



Planning Committee

9 December 2020

Report of: Assistant Director for Planning and Delivery

20/00394/OUT - Field OS 5629, From A606 Nottingham Road To Holwell Lane, Melton Mowbray

Rural workers dwelling and secure workshop storage building (outline - all matters reserved)

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Old Dalby : Councillor Joe Orson
Date of consultation with Ward Member(s):	20 April 2020
Exempt Information:	None

1 Summary

- 1.1 The application site is currently the parcel of land which is situated between the applicant's storage yard for their Tree Surgery Business and Holwell Lane. Access to the existing storage yard is from Holwell Lane and runs through the application site.
- 1.2 This is an outline application (with all matters reserved) for the erection of one rural workers dwelling and a secure workshop/storage building to be occupied and used by the applicant in associated with the existing storage yard for their business.

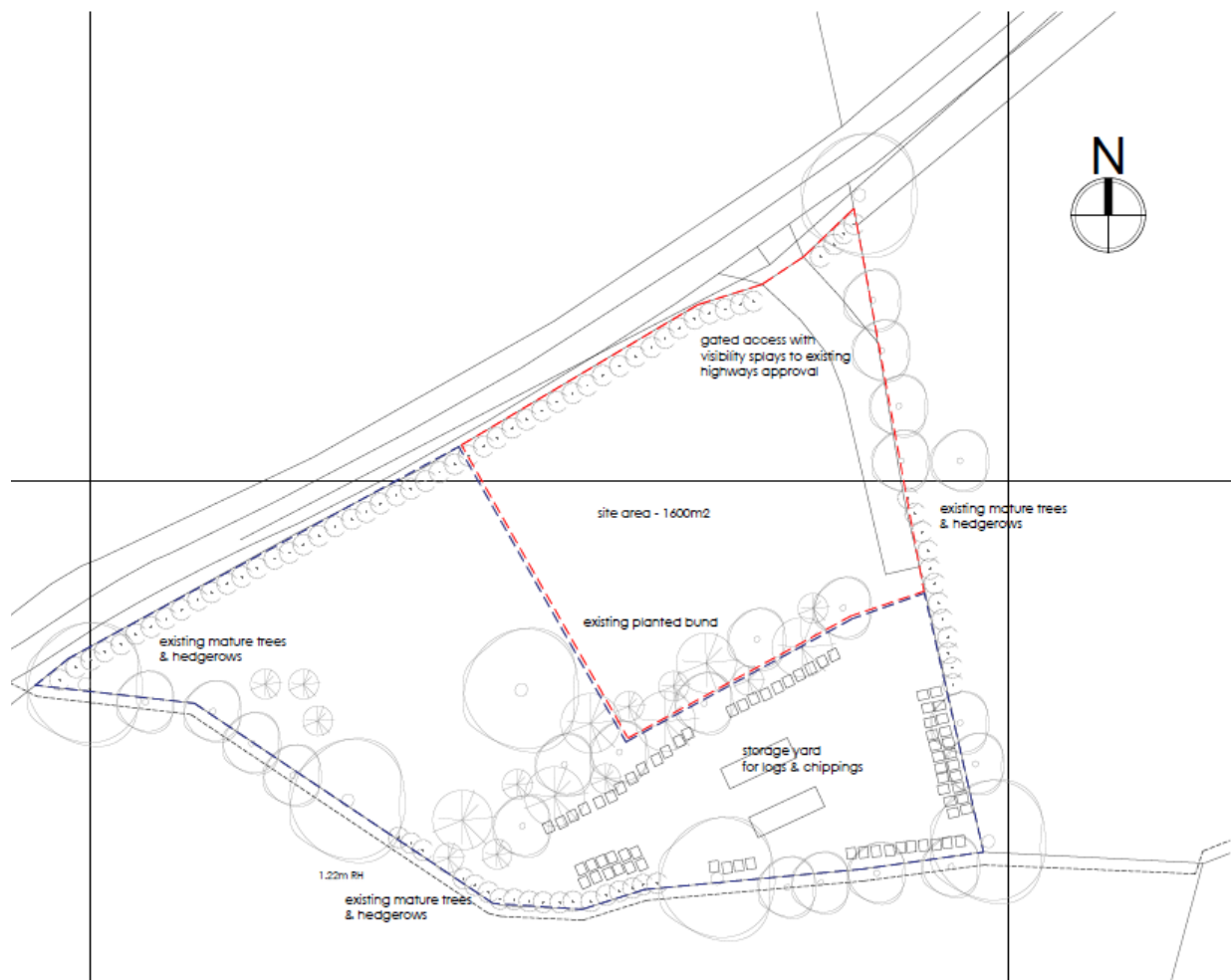
2 Recommendation(s)

