

## **6 COUNTRYSIDE AND THE NATURAL ENVIRONMENT**

### **Introduction**

- 6.1 The quality of the natural environment is perhaps one of the Borough's most important assets. It is traditional English countryside at its best. There is a wide variety in the appearance of the landscape, which includes the broad sweep of pasture land in the Vale of Belvoir, the ironstone plateau of the Wolds and the shallow river valleys of the Wreake and Eye. The population density of the Borough 0.94/hectare (2.3 /acre) is the lowest in the County.

### **Policy Background**

- 6.2 The Government's strategy for the environment, including policies for the countryside, is set out in the White Paper "This Common Inheritance". The main aims are to :-
- 1 encourage economic activity in the rural areas;
  - 2 conserve and improve the landscape and encourage opportunities for recreation;
  - 3 conserve the diversity of wildlife, particularly by protecting and enhancing habitats.
- 6.3 Planning Policy Guidance Note No. 7 "The Countryside-Environmental Quality and Economic and Social Development"(PPG7) provides policy guidance for local planning authorities and states that development in the countryside should benefit the rural economy and maintain or enhance the environment. However, the Guidance Note acknowledges that much activity in the countryside is outside the scope of planning control.
- 6.4 In providing for the development needs of the County the adopted Leicestershire Structure Plan (LSP) aims to ensure that the quality of the environment is conserved and where possible enhanced. It is a policy of the Structure Plan that built development in the countryside is minimised and the best and most versatile agricultural land protected from irreversible development.

### **Aims and Objectives**

- 6.5 The Local Plan has the following aims and objectives for the countryside:-
- 1 to reconcile the development needs of the community with the need to conserve and safeguard the natural beauty, wildlife and rural character of the countryside;
  - 2 to avoid the coalescence of settlements;
  - 3 to presume against development in the countryside which is unnecessary or incompatible with surroundings;
  - 4 to avoid the loss of best quality agricultural land;
  - 5 to support and encourage measures which conserve and enhance the countryside;
  - 6 to protect Scheduled Ancient Monuments and other areas of archaeological, ecological and geological importance.
  - 7 to support and encourage sustainable measures which improve the economy of the rural and farming communities;
  - 8 to safeguard historic landscapes.

### **Policies and Proposals**

- 6.6 In "The Overall Strategy" Chapter 2 of the Local Plan, Policy OS2 includes a limited number of uses which are considered appropriate in the open countryside. The policies in this Chapter define in more precise terms the detailed criteria which will be applied to the consideration of development in the countryside. Objective b) is covered by Policy OS2 in Chapter 2 "Overall Strategy".

### **Areas of Particularly Attractive Countryside**

- 6.7 A substantial part of Melton Borough is designated as an "Area of Particularly Attractive Countryside" (APAC) in the LSP and is shown diagrammatically on the Structure Plan Key diagram.
- 6.8 The Local Plan defines the area and edges of the APAC more precisely on a detailed Ordnance Survey Map at a scale of 1:50,000 and village insets where the boundary abuts settlements. Together these maps form the Proposals Map.
- 6.9 Strategy Policies 3 and 4 of the LSP provide for the control of development within the open countryside and on land adjoining settlements. Because the APAC is considered of higher landscape value than other areas, the policies require that whenever such development is permitted within the APAC, there should be a greater degree of protection of the landscape.
- 6.10 The LSP policies therefore stipulate that development will have no adverse effect on the appearance or character of the landscape.
- 6.11 The relevant parts of the LSP Strategy Policies which refer to the APAC are as follows:-

**LSP Policy SP3:"Within APAC and areas of local landscape value, housing and employment development adjoining settlements will only be appropriate where there is no adverse impact on the appearance or character of the landscape."**

**LSP Policy SP4:"Within APAC and areas of local landscape value, provision for small scale built development for employment and leisure uses will normally only be made where there is no adverse effect on the appearance or character of the landscape."**

- 6.12 The Council will therefore apply the Structure Plan Policies SP3 and SP4 to the APAC shown on the Proposals Map.

#### **Development of Agricultural Land**

- 6.13 Agricultural land is a finite national resource subject. In embracing the principles of sustainable development, local authorities are advised through Government guidance to protect wherever possible the best and most versatile agricultural land for the benefit of future generations.
- 6.14 The Council recognises that the best and most versatile land (Grades 1, 2 and 3a), as classified by the Ministry of Agriculture Ministry and Food is the most flexible, productive and efficient in response to inputs, and that once lost to development, its return to best quality condition is seldom practicable. Wherever possible, land has therefore been allocated in the Local Plan for major residential and employment uses on brown field or poorer quality agricultural land.
- 6.15 Policy OS2 adds support to the protection of agricultural land by generally presuming against development beyond the town and village envelopes except for some limited uses that are appropriate to the countryside.
- 6.16 When dealing with proposals that involve the loss of the best and most versatile agricultural land, the Council will wish to be satisfied that all opportunities have been explored to accommodate the development on previously developed sites within existing settlements or on poorer quality farm land.

