

Agenda

Meeting name	Planning Committee
Date	Thursday, 12 October 2023
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	A. Thwaites (Chair)	J. Mason (Vice-Chair)
	P. Allnatt	I. Atherton
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services - democracy@melton.gov.uk
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 4 October 2023

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 14 September 2023	1 - 6
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	7 - 8
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 22/00028/COU Field OS5576, Gaddesby Lane, Barsby	9 - 24
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Thursday, 14 September 2023
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

J. Mason (Vice-Chair)	P. Allnatt
R. Browne	P. Cumbers
M. Glancy	M. Gordon
L. Higgins	D. Pritchett
A. Freer (Substitute)	

Officers

- Assistant Director for Planning
- Senior Solicitor
- Senior Planning Officer (AC)
- Senior Planning Officer (RR)
- Planning Officer (AS)
- Senior Democratic Services and Scrutiny Officer
- Democratic Services Officer (HA)

Minute No.	Minute
PL29	<p>Apologies for Absence</p> <p>Apologies for absence were received from Councillor I Atherton and Councillor S Atherton.</p> <p>Councillor Freer was appointed as substitute for Councillor I Atherton.</p>
PL30	<p>Minutes</p> <p>Minutes of the meeting held on 17 August 2023.</p> <p>Approval of the Minutes were proposed by Councillor Mason and seconded by Councillor Glancy. The Committee APPROVED the Minutes.</p> <p>(7 For, 0 Against, 3 Abstentions)</p> <p>With regard to Minutes of the meeting held on 31 August 2023, the Committee agreed to the following amendments to the Minutes:</p> <p>Amendment 1</p> <p>That the words ‘and Historic England’ are removed and the words ‘that the report stated’ and ‘although the written advice was not available to the Committee’ are added so the following passage reads as follows:</p> <p><i>It was noted that the report stated that the Conservation Officer had stated that the impact of the scheme upon the settings of the designated heritage assets would result in less than substantial harm to their significance, although the written advice was not available to the Committee.</i></p> <p>Amendment 2</p> <p>That the following sentence is added to the section that raises points from the Officer presentation:</p> <p><i>It was noted that Historic England stated that the impact of the proposals upon the settings of the designated heritage assets would result in harm to their significance. Members sought clarification on whether further modelling exercises had taken place to acknowledge the comments. The Committee recognised that they needed to be fully satisfied that the damage to the area was outweighed by the benefit of the scheme.</i></p> <p>Amendment 3</p> <p>That the following sentence is added to the section that raises points from the speakers:</p>

Following a question of whether the site could be smaller but with the same amount of electricity being produced, as with other similar sites, the applicant stated that the site had to be the size proposed so that the project was economically viable.

Amendment 4

That the sentence 'This is different from an energy crisis and therefore the loss of food production would also have to be considered by the Committee.' is added to the following passage so it reads as follows:

Members noted that one key aspect of the scheme is to tackle the climate crisis and significant weight is apportioned to this element. This is different from an energy crisis and therefore the loss of food production would also have to be considered by the Committee.

Amendment 5

That the following sentence has the word 'not' removed so it reads:

The harm caused by the loss of best and most versatile land does outweigh the climate change benefits of the proposal, contrary to the overall aims and objectives of policies SS1 and E10 (part 10) of the Melton Local Plan, the NPPF paragraph 174 and Policy 3 (part 4) and Policy 9 (part 4 (d)) of the adopted Bottesford Neighbourhood Plan.

The Committee accepted the amendments.

Approval of the Minutes were proposed by Councillor Glancy and seconded by Councillor Mason. The Committee APPROVED the Minutes.

(8 For, 0 Against, 2 Abstentions)

PL31	Declarations of Interest Councillor Higgins declared an interest in relation to application 21/00825/VAC (land off Burdett Close, Great Dalby) and stated that he would withdraw from the meeting when the application is considered and he wouldn't vote.
PL32	Schedule of Applications
PL33	Application 21/00825/VAC (At 6:09pm, Councillor Higgins left the meeting.) The Senior Planning Officer (RR) addressed the Committee and provided a summary of the application. Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following

to give a three minute presentation:

- Beth Johnson, Burton and Dalby Parish Council
- Caroline Chave, Agent

Councillor Browne proposed that the recommendations within the report are approved. Councillor Glancy seconded the motion.

