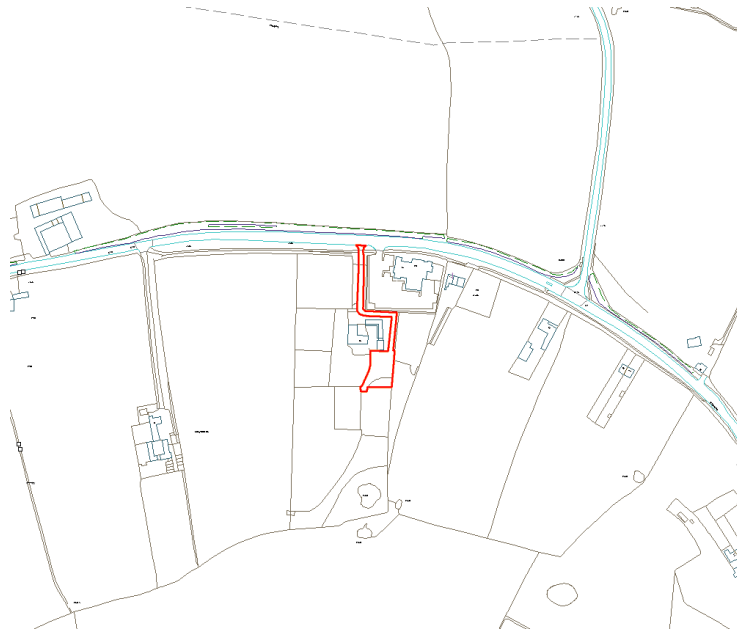


Reference: 11/00111/COU
Date Submitted: 11.02.2011
Applicant: Mr Richard Engelgardt
Location: Flying Childers Stud, 65 Main Road, Kirby Bellars, LE14 2DU
Proposal: Retrospective application for the change of use of land for parking of vehicles.



Introduction:-

This application seeks retrospective planning permission for the change of use of land for the parking of commercial vehicles. The land is outside of the village envelope for Kirby Bellars, in the open countryside. The site is to the rear of a bungalow and the Flying Childers Public House, and is set back almost 100m from the A607 Leicester Road, and cannot be seen from the highway.

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

- **Impact upon the open countryside**
- **Highway Safety**
- **Enforcement action**

The application has been submitted in response to an enforcement investigation and is required to be considered by the Committee because the recommendation proposes a departure from local plan policy.

Relevant History:-

08/00263/CL – Certificate of Lawful Use for a dwelling without an agricultural occupancy restriction
06/00370/COU – Conversion of existing garage for tourist accommodation
03/00407/VAC – Proposed removal of agricultural / equestrian restriction - REFUSED

Planning Policies:-

PPS4 – Planning for Sustainable Economic Growth - sets out the national policy framework for planning for sustainable economic development in urban and rural areas.

Specifically, Policy EC6: Planning for Economic Development in Rural Areas states that Local Planning Authorities, in making policies, should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In rural areas, local planning authorities should:

- (a) Strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans
- (b) Identify local service centres and locate most new development in or on the edge of existing settlement where employment, housing, services and other facilities can be provided close together
- (c) Support the conversion and reuse of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development
- (d) Set out the permissible scale of replacement buildings and circumstances where replacement of buildings would not be acceptable
- (e) Seek to remedy any identified deficiencies in local shopping and other facilities to serve people’s day to day needs and help address social exclusion
- (f) Set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that area consistent in their scale and environmental impact with their rural location
- (g) Where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character.

Policy EC12 in relation to economic development in rural areas states that Local Planning Authorities should support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may not be an acceptable location for development even though it may not be readily accessible by public transport.

Policy EC10 also states that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Melton Local Plan (Saved Policies)

- **Policy OS2** – states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Whilst the site location is not ideal, the access is located on to a section of the Class I road that is subject to a 40 mph speed restriction and has street lighting. Furthermore, there is a right turning lane outside the site that although serves the adjacent Public House, and provides a safe harbourage for vehicles turning into the site. Previously, it was agreed with the applicant that to cater for the size of vehicles the access would need to be widened with increased junction radii, so that vehicles could not only safely and easily turn into and out of the site, but would also be able to pass within the access. The applicant submitted a plan showing the widening of the access so that it is 6 metres wide up to the existing gates, however the plan does not show the correct radii where it joins the main</p>	<p>Noted.</p> <p>The proposal is considered to comply with the Highway Standards and will not have a detrimental impact upon highways safety. Access and widening can be conditioned as part of any approval with an appropriate time frame to ensure that the works are carried out. Also, the amount of vehicles allowed to park at the site at any one time can be conditioned not to exceed four.</p>

carriageway. Nevertheless as this is within the existing public highway this can be conditioned and also covered in the licence required to carry out the works in the highway. The number of goods vehicles parked on site will only be 3 or 4 and will not exceed that number, as more than that would restrict the available turning within the site to an unacceptable level.	
Parish Council: No Objections	Noted

Representations:

A site notice was posted and one neighbouring property was consulted. As a result no objections have been received.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Departure from Local Plan:</p> <ul style="list-style-type: none"> • Proposal is in the open countryside (outside of the village envelope) 	<p>Policy OS2 states that development in the countryside should be resisted except for limited exceptions, some agriculture, commercial and recreational activity. The proposal is not considered to comply with Policy OS2.</p> <p>The site is outside the village boundary and development could proceed only as an exception to the Local Plan policy. Such an exception can be justified only if there are judged to be material considerations present which outweigh the development plan. It is considered in this case that the proposed use has little impact upon the countryside due to the location of the proposal and the relatively low level of use. The use has been taking place for 8 years with no reported complaints, with the usage remaining generally light with a maximum of 4 vehicles parked at the site at any one time.</p> <p>Whilst the proposal has no policy support within the development plan, national policy PPS4 'Planning for Sustainable Economic Growth' states that Local Planning Authorities should support the diversification of farms that are consistent in their scale and environmental impact with their rural location. The proposal represents a diversification away from a stud farm, and is located close to a main highway connecting Melton Mowbray to Leicester. The environmental impact of the proposal is considered to be minimal as the vehicles do not travel any considerable distance into the countryside, merely a 100m drive away from the main highway. The scale of the proposal is relatively small, in that a maximum of four vehicles will be parked on the site at any one time. The proposal contributes to local employment, and the applicant employs 8/10 part time drivers, and retention of the site will enable employment to continue.</p> <p>PPS4 requires a positive approach to applications for economic development but also seeks to ensure that the countryside is protected for the sake of its</p>

	<p>intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all . The application site is set down lower than the fields to the South and is very well screened from the adjacent fields and the road, alleviating any potential harm resulting from the parking of vehicles. It is considered that given the topography and the screening of the site from other fields and the road that there has been limited impact upon the open countryside and the proposal complies with the objectives of PPS7.</p> <p>PPS4 post dates the development plan and it is considered that in this instance national policy should outweigh the development plan as it can be demonstrated that there have been economic benefits, and little impact upon the open countryside, which would warrant a refusal in this instance.</p>
Impact on the character of the area:	<p>The site has been used for the parking of commercial vehicles for approximately 8 years and cannot be viewed from the street due to its location behind a house and the level of screening provided by the trees and hedges at the site. Access is via the driveway from the A607 Leicester Road and the site is defined by a post and rail fence to the South and high hedges to the East and West. The site is set down from the fields further to the South, which are used for equestrian purposes. There are further hedges to the South which screen the site well from the wider countryside.</p> <p>The parking area proposes no illumination and it is considered that no detrimental impact upon the character of the area has taken place due to the reasons stated above.</p>
Enforcement Action:	<p>The use was identified by enforcement in September 2010 when the applicant applied for an Operators License through VOSA (Vehicle & Operators Service Agency). The Council objected to the license and the applicant subsequently withdrew the application. Following investigation this application for retrospective permission has been submitted to regularise the proposal.</p>
Impact upon neighbouring properties.	<p>There are no neighbouring dwellings to be affected by the proposal. The Flying Childers Public House lies approximately 70m to the north of the application site, however it is well screened and they will not be affected by the proposal.</p>

Conclusion

The retention of the parking area for commercial vehicles on land which was previously open countryside does not comply with policy OS2 of the Adopted Melton Local Plan. Although the proposal represents a departure from Local Plan it is considered that the continued use as a parking area for commercial vehicles would not have a detrimental impact on the character and appearance of the open countryside and would not have any significant impact upon highway safety, so long as the appropriate works to the access are conditioned. The proposal contributes economically to the area and represents farm diversification and economic development as supported in PPS4, being consistent with

its scale and environmental impact in the rural location. The proposal has little harm on the area due to its location, the topography of the site and the screening available, meeting the objectives of PPS4.

Therefore, for the reasons stated above the application is recommended for approval subject to the imposing of conditions.

RECOMMENDATION: Delegate to Permit, subject to the following conditions:

1. Within 3 months of the date of this planning permission, notwithstanding the details submitted, the existing vehicular access shall have been widened to a minimum 6 metres with increased entry and exit radii at its junction with Main Road, in accordance with details that shall first have been submitted to and approved in writing by the lpa in consultation with the Highway Authority, and shall have been surfaced in tarmacadam, concrete or other hard bound material for a minimum of its first 15 metres back from the edge of the carriageway of Main Road. Once so provided, the access shall thereafter be permanently so maintained.
2. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres back from the edge of carriageway of Main Road, and shall be hung so as not to open outwards.
3. Notwithstanding the details submitted, within 3 months of the date of this planning permission, drainage shall have been provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
4. The proposed parking and turning areas shown within the site shall always remain hard surfaced and available for use.
5. No more than 4 vehicles shall be parked on the land at any one time.

The reasons for the conditions are:-

1. In the general interests of highway safety.
2. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
3. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
4. In the general interests of highway safety.
5. In the general interests of highway safety.

Officer to contact: **Mrs Sarah Legge**

12th May 2011