**C1 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD RESULT IN THE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND, (GRADES 1, 2 AND 3A), UNLESS ALL THE FOLLOWING CRITERA ARE MET:**

- A) THERE IS AN OVERRIDING NEED FOR THE DEVELOPMENT**
- B) THERE ARE NO SUITABLE SITES FOR THE DEVELOPMENT WITHIN EXISTING DEVELOPED AREAS OR WHERE AGRICULTURAL LAND IS OF POORER QUALITY**
- C) THE PROPOSAL IS ON LAND OF THE LOWEST PRACTICABLE GRADE**

**Farm Diversification**

- 6.17 The increasing efficiency of British farming has caused agricultural production to rise dramatically, to the point where the need now is to reduce the output of agricultural products in surplus in western European countries. This increased efficiency has also been responsible for a reduction in the number of people employed in agriculture. In Melton, for example, agricultural employment fell by 14% between 1982 and 1992. Reforms to the Common Agricultural Policy, revisions to international trade agreements such as the General Agreement on Tariffs and Trade (GATT) and increasing concern for environmental issues will further limit agricultural production in Britain and reduce farm incomes.
- 6.18 Agriculture will continue to be the dominant land use in the countryside, but for many farms their continuing viability may depend upon their ability to diversify part of their labour or holding to other interests. This is particularly true for part-time holdings, which represent 49% of all agricultural holdings in Melton.
- 6.19 Farmers are therefore increasingly looking to diversify beyond the agricultural industry in order to supplement their incomes. Much farm-based work is now concerned with activities such as farm shops, equestrian businesses, sporting facilities, nature trails, craft workshops and holiday accommodation. This provides potential benefits for the local economy and environment.
- 6.20 The Local Plan includes a variety of policies which encourage rural economic diversity by promoting tourism and associated activities in the countryside e.g. TM1- Extension/Refurbishment of Established Tourist Attractions, TM2- Conversion of Rural Buildings, R12 Caravan and Camping Sites and S10- Farm Shops. The following policy will be applied to proposals for farm based diversification.

**C2 PLANNING PERMISSION WILL BE GRANTED FOR FARM BASED DIVERSIFICATION PROPOSALS PROVIDED:**

- A) THE ACTIVITIES WOULD BE ANCILLARY TO THE MAIN AGRICULTURAL USE AND WOULD NOT PREJUDICE THE FUTURE OPERATION OF THE HOLDING;**
- B) THE PROPOSAL SHOULD REUSE OR ADAPT ANY SUITABLE FARM BUILDING THAT IS AVAILABLE. IF A NEW BUILDING IS NECESSARY IT SHOULD BE SITED IN OR ADJACENT TO AN EXISTING GROUP OF BUILDINGS;**

**C) THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH ITS RURAL LOCATION IN TERMS OF SCALE, DESIGN AND LAYOUT;**

**D) THERE IS NO SIGNIFICANTLY ADVERSE IMPACT ON THE CHARACTER AND APPEARANCE OF THE RURAL LANDSCAPE OR CONSERVATION OF THE NATURAL ENVIRONMENT;**

**E) ACCESS, SERVICING AND PARKING WOULD BE PROVIDED AT THE SITE WITHOUT DETRIMENT TO THE RURAL CHARACTER OF THE AREA; AND**

**F) THE TRAFFIC GENERATED BY THE PROPOSAL CAN BE ACCOMMODATED ON THE LOCAL HIGHWAY NETWORK WITHOUT REDUCING ROAD SAFETY**

### **Agricultural Buildings**

6.21 The Town and Country Planning (General Permitted Development) Order 1995 grants permitted development rights for a range of agricultural buildings and operations subject to specified conditions. Proposed farm buildings which do not meet these conditions require planning permission.

6.22 The Council is concerned to ensure that agricultural buildings blend with their surroundings and are not prominent in the landscape. To reduce the impact of these buildings, locations in topographic depressions or within and adjacent to existing building groups will be encouraged. The Council will also as necessary require landscaping around new buildings and the siting of buildings so that skylines are not punctuated. The Council has published the leaflet "A Guide to the Siting and Design of Agricultural Buildings" which gives advice on the main aspects to be considered when such buildings are to be erected.

6.23 Intensive food production units and central grain stores are usually of an industrial design and can create greater environmental problems than general agricultural buildings. In principle they constitute appropriate activities within the countryside but related activities can have an adverse impact on the general locality. It is therefore important that good access to classified roads is available and that units are located well away from existing residential areas. The following policy will apply to all agricultural buildings:-

### **C3 PLANNING PERMISSION FOR AGRICULTURAL BUILDINGS OUTSIDE THE TOWN AND VILLAGE ENVELOPES SHOWN ON THE PROPOSALS MAP WILL BE GRANTED PROVIDED :-**

**A) THE BUILDING IS REASONABLY NECESSARY FOR AGRICULTURE AND WOULD NOT OCCUPY A PROMINENT POSITION IN THE LANDSCAPE WHICH IN ITSELF COULD NOT BE AMELIORATED BY TREE PLANTING OR OTHER SUITABLE METHODS OF SCREENING;**

**B) THE SIZE, SCALE, DESIGN AND CONSTRUCTION MATERIALS OF THE BUILDING ARE APPROPRIATE TO ITS SETTING AND SPECIFIC USE;**