RESOLVED

That the application be APPROVED subject to the Planning Conditions detailed in Section 11 of the report.

(7 For, 2 Against, 0 Abstentions)

(Councillor Gordon requested that her vote against the motion be recorded.)

REASONS

The reasons for approval are as outlined within the report.

(At 6:42pm, upon the conclusion of this item, Councillor Higgins returned to the meeting.)

PL34

Application 22/01217/FUL

The Planning Officer (AS) addressed the Committee and provided a summary of the application.

Following the Officer presentation, the following points was made:

- It was noted that the thrust of Government guidance was to not allow permitted development for a public house to be converted into a retail unit.
- The significance of registering the public house as an asset of community value (ACV) is that it gives the community an opportunity to purchase the public house, however the property is not for sale. It was also noted that the ACV process sits outside of the planning process.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation (although Sarah Parker and John Coleman agreed to share their three minute slot):

- Sarah Parker, Chair of the Horseshoe Asset of Community Value Group
- John Coleman, Resident
- Matthew Roe, Agent

During the questioning of the speakers, the following key points were raised:

- The objector confirmed that the former public house was busy and offered something slightly different to the other public house in the village, e.g. was open longer, open on bank holidays and provided a venue to watch big

sporting occasions in a communal setting.

- The objectors stated that, in the communities' opinion, the public house was a viable business.
- Members were informed that the proposed café would be in competition with the other café in the village and the objectors stated that, in their opinion, another café is not required.
- It was noted that the applicant had discussed their plans with the Chairman of the Parish Council but had not undertaken wider community engagement other than a generic email about the larger store.

During the debate, the following key points were raised:

- It was noted that there had been a lack of consultation from the applicant and a lack of prove regarding the non-viability of the public house.
- Members stated that a shop is not a public house and therefore consideration would have to be given to offer that has been lost, especially as it was valued by the community.
- The comment was made that the scheme could provide Asfordby with a better retail offering.

Councillor Browne proposed that the application be refused contrary to Officer recommendation. Councillor Higgins seconded the motion.

RESOLVED

The Planning Committee REFUSED the application.

(7 For, 0 Against, 3 Abstentions)

REASONS

In the opinion of the Local Planning Authority, the loss of the public house would not be adequately mitigated by the new retail store and proposed new café. The proposals do not protect, retain or enhance existing community services and facilities. The closure of the public house and its replacement with a retail store is not supported by the local community and the proposal is therefore contrary to policy C7 (b) of the adopted Melton Local Plan, and paragraphs 84 and 92(a), 93 a), b) and c) of the NPPF.

PL35	Urgent Business There was no urgent business.
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The meeting closed at: 8.01 pm

Chair

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MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
 - b) not participate in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
 - b) you should state that your position in this matter prohibits you from taking part
 - c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Helping people | Shaping places



Planning Committee

12 October 2023

Report of: Assistant Director for Planning and Delivery

Reference number: 22/00028/COU

Proposal: Change of use of existing farm building into cattle building, retention of existing earth bund and re-submission of alterations to existing vehicular access

Address: Field OS5576, Gaddesby Lane, Barsby

Applicant: Mr J Harvey

Planning Officer: Sarah Matthews

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Robert Child (Gaddesby)
Date of consultation with Ward Member(s):	12 May 2022
Exempt Information:	No

Reason for committee determination:

