



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

| Report Summary | | | |
|---------------------------|--|------------------------------------|-------------------------|
| Application Number | 22/02086/FUL | | |
| Proposal | Change of use of agricultural land to proposed turning area | | |
| Location | Hutchinson Engineering Services Ltd, Great North Road, Weston, NG23 6SY | | |
| Applicant | Hutchinson Engineering Services Ltd | Agent | Mike Sibthorpe Planning |
| Web Link | 22/02086/FUL Change of use of agricultural land to proposed turning area Hutchinson Engineering Services Ltd Great North Road Weston Nottinghamshire NG23 6SY (newark-sherwooddc.gov.uk) | | |
| Registered | 08.11.2022 | Target Date | 03.01.2023 |
| | | Extension of Time Requested | 17.03.2023 |
| Recommendation | That planning permission is REFUSED for the reasons detailed at Section 10.0 | | |

This application is before the Planning Committee as the request of Cllr S Michael who supports the views of the Parish Council which differ from the officer recommendation.

1.0 The Site

Hutchinsons Engineering is situated on the western side of the Great North Road within Weston parish, approximately 15 km (9.5 miles) north of Newark. Plans deposited with the application show that the wider site has a depth of approximately 300m from the back edge of the highway boundary to Great North Road and approximately 71 metres width across. Buildings are primarily grouped towards the northern part of the site behind and adjacent to staff/visitor car parking facilities located immediately behind the road frontage. Vehicular access to the site is gained from an access point alongside the eastern boundary onto the

Great North Road. The existing site appears to comprise approximately 2.11 hectares in area. The boundaries are demarcated primarily by mixed hedgerows and concrete security fencing on the inside. There are significant areas of open storage on the wider site comprising high sided vehicles, plant and equipment, to the rear of the existing group of buildings.

On the site subject to this application, hardcore has already been laid, concrete security fencing installed and the spoil and self-set saplings that were on site have been removed.

The housing within the village of Weston lies to the north of Great North Road. The East Coast Railway Line passes from southeast to northwest to the northeast of the village whilst the A1 trunk road passes through the open countryside to the southwest, along a line broadly parallel with the railway.

There is open agricultural land to the east, south and west of the site. A short distance to the west is a substantial open space upon which is located the grounds of the Weston Cricket Club.

2.0 Relevant Planning History

There has been extensive planning history to this site (the most recent of which towards the bottom- is of most relevance) which is summarised below:

60/76480 – Extension to offices. Approved 07/06/1976 (Hempsalls Transport Ltd)

60/76753 - Relaxation of condition on previous planning consent relating to sales of commercial vehicles from the site. Approved 07/09/1976.

60/76231 – Extension to workshop. Approved 06/04/1976.

60/77596 – Extension to transport depot. Approved 17/08/1977.

60/80856 – Extensions to offices. approved 29/08/1980.

60/82814 – Extension to workshops for servicing good vehicle. Approved 04/011/1982.

60/891265 – Rural workshop development to house light industry on land at rear of existing facility (includes the site now being considered). Refused 20/11/1990.

98/51958/FUL (FUL/980457) - Extension to offices, alterations to flat roof to offices to form new pitched roof (retrospective). Approved 08/06/1998.

98/51959/FUL (FUL/980458) - Change of use of agricultural land to form parking area for haulage/commercial vehicle repair depot. Refused 04/08/1998) and related to land now in use as the yard.

9951844/FUL (FUL/990429) - Extended parking area for existing haulage /commercial vehicle repair depot. erection of workshop/store and related land (related to a site that now forms part of the existing yard) Refused 23/07/1999.

02/00511/LDC - Continue use of land for storage of vehicles and equipment on area of hardstanding on former agricultural land (related to part of the site now used as yard and part open countryside). Refused 21/05/2002.

03/00027/FUL - Change of use from agricultural land to form additional rear yard space to engineering services depot. Restoration of hardstanding to south to former state. Withdrawn 15/07/2003.

