



Development Management Performance Report 2020/2021

Corporate Priority:	All
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 The purpose of the report is to advise the Committee of current national performance indicator outcomes related to the determination of planning applications for April 2020 to March 2021.
- 1.2 This report relates to the Corporate Performance reports considered quarterly by Cabinet and Scrutiny Committee. It provides more detail and builds upon the key Corporate Performance Indicators that feature in those reports but also provides additional information on other aspects of the performance and delivery of Development Management work and outcomes.

RECOMMENDATION

It is recommended that the committee notes the current performance data

2 Reason for Recommendations

- 2.1 The Committee requires oversight of performance against various indicators and particularly if the risk of MHCLG intervention is possible (see details below).
- 2.2 The report also allows for impacts arising from the current operating environment and when applicable those arising from changes to procedures.
- 2.3 Appeals data is regarded a measure of decision making 'quality' but also provides valuable reflecting and learning regarding to interpretation and effectiveness of policies.

3 Growth and Infrastructure Act

3.1.1 The Growth and Infrastructure Act 2013 put in place Performance Standards, known as the 'Planning Guarantee'. However, this was updated on 22 November 2016 with a new paper entitled 'improving planning performance: Criteria for designation (revised 2018).

3.1.2 This states that the performance of Local Planning Authorities in determining major and non-major developments will now be assessed separately, meaning that an authority could be designated on the basis of its performance in determining applications for major development, applications for non-major development, or both. The assessment for each of these two categories of development will be against two separate measures of performance:

- The speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
- The quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

3.1.3 Therefore, the performance of local planning authorities will be assessed separately against:

- The speed of determining applications for major development;
- The quality of decisions made by the authority on applications for major development;
- The speed of determining applications for non-major development;
- The quality of decisions made by the authority on applications for non-major development.

3.1.4 Where an authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated.

3.1.5 Data showing the performance of local planning authorities against the speed and quality measures are published by the Department for Communities, Housing and Local Government on a quarterly basis. The Secretary of State will aim to decide whether any designations should be made in the first quarter of each calendar year, based on the assessment periods for each measure set out in the table below.

3.2 Measures of Performance Outcomes and Current Position

3.2.1 Speed of decisions

The table below shows the Council's recent and current performance on speed of decisions.

	2019-20 Whole Year	2020-21 Quarter 1	2020-21 Quarter 2	2020-21 Quarter 3	2020-21 Quarter 4	2020-21 Whole Year
% 'major' applications determined in 13 weeks, or within agreed period.	92%	100%	67%	80%	80%	82%
% 'minor' applications determined in 8 weeks, or within agreed period.	88%	97%	90%	89%	70%	87%

3.2.2 Planning application performance overall for Year end of 2020-21 shows a consistent above average performance in minor applications alongside a consistently high performance in major applications and again takes the Authority well above the National target of 60% for Majors and 70% for Minors with the Authority.

3.2.3 Whilst the amount has decreased this year the total averaged over the whole year is 82% for majors which shows a second strong year for the Planning Team. Minors have remained above average at 87% for the year, again a very good result for the overall period of 2020-2021.

3.2.4 Major planning applications continue to consume considerable time and input as negotiations are carried out to secure better physical outcomes in terms of design and layout, and secure developer contributions for strategic and local infrastructure.

3.2.5 Performance for 'minors' has dropped slightly to 70% this quarter; however this remains well in excess of the national target. Though smaller in scale many applications are controversial in their own right and require careful negotiation for design improvements.

3.3 Quality of decisions (appeal record)

3.3.1 The outcome of appeals is regarded as a principal measure of decision making quality, being the means by which decisions are individually scrutinised and reviewed.

Indicator	2017/18	2018/19	2019/20	2020/21
Percentage of appeals against refused applications dismissed	72%	54%	73%	69%

3.3.2 Performance for the last year maintained an above average percentage and has averaged out at 69% again well above the National target of 10%.

3.3.3 It is hoped that appeal decisions will continue at the higher level and performance continues for the 2021/2022 period and subsequent reports will monitor this performance.

3.4 Appeals by decision background

3.4.1 The table below indicates the Council's appeal record for the year, with key information associated with a selection of the appeals detailed in Appendix 1 below.

Decision type	No. of appeals dismissed	No. of appeals allowed
Delegated	10	1
Committee, in accordance with recommendation	0	1
Committee, departure from recommendation	0	3

4 Workload profile and key outcomes

4.1 The year as a whole has seen an increase in demand for the service, in 2019/20 the department received 1394 pieces of work, in 2020/21 this has increased to 1554 a breakdown of applications received into categories for this period is below.