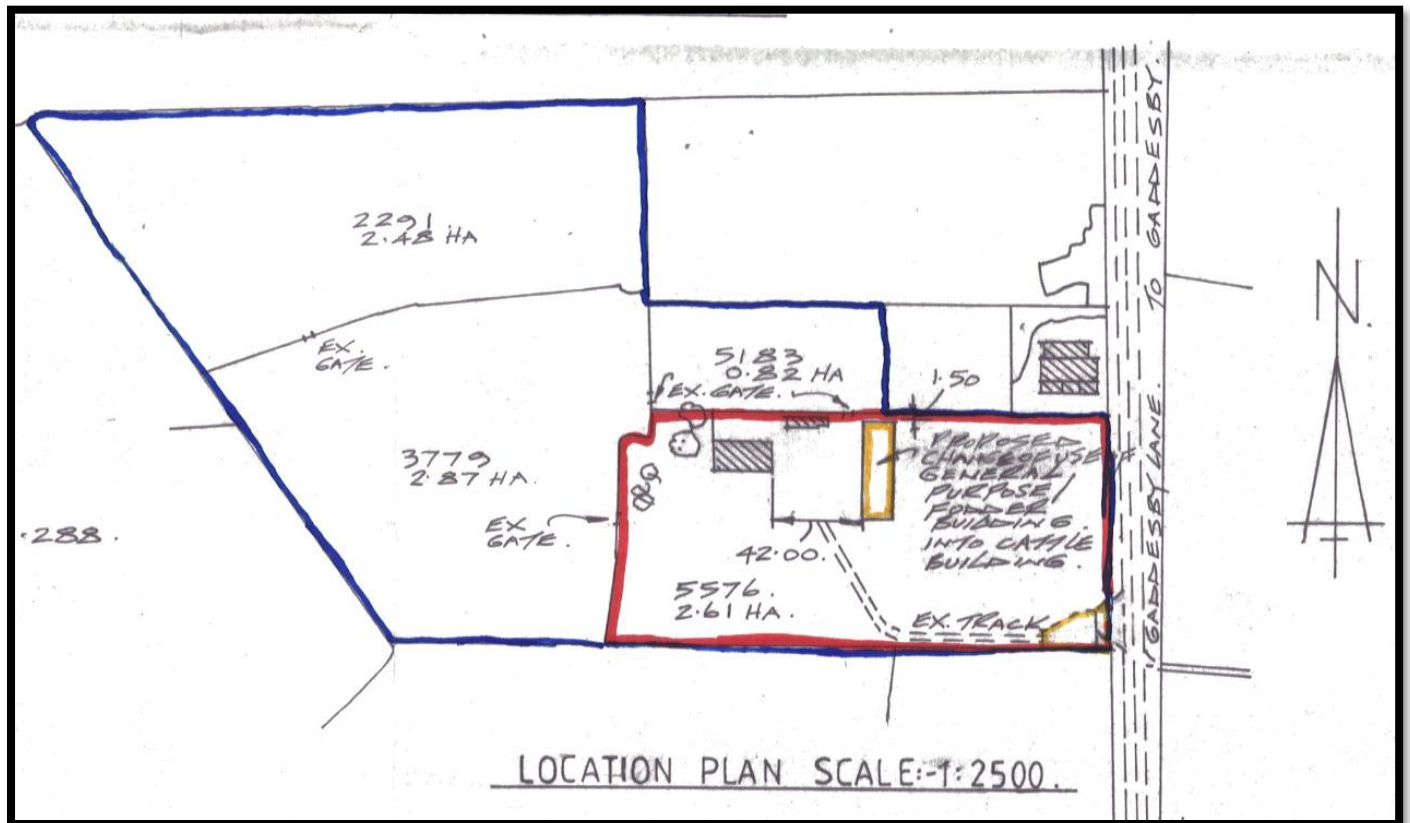
The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which are in conflict with the recommendation.

Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words: <https://what3words.com/escape.outhouse.sublime>

Site Location Plan:



RECOMMENDATION(S)

1. It is recommended that the Planning Application be APPROVED subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary

- 1.1 The application seeks full planning permission for the change of use of a general purpose agricultural storage building that was constructed in accordance with Schedule 2, part 6 of the General (Permitted Development Order) 2015 (as amended) to a use to house livestock associated with the agricultural holding and the retention of an earth bund within the site.
- 1.2 The proposed development is located within open countryside and relates to an existing agricultural holding. A landscape plan demonstrates additional trees and hedgerow at the entrance of the site which will mitigate any view of the earth bund to an acceptable level.
- 1.3 The adjacent land uses of the site are both agricultural and equestrian, the proposed development would therefore not result in any significant adverse impacts upon neighbouring amenity to warrant refusing planning permission.
- 1.4 The development would include the widening of the existing farm access which is deemed appropriate to the use of the site. The existing track and an existing area of hardstanding within the site provides sufficient turning and parking which is deemed appropriate.

- 1.5 The proposed development would therefore accord with Policies SS1, EC2, EN1, D1 and IN2 of the Melton Local Plan and Policies of the Gaddesby Neighbourhood Plan and the overall aims of the National Planning Policy Framework.