03/01966/FUL - Change of use of agricultural land to form additional rear yard space to depot. Restoration of hardstanding to south to former state. This application related to the land immediately north of the current proposal. Refused 06/10/2003 on grounds:

01

This proposal is also subject to Policy NE1 (Development in the Countryside) of the adopted Newark & Sherwood Local Plan and Policy 3/1 (Control of Development in the Countryside) of the adopted Nottinghamshire Structure Plan Review. These policies state a general presumption against development in the countryside, unless it meets one of the exceptions listed. This proposal does not meet any of the exceptions listed and is therefore contrary to the above policies.

02

The site is subject to Policy E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan. This Policy state that planning permission will not normally be granted for employment development in the countryside. It provides a list of exceptions, one of which is 'the reasonable expansion of an existing business, provided inter alia, that the development would not intrude into the openness of the countryside.' Policy 2/9 of the Nottinghamshire Structure Plan adopts a similar stance. In the opinion of the Local Planning Authority, the proposal does not constitute a reasonable expansion and constitutes a harmful intrusion into the open countryside. Therefore the proposal is considered to be contrary to the above-mentioned policies.

04/01305/FUL - Change of use of land to form extended parking/storage area for existing haulage/commercial vehicle depot. Related to land north of the application currently being considered. Approved 23/07/2004.

05/01571/FUL - Partial change of use of site to enable 'end of vehicle life' operations, including the extension of an existing concrete cutting bay, storage of end of life vehicles and their de-pollution and disposal. (related top small area of land in centre of site) Approved 12/10/2005.

07/00606/FULM –‘Change of use agricultural land to industrial (Class B2) and formation of associated bunding, demolition of existing workshop and erection of extension to rear to form new maintenance and storage facility’. The extension into the open countryside comprised a vehicle turning facility encompassed by a security bund to the rear of the site around which the existing boundary hedge was proposed to be retained. This was refused 02/08/2007 (delegated) on the following grounds:

01

The proposed workshop extension does not constitute a reasonable expansion of the business and constitutes a harmful intrusion into the open countryside, contrary to Policy NE1 (Development in the Countryside) and E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan.

02

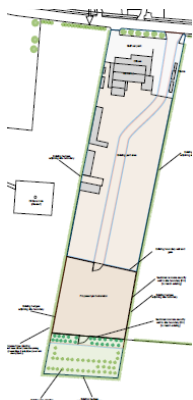
The proposed change of use of agricultural land to industrial (Class B2) use does not constitute a reasonable expansion of the business and constitutes a harmful intrusion into the open countryside, contrary to Policy NE1 (Development in the Countryside) and E28 (Employment Development in the Countryside) of the adopted Newark & Sherwood Local Plan.

APP/B3030/A/08/2067961 – The applicant appealed against this decision and the appeal was dismissed on 13th June 2008.

17/00901/FUL – Change of use land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods. Application was withdrawn in August 2017.

17/01389/FUL - Construction of Pitched Roof on Ancillary Industrial Buildings (Retrospective) approved 02.10.2017

18/00251/FUL - Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods (revised proposals following application 17/00901/FUL) approved March 2018 and implemented. Condition 3 required the planting of 26 heavy standard native trees, which either has not not been undertaken at all or maintained as required by the condition. The proposed planting area is the area where this latest change of use is now sought. The reason for the condition was to help mitigate and reduce the level of visual harm from the development.



21/02245/FUL – Change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods. Refused (under delegated powers) on 2nd December 2021 for the following reason:

In the opinion of the LPA the proposal does not represent a small scale or proportionate expansion and further expansion into the countryside is considered to be unsustainable

and would unacceptably harm the open flat landscape. Furthermore the application has not demonstrated there is a need for this level of expansion into the open countryside and in any event the harm is now considered to outweigh any such need taking into account the amount that the business has already expanded over time. This application would also result in the inability to mitigate existing visual harm to the countryside through an approved soft landscaping scheme in 2018. The proposals are therefore considered to be contrary to Core Policy 6 (Shaping our Employment Profile), Core Policy 13 (Landscape Character) and Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy DPD and policies DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations & Development Management DPD which together form part of the Development Plan as well as being contrary to the NPPF, a material planning consideration.

