

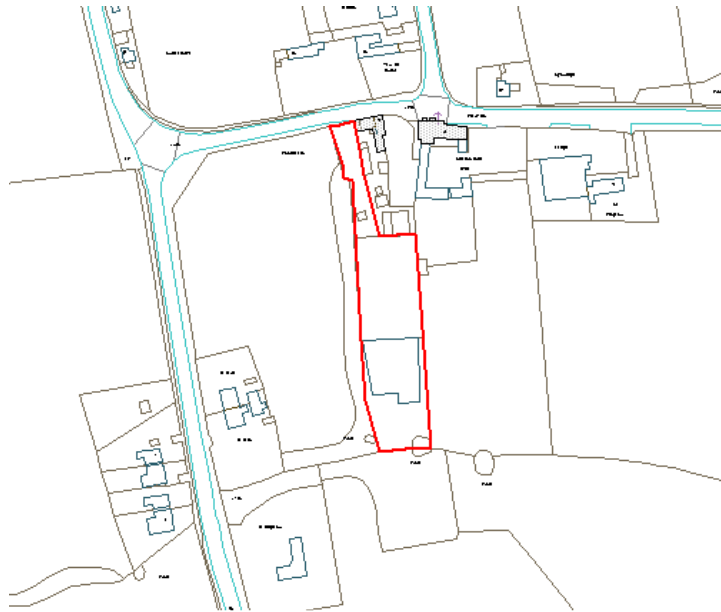
**Reference:** 11/00952/FUL

**Date submitted:** 12.12.11

**Applicant:** Mr R Horsley

**Location:** Pinfold farm, 25 Main Road, Nether Broughton

**Proposal:** Replacement of delapidated barn with commercial storage unit and adapt entrance with vehicle turning circle and parking.



**Introduction:-**

Pinfold Farmhouse is a grade II listed building which occupies a prominent roadside location on the principal route around the village of Nether Broughton. It falls outside the village envelope and is not within a designated conservation area.

Associated with the Farmhouse are a series of outbuildings which include a dilapidated storage barn. . The current structure is situated within the curtilage of the listed building but is sufficiently remote from it (approx 1 km away) so as not to affect its setting to any great degree. The site is particularly well screened by mature trees.

The application has two components:

- to remove the existing storage barn and replace it with a new warehouse building in a similar position to be used as a commercial storage unit in conjunction with an existing business operated in Asfordby.
- Amend the entrance to the site off Main Street to improve highway safety

The applicant has produced a report explaining the background for the proposals:

- (1) Pinfold Farm was originally purchased to provide a home and as an overflow site to offer support warehousing for an existing business at Asfordby;
- (2) The warehousing element of the site was fully operational from purchase until December 2010 when the condition of the barn was deemed unsafe;
- (3) In December 2010 the access point to the site off Main Road was temporarily closed to prevent unlawful entry;
- (4) During the period that the storage barn has been out of use a warehousing unit was rented in Long Clawson, however for logistical reasons this was deemed impractical and a decision taken to pursue the

option of replacing the storage barn at Pinfold Farm;

(5) In the applicants view replacing the dilapidated storage barn with a new warehouse facility will:

- Ensure that the efficiency of the site is maximised;
- Reduce the environmental impact of off -site warehousing;
- Reduce journey times between the existing business in Asfordby and the overflow warehouse;
- Reduce traffic movements due to the existing 'working' element of the Nether Broughton site;
- Maintain and potentially create new employment opportunities;
- Allow the applicants greater control over the green credentials of the construction and operation of the new building in line with Business Social Compliance Initiative (BCSI) and Sedex guidelines;
- Provide the best option to take the business forward and secure its future.

The highway safety aspect of the existing site entrance off Main Street has been addressed in line with LCC Highway advice.

**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 the host listed building**
- **Impact upon highway safety**

The application is required to be considered by the Committee due to a previously refused application on the site relating to highway safety and sustainability issues and compliance with policy.