**C) THE DEVELOPMENT WOULD NOT CAUSE LOSS OF AMENITIES THROUGH UNACCEPTABLE NOISE, SMELL, DUST OR OTHER FORMS OF POLLUTION;**

**D) THERE WOULD BE NO SIGNIFICANT ADVERSE EFFECTS ON RESIDENTIAL AMENITIES;**

**E) SATISFACTORY ACCESS AND PARKING IS PROVIDED TO ACCOMMODATE THE LEVEL AND TYPE OF TRAFFIC LIKELY TO BE GENERATED.**

#### **Farm Relocation**

- 6.24 There have been situations where the operations of existing farm units have given rise to complaints from nearby residents. In some cases this leads to pressure for the relocation of these farmsteads. Farm rationalisation and changing patterns of agricultural practices also generate pressure for more efficient farm locations and in some cases can result in the closure of farmsteads without a need for their subsequent replacement.
- 6.25 Where the relocation of a farm into the countryside is proposed, the Council will apply Policy C3 and where an attendant dwelling is required, Policy C8. Proposals for the reuse of existing farm buildings will be considered against Policies C6 and C7 where they are located outside village envelopes.

#### **Stables, Riding Schools and Kennels**

- 6.26 There has been a steady increase in recent years in the number of planning applications for stables, riding schools and kennels, often in open countryside close to existing settlements. The Council acknowledges that these uses can be incompatible within residential areas and yet is concerned to avoid the cumulative effect of sporadic, small scale developments in the open countryside.
- 6.27 Suitable locations for these facilities will normally be within existing settlements where residential amenities are not affected or within existing groups of farm buildings in open countryside. The following policy will therefore apply:-

**C4 PLANNING PERMISSION WILL BE GRANTED FOR THE USE OF EXISTING FARM BUILDINGS AND ERECTION OF NEW BUILDINGS WITHIN EXISTING GROUPS OF FARM BUILDINGS OUTSIDE THE TOWN AND VILLAGE ENVELOPES SHOWN ON THE PROPOSALS MAP FOR STABLES, RIDING SCHOOLS AND KENNELS PROVIDED:-**

**A) THE DEVELOPMENT WOULD HAVE NO ADVERSE EFFECT ON THE FORM, CHARACTER AND APPEARANCE OF THE BUILDING OR THE RURAL CHARACTER OF THE LOCALITY;**

**B) THE DEVELOPMENT WOULD NOT CAUSE LOSS OF AMENITIES THROUGH UNACCEPTABLE NOISE, SMELL DUST OR OTHER FORMS OF POLLUTION;**

**C) THERE WOULD BE NO ADVERSE EFFECTS ON RESIDENTIAL AMENITIES;**

**D) THERE WOULD BE NO ADVERSE EFFECTS ON HIGHWAY**

## **SAFETY.**

- 6.28 The keeping and riding of horses and ponies for personal recreation is an increasingly popular pastime, especially within younger age groups. The grazing of horses on agricultural land does not usually require planning permission if the dominant use remains agricultural. The keeping of horses in paddocks solely for recreational purposes or other non agricultural use requires planning permission and such activities often result in the submission of proposals for small stables and shelters unrelated to existing farm buildings and in isolated positions in the open countryside.
- 6.29 The Council has produced a guidance leaflet which gives advice on the ways of providing appropriate shelter for horses and ponies in the countryside. In order to resist development which would adversely affect the appearance and rural character of the open countryside which in the Borough is largely defined as 'Particularly Attractive Countryside' in the LSP the following policy will therefore apply:-

**C5 PLANNING PERMISSION WILL NOT BE GRANTED FOR THE ERECTION OF STABLES OUTSIDE THE TOWN AND VILLAGE ENVELOPES ON THE PROPOSALS MAP UNLESS THE DEVELOPMENT IS IN ACCORDANCE WITH POLICY C4.**

### **Re-use and Adaptation of Rural Buildings**

- 6.30 The primary objective of this policy is to sustain and diversify the rural economy of Melton by promoting the reuse and adaptation of rural buildings for commercial, industrial or recreational use where the creation of local employment is a priority.
- 1.31 The reuse and adaptation of rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development as well as for tourism, sport and recreation. It can reduce demands for new building in the countryside, avoid leaving an existing building vacant and prone to vandalism and dereliction, and provide jobs.
- 1.32 There should generally be no reason for preventing the conversion of rural buildings for business reuse.
- 1.33 The Leicestershire Structure Plan Strategic Policy 4 makes provision for the reuse and adaptation of existing buildings and for limited small scale development for employment and leisure uses.
- 1.34 However, the conversion of buildings, currently in industrial or commercial use, to dwellings may have an adverse impact on local economic activity. Residential conversion of buildings which have ceased to be used for industrial or commercial purposes can have a minimal economic impact, whilst business conversion may have a more positive impact on local employment.
- 1.35 Proposals for residential conversions in the open countryside should be examined with particular care, and in such locations it is appropriate to apply similar strict control to that over new housing.
- 1.36 The Government's Planning Policy Guidance on 'The Countryside-Environmental Quality and Economic and Social Development' (PPG7 (revised)) gives further detailed advice on the re-use and adaptation of rural buildings.