APP/B3030/W/22/3293016 – An appeal was lodged and dismissed on 05.08.2022

3.0 The Proposal

Full planning permission is sought for the change of use of land to form an extension to an existing haulage yard. This time however, the application is said to relate to the provision of an HGV turning area and explicitly notes on the proposed plans that it would not be for the parking of vehicles, trailers or storage of goods. Indeed the description of development is noted as being for the ‘change of use of agricultural land to proposed turning area’.

The plans show the area to be c0.3 hectares in area, between c38m and c48m deep by 71m in width which is the same site area as the most recent appeal decision. This would apparently utilize all land within the applicant’s ownership and is said to be required to meet the growing needs of the business.



The boundaries proposed are 2m high concrete sectional fencing (which has now already been installed). The plans annotate the existing hedge along the boundaries would be gapped up and that 70 new trees would be set within this. Compacted hardcore has already been laid at the site over the entire site area.

It is not clear if the land is already in use for the turning area but given the physical development has already been undertaken, the proposal is therefore part retrospective.

The Submission

Proposed Block Plan, MSP:225/011A (revised 01.02.2023)

Site Location Plan, MSP:225/001C

Letter from Duncan and Toplis, 21.10.2022

Landscape and Visual Assessment, by Mike Sibthorpe

Planning Statement by Mike Sibthorpe

Business Plan 2022-2025 (received 01.02.2023)

Commentary on Business Plan (received 01.02.2023)

Revised Plan showing soft planting, unreferenced (received 20.03.2023)

4.0 Departure/Public Advertisement Procedure

Occupiers of ten properties have been individually notified by letter. The application has also been advertised as a departure to the Development Plan.

Site visit undertaken November 2022 and February 2023.

5.0 Planning Policy Framework

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM4 – Renewable and Low Carbon Energy Generation

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

6.0 Consultations

Cllr S Michael – Supports the scheme and requested the application be considered by the Planning Committee in the event of a refusal.

Weston Parish Council – Support and feel that:

- The turing area will make the site safer;
- There will be less noise;
- The proposal will not have a detrimental effect on the village.

NCC Highways Authority – ‘The addition of a turning area to the premises is welcomed as it will enable vehicles to exit the highway in a forward gear as such there are no objections to the proposal. The plan has however not been accompanied by any swept path analyses so it is assumed that the design is fit for purpose for the applicants purposes.’

Interested Parties/neighbours – None received.

7.0 Comments of the Business Manager – Planning Development

Preliminary Matters

An application for the ‘*change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods*’ was refused and dismissed on appeal in August 2022. The main issues were identified by the Inspector to be:

- whether the proposed development would represent an unacceptable encroachment into the open countryside; and
- if the proposed development is an unacceptable encroachment whether this would be justified by the reasonable needs of the existing business.

The Inspector found there there was unacceptable encroachment in the countryside and that this was not justified by the reasonable needs of the business.

This application seeks to directly respond to the concerns raised in the previous refusal and dismissal. The application has been assessed on its merits albeit the report that follows is based on the previous report and updated where necessary.

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The starting point in assessing this scheme is with the Development Plan. Spatial Policies 1, 2 & 3 set out the settlement hierarchy in the district and where growth should be distributed

to. At the top of the hierarchy (as detailed in Spatial Policy 1) is the Sub Regional Centre (Newark, Balderton and Fernwood) followed by a number of Service Centres, Principle Villages and then at the bottom is 'Other Villages'. Spatial Policy 2 sets out the distribution of employment sites across a number of areas. In terms of providing context, Weston village itself would be considered a rural area where Spatial Policy 3 would become relevant. However as the site lies outside of the settlement and in the open countryside this policy acts as a signpost to other policies within the Development Plan which are Core Policy 6 (Shaping our Employment Profile) and Policy DM8 (Development in the Open Countryside).