Category	Number
Largescale Major Dwellings	28
Largescale Major General industrial/Storage	2
All other largescale major developments	9
Minor Dwellings	104
Minor General Industrial/Storage	8
Minor Retail	3
Minor Gypsy and Pitches	2
All other minor developments	92
Change of Use	17
Householder Developments	254
Advertisements	8
Listed Building consents	33
Certificates of lawful development	16
Notifications	44
GDO Applications	54

EIA Screening Opinion	3
Trees	249
Discharge of conditions	79
Consultations from other authorities	9
Pre-Application Enquiries and others	540
Total applications received	1554

4.2 The team have begun a soft launch of the implementation to the changes identified within the Planning Service Review in May and are trialling the changes made. Workshops and presentations have been arranged in June and July for Members along with separate dedicated sessions to Planning Committee members and additional presentations for customers and stakeholders.

4.3 **Delivery and outcomes**

4.3.1 In 2020/21 housing supply continued to be strong. 310 houses were completed. This is down slightly on the previous year (334), but considered positive in the light of Brexit/Covid etc. It goes towards closing the gap on the historic shortfall which arose from under delivery in earlier years and represents a major boost to supply as required by the NPPF.

4.3.2 90 Affordable Houses were constructed within the period, as above, considerably increasing supply compared to earlier years. This performance demonstrates the benefits of having an adopted Local Plan and robust negotiation on affordable housing. Within the total quantity, there are numerous examples of a variety of housing mix and affordable housing tenures, thus enabling us to assist with a wide range of housing needs.

4.3.3 It is notable that there have been no examples in 2020/21 of ‘concessions’ on the quantity of affordable housing based on viability or other arguments, and the obligations secured include some examples of achieving levels higher than policy requirements.

4.4 **Design and development outcomes**

4.4.1 The focus on the quality of development continues with the key tool to secure improvements being ‘design review’ workshops (also referred to as ‘community engagement’ workshops) facilitated by the Chair and Officers, including Ward Members and other local representatives. Very significant improvements to design and layout considerations have been secured, of which examples include:

- Community infrastructure contributions and layout optimisation in relation to application 19/01302/FUL Land West of Main Street Stathern.
- Retention of the workhouse block and re-use of part of the fabric and features of the Vagrant Cells (Thorpe Rd) that exist on site have been secured as a means of commemoration and interpretation of their presence on the site and their role in the history of Melton Mowbray.
- 19/00859/FUL : a revised submission was secured which positively responded to the comments and concerns of the community in relation to layout and design of the development.

- Improvements made to the layout and design of 20/00775/REM along with additional off street parking secured.

4.5 Complaints and compliments

4.5.1 Complaint and compliments are reported and the following is a summary of the year.

SERVICE AREA	POLARITY	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4
Planning	Low is Good	9	8	0	3

4.5.2 The level of complaint is of concern, both as a quantity and in terms of their prevalence when considered in a corporate perspective. Complaints are analysed not only in terms of their number, but their subject matter in order to identify procedural, systemic or behavioural shortcomings.

4.5.3 The majority of complaints have challenged decisions made by the Planning Authority. None were upheld as the decisions concerned were made in accordance with the discretion afforded by the law, and in accordance with processes and procedures. However there is a concerning theme regarding speed and adequacy of responses and the Service is continuing to make improvements to its internal processes/procedures in response to feedback received.

4.6 Future Corporate Measures

4.6.1 New corporate measures have been included for Development Management to complement the outcomes of the service and focus on quality and customer satisfaction.

4.6.2 These measures include

- % applications that are invalid will measure whether recent changes to how we validate planning applications has broken through delays at this traditional “bottleneck” and will aid improvement of service efficiency .
- % applications that are approved first time will measure whether we are being able to overcome problems and negotiate improvements to planning submissions to bring them to a standard able to be approved.
- Applicant satisfaction (from a questionnaire that is being composed) which measure customer satisfaction and the % of total responses which are satisfied or very satisfied.
- Community Satisfaction with planning service will measure whether the community are satisfied with the outcomes being produced by planning decisions.

4.6.3 These measures began in April and the outcomes will be reported in future reports.

4.7 Service level measures

4.7.1 A further suite of measures to analyse the workload and serviced level trends of the service is being developed and will also feature in future reports. These are considered important in order that we can accurately understand the impact made by the Planning Service Review and respond quickly to systemic issues and fluctuation in workload trends and demands.

