
Change of use from agricultural field to showman's yard

Report Item No
A1

Field Adjoining Ashby Road Belton Leicestershire

Application Reference
16/00296/FUL

Applicant:
Mr & Mrs M & C Pearson

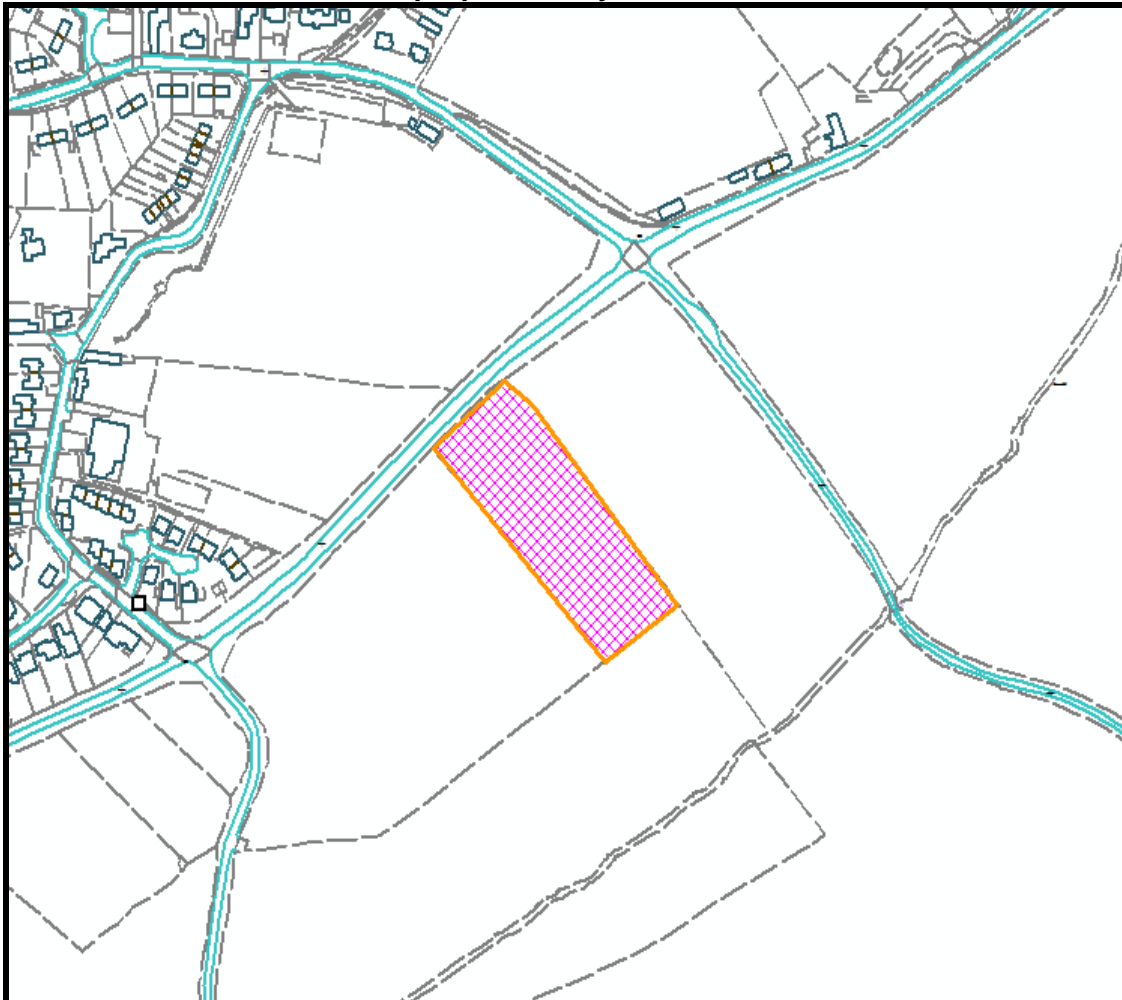
Date Registered
11 March 2016

Case Officer:
Adam Mellor

Target Decision Date
6 May 2016

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been brought to the Planning Committee at the request of Councillor Rushton who has raised concerns over highway safety, the impacts of the development on the rural environment, that the site is a greenfield site, that there is no local need for the proposal, the site is not in a sustainable location and that there are no defensible boundaries which would prevent further development.

Proposal

Planning permission is sought for the change of use of a 0.89 hectare agricultural field to a showmans yard at land off Ashby Road, Belton. The application site is situated on the southern side of Ashby Road and is outside the defined Limits to Development.

Consultations

A total of 111 individual representations have been received with 110 of those opposed to the development and one in support. Belton Parish Council and the County Highways Authority have also objected to the application. All other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

Planning Policy

To permit the development is considered to be contrary to the aims of Paragraphs 24 and 25 of the Planning Policy for Traveller Sites 2015 (PPTS 2015), Paragraphs 32, 57 and 61 of the National Planning Policy Framework (NPPF) and Policies S3, E4 and T3 of the adopted North West Leicestershire Local Plan (Local Plan).