**C6 PLANNING PERMISSION WILL BE GRANTED TO REUSE AND ADAPT A RURAL BUILDING FOR A COMMERCIAL, INDUSTRIAL OR RECREATIONAL USE PROVIDED THAT:**

**A)THE BUILDING IS OF SUBSTANTIAL, SOUND AND PERMANENT CONSTRUCTION AND IF IT IS IN THE OPEN COUNTRYSIDE, IS PROPOSED FOR REUSE AND ADAPTATION WITHOUT MAJOR OR COMPLETE RECONSTRUCTION;**

**B) THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS;**

**C) ANY CONVERSION WORK RESPECTS LOCAL BUILDING STYLES AND MATERIALS;**

**D) THE TRAFFIC TO BE GENERATED BY THE NEW USE CAN BE SAFELY ACCOMMODATED BY THE SITE ACCESS AND THE LOCAL ROAD SYSTEM;**

**E) THE PROPOSED USE WILL NOT HARM THE LOCAL ENVIRONMENT THROUGH THE CREATION OF NOISE, DUST, SMOKE, FUMES, GRIT, VIBRATION OR ANY FORM OF WATER, SOIL OR AIR POLLUTION;**

**F) THERE IS SUFFICIENT ROOM IN THE CURTILAGE OF THE BUILDING TO PARK THE VEHICLES OF THOSE WHO WILL WORK OR VISIT THERE AND ALSO TO SERVICE ITS USE, ALL WITHOUT DETRIMENT TO THE VISUAL AMENITY OF THE COUNTRYSIDE;**

**G) NO COMMERCIAL, INDUSTRIAL OR RECREATIONAL ACTIVITY OR STORAGE OF RAW MATERIALS OR FINISHED GOODS IS TO TAKE PLACE OUTSIDE THE BUILDING; AND**

**H) NO NEW FENCES, WALLS OR OTHER STRUCTURES ASSOCIATED WITH THE USE OF THE BUILDING OR THE DEFINITION OF ITS CURTILAGE OR ANY SUB-DIVISION OF IT WILL BE ERECTED IF THEY WOULD HARM THE VISUAL AMENITY OF THE COUNTRYSIDE.**

**C7 OUTSIDE THE TOWN AND VILLAGE ENVELOPES, PLANNING PERMISSION WILL NOT BE GRANTED TO REUSE AND ADAPT A RURAL BUILDING FOR RESIDENTIAL USE UNLESS IT IS TO BE USED AS AN AGRICULTURAL OR FORESTRY WORKERS DWELLING IN ACCORDANCE WITH POLICY C6, OR IS TO PROVIDE AFFORDABLE HOUSING IN ACCORDANCE WITH POLICY H8; AND ALL THE FOLLOWING CRITERIA ARE MET:**

**A) THE BUILDING IS OF PERMANENT SUBSTANTIAL AND SOUND CONSTRUCTION;**

**B) THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS;**

**C) ANY CONVERSION WORK RESPECTS LOCAL BUILDING STYLES AND MATERIALS;**

**D) THE TRAFFIC TO BE GENERATED BY THE NEW USE CAN BE SAFELY ACCOMMODATED BY THE SITE ACCESS AND THE LOCAL ROAD SYSTEM;**

**E) THERE IS SUFFICIENT ROOM IN THE CURTILAGE OF THE BUILDING TO PARK THE VEHICLES OF THOSE WHO WILL LIVE OR VISIT THERE WITHOUT DETRIMENT TO THE VISUAL AMENITY OF THE COUNTRYSIDE: AND**

**F) NO FENCES, WALLS OR OTHER STRUCTURES ASSOCIATED WITH THE USE OF THE BUILDING OR THE DEFINITION OF ITS CURTILAGE OR ANY SUB-DIVISION OF IT WILL BE ERECTED WHICH WOULD HARM THE VISUAL AMENITY OF THE COUNTRYSIDE.**

#### **Dwellings in the Open Countryside**

- 1.37 One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live in the vicinity of their place of work.
- 6.38 In order to detect attempts to abuse the concession that the planning system makes for such dwellings, it is important to establish that stated intentions to engage in farming or forestry are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time.
- 6.39 Consequently, when considering planning applications for permanent agricultural dwellings, the Council will require evidence that such a need is genuine in accordance with Government guidelines set out in Annex I to Planning Policy Guidance on the Countryside-Environmental Quality and Economic and Social Development (PPG7(revised)). Such evidence will not normally be required where a dwelling is to be built within the Town and Village Envelopes.
- 6.40 New permanent dwellings should only be allowed where there is a clearly established functional need for the dwelling. Such a requirement might arise if workers are needed on hand day and night in case animals require essential care at short notice or to deal with emergencies that could otherwise cause serious loss of crops or products. The need must also relate to a full-time worker, or one who is primarily employed in agriculture, and does not relate to a part time requirement. The functional need should not be fulfilled by another dwelling on the unit, or any other local accommodation which could be suitable and available for occupation by the workers concerned. In particular, the Council will encourage the conversion of an existing rural building, in accordance with its policy on the conversion and adaptation of rural buildings to residential use, instead of the construction of a new, permanent dwelling.
- 1.41 The Council will be concerned to establish that a permanent dwelling is not required to cover only a short term need. The unit and the agricultural activity concerned should have been established for at least three years, and have been profitable for at least of one of those. The business must be financially sound, and have a clear prospect of remaining so.