Main Report

2 The Site

- 2.1 The application site comprises a rectangular parcel of land as part of a larger agricultural holding extending to 8.78 hectares. Approximately 150m to the south of the site is the built form of Barsby and to the north the nearest dwelling is in excess of 900m away. The land in this location falls away from the village to the north.
- 2.2 Access from the highway is via a gated track located to the south-eastern corner of the site which extends to an area of hardstanding to the front of the existing agricultural buildings within the site. The proposal seeks to widen the existing access at the site to allow for improved access for agricultural vehicles. Widening of the access was previous approved 08/00820/FUL but not implemented.
- 2.3 Boundary treatment comprises mature hedgerows with a gated access centrally with the rear boundary hedgerow (west) of the site to access the adjoining field also within the applicant's ownership.
- 2.4 There are three existing agricultural buildings within the site which are sited around the area of hardstanding.
- 2.5 To the west of the site the public footpath crosses the field to the rear of the site and is identified in Policy ENV 7 of the Neighbourhood Plan as an important view "down the hillside into the Gaddesby Brook valley, over the village of Ashby Folville and towards the woodlands of Ashby Pasture on the northern horizon".

3 Planning History

- 3.1 07/01136/GDOAGR – Agricultural general purpose buildings – Deemed Consent 02.11.2007
- 3.2 08/00820/FUL – Replacement gates and new fencing – Permitted 18.12.2008
- 3.3 08/01028/FUL – Retrospective application for an agricultural building and access road – Permitted 13.02.2009
- 3.4 21/00031/GDOAGR - General purpose/fodder building – Deemed Consent 16.02.2021

4 Proposal

- 4.1 Full planning permission is sought for the change of use of an existing agricultural storage building for the housing of livestock and for the retention of an earth bund within the site located to the west of the proposed livestock building. The proposal is to initially retain an area within the building for storage which does not require permission due to the current use of the agricultural building. The proposal also incorporates the widening of the existing access track.

5 Amendments

- 5.1 Concerns were raised during the process of the application by the Planning Officer in respect of the earth bund and particularly in relation to the planting of the bund with trees

which was considered to be inappropriate due to the impact on the landscape. The tree planting was considered to accentuate the bund to the detriment of the area and the species of tree was considered inappropriate in this location.

- 5.2 As a result of these concerns an amendment to the original planting scheme was submitted in October 2022 to address Officer's concerns, this removed the tree planting and proposed seeding of the bund which has mostly taken place, however further seeding may be necessary to ensure any patches which have not taken are re-seeded. The development is therefore considered to be acceptable and in accordance with the policies of the Melton Local Plan and is therefore recommended for approval.
- 5.3 Additional information was submitted in the form of an updated Planning Statement dated 7th February 2023. This clarified the ownership of the site, the requirement for the change of use of the building, the provision of animal welfare (inc. ventilation), future employment potential, lighting and the impact on the character of the village.

6 Planning Policy

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Melton Local Plan

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- The relevant policies to this application include:
 - Policy SS1: Presumption in Favour of Sustainable Development
 - Policy SS2: Development Strategy
 - Policy EC2: Employment Growth in Rural Areas
 - Policy EN1: Landscape
 - Policy D1: Raising the Standard of Design
 - Policy IN2: Transport, Accessibility and Parking

Gaddesby Neighbourhood Plan ENV7: Protection of Important Views

- T1: Traffic Movements
- BE5: Farm Diversification

Other

- National Planning Policy Framework (2023)

- Leicestershire Highway Design Guide

7 CONSULTATION RESPONSES

Please Note: Below is a summary of responses and representations received. The full responses can be found on the web portal if required.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

- 7.1 **Highways Authority (HA) (responses dated 23.05.2022, 09.05.2023, 23.05.2022, 09.06.2023, 21.02.2023 & 25.07.2023)**
- 7.2 The initial advice was that further information was required to fully assess the highway impact of the proposed development. As is usual, the agent for the applicant liaised directly with the HA and a further consultation response was received by the local planning authority confirming that having undertaken a further review of the proposal there was no objection to the proposed development, subject to appropriate conditions.
- 7.3 Further consultation undertaken in respect of the submission of the “Landscape Mitigation Proposals” was considered acceptable and whilst LCC Forestry raised concern regarding the location of an oak tree close to the access of the site it was not considered likely to impact upon the visibility of the proposed access location with a recommendation that County Council trees are retained as part of any proposed development and appropriate conditions as detailed above were imposed in order to provide protection to the tree close to the proposed access.
- 7.4 A further consultation response provided updated conditions as a result of a revised drawing submitted in support of the application. There remains no objection to the development subject to the imposition of conditions.
- 7.5 **LCC Forestry (06.05.2023)**
- 7.6 Their review of submitted planning documents identified no significant arboricultural impacts as a result of the proposed development. They also advised that the impact upon the existing hedgerow as part of the access proposals will be minimal. Due to the lack of significant arboricultural impact, LCC Forestry raise no objection.
- 7.7 **LCC Ecology (09.12.2022, 22.02.2023 & 14.08.2023)**
- 7.8 The proposed development does not involve any “physical” changes to either the building or land on the site (other than access) and a bat survey is not required. Complimentary hedgerow planting (of locally native species) should be provided on site if any hedgerow is to be removed for the alterations for the access. The response concluded that the proposed new hedgerow planting contains appropriate species and no objection has been raised.