Conclusion

Consideration has been given to alternative established showpeople sites within the District by the applicant, which have been discounted, but no justification has been provided as to why brownfield sites or other greenfield sites within the District that have a better relationship with the built environment have not been considered. In the absence of such justification it is considered that permitting the proposal would be contrary to Paragraph 24 of the PPTS 2015. Whilst not dominating the settled community of Belton establishment of the land use as a showmans yard would result in the urbanisation of a greenfield site which would be visible from the public domain, and which would be disassociated with existing built forms. Given the lack of justification for the proposal on this particular site, it is considered that conflict with Paragraph 25 of the PPTS 2015 would arise. The unmet need for sites within the District is also considered not to be sufficient grounds to justify an approval of the application. Given the lack of justification for the land use on the application site it is also considered that the proposal would be contrary to Policy S3 of the adopted Local Plan.

The application site is an undeveloped greenfield site situated on the southern side of Ashby Road, which is largely undeveloped. Although the presence of mature vegetation to the site boundaries results in the site having a different character to the neighbouring agricultural fields, the substantial introduction of hardstanding, chalet accommodation, vehicles and fairground rides resulting in the urbanisation of the land which would be significantly adverse to the rural and undeveloped character of the area. It is also considered that the landscaping to the site

boundaries, even if it is reinforced, would not adequately mitigate the visual implications such a change in the land use would have in a rural environment given that the site would be prominent when viewed from Ashby Road. In these circumstances the proposal would conflict with Paragraphs 57 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

The introduction of the use onto the Class B Ashby Road (B5324) has been assessed by the County Highways Authority. They have concluded that the introduction of the use would result in a significant increase in vehicular movements, when taken cumulatively with existing movements, onto and off the highway. Furthermore turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

RECOMMENDATION - REFUSE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use of an agricultural field to a showmans yard at land off Ashby Road, Belton. The 0.89 hectare site lies on the southern side of Ashby Road between the junctions of Church Street and Sadlers Wells with Ashby Road and is outside the defined Limits to Development.

It is proposed that an agricultural field would be changed to a showmans yard serving one family. The change in use would involve surfacing half of the site with hardstanding upon which a chalet for accommodation, various rides, a shed, touring caravan, lorry body and towing trailers would be sited. The existing vehicular access into the site would be upgraded and utilised to serve the yard. Additional landscaping would be planted. As part of the works an existing timber stable/storage building would be removed.

A design and access statement was initially submitted with the application. Following requests from statutory consultees an ecology survey and transport and highways statement have also been received.

No recent planning history was found.

2. Publicity

4 no neighbours have been notified.

Site Notice displayed 24 March 2016

3. Consultations

Clerk To Belton Parish Council consulted 16 March 2016

County Highway Authority consulted 16 March 2016

Head of Environmental Protection consulted 16 March 2016

Severn Trent Water Limited consulted 16 March 2016

NWLDC Tree Officer consulted 16 March 2016

LCC ecology consulted 16 March 2016

LCC Flood Management consulted 16 March 2016

Matt Bagley Gypsy & Traveller Liaison Officer consulted 16 March 2016

Development Plans consulted 16 March 2016

Head Of Street Management North West Leicestershire District consulted 16 March 2016

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Belton Parish Council objects to the application on the following grounds: -

- It is outside the Limits to Development;
- The development will impact negatively on highway safety given the speed of traffic, introduction of pedestrian movements, lack of street lighting and obstructions to road traffic;
- The development will result in noise and environmental pollution with maintenance of vehicles and rides being carried out on site;

Gypsy & Traveller Liaison Officer no representation received to date, any comments received will be reported to Members on the Update Sheet.

Leicestershire County Council - Ecology initially objected to the application given that an ecological report would be required as the application site is a grassland site. Alternative tree species to be planted were also suggested. Following receipt of an ecological report the County Council Ecologist has removed their objection subject to the hedges on the south-western and north-western boundaries being retained, and a landscaping scheme being agreed to include native tree planting.

Leicestershire County Council - Highways Authority have objected to the application due to the impacts on highway safety and the sustainability of the site location. Any further comments received on the submitted transport and highway statement will be reported to Members on the Update Sheet.

Leicestershire County Council - Lead Local Flood Authority has no objections subject to their standing advice being considered.

NWLDC - Environmental Protection has no objections.

NWLDC - Street Management has advised on the requirements for a bin collection point around the site access.

Severn Trent Water has no objections subject to the inclusion of a foul and surface water drainage condition being imposed on any consent granted.

Showmen's Guild of Great Britain (Midland Section) support the application due to the shortage of Showmen's sites in the area and that the site is in an area which benefits from excellent transport links and which has necessary amenities in the neighbouring settlement.