**Relevant History:**

08/00895/FUL – this application related to formation of a new domestic access to the dwelling but also included a proposal to retain and improve the existing commercial access – Permit 12/01/2009

11/00445/FUL – Replacement of dilapidated barn with commercial storage unit – Refused 17/08/2011 on sustainability and highway safety grounds

**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.

**PPS5 – 'Planning and Historic Environment'** which outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places.

The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use

that is consistent with their conservation.

**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 or limited small scale development for employment, recreation or tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

**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.

**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 areas 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> Further to a recommendation for refusal on previous application 11/00445/FUL the applicant clarified the position regarding the use of the site and confirmed that the reason for the new building was that the old building had fallen into a state of disrepair and therefore the application was simply to replace the previous building and its storage use would continue. The reason the access had been fenced was to protect the site from fly tipping, and was not meant to be a permanent closure of the access. Once the building had been rebuilt it had always been the intention to re-use the old access</p> <p>From a highway safety point of view, the existing access is extremely poor, and in an ideal world it should be closed and the use ceased. However as the proposal is in effect to continue a use that was until recently already taking place, it would be difficult to sustain a highway reason for refusal. Also the applicant is offering to carry out improvements to the access, namely providing a hard bound surface, widening as much as possible within his control and setting back gates from the highway boundary such that vehicles can stand in front of the gates but clear of the highway.</p> <p>On that basis the Highway Authority is reluctantly prepared to look favourably upon the proposal, although it would wish to see restrictions imposed on the use such that it is maintained at the low level it previously was, and that no expansion of the use occurs and no significant increase in traffic occurs.</p>	<p>The explanation of vehicle movements supplied by the applicant indicates that:</p> <p>Pinfold Farm has been used as a storage facility since purchase in 2008. Initially there were 2/3 deliveries to and from the site on a daily basis. However following the construction of on-site storage facilities at the Asfordby site the Pinfold Farm traffic will be reduced to 1 major drop off per week together with a maximum of 2 smaller collections.</p> <p>Movements from the previous overflow facility at Long Clawson having already ceased, which has had a positive impact on the locality.</p> <p>Once the new warehouse facility is completed at Pinfold Farm there would be less overall traffic movements than when it was the company’s only warehouse facility from 2008.</p> <p>The site has a blocked entrance from Main Street separate from the host dwelling. The application includes a proposal to re-open that access and provide a tarmac covered area to enable vehicles to pull off road before accessing the site through gates.</p> <p>The existing track to the storage unit will be upgraded with hardcore to provide a level access road. Embankments and additional screening will be provided along the track way.</p>

	<p>Further to the recent refusal of Application No 11/00445/FUL on highway grounds the recommendations of the Highways Officer have been incorporated into the revised plans these comprise:</p> <ul style="list-style-type: none"> <li>• Removal of the small brick outbuilding located in the driveway;</li> <li>• Signage to discourage drivers from making a right turn on exiting the site;</li> <li>• Replacing the reflective paint on the side wall of the house;</li> <li>• Creation of a 15 metre hard-standing 'pull in' area</li> </ul> <p>It is considered that the additional information submitted has overcome the previous reason for refusal and the access arrangements are now satisfactory subject to the imposition of conditions. However, it would be difficult to control the level of use on the site using conditions given that B8 use would allow a more intensive use should the site change hands in the future.</p>
<b>MBC Environmental Health</b> – No objections	Noted
<p><b>Broughton and Dalby Parish Council</b> – The Parish Council are opposed to the application and have raised the following concerns:</p> <p>Notwithstanding the comments of the Highway Authority it is considered that the current access is substandard;</p> <p>The proposed building is much larger than the existing building;</p> <p>Some comments in the Design and Access statement indicate a potential retail use;</p> <p>The application remains contrary to PPS1 and PPS4</p>	<p>On the advice of the Highway Authority certain amendments will be made to the existing point of access as detailed above to improve the road safety aspects; The proposals are intended to physically improve the access and reduce its use by eliminating the journeys between the site in Long Clawson. As such, on both aspects, it would bring an improvement.</p> <p>The current building has a floor area of approximately 500m<sup>2</sup> whilst the replacement building will be 800m<sup>2</sup> However it represents an improvement on the existing dilapidated building and is considered acceptable on this site. The replacement building together with associated ground works will improve the appearance of the site.</p> <p>The proposed use is B8, storage and distribution and can be limited by condition.</p> <p>Additional information has been submitted to accompany the application which it is considered overcome previous concerns. Compliance, or otherwise with PPS policies are addressed below.</p>
<b>LCC Archaeology</b> – No response to date	Noted

