

**Reference:** 12/00361/COU

**Date Submitted:** 11.05.12

**Applicant:** Mr KJ And RM Eggleston

**Location:** Land Adjacent 54 Church Lane, Long Clawson, Melton Mowbray, LE14 4ND

**Proposal:** Change of use of agricultural buildings to use for B1 uses



**Introduction:-**

The site is located on the northern edge of Long Clawson, just outside the village envelope, and comprises a large metal framed building currently utilised as stabling for horses and an open sided barn which provides covered storage.

The proposal is to convert the buildings to B1 (Business) use; this use is defined by the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments as consisting of offices, research and development, and light industry appropriate in a residential area. Tenants are yet to be found and therefore the precise details including use, number of employees and hours of work cannot be supplied. It is likely that the building would have to be re-clad and insulated, no such details have been provided at this stage.

**It is considered that the main issues relating to this proposal are:-**

- **Compliance with the Development Plan Policies and the NPPF**
- **Impact upon highway safety**

The application is to be considered by the Development Committee due to the number of representation received.

**Relevant History:-**

08/00531/COU – Application permitted for the conversion of the existing buildings to be used for B1 uses. Conditions were imposed to restrict the times and operation.

98/00193/OUT – Application for the erection of 5 detached dwellings was refused in May 1998 due to the location in the open countryside, where policies seek to restrict development unless it involves the re-use of existing buildings for employment or leisure, or where specific justification can be provided. This decision was subsequently appealed; the Inspector considered the main issue of this appeal to be the effect of the proposed development on the character and appearance of the countryside. It was considered that the development proposed would represent “a significant intrusion into the open countryside” and concluded that it “would seriously harm the character and appearance of the countryside” and on this basis the appeal was dismissed. No mention was made as to whether the re-use of the existing buildings for commercial purposes would be acceptable or otherwise.

**Planning Policies:-**

**The National Planning Policy Framework was published 27<sup>th</sup> March 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 also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver business and industrial units,
- Promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land

**On Specific issues relevant to this application it advises:**

**Building a strong competitive economy**

- Planning should do “everything it can” to encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

**Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

**Prosperous Rural Economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

This 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 para. 12)

**East Midlands Regional Plan**

**Policy 1** of the Regional Plan seeks to ensure that development within the east midlands is sustainable. It sets out Regional Core Objectives which should be met through LDFs and planning applications. The following parts of Policy 1 should be taken into account.

- e) To improve accessibility to jobs, homes and services through the:
- promotion and integration of opportunities for walking and cycling;
  - promotion of the use of high quality public transport; and
  - encouragement of patterns of new development that reduce the need to travel.
- h) To reduce the causes of climate change by minimising emissions of CO2 through:
- maximising 'resource efficiency' and the level of
  - renewable energy generation;
  - making best use of existing infrastructure;
  - promoting sustainable design and construction; and
  - encouraging patterns of new development that reduce the need to travel.

**Policy 2** promotes better design including design and construction that minimises energy use, uses sensitive lighting, improves water efficiency, reduces waste and pollution, incorporates renewable energy technologies and sustainably sourced materials wherever possible, and considers building orientation at the start of the design process. New development should also take account enhancement of biodiversity and landscape quality.

**Policy 3** of the regional plan sets the approach to distribution of new development across the East Midlands. It concentrates new development and economic activity in and adjoining existing urban areas. At the regional level this sees a major proportion of the new growth required being concentrated in and adjoining the three conurbations of Leicester, Nottingham and Derby. Development of a lesser scale is directed to Sub-Regional Centres such as Melton Mowbray, whilst other settlements should receive development to meet their need. In assessing the suitability of sites development priority should be given to making the best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations.

**Policy 12** states that employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints and the surrounding countryside, and where there are good public transport linkages.

**Policy 19** focuses employment development on the areas of greatest identified need. The Policy priorities the Sub Regional Centres as the primary location for new economic development

(Melton Mowbray) as says that development should be located in accordance with the urban concentration strategy as set out in Policy 3.

**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.

**Policy C6** states that the re-use and adaptation of rural buildings is acceptable providing the following terms are addressed:

- a) the building is substantial, sound and permanent and if in open countryside does not require entire reconstruction.
- b) the appearance is in keeping with its surroundings
- c) conversion work respects the local vernacular
- d) traffic can be accommodated
- e) the operation of the business does not pollute or cause nuisance
- f) there is sufficient parking provision and that does not cause visual harm
- g) no outside storage should take place
- h) no unnecessary subdivision of the property occurs

**The Melton LDF Core Strategy (Publication) Development Plan document:** Seeks to focus development in Melton Mowbray with some employment provision in Rural Centres (Sustainable Villages), of which Long Clawson is one. The Core Strategy also allows for the reuse of rural buildings for small-scale business activities compatible with countryside locations.