Third Party Representations

110 individual third party representations have been received, including comments from Councillor Rushton, which object to the application and whose views can be summarised as follows: -

- Application site is a Greenfield site and therefore previously developed land should be explored before an allowance of a Greenfield site;
- Provision of a showman's yard on a landscape which is completely agricultural will not enhance the environment nor increase its openness;
- Properties on the eastern side of the village will have their view impacted on;
- The proposed access would be onto the B5324 which is designated as a 40mph zone but speed surveys have demonstrated that vehicles travel in excess of this limit (some in excess of 70 mph). Movement of large vehicles in the highway will therefore be unsafe;
- Access into the site is on the apex of a bend and therefore dangers exist for vehicles exiting the site;
- The highway would need to be widened to accommodate the size of the vehicles associated with the site;
- Approval will set a precedent for similar proposals which collectively will impact negatively on the rural environment;
- Proposed landscaping will not screen the development;
- The character of the village would be altered as a result of the proposals;
- It is likely that further residential development on the site would be permitted should the

- applicant have further dependents;
- Sufficient sites for travelling show people and travellers have been supplied within the District;
- No facilities such as water and electricity exist into the field and these would be required for residential occupancy;
- Belton lacks services which would make the site sustainable;
- Grace Dieu Brook often floods the fields next to the site and development will further exacerbate such a flooding impact given the provision of hardstanding;
- The application site is of archaeological significance;
- The applicant is not local and therefore there is no 'local' need;
- The process of transporting, maintaining, cleaning and testing the fairground machinery which will cause noise and smells;
- Proposal will impact adversely on ecology with protected species being present in the adjacent stream;
- The settlement of Belton is not to be expanded in the strategic plan as such this development is contrary to that understanding;
- Children will put at risk given that they would wish to investigate the Showman's site;
- There is no provision made for general waste and recycling collection, waste will not be collected as the site is outside the Limits to Development;
- Maintaining machinery on the site will lead to problems with contamination e.g. oil and diesel as well as cleaning fluids;
- Site is directly opposite a school playing field which is only protected by a hedge and wooden gate and any accident on the road will put the children at risk;
- There is no pavement on either side of the highway and therefore occupants of the site will be put at risk having to cross Ashby Road at this point given speed of vehicles;
- Other visitors will be encouraged to the site, given the provision of pick-up trucks and lorries, which will also impact on highway safety and encourage additional residential pitches;
- There are other Showman's Yards in Leicestershire within 10 and 16 miles of Belton respectively (one outside Hoton and Wymeswold and the other in Burbage) which are on a farm complex and industrial yard and not directly outside a village;
- Other showmen sites have 24 hour illuminated lighting and guard dogs and the provision of lighting on this site would further harm the visual amenity of the rural environment;
- The provision of a soak-away for surface water run-off will be inadequate given the nature of the geology of the site and no details supplied on the package treatment plant to be supplied;
- Applicant already resides on a site so why is a new site required?
- How will complaints be managed if the applicant breaches the terms of any planning consent granted?
- In 2000 the Association of Showmen stated "showmen need to live on, maintain and store their equipment on their yards" and that "the showmen should not choose a site in the middle of an open field" as well as "an ideal site is a farm yard or the edge of an industrial development."
- There will be no peaceful integration between the showman's yard and the community of Belton;
- Showman's caravans are 'custom built' and therefore larger than those associated with other traveller groups which would add to the visual implications of the development;
- Development is contrary to Policy S3 of the adopted Local Plan;
- Development of the site for these purposes will result in a reduction in property values;
- Information stated on the application forms is incorrect. For instance the planning application form does not include the provision of the 2 bed chalet or a shed which are clearly shown on the plans;

- Lorries and equipment should be stored at the far end of the field where they would be out of view;
- There is the potential for additional development in the eastern end of the site which should be considered as part of this application;
- Development would be represent approximately 3.33% of the total area of Belton and as such would dominate the settlement;
- Where will maintenance, cleaning and repairs of rides, vehicles and equipment be undertaken on the site?
- A review of the applicant's existing site at Hoton should be undertaken;
- The applicant has been provided with pre-application advice but the findings of this advice have not been supplied;
- The site will be used as a caravan park with an associated heavy goods vehicles maintenance yard;
- There is no policy justification for a dwelling on the site;

In addition to these individual representations a signed petition with 15 signatures objecting to the application have also been received on the basis that the proposal would cause noise from the coming and goings of large lorries and the maintenance and testing of vehicles and rides, as well as the fact that an approval of the proposal will set a precedent for the further development of greenfield sites on the south-eastern side of Ashby Road.