2.1 It is recommended that the Planning application is **REFUSED** for the following reason:

1. **The application would lead to the creation of a residential unit in a highly unsustainable location where there are no local amenities, facilities and jobs, and where future residents are highly to dependant on the use of the private car. Insufficient justification for the dwelling has been submitted with the application and no special circumstances have been identified to demonstrate that the dwelling would represent a rural workers dwelling. As such, the proposal is contrary to contrary to Policies SS1, SS2 and D3 of the Melton Local Plan, Policy S1 of the Ab Kettleby Neighbourhood Development Plan and Paragraph 79 of the National Planning Policy Framework.**

3 Reason for Recommendations

- 3.1 Policies SS1, SS2 of the Melton Local Plan and Policy S1 of the Ab Kettleby Neighbourhood Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. New residential development within the open countryside would not normally be acceptable given the unsustainable nature of the location where occupiers are highly reliant on the use of the private car.
- 3.2 Policy D3 of the Melton Local Plan states that proposals for the development/creation of agricultural/forestry and other rural workers dwellings will be granted so long as it meets certain specific requirements. Paragraph 79 of the NPPF provides further guidance on this stating that planning policies and decisions should avoid the development of isolated homes in the countryside unless (amongst other exceptions) there is an **essential need** for a rural worker, to live permanently at or near their place of work in the countryside.
- 3.3 The justification and appraisal submitted by the applicant to support the proposal has been independently externally assessed against Policy D3 of the Melton Local Plan and the NPPF and associated guidance and is found not to meet the requirements of essential need for the applicant to live at the business site and as such, the proposal is considered to be contrary to aforementioned Policies.



4 Key Factors

4.1 Reason for Committee Determination

4.1.1 The application is required to be presented to the Committee due to receiving 10 letters of representation which are contrary to the recommendation.

4.2 Relevant Policies

4.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.2.3 The Ab Kettleby Neighbourhood Plan was made on 12th November 2019.

4.2.4 Please see Appendix D for a list of all applicable policies

4.3 Main Issues

4.3.1 The main issues for this application are considered to be:

- Principle of development; compliance with Development Plan Policies.
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking
- Ecology

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The site lies in an isolated location on land that would be defined as open countryside. Given the location of the site, Policies SS1 and SS2 of the Melton Local Plan and Policy S1 of the Neighbourhood Plan apply. In addition to this, the development seeks consent for a Rural Workers Dwelling and as such Policy D3 of the Melton Local Plan is relevant.

5.1.2 Policy SS2 of the Melton Local Plan sets out the development strategy for the Borough for housing and employment and states that within the open countryside, new development will be restricted to that which is necessary and appropriate in the open countryside development will be distributed across the Borough in accordance with the spatial strategy.

5.1.3 Policy S1 of the Neighbourhood Plan states that land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

5.1.4 Policy D3 of the Melton Local Plan Proposals for the development/creation of agricultural/forestry and other rural workers dwellings will be granted so long as it meets certain specific and strict criteria.

