

Planning Committee

11 July 2024

Report of: Assistant Director for Planning

Reference Number: 22/00063/FUL

Proposal: Change of use of agricultural land to accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block, 1no. sewage treatment plant and area of hardstanding

Site: Land OS 481195 338112, Castle View Road, Easthorpe

Applicant: Mr Thomas Maughan

Planning Officer: Mark Ketley

Report Author:	Mark Ketley , Planning Officer
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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor James Mason (Bottesford) Councillor Donald Pritchett (Bottesford)
Date of consultation with Ward Member(s):	10 February 2023
Exempt Information:	No

Reason for Committee Determination:

The Ward Councillor has requested the application be considered and determined by the Planning Committee on the grounds of local interest.

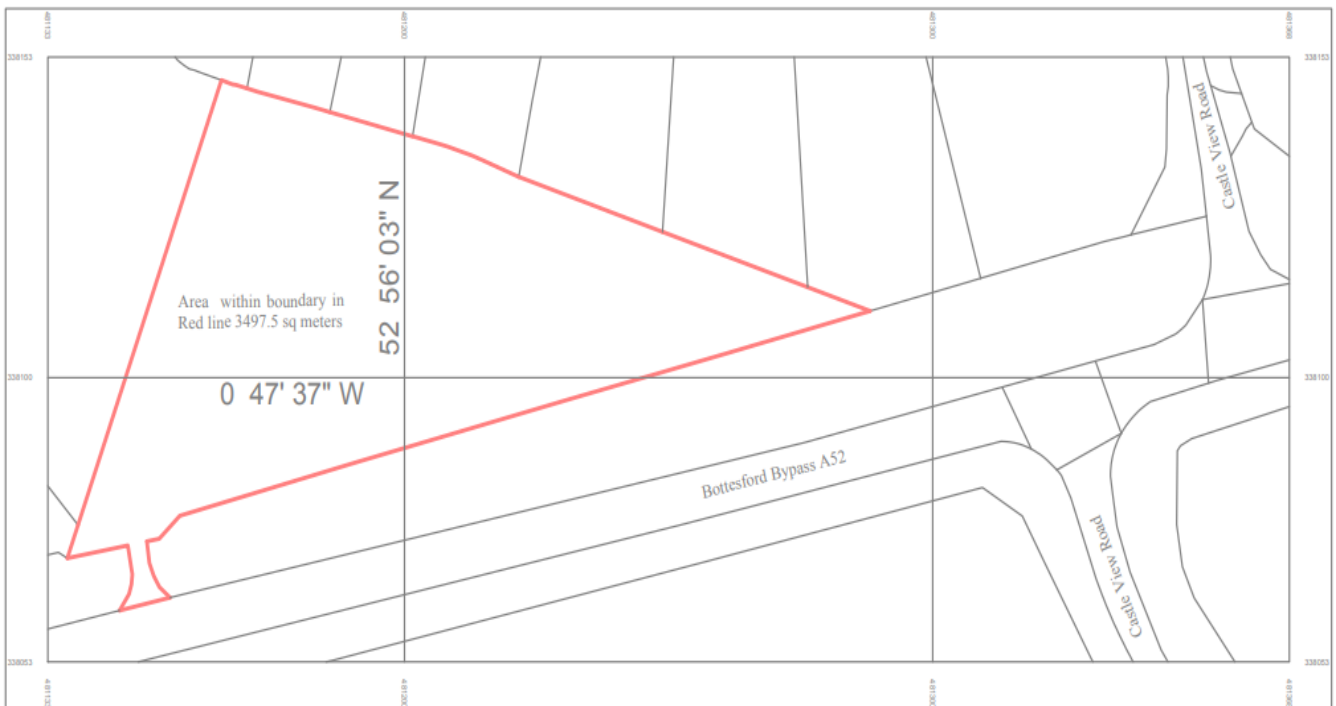
Web Link: [Melton Borough Council Planning Online](https://www.melton.gov.uk/planning)