5 Options considered

5.1 None - for information only

6 Consultation

6.1 No public consultation has been undertaken

7 Next Steps – Implementation and Communication

7.1 None proposed

8 Financial Implications

8.1 Section 106 developer contributions

8.2 Contributions were secured during the period 2020/2021 with a combined value of in excess of £16 million. This represents a 100% success rate of obligations requested, and includes examples where a case for reduction was made but was successfully challenged and resisted. Notable within these cases are the very significant sums towards strategic highways and education infrastructure.

18/00359/OUT Land At Melton North Nottingham Road Melton Mowbray Signed 14.12.2020 Total contribution £6,388,313.35		
Education	LCC	£2,861,457
Strategic Road (MMDR)	LCC	£2,509,368
Melton Healthcare Facilities	CCG	£182,592
Highways Contribution	LCC	£123,977.06
Library	LCC	£8,600
Melton Country Park	MBC	£25,000.00
SCOOT Validation	LCC	£6,000.00
Sustainable Transport	LCC	£315,215
Travel Pack	LCC	£15,326.50
Travel Plan	LCC	£6,000.00
TRO	LCC	£7,500.00
Bus Passes (4 tranches)	LCC	£295,800
Monitoring (LCC)	LCC	£7,250.00
Monitoring (MBC)	MBC	£250.00
18/00769/OUT Land at Melton North Scalford Road Melton Mowbray Signed 31.07.2020 Total contribution £8,912,785.86		
Strategic Road (MMDR)	LCC	£3,461,200
Education Contribution	LCC	£3,658,836

Melton Healthcare Facilities	CCG	£251,852
Civic Amenity	LCC	£33,064
Melton Country Park	MBC	£25,000
Highways	LCC	£171,002.86
Library	LCC	£12,070
SCOOT Validation	LCC	£6,000.00
Bus Pass	LCC	£408,000
Travel Pack	LCC	£21,140
Travel Plan	LCC	£6,000.00
TRO	LCC	£7,500.00
Monitoring (LCC)	LCC	£10,000.00
Monitoring (MBC)	MBC	£250.00

19/00859/OUT

Canal Lane Hose

Signed 27.01.2021

Total contribution £168,986.27

Bus Pass	LCC	£34,680.00
Bus Stop	LCC	£10,920.00
Civic Amenity	LCC	£2,810.00
Long Clawson Medical Practice	CCG	£10,308.04
Library	LCC	£1,030.00
Belvoir High School	LCC	£50,768.33
		£50,768.32
Travel Pack	LCC	£1,796.90
Monitoring (LCC)	LCC	£5,904.68

19/00909/OUT

Land at St Mary's Hospital Melton Mowbray

Signed 19.01.2021

Total contribution £638,920.50

Education	LCC	£571,423
Library	LCC	£1,420.00
Melton Healthcare Facilities	CCG	£9,660.25
Bus Pass	LCC	£46,920.00
Civic Amenity	LCC	£3,637.00
Travel Pack	LCC	£2,431.10
Monitoring (LCC)	LCC	£3,129.15
Monitoring (MBC)	MBC	£300.00

20/00102/FUL		
Southfields Farm Church Lane Somerby		
Signed 18.02.2021		
Total contribution £106,952.60		
Somerby Primary School	LCC	£43,776.00
John Ferneley and/or Long Field	LCC	£62,576.60
Monitoring (LCC)	LCC	£300.00
Monitoring (MBC)	MBC	£300.00
Total contributions secured £16,215,958.58		

8.3 8 contributions were received during the period 2020/2021

Planning Application	Address	Contribution type	Amount	Received Date	Status
13/00497/FUL	Field No. 3310 Scaford Road Melton Mowbray	Police	£46,788.84	04/06/2020	Transferred to the Police
13/00877/OUT	King Edward VII Upper School, Melton Mowbray	Police	£51,653.71	12/03/2021	Transferred to the Police
14/00808/OUT	Field No 3968 Melton Spinney Road Thorpe Arnold	Melton Country Park	£10,309.31	21/12/2020	Assigned to budget
15/00178/FUL	Field No. 3310 Scaford Road Melton Mowbray	Community facilities	£8,991.00	04/06/2020	Assigned to budget
15/00933/FUL	Langar Lane, Harby	Harby Village Hall	£8,311.50	15/02/2021	Being transferred to Village Hall committee
16/00577/FUL	Main Road Nether Broughton	Nether Broughton Village Hall	£4,606.25	01/06/2020	Transferred to Broughton and Dalby Parish Council
16/00847/OUT	33 Melton Road, Waltham	Welby Practice Healthcare	£27,900.00	04/03/2021	Being transferred to CCG
17/00641/OUT	Normanton Lane Bottesford	Pedestrian Crossing	£13,097.14	26/03/2021	Being transferred to Network Rail
Total Contributions received by MBC £209,789.43 for MBC and transfer to other bodies					