5.1.5 Other material considerations are the National Planning Policy Framework (NPPF), especially Paragraph 79 which states that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

5.2 Principle of Development

- 5.2.1 As stated above, the site lies detached and isolated from any settlement and as such the site is in an unsustainable location. The building is particularly isolated and served by the single width Holwell Lane. The creation of a residential unit in an unsustainable location would not normally meet the provisions of Policies SS1 and SS2 of the Melton Local Plan and Policy S1 of the Neighbourhood Plan.
- 5.2.2 However Policy D3 of the Melton Local Plan relates to the development of new rural worker dwellings, as is proposed in this application (as well as a storage/workshop building for the existing yard).
- 5.2.3 Policy D3 states the following:

“Proposals for the development/creation of agricultural/forestry and other rural workers dwellings will be granted so long as it is demonstrated that:

- A. The proposal can be proven to be economically viable.
- B. The need for the labour is essential, permanent and full time.
- C. The necessity for workers to live on or in close proximity to the premises can be adequately demonstrated.
- D. It can be shown that there are no existing dwellings that could meet the requirements of the enterprise near to the premises which would be available and suitable.
- E. That the proposal is close to the agricultural/forestry operation, and in circumstances where this cannot be achieved, the development must be in a logical location which will not have a detrimental impact on the landscape and amenity.
- F. That the development of a new dwelling would not provide an obvious opportunity for infill development.
- G. That the design of the dwelling, including scale, materials and curtilage would be in keeping with design Policy D1.
- H. That satisfactory access and services can be provided.
- I. That public sector expenditure on the provision of infrastructure will not be required.
- J. Applications for agricultural / rural workers’ dwellings should be of an appropriate size and scale. Applications for dwellings with extensive facilities which are deemed to be excessive and beyond the remit of the operation will be refused.”

- 5.2.4 The application has been supported by a case that the proposed dwelling is required for the following reasons
- Dwelling is required for expansion of the business and retention and investing in new machinery and staff
 - For safety and security of the existing yard

- Business would be more efficient with less vehicle trips between the applicant's current dwelling and the storage yard
 - No continuing noise impacts upon the existing neighbouring properties at the applicant's current dwelling
 - Provide welfare areas for staff to use and also training facilities for ongoing assessments
- 5.2.5 Financial information for the last 3 years has been provided to support the applicant's case showing that the business is economically viable and financially sound.
- 5.2.6 Following the submission of the above information, officer concerns were raised, especially when taking into consideration the relevant points of Policy D3, as explained here.
- 5.2.7 Whilst the benefits of a reduction of vehicle trips and efficiency are noted, this would not be a reason that demonstrates there is a necessity for a worker to live on the site, as required by Point C of Policy D3.
- 5.2.8 The storage yard has a permitted use (permission approved in 2010) and therefore works, training and storage of machinery can take place at the storage yard. However as works, training and assessments would take place during the day, then there is concerns as to why the applicant is needed to stay overnight at the site.
- 5.2.9 Whilst it is also noted that activities would take place at the site and the applicant has advised that the business would be able to develop further with improved training, the core of the business activity of tree surgery would be undertaken off site. As such, it is considered that it has not been proven that the activity undertaken on site would generate an essential need for a full time worker.
- 5.2.10 Security concerns have also been cited as amounting to a requirement to live at the property following a number of incidents overnight, however further information has not been provided as to whether other means of security could be introduced to safeguard against this. Notwithstanding this, security is not considered to be sufficient reason on its own to be justification for a permanent worker to live at the site.
- 5.2.11 Following these concerns, the Council sought an independent review of the information submitted by the applicant and it was concluded that the proposal would not meet the provisions of Policy D3. The conclusions of the external review are copied here:
- It is noted that whilst Field OS 5629 provides storage facilities for the business, with the proposal for this to be expanded upon and for it to become the operational base of the business, the primary income generated relates to off-site activity.
 - Whilst it is appreciated that the staff employed by the business are essential for it to operate, we would question whether it has been proven that the activity undertaken on site generates an essential need for a full time worker.
 - Whilst it is understood that some timber processing will be undertaken on site, it is not considered that these would justify a residential presence.
 - Security is a genuine concern for any rural business. It is understood that there has been more than one incident of theft and damage to the storage containers at Field OS 5629, and some supporting evidence of this has been

provided. Some security measures have been implemented such as security fencing around the timber storage area, wildlife cameras and alarms on the storage containers. Whilst it is noted that some security measures have been implemented, there is the possibility for other measures to be considered and implemented (it is noted that the erection of a secure storage building is proposed). Security is a consideration when assessing essential need, although is not, in isolation, considered to be justification for an onsite residential presence.

