

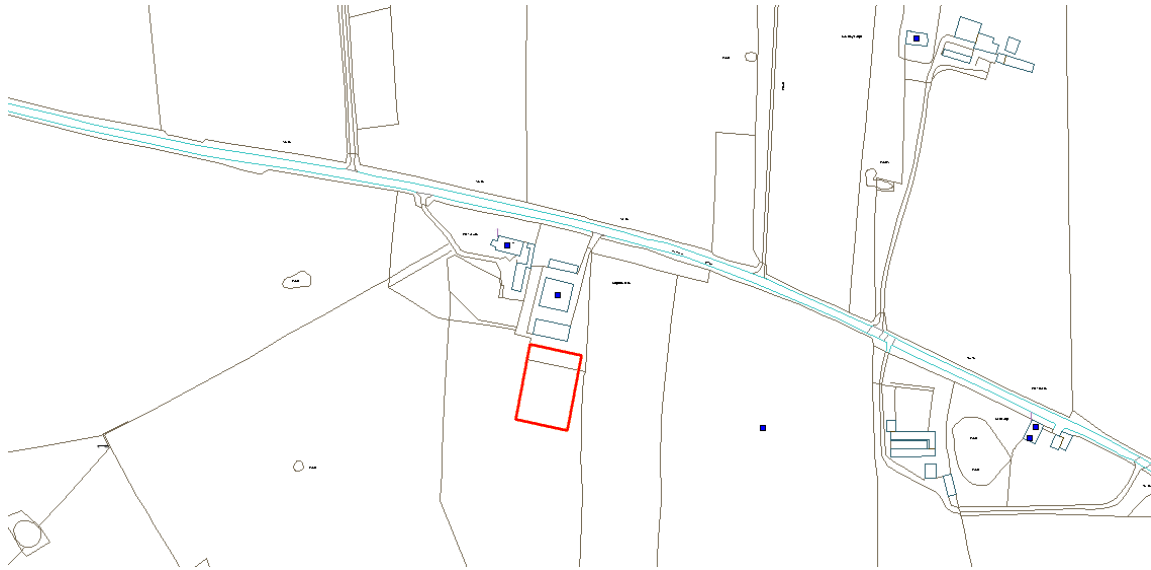
Reference: 12/00301/FUL

Date submitted: 17th April 2012

Applicant: Mr R Broome

Location: Dinghills Farm, Oakham Road, Somerby LE14 2QF

Proposal: Storage Building



Introduction:-

The application seeks permission for a new storage building to be located to the rear (south) of the existing buildings to provide a mix of agricultural and business storage (B8 use). Dinghills Farm is located on the south side of the 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.

The applicants have submitted justification for the application stating that the proposal is to:

- (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.

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:

None

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.

Melton LDF Core Strategy (Publication) DPD:

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 sustainable settlements where employment will be more strictly controlled. Nonetheless the Publication document for the Core Strategy seeks to regenerate the rural economy and supports expansion of existing businesses and farm diversification that fits in with the countryside. It goes on to identify that these businesses contribute to the local economy and that their continuing viability may require expansion or intensification.

-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.

The National Planning Policy Framework was published 27th 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.

It also 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.

Specific to this application the NPPF advises upon ‘Supporting a prosperous rural economy’ and states that policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (para 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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Recommendation - Approval</p> <p>Whilst significant improvement will be required to the existing vehicular access to make it suitable for the type and volume of traffic generated, the proposed vehicular access alterations submitted are not acceptable. Also the location of the hard standing area shown is not</p>	<p>Noted.</p> <p>The explanation of vehicle movements indicate that there would be an overall decrease in journeys between Dinghills Farm and the applicant’s other site at Ranksborough Farm, Langham of approx 1000 journeys per year (approx 5 trips per day) from</p>

<p>acceptable as it could result in awkward movements close to the highway boundary. Therefore the Highway Authority would recommend that a condition be imposed that sought details of the access improvements to be submitted and agreed at a later date.</p> <p>Given that the proposal is likely to generate HGV's, then the routeing of these vehicles should be restricted so that they do not use unsuitable roads, such as High Street in Somerby or go through small villages such as Knossington and Owston.</p>	<p>where pet products are distributed.. The applicant has explained the vehicle movements between the two sites. Every two hours picking lists, orders, delivery notes, courier consignment notes and labels are transported to Ranksborough Farm. Small parcels are also collected and brought back to Dinghills Farm which are sold through the business. The business offers a service to deliver within 24 hours of receipt of an order which gives them an edge over their competitors, hence the high level of vehicle movements between the sites.</p> <p>Although deliveries to this site (Dinghills Farm) would increase, the deliveries to the applicant's other site would cease, as would the vehicle movements between the two sites. Overall there would be an overall decrease in vehicle movements. This does however assume no expansion of the business once the site which cannot be controlled by means of condition, the only control would be the amount of storage that the building could provide.</p> <p>The timing of HGV movements can be conditioned and a transport plan can be required along with revised plans showing the alterations to the access which Highways would need to approve. HGV movements through the small villages surrounding the site can be restricted.</p> <p>It is therefore considered that the proposal could 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): Object:</p> <ul style="list-style-type: none"> • The application is contrary to policy OS2. This application is not appropriate to the open countryside. There are existing buildings on site that are adequate for the storage needs of an agricultural small holding. • The application is contrary to policies C1, C2, C3 and C4. There is no proven need for such a large building in open countryside to service the storage needs of a 66 acre farm and the application does not, in the opinion of the Parish Council constitute a farm diversification as the business activity operated by the applicant's brother in law involves warehousing and distribution of imported pet accessory products. 	<p>Noted. The application site lies in the open countryside and should be considered against Policy OS2 which allows for small scale employment. It is considered that the development is contrary to policy OS2, therefore the exception policies apply, notably C1 & C2.</p> <p>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.</p> <p>The proposal is for both agricultural storage and the diversification of the farm resulting in further storage needs above and beyond that of the farm alone. Policy C2 allows for farm diversification provided the activities are ancillary to the main agricultural use.</p> <p>Policy C3 relates solely to agricultural buildings, and policy C4 relates to stables and kennels, and therefore is not applicable to this application.</p>