Farm diversification is also supported where the uses fit in with the surrounding countryside although farming should remain the dominant business activity in rural areas.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

**Policy CS9 Rural Economic Development** seeks to support and help regenerate the Boroughs rural economy. Through allowing small-scale expansion or intensification of businesses in the countryside, which are not detrimental to their rural location. In regards to tourism and leisure activities they should be sensitive to the character of the area.

**Policy CS13: Countryside** seeks to protect the rural environment by requiring development to be of a high standard which respects the character of its location; surroundings, and setting. The form and appearance of development should reinforce its sense of place and take into account the Melton Landscape Character Assessment.

**The Melton Landscape and Character Assessment:** The assessment identifies 20 Landscape Character Areas within the Borough. New development in the rural area, for whatever purpose it may be for, should be appropriate in scale, design and environmental limitations when weighed against the benefit of the development proposed. Negative impacts on sensitive and historic landscapes, including buildings and structures, are generally not acceptable. Where such impacts occur it is expected that suitable mitigation measures to form part of the development package.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highways Authority</b> – No objections subject to complying with Highway Standards involving improvements to the access to allow two vehicles to pass and providing car and lorry parking/turning within the site.</p>	<p>The site has extensive space available for parking; the two buildings on site have a floor area of approximately 650 sqm which would require 13 spaces to meet full parking standards which could be accommodated within the site. Spaces for two</p>

	<p>light goods vehicles are also proposed. A condition could be imposed to ensure highway standards are met.</p> <p><b>Given the existing use of the site and potential number of existing vehicle movements that would be displaced, including horse boxes, it is not considered that the development could be demonstrated to result in a significant increase in traffic and that this could form the basis of a reason for refusal.</b></p>
<p><b>Clawson Hose and Harby Parish Council:-</b> Object</p> <ul style="list-style-type: none"> <li>• It is outside the village envelope;</li> <li>• There are more suitable places for light industrial development;</li> <li>• It would set a precedent for industrial development in a residential area;</li> </ul>	<p>The site lies outside of the village envelope for Long Clawson and therefore policy OS2 of the development plan is applicable. The policy allows for small scale development for employment which is not significantly detrimental to the appearance and character of the open countryside. The buildings are existing farm buildings but it is understood that they are in use for storage and stabling; the farming practice having been relocated to Hickling Lane. The buildings are therefore considered to be surplus to the requirements of the farm but the farming activities could be reinstated at any time. Policy C6 allows for the change of use of rural buildings providing the building is substantial, sound and permanent and if in open countryside does not require entire reconstruction. Planning permission was granted in 2008 under planning reference 08/00531/COU and whilst the permission has lapsed there has been no change to the local plan policies to warrant a different outcome. Furthermore the introduction of the National Planning Policy Framework (NPPF) offers a significant direction on economic development proposal. The policy seeks to support and promote economic growth to deliver businesses and industrial development.</p> <p>The use class applied for relate to 'B1' which includes offices, research and development and light industrial uses. Light industrial is defined as a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The proposal is speculative with no end user in mind. However the buildings would need to be modified in order to ensure that adequate mitigation is in place in order to be suitable for the proposed use. The previous approval imposed a condition which required the end user to submit their business proposal for approval to ensure that the use was an appropriate use in this location. It is not considered necessary that this condition should be imposed again as the definition of the use itself requires not adverse impacts. The NPPF seeks to support all types of business uses to</p>

<ul style="list-style-type: none"> <li>• There would be an unacceptable increase in traffic</li> <li>• There are no suitable areas for car parking in the vicinity</li> </ul>	<p>support the rural economy and this proposal will achieve that aim.</p> <p>The site, retains agricultural use rights and could be used more intensely than the proposed use for agriculture.. The Highways Authority has not objected to the proposal subject to improvements to the access to allow two vehicles to pass.</p> <p>Adequate parking provisions can be provided within the boundary of the site and no objection has been received by the Highways Authority.</p>
<p><b>MBC Conservation Officer</b> – No objection.</p> <p>In conservation terms these are heritage assets by virtue of the fact that they sit within a designated heritage asset (Long Clawson CA). However they are of no significance whatsoever so their change of use is of little consequence.</p>	<p>The site is discretely located and only partially visible from the Conservation Area. It is likely that some modification of the buildings will be needed to accommodate a business; one of the buildings is a pole barn which is open sided and the other has partial enclosure but again fairly open.</p> <p>Consent was granted in 2008 and a condition was imposed requiring details of the external appearance to be submitted.</p>
<p><b>LCC Ecology</b> –</p> <p>No objections to the change of use of the buildings. However, should any external works be proposed, including installation of new hard standing, site clearance etc, a great crested newt survey of the site should be completed. Great crested newts are known to be present in the pond adjacent to the application site and therefore must be protected should any external works be completed.</p>	<p>Noted</p>

