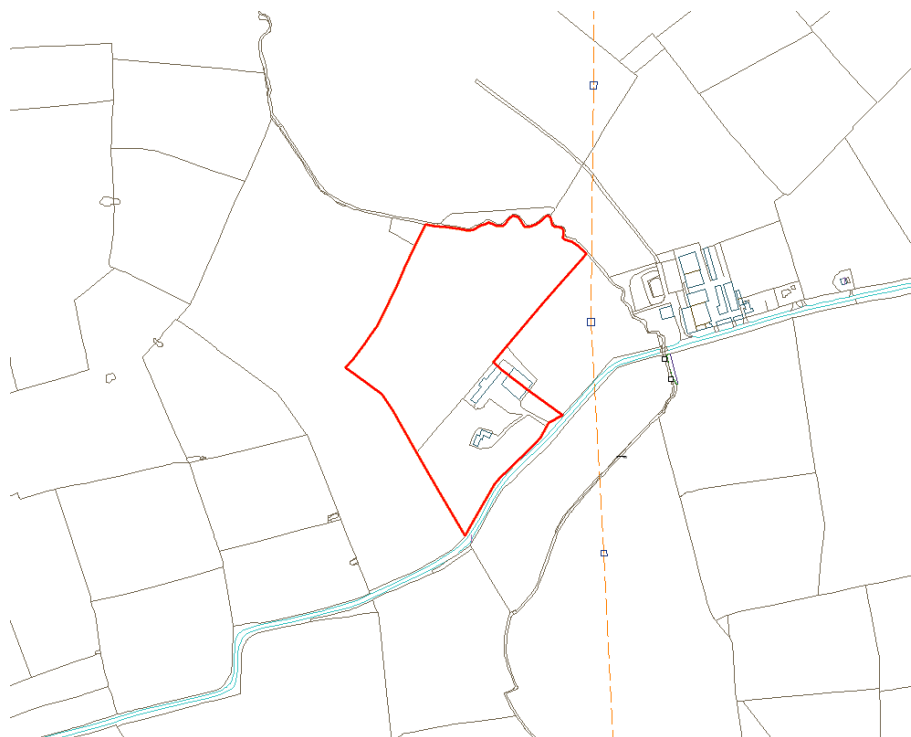


**Reference:** 11/00807/FUL  
**Date submitted:** 14.10.11  
**Applicant:** Mr A Wiles  
**Location:** Brinvale Farm Buildings, Broughton Lane, Long Clawson, ,  
**Proposal:** New agricultural building and extension of existing agricultural building to form shop and office



**Introduction:-**

Brinvale Farm is located on the north side of the road linking Nether Broughton and Long Clawson. It comprises a range of formerly agricultural buildings. A range to the east are now used as a grain distribution centre following the grant of permission in February 2010 and the application property, which adjoins, is used for a mix of agricultural use and the production of bird seed, in accordance with permissions granted in 2003 and 2005.

The application has two components:

- A office and retail building in front of the exiting range of buildings extending to 120m<sup>2</sup> to be divided approximately equally between office and retail use.
- A storage building, to be located behind the exiting range of buildings, 30m x 60m (approx) to accommodate raw material for the production facility.

The applicants have explained that the background for the proposals is to :

- (i) Expand the bird food business to meet with increased demand
- (ii) Remove the need to transport raw material from an off site storage facility in Scalford and have them stored at the site, removing this traffic from the roads between the two locations, reducing transport costs and the associated carbon emissions. Additional information has been provided explaining that the number of imported materials would not be increased from current levels of 2 HGV's per week and that the transfer of produce to and from Scalford (5 tractor/trailers per day) would be deleted. Once vacated, the Scalford facility will no longer be used and the movement associated with it will be

- removed altogether. The produce grown locally amounts to approx 75% of the bird food content and the storage facility will be a similar scale to that used at Scalford at present.
- (iii) Remove the office and retail operation from their current location within the house.

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

- **Compliance , or otherwise, 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 due to previous applications on and related to the site.

**Relevant History:**

05/00973: Erection building in association with bird food and pulse cleaning business – approved, with condition limiting the use to the production of bird food only (not wider industrial uses). (n.b combined with buildings now operated separately on the adjacent site).

**Development Plan Policies:**

**PPS1: Delivering Sustainable Development** – Identifies sustainable development as the core principal underpinning planning and that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce journeys by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. It states that planning authorities should focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.

**PPS4: Planning For Sustainable Economic Development** – States that the core objective is achieving economic growth. Seeks to raise productivity, job opportunities and economic performance, and, deliver sustainable development, but restates the objective of protecting the countryside. It states that planning authorities should adopt a flexible approach to allow response to market changes and at EC 10 encourages a ‘positive and constructive’ approach to **all** applications, which should be assessed against accessibility, design, employment and carbon reduction considerations. In regard to rural areas (Policy EC12.1) it states that, in recognising that accessibility is key consideration planning authorities should, amongst other things, recognise a site may be an acceptable location though it may not be readily accessible.