What 3 words: <https://w3w.co/hitters.winners.thickened>

Site Location Plan

Ordnance Survey 

Ukmapcentre.com



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RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report

1 Executive Summary

- 1.1 This application was presented to Planning Committee at its meeting on 14th May 2024 when it was deferred to establish the legality of an agricultural tenancy claim relating to the site and to enable an associated Court judgement to be brought forward as well as the history to the arrangement. Since the application was deferred a copy of the Court Order and bundle has been provided by solicitors acting on behalf of those claiming the agricultural tenancy and this has been reviewed by both the Case Officer and the Council's Legal Services Manager. However, whilst the papers show that possession was required to be given up, there is nothing definitive in the papers provided to confirm the agricultural tenancy arrangement.
- 1.2 The relevance of an agricultural tenancy in the validation of an application is to ensure that anyone with an interest in a site is made aware of the application and therefore has the opportunity to comment. Without commenting on whether or not such a tenancy exists, the third party are aware of the application and have indeed commented upon it. They are therefore aware of and have been able to comment on the application. They are not prejudiced by having not been served formal notice (in the event that a tenancy does exist) and it is therefore the case that the application can be determined in its current form.
- 1.3 The application seeks planning permission for the change of use of a triangular shaped piece of paddock/grazing land measuring approximately 0.54ha in area located in the open countryside immediately north of the A52 Bottesford Bypass, approximately 0.6km east of Bottesford and 0.2km south of the village of Easthorpe. The proposal would accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block and an area of hardstanding.
- 1.4 The site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.
- 1.5 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 1.6 The Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a matter that attracts significant weight in favour of a grant of planning consent in this case. This, combined with the fact that the proposal would allow the Applicant and their family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. It is therefore considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.

- 1.7 Subject to the recommended conditions as set out below, it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.
- 1.8 The proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of amenity impacts.
- 1.9 National Highways have confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below ensuring accordance with Policies IN2 and C6 (criterion (iv)) of the Local Plan.
- 1.10 The proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Policy EN2 of the Local Plan and Policy 3 of the Neighbourhood Plan.
- 1.11 The application site is located entirely within Flood Zone 1 and at a low risk of flooding itself whilst drainage information submitted with the application has satisfactorily demonstrated that the development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

Main Report

2 The Site

- 2.1 The application relates to a triangular-shaped piece of paddock/grazing land measuring approximately 0.54ha in area located in the open countryside approximately 0.6km east of Bottesford and 0.2km south of the village of Easthorpe.
- 2.2 The site which is located immediately north of the A52 Bottesford Bypass is heavily screened from this main road by mature trees and a hedgerow within the highway verge. Otherwise the site is generally flat and enclosed on all other sides by lower level hedging which assists in preventing views into the site from the surrounding area despite it being surrounded by open agricultural land. Access to the site is from the A52 where there is an existing field gate entrance with a gravel/hardcore surface.

3 Planning History

- 3.1 There is no relevant planning history relating to the application site.

4 Proposal

- 4.1 Planning permission is being sought in this case for the change of use of the land to accommodate 2no. gypsy and travellers pitches for a total of 2no. mobile homes, 3no. touring caravans, 1no. utility block and an area of hardstanding.
- 4.2 The plans submitted with the application indicate that the proposed development would take place within the western half of the site with the eastern portion remaining as grazing/paddock land. The proposed utility block would be sited in the north-western corner

of the site and this would feature a kitchen and dining area along with a bathroom. The building would be a square shaped structure measuring 6m in length and depth and it would be timber clad with a tiled pitched roof measuring 4m to the height of its ridge.

- 4.3 The proposed mobile homes would be positioned either side of the utility block with one being positioned adjacent to the northern site boundary and running on an east-west axis; and the other being positioned adjacent to the western site boundary and running on a north-south axis. Both mobile homes would be rectangular in shape with space for the parking of touring caravans being provided alongside them.
- 4.4 The whole western part of the site would be changed to hardstanding as part of the proposal with the development intended to be served by a sewage treatment plant.