CP6 provides that most employment land should be at the Sub Regional Centre with a lesser scale directed towards Service Centres and Principal Villages. It goes on to say (in its penultimate bullet point) the economy within the district should be strengthened and broadened to provide a range of employment opportunities by *'helping the economy of Rural Areas by rural diversification that will encourage tourism, recreation, rural regeneration and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.'*

Policy DM8 (at point 8 – Employment Uses) states that *'Small-scale employment development will only be supported where it can be demonstrated the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of CP6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through the sequential test.'*

I am mindful that the NPPF also represents a material planning consideration, notably the 3 dimensions to sustainable development which have economic, social and environmental roles. Paragraph 84 (supporting a prosperous rural economy) is particularly pertinent which states that 'Planning policies and decisions should enable (A) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings...'

It is against this policy context above that the scheme needs to be assessed. Some of the key points which are worthy of further exploration are:

- 1) Has the applicant evidenced a need for expanding this particular rural location and will it create or sustain employment locally in line with CP6 and DM8?
- 2) Can this development be considered to be small-scale as required by DM8 and whether the proposal does constitute 'sustainable growth' as required by the NPPF.

I explore these issues as I move through the report. Other key considerations that need to be considered are:

- 3) Whether the scheme would have harmful impacts on the open countryside and
- 4) Whether the findings of the appeal dismissal in 2007 and from August 2022 remain valid.

A number of other considerations are also explored (highways, residential amenity, ecology

etc) and then all matters will need to be weighed in the planning balance which I undertake at the end of this report.

Has the applicant evidenced a need for expanding this particular rural location and will it create or sustain employment locally in line with CP6 and DM8?

The applicant's company operate a range of engineering and manufacturing services as well as specialist haulage services from 3 sites in the area; Weston and Sutton-on-Trent which are within NSDC jurisdiction and a depot at Tuxford (their specialist trailer division) falling within Bassetlaw District Council's area. The Weston site operates the haulage side of the business which specializes in heavy and abnormal loads.

The applicant previously set out that as the business has expanded so has the need to expand the space on site and there is no capacity at any of the other sites and that in any event it would be costly and inefficient to do so. The agent advises that as abnormal loads vary in form it is necessary to have a varied stock of trailer types available for use and therefore for every vehicle operating from the site, there will be several different, compatible trailers available to be used. When not in use these need to be stored at the site and ready to be used according to the demands of the business. They go onto explain that the plant and crane hire operation has also expanded significantly (by around 30%) since 2018. Two additional mobile cranes have been added with the number of access platforms having increased from 15 to 24. Off-loading shovels have increased from 4 to 7. Four large fork-lift trucks (up to 30 tonnes capacity) have been added, as well as two, 20-tonne excavators and two, 25 tonne bulldozers. Other smaller items have also been added to the inventory. The rapid growth of the business has meant that the needs of the enlarged fleet cannot reasonably be accommodated within the site alongside the other site activities, including specialist equipment hire and in-transit goods. They say there is a real and evident need to expand the site to accommodate the day-to-day needs of the business.

In considering the previous scheme (dismissed on appeal) it was noted that whilst the application gave a strong anecdotal commentary on the need for the space, no plans or details have been submitted that evidence how the existing site might be rationalised and better used or if this is even possible. The employment position also suggested a neutral impact on sustaining existing jobs. Ultimately neither officers nor the Planning Inspector were persuaded that there was a demonstrable need for the additional space on site to meet the needs of the business.