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result As a result a 9 letters of representation from 8 households have been received raising concerns over:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact on Character and Appearance of the Area:</b></p> <ul style="list-style-type: none"> <li>• Industrial Use would not blend in with the area which is predominantly residential.</li> </ul>	<p>Whilst the area is predominantly residential agricultural uses are also a prevalent activity given the location on the edge of the village. The site is discretely located and not readily visible from public vantage points. The buildings already exist and the proposal would have no impact upon visual amenity. The industrial uses acceptable under the terms of the use class proposed are, by definition, those suitable to locate within residential areas. A condition could be imposed to ensure that no storage took place outside the buildings ensuring no adverse impact in this respect.</p> <p>The buildings in their current form are not suitable for office or technology and research uses without modification. Modifications will form a further application which can ensure that the materials are</p>

<ul style="list-style-type: none"> <li>• Design out of keeping with the area and not suitable to for business uses.</li> </ul>	<p>in keeping with the locality.</p>
<p><b>Highways:</b></p> <ul style="list-style-type: none"> <li>• Increase in traffic, especially vans or lorries</li> <li>• Increased traffic on access road adjacent to residential properties</li> <li>• Safety of children would be compromised due to the increase in traffic/activity</li> <li>• It's a dangerous access in the vicinity of 2 blind bends</li> <li>• Lack of parking</li> <li>• The site generates very little traffic as it is in use for stabling of horses only. The agricultural uses were relocated to Hickling Lane some years ago</li> <li>• Highway infrastructure is saturated and cannot cope with more traffic in the village. Too much development has happened in this location over the years.</li> </ul>	<p>It is stated that there will be 13 cars and 2 light goods vehicles visiting the site however exact numbers are not know as the proposal is speculative. LCC Highways make no objection given the existing use of site involves agricultural vehicles, horseboxes etc. visiting the site. The change in use is not considered to have an adverse impact upon residential amenities in this context. A traffic plan could be requested by means of condition to be submitted by potential businesses intending to operate on the site if it was considered necessary or reasonable..</p> <p>Access to the site already exists to serve the buildings and whilst vehicle movements may increase it is not considered to have a detrimental impact upon surrounding properties as to warrant a refusal. A condition is imposed to have the access widened to allow two vehicles to pass which will prevent vehicles 'standing' along Church Lane waiting to gain access into the site.</p> <p>Adequate parking could be provided on site to meet the highway standards.</p> <p>At present the site is used for stabling of horses however agricultural activities could resume at any time.. The relocation of the farm to Hickling Lane did not require the removal of the farm buildings at the former Bakers Farm complex (Church Lane).</p> <p>Whilst development has taken place in Long Clawson the village is considered to be a sustainable village which can accommodate further growth. Each application is to be considered on its own merits and in the case of this proposal it is considered that there would not be a detrimental impact upon highway safety through allowing the change of use from agriculture to business uses, including light industrial.</p> <p><b>The Highways Authority are satisfied that there would not be a detrimental impact upon highway safety and have not objected to the proposal. It is considered that a reason for refusal upon highway grounds could not be substantiated.</b></p>
<p><b>Impact on residential Amenity:</b></p> <ul style="list-style-type: none"> <li>• B1 use not appropriate to residential area</li> <li>• The area is completely residential – no commercial uses taking place</li> <li>• Excessive noise or smell</li> </ul>	<p>B1 uses are considered compatible with residential areas. The use class order restricts development to office, research and technology, along with light industrial uses; and then only for those operations that would not give rise to nuisances in the reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. If required a condition could be imposed limiting hours of use.</p>