5 Amendments

- 5.1 There have been no amendments to the proposal itself during the course of the application. However, additional information has been submitted to address concerns raised by both National Highways and the County Highways Authority in the form of a Stage 1 Road Safety Audit which has been re-consulted upon.

6 Planning Policy

6.1 National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Planning Policy for Traveller Sites

6.2 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 published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) evidence base is currently being updated alongside Harborough District Council and Oadby & Wigston Borough Council to provide an updated evidence base for the Local Plan Update.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy C6 Gypsies & Travellers
 - Policy EN1 Landscape
 - Policy EN2 Biodiversity & Geodiversity
 - Policy EN11 Minimising the Risk of Flooding
 - Policy EN12 Sustainable Drainage Systems
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.3 Neighbourhood Plan

- The Bottesford Parish Neighbourhood Plan (2020-2036) which was made on 14th October 2021 also forms part of the Development Plan for this area.
- The relevant policies to this application include:
 - Policy 1 Sustainable Development and the Village Envelopes
 - Policy 2 Protecting the Landscape Character
 - Policy 3 Protecting & Enhancing Biodiversity
 - Policy 6 Reducing the Risk of Flooding
 - Policy 8 Ensuring High Quality Design

7 Consultation Responses

7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 Travellers Sites & Liaison Officer

- The family that will live on this site are Romany Gypsy/Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life.
- The proposal would allow them to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site.
- The family have not had a permanent home for many years and have travelled extensively living on the roadside and staying, occasionally, with family and friends. It became apparent that the family needed a secure and settled base to access education for the children and health care facilities for the whole family. The two children are enrolled in a local school, and it is the first time that they have ever been to school. Their eight-year-old son has learning difficulties and his Consultant Paediatrician has recommended that he attend school on a full time basis to help establish the full extent of his issues and to help form a correct diagnosis.
- The applicant's family have various health issues, and the ability to access health care is of paramount importance. Additional information was submitted alongside the application, however that information is of a sensitive nature and general data protection regulations prevent that being reported.
- The most recent GTAA for Melton Borough Council is contained with the Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, published in March 2017. This Accommodation Assessment with regard, specifically, to Melton Borough indicates that additional requirement can be met by unimplemented pitches on existing sites. This does not consider any provision for new families who wish to relocate to Melton and for new sites to accommodate them. This data was collected in 2016 and the general advice is that Accommodation Needs Assessment should be reviewed every five years.
- Melton Borough Council is at present unable to demonstrate a five-year supply of deliverable land for gypsy and traveller sites, which is a national requirement. The lack

of a five-year land supply is a matter that should attract significant weight in favour of a grant of planning permission.

7.3 **National Highways**

Initially responded to this application in March 2022 confirming that due to the proximity of the proposals to the strategic road network (SRN), further information should be provided regarding the operation of the development. In the response they set out areas of concern that they would wish to see considered prior to any planning permission being granted including the proposed access and drainage arrangements. These details have now been provided and National Highways are satisfied that the impact of the development proposals can be suitably mitigated against. The response has therefore been revised to one of no objection subject to conditions.

7.4 **LCC Highways**

Given that the proposed development is to be accessed from A52 Bottesford Bypass, which is part of the strategic road network falling under the purview of National Highways, the LHA would only wish to comment with respect to Public Rights of Way (PRoW). PRoW footpath F74 is noted to utilise the site access. The PRoW should be shown on any future drawings alongside details regarding its retention and treatment. The LHA request that details regarding the proposed width, surfacing and spacing of the route are provided in accordance with the "Leicestershire County Council Development and Public Rights of Way: Guidance Notes For Designers, Developers And Planners" document. Measures to protect the PRoW should also be provided for during the construction stage.

7.5 **Historic England**

No comments to make on this application.

