



Report to Planning Committee 10 August 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
<b>Application Number</b>	23/00770/FUL		
<b>Proposal</b>	Proposed change of use of agricultural land to proposed turning area, long term staff parking area and electric vehicle charging points		
<b>Location</b>	Hutchinson Engineering Services Ltd, Great North Road, Weston, NG23 6SY		
<b>Applicant</b>	Hutchinson Engineering Services Ltd	<b>Agent</b>	Mike Sibthorpe Planning
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/00770/FUL">23/00770/FUL   Proposed change of use of agricultural land to proposed turning area, long term staff parking area and electric vehicle charging points   Hutchinson Engineering Services Ltd Great North Road Weston Newark On Trent NG23 6SY (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	05.05.2023	<b>Target Date</b>	30.06.2023
		<b>Extension of Time Agreed</b>	11.08.2023
<b>Recommendation</b>	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

Hutchinson’s 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.*

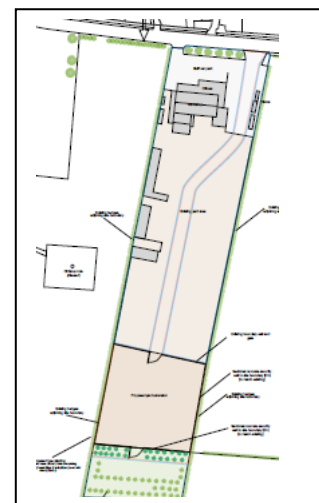
**APP/B3030/A/08/2067961** – The applicant appealed against this decision and the appeal was dismissed on 13<sup>th</sup> June 2008.

**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 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 2<sup>nd</sup> December 2021 for the following reason:

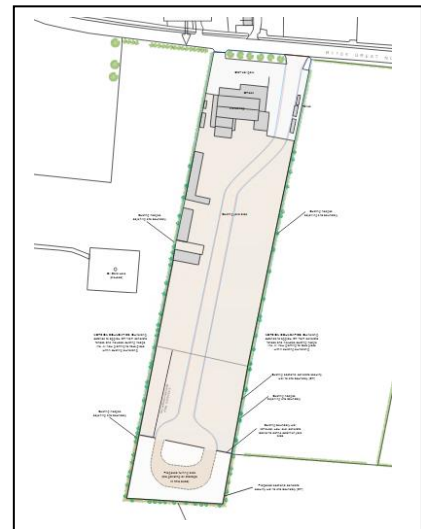
*In the opinion of the LPA the proposal does not represent a small scale or proportionate expansion and further expansion into the countryside is considered to be unsustainable and would unacceptably harm the open flat landscape. Furthermore the application has not demonstrated there is a need for this 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

**22/02086/FUL** – ‘Change of use of agricultural land to proposed turning area’. This application was refused by the Planning Committee in April 2023 (as recommended) following a site visit the previous month for the reason set out below:

*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.*

### **3.0 The Proposal**

Full planning permission is once again 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 a turning area and includes a staff parking area (the previous scheme explicitly stated there would be no parking) with provision for electric vehicle charging points.

The size of the application remains exactly as before; 0.3 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 plans show 14 spaces adjacent to the turning area for 'long term staff parking' to allow staff who work away all week to leave their cars on site and free up capacity elsewhere on site. Three parking spaces and electric hook up's would also be provided close to the site entrance for visitors.

The boundaries are 2m high concrete sectional fencing (which has now already been installed). The plans annotate the existing hedge along (outside) the boundaries would be gapped up with a double row of native hedgerow of hawthorn, blackthorn, hazel, holly and dog rose. Compacted hardcore has already been laid at the site over the entire site area with just the topcoat left to be laid.

At the time of writing the proposed turning and parking area has not yet been brought into use but given the physical development has already been largely undertaken (with the exception of the provision of electrical charging points) the proposal is therefore part retrospective.

#### The Submission

Covering Letter from agent dated 3<sup>rd</sup> May 2023  
Proposed Block Plan, MSP:225/011D  
Site Location Plan, MSP:225/001D  
Letter from Duncan and Toplis, 21.10.2022  
Landscape and Visual Assessment, by Mike Sibthorpe  
Planning Statement by Mike Sibthorpe, September 2022  
Business Plan 2022-2025 (received 01.02.2023)  
Commentary on Business Plan (received 01.02.2023)

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 9 properties have been individually notified by letter. The application has also been advertised as a departure to the Development Plan.