**Representations:**

The application was publicised by way of a site notice being posted opposite the entrance to the site. One letter of representation has been received:

Representation	Assessment of Head of Regulatory Services
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An issue over partial ownership of the site has been raised	This is not a planning consideration as the applicant has signed 'Certificate A' on the application form and submitted supporting documents declaring his sole ownership of the site
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**Other material considerations (not raised through consultation of representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Development Plan and other planning policy</b></p> <p>Policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development.</p> <p>Policy BE1: This policy refers to the siting and design of buildings and amongst other things is concerned with buildings harmonising with their surroundings and any adverse effects on neighbours.</p> <p><b>PPS5 – 'Planning and Historic Environment'</b> which outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places.</p> <p>The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.</p> <p><b>PPS4 'Planning for Sustainable Economic Growth'</b> reflects the advice in PPS1 but supports the small-scale economic development in rural areas particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of:</p> <ul style="list-style-type: none"> <li>• the potential impact on the countryside, landscapes and wildlife.</li> <li>• local economic and social needs and opportunities.</li> <li>• settlement patterns and the level of accessibility to service centres, markets and housing.</li> </ul>	<p>The replacement warehouse will provide a small scale employment use. As a replacement for a similar building previously located on this site it will not impact on the character of the landscape and will provide a storage unit for a business which is located within another village in the Borough.</p> <p>The existing building is in a state of deterioration. The proposal is to replace it with a similar style warehouse building on a similar footprint but with improved site access and general infrastructure.</p> <p>The site is sufficiently remote from other properties in the vicinity and it is considered that there would be no impact upon residential amenities given the separation distances.</p> <p>Although it is remotely located in relation to the host listed building arguably the dilapidated barn falls within its curtilage. However the site of the proposed replacement building is sufficiently distant from it so as to cause no undue effect on its setting.</p> <p>The site is in a relatively remote location in terms of the settlement and is not considered to be a sustainable location. It is considered that a storage unit, which is more suited to an industrial site, is not supported by the policy which seeks to promote more accessible locations in preference to more remote rural locations.</p> <p>Sustainability was an issue previously raised under the recent refusal of Application No 11/00445/FUL but has been addressed within this application. A sustainability report has been prepared outlining the</p>