- 1.42 A technical appraisal of the agricultural justification for a dwelling will be carried out by the Council before determining any application, but all applications will be subject to normal planning considerations, including siting, design and external appearance. Where a dwelling is justified in open countryside the Council will seek to ensure that it is close to existing buildings and will not be detrimental to the visual character of the open countryside by being unduly conspicuous by reason of its size or position.
- 1.43 In cases where there is a need to establish the viability of a farm holding, the Council may, in exceptional cases, approve a temporary or mobile home provided the applicant intends to submit details for a permanent dwelling in the form of an outline or full planning application. Where a temporary home is approved permission will only be granted for a maximum period of 3 years during which time details of a permanent agricultural dwelling should be submitted for approval.
- 6.44 Applications for an agricultural workers residential caravan or mobile home will not normally be granted unless the Council is satisfied that the proposal is acceptable with regard to Policy C8 below.

**C8 PLANNING PERMISSION FOR A NEW DWELLING OUTSIDE THE TOWN AND VILLAGE ENVELOPES SHOWN ON THE PROPOSALS MAP WILL NOT BE GRANTED UNLESS:-**

- A) THERE IS AN ESSENTIAL LONG TERM NEED FOR A DWELLING TO ENABLE A PERSON EMPLOYED IN AGRICULTURE OR FORESTRY TO LIVE AT, OR VERY CLOSE TO THE PLACE OF WORK AND THERE IS NO EXISTING SUITABLE MEANS OF ACCOMMODATION AVAILABLE;**
- B) THE NEED CANNOT BE MET WITHIN THE TOWN AND VILLAGE ENVELOPES SHOWN ON THE PROPOSALS MAP;**
- C) THERE IS NO BUILDING ON THE FARM HOLDING OR UNDER THE CONTROL OF THE APPLICANT WHICH IS IN A SUITABLE LOCATION TO MEET THE FUNCTIONAL NEED AND COULD BE SATISFACTORILY CONVERTED TO FORM A DWELLING;**
- D) THE DWELLING WOULD BE SITED TO MINIMISE ITS INTRUSIVENESS IN THE OPEN COUNTRYSIDE;**
- E) THE SIZE, SCALE, DESIGN, FORM, CONSTRUCTION, MATERIALS AND ARCHITECTURAL DETAILING ARE IN KEEPING WITH EXISTING TRADITIONAL BUILDINGS IN THE AREA.**

**WHEN PLANNING PERMISSION FOR AN AGRICULTURAL DWELLING IS GRANTED IT WILL BE SUBJECT TO A CONDITION THAT THE OCCUPATION OF THE DWELLING IS LIMITED TO A PERSON SOLELY OR MAINLY EMPLOYED IN THE LOCALITY IN AGRICULTURE (AS DEFINED BY SECTION 336 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OR FORESTRY, OR A DEPENDENT OF SUCH A PERSON RESIDING**

**WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON.**

6.45 Where an agricultural occupancy condition has been imposed it will not normally be removed on a subsequent application unless it can be shown that there is no long term need for an agricultural workers dwelling either on the particular farm holding or in the locality. In assessing such applications, the Council will need to be satisfied that circumstances have changed to such an extent that the removal of the condition is justified; for example when there has been an unsuccessful attempt to sell the dwelling on the open market with the occupancy condition made known, at a reasonable price and for a considerable period of time. The Council acknowledges that there is no virtue in keeping dwellings unoccupied if they are no longer needed for their original purpose.

**C9 PLANNING PERMISSION WILL NOT BE GRANTED FOR THE REMOVAL OF AN AGRICULTURAL WORKERS DWELLING OCCUPANCY CONDITION UNLESS:-**

**A) IT CAN BE SHOWN THAT THERE IS NO LONG TERM NEED FOR THE DWELLING ON THE FARM HOLDING TO WHICH IT BELONGS OR OTHER FARM HOLDINGS IN THE LOCALITY;**

**B) THE DWELLING HAS BEEN OFFERED UNSUCCESSFULLY FOR SALE ON THE OPEN MARKET FOR A PERIOD OF NOT LESS THAN ONE YEAR AND AT A PRICE WHICH IS BASED ON THE ABILITY OF AN AGRICULTURAL WORKER ON AVERAGE AGRICULTURAL EARNINGS TO PURCHASE THE DWELLING.**

6.46 Where planning permission is granted on the basis that an additional agricultural dwelling is necessary for the operation of a holding, the Council will consider the imposition of an agricultural occupancy condition on any existing untied dwellings on the holding.

**Residential Mobile Homes in Open Countryside**

6.47 The Council is concerned to ensure that any adverse environmental impact associated with the development of residential caravan sites is avoided by exercising a general presumption against development in areas of open countryside. Furthermore, this form of accommodation usually requires the same services as ordinary houses and should be in easy reach of schools, shops and health services. They should therefore be located within existing areas of development where services can be provided. Because these homes provide permanent accommodation, their internal layout and standards should provide no less an acceptable environment for those living in them than for ordinary residential development.