7.6 **Natural England**

No comments to make on this application.

7.7 **LCC Ecology**

The proposals are unlikely to significantly impact ecology therefore ecology surveys are not required. As a condition, any trees and hedgerows on the site should be retained and adjacent vegetation must not be impacted.

7.8 **LCC Forestry**

The site is bordered to the north-east and north-west by mature field hedges. A dense buffer of scrub & trees is established to the south on the A52 verge. Within the north-western hedge line a mature ash and occasional field trees are established. The proposed layout indicates the main utility block and static caravans will be concentrated to the corner of the site underneath the mature ash. A foul water drain is also indicated along the north-western boundary to serve the structures. The placement next to the ash and requirement for any foundations/ installation of underground services would have a potential impact on the root protection area (RPA) of the tree and increase the likelihood of conflict/concerns relating to the proximity of the mature tree which could lead to unnecessary pruning etc. It is recommended that the design be amended to take the ash tree into account and the RPA requirements. This could incorporate additional landscaping/tree planting to enhance the site and screen the site along the north-west and north-eastern boundary.

7.9 **Lead Local Flood Authority (LLFA)**

No Objection – Leicestershire County Council as LLFA advises the LPA that the proposed development is considered a minor application and therefore the LLFA is not a statutory consultee for this development. Please refer to standing advice.

7.10 **Severn Trent Water**

Foul is proposed to connect into a sewage treatment plant, which we have no comment. Surface water is proposed to discharge into Winter Brook, which we have no comment.

7.11 **Trent Valley Internal Drainage Board**

The Board maintained Winterbeck, an open watercourse, exists to the West of the site and to which Byelaws and the Land Drainage Act 1991 applies. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works.

7.12 **Environmental Health**

No Objection - The area is close to the A52 main road but it is not envisaged that there would be any adverse noise issues for the development. The site should be subject to guidance under the Caravan Sites and Control of Development Act 1960.

SUMMARY OF REPRESENTATIONS

7.13 **Ward Member(s)**

No comments received

7.14 **Parish Council**

Object to the application on the following grounds:

1. This scheme proposes an additional junction on to an already dangerous stretch of the A52. This proposed additional junction would also have the impact of making the existing adjacent junction even more dangerous by negatively impacting the visibility for road users.
2. Cllrs also object to the proposal to change the use of this land which is currently agricultural and in the stewardship program.

7.15 **Parish Council (Further Comments)**

The Parish Council recently considered and approved a request from its Road Safety Advisory Committee that it express its concern that the proposed ghost island outlined in this application will not provide safe access and egress. It was noted that a recent accident on this dangerous stretch of the A52 had resulted in another fatality and the need to ensure that no additional hazards are introduced was agreed. The Road Safety Committee noted an assertion, during consideration by the Planning Committee that a clear distance of 8-9 metres will exist to facilitate vehicles to pull off the highway. The Council would like clarification that this is considered acceptable given the length of some larger vehicles or towing vehicles.

7.16 **Neighbours**

1no. letter of support has been received from a local resident whose reasons for supporting the application can be summarised as follows:

- Nice to see a fixed site because everybody is entitled to have a proper stable home;
- Would fit right in to the village and you wouldn't even know the site is there; and
- National Highways have deemed the access to be safe.

11no. letters of objection have been received from 10no. separate households raising issues that can be summarised as follows:

- Application site is outside of the development envelope of Easthorpe and in an area of high landscape sensitivity;
- Impact on the open landscape between Bottesford and Easthorpe;
- Safety concerns arising from the proposed access to the site on a dangerous section of the A52 Bottesford Bypass;
- Potential impact on the future use of the public footpath;
- Land is the subject of a life-long agricultural tenancy agreement and is also in the agricultural stewardship program therefore the applicant has incorrectly completed the planning application form by declaring that there is no agricultural tenancy relating to the site; and
- Loss of good quality agricultural land contrary to the interests of food production and environmental and nature preservation.