**Melton Local Plan (saved policies):**

**Policies OS2, 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.

**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.

**EM 10** allows for the extension of an existing commercial site subject to assessment with regards to amenity and scale, traffic and landscape impacts and subject to amenity considerations, where the use cannot be accommodated within an existing building.

**Melton LDF Core Strategy:**

Was adopted by full Council and is now considered a material consideration in the determination of applications. This seeks to focus development in Melton Mowbray with limited diversification in rural area and limited development in villages, particularly outside of Category 1 and 2 settlements where employment will be more strictly controlled. Nonetheless the Preferred Options for the Core Strategy seeks to regenerate the rural economy and supports small-scale expansion of existing businesses. It goes on to identify that these

businesses contribute to the local economy and that their continuing viability may require small-scale expansion or intensification.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority –</b> Given the detail provided regarding traffic movements it would be difficult to justify a highway reason for refusal.</p> <p>The new storage facility will not preclude them from renting/leasing other storage facilities and increasing production, but this could be achieved without the need for planning approval.</p> <p>A limitation the amount of produce manufactured, then this would be helpful but the practicalities are understood</p>	<p>The explanation of vehicle movements indicate that there would be an overall decrease, i.e that deliveries to the site would not increase and that movements between it and Scaford would be removed. However, this is founded upon the statement that overall level of production would not increase and this could not be controlled in future, with resultant increases in vehicle movements from deliveries etc. . There is no evidence to indicate the extent of this and how many additional trips would be generated and as such it is not considered to warrant refusal as it cannot be evidenced as ‘clear cut’ in either quantity or impact.</p>
<p><b>Parish Council (Broughton and Dalby): OBJECT:</b></p> <ul style="list-style-type: none"> <li>• Existing retail use should be regularised before permission is granted for the new retail facility</li> <li>• <b>Policy OS2:</b> the facility will be mixed use (at best) and as such OS2 (a) is not applicable; the scale of the development is not ‘small scale’ as required by the policy and will increase the floorspace by 40%</li> <li>• <b>Policy EM9 and 10 :</b> also requires a small scale of development and for impact to be minimised in visual and traffic terms. This development will have a marked visual impact from surrounding higher ground and an adverse effect on traffic.</li> <li>• <b>Policy C3:</b> relates to agricultural development and is therefore not applicable.</li> <li>• <b>PPS4:</b> instruct planning authorities to protect the countryside for its own sake and to strictly control development on the countryside. There</li> </ul>	<p>The Parish Council is aware that the existing retail use is not in breach of planning control and does not require regularisation.</p> <p>Policy OS2 permits the small scale development for industrial policies and the detail is provided in policies EM9 and 10. These require that the impact of such expansions is acceptable in terms of visual intrusion, traffic and amenity terms. In this instance, it is not considered that the development can be appropriately described as ‘small scale’ and as such would breach this aspect of the policies.</p> <p>In visual terms, it would be located behind the existing range of buildings and when viewed from the road that passes the site in front if the complex would not be intrusive. However, it would be readily visible from approaches to the site and, through a combination of its scale and positioning set back some 40m. from the existing buildings, would project into the countryside and be harmful to its appearance. It would be visible from longer distance views, especially from higher land north and south of the site, but it is considered that from these distances the impact described above would be unappreciable and concerns about the wider landscape are unfounded; it is considered that whilst it would add to the existing feature in the landscape, it would not be of such a form or scale to render it significantly more intrusive or result in it becoming dominant.</p> <p>The traffic impacts are set out above and it is considered could not be demonstrated to be harmful.</p> <p>It is agreed that policy C3 is not applicable, to this application.</p> <p>The general approach set out in PPS4 is to encourage a positive approach to economic development of all types but there remains the need</p>