Financial Implications reviewed by: Director for Corporate services

9 Legal and Governance Implications

- 9.1 The Local Planning Authorities are required by law to submit their quarterly performance results to The Ministry of Housing, communities and Local Government, which collect information about the range of district matter applications that local planning authorities handle when exercising their development management functions.
- 9.2 The figures collected are summarised and published as National Statistics in MHCLG’s planning application statistics quarterly statistical release and in a range of associated live tables, available at <https://www.gov.uk/government/collections/planning-applications-statistics>.
- 9.3 The statistics are used by central government to monitor planning policies and performance, and by a wide range of other users, including local authorities, academics and the general public.

**Legal Implications reviewed by: Natasha Taylor – Deputy Monitoring Officer
25.05.21**

10 Background Papers

10.1 Application files relating to appeal decisions in Appendix A:

- 19/00176/FUL
- 19/00561/FUL
- 19/00882/FUL
- 18/01230/FUL
- 19/00273/OUT
- 19/00939/FUL
- 19/01017/VAC
- 19/01311/GDOCOU
- 19/00676/FUL
- 18/01090/CL
- 19/00741/FUL
- 19/00066/OUT
- 19/00071/FUL
- 20/00192/FUL
- 19/01008/FUL
- 19/01193/OUT
- 20/00823/FULHH

11 Appendices

11.1 A : Summary of Appeal decisions

Report Author:	Louise Parker , Planning Development Manager
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Appendix A : Summary of Appeal Decisions

Application Reference:	19/00176/FUL
Proposal:	Alteration and extension of existing split level property to form 2 no separate dwellings with independent off street car parking and rear gardens.
Address:	Cross Patch 6 Cross Lane Burton Lazars LE14 2UH
Level of Decision:	Delegated Decision
Appeal Decision:	Dismissed
Reason for refusal:	<ul style="list-style-type: none"> • Unsustainable • Visual • Residential Amenity
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/17FE657BAF13C20F4BCEF2478E2B9272/pdf/19_00176_FUL-Appeal_Decision_14.4.20-1002820.pdf
Summary:	<ul style="list-style-type: none"> • Main Issues <ul style="list-style-type: none"> • Whether the proposal would be in a suitable location for housing with regard to the accessibility of services and proven local need • The effect on the character and appearance of the area • And the effect on the living conditions of the occupiers of the neighbouring properties by way of visual impact, outlook and privacy. • Concluded that the proposal would not be in a suitable location for housing with regard to the accessibility of infrastructure and services, furthermore, the proposal would not meet a proven local need. Accordingly, in these regards it would conflict with MBLP Policy SS3 and its approach to housing development on unallocated site in rural settlements which seeks to improve the sustainability of rural areas. • Overall found that the proposal would represent a cramped and incongruous form of development, unacceptably harmful to the character and appearance of the area contrary to MBLP Policy D1. • The proposal would have an unacceptable impact on the living conditions of the occupiers of No16 by virtue of its overbearing impact contrary to MBLP Policy D1.
Application Reference:	19/00561/FUL
Proposal:	Proposal is to build a 2 bedroom dwelling with off road parking
Address:	Athelstan House 1 Saxons Lea Pickwell LE14 2PL
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	

- Unsustainable Location
- Cramped form of development

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

Summary:

- Main Issues
 - Whether the site is suitable for residential development having regard to its location and proximity to shops, services and facilities and linked to this, whether there is a proven local need for the proposed development; and
 - The effect of the proposed development upon the character and appearance of the street scene.
- The site would not be a suitable location for residential development and there is no proven local need for the proposal. The proposal would be contrary to policies SS1, SS2 and SS3 of the LP which aims to direct residential development towards the most suitable settlements.
- The proposed development would harm the character and appearance of the street scene and would consequently be contrary to Policy D1 of the LP. The proposal would also be contrary to the Framework which looks to ensure proposals are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Application Reference:	19/00882/FUL
Proposal:	Erection of single dwelling and creation of new access with demolition of existing building.
Address:	Land adjacent 32 New Road Burton Lazars
Level of Decision:	Delegated
Appeal Decision:	Dismissed

Reason for refusal:

- Unsustainable location

Link to Appeal Decision: <https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVVAW7KOLDF00>

Summary:

- Main issues
 - Whether the appeal site is an appropriate location for new housing having regard to the development plan and relevant national planning policies; and
 - Whether there is a proven local need for housing
- The site is an appropriate location for new housing in accordance with Policy SS2 of the LP and Policy SS3 insofar as it is served by sustainable infrastructure.
- The proposed development would be contrary to Policies SS1 and SS3 of the LP, which, amongst other things, requires there to be a proven local need identify by substantive evidence for new housing in rural settlements.