7.9 SUMMARY OF REPRESENTATIONS

Ward Member(s)

- No written comments received.

Parish Council

- The proposed building alterations do not provide sufficient ventilation for the rearing of cattle leading to danger of cattle suffering pneumonia
- No provision for storage of manure or storm water control which could lead to possible water pollution and the building would contribute to an added strain on the village of Barsby's water supply which is already suffering from inadequate water pressure
- There is no provision for an electricity supply shown on documents
- The choice of beech trees for the bund could be problematic due to not growing well within the area
- The current gate has sufficient width for the delivery of cattle and feedstuffs and is in keeping with the rural aspect of the area
- The earth bund is unsightly. It is visible not only from Gaddesby Lane but also from the public footpath between Gaddesby and Barsby
- Substantially interferes with Important View 7 of the adopted Gaddesby NP
- Objection raised to the request by the applicant for an address point for the agricultural unit

Neighbours

20 letters of objection have been received from 13 separate households, in addition 2 petitions have been received with a total of 9 names..

- Industrial level of traffic generation on unsuitable roads, impacts upon local villages and schools, the road is a rat run by people and the road is not wide enough for two vehicles to pass easily
- Intensity of farming not currently seen in the Parish or surrounding Parishes
- Bund is out of character of the surrounding areas
- The widening of the gateway equates to that used on industrial estates and is not that of a rural field access
- The size of the proposed access demonstrates there are intentions for the site to go beyond the 15 head of cattle proposed and would accommodate the largest of vehicles for bringing feed, animals in and waste out. The road network is not suitable for this type of traffic.
- Gaddesby Primary School has a persistent traffic issue already and the proposal will exacerbate issues by creating additional traffic and further threatens the safety of local highways to include Queniborough Primary School
- The proposed access will impact upon an established oak tree
- The change of use of the building to house cattle would set a precedent for the further two buildings at the site, the applicant has not provided a maximum population for the site or shed
- There are two earth bunds at the site, one being in excess of 2m to the north of site, both of which are out of character for the area and are an eyesore
- The proposed planting of 50 beech trees on the bund is out of character for the parish
- The proposed replacement ridge and vent system will increase the height of the building
- The site is located in an unsustainable area
- Adverse impact of bund in relation to important view number 7 of the Neighbourhood Plan which should not be obstructed and no similar earth bunds in the area

- The spread of manure on site, no nitrogen calculations have been provided and whether this would be possible given the cows grazing on the same land during the summer months
- The development threatens the current peaceful environment and fails to protect other users of the highway and fails to recognise the intrinsic character of the area
- Concerns regarding the current use of the site and future intentions
- Ownership of the site is different from the named applicant and is to be used for other business.
- LCC Highway re-consultation no further information provided
- When hedgerows are cut the bund would become more visually intrusive and the proposed planting to mitigate the bund would take time to establish.
- The increase in water requirement would disrupt water pressure in the village
- Potential light pollution from development and the proposed onsite caravan could set a precedent for further development

3 letters of support have been received from 3 separate households

- Backing British Farming is only a positive within the community, small farms are imperative to keep large intensive farming at bay
- A herd of 15 cattle is not intensive and traffic will be minimal as livestock will not require much movement and will be no more than neighbouring small holdings
- Will not impact anyone in the surrounding area
- Objections only speculate rather than read the application and intended purpose of the farm
- The application is for a change of use to provide shelter for cattle over the winter months.

