

Committee Date: 12 August 2010

Reference: 10/00460/COU
Date Submitted: 10.06.2010
Applicant: Mr J Tearne
Location: Field 5629, Private Road from A606 Nottingham Road to Holwell Lane, Melton Mowbray
Proposal: Change of use for storage of logs and creation of bund and track

Introduction:-

This application seeks retrospective planning permission for the continued use of the site for the storage of logs (in connection with the applicants business as a landscape contractor/tree surgeon); the retention of a storage container , screening bund and hard standing and a new track across the land. The site is roughly triangular in shape, with the longer boundary (to the narrow single track lane which runs between the A606 and Holwell Lane) being a newly planted hawthorn hedge/post and rail fence. The 2 shorter sides of the triangle are established trees/hedges and the land is a paddock of meadow grasses. The applicant has provided a new track along the eastern boundary of the site and this leads to an area of hard standing constructed from road planings on which the applicant has sited a storage container and mounds of logs, which are located behind a raised grass mound.

The application is presented to the Committee due to the number of representations received.

Relevant History:-

None

Planning Policies:-

PPS1 - Delivering Sustainable Development - planning authorities should promote more sustainable use of land and reduction of car-based transport through suitably located developments/ land and buildings.

PPS7 - Sustainable Development in Rural Areas – Protects the countryside for the sake of its beauty. Has to be balanced with the creation of rural jobs

PPS 4 – Planning for Sustainable Economic Growth - Recognises the benefits of a thriving rural community, balanced against the protection of the open countryside.

Melton Local Plan (saved policies):

Policy OS2:- states that planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, development essential to the operational requirements of agriculture and forestry and limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policies EM2 – 8:- Directs new employment to existing industrial sites and airfields

Policies EM9 & 10:- Allows for the expansion of existing firms and established industrial sites outside of village envelopes.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – Objects The proposal is likely to lead to an undesirable increase in traffic using a country lane, that lacks adequate width and forward visibility splays, and especially at its junction with Nottingham Road lacks adequate width and visibility splays.</p> <p>Furthermore the proposed access on to the highway also lacks adequate visibility splays and is surfaced in a loose material and therefore its increased use is also undesirable.</p> <p>It is therefore considered that the proposed development is likely to increase dangers for highway users to the detriment of highway safety.</p>	<p>The proposed access is considered to be substandard and the proposed would lead to an increase in traffic. Therefore it is considered that the proposed development would be a danger for highway users and would be detrimental to highway safety.</p>
<p>LCC Ecology – Records indicate that this application is on a site previously evaluated as being of Parish level ecological significance. Whilst this designation is historic, experience suggests that many grasslands have retained their botanical diversity and therefore their ecological importance and meet the criteria for designation as a Local Wildlife Site. It is understood from the application that the work on site has already been completed.</p> <p>It is noted from the plans that an area of grassland has been retained and this may still be of ecological value. Whilst the grassland still had some indicator species present, representing 'good' neutral grassland, it appeared as if species had been lost between the previous survey and the current one. It is assumed that this is due to a number of years of neglect, prior to the transfer of ownership to the applicant. However, it is felt that the site could increase in botanical diversity with the correct management and would therefore recommend that the area of grassland that remains on site is retained (i.e. not planted) and managed either via cutting for hay or light grazing.</p> <p>It is recommended that the grassland area is retained and that this recommendation is forwarded to the applicant.</p>	<p>Noted, the site could and has the potential for ecological value. The request of from the County Council Ecology could be imposed be means of a condition or note to the applicant if the proposal is considered acceptable.</p>
<p>Parish Council – Cllrs have no objections to this application.</p>	<p>Noted</p>

Representations:

A site notice was posted and neighbouring properties consulted. 6 letters of support have been received at the time of writing this report.