- It is considered that that the 'need' identified by the Applicant, essentially relates to the operational requirements of the business. We do not consider that an essential need for an onsite residential presence has been proven.

5.2.12 As such, based on the concerns raised and the comments received from the agricultural review of the application, it is not considered that the applicant has a proven and essential need for a rural workers dwelling. Therefore **the principle of development is not supported and it is considered that the proposal would be contrary to Policies SS1, SS2, D3 of the Melton Local Plan and Policy S1 of the Neighbourhood Plan.**

5.3 Impact upon the character of the area

- 5.3.1 The location of the site is within the open countryside and fronts onto Holwell Lane, a single width rural lane with very limited development. It is proposed to erect a dwelling and a storage/workshop building within the parcel of land between the existing storage yard and Holwell Lane.
- 5.3.2 Policy D3 requires development to be visually acceptable, Policy EN1 relates to the landscape and Policy D1 aims to raise the standard of design.
- 5.3.3 Policy D4 of the Neighbourhood Plan states that new dwellings will be supported where the proposal meets certain design criteria.
- 5.3.4 This application proposes the erection of 1 dwelling and one small storage workshop building, outline with all matters. An indicative layout plan has been provided which shows the proposed dwelling set back from Holwell Lane behind the existing native hedgerow which fronts the site with Holwell Lane. The Small storage/workshop building is then proposed to be sited between the dwelling and the existing yard. From the indicative plan provided it appears that the site is of a sufficient size to accommodate the proposed development without adversely impacting upon the wider character of the area.
- 5.3.5 The existing hedgerow fronting the site is considered to help screen the development from Holwell Lane and also the adjacent public footpath which runs adjacent to the site.
- 5.3.6 Given the location within the open countryside, it is recommended that the proposed dwelling and storage building are restricted to single storey height only, to prevent any adverse impact upon the character of the area. This could be secured by condition if the application is approved.
- 5.3.7 The application would not conflict with the provisions of Policies EN1 or EN6 and would not result in the loss of high quality farm land.
- 5.3.8 The application would also not conflict with the provisions of Policies ENV1, ENV2, ENV3, ENV6 of the Neighbourhood Plan.

- 5.3.9 **As such, the proposal complies with the above policies and guidance in respect of impact upon the character and landscape. Details of access, appearance, layout, scale and landscaping are reserved for future consideration.**
- 5.4 **Impact upon Residential Amenities**
- 5.4.1 The application site sits on currently undeveloped land in the open countryside. There are no neighbouring properties in the vicinity of the site and sufficient amenity space would be able to be provided for the occupiers of the future dwelling.
- 5.4.2 Given that the applicant is the owner of the storage yard and the dwelling would be conditioned so as to be occupied by the owner of the business, the occupiers of the development would not be adversely impacted from noise from adjacent land uses.
- 5.4.3 As such, the **proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan and Policy H3 of the Neighbourhood Plan.**
- 5.5 **Highway Safety**
- 5.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements. Policy H3 of the Neighbourhood Plan states that development should provide safe vehicle access to the site and Policy H4 states that adequate off-road parking should be provided as a minimum of two car parking spaces for properties with up to three bedrooms and three spaces for dwellings of up to four bedrooms or more.
- 5.5.2 Although access is a matter not for approval, the applicant has indicated and it is expected that access to the proposed development would be via the existing access onto Holwell Lane.
- 5.5.3 The indicative plan provided shows that the access point onto Holwell Lane is to have a width of 6 metres for a distance of 15 metres and will therefore be in accordance with the Leicestershire Highways Design Guide.
- 5.5.4 Visibility from the access point is satisfactory for the speed limit of the road eastwards, however westwards, visibility can only be achieved for 120 metres which is in shortfall of the 215 metres required. However, with the existing access being currently in use, the bend in the road making vehicles naturally slow down for the curve and the fact that there have been no Personal Injury Collisions recorded in the last 5 years within 500 metres west of the access, the provision of vehicular visibility splay of 2.4 metres by 120 metres to the west is found to be acceptable in this circumstance taking everything into consideration.
- 5.5.5 The applicant has advised that by virtue of the proposed development, there will be a reduction in the number of trips generated by 11-15 trips per day. As such, although Holwell Lane is a narrow, single track road, the proposal is unlikely to result in a severe impact on the public highway.
- 5.5.6 Parking and turning areas would be able to be provided within site in accordance with the Leicestershire Highways Design Guide and Policy H4 of the Neighbourhood Plan with full details to be provided at reserved matters stage.