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.10 Comments regarding design, services to the development, impact of the development upon the character of the area and highways and parking are matters considered in the Planning Analysis below.
- 7.11 Intensity of farming is addressed within the Additional Planning Statement submitted by the applicant. The LPA can only consider what is proposed as part of this planning application, and cannot speculate on further future uses which will be considered at that time.
- 7.12 Whilst the second 'bund' has been referred to as such, it is the Officer's opinion that it does not represent an earth bund, but is a mound of spoil due to its size and shape. A mound of spoil is not unusual in the rural farming environment and does not warrant or justify approval by the local planning authority due to the limited size.
- 7.13 Nitrogen calculations are not required as part of the application process.
- 7.14 Ownership of the site is clarified in the Additional Planning Statement. The applicant is the present owner of the site and as such this raises no issues.
- 7.15 Concerns regarding the proposed future use of the site are not part of the current application which seeks permission for the change of use of the existing agricultural business, retention of the earth bund and alterations to the existing access only

- 7.16 The Highways Authority has confirmed no objection to the proposed widening of the current access and have liaised with LCC Forestry in respect of any impact of the development upon the oak tree located close to the proposed development. No objection is raised in this respect.
- 7.17 Proposed hedgerow planting of native species is considered acceptable.
- 7.18 A water supply to the site exists and in use within the site
- 7.19 LCC Ecology have been consulted and raised no concern regarding the proposed lighting of the site.

8 PLANNING ANALYSIS

The main considerations are

- 8.1 Principle of Development
- 8.2 Visual Impact of the Development
- 8.3 Highway Safety
- 8.4 Impact upon Neighbouring Amenity

Position under the Development Plan Policies

- 8.4.1 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.

Principle of Development

- 8.4.2 The Development Strategy for the Borough is set out at Policy SS2 of the Melton Local Plan. The policy identifies that within the open countryside outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.
- 8.4.3 The application relates to the change of use of an existing agricultural building, within a rural agricultural setting, to allow for the keeping of livestock, widening of a farm access and retention of an earth bund which is part of an existing agricultural unit. The development is therefore considered to be appropriate and necessary in this location.
- 8.4.4 The principle of development is therefore considered acceptable and the proposed development would be compliant with Policy SS2 of the Melton Local Plan. Furthermore Policy BE5 of the Gaddesby Neighbourhood Plan supports development for farm diversification of existing agricultural units where the use is appropriate to its rural location. It is considered that this use is appropriate in this location.
- 8.4.5 Policy EC2 of the Local Plan provides support for the expansion of rural employment proposals which create or safeguard jobs which includes the diversification and expansion of existing rural businesses. The site benefits from an existing agricultural use and the current application relates to a change in the current farming operation from arable and pasture to include the breeding and keeping of livestock. As set out in the Additional

Planning Statement at paragraph 6 the applicant details the future use of the site and the reason for the need to diversify from the current arable/grazing farming operation. The applicant has advised that they hope that as the business grows further employment is a possibility, however the diversification is at present to safeguard the existing roles. It is considered that the proposal and the applicant's statement meets the requirements of policy EC2 of the Melton Local Plan in terms of supporting rural employment which creates or safeguards jobs.

Visual Impact of the Development

- 8.4.6 Policy D1 of the Melton Local Plan seeks to ensure that the siting and layout of new development must be sympathetic to the character of the area and that buildings and development should be designed to reflect the wider context of the local area.
- 8.4.7 The physical changes proposed to the building relate to the removal of the roller shutter doors within the west elevation of the building to be replaced by sheeted gates and a further access door to the north-western corner of the building. Alterations to the roof are also proposed to form a proprietary ridge ventilation system. The building will remain a simple, agricultural barn and as such is considered to meet the requirements of policy D1.
- 8.4.8 Policy EN1 of the Melton Local Plan states the character and landscape of the countryside will be conserved, and where possible, be enhanced by ensuring new development is sensitive to its setting and proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including important views, approaches and settings.
- 8.4.9 The Gaddesby Neighbourhood Plan identifies development within the village of Barsby and surrounding area as open countryside where development will be carefully controlled in line with local and national strategic planning policies. Policy EN7 identifies the view from the footpath to the west of the site "down the hillside into the Gaddesby Brook Valley, over to the village of Ashby Folville.
- 8.4.10 In order to construct the existing building in 2021, foundations were dug which resulted in the removal of earth. This earth was built up to form an earth bund to the rear of the agricultural building, close to the built form within the agricultural unit. As part of the landscaping proposal the bund is to be seeded in order to minimise the visual impact of the it, and this would be conditioned in accordance with the landscaping plan submitted in support of the application. When viewed from the public footpath from the west, the bund is obscured by the existing mature hedgerow (which stands at almost 2 metres high) and the agricultural building which is the subject of this application.
- 8.4.11 The agent has submitted supporting information (dated 6th July 2023), which provides an image of the bund taken from a public vantage point in relation to Important View 7 within the Neighbourhood Plan. For completeness, these are replicated below. Officers have also visited the site to assess the impact of the bund on the Important View and the surrounding landscape (see next page for picture).