Application Reference:	18/01230/FUL
Proposal:	Erection of 1.5m high trellis, extension of window down to flat level roof to give access, decking laid from window to parapet (5m) and to the tiled roof (4m)
Address:	4 Main Street Redmile Nottingham NG13 0GA
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	
<ul style="list-style-type: none"> • Residential Amenity 	
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PGHRCOKOHWU00
Summary:	
<ul style="list-style-type: none"> • Main Issues <ul style="list-style-type: none"> • Effect of the development on the living conditions of the occupants of No 1a Post Office Lane (No 1a) with particular regard to privacy. • The development conflicts with Policy D1 of the Melton Local Plan 2011-2036 (2018) which among other things seeks to achieve good design and protect the living conditions of nearby residents. 	

Application Reference:	19/00723/OUT
Proposal:	4no new build dwellings with associated parking and amenity space
Address:	Field OS 0007 Branston Road Eaton
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	
<ul style="list-style-type: none"> • Unsustainable Location 	
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTRLZ3KOKW800
Summary:	
<ul style="list-style-type: none"> • Main Issues <ul style="list-style-type: none"> • Whether the development would accord with relevant local and national policies with regard to location; and, • Whether there is a proven local need for housing in Eaton • The development would not be serviced by sustainable infrastructure and nor would additional infrastructure or services be provided. I conclude therefore that the development would fail to meet the requirements of MLP Policies SS2 and SS3. MLP Policy SS1 is a general policy in line with the National Planning Policy Framework (The Framework) and is less specific than those cited. Moreover, although Paragraph 78 of the Framework states that development in one village might support services in another nearby, there is nothing to suggest that the villages nearby have useful amenities. 	

- There is no proven local need for housing within Eaton of sufficient weight to weigh in favour of the appeal. The development would fail to accord with MLP Policy SS3. Even if it was satisfied that there was a proven housing need, this would not necessarily overcome concerns with regard to the site's location and its accessibility.

Application Reference:	19/00939/FUL
Proposal:	Demolition of existing side porch to 1 Kennet Way and construction of a new two-bedroom house within the curtilage of the property.
Address:	1 Kennet Way Melton Mowbray LE13 0EX
Level of Decision:	Delegated
Appeal Decision:	Withdrawn
Reason for refusal:	<ul style="list-style-type: none"> • Visual Amenity • Character and appearance of surroundings.
Link to Appeal Decision:	N/A
Summary:	<ul style="list-style-type: none"> • N/A

Application Reference:	19/01017/VAC
Proposal:	Variation of Conditions 2 (Proposed Plans – floor plans and elevations in relation to Plots A & B) in respect of previous approval 15/00935/FUL Date of
Address:	Land to South of 1 Tilton Road Tilton road Twyford
Level of Decision:	Delegated
Appeal Decision:	Allowed
Reason for refusal:	<ul style="list-style-type: none"> • Further enlargement of four-bedroom dwelling without a demonstrated proven local need for housing
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/572B2DA506E4EF70C9360FD3E695164A/pdf/19_01017_VAC-Appeal_Decision_10.9.20-1024851.pdf
Summary:	<ul style="list-style-type: none"> • Main Issues <ul style="list-style-type: none"> • Whether the policies of the Melton Borough Local Plan 2011-2036 (2018) (the LP) are relevant in the determination of the appeal and, if so, whether the location of the site would confirm to those policies with specific regard to the mix of housing proposed and whether there is a proven local need for the development; and • If the development fails to comply with the policies of the development plan in those respects, or causes harm in other respects, whether the fall back position afforded by the existing planning permission for 8 dwellings represents a material planning consideration to justify a grant of planning permission. • The 8 dwellings have already been built and the appellant has a realistic fall-back position whereby they could complete the development in accordance with the original planning permission. The housing mix is compliant with policy C3 and the use of the roof space for bedroom accommodation has not altered that position. Consequently, whilst the development may not comply with policy SS3 in terms of the failure to demonstrate a definite local need, there would be no harm to the aims of the development plan arising from the

revised layout of the two plots. There would be no benefit in withholding planning permission when the comparison of the impact of the fall-back scenario is considered and no additional harm would arise.

