some land can perform many functions.

On Specific issues relevant to this application it advises:

Supporting a prosperous rural economy

Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28). To promote a strong rural economy, LPA’s should:

- Support the sustainable growth and expansion of all types of businesses and enterprises in rural areas, both through conversion of existing buildings and well designed new buildings.

- Promote the development and diversification of agricultural and other land-based rural businesses.

Building a strong, competitive economy:

A commitment to ensure sustainable economic growth to create jobs and prosperity; significant weight should be placed on the need to support economic growth through the planning system.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Recommendation - Approval</p> <p>Consideration should be given as to whether the proposal will require parking in addition to that already proposed according to whether the development will attract more vehicular traffic.</p> <p>Previously, conditions relating to improvements to the existing vehicular access, the routing of goods vehicle traffic, and an off street parking bay were required prior to development commencing and being brought into use. These conditions were in the interests of highways safety. There was also time stipulation on deliveries and collections taking place in the interests of residential amenity.</p>	<p>Noted.</p> <p>The previous application was submitted explaining vehicle journeys between the farm and the applicant's other site at Ranksborough Farm, Langham. This still remains relevant as the building has not yet been built. Currently, the applicant makes approximately 5 journeys per day (1000 per year) between the sites to where the pet products are distributed. The journeys are required every two hours to ensure picking lists, orders, delivery notes, courier consignment notes and labels are transported to where the stock is held. Other small parcels are also collected and returned to Dinghills Farm that are sold through the business. The business offers a service to deliver within 24 hours of the receipt of an order which keeps them competitive in their market. This explains the high level of vehicle movements between the sites.</p> <p>The applicant has stated that if the whole of this building is used as storage for the business that there would be an average of 33 containers delivering to the site per year (2-3 per month). A courier company to collect parcels would also be visiting the site daily, to satisfy the 24 hour delivery target. Although deliveries to Dinghills Farm would increase, in general vehicle movements would fall overall. The vehicle movements between the two sites would cease, and deliveries to Ranksborough Farm in Langham would also cease.</p> <p>This does however assume no further expansion of the business on the site which cannot be controlled by means of condition; the only control would be the physical extent of the storage that the building could provide, due to the size of the building. Any further expansion of the business requiring either extensions to this building, or the erection of new buildings would however require the benefit of planning permission.</p> <p>The timing of HGV movements would remain conditioned as previously (no deliveries or collections outside of the hours of Monday to Friday 0700-1800). A transport plan would still be required</p>

	<p>to comply with conditions, and amendments to the existing access and the provision of an off street parking bay would be required.</p> <p>There is parking and turning within the site to accommodate 1-2 HGV's and some staff parking which is sufficient given that the applicant has stated that there would be 33 container deliveries per year (2-3 per month). This would indicate that there would not be two lorries on site at the same time. As stated on the original planning application, the business would result in the creation of two full time posts, therefore not requiring of a large amount of staff parking.</p> <p>It is therefore considered that the proposal would still be able to be accommodated within the highway network and would not have an impact on highway safety, subject to the imposition of conditions, and complies with policy BE1 in this respect.</p>
<p>Parish Council (Somerby):</p> <p>The Parish Council objected to the original planning application for the building, but has not commented on this application for the removal of the condition.</p>	<p>Noted, any comment received can be updated at Committee.</p>
<p>LCC Ecology – No comments</p>	<p>Noted.</p> <p>It is not considered that the removal of this condition would have a negative impact upon any protected species.</p>

Representations:

The consultation was publicised by way of a site notice being posted at the entrance to the site. No further representations have been received.