View from Footpath to gate

- 8.4.12 Officers consider that the retention of the earth bund is acceptable given the view experienced by users of the footpath remains mostly unchanged (i.e. the agricultural building and the mature hedgerow remain clearly visible and a fleeting glimpse of the bund is only experienced where there is a gate between fields). As such, officers consider that the development is in keeping with the character and landscape of the countryside in accordance with policy EN1 for the reasons as set out above.
- 8.4.13 To assist with the screening of the earth bund from the site access, the landscaping proposal details the construction of a post and rail fence, which will return along the initial part of the access track where additional native hedgerow and tree planting is proposed.
- 8.4.14 It is proposed to widen the existing access to the site as part of the development to facilitate easier access for agricultural vehicles. A similar access was approved in 2009 by the local planning authority however it was not implemented. There are established hedgerows which form the boundaries of the site and whilst the proposal includes the widening of the existing access gate to the site it is not considered this would result in a detrimental impact upon the visual amenity of the site and the surrounding landscape.
- 8.4.15 The trees within the highway at the entrance of the site have been considered in respect of the visual impact and amenity value which would be lost should any tree be removed or the root system compromised as a result of the development. Conditions to this effect have been recommended as part of the Highways Authority consultation response having liaised with the Forestry section of the County Council who are responsible for the management of trees within the highway.
- 8.4.16 The introduction of the landscaping scheme along the access track at the entrance of the site is also acceptable and it is considered that the proposal complies with relevant policies as detailed above in respect of the visual impact of the development.

Highway Safety

- 8.4.17 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plans states that all new development shall provide appropriate and effective parking provision and servicing arrangements. Additionally, Policy T1 of the Gaddesby Neighbourhood Plan supports

proposals subject to the development providing any necessary improvements to the site access and where adequate off road parking provision is provided for at the site.

- 8.4.18 The proposal reconfigures the existing vehicular access from Gaddesby Lane, which is an unclassified adopted highway. Gaddesby Lane has a width of 4.1 metres at the site entrance and is subject to a 7.5t weight restriction and the national speed limit. The proposals include widening the access to 7.5 metres, with gates set back in excess of 11 metres from the main carriageway edge of Gaddesby Lane.
- 8.4.19 Appropriate visibility splays are demonstrated on a submitted plan by the applicant to ensure the safe access and egress of vehicles to and from the site. There is adequate off-road parking provided within the site on the area of hardstanding around which the agricultural buildings are located.
- 8.4.20 The Local Highways Authority have assessed the submitted plans, reviewed the Personal Injury Collision (PIC) data in the area, the likely level of trips to be generated by the site and the internal layout. They advise that the proposed access changes to the site are acceptable and the proposed change of use of the agricultural building would not, in their view, represent a significant increase in the number of vehicles accessing the site.
- 8.4.21 The proposed development therefore accords with Policy IN2 of the Melton Local Plan, Policy T1 of the Gaddesby Neighbourhood Plan and the standing advice of the Local Highways Authority. Conditions are recommended to ensure the parking provision at the site is made available for use prior to the first use of the development. In addition, any trees at the entrance to the site will be protected and appropriately conditioned.

Impact upon Neighbour Amenity

- 8.4.22 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbouring properties. Currently there is a degree of security lighting at the site due to its location within open countryside due to the separation distances between development and the nearest dwelling to the site.
- 8.4.23 The site benefits from an existing water supply and electricity is generated via a solar system. A generator is proposed to provide additional electricity at the site when required as there is no mains electricity at the site. The installation of a generator at the site does not require the benefit of planning consent and could be installed within the current building. Any noise nuisance complaints are a matter for Environmental Health to investigate should this be necessary, however due to the separation distances between the barn and the nearest dwelling, it is not considered that occasional use of a generator would be harmful.
- 8.4.24 External and internal lighting of the building is proposed for security purposes and for animal welfare. It is proposed that any external lights within the built form of the agricultural holding will be downward facing to minimise any potential light pollution. This can be conditioned as part of any decision if it is considered necessary to make the development acceptable.
- 8.4.25 It is considered that the proposal would not result in any material increase in the impacts on amenity of neighbouring properties due to the considerable separation distance. As such, the proposal is considered to comply with policy D1 of the Melton Local Plan.