Site visits undertaken 19 May and 24 July 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)

NSDC Landscape Character Assessment SPD

## **6.0 Consultations**

### **(a) Statutory Consultee**

**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.’

### **(b) Parish Councils**

**Weston Parish Council** – unanimously support the proposal with the following comments:

- ‘This proposal will not have a detrimental effect on the residents within the village.
- We believe the addition of the turning area will enhance the safety of the site by improving the existing movement and are for manoeuvring the HGV’s and specialist vehicles.
- The proposal will not significantly affect the visual impact from either the A1, Wadnall Lane or the surrounding area due to the existing hedging which currently screens the boundary wall and which will soon grow and provide an increasingly effective screening of the site.
- By provision of a turning circle there will be less reversing ‘warning bleeps’ from the vehicles which can currently be heard, on occasion, by the nearest property occupants although the PC is not aware of any complaints regarding this sound.
- The provision of an employees car parking facility will offer enhanced safety within the main working area within the site.
- The provision of electric vehicle charging points will be of benefit now and increasingly for the foreseeable future.

We are proud and pleased to have this thriving specialist business within the village of Weston. Its current location is ideally situated, being separately located from the main

residential areas by the B1164 Great North Road, so disruption and noise is minimal within the village.

It is beneficial to have the local employment opportunities provided by this company and businesses need our support in these challenging times.

The site is no more, and in some cases less, visible than some other industrial enterprises within the local area and is clean and tidy with no known complaints locally.

Hutchinson's business willingly helps fund our defibrillator and supports the village activities and its continuing success locally is important to Weston.

Weston Parish Council hope that this proposal is successful and can go ahead without further delay.'

### **(c) Representations**

**One representation of support** has been received summarised as:

I am local farmer who uses Hutchinson Engineering services. It is an important local asset and needs to be supported and allowed to expand to preserve local jobs. It is better to have the turning area at the back of the site so noise can be reduced and do not believe it would spoil the view from Wadnall Lane or the A1.

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

- 1) Principle of Development
  - i) Has the applicant evidenced a need for expanding in this particular rural location and will it create or sustain employment locally in line with CP6 and DM8?
  - ii) 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
  - iii) Whether the scheme would have harmful impacts on the open countryside;
  - iv) Whether the findings of the appeal dismissal in 2007 and from August 2022 remain valid as well as considering what has changed since the refusal of planning permission in April 2023;
- 2) Residential Impacts;
- 3) Highway Impacts; and
- 4) Other Matters

A balancing exercise will then be undertaken to reach a recommendation.

### **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 was unacceptable encroachment in the countryside and that this was not justified by the reasonable needs of the business.

This application like its predecessor (that was refused in April 2023 by the Planning Committee) seeks to directly respond to the concerns raised in the previous refusals. The application has been assessed on its merits albeit the report that follows is based on the previous report and updated where necessary given the scheme remains largely as previously advanced.

### **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:

- 5) 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?
- 6) 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:

- 7) Whether the scheme would have harmful impacts on the open countryside and
- 8) Whether the findings of the appeal dismissal in 2007 and from August 2022 remain valid as well as considering what has changed since the refusal of planning permission in April 2023.

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’s 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 on to 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 schemes (dismissed on appeal and refused permission in April 2023) it was noted that whilst the application gave a strong anecdotal commentary on the need for the space, no plans or details had been submitted that evidenced how the existing site might be rationalised and better used or if this is even possible. This remains the case. Despite the scheme now providing 'long term' staff parking within the extended part, it is not clear how this frees up usable space elsewhere for HGV's. This is because the current staff parking area is separate from the yard at the frontage and would appear sufficient to accommodate existing staff members from observations on site, as well sufficient to accommodate vehicles associated with the 7 vacant posts (which is understood to be currently the case) and thus there would be no reason for cars to be parked within the yard area.

The employment position also suggests a neutral impact on sustaining existing jobs. Ultimately neither officers nor the Planning Inspector have been persuaded that there was a demonstrable need for the additional space on site to meet the needs of the business.

The previous application was supported by additional evidence of the business and its needs. The auditors letter submitted in support of this previous 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 continues to face the challenges of a shortage of experienced and qualified drivers as 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 (nor the previous) 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. It is also relevant that Planning Committee considering the previous proposal in April 2023 also concluded that the expansion was not small scale having regard to previous extensions.

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).

The scheme refused in April 2023 didn’t include any parking in the area (it was simply a turning area with limited landscaping proposed) whereas this scheme would introduce vehicles effectively being stored on site for longer periods of time, albeit these are likely to be cars or vans sitting behind the concrete fence/wall.

The LVIA submitted both with this application and the previous scheme 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. For the same reasons previously expressed, 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 (Landscape Character) and the SPD on Landscape Character.