- The sky lights do not harm the character and appearance of the host dwelling or the street scene, nor do they overlook neighbouring properties and thus there is no harm caused by their installation compared to the originally permitted dwellings. Therefore, the other material considerations that I have identified above outweigh this conflict with the development plan policy and would indicate that planning permission should be granted.

Application Reference:	19/01311/GDOCOU
Proposal:	Conversion of a barn into three dwellings
Address:	Highfileds Farm Station road John O Gaunt LE14 2RE
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	
<ul style="list-style-type: none"> • The proposal does not accord with the limitation of Class Q and is therefore not permitted development. The works required are beyond the scope of Part Q in that the current building is not capable of conversion without works that are beyond those within Part Q. 	
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q1QG9DKO0HK00

Summary:

- Main Issue
 - The main issue in this appeal is whether the proposed development is permitted by Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with particular regard to Paragraph Q(b) building operations reasonably necessary to convert the building.
- The scheme does not propose any demolition, and the building's metal frame, concrete floor and block walls would be retained. It is also noted that the work set out in Class Q can, in some cases, be extensive including replacement or new walls, doors, windows, roofs and utilities. However, the structural alterations required to make the building suitable for conversion would go beyond works reasonably necessary to convert the building permitted and would not meet the requirements of Q (b).
- The appellant has referred to a number of decisions which they suggest are relevant to this appeal relating to steel framed barns and proposals with varying degrees of building operations including demolition, replacement cladding, roofs, new walls and windows and door openings. However, in all of the cases the Inspectors were satisfied that the existing structure was structurally sound and already suitable for conversion and capable of supporting the building operations proposed or that the works were not required to improve the structural integrity of the building. This would not be the case in respect of the appeal building and as such these cases do not lead me to reach a different conclusion in respect of my decision.
- The appellant has referred to the Hibbitt6 judgement. The Hibbitt judgement established that it is a matter of judgement of the decision maker as to where the line is drawn between conversion and a rebuild.

Application Reference:	19/00676/FUL
Proposal:	Erection of new industrial workshop units (Use Class Order B1(c)/B2/B8), the provision of an upgraded gated vehicular access to the whole site, new vehicular turning and parking arrangements and the construction of a new boundary fence with tree/shrub planting behind the fence on the eastern boundary.
Address:	Brooks and Sims Ltd The Workshop Waltham Road Thorpe Arnold
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	<ul style="list-style-type: none"> • Harmful to open and rural character of the area and encroachment of Area of Separation.
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/38AD01EFFF8951DD7C787F7B8A87716F/pdf/19_00676_FUL-Appeal_Decision_1.10.20-1030196.pdf
Summary:	<ul style="list-style-type: none"> • Main Issue <ul style="list-style-type: none"> • The main issue is the effect of the proposal upon the character and appearance of the area. • It is concluded that the proposed development would harm the character and appearance of the area. Consequently, it would be contrary to Policies EN1, D1 and EN4 of the LP which, amongst other things, seeks to ensure new development is sensitive to landscape setting and local distinctiveness; requires high quality design, siting and layout that is sympathetic to the character of the area and reflect the wider context of the local area; and development that maintains the principle of separation between and safeguards their individual character. • It would also be contrary to Policy ENV5 of the NP which amongst other things, seeks to maintain and, wherever, possible enhance the separation of Thorpe Arnold and Melton Mowbray.

Application Reference:	18/01090/CL
Proposal:	Certificate of Lawful Development for the erection of a Log Cabin constructed in excess of four years (Re-submission of 18/00449/CL)
Address:	2 Manor Lane Goadby Marwood Melton Mowbray Leicestershire
Level of Decision:	Committee
Appeal Decision:	Allowed
Reason for refusal:	<ul style="list-style-type: none"> • On the balance of probability the evidence present does not prove that the log cabin subject of this application is immune from enforcement action
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/842038F9D54B32A93394129C7B37F772/pdf/18_01090_CL-Appeal_Decision_15.9.20-1026443.pdf
Summary:	<ul style="list-style-type: none"> • Main Issue <ul style="list-style-type: none"> • The main issue is whether the Council's refusal to grant an LDC is well founded. This will turn on whether the building and its use as a dwelling have become lawful

due to the passage of time, taking account of any applicable permitted development rights.