<ul style="list-style-type: none"> <li>• the need to conserve, or the desirability of conserving, heritage assets and,</li> <li>• the suitability of the building(s), and of different scales, for re-use,</li> </ul> <p>Policy EC12 requires:</p> <ul style="list-style-type: none"> <li>- Support for developments that assist service centres</li> <li>- Support for small scale economic development, recognising that remote sites may be acceptable even if not well served by public transport</li> </ul>	<p>previous uses of the site, in particular the latest warehousing use which involved the current (now dilapidated) barn which was fully operational until December 2010. The report concludes that the replacement of the current barn with a new structure on the same site, thus negating the need to provide off site storage facilities, would allow improved business and site efficiency through improved security, control of access .</p> <p>By maximising the use of this site, which is in their ownership, rather than continuing to rent an off site storage facility(previously in Long Clawson), the number of trips and the distance between the parent company in Asfordby and the proposed overflow storage facility will be reduced</p> <p>When the site was previously operational and formed the company's only warehouse facility in 2008 there were 2 or 3 major deliveries in each direction on a daily basis. It is now envisaged that there will be approximately 1 major drop per week and a maximum of 2 smaller deliveries. As such traffic movements will be reduced and hence the improved access point will be used less than previously</p> <p>Therefore this site is considered to be a more sustainable location for the warehouse facility in line with the objectives of PPS 4</p>
<p><b>Design and impact on countryside</b></p>	<p>The existing dilapidated building on the site is constructed of corrugated iron. It is generally rectangular and has a floor area of approximately 500 square metres. The proposed replacement building at 40m x 20m has a floor area of 800square metres and as such is approximately 63% larger. Whilst the ridge height of the existing building is unknown the replacement will be 5m to eaves and 6.7m to ridge.</p> <p>The new building is to be of steel clad portal framed construction with the southern gable end in part brickwork. It will be painted either black or green (to be agreed). Additional tree planting is proposed to supplement existing planting and provide natural screening.</p> <p>Although the proposal is larger than the existing building it is considered that the replacement building represents an improvement on the existing dilapidated building and together with associated ground works will improve the appearance of the site. It will be painted,(colour to be agreed) to reduce its impact and additional landscaping is also proposed to soften its appearance.</p> <p>The replacement building is therefore considered acceptable on this site</p>

<p>The NPPF emphasises support for sustainable development but this development would be unsustainable as set out above.</p>	<p>It is considered that the content of the emerging policies can only be afforded minimal weight. The proposals for NPPF are at early stages and there can be no certainty over the form they may take upon adoption. 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>
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### **Conclusion**

The proposal site lies within the open countryside, set back from the highway. The proposal is to erect a new warehouse building on a similar footprint to a former storage building that is in a state of collapse but with improved site access and general infrastructure. As such is considered to be relatively insignificant in terms of the provisions of Development Plan policy which limit such proposals to ‘small scale’. It is considered that, the development would result in minimal impact on the countryside arising from its scale and remote positioning. It is also considered it is sufficiently remote from the host listed farmhouse (Pinfold Farm) so as to not affect its setting.

Previous concerns expressed on highway safety grounds, relating to the site entrance off Main Street, have been addressed and overcome in this latest submission. When the site was previously operational and formed the company’s only warehouse facility in 2008 there were 2 or 3 major deliveries in each direction on a daily basis. It is now envisaged that there will be approximately 1 major drop per week and a maximum of 2 smaller deliveries. As such traffic movements will be reduced and hence the improved access point will be used less than previously

Recent National Policy in PPS4 requires a ‘constructive and positive approach’ to proposals for economic development and it is considered that the application supports economic development objectives. On assessment, the application is considered to have benefit in terms of employment and economic development with insignificant impact on the countryside and as such it is considered that the balance should be towards granting planning permission.

### **RECOMMENDATION:- Permit, 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 storage building hereby approved shall not be constructed until a landscaping scheme has been submitted and approved by the Local planning Authority to soften its appearance in the landscape. The approved scheme shall be implemented in the first planting season following the construction of the storage building.
3. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.
4. The use of the storage building hereby approved shall be limited to the storage of goods and materials used in connection with the applicants business in Asfordby only, and for no other purpose, including any other forms of storage that fall within the definition of Class B8 of the Town and Country Planning (Use classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
5. No external storage of goods or produce shall take place at the premises.

6. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. This shall include details of the final colour of the external surfaces. Development shall be carried out in accordance with the approved details.
7. No development shall start on site until the existing access point to the site has been modified in accordance with details submitted on drawing number LEC0034/004 - P2, dated 6 November 2011.

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 soften the appearance of the building in the landscape, in the interest of its character and appearance.
3. To provide a reasonable period for the replacement of any planting.
4. To ensure that the use of the building is compatible with the surrounding area and in the interests of road safety and residential amenity
5. In the interest of visual amenity.
6. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
7. In the interests of highway safety.

Officer to contact: **R Spooner**

**Date: 14th February 2012**