**C10 PLANNING APPLICATIONS FOR RESIDENTIAL CARAVANS, MOBILE HOMES AND OTHER MOVEABLE STRUCTURES FOR RESIDENTIAL USE WILL BE TREATED AS THOUGH THEY WERE FOR RESIDENTIAL BUILDINGS, AND WILL THEREFORE BE SUBJECT TO THE APPROPRIATE POLICIES AND CRITERIA.**

**AS AN EXCEPTION PLANNING PERMISSION WILL BE GRANTED FOR A TEMPORARY PERIOD PROVIDED THE ACCOMMODATION IS FOR AN AGRICULTURAL OR FORESTRY WORKER AND IT COMPLIES WITH CRITERIA A, B AND D OF**

**POLICY C8. PLANNING PERMISSION MAY ALSO BE GRANTED FOR A TEMPORARY PERIOD IF THE ACCOMMODATION IS REQUIRED BY THE APPLICANT IN RELATION TO THE CONSTRUCTION OF A DWELLING ON THE SITE.**

**Residential Extensions and Replacement Dwellings in Open Countryside**

- 6.48 The landscape of the area is punctuated with farmhouses and other dwellings which have been built largely for the needs of the rural community. Policy OS2 generally presumes against development in the open countryside apart from certain exceptions. The Council wishes to provide for the reasonable needs of occupants of these dwellings where domestic extensions or alterations are required. In such circumstances the Council will be concerned to ensure that any development is in harmony with its surroundings.

**C11 PLANNING PERMISSION WILL BE GRANTED FOR EXTENSIONS AND ALTERATIONS TO EXISTING DWELLINGS OUTSIDE THE TOWN AND VILLAGE ENVELOPES SHOWN ON THE PROPOSALS MAP PROVIDED THE SIZE, SCALE, FORM, DESIGN AND CONSTRUCTION MATERIALS ARE IN KEEPING WITH THE DWELLING AND LOCALITY.**

- 6.49 Planning applications for residential extensions within the Town and Village Envelopes will normally be approved subject to compliance with Policy OS1. The Council has published a leaflet on house extensions which provides guidance on size, scale, shape, form, position, external appearance and dormer windows. Further advice on residential development which does not require planning permission is also available.
- 6.50 The Council is aware that existing habitable dwellings in the open countryside may sometimes need to be completely rebuilt in order to achieve modern standards of foundation, design, insulation and so on. However, the Council does not wish to see any policy on replacement dwellings abused. In order to prevent dilapidated buildings or remnants of buildings being replaced by new dwellings which would adversely affect the open appearance of the countryside, the following policy will apply:-

**C12 PLANNING PERMISSION WILL NOT BE GRANTED FOR THE REPLACEMENT OF AN EXISTING DWELLING OUTSIDE THE TOWN AND VILLAGE ENVELOPES SHOWN ON THE PROPOSALS MAP UNLESS:-**

- A) THE REPLACEMENT DWELLING WOULD BE OF SIMILAR SIZE AND SCALE, IN CLOSE PROXIMITY TO THE EXISTING AND IN CHARACTER WITH ITS SURROUNDINGS;**
- B) THE EXISTING DWELLING HAS A LAWFUL RESIDENTIAL USE OR IS NOT SO DILAPIDATED AS TO BE INCAPABLE OF HABITABLE USE.**

**Sites of Ecological, Geological or Other Scientific Importance**

- 6.51 Under Section 11 of the Countryside Act 1968, local authorities are required to have regard to the desirability of conserving the natural beauty and amenity of the countryside, to include the safeguarding of wildlife and geological and physiographical features of importance. Building development, changes in agricultural practice and disease have contributed over the years to a steady loss of wildlife habitats. It is

becoming increasingly important to protect the existing diversity of flora and fauna and animal wildlife in the Plan area.

- 1.52 Planning Policy Guidance Note No 9 "Nature Conservation", sets out the Government's objectives for nature conservation and the framework for safeguarding our natural heritage, and emphasises the importance of sites designated and undesignated for nature conservation. There is therefore a need to ensure that protection is given to both statutory designated nature conservation sites, and other sites of local importance. It is also important that nature conservation issues in the wider countryside are addressed, including creative nature conservation, through for example the designation of nature reserves.
- 1.53 Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) are sites of importance which are intended to protect the habitats of threatened species of wildlife. SPAs are classified under the 'EC Council Directive on the Conservation of Wild Birds: The Birds Directive'. SACs are designated under the 'EC Council Directive on the Conservation of Wild Fauna and Flora: The Habitats Directive'. Currently, there are no SPAs or SACs in Melton.
- 6.54 National Nature Reserves (NNRs) are areas of national, and sometimes international, importance which are owned or leased by English Nature or bodies approved by them, or are managed in accordance with Nature Reserve Agreements with landowners and occupiers. The essential characteristic of NNRs is that they are primarily used for nature conservation. In Melton, Muston meadows have been identified as an NNR.
- 6.55 English Nature has designated a number of areas within Melton as Sites of Special Scientific Interest (SSSIs) because of their national importance for nature conservation. These have been designated under the provisions of the Wildlife and Countryside Act 1981 and comprise wildlife habitats and geological features.
- 6.56 Owners of SSSI's and their tenants are required under the 1981 Act to consult English Nature over a range of activities that could damage the special interest of the site. English Nature will provide advice on the most sensitive way to carry out the activity without causing damage and can provide grants under agreed management plans to help owners and tenants manage the sites for wildlife. Under Article 18 of the Town and Country Planning General Development Order 1988, local planning authorities must consult English Nature and have regard to conservation interests when considering planning applications affecting a SSSI. Statutorily designated sites are identified on the Proposals Map and Insets and are listed at Appendix 1.
- 6.57 The Museums Service of the County Council has undertaken a full survey of the Plan area in order to identify and evaluate all sites of ecological and geological interest. The Council will exercise a presumption against proposals which would damage Regionally Important Geological Sites (RIGS) and other sites identified of importance at County and District level in accordance with Policy C13. Where development may otherwise be acceptable, measures will be required to safeguard specific matters of interest having regard to advice provided by the County Museums Service. RIGS and areas known to be of County and District and Parish significance are shown on the Proposals Map (Insets). All sites are listed at Appendix 1.
- 6.58 Some sites are managed by the Leicestershire and Rutland Trust for Nature Conservation. Other organisations such as parish councils have interests in the management of sites of local significance. The County Council has powers to designate and manage local nature reserves and has agreed to support voluntary conservation groups to enable them to acquire/manage sites of nature conservation