This latest application is supported by additional evidence of the business and its needs. The auditors letter submitted in support of this application indicate the gross turnover for the year ending 30.04.2021 was £10.523m and on 30.04.2022 was £12.225m demonstrating growth. This business plan relates only to the haulage division at the Weston site. They also make the case that the turning facility will free up space within the existing yard to allow additional specialist HGVs and specialist equipment to be stored, which would allow vehicles to more safely leave the application site and create employment opportunities for around 20 jobs. The submitted Business Plan (BP) (for the period 2022 to 2025) indicates the projection for both sustaining and creating employment (by 24% over the next 3 years) which is significant for a rural area.

There is limited evidence presented (other than anecdotal commentary) to show why the business needs a rural setting and cannot be relocated to a more urban setting such as the industrial estate. Clearly this would have cost implications for the applicant who owns the site at Weston and it would appear to be unpalatable. It is accepted that the business has operated from this site for a long period and is close to the A1 so has reasonable access to one of the major transport links.

Like many others in its sector, the business faces the challenges of a shortage of experienced and qualified drivers and well as volatile and increasing fuel costs but is said to remain resilient given its specialisms in abnormal loads and involvement in major projects such as the HS2. The Business Plan makes the case that there is a need to allow expansion to allow the business to grow to gain new clients and offer valued added services to existing ones. The business is said to be turning away work in part due to the physical limits of the Weston site. Clearly this application would only solve part of the problem and efforts would be required to make more efficient use of the yard to create additional capacity. This application is not accompanied by any plans or evidence to show how the use of the existing site could be made more efficient. Whilst not fully demonstrating the case for the need in this location, there does appear to be a reasonable case in economic terms to allow this business to expand.

Can this development be considered to be small-scale as required by DM8 and whether the proposal does constitute 'sustainable growth' as required by the NPPF?

The business has been incrementally expanded over a long period of time to more than 1 ½ times the size of the original business, a matter noted by the Inspector in his latest decision letter at para.19. The Inspector concluded that the expansions that had gone before should be considered cumulatively and that there was no evidence the proposal amounted to sustainable growth that would be justified by the reasonable needs of the business.

Small-scale is not defined anywhere in policy but is a matter of judgement based on fact and degree. Whether this proposal constitutes 'sustainable growth' as required by the NPPF is a difficult matter to grapple with. The business has been allowed to expand over decades and it difficult to know where the line should be drawn in terms of saying enough expansion is enough in the context of when a site should take no more. I remain of the view that the proposal, taking into account the previous expansions does not amount to 'small-scale' as required by Policy DM8.

This Council has both supported and resisted expansions throughout the business' history at this site and the operator is clearly an important and well established business. However, such support should be within the context of the land use constraints of the site. The justification for DM8 states that 'it should be recognised that the expansion of any given site is likely to be limited at some point by its impact on the countryside.' The key question is where that limit should be. This is, in part, inextricably linked to its impact on the open countryside which I now consider further.

Whether the scheme would have harmful impacts on the open countryside?

This is a matter that was explored with the recent appeal that was dismissed. At that time it was proposed that vehicles would be parked within the site now subject to this application. The Inspector found there would be harm. At para. 6 of his DL it states:

“As the proposal would introduce development and vehicles onto land that is currently open it would represent an encroachment into the countryside. Additionally, in the context of the above it would be likely to have a significant adverse visual impact on the openness of the countryside. It would also therefore fail to ensure that the rural landscape has been protected and enhanced. I note that the extended yard would not always be full of vehicles. However, this is not the same as the proposal having no visual impact at all in this regard.”

The Inspector also noted that the hedgerow proposed would not sufficiently obscure the proposal fully given the visibility from the A1, the footpaths and bridleways. They also noted there was no evidence to support the appellant’s claim that the impact was moderated by the low profile of the on-site parking and storage and the screening in the form of a Landscape and Visual Impact Assessment. The Inspector concluded that the proposal represented an unacceptable encroachment into the open countryside. This revised scheme seeks to remedy these criticisms by providing a Landscape and Visual Impact Assessment (LVIA) and by no longer including vehicles parking within the area.