Representations	Assessment of Head of Regulatory Services
<p>Site was untidy/over-grown before the applicant took over. It is now tidy/well managed and we support his application</p> <p>Activities in connection with log storage has not caused any implications for the land, nor any inconvenience, nuisance or disturbance to ourselves.</p> <p>Applicant has undertaken work for us – both domestic and agricultural and is an ideal location well away from residents</p> <p>Applicant offers a valuable service to residents and agricultural community</p> <p>There is no reason to refuse and he should be allowed to stay</p> <p>I pass site every day between my 2 farms and have noted the change in the site and is an enhancement that should be allowed to remain</p>	<p>Whilst applicants efforts are applauded, making land tidy is not sufficient grounds to grant permission in the countryside for an inappropriate use.</p> <p>The lack of nuisance is not a sound basis to grant permission for an inappropriate use in the countryside that should ideally be located elsewhere</p> <p>The applicants work in the rural community is noted, however there is no operational reason to occupy this site</p> <p>As above</p> <p>The applicant does not need a rural location of this nature from which to operate his business and the countryside should be protected from intrusive elements of this nature</p> <p>The visual improvement of a site is not a basis to allow employment uses in the open countryside</p>

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
<p>Impact on the open countryside</p>	<p>The site falls within the open countryside where the protection of the open, attractive and undevelopment nature of sites such as this one are paramount.</p> <p>PPS 7 indicates that the countryside should be protected from development for the sake of its beauty.</p> <p>It is accepted that there needs to be some rural employment in the countryside, however, PPS 4 encourages the re-use of farm buildings, diversification and sustainable locations in service villages, and Local Plan policies directs new employment uses to existing sites.</p> <p>PPS 4 states that economic development in the countryside away from established settlements should be strictly controlled.</p> <p>The siting of a storage container and the associated activity at the site is inappropriate in the countryside and the applicants attempts to screen the use behind a raised mound is ineffective as the mounding itself</p>

	is an alien feature that is harmful to the countryside.
Rural Employment	<p>There are some rural businesses that require specific locations for operational reasons in the same manner as agricultural enterprises. The applicant has not justified this location for any operational reasons – his clients are spread about the rural community, and there is no reason why this location is any more preferable for the operation of the business than any other.</p> <p>The business could be operated just as easily from a redundant farmyard or small industrial estate, and there is no operational imperative for this location. .</p> <p>The applicant has indicated that this is more of a hobby and interest than any commercial use, and there is therefore no basis for needing to be located at this site.</p>
Sustainability	<p>The site is quite remote and clearly only accessible by the private vehicle.</p> <p>For this reason, the national and local policies mentioned above, seek to locate new employment uses in rural locations within or close to service villages and more sustainable locations where there is access to public transport and other services.</p>
Improvements in appearance	<p>In support of his application, the applicant has stated that when they purchased the site in Dec 2008 and it was an over-grown area of fly-tipping. It was very wet and parking was difficult and the fencing was set-back from the highway. The site was tidied up and rubbish removed, soil was removed and a track/hard standing put down. The soil was made in to the bund and planted with pines, laurel, evergreens and ash. Wildlife is returning and the area is being fenced and new hedges provided. Sheep will be grazed on the remainder of the land and the hard standing is used for stacking logs and firewood in connection with their tree surgery business.</p> <p>It has been stated in the letters of support, that the applicant has ‘improved’ the site, and whilst this is noted, the making of an improvement to a site is not a sound basis for allowing inappropriate development in the countryside.</p>

Conclusion

It is considered that the main issue for the Committee is to balance the breach of the policies that seek to resist such developments in the countryside and highway safety, with the benefits to employment that would accrue from the proposal. Whilst it is accepted that the applicant has made some improvements to the site, the raised bund and the storage container are alien features that are harmful to the undeveloped nature of the countryside. The Highway Authority has concerns in relation to safety, and the site is clearly an unsustainable location that will encourage car usage, directly in opposition to the intentions of national policy.

In view of the above the proposal is recommended for refusal.

RECOMMENDATION:- Refusal for the following reasons:-

1. The proposal involves the development of a new storage facility in the open countryside away from any recognised employment centre or settlement and the storage container and raised bund are alien features within the open rural location that detract from the character of the locality. The development is contrary to the advice contained in PPS 4 and PPS 7 which seeks to protect the countryside, and is contrary to Policy OS2 of the Adopted Melton Local Plan.
2. The site is an unsustainable and isolated location and the proposal is likely to lead to an undesirable increase in traffic, particularly the private motor car that will be using a country lane, that lacks adequate width and forward visibility splays, and especially at its junction with Nottingham Road, lacks adequate width and visibility splays. Furthermore the proposed access on to the highway also lacks adequate visibility splays and is surfaced in a loose material and therefore its increased use is also undesirable. It is therefore considered that the proposed development is likely to increase dangers for highway users to the detriment of highway safety.

Contact: Mr Rob Forrester

26 July 2010