interest and to acquire key SSSI's where appropriate. The Borough Council will encourage the management of land for nature conservation purposes and the creation of nature reserves where appropriate, for example in connection with new development, or as an after-use following mineral extraction.

**C13 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH COULD ADVERSELY AFFECT:-**

**A) A DESIGNATED SSSI (ECOLOGICAL), OR NATIONAL NATURE RESERVE UNLESS THERE IS NO OTHER SITE SUITABLE FOR THE PURPOSE AND AN OVERRIDING NATIONAL NEED CAN BE SHOWN;**

**B) A LOCAL NATURE RESERVE OR SITE OF ECOLOGICAL INTEREST AT COUNTY OR DISTRICT LEVEL UNLESS IT CAN BE CLEARLY DEMONSTRATED THAT THERE IS AN OVERRIDING NATIONAL OR LOCAL NEED FOR THE PROPOSAL WHICH CLEARLY OUTWEIGHS THE NEED TO SAFEGUARD THE INTRINSIC NATURE CONSERVATION VALUE OF THE SITE;**

**C) A DESIGNATED SSSI (GEOLOGICAL) OR RIGS UNLESS THERE IS NO OTHER SITE SUITABLE FOR THE PURPOSE AND AN OVERRIDING NATIONAL NEED CAN BE SHOWN;**

**D) A SITE OF GEOLOGICAL INTEREST AT COUNTY AND DISTRICT LEVEL UNLESS IT CAN BE CLEARLY DEMONSTRATED THAT THERE IS AN OVERRIDING NATIONAL OR LOCAL NEED FOR THE PROPOSAL WHICH CLEARLY OUTWEIGHS THE NEED TO SAFEGUARD THE INTRINSIC NATURE CONSERVATION VALUE OF THE SITE.**

**WHERE THERE IS A RISK OF DAMAGE TO A DESIGNATED SITE PLANNING CONDITIONS WILL BE USED, OR SECTION 106 AGREEMENTS SOUGHT, TO SECURE THE LONG-TERM MANAGEMENT OF THE SITE, TO RESTRICT OPERATIONS, OR TO PROVIDE NATURE CONSERVATION FEATURES TO COMPENSATE FOR ANY SUCH FEATURES TO BE LOST.**

6.59 The Habitats Directive requires Member States to endeavour to encourage the management of features of the landscape which are of major importance for wild flora and fauna. These features are those which, because of their linear and continuous structure or their function as 'stepping stones', are essential for migration, dispersal and genetic exchange. Examples include, rivers with their banks, traditional field boundary systems, ponds and woods.

**C14 PLANNING PERMISSION FOR DEVELOPMENT WHICH MAY ADVERSELY AFFECT THE NATURE CONSERVATION VALUE OF:**

**A) HEDGEROWS AND TREE BELTS;**

**B) WOODLANDS;**

**C) RIVER CORRIDORS AND MAIN DRAINS;**

**D) MARSHES, PONDS AND LAKES;**

**E) DISUSED RAILWAY LINES; OR**

## **F) SEMI-NATURAL LIMESTONE GRASSLANDS**

**WILL ONLY BE PERMITTED WHERE CONDITIONS OR SECTION 106 AGREEMENTS ARE USED TO ENSURE THEIR RETENTION, REPLACEMENT OR REINSTATEMENT.**

### **Wildlife Habitat Protection**

- 6.60 Statutory protection is given to endangered species of plants, animals, birds, insects and invertebrate under the provisions of the Wildlife and Countryside Act 1981. The survival of a species may depend very much on its local environment and if eroded or lost to development the continuation of the species at that location could be seriously threatened. The Council will consult English Nature whenever a development proposal involves a potential threat to wildlife habitat.
- 6.61 The presence of a protected species is a material consideration when a planning application is determined. The Council will therefore take steps as necessary to protect endangered species from any adverse effects of development by applying the following policy:-