Other material considerations (not raised through consultation of representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies</p> <p>Although the building has not yet been constructed, the pet products business is now requiring further space for the storage of products. The method of construction of the building also depends upon its proposed use, therefore the applicant wishes to attempt to gain permission for 100% storage use prior to commencing the development. The site remains the chosen place for the further diversification of the farming business to reduce travel between sites as discussed above. The storage facility at Ranksborough Farm provides 840sqm of storage space, and the decrease in travel between the sites, and the associated time will enable the business to be more economical. The business deals with the importation of pet products which it then sells on.</p> <p>The applicant is keen to ensure that the building will be</p>	<p>Previously, the applicants submitted justification for the building stating that the building was required to:</p> <ul style="list-style-type: none"> (i) Reduce the amount of journeys made between Dinghills Farm and the applicants other site at Ranksborough Farm, Langham (approx 1000 journeys per year) to make the business more sustainable. (ii) To provide an increase in the amount of agricultural storage available at Dinghills Farm. <p>The proposal is located within the open countryside and therefore OS2 is the applicable policy, which allows for small scale employment. The application proposes the use of a large building to be solely for commercial storage. Therefore it is not considered</p>

as 'green' as possible, and well screened from the surrounding countryside, and the farmhouse on the site. They are considering the use of solar PV panels on the south elevation of the building and the roof area may also be used for water harvesting.

that the proposal complies with policy OS2 of the Local Plan.

Policy C1 makes reference to the potential for the loss of the best and most versatile agricultural land. Land in this area is classified as 3 'Good to Moderate' in the Agricultural Land Classification (Natural England); not amongst the best. Policy C2 allows for farm diversification provided the activities are ancillary to the main agricultural use. This application proposes a diversification from the farming activities on the site which remains a viable business in its own right.

Therefore, the proposed removal of the condition relating to use for agriculture is not considered to fully comply with the Development Plan. Although the relevant policies of the Melton Local Plan have been saved and form part of the development plan, it is also considered that these policies are out of date. It is considered in this case that the relevant policies of the NPPF (paragraph 28) support the proposal as it represents economic growth in a rural area, specifically the sustainable growth and expansion of a business, and the diversification of a land-based rural business. The NPPF is the most up-to-date policy with an overarching principal of the presumption in favour of sustainable development.

The National Planning Policy Framework is a material consideration in the determination of this application that is considered to be of significant weight. The NPPF is clear in its advice that the **presumption is in favour of sustainable development**. The guidance also states that where the development plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant planning permission unless **"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"**.

The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning should do "everything it can" to facilitate this. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that **local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area**. The key to this policy is considered to be the consideration of 'sustainable'. The development is located only 1km away from a village which is considered to be sustainable. Within Somerby there are services which help to reduce resident's reliance upon the private car. It is possible that the jobs created by this development may be taken by people living within the village which is easily reached by bicycle, reducing the need for travel by car.

	<p>The NPPF defines sustainable development as economic, social and environmental. The site proposed is located within the open countryside, reasonably close to a sustainable settlement, but some distance from Melton Mowbray. The business is a family run business which limits the travel from outside areas as there is a large farmhouse on site. It is considered that the proposal further represents farm diversification; the applicant's stating the need for the additional storage at Dinghills Farm for the pet products. DEFRA define farm diversification as "the entrepreneurial use of farm resources for a non-agricultural purpose for commercial gain". This application would therefore be classified as farm diversification for the purposes of paragraph 28 of the NPPF.</p> <p>It is considered that the proposal would continue to generate significant benefits by way of reduced vehicle movements, increasing the sustainability of both the farm and the storage businesses and could potentially offer a way for the business to grow.</p> <p>It is considered that the proposed development would reduce journeys between sites helping with the sustainability of the business, is classed as farm diversification and would therefore meet the requirements of the NPPF.</p>
<p>Design</p>	<p>The building already granted permission is large in scale, with a footprint of 42.7m x 30.5m. The eaves height will be 7.3m and the ridge height 10.35m. The mass of the roof has been reduced by having two dual pitched roofs which has reduced the ridge height and made the building appear more agricultural in style. The building will be located at the rear of the farm, 4.5m from the nearest existing farm building. This will give, when built, the building the appearance of being part of the collection of farm buildings at the site, although in much larger scale than the existing buildings. The change to the whole of the building to be used for storage will not result in any changes to the size of the building, however there would be some external changes which are being dealt with under ref 14/00094/NONMAT. This includes the insertion of a small mezzanine floor to provide toilets and a kitchen, and the movement of the roller shutter doors to compensate. Some new windows would also be inserted into the south elevation.</p> <p>It is considered that the building remains well designed to blend into the farm environment, and it is therefore considered that the proposal complies with policy BE1 and the NPPF which seeks to ensure that new buildings are well designed.</p>