<p>The development is likely to attract HGV traffic, including container lorries along the small weight restricted Class C road to the site and through the villages of Cold Overton, Somerby, Pickwell, Leesthorpe and Burrough on the Hill.</p>	<p>The NPPF post-dates the Policies in the Local Plan, 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.</p> <p>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.</p> <p>It is considered that the proposal represents a farm diversification, the applicants stating the need for the additional storage at Dinghills Farm for the pet products so save on multiple journeys between other sites. 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>The traffic impacts are set out above and it is considered that they could not be demonstrated to be harmful. HGV traffic can be conditioned to be provided with an approved route so that High Street, Somerby, and smaller villages such as Owston and Knossington are not used as routes to the site. See commentary in relation to Highways issues above.</p>
<p>LCC Ecology – No comments to make.</p>	<p>Noted. It is not considered that the proposal 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 The applicant has submitted a supporting statement with the application highlighting the reasons for the application.</p>	<p>The proposal is located within the open countryside and therefore OS2 is the applicable policy. The application proposes a large, mainly commercial building for storage, and therefore it is not considered that the proposal complies with OS2</p>

The applicant has stated that the site has been chosen so that they can incorporate the diversification that the farming businesses is undergoing at present. The proposed new buildings storage volume and facility would vary throughout the year, based on the amount of agricultural stock and trade stock the floor space is using. Following a good harvest, upto 40% of the space and height will accommodate haylage requirements and 60% for storage. By the end of each spring the agricultural storage requirement will be approx 20% of the building space. Presently, the applicant is using agricultural storage at Dinghills Farm and trade storage at Ranksborough Farm, Langham (840sqm) which is uneconomical in both time and travel (discussed above in Highways). Being able to relocate all storage to Dinghills Farm the applicant estimates that vehicle movements between the two farms would decrease by up to 5 trips per day (25 per week, 1000 per year). The storage facility is required to accommodate pet products which are imported and then sold on.

The applicant states that the building will be of the highest quality to ensure that future occupants will benefit from the development, and that their intentions are sustainable and 'green'. They are considering using the South elevation of the building for solar panels and the roof area will incorporate water harvesting

of the Local Plan.

The East Midlands Regional Plan supports economic development but states that it should be promoted in sustainable locations and concentrates new development and economic activity in and adjoining existing urban areas. The application site is only 1km from the nearest sustainable settlement. 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 but is also to provide additional storage for the farm.

The Core Strategy supports small scale economic development, this proposal is not considered to be small scale.

Therefore, it is not considered to fully comply with the Development Plan.

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 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. As stated in the applicants supporting information the proposal would cut down on many miles of travel per year. It is considered that the proposal represents a farm diversification, the applicant’s stating the need for the additional storage at Dinghills Farm for the pet products so save on multiple journeys between other sites. DEFRA define farm diversification as “the entrepreneurial

	<p>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 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 proposed building 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 would be located at the rear of the farm, 4.5m from the nearest existing farm building. This would give 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 building would be constructed of profiled steel sheeting, have two roller shutter doors on the South West elevation and two pedestrian exits on the North East elevation. There will be solar panels on the roof, and the applicant has also stated that they will harvest water from the site for use on the farm. The building would be used for a mix of agriculture and business storage, the agriculture element varying between 20%-40% of the floor space, depending upon the season and harvest.</p> <p>It is considered that the building has been well designed to blend into the farm environment, therefore it is 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 has ensured that the ridge height has been reduced due to the roof having two dual pitches, this ensures that the building will be well screened by the trees and hedgerows which are to the East and West of the development. The building will be well related to the existing farm and its buildings in terms of its location. It is considered that the overall impact upon the open countryside of the building will be minimal, complying with policy BE1 of the Melton Local Plan.</p>
<p>Amenity The proposed 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 could be an issue for the three neighbouring dwellings which are all approximately 320m from the site. A condition could be used on any permission to ensure that deliveries only take place between certain, specified times to ensure that the development complies with 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</p>

	detrimental effect on the residents of Somerby.
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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 in addition to the agricultural activities already taking place at the site could help to ensure the long term viability of the farm. The proposal 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, 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 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 proposal 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 represents sustainable farm diversification which is supported by the NPPF paragraph 28, the LDF Core Strategy and 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.
8. No more than 60% of the floor space of the building hereby approved should be used for purposes other than that of agriculture, as shown on the plans submitted on 21st June 2012 numbered 026711/02 .

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.
8. To ensure that the building does not become used wholly for commercial activities which would be detrimental to the rural character of the countryside.

Officer to contact: **Mrs Sarah Legge**

Date: 6th August 2012