The LVIA submitted has been undertaken by the planning agent and does not appear to follow objective methodology usually employed by qualified landscape architects in undertaking such assessments. It concludes there would be no adverse impact on the existing landscape and no material change to the appearance of the site. I do not agree with this assessment.

The site lies within the Mid-Nottinghamshire Farmlands landscape and falls to be assessed against Policy Zone 20: Ossington Village Farmlands with Ancient Woodland where landscape condition is defined as good and its sensitivity is defined as moderate giving a policy action of ‘conserve and reinforce’ according to CP13 and the SPD on Landscape Character.

It has already been concluded (at both District Council level and upon appeal in 1998, again in 2007 and in 2022) that developing a larger parcel of land (albeit part of the same land) for an extension of the haulage yard would have a harmful impact on the countryside. One appeal was also for a physical building (new storage facility) as well as the change of use of the land in question which was retrospective at the time the appeal decision was made and was in use for some parking and open storage with low bunding along two sides.

The Inspector concluded that the new storage facility was harmful and with specific reference to the change of use stated:

‘With regard to the change of use of the southern part of the appeal site, even with bunds in place this intrusion into the countryside is very evident and is materially damaging to the rural landscape...On the information before me I am not persuaded that the business needs of the appellant company are such as to outweigh the harm caused by this commercial intrusion to the rural landscape.

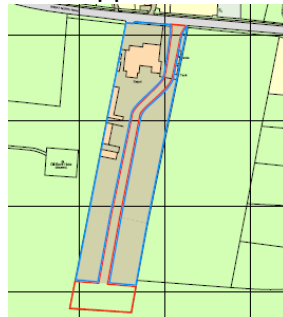
This aspect of the appeal scheme therefore conflicts with the provisions of local plan policy E.28 and with the objectives of PPS7 and RSS8.'

It is clear that the Inspector concluded that the expansion would have represented an unacceptable encroachment into the open countryside in 2007 (and before that in 1998). In the last 16 years since that appeal was determined, the boundaries of this parcel of land have been planted up with hedgerows thus providing slightly more robust boundary treatments and offering some screening. The site was granted permission for an extension in 2018 for the same as what was found harmful, on the basis that the harm could at least be partially mitigated, though it was accepted that some harm would still ensue. The previous conclusions drawn by the previous appeal inspector was that the parking of large vehicles (approximately 5m high) would be very apparent in the landscape and visible from public vantage points including the A1 trunk road and thus the mitigation was intended to strike a balance between allowing expansion and allowing some mitigation.

2007 application



2021 application



In 2018 the issue of whether the harm could be mitigated formed a key consideration. At that time the applicants put forward a landscaping scheme comprising 26 standard heavy mature native trees on the site (now subject of this latest application) as an attempt to overcome Officer concerns. However there is no evidence of planting having taken place on site; the applicant says these died but the condition required their replacement if indeed they had failed. Therefore the harm arising from the approved scheme has not yet been mitigated. In fact the land in question (the application site) has now been covered entirely with hardsurfacing.

The applicant argues that the proposed turning area would have no diversifiable additional impact on the landscape. However the previously consented development was conditional upon soft landscaping in mitigation which has not happened. The extended part of the application site has been bounded by a 2m high solid concrete wall closer to the A1 which is stark and alien in the landscape. Upon clarification, it would appear there is only limited space (2m deep) on the outside of the wall where the applicant proposes to plant around 70 trees to comprise a native hedgerow comprising oak, field maple, ash, holly, rowan and alder. This amount of space is limited and is unlikely to allow sufficient space for the species to mature and thrive albeit could be managed to form an effective hedge over time. This would provide some limited mitigation to the harm of both the physical wall and the land use but not in the short term and in any event this would not fully mitigate the harm.