One third party representation has been received in support of the application with the comments raised summarised as follows: -

- The applicant is a hard working man of good character and I would not support a development which I consider would be detrimental to the village of Belton given my former residence in the settlement;
- A screening project will be undertaken on the site therefore making it more aesthetically pleasing;
- His intentions are that his children will attend the local primary school so that they become integrated into the community.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 17 (Core planning principles);
- Paragraph 30 (Promoting sustainable transport);
- Paragraph 32 (Promoting sustainable transport);
- Paragraph 39 (Promoting sustainable transport);

Paragraph 57 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal erosion);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);
Paragraph 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy T3 - Highway Standards;
Policy T8 - Parking;

Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Future Housing and Economic Development Needs;
Policy S3 - Settlement Hierarchy;
Policy S4 - Countryside;
Policy S5 - Design of New Development;
Policy H7 - Provision for gypsies and travellers and travelling showpeople;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Water - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change national policy but offers practical guidance as to how such policy is to be applied;

Planning Policy for Traveller Sites (August 2015)

Travelling showpeople are considered to be a specific racial group, distinct from gypsies, and from travellers, both in legal terms and in planning terms. For instance, were it to be proposed that an existing showman's yard be changed to a traveller site, that would require planning permission. This planning application is expressly seeking permission for a showman's yard.

The Plan Making section of this document sets out what local planning authorities should have regard to when preparing Local Plans;

Local Plans should identify a supply of specific deliverable sites to provide five years' worth of sites against locally set targets and a supply of sites or broad locations for growth for the next 6-10 and 11-15 years (Paragraph 10); ensure that sites are sustainable economically, socially and environmentally (Paragraph 13); and that in assessing the suitability of sites in rural or semi-rural settings it should be ensured that the scale of the site does not dominate the nearest settled community (Paragraph 14).

The Decision-Taking section of this document sets out that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (Paragraph 22); taking account of: -

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) or alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that locally specific criteria used to guide the allocation of sites in plans or which form that policy where there is no identified need for pitches should be used to assess applications on unallocated sites;
- e) they should determine applications for sites from any travellers and not just those with local connections (Paragraph 24);

New sites in open countryside away from existing settlements should be strictly limited. Authorities should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure (Paragraph 25);

Government guidance advises that authorities should attach weight to the following matters:

- a) effective use of previously developed, untidy or derelict land;
- b) sites being well planned or soft landscaped to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas;
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community (Paragraph 26);

Leicestershire, Leicester & Rutland Gypsies' & Travellers' Accommodation Needs Assessment Refresh Report (May 2013) (GTAA)

This sets out detailed information about local gypsies and travellers as well as reliable estimates of future accommodation and housing-related support needs;

Housing Act 2004

Section 225 of the Housing Act 2004 requires local housing authorities, when undertaking a review of housing needs in their district to carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district;

European Convention on Human Rights/Human Rights Act 1998

Article 8 of the European Convention on Human Rights ("Convention") relates to the right to respect for private and family life and home and that there should be no interference by a public authority with the exercise of these rights;

Local authorities are public bodies for the purposes of section 6(3) of the Human Rights Act 1998 (HRA) and are therefore subject to the duty to act compatibly with the Convention when dealing with applications for planning permission imposed by section 6(1) of the HRA.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites. It advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

The Community Infrastructure Levy Regulations 2010

Provides a legislative requirement that an obligation must meet the following tests:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

6. Assessment

Principle of Development and Sustainability

The application site is outside the defined Limits to Development and is therefore on land designated as countryside. For clarification purposes, the District has no Green Belt land and the site does not lie within a designated Area of Outstanding Natural Beauty.

It is highlighted within the accompanying planning statement that the applicant and his family currently reside at Hoton Park, Wymeswold Road, Hoton where they have occupied a 30 metre by 30 metre yard for the past 15 years. At present the applicant has had difficulty in storing all of his rides at the Hoton Park site, and with many showpeople being retired on that site the opportunities to expand the existing yard have been severely restricted. As such the applicant now wishes to establish a new yard which is of a sufficient size to accommodate the applicant, his family and their rides.

Policy S3 of the adopted Local Plan states that development will only be permitted in the countryside where it falls within one of a number of categories including essential development for agriculture, forestry, farm diversification, recreation, community facilities or tourism related purposes, forest related purposes or conversion of rural buildings. The proposed use of the site for a showmans yard would not fall within the categories of Policy S3.

Whilst this is the case, the Leicestershire, Leicester and Rutland Gypsy and Traveller

Accommodation Needs Assessment Refresh Report May 2013 (GTAA) identified a need for 9 travelling showpeople plots for the period 2012 to 2031 and since the publication of the GTAA refresh no planning permissions have been granted for travelling showpeople sites. On this basis there is still a need for 9 plots to be provided.

Also of relevance is the guidance contained in the National Planning Policy for Traveller Sites (PPTS) 2015 which is a material consideration in the decision making process. Paragraph 24 of the PPTS 2015 highlights that Local Authorities should consider, amongst other things, the existing lack of provision and need for sites and the availability (or lack) of alternative accommodation for the applicants. Paragraph 25 also specifies that Local Authorities should strictly limited new sites in the open countryside that is away from existing settlements, that sites in rural areas should respect the scale of and not dominate the nearest settled community as well as the fact that local infrastructure should not be placed under undue pressure.