7.17 Response to Consultations and Representations

7.18 The majority of the issues raised are material planning considerations and are addressed under Section 8 'Planning Analysis' below.

7.19 Suggestion has been made that the application site is the subject of a life-long agricultural tenancy agreement and part of the agricultural stewardship program. Some information has been received that shows there was some form of legal action over the site however this did not 'prove' an agricultural tenancy itself.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Impact on the Character of the Area
- Impact on Amenity
- Highway Matters
- Ecological Impacts
- Flood Risk & Drainage

8.2 Principle of Development

8.3 The application site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.

- 8.4 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 8.5 Local Plan Policy C6 relates specifically to proposals involving gypsy and traveller related development and this states that the most recent Gypsy and Traveller Accommodation Assessment (GTAA) will be used to identify pitch and plot requirements and that, where a need is found, the Council will take steps to deliver the necessary sites in a timely manner in order to support the Gypsy and Traveller and Travelling Showpeople community.
- 8.6 Policy C6 also states that the GTAA will be used as a basis for determining planning applications together with the criteria within the most up-to-date national planning policy. Support is given by Policy C6 for gypsy and traveller sites that:
- (i) facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community;
 - (ii) are appropriate in scale, well designed, and provide suitable landscaping and boundary treatments;
 - (iii) provide an acceptable living environment for occupiers and are free from flooding, pollution, hazards or other adverse impacts on standards of living;
 - (iv) are well-related to local infrastructure and services of a nearby town or village, including safe and convenient access to the road network; and
 - (v) promote peaceful and integrated co-existence between the site and the local community.
- 8.7 Nationally, paragraph 63 of the updated version of the NPPF published in December 2023 is clear that the size, type and tenure of housing needed for different groups in the community should be assessed with such groups listed as including, amongst many others, those from the travelling community. Footnote 28 in support of this paragraph of the Framework cross refers to the Government's Planning Policy for Traveller Sites that was published in 2015 which sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document (which is the case here).
- 8.8 Paragraph 24 of the document states that in making decisions on planning applications, Local Planning Authorities should consider, amongst other relevant matters, the existing level of local provision and need for sites; the availability (or lack) of alternative accommodation for the applicants; and other personal circumstances of the applicant.
- 8.9 Paragraph 25 goes on to make clear that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements and ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure.
- 8.10 The Travellers Sites & Liaison Officer has confirmed that the Applicant and his family in this case are Romany Gypsy/Travellers by birth, culture and descent having been born and brought up in the traditional gypsy way of life. They have advised that the proposal would allow the Applicant to raise a family on a site that would provide all the health and welfare benefits that having a stable and secure home would give to both adults and children living on the site and in this context it is considered that the proposal would allow the family to benefit from a more secure and settled base whilst still facilitating the traditional and

nomadic life of travellers. The proposal is therefore compliant with criterion (i) of Policy C6 of the Local Plan in this respect.

- 8.11 The Travellers Sites & Liaison Officer has also explained that there are personal circumstances in this case, particularly involving a member of the applicant's family who requires frequent access to healthcare, and their eight-year-old son who has learning difficulties and is advised to attend school on a full-time basis, which need to be given weight in the determination of this application in line with the guidance set out in paragraph 24 of the Government's Planning Policy for Traveller Sites.
- 8.12 The most recent Gypsy and Traveller Accommodation Assessment (GTAA) for the Borough of Melton is contained within the Leicester City & Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment published in March 2017. This assessment with regard, specifically, to Melton Borough indicates that additional requirement can be met by unimplemented pitches on existing sites. However, this assessment was undertaken 7 years ago, using data collected 8 years ago in March 2016, and it does not consider any provision for new families who wish to relocate to the Borough and for new sites to accommodate them. The assessment is required to be updated every five years which is an exercise that has not been undertaken in this instance, but it is now being undertaken. Consequently, the Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a national requirement.
- 8.13 This lack of supply is a matter that attracts significant weight in favour of a grant of planning consent in this case. This is consistent with the findings of an Inspector in relation to an appeal against Melton Borough Council's decision to refuse planning permission for the use of land north of Plungar Lane, Plungar, NG13 0JN (LPA ref: 19/00225/FUL, PINS ref: APP/Y2430/W/20/3246224) which was decided in May 2023 and in which case the Inspector noted in paragraph 21 of their decision that *"there is a need for these two families to live somewhere and the Council confirmed that there are not any other suitable and available pitches in the borough. This is indicative of an immediate unmet need for sites in the Council area and I therefore attach considerable weight to the need for pitches in favour of the development."*
- 8.14 The absence of a five-year supply of deliverable land for gypsy and traveller sites combined with the fact that the proposal would allow the family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. Subject therefore to the proposal being acceptable in terms of its design, impacts on the character of the area, amenity impacts and other environmental effects as assessed below, it is considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.