- It is concluded, on the balance of probability that the dwelling was erected more than 10 years prior to the LDC application and was occupied as a dwelling during that time. I have found insufficient evidence, on the balance of probability, to indicate that the dwelling was lawful during any of that period due to permitted development rights. Accordingly, I find that the time for enforcement action had expired at the time when the application for an LDC was made.
- On the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of a dwelling house is not well-founded and that the appeal should succeed.

Application Reference:	19/00741/FUL
Proposal:	Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways
Address:	Field OS 4011, Tofts Hill Stathern
Level of Decision:	Not determined
Appeal Decision:	Appeal Dismissed
Reason for refusal:	
<ul style="list-style-type: none"> • Appeal was made against non-determination. Council position was to oppose the appeal. 	
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/BE4A6F97695FFBC665755AEB15BE1D53/pdf/19_00741_FUL-Appeal_Decision_4.11.20-1033502.pdf

Summary:

- The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given and identifies that the principal concerns relate to the main issues.
- Main Issues
 - The effect of the proposed development upon the character and appearance of the area:
 - Whether the proposal would preserve or enhance the character or appearance of the Stathern Conservation Area (CA); and
 - Whether sufficient information has been submitted in respect of land stability.
- The proposed development would adversely affect the character and appearance of the area. It would be contrary to Policies SS1, SS2, EN1 and EN6 of the Melton Local Plan (2018) (LP) which, amongst other things, requires new development to be sensitive to its landscape setting; to respect existing landscape character and features and contribute positively to the individual character of a settlement including the setting of the historic built form and features.
- It would fail to preserve or enhance the character and appearance of the CA contrary to Policy EN13 of the LP which, amongst other things, seek to ensure the protection and enhancement of the significance and setting of heritage assets; new developments to make a positive contribution to the character and distinctiveness of the local area and ensuring that

new development in conservation areas are consistent with its identified special character. It would also conflict with the Framework.

- The proposed development would accord with Policies EN11 and EN12 of the LP which, amongst other things, seek to ensure that new developments do not increase the risk of flooding and include surface water management.

Application Reference:	19/00066/OUT
Proposal:	Proposed outline application for the demolition of redundant farm buildings and erection of three dwellings
Address:	Little Covert Farm 15 Main Street Normanton NG13 0EP
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	<ul style="list-style-type: none"> • Unsustainable Location
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PLIXB8KOJ4X00

Summary:

- Main Issue
 - The main issue is whether the proposal would be in a suitable location for housing with regard to (i) the accessibility of services and (ii) proven local need for housing in Normanton.
- The proposal would not represent a suitable location for housing and would conflict with Policy SS3 and the overall spatial strategy of the MLP. The proposal would also conflict with the Framework in terms of the location and accessibility of rural development.
- The identified harm arising from the proposal results in conflict with the development plan taken as a whole, to which I afford significant weight. The other material considerations in this case do not indicate that permission should be forthcoming in spite of this conflict.

Application Reference:	19/00071/FUL
Proposal:	Demolition of dwelling and erection of a replacement dwelling, demolition of outbuildings and erection of single storey dwelling and the erection of two garages/carports.
Address:	Rose Cottage 16 Baggrave End Barsby LE7 4RB
Level of Decision:	Delegated Decision
Appeal Decision:	Dismissed
Reason for refusal:	<ul style="list-style-type: none"> • Unsustainable Location
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/8553D048A7D1B8D0AEDC969B84FC1953/pdf/19_00071_FUL-Appeal_Decision_26.8.20-1022244.pdf

Summary:

- Main Issues

- Whether the proposal would be in a suitable location for housing, with regard to the accessibility of services and provision of infrastructure; and • whether there is a proven local need for housing in Barsby.
- The proposal would not be serviced by sustainable infrastructure, nor would additional infrastructure or services be provided. Therefore, the proposal would be contrary to the requirements of Policies SS2 and SS3 of the MLP. These policies aims to direct residential development towards the most suitable settlements. The Council also made reference to Policy SS1 of the MLP, however, this is a general policy in line with the Framework and is less specific than those I have referenced.
- There is no proven local need for housing within Barsby of sufficient weight to weigh in favour of the appeal. Therefore, the proposed development would be contrary to Policy SS3 of the MLP. This Policy, amongst other things, requires development to meet a local need identified in a Neighbourhood Plan or appropriate community-led strategy, SHMA or economic needs assessment.