It has already been concluded (at both District Council level and upon appeal in 1998, again in 2007, 2022 and 2023) 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:

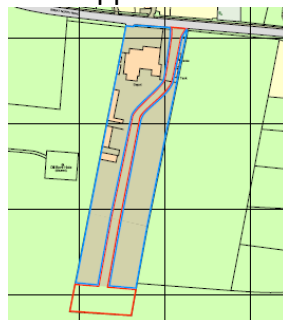
*‘With regard to the change of use of the southern part of the appeal site, even with bunds in place this intrusion into the countryside is very evident and is materially damaging to the rural landscape...On the information before me I am not persuaded that the business needs of the appellant company 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, in part 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 (in the form of planting the area of this current application site as required by the 2018 approval) was intended to strike a balance between allowing expansion and providing some mitigation.

2007 application



2021 application

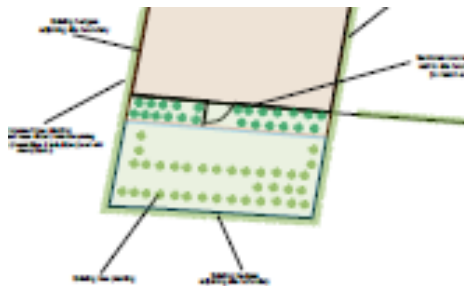


In 2018 the issue of whether the harm could be mitigated formed a key consideration. At that time the applicants put forward a landscaping scheme comprising 26 standard heavy mature native trees on the site (now subject of this latest application) as an attempt to overcome Officer concerns. However, 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 hard surfacing.

The applicant argues that the proposed turning area would have no discernible 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. There is an existing hedgerow planted around the perimeter of the concrete wall which has established and almost obscures the wall. However, it would appear there is only limited space (2m deep) on the outside of the wall where the applicant proposes to gap-up the hedge. On the previous scheme (refused in April 2023) the applicant advanced a position of planting 70 trees to comprises a native hedgerow comprising oak, field maple, ash, holly, rowan and alder. The landscaping now proposed would amount to whips of hawthorn, blackthorn, hazel, holly and dogrose. This would provide some limited mitigation to the harm of both the physical wall and the land use but would not fully mitigate the harm. The applicant has also verbally advised that part of the hedgerow is not within their ownership so there are risks that part of the hedgerow could be removed or reduced in height at any time that would compromise the level of mitigation available. The application has been accompanied by ownership Certificate A (indicating the land outlined in red is all within the

control of the applicant) but the plans are ambiguous regarding the ownership of the hedgerow which appears to go through the centreline of the hedgerow. Ultimately, to be able to retain the hedgerow as genuine mitigation it would need to be fully within the application site (which it doesn't appear to be) or would need to be subject to a section 106 legal agreement which it is currently not.

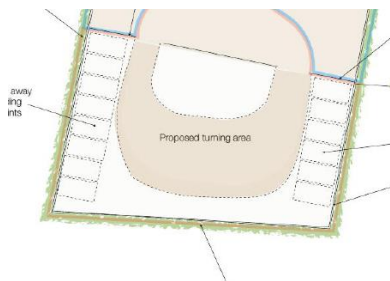
During the course of the previously refused scheme, the applicant was invited to amend their application to include landscaping of all the site, other than the turning area which would have offered comfort that the remainder of the site would not be used for the parking of vehicles and would have provided some of the mitigation that was expected to be in place for the 2018 permission that has been implemented. These amendments were not forthcoming and this latest application seeks consent for vehicle parking on the site where landscaping was requested. There is now no planting proposed within the site. This, when compared to the approved 2018 mitigating landscaping scheme, which would have resulted in an average planting depth of 43m across the width of the site is simply not comparable. The hedgerow around the outside of the concrete wall, even if gapped up, cannot mitigate for the impacts as already discussed. In summary the current proposal would not properly mitigate the visual impacts for the 2018 permission nor this scheme, which would worsen the impacts.



Extract of plan showing 2018 area of landscape mitigation



**April 2023 Refused Scheme:**  
Proposed landscaping in pink. Area highlighted in yellow was also unauthorised hardstanding



**Current Proposal - Proposed landscaping limited to outside of the concrete wall**

It is accepted that staff vehicles parked within the area would likely be lower in height than the 2m high concrete wall and therefore may not in themselves be visible from the outside. It is also noted that the transient nature of the vehicles turning area would negate some concerns regarding prolonged visual harm. However, it remains the position that the limited

landscaping does not provide sufficient mitigation for either the 2018 approved scheme nor this latest application.

It is noted that the applicant considers that the Planning Committee in April 2023 were not given the full picture of impacts as photographs were not shown in the presentation of the viewpoints from outside the site. I can confirm that whilst these were not within the presentation they were circulated to Members as part of the late representation schedule. Committee also visited the site to see the impacts for themselves. Regardless of this, committee site visits are not a determinative factor in their decision making.