8.15 **Impact on the Character of the Area**

8.16 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. Local Plan Policy EN1 meanwhile seeks to ensure that new development is sensitive to its landscape setting whilst also being respectful of an area's sense of place and local distinctiveness.

8.17 These objectives are reinforced by the Neighbourhood Plan with Policy 2 making clear that the key views, areas of separation and the significant green gaps as identified in the Neighbourhood Plan contributing to the distinctive landscape character of the Parish with the expectation being that development proposals will respect these designations and take account of them in their designs and layouts. Policy 8 more generally requires proposals to demonstrate a high design quality that responds to and contribute positively to the character of the Parish.

8.18 As explained above, the proposal would involve the creation of a hardstanding area on the western half of the site and the siting of two mobile homes and a utility block on the land alongside space for the parking of up to three touring caravans. From a design perspective it is accepted that the proposed development would appear relatively basic in its appearance. However, on the basis of the plans submitted with the application it is considered that the site would be laid out in a neat and tidy manner with the proposed buildings/structures being consolidated into one part of the site and the use of timber cladding for the buildings being appropriate for this rural location.

8.19 The visibility of the site within the wider landscape is also very limited and therefore it is considered that any resultant harm arising from the proposed development from a visual perspective would be negligible. Indeed, the site is extensively screened from the adjacent A52 Bottesford Bypass by mature trees and hedging within the highway verge to the extent that views into the site are not possible from this nearest public receptor with the exception being just a slot/glimpse view through the site entrance. The other boundaries of the site also benefit from mature hedgerow planting and this assists in reducing its visibility within the wider landscape setting when compared with the more open agricultural field network surrounding the site to the north and west.

8.20 There may be some visibility of the upper parts of the proposed mobile homes and utility block above the hedge line, but any views would be at distance across open fields with the development therefore appearing as just a minor visual incursion into the countryside. An appropriately worded condition (proposed at 10.7) can be imposed to ensure that the existing trees and vegetation on the site are retained and protected throughout the construction phase in the interests of ensuring that the existing level of visual screening is maintained. This will also ensure that a scheme to protect the ash tree as identified by LCC Forestry is implemented. Subject to this condition it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that it would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.

8.21 **Impact on Amenity**

8.22 Given the rural nature of the application site and its distance from the nearby villages of Bottesford and Easthorpe, there are no residential properties in the vicinity that would be affected by the proposed development through loss of light, outlook, privacy or other

associated disturbance. This being the case it is considered that the proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of potential amenity impacts.

8.23 **Highway Matters**

8.24 Access to the application site is from the A52 Bottesford Bypass where there is an existing field gate entrance with a gravel/hardcore surface. Concerns have been raised by the Parish Council and local residents objecting to the application that the use of this access for the purpose of serving the proposed development would give rise to road safety issues. However, the proposal has been scrutinised by National Highways who have the responsibility for ensuring that there would be no adverse impacts on the strategic road network (which the A52 forms a part of) and, whilst initially raising concerns, a subsequent Road Safety Audit submitted by the Applicant has alleviated any potential issues.