5.5.7 **As such, subject to conditions the proposal would be acceptable in highway safety terms.**

5.6 Ecology

5.6.1 An assessment of the quality of the grassland on the application site has been submitted in support of the application (CBE Consulting, July 2020).

5.6.2 The species recorded on site indicates that the site does have some botanical value, but it does not meet the criteria for a Local Wildlife Site as only 4 indicator species were recorded

5.6.3 **As such, no objections are raised on the grounds of ecology or biodiversity.**

6 Impact on Infrastructure

6.1 None.

7 Consultation & Feedback

7.1 A site notice was posted in the vicinity of the site. 18 letters support the application were received.

8 Financial Implications

8.1 None.

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

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

Legal Implications reviewed by: Deputy Monitoring Officer

10 Background Papers

10.1 10/00460/COU - Change of use for storage of logs and creation of bund and track – Permitted - 16.08.2010

11 Appendices

A: Summary of Statutory Consultation responses

B: Summary of representations received

C: Reason for Refusal

D: List of applicable Development Plan policies

Report Author:	Andrew Cunningham , Planning Officer
Report Author Contact Details:	01664 502474 ancunningham@melton.gov.uk
Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery
Chief Officer Contact Details:	01664 502359 jworley@melton.gov.uk

Appendix A : Consultation replies summary

Parish Council:

The Parish Council wishes to raise an objection to the application on the grounds that it is contrary to the Neighbourhood Plan. Notwithstanding the case made by the business owner to be nearer his storage facility, it is considered that an isolated dwelling in the open countryside is not in keeping with conserving the rural nature of the parish.

LCC Ecology

No objection.

LCC Highways

No objection subject to conditions.

Appendix B : Summary of representations received

Neighbours:

18 letters of support have been received raising the following points:

- Improved security
- Expansion of business and workforce/job retention
- Reduce fly-tipping
- Reduce trespassing
- Would not detract from the countryside location
- Would be in keeping with the surrounding area
- Current noise impacts upon neighbours would be reduced
- Reduction of traffic using Holwell Lane and also reduction in traffic using the Potters Hill and Nottingham Road junction.

Appendix C: Reason for Refusal

1. The application would lead to the creation of a residential unit in a highly unsustainable location where there are no local amenities, facilities and jobs, and where future residents are highly dependant on the use of the private car. Insufficient justification for the dwelling has been submitted with the application and no special circumstances have been identified to demonstrate that the dwelling would represent a rural workers dwelling. As such, the proposal is contrary to Policies SS1, SS2 and D3 of the Melton Local Plan, Policy S1 of the Ab Kettleby Neighbourhood Development Plan and Paragraph 79 of the National Planning Policy Framework.

Appendix D : Applicable Development Plan Policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.

- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design
- Policy D3 Agricultural Workers' Dwelling
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development

Ab Kettleby Neighbourhood Plan

- Policy S1: Limits to Development
- Policy H3: Windfall Sites
- Policy H4: Housing Design
- Policy ENV1: Local Green Space
- Policy ENV2: Protection of Sites and Features of Environmental Significance
- Policy ENV3: Important Open Space
- Policy ENV6: Ridge and Furrow
- Policy T1: Traffic Management