Taking Paragraph 24 of the PPTS 2015 into account it is considered that the GTAA has highlighted the lack of provision of showmen sites within the District. With regards to availability of alternative sites, the accompanying planning statement highlights that consideration has been given to four alternative sites in the District including three existing showpeople sites as well as the childhood family home of the applicant. Two of the existing showpeople sites have been discounted (Hemington Park, Rycroft Road, Hemington and Land at Ibstock Road, Ravenstone) given that the site owners have confirmed these sites are fully occupied. Another site (Fair Oaks, Burton Road, Oakthorpe) has also been discounted due to ownership disputes on the site and lack of compliance with conditions on planning consents (issues the Council are fully aware of and are dealing with). The applicant's childhood home at Station Hill, Swannington has been discounted given that size and lack of space were reasons why the applicant moved to their current location. Whilst consideration has been given to alternative established showpeople sites within the District, no justification has been provided as to why previously developed, untidy or derelict land could not be utilised for the required land use or why this particular greenfield site has been selected over other greenfield sites within the District which may be better related to the built environment. In the absence of such justification it is considered that compliance with Paragraph 22 of the PPTS 2015 has not been demonstrated and the under provision of sites throughout the District not being a substantial enough reason to support the land use on this particular site.

With regards to Paragraph 25 of the PPTS 2015 sites within the open countryside have been strictly limited. In the circumstances that the proposed site would serve one family it is considered that it would not dominate the settled community of Belton. In addition the local infrastructure would not be placed under undue pressure given the lifestyle of travelling showpeople in that they are not present on the site all of the time. Whilst the establishment of the site would not dominate the settled community it would urbanise a rural greenfield site. Furthermore, as it is located on the south-eastern side of Ashby Road it would be disassociated with existing built forms and would be particularly visible when travelling along Ashby Road. On the basis of the lack of a justification for the provision of the land use on this particular greenfield site, as highlighted above, it is considered that to permit the development would be contrary to Paragraph 25 of the PPTS 2015.

The proposed mixture of residential and storage of rides/equipment on one site is also supported by the provisions of Paragraph 19 of the PPTS 2015 which states that Local Authorities should have regard to the need that travelling showpeople have for mixed-use yards. Although Paragraph 20 of the PPTS 2015 has been cited in the representations received, this would not be of relevance given that the site is not a Rural Exception Site. In addition, the limitations posed on resisting residential and business use on such sites is more related to

travellers than showpeople particularly given the context of Paragraph 19 highlighted above.

Concerns have been raised that the applicant is not an inhabitant of Belton and would not appear to have any connection to the settlement. Whilst any local connection with Belton has not been demonstrated by the applicant, Criteria (e) of Paragraph 24 of the PPTS 2015 highlights that Local Authorities should determine applications for sites from any travellers, and not just those with a local connection. Therefore, such a concern would not justify a refusal of the application.

It is acknowledged that the site is outside the defined Limits to Development and in this respect is contrary to Policy S3 of the adopted Local Plan. Whilst the GTAA highlights there is an unmet need for showmen yards in the District, it is considered that given the absence of a justification as to why this particular greenfield site should be brought forward for such a use over brownfield sites or other greenfield sites closely associated with an urban environment, it is considered that compliance with Paragraphs 22 and 25 of the PPTS has not been demonstrated. Therefore, the principle of the proposal would not be supported.

With regards to the sustainability of the site's location, it is considered that Belton is a settlement which has a sufficient level of services and accessibility to public transport to meet the day to day needs of the applicant and his family. Any future occupants could also contribute towards the sustaining of these services in compliance with Paragraphs 28 and 55 of the NPPF.

Whilst the ability to access such services is dependent on the occupants crossing Ashby Road to reach its northern side and then walking along an unlit grass verge to the recreation ground, or via the raised footway on Church Street, this would not be a sufficient ground to refuse the application. This is considered to be the case given that the lifestyle of travelling showpeople would lead to such movements occurring on an irregular basis (i.e. only in winter months) as well as the fact that alterations could be undertaken within the highway (i.e. crossing point and provision of raised footway on northern grass verge) which could assist in mitigating such impacts. It is noted that appeal decisions at Hemington (appeal ref: APP/G2435/A/07/2056236 of May 2008) and Kelham Bridge Farm, Ibstock Road, Ravenstone (appeal ref: APP/G2435/A/10/21225342 of July 2010) imposed conditions of a similar nature, with the distance to the raised footway on Church Street being less than 100.0 metres from the site entrance.

Issues around the sustainability of a sites location did not outweigh the fact that there was a need for showpeople sites in the above appeal decisions. Guidance previously provided at Paragraph 45 of the Communities and Local Government Circular 04/2007: Planning for Traveller Showpeople advises that *"sites may be found in rural or semi-rural settings... Local Planning Authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services."*

The application site falls within Grade 3 of the Agricultural Land Classification but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected. However, even if the site does fall within the 3a classification, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. A loss of less than 1 hectare of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard. It is also noted that the

proposal would not disrupt the agricultural operations undertaken on the remaining land. There would therefore not be conflict with Paragraph 112 of the NPPF.