8.25 National Highways have therefore confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below which require the carrying out of improvements to the site entrance and the provision of a Construction Environmental Management Plan (CEMP), incorporating a Construction Traffic Management Plan (CTMP), prior to development commencing in the interests of ensuring that the A52 can continue to operate safely and effectively in line with Policies IN2 and C6 (criterion (iv)) of the Local Plan.

8.26 In relation to another matter, the Highway Authority have highlighted that the entrance to the site also provides access to Public Footpath F74 and that this access should not be affected by the proposed development either during or following its construction. Informatives are therefore recommended in the event that any works that would affect the future use of the footpath are proposed to ensure that the continued use of the footpath is not impeded in accordance with Policy IN2 of the Local Plan.

8.27 **Ecological Impacts**

8.28 The County Ecologist has advised that the proposals are unlikely to significantly impact matters of ecological concern and therefore no ecology surveys have been required in this instance. Natural England have also confirmed that they have no comments to make on the application. As such it is considered that the proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Local Plan Policy EN2 and Policy 3 of the Neighbourhood Plan.

8.29 **Flood Risk & Drainage**

8.30 The application site is located entirely within Flood Zone 1 and is therefore at a low risk of flooding itself. Drainage information for the site has also been submitted and it has been confirmed by the Lead Local Flood Authority (LLFA) and National Highways that the proposed development does not give rise to any concerns over increasing the risk of flooding elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

8.31 **Other Issues**

8.32 Concerns have been raised by objectors to the application that the proposal would result in loss of high quality agricultural land. However, the site is located within an area where agricultural land is identified as being Grade 3 (Good to Moderate) therefore the proposal

would not result in the loss of best quality agricultural land in this case. In addition, there is no specific policy requirement to avoid best and most versatile agricultural land and in any event the size and shape of the application site is such that it would be unlikely to be used for any meaningful arable purpose even if it were to be deemed high quality land.

9 Conclusion & Reason for Recommendation

- 9.1 The application site is located beyond the village envelopes of both Bottesford and Easthorpe as defined in the Bottesford Neighbourhood Plan and is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.
- 9.2 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy 1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Plan area.
- 9.3 The Council is currently unable to demonstrate with evidence a five-year supply of deliverable land for gypsy and traveller sites which is a matter that attracts significant weight in favour of a grant of planning consent in this case. This, combined with the fact that the proposal would allow the Applicant and their family to settle for the reasons explained by the Travellers Sites & Liaison Officer, whilst still facilitating the traditional and nomadic life of travellers, ensures that the proposed development accords, in principle, with the requirements of national planning policy and criterion (i) of Local Plan Policy C6. In addition, being located just 0.6km from Bottesford and 0.2km from Easthorpe, the site is well-related to the local infrastructure and services of these nearby villages also ensuring compliance with criterion (iv) of Policy C6. It is therefore considered that the proposal is acceptable as a matter of principle in line with the requirements and expectations of national and local planning policy in relation to gypsy and traveller sites. In turn, this ensures that compliance with Policies SS1 and SS2 of the Local Plan, and Policy 1 of the Neighbourhood Plan, is achieved in terms of the development being a necessary and appropriate form of development for this open countryside location.
- 9.4 Subject to the recommended conditions as set out below, it is considered that the development is acceptable in terms of its siting and design and, on balance, would not adversely impact on the landscape character of the area to the extent that it would justify withholding planning permission. This being the case it is considered that the proposal accords with Local Plan Policies D1, EN1 and C6 (criterion (ii)), along with Policies 2 and 8 of the Neighbourhood Plan, in these respects.
- 9.5 The proposal would promote the peaceful and integrated co-existence between the site and the local community ensuring accordance with Policies D1 and C6 (criterion (v)) of the Local Plan, and Policy 2 of the Neighbourhood Plan, in respect of amenity impacts.
- 9.6 National Highways have confirmed that the proposed development is acceptable from a road safety perspective subject to the conditions recommended below ensuring accordance with Policies IN2 and C6 (criterion (iv)) of the Local Plan.
- 9.7 The proposed development is unlikely to have an adverse impact on protected species or their habitat and it is therefore the case that the application accords with Policy EN2 of the Local Plan and Policy 3 of the Neighbourhood Plan.
- 9.8 The application site is located entirely within Flood Zone 1 and at a low risk of flooding itself whilst drainage information submitted with the application has satisfactorily demonstrated that the development does not give rise to any concerns over increasing the risk of flooding