The scheme now advanced is worse in landscape terms than the scheme refused in April 2023 in that there now is less space on offer to provide mitigating landscaping. Furthermore, it appears that part of the hedgerow on the outside of the concrete wall (western boundary) isn't within the applicants control so its ability to mitigate is not secure which risks the development from becoming more prominent should the hedgerow be reduced in height or removed. Clearly the proposal also represents an encroachment further into the countryside which in itself is harmful.

### **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 limited 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 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 seeking to ensure there is suitable access and parking.

In this case no physical changes are being proposed to the site's access.

The proposal would increase the parking capacity at the site by providing space for employees who work away during the week to leave their vehicles at the rear of the site instead on in the secure compound at the site frontage. The plans also show three parking spaces to the site frontage served by electrical charging points albeit these spaces are already in place (minus the electrical hook up).

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. The applicant has been asked to clarify how the site is currently managed in this regard and set out how this application would improve the situation?

*'This information is wrong and was previously wrong and ought not to have been in the previous application. In fact since first purchasing the yard the security gate where installed in such a way as to allow at lease [sic] 4 LGVs to enter the site and not have any trailers sticking out onto the road. This is particularly advantageous when sometimes drivers arrive out of hours as it allows them to park of [sic] the public highway and not Access to the secure yard area.'*

It would appear from the way the application has been advanced and the applicant's response that the proposal would not bring about any improvement with regards turning and consequential highway impacts. Therefore, the application is not a benefit that can be weighed in the balance but rather is a neutral factor.

Consideration has been given to whether the provision of electrical vehicle charging points (EVCP) on site might be persuasive. It is noted that the applicant indicates provision would be made to (some – number unspecified) of the 14 spaces around the turning area and to 3 existing parking spaces to the site frontage and this is included within the description of development. It is noted that there is already provision of an EVCP immediately in front of the building and there appears to be no reason why more could not be provided to the existing staff parking to the site frontage which would be welcomed as a matter of principle. In fact, in most cases the provision of upstands for recharging vehicles is permitted development (not requiring express planning permission under Schedule 2, Part 2, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015)) in any event. The need for the additional long term staff parking and the associated EVCP in the enlarged yard area at the back of the site has not been fully demonstrated. Whilst the sustainability credentials of EVCP is not in dispute, there would appear to be no compelling need for these to be in this location and so they cannot be weighed in favour of the scheme.

## **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**

No harm to residential amenity, the highway or ecology has been identified. From the submission I have identified no tangible highway benefit and the scheme has not been advanced as such. These matters are neutral factors weighing neither for nor against the scheme.

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 and have sought to determine what has changed since the last refusal in April 2023. The main changes relate to the provision of long-term staff parking around the turning area where there was previously none proposed, less space for landscaping within the site and the proposed provision of an unspecified quantum of electrical vehicle charging points. It has also become clear that the existing hedgerow surrounding the perimeter of the concrete wall is not fully owned by the applicant.

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 previously declined to amend the scheme to provide a more meaningful landscape mitigation package to the unused open areas of the site and has now in fact presented this space as staff parking for workers of the site.

The applicant indicates the application is in response to the urgent business needs of the company and that the landscape impact is now limited. In an attempt to evidence their case, 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. However, the application still hasn't been persuasive in terms of demonstrating that the site could not be rationalised to make more efficient use of the authorised space to meet this need. When weighing all matters up this is a balanced judgement. It is noted that the proposal is now retrospective so the impacts can be judged in situ. It is also noted that the Parish Council and Local Ward Member 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 1) whether this expansion could in fact happen without the need for more land take by making more efficient use of authorised land and 2) the encroachment and landscape/visual impacts.

Officers are not persuaded that the first point has been adequately demonstrated. Secondly, landscape 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 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. In fact, the scheme is more harmful than the most recent refused scheme (April 2023) in that there is less space now available for landscaping and because it has come to light that the hedge on the outside of the concrete wall is not fully owned by the applicant so cannot be

relied upon for mitigation. I therefore conclude that the application has not done enough to mitigate the harm it causes and 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 or demonstrate why the existing site could not be made more efficient to allow for business expansion without the need for further land take. 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. 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:

Covering Letter from agent dated 3<sup>rd</sup> May 2023  
Proposed Block Plan, MSP:225/011D  
Site Location Plan, MSP:225/001D  
Letter from Duncan and Toplis, 21.10.2022  
Landscape and Visual Assessment, by Mike Sibthorpe  
Planning Statement by Mike Sibthorpe, September 2022  
Business Plan 2022-2025 (received 01.02.2023)  
Commentary on Business Plan (received 01.02.2023)

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 Local 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.