<p>are doubts whether the scale of expansion of the business is achievable given the failure of the applicant's earlier ventures and as such whether the proposal can be regarded as sustainable economic growth of the type encouraged by the PPS.</p> <p>Policy EC10.2 requires assessment of applications to include accessibility and traffic considerations and this location will not result in a reduced level of traffic, both because of the retention of remote facilities and the need for deliveries to serve the site.</p> <p>Policy EC12 relates to the re-use of buildings and does not therefore apply.</p> <ul style="list-style-type: none"> <li>• <b>The NPPF</b> emphasises support for sustainable development but this development would be unsustainable as set out above.</li> <li>• <b>The Melton Borough Green Space Policy</b> has been the subject of public consultation and therefore carries weight. Within this the view over the Vale was highlighted and the development will be detrimental to this.</li> <li>• <b>Storage:</b> The site currently has storage under 05/00973 and as such the applicants statement that none is available and of the need for it is not accepted.</li> </ul>	<p>to balance this against the objectives of protecting the countryside. The application indicates that 3 jobs would be created by the development and the physical impact is as set out above.</p> <p>See commentary in relation to Highways issues above.</p> <p>It is not agreed that this interpretation of EC 12 is correct. EC 12 does not limit itself to the re-use of buildings but does include a section dedicated to this type of proposal (this specification for part of the policy would not be necessary if the policy related solely to re-use). Policy EC12 requires:</p> <ul style="list-style-type: none"> <li>- Support for developments that assist service centres</li> <li>- Support small scale economic development, recognising that remote sites may be acceptable even if not well served by public transport</li> </ul> <p>It is considered that the content of the emerging policies can only be afforded minimal weight. The proposals for NPPF and Green Infrastructure are at early stages and there can be no certainty if they will be adopted in the form they take. S 38(6) of the Planning and Compulsory Purchase Act 2004 defines how determinations on planning applications must be made and there is no suggestion that this primary legislation is to be amended. Accordingly, the decision must be led by the development plan policies and existing national policy and they can be departed from only if material considerations are present that indicate it is appropriate to do so. A policy statement of such early stage of formulation is not regarded as a material consideration sufficient to outweigh the development plan.</p> <p>The site has been inspected and the use of the buildings accorded with the relevant permissions.</p>
<p><b>LCC Rights of Way</b> – no concerns that traffic associated with the development will cross R.o.W no H6 that crosses the entrance to the site</p>	<p>Noted</p>
<p><b>LCC Ecology</b> - The ecology report submitted in support of this application is satisfactory. There is a possibility of protected species being in the vicinity, the proposed development is unlikely to impact on them. We therefore have no objections to the proposed development.</p>	<p>Noted</p>

**Representations:**

The consultation was publicised by way of a site notice being posted at the entrance to the site. 3 letters of representation have been received:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Policy issues:</b></p> <ul style="list-style-type: none"> <li>• <b>PPS4:</b> Policy EC 6 requires planning authorities to protect the countryside for its own sake and to strictly control development on the countryside and provides encouragement for the re-use of buildings and Policy EC12 should be read in this light.</li> <li>• <b>Policy OS2:</b> the facility will not be essential for agricultural, will it be for employment purposes and will not be small scale and will be detrimental to the character and appearance of the countryside, being visible from significant distances.</li> <li>• <b>Policy EM 10 :</b> the development is not small scale and alternative opportunities exist for such development in Old Dalby and Langar airfield. small scale</li> <li>• <b>Policy C3:</b> relates to agricultural development and is therefore not applicable.</li> </ul>	<p>These comments accord with the comments received from the Parish Council and are addressed above.</p>
<p><b>Traffic Issues:</b> The information provided does not include detail of the traffic required to serve the increased capacity that the building would create. It focuses on transport between Long Clawson and Scalford but not overall levels.</p> <p>Maximum use of the building could attract as many as 213 HGV movements into and away from the site (based on capacity which could amount to 6000 tonnes and the volume required for grain).</p> <p>The roads on the approaches to the site are not designed to accommodate the type and quantity of heavy traffic associated with such use. In both direction they are required to travel through villages with narrow lanes etc and will pose a hazard and potentially cause further damage.</p>	<p>See commentary in relation to Highways issues above.</p>

**Other material considerations (not raised through consultation of representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact of the retail and office extension</b></p>	<p>The retail and office extension are small scale and would rest against the backdrop of the existing buildings.</p> <p>It is not considered they would introduce significantly more traffic to the site as both functions are currently present on the site, and the vehicles would not be of a nature to cause a highway safety issue.</p> <p>Concerns regarding the scope of sales (and limiting them to the goods produced on site) could be</p>

	addressed by conditions.
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**Conclusion**

The proposal lies within the open countryside, set back from the highway and would complement the existing production facility and associated storage. The proposal is significant in scale and as such is considered to exceed the provisions of Development Plan policy which limit such proposals to 'small scale'. It is considered that in addition to departing from these policies in terms of scale, the development would result in a harmful impact on the countryside arising from its scale and positioning. It is not considered that concerns expressed regarding the impact traffic increases can be supported.

Recent National Policy in PPS4 requires a 'constructive and positive approach' to proposals for economic development but do not indicate that all other considerations should be set aside. This is reflected also in emerging policy, albeit this should carry limited weight because of its early stage of development.

It is therefore considered that the application presents a conflict between economic development objectives and those concerning protection of the countryside. On assessment, the application is considered on balance to have limited benefit to employment and economic development but would result in significant impact on the countryside and as such it is considered that the balance falls against granting permission.

**RECOMMENDATION:- Refuse, for the following reason:**

The proposed expansion of the existing development by the erection of a building of the scale, and positioning proposed, is not considered to represent small scale development and will be harmful to the character and appearance at this location. It is therefore considered to conflict with the provisions of Policies EM10, BE1 and OS2 of the Adopted Melton Local Plan and the Guidance contained within PPS4 'Planning for Sustainable Economic Growth'.

Officer to contact: **Mr J Worley**

**Date: 13<sup>th</sup> December 2011**