<p>Impact upon the open countryside</p>	<p>The design of the building with two dual pitched roofs ensures that the building will remain well screened by the trees and hedgerows to the east and west of the development. The building will continue to be well related to the existing farm and its buildings in terms of its location.</p> <p>It is considered that the overall impact upon the open countryside of the building will not be detrimental to the appearance of the open countryside, and would comply with policy BE1 of the Melton Local Plan.</p>
<p>Amenity The building is set back from the road and is approx 1km from the village of Somerby. The nearest residential dwellings not associated with the site are approx 320m from the site (three in total). The landscape is undulating farmland which will provide a level of screening.</p>	<p>Noise from deliveries early in the morning or late at night would remain an issue for the three neighbouring dwellings which are all approximately 320m from the site. The condition stipulating times of deliveries as stated on the previous approval would remain. This would ensure that the proposal meets the requirements of policy BE1.</p> <p>The village of Somerby is approx 1km from the site and it is not considered that the proposal will have a detrimental effect on the residents of Somerby.</p>

Conclusion

The proposal lies within the open countryside, set back from the highway and satisfies the definition of farm diversification as stated by DEFRA. The storage of pet products at the site could help to ensure the long term viability of the farm. The building which has already been granted permission is significant in scale and as such is considered to exceed the provisions of the Development Plan Policy OS2 which limit such proposals to ‘small scale’, however this proposal does not include any alterations to the size of the building, only its use. The NPPF states that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the NPPF policies as a whole, or where specific policies in the framework indicate development should be restricted. It is considered that the proposal would continue to generate significant benefits by way of reduced vehicle movements, increasing the sustainability of both the farm and the storage businesses and could potentially offer a way for the business to grow.

It is not considered that the use of the building to 100% storage would create a harmful impact upon the open countryside, and the highways issues can be overcome by way of condition as discussed above. The NPPF actively supports the sustainable growth and expansion of all types of businesses and enterprises in rural areas both through the conversion of existing buildings and well designed new buildings, and actively promotes the development and diversification of agricultural and other land-based rural businesses. It is therefore considered that the application continues to represent sustainable farm diversification which is supported by the NPPF paragraph 28 and the Melton Local Plan Policy BE1 and is recommended for approval

RECOMMENDATION:- Approve, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. Before the proposed development is first brought into use, the existing vehicular access shall have been improved in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority. Once the access has been improved, it shall thereafter be permanently improved fully in accordance with the approved details.
4. Before the development commences, details of the routing of goods vehicle traffic to and from the site shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. All goods vehicle traffic generated by the development shall use the agreed route at all times.
5. Before the development hereby permitted is first used, off-street car parking/lorry parking provision shall be made within the application site. Details of which shall be submitted to and agreed in writing by the Local Planning Authority. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.
6. No deliveries or collections shall take place outside of the hours Monday to Friday 0700 to 1800.
7. The storage building hereby approved should be built in accordance with the plans numbered 026711/02 received at these offices on 21st June 2012.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. In the interests of highways safety.
4. To ensure that the traffic associated with the development does not use unsatisfactory roads to and from the site.
5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
6. In the interests of residential amenity and the rural nature of the countryside location.
7. For the avoidance of doubt.

Officer to contact: **Mrs Sarah Legge**

Date: 21st March 2014