Residential Amenity

The nearest residential properties to the site are no. 9 Roesia Close, set 112.0 metres to the south-west, and no. 7 Rempstone Road, set 129.0 metres to the north east.

It is proposed that additional landscape screening would be supplied in close proximity to the boundaries of the site, and given the scale of the proposals there would be no adverse overbearing, overshadowing or overlooking impacts to neighbouring properties. A condition could also be imposed on any consent granted to limit the height at which the equipment would be stored.

With regards to noise implications associated with the proposed maintenance of equipment and vehicles on the site it is noted that the Council' Environmental Protection Team has raised no objections to the development. Given this fact, as well as the separation of the application site from neighbouring properties, it is considered that the noise and smell created by vehicular traffic on Ashby Road as a result of the development would not be adversely impact the amenities of neighbouring properties. This would be further supported by the ability to restrict the hours and days on which maintenance would occur, via a planning condition. Should issues concerning noise and smell arise in the future then assessments under Environmental Health Legislation could be carried out.

The submitted layout plan clearly describes what is proposed on the site and makes no provision for the siting of visitors mobile homes. Any additional homes that may subsequently be sought on the site would require a specific planning permission.

Objections raised over the loss of a view and the Council Tax band of any occupants of the site would not constitute material planning considerations which could be taken into account in the assessment of the application. It is also considered that the development would not impact adversely on Belton Primary School due to the fact that the site would serve one family which would not generate a significant increase in pupil numbers. Pupils at the school would also not be adversely affected by operations conducted on the site given that some noise and pollution are already generated by vehicular movements on Ashby Road, notwithstanding that the Council's Environmental Protection team have not objected to the application.

In these circumstances the proposal would be compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Character and Appearance of the Rural Environment and Streetscape

The need for good design in new developments is outlined not only in adopted Local Plan Policy E4 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that *"although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

At present the application site is an undeveloped agricultural field, a greenfield site, which is bounded by mature hedgerows which vary in their heights. In the immediate area agricultural fields are generally defined by low level hedges, with trees sporadically planted to boundaries

with highways. Therefore the application site has a different character to that of the neighbouring fields within the immediate vicinity. Whilst having a different character to the neighbouring agricultural sites the southern side of Ashby Road is largely undeveloped with the built forms being contained to the northern side of the highway which defines the extent of the Limits of Development to the settlement of Belton. In order to facilitate the use of the land it would be necessary for hardsurfacing to be provided for the placement of the chalet, rides and other associated equipment. Although the extent of hardsurfacing has been limited to what is necessary, the establishment of such surfacing, as well as the siting of the chalet, vehicles and rides, would urbanise the agricultural land. In the context of the character of the southern side of Ashby Road, as well as the fact that the land immediately adjacent the site on the northern side is undeveloped (being a recreation ground and school playing field), it is considered that such urbanisation of the land would be significantly detrimental to the rural and undeveloped character of the area.

It is understood that larger showground items are usually dismantled for transportation purposes and kept on trailers, except for when maintenance and testing would be carried out on the site. Although the site is defined by mature vegetation of a native species, which it is acknowledged is considerably higher than that established to neighbouring fields, and that additional vegetation would be planted to assist in screening the development, it is considered that the showground rides would remain visible above such screening and thereby increase their prominence resulting in further adverse impacts to the appearance of the rural environment and streetscape. Even if a condition is imposed to limit the height at which the equipment is stored, it is considered that this would not reduce the visual implications particularly as the time of year when the items would be stored (November to February) there would be less vegetation present to the hedges and trees.

In conclusion, therefore, the implications of the development to the character and appearance of the rural environment would be significantly adverse due to the substantial urbanisation of a greenfield site, and the visual prominence of the rides and equipment when they stored on the site. On this basis the proposed development is considered to be contrary to Paragraphs 57 and 61 of the NPPF, as well as Policy E4 of the adopted Local Plan.

Highway Safety

The County Highways Authority have objected to the application on sustainability grounds, which have been assessed in the Principle of Development and Sustainability section of this report, as well as the fact that the proposal would lead to a significant increase in turning traffic using an access onto Ashby Road where the turning manoeuvres would be an additional source of danger to road users.

Section IN5 of the 6Cs Design Guide highlights that objections would be raised to additional traffic movements on a Class A and B roads, Ashby Road being a B-road (B5324), where the speed limit exceeds 40 mph or where measured speeds are in excess of 40 mph.

Whilst the part of Ashby Road where the vehicular access is positioned is subject to a maximum speed limit of 40 mph, the County Highways Authority in conducting speed surveys in the area have ascertained that vehicles travelling in both directions exceed this speed limit. The County Highways Authority have also identified there is an existing accident record on parts of Ashby Road.