Application Reference:	20/00192/FUL
Proposal:	Erection of bungalow to the rear of 1 Belvoir Avenue (amended scheme)
Address:	1 Belvoir Avenue Ab Kettleby LE14 3HP
Level of Decision:	Committee
Appeal Decision:	Allowed
Reason for refusal:	<ul style="list-style-type: none"> • Compromise amenity of neighbouring properties • Fail to reflect the style of the surrounding development contribute to the local distinctiveness of the area
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/FE17664FE7F26A974B8349C296332D6B/pdf/20_00192_FUL-Appeal_Decision_10.2.21-1046663.pdf

Summary:

- Main Issues
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring residential property at 3 Belvoir Avenue; and
 - The effect of the proposed development on the character and appearance of the area.
- The proposed development would not cause harm to the living conditions of the occupiers of the neighbouring residential property at 3 Belvoir Avenue. It would comply with the relevant requirements of Policy D1 of the Local Plan and Policy H3 of the Neighbourhood Plan.
- The proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policy D1 of the Local Plan and Policy H4 of the Neighbourhood Plan, which seek to ensure that new development is of a high standard of design that has regard to its context and the local distinctiveness and character of the area in which it is situated.

Application Reference:	19/01008/FUL
Proposal:	Conversion of redundant barns to three dwellings with parking areas
Address:	Buildings at the Rear of 11 Main Street Branston
Level of Decision:	Delegated
Appeal Decision:	Dismissed
Reason for refusal:	
<ul style="list-style-type: none"> • Proven Local Need in an unsustainable location 	
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/334B7E2628228973927339594D9FBA78/pdf/19_01008_FUL-Appeal_Decision_15.12.20-1037946.pdf
Summary:	
<ul style="list-style-type: none"> • Main Issue <ul style="list-style-type: none"> • Whether the proposal would be in a suitable location for housing, with regard to the accessibility of services, provision of infrastructure and whether there is a proven local need for housing in Branston. • The proposal would not be serviced by sustainable infrastructure, nor would additional infrastructure or services be provided. Therefore, the proposal would not constitute a suitable location for housing and would be contrary to the requirements of Policies SS1, SS2 and SS3 of the MLP. Collectively these policies aim to direct residential development towards the most suitable locations and encourage sustainable development and require development meets a local need identified in a Neighbourhood Plan or appropriate community-led strategy, a housing assessment or other evidence provided by the applicant. 	

Application Reference:	19/01193/OUT
Proposal:	Residential development for 9 houses
Address:	Field OS 3254 Blacksmith End Stathern
Level of Decision:	Committee
Appeal Decision:	Allowed
Reason for refusal:	
<ul style="list-style-type: none"> • Application site is a reserve allocation site to only be considered should other sites not come forward for development. 	
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/5AF29D640D251635E4B15CA57DF21425/pdf/19_01193_OUT-Appeal_Decision_12.02.2021-1061841.pdf
Summary:	
<ul style="list-style-type: none"> • Main Issues • The main issue is whether the proposal accords with the provisions of the Melton Borough Local Plan 2011-2036 (2018). • Whilst there is some conflict with the objectives of Policy C1 (B), there is clear and overriding support for a small-scale scheme through Policies SS1 and SS2. This support, together with the fact that the housing targets are minimum targets and not a ceiling for development, is the determinative factor in my decision. As such I consider that the proposal would accord with the MLP when taken as a whole. It would also accord with the overarching aims of the Framework. 	

Thus decision is subject to an application for appeal under s288 of the Town and Country Planning Act lodged by Melton BC.

Application Reference:	20/00823/FULHH
Proposal:	Proposed two storey front, rear and side extensions to form annex and additional single storey extension to the front of existing dwelling.
Address:	42 Avon road Melton Mowbray LE13 0EJ
Level of Decision:	Committee
Appeal Decision:	Allowed
Reason for refusal:	<ul style="list-style-type: none">• Over intensive use which would result in an adverse impact on the street scene and fails to protect the amenities of neighbours
Link to Appeal Decision:	https://pa.melton.gov.uk/online-applications/files/46253BE6FDF763188566FB9C52D4FB65/pdf/20_00823_FULHH-Appeal_Decision_21.12.20-1038589.pdf
Summary:	<ul style="list-style-type: none">• Main Issues<ul style="list-style-type: none">• These are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers.• The development would not be harmful to the character and appearance of the area or to the living conditions of neighbouring occupiers and so would not be contrary to policy D1 of the Melton Borough Local Plan (2018) which requires all new development to be of high quality design and not compromise the amenity of neighbours and neighbouring properties.