The application is retrospective and it is noted that vehicles have been observed as being kept within the application despite only being advanced as a turning area. It has been suggested

to the applicant that the scheme should be amended to include landscaping of the whole site (other than the turning area) which would offer comfort that the remainder of the site would not be used for the parking of vehicles and to provide the mitigation that was expected to be in place for the 2018 permission that has been implemented. However the applicant has only shown an additional landscape belt inside the concrete sectional fence. This plan is not to scale but it would appear to be a belt approximately 4-5m wide. Given the presence of the concrete fence and the limited width of planting compared to the depth of planting (which on average would have been 43m deep) that was supposed to be provided in mitigation for the previous approval, I consider that the effectiveness of this will be limited and is not comparable. This would not properly mitigate the visual impacts for the 2018 permission nor this scheme which would worsen the impacts.

Image: Extract of plan showing 2018 area of landscape mitigation

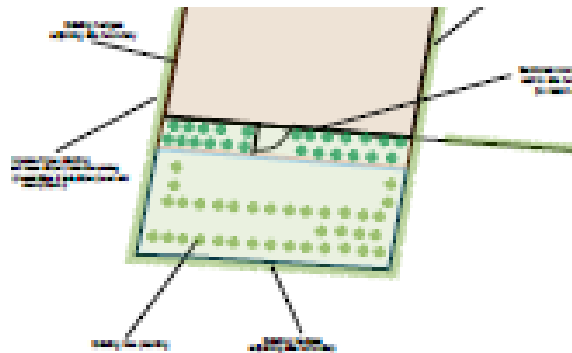


Image: Proposed landscaping in pink. Area highlighted in yellow is also unauthorised hardstanding that the applicant is unwilling to landscape as part of this application.



I note that the proposals are said to be for a turning area only. However I am also mindful that hardstanding that has been laid over the entire site and there is an apparent reluctance to undertake meaningful landscaping on the open areas outside of the turning area. This is of concern as there would clearly be a temptation for the land to be used for storage purposes without any physical barriers in place which have also been suggested but have not been advanced in amendments. Whilst the transient nature of the vehicles turning area would negate some concerns regarding prolonged visual harm, the limited landscaping does not provide sufficient mitigation for either the 2018 approved scheme nor this latest application. Clearly the proposal also represents an encroachment further into the countryside.

Residential Amenity

The nearest residential properties are situated on the opposite side of the carriageway to the site entrance. No objections have been received to the application.

The existing business is operating without any controls in terms of operating hours, lighting etc and indeed early morning vehicle movements appear to be necessary to allow for the proper functioning of the business. An expansion of the size promoted would likely give rise to some further impacts but I do not consider that these would amount to a reason to resist the application in themselves should other matters be considered acceptable. Certainly these were not matters that warranted refusal previously in similar (and larger size in site area) appeals at this site in the context of policies DM5 and CP9.

Highway Impacts

SP7 sets out the policy context for development that affects highways in terms of capacity and impacts further afield as well as ensuring there is suitable access and parking.

In this case no physical changes are being proposed to the site's access and the scheme represents an intensification of the site's access. Parking elsewhere in the site would remain unchanged.

It is noted that NCC Highways Authority have commented that 'the turning area is welcomed as it will enable vehicles to exit the highway in a forward gear'. My understanding (given that this application has not been advanced as a highway safety improvement by the applicant) is that vehicles using the site already (prior to the currently unauthorised turning area being created) leave the site in a forward gear and therefore the application is not a benefit that can be weighed in the balance but rather is a neutral factor.

Other Matters

Having been to site, I consider it unlikely that the site contains habitat for any protected species (nor would it have been likely to prior to the hard surfacing being laid) and no further assessment is necessary. With regards to flood risk, the site located within flood zone 1 and given its size is just under 1 ha, it does not meet the threshold for a flood risk assessment and I am satisfied that no further assessment is necessary. If approved a condition could be imposed to require any hard surface to be permeable to allow for natural percolation of surface water.