On this basis of these facts the County Highways Authority are of the view that the proposed movement of large vehicles associated with the use would result in a significant increase in

turning traffic onto and off Ashby Road at the site access. This would result in detriment to highway safety particularly when assessed cumulatively with existing movements on the highway by other users. In the circumstances that such turning manoeuvres would be severely detrimental to the free and safe movement of vehicles on Ashby Road, as well as causing additional dangers to road users, it is considered that to permit the development would not be in the best interests of highway safety and as such the proposal is contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

The applicant has submitted a highways report in order to try and address the concerns raised by the County Highways Authority and this report is currently under consideration. Any amended comments received following the publication of the Committee Agenda will be reported to Members on the Update Sheet.

It is considered that the site layout plan highlights that adequate off-street parking would be provided for the storage of the rides, as well as the private domestic vehicles of the applicant, so as to ensure no on-street parking issues would arise. On this basis the development would be compliant with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Ecology

Following receipt of an ecological survey, the County Council Ecologist has confirmed that they have no objections to the application subject to the retention of hedgerows to the north-western and south-western boundaries which are species-rich. It is considered that the imposition of a landscaping scheme on any permission granted could secure this particularly as the retention of the hedges would be important in screening the development if it were to be permitted. In agreeing such landscaping it could also be ensured that native tree species are planted given that those currently suggested on the plans would not be appropriate.

With regards to the comments raised about maintenance of rides and equipment on the site resulting in pollution to the Grace Dieu Brook, it is noted that this is not designated as a Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI) and that the consultation response received from the County Council Ecologist has raised no objections in respect of this issue. Although this is the case, it is considered that the imposition of a surface water condition on any consent granted could ensure any scheme progressed incorporated measures such as treatment trains or interceptors which would capture and prevent polluted surface water run-off reaching the brook and impacting on its integrity.

On this basis it is considered that the development would be compliant with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The site is currently bounded by mature hedgerows which vary in height and the proposed hard surfacing to be provided has been off-set from the boundaries so as to protect the root protection areas (RPA's) of these hedges. It is also highlighted that additional landscaping would be provided, in the form of new tree planting and reinforcement of gaps in hedgerows, which whilst not acceptable on the plan supplied given that native tree species would not be supplied, could be amended by agreeing an alternative landscaping scheme. This would therefore be compliant with Policy E7 of the adopted Local Plan.

Drainage and Flood Risk

The application site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding. As the site does not exceed 1.0 hectare in size there is no formal requirement to provide a Flood Risk Assessment (FRA) or undertake formal consultation with the Environment Agency. It is, however, noted that the extent of Flood Zone 3 is situated on land which borders the application site to the south-east.

As part of the consideration of the application, Severn Trent Water have raised no objections subject to the imposition of a drainage condition on any consent granted with the Lead Local Flood Authority (LLFA - Leicestershire County Council) also not objecting to the proposals subject to their standing advice being considered.

Hardstanding is to be provided on the site and residents have raised concerns that the provision of such a surface will increase surface water run-off to Grace Dieu Brook, given the topography of the site leading to water draining to this brook, which is prone to flooding of the fields. At this stage the precise material to be utilised for the hard surface, apart from the access road which would be an impermeable tarmac surface, have not been specified and therefore it is unknown whether the remaining surfaces would be permeable or impermeable.

The application forms suggest that a soak-away would be utilised for surface water run-off, although one representation has indicated that the geology of the area would limit the efficiency of this method of drainage. Given the circumstances it is considered reasonable to impose a condition on any consent granted for the surface water drainage scheme to be agreed, particularly given the request of Severn Trent Water, and in reviewing any scheme it could be ensured that it would not further exacerbate any perceived impact on a localised flooding issue. Such a condition could also include the advice of the LLFA in that the level of run-off should not exceed that of the current greenfield run-off rate, although it is noted that any increase in water discharge to the Grace Dieu Brook would need to be agreed with the LLFA under Section 23 of the Drainage Act. It is therefore considered that mitigation for increases in surface water run-off could be secured in order to comply with Paragraph 103 of the NPPF.

In terms of foul drainage it is considered that should the mains sewer be utilised an agreement, under separate legislation, would be required with Severn Trent Water who have suggested the imposition of a planning condition. The provision of a package treatment plant would require the issuing of a permit by the Environment Agency who would be responsible for ensuring that the system is adequate in respect of its capacity and the effluent discharged. On this basis it is considered that the imposition of a condition to agree the precise method of foul drainage would ensure compliance with Paragraph 120 of the NPPF.

Other Matters

The provision of water and electricity to the site would need to be agreed with the relevant undertakers responsible for providing such services, with these undertakers benefitting from permitted development rights, under the Town and Country (General Permitted Development) (England) Order 2015, to carry out works without planning permission.

The devaluation of properties is not a material planning consideration.

Representations from third parties has included criticism in the way in which the application has been publicised and consultation undertaken. For clarification purposes, the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that publicity

be undertaken in the form of neighbour notification of properties which immediately adjoin the application site and/or by means of a site notice, and this has been carried out in accordance with the correct procedures.