<ul style="list-style-type: none"> <li>• Buildings not suitable for industrial uses, no sound proofing</li> <li>• Will cause a nuisance to the surrounding area</li> <li>• Noise disturbance to the nearby residents from coming and goings of vehicles and parking</li> <li>• Overlooking and loss of privacy</li> </ul>	<p>It is acknowledge that the buildings would require some adaption to mitigate from possible nuisances relating from any specific activity. Any changes to the external appearance would require further permission. Should statutory noise nuisances arise from any future activity this would be covered under Environment Pollution legislation.</p> <p>The buildings exist on the site and it is considered that the change of use to B1 would not create any further overlooking or loss of privacy to the current arrangement. The use of the site may increase from current levels of activity. However, as stated above, the resumption of agricultural activities could be more intense.</p> <p><b>It is considered that the buildings are capable of adaption to accommodate business use. Due to the location and separation distances from the existing residential properties it is considered that the residential amenities will not be unduly affected from the conversion to B1 uses given that the buildings are existing and form part of an agricultural holding where a more intense farming activity could be carried out un restricted.</b></p>
<p><b>Policy:</b></p> <ul style="list-style-type: none"> <li>• Site outside village envelope</li> <li>• More suitable areas exist around Long Clawson for B1 use, eg. next to other commercial operators</li> </ul>	<p>The change in use of redundant farm buildings in the open countryside is supported by both the Local Plan and Core Strategy. The NPPF seeks to support the rural economy and allows for conversion of suitably located farm buildings and supports new buildings in the aim of promoting sustainable development.</p> <p><b>The NPPF advises that economic growth is to be supported to allow the sustainable growth and expansion of all types of business and enterprise in rural areas. The village of Long Clawson is considered to be a sustainable village which has a high level of services and whilst employment uses are prominent in the village B1 uses are considered to be compatible with residential areas.</b></p>
<p><b>Other Considerations:</b></p> <ul style="list-style-type: none"> <li>• Site no longer working farm, application should be for new premises not change of use</li> <li>• No evidence of need</li> <li>• There are industrial units available to let in the village showing that there is no demand</li> </ul>	<p>The buildings already exist and the proposal seeks to change the use of those buildings and not for new buildings; therefore, a change of use application is correct. Policy OS2 and C6 allow for such uses of rural buildings.</p> <p>The development is speculative and the applicant is not required to provide evidence of need for the change in use of existing buildings, provided such use accords with policy. The planning system should provide a range of viable commercial sites in</p>



<ul style="list-style-type: none"> <li>Asbestos would be a health hazard to anyone working in the buildings</li> </ul>	<p>rural areas offering a range of facilities for the health of the rural economy. This is further endorsed through the introduction of the NPPF which seeks to encourage economic growth, including rural expansion and new businesses. Whilst the planning system cannot control the individuals who use land or buildings, it can ensure employment opportunities are available for future generations and the wider community.</p> <p>This is not a planning consideration however there is legislation in place to deal with the removal of asbestos.</p>
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**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Compliance (or otherwise) with Planning Policy</b>	As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are considered to be complemented by the NPPF and should not be set aside because of it. In terms of its promotion of economic growth, the NPPF advises that “significant weight” should be assigned and as such it is considered to weigh substantially in favour of the proposal.

**Conclusion**

The application site consists of two former agricultural buildings just outside the Village Envelope and Conservation Area. It is not considered that B1 business use of the building will result in adverse impacts on local residential amenity, nor adversely affect the character and appearance of the area. The existing vehicular access is capable of adaption and it is considered that adequate parking and turning can be provided such that there are no objections from the Highway Authority. For these reasons the proposal is considered in accordance with local and national planning policy framework (NPPF) – including the emerging LDF Core Strategy Publication DPD objectives - and no other material considerations indicate otherwise. The application is recommended to be conditionally approved.

**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 Before the change of use commences, parking and turning facilities shall be provided within the site, to cater for the use, the details of which shall first have been submitted to and approved by the local planning authority in consultation with the Highway Authority. Once provided these facilities shall thereafter be permanently so maintained.
- 3 The premises shall be used for B1 purposes and for no other purpose (including any other purpose in Class A and B of the Schedule to 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).

- 4 Details of any floodlighting or other external illumination shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.
- 5 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site unless within the buildings or as approved by the Local Planning Authority.
- 6 The business, trade, working or other operations, including manoeuvring, loading and unloading of heavy good vehicles, on the premises (other than office cleaning and office work) shall take place only between the hours of 07.00 and 17.00 on weekdays and 07.00 and 13.00 on Saturdays, and not at any time on Sundays or public holidays.
- 7 Noise emitted from the site shall not exceed 42 dB expressed as per 1 hour LAeq between 0700 and 1900 hours Monday to Saturday, 40 dB expressed as per 15 minutes LAeq between 1900 and 2200 hours Monday to Saturday and 30 dB expressed as a 5 minute LAeq at any other time, as measured on the boundary (or boundaries) of the nearest residential properties.

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In the general interests of Highway safety.
- 3 To ensure that the use remains compatible with the site and surrounding area.
- 4 To safeguard the character and appearance of the area.
- 5 To preserve the visual amenities of the locality.
- 6 To preserve the amenities of the locality.
- 7 To safeguard the dwellings from any unreasonable noise disturbance.

Officer to contact:

**Mrs Denise Knipe**

**19<sup>th</sup> July 2012**