8.0 Planning Balance and Conclusions

It is acknowledged that policies at both national and local level allow for the growth of rural businesses albeit the shift to an economy for growth is caveated by the sustainability theme that runs through policy which is seen as the golden thread in policy terms.

I have carefully considered the scheme in light of all material planning considerations including the most recent appeal decision from 2022. No harm to residential amenity, the highway or ecology has been identified. From the submission I have identified no tangible highway benefit either and the scheme has not been advanced as such.

I accept that the proposal would sustain employment and the Business Plan shows a projected growth of 20% additional employment over the next 3 years which accords with CP6 and DM8. However the proposal taking into account the growth of the business previously, does not amount to small scale expansion and in this regard is a departure from the policy. Continued expansion at this site is unsustainable and the development encroaches into the countryside causing harm to the landscape and visual impact of the area, a matter which the previous Inspectors have agreed on. Some of this harm could be mitigated with appropriate landscaping but not all of this. The applicant has declined to amend the scheme to provide a more meaningful landscape mitigation package to the unused open areas of the site.

The applicant says the latest application is in response to the urgent business needs of the company and that the impact is now limited. In an attempt to evidence their case, additional supporting information has been submitted indicating a need for expansion and whilst not fully convinced on the need for a rural location per se, I accept the business is well established, a local employer and close to the A1 so has merit. When weighing all matters up this is a finely balanced judgement. It is noted that the proposal is now retrospective so the impacts (minus the mitigation) can be judged in situ and it is also noted that the Parish Council support the proposal.

However whilst I acknowledge that the applicant has now demonstrated there is a reasonable need for the business to expand, this must be countered against the encroachment and landscape/visual impacts. Harm was established previously for the use of this land. Previous decisions have made clear that this land was required for the purposes of landscaping to mitigate that harm. Now, hardstanding in the form of the road and the residual site would lead to the same net effect, in my view, as the previous refused and dismissed proposal in so far as it leaves a full hardstanding site without meaningful landscaping in terms of extent, depth and ability to mitigate this and previous development. If the proposal had been limited to a turning area for vehicles alongside meaningful landscaping, the planning balance may have been different. However as it is not, I conclude that the application has not done enough to mitigate the harm it causes and therefore recommend refusal for the reasons set out below.

9.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

10.0 Reason for Refusal

01

In the opinion of the Local Planning Authority the proposal does not represent a small scale or proportionate expansion and further expansion into the countryside is considered to be unsustainable and would unacceptably harm the open flat landscape. Whilst it is accepted that the applicant has an economic need to expand their growing business, it remains that no

proper evidence has been advanced to demonstrate why it needs to be in this rural location. In any event the visual and landscape harm is considered to outweigh any such need taking into account the amount that the business has already expanded over time and given the level of hardstanding that has been laid without meaningful mitigation in the form of landscaping to areas of hardstanding outside of the turning area. This application would also result in the inability to mitigate existing visual harm to the countryside, resulting from and required for planning application 18/00251/FUL, through an approved soft landscaping scheme in 2018. The proposals are therefore considered to be contrary to Core Policy 6 (Shaping our Employment Profile), Core Policy 13 (Landscape Character) and Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and policies DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations & Development Management Development Plan Document which together form part of the Development Plan as well as being contrary to the National Planning Policy Framework, a material planning consideration.

Informatives

01

The application has been refused on the basis of the following plans and documents:

Proposed Block Plan, MSP:225/011A (revised 01.02.2023)
Site Location Plan, MSP:225/001C
Letter from Duncan and Toplis, 21.10.2022
Landscape and Visual Assessment, by Mike Sibthorpe
Planning Statement by Mike Sibthorpe
Business Plan 2022-2025 (received 01.02.2023)
Commentary on Business Plan (received 01.02.2023)
Revised Plan showing soft planting, unreferenced (received 20.03.2023)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant in an attempt to make the scheme acceptable but ultimately the amendments advanced were insufficient to tip the balance to an approval.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/02086/FUL