Two site notices have been posted, one of which on a signpost at the junction of Ashby Road with Church Street and the other to a post next to the bus stop on Church Street.

In addition to this, the Parish Council and statutory consultees have been consulted and the application information was made available on the Council's website. The Ward Member had also requested that the application be reported to the Planning Committee, which provides opportunity for additional representations to be made at the meeting.

On this basis the application has been published in the correct manner in line with planning requirements and consultations have taken place in order to consider the proposal fully. In this context no one has been prejudiced by the recommendation made on the application.

Conclusion

Consideration has been given to alternative established showpeople sites within the District by the applicant, which have been discounted, but no justification has been provided as to why brownfield sites or other greenfield sites within the District that have a better relationship with the built environment have not been considered. In the absence of such justification it is considered that permitting the proposal would be contrary to Paragraph 24 of the PPTS 2015. Whilst not dominating the settled community of Belton establishment of the land use as a showmans yard would result in the urbanisation of a greenfield site which would be visible from the public domain, and which would be disassociated with existing built forms. Given the lack of justification for the proposal on this particular site, it is considered that conflict with Paragraph 25 of the PPTS 2015 would arise. The unmet need for sites within the District is also considered not to be sufficient grounds to justify an approval of the application. Given the lack of justification for the land use on the application site it is also considered that the proposal would be contrary to Policy S3 of the adopted Local Plan.

The application site is an undeveloped greenfield site situated on the southern side of Ashby Road, which is largely undeveloped. Although the presence of mature vegetation to the site boundaries results in the site having a different character to the neighbouring agricultural fields, the substantial introduction of hardstanding, chalet accommodation, vehicles and fairground rides resulting in the urbanisation of the land which would be significantly adverse to the rural and undeveloped character of the area. It is also considered that the landscaping to the site boundaries, even if it is reinforced, would not adequately mitigate the visual implications such a change in the land use would have in a rural environment given that the site would be prominent when viewed from Ashby Road. In these circumstances the proposal would conflict with Paragraphs 57 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

The introduction of the use onto the Class B Ashby Road (B5324) has been assessed by the County Highways Authority. They have concluded that the introduction of the use would result in a significant increase in vehicular movements, when taken cumulatively with existing movements, onto and off the highway. Furthermore turning manoeuvres would be an additional source of danger to road users and not in the interests of highway safety. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Paragraph 24 of the Planning Policy for Traveller Sites 2015 (PPTS 2015) highlights the issues Local Planning Authorities should consider in assessing applications for showpeople sites with Paragraph 25 of the PPTS 2015 specifying that new sites in open countryside away from existing settlements should be strictly limited. Policy S3 of the adopted North West Leicestershire Local Plan (Local Plan) also outlines the forms of development permitted outside the defined Limits to Development. Although consideration has been given to existing showpeople sites within the District no justification has been submitted to demonstrate that brownfield sites, or alternative greenfield sites closely associated with the built environment, have been assessed. The establishment of the site would also result in the urbanisation of a greenfield site which would be disassociated with the existing built forms in the settlement of Belton and which would be highly visible from the public domain. On this basis to permit the application would be contrary to Paragraphs 24 and 25 of the PPTS 2015. In the absence of a justification for the proposal on the site selected it is also considered that the principle would not be supported by Policy S3 of the adopted Local Plan.

- 2 Paragraph 57 of the National Planning Policy Framework (NPPF) highlights that it is important to plan positively for the achievement of high quality and inclusive design for all development with Paragraph 61 of the NPPF outlining, amongst other things, that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 of the adopted North West Leicestershire Local Plan also emphasises that in the determination of applications regard will be had to the wider setting and that new development should respect the character of its surroundings. It is considered that the introduction of the land use would result in the urbanisation of an agricultural site, particularly given the significant amount of hardstanding required, in an area which is largely undeveloped. As such the proposal would be significantly adverse to the character and undeveloped nature of the rural environment. The associated placement of rides, equipment and habitable accommodation on the site would also compound the visual impacts of the land use given that the level of screening would not adequately mitigate its visual implications in views from the surrounding environment. On this basis the proposal would be contrary to Paragraphs 57, 60 and 61 of the NPPF and Policy E4 of the adopted Local Plan.

- 3 Paragraph 32 of the National Planning Policy Framework (NPPF) outlines, amongst other things, that development should only be prevented or refused on transport grounds where the cumulative impacts of the development are severe. Policy T3 of the adopted North West Leicestershire Local Plan (Local Plan) identifies that development will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements. It is concluded that the proposal would lead to a significant increase, when taken cumulatively with existing movements by other users, in turning manoeuvres onto and off the Class B Ashby Road (B5324) where such movements would not be in the interests of highway safety and would be an additional source of danger to road users. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

Notes to applicant

- 1 Planning permission has been refused for the proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.