9 CONCLUSION FOR RECOMMENDATION

- 9.1 The application is recommended for approval.
- 9.2 The proposal accords with the requirements of Policies SS1 and SS2 which seek to restrict development within the open countryside to that which is necessary. The site is part of an existing agricultural unit which is considered an acceptable use consistent with this rural location. The principle of the development is acceptable.
- 9.3 The existing building will form a mixed use for agricultural storage and for the housing of livestock. The only change in respect of the building are external alterations to allow for animal welfare and represent minimal changes to the external appearance of the existing building. The proposal is considered to comply with policy D1 of the Melton Local Plan.
- 9.4 The proposed alterations to the access are acceptable and the proposed development is not considered to result in a significant impact upon highway safety. A safe and suitable access is achieved and there is adequate parking and turning space within the site for the agricultural use proposed. The application therefore meets the requirements of policies IN2 of the Melton Local Plan and T1 of the Gaddesby Neighbourhood Plan.
- 9.5 The existing earth bund is mitigated by the proposed landscaping scheme, and is largely screened from view by the existing building and hedgerow which mitigates the impact of it upon View 7 of the Gaddesby Neighbourhood Plan. Whilst the bund is large, the grass seeding will ensure any visual impact upon the landscape character of the area is minimised to an acceptable level, when viewed from the public vantage point to the west and the established hedgerows which form the boundaries of the site.
- 9.6 Additional suitable mitigations and enhancements by way of planting and post and rail fence are proposed to limit the impact of the development on views into the site from Gaddesby Lane. Additionally, a native hedgerow is proposed to be planted alongside the existing farm access track. This will be interspersed with a number of trees to provide additional screening of the earth bund which was created by the necessary groundworks at the site when the agricultural building was constructed.
- 9.7 The proposal is considered to comply with the relevant policies D1, IN2, EC2 and EN1 of the Melton Local Plan and policies ENV7, T1 and BE5 of the Gaddesby Neighbourhood Plan.

10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:
- Proposed Layout Plan (04.01.2022)
 - Earth Bund Plan (04.01.2022)

- 22.1721.001 Landscape Mitigation Proposal
- 23.040.02 Vehicle Access Analysis
- 28043-SK04 Rev A Proposed Scheme

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

10.3 The materials to be used on the external elevations of the proposal shall accord with the approved Planning Drawing Number Proposed Layout Plan received by the Local Planning Authority on 04.01.2022, and details contained within the submitted Application Form.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy D1 of the Melton Local Plan.

10.4 A Proprietary Ridge Ventilation System shall be installed to the ridge of the building in accordance with the detailed within the design statement submitted by SDP Architecture dated the 6th July 2023. This shall be installed on the agricultural building prior to first use of the building for the housing of livestock.

Reason: To ensure the health and wellbeing of livestock is adequately provided for.

10.5 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 'Proposed Scheme' drawing (reference 28043-SK04 Rev. A) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021)

10.6 The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10.0 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

10.7 Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

10.8 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

a) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

b) Details of construction within the RPA or that may impact on the retained trees.

- c) a full specification for the installation of boundary treatment works.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) a specification for scaffolding and ground protection within tree protection zones.
- g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- i) Boundary treatments within the RPA.

Reason: Required prior to commencement of development to satisfy the Local Highway Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, pursuant to section 197 of the Town and Country Planning Act 1990.

Informatives

- 10.9 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.

- 11.12 The applicant's attention is drawn to the reviews and information provided in the Bat, Great crested newt and Barn owl Protocols provided by Natural England on protected species that can be accessed via the following links: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications> and <https://www.gov.uk/guidance/bats-advice-for-making-planning-decisions> and <https://www.gov.uk/guidance/great-crested-newts-advice-for-making-planning-decisions>

11 Financial Implications

11.1 There are no financial implications associated to this planning application

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

13 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

14 Background Papers

14.1 None

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