elsewhere, including on the adjacent A52, through surface water run-off. The proposal therefore accords with the NPPF, Policies EN11 and C6 (criterion (iii)) of the Local Plan, and Policy 6 of the Neighbourhood Plan, in this respect.

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 be carried out in accordance with following approved drawings and documents:

Dwg No 1 - Site Plan Layout showing Public Footpath - received 06.07.23

Dwg No 2 - Static Home Plans - received 22.01.22

Dwg No 3 - Utility Block Floor Plan - received 22.01.22

Dwg No 4 - Utility Block North and South Elevations - received 22.01.22

Dwg No 5 - Utility Block East and West Elevations - received 22.01.22

Stage 1 Road Safety Audit Report (prepared by RKS Associates) - received 16.02.23

RSA Designers Response (prepared by Hub Transport Planning Ltd) - received 16.02.23

Sustainable Drainage Assessment (prepared by Geosmart) - received 06.03.23

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.3 There shall be no more than two pitches on the site and on each of the pitches hereby approved no more than one mobile/static home and two touring caravans shall be stationed at any one time; and no more than three touring caravans in total shall be stationed on the site at any one time.

Reason: To avoid an intensification in the use of the site over and above that for which planning permission is being granted in accordance with Policy C6 of the Melton Local Plan.

10.4 The site shall not be occupied by any persons other than Gypsies and Travellers defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To avoid an intensification in the use of the site over and above that for which planning permission is being granted in accordance with Policy C6 of the Melton Local Plan.

10.5 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with those external materials approved.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.6 No lighting shall be installed on any part of the development hereby approved or on any part of the land associated with the development as defined by the red line boundary shown on the submitted Site Location Plan received 22.01.22

Reason: To prevent undue impact on the character and appearance of the site and the surrounding countryside in accordance with Policies C6 and EN1 of the Melton Local Plan.

10.7 Before works commence on the development hereby permitted a scheme of tree protection measures to retain and safeguard those trees within the area of the works for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the protection measures shall be installed in accordance with the approved details and retained for the full duration of the construction works.

Reason: To safeguard the retained trees on the site in the interests of protecting the character and appearance of the village and in accordance with Policies C6, EN1 and D1 of the Melton Local Plan.

10.8 The development hereby approved shall not be commenced until such time that the scheme of works for the A52 site access as shown on Hub Transport Dwg No T22569-001 (or as amended by a Road Safety Audit or Detailed Design) has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and the agreed works have thereafter been fully completed in accordance with the approved details.

Reason: To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of road safety and in accordance with Section 10(2) of the Highways Act 1980 and Policy IN2 of the Melton Local Plan.

10.9 Prior to the commencement of any construction work, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter, the approved plan shall be adhered to throughout the full duration of the construction period.

Reason: To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in the interests of road safety and in accordance with Section 10(2) of the Highways Act 1980 and Policy IN2 of the Melton Local Plan.

11 Informatives

11.1 Prior to construction, measures should be taken to ensure that users of the adjacent Public Right of Way F74 are not exposed to any elements of danger associated with construction works.

11.2 The Applicant is advised that Public Right of Way F74 must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

11.3 Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the Applicant to repair at their own expense to the satisfaction of the Highway Authority.

12 Financial Implications

12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on line.