**C15 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD HAVE AN ADVERSE EFFECT ON THE HABITAT OF WILDLIFE SPECIES PROTECTED BY LAW UNLESS NO OTHER SITE IS SUITABLE FOR THE DEVELOPMENT AND THE DEVELOPMENT IS DESIGNED TO PROTECT THE SPECIES OR PROVISION IS MADE FOR THE TRANSFER OF THE SPECIES TO AN ALTERNATIVE SITE OF EQUAL VALUE.**

### **Trees and Woodlands**

- 6.62 Small woodlands, hedgerows and individual trees are an integral part of the rural landscape of the area. Through recent changes in agricultural practices and disease many trees and hedgerows have been lost. Where new development is proposed the Council will attach particular importance to the protection of existing trees and hedgerows, adequate replacement and new planting. The Council has published guidance on the landscaping of major development sites.
- 6.63 The Council is particularly concerned to ensure that ancient woodlands are protected from loss or damage and that clearance of broad-leaved woodlands for development and agricultural purposes is avoided. Wherever possible areas of woodland accessible to the public or which make a significant contribution to the local landscape will be protected. Encouragement will also be given to the planting of trees and management of existing woodlands wherever possible.
- 6.64 Tree felling is largely controlled by the Forestry Commission. The Council is consulted on all applications for licences to fell and will seek to ensure that all relevant environmental or land use aspects are taken into account before a licence is granted. Where it is considered in the interests of the amenities of the area that the ground covered by an application should be restocked after felling, the Council will request that replanting conditions are imposed. The Forestry Commission requires the replacement of all trees for which a felling licence is granted. Although a licence is not required where felling is in accordance with an approved plan of operation under a Forestry Commission grant scheme, the Council is still consulted on these proposals.

- 6.65 Local planning authorities have statutory powers under the Town and Country Planning Act 1990 to make Tree Preservation Orders on trees which are of significant environmental value and may be endangered. Any tree covered by a Tree Preservation Order cannot be felled, lopped, topped or uprooted without the consent of the Council. In exceptional circumstances, permission to fell or lop a tree may be granted. However, the Council will normally require the planting of an appropriate replacement when consent to fell is given. With certain exceptions, the felling of mature trees requires a licence from the Forestry Commission.

**C16 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD RESULT IN:-**

**A) THE LOSS OR DAMAGE TO AREAS OF ANCIENT WOODLAND SHOWN ON THE PROPOSALS MAP;**

**B) THE LOSS OF TREES OR OTHER WOODLANDS COVERED BY A TREE PRESERVATION ORDER UNLESS THERE IS NO OTHER SITE SUITABLE FOR THE DEVELOPMENT AND ANY TREES FELLED ARE REPLACED AT AN ALTERNATIVE SITE OF EQUAL VALUE.**

- 6.66 The Council will impose a Tree Preservation Order where trees make a significant contribution to public amenity and it is considered that they may be under threat of felling or excessive lopping. Under Section 211 of the Town and Country Planning Act 1990 protection is also given to trees within a conservation area which are not covered by a Tree Preservation Order. Further details are included in Chapter 7 “The Built Environment and Conservation” paragraph 7.19.

**Woodland Planting around Melton Mowbray**

- 6.67 As the town of Melton Mowbray has expanded so the urban edges have become more prominent from approach roads. Modern housing estates and industrial development provide in some instances an uncompromising and unattractive edge.
- 6.68 Views of obtrusive elements in the town are particularly evident when approached from Grantham Road (A607), Saxby Road (B676) and Leicester Road (A607). The Council will therefore seek to improve the appearance of the town in its landscape setting by securing strategic planting in association with planning permissions on the edge of the town and by the planting of tree belts on the perimeter and further from the urban area along approach roads.

**Landscaping and New Development**

- 6.69 Landscaping schemes are often an essential design and environmental element needed to ensure that new development harmonises with local surroundings. Good planting can do much to protect the amenity of adjoining properties and generally enhance an area. In some instances, the environmental impact of a development proposal cannot be fully considered without the inclusion of landscape details.
- 6.70 The Council will require that landscaping schemes are implemented during the planting season following the completion of a development and that they are maintained for at least 5 years. Wherever possible structural planting should take place in advance of development. Early planting is particularly important prior to the implementation of mineral extraction proposals.
- 6.71 Where appropriate the Council will require a landscaping scheme as part of a detailed application which involves the comprehensive development of a site. Landscaping

schemes should identify and include any existing healthy mature trees and hedgerows which make a significant contribution to the visual appearance of a site. Provision should be made for their protection during development operations.

- 6.72 The planting of indigenous species of trees and shrubs will be required and their proper maintenance including the replacement of dead plants, formative pruning, weed control and watering during drought until a landscaping scheme is well established.
- 6.73 **Planning permission for new development will normally be subject to the submission, approval and implementation of a satisfactory landscaping scheme.**

#### **Landscape Grants**

- 6.74 The Council wishes to encourage the implementation of environmental improvement schemes and finance is available to assist parish councils and other bodies carry out local schemes. The Council also operates a tree grant scheme to increase tree cover on visually prominent private and public land.
- 6.75 The Council will continue to grant aid environmental improvement schemes, subject to availability of finance, including tree planting initiatives, giving priority to the implementation of appropriate schemes within those areas identified on the Proposals Map as Protected Open Areas.