



Appeal Decision

Site visit made on 5 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/Y2430/W/19/3234750

Scalford Station, Melton Road, Melton Mowbray, Leicestershire LE14 4UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Towns against Melton Borough Council.
 - The application Ref 19/00199/FUL, is dated 13 February 2019.
 - The development proposed was originally described as the erection of a new agricultural grain store.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The proposal was amended following the original submission to include further land within the application site to incorporate additional development in the form of a lean-to extension to the existing main building and a new machinery shed. I have therefore based my assessment of the proposals on the revised plans which include these additional elements.
3. Third-party comments have referred to the emerging Scalford Village Neighbourhood Plan and I have been provided with a pre-submission version of this document. Given the early stage in the process and that I am unaware of any outstanding objections or modifications, I can only attach limited weight to its content.
4. The Council's appeal statement sets out the grounds on which the Council would have refused planning permission if it had been in a position to determine the application as well as other outstanding concerns. I have given regard to these matters in defining the main issues.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - highway safety.

Reasons

Character and appearance

6. The site is located outside any defined settlement and in the countryside. Existing development on the appeal site is of an industrial scale and is well established within the landscape. However, the surrounding area is distinctly rural in character. A small number of residential properties are situated in close proximity to the site. Other structures outside the appeal site include overhead powerlines and electricity pylons.
7. The proposed grain store and machinery shed would occupy land close to the eastern boundary where buildings do not presently exist. Both buildings would be of considerable scale with the grain store in particular being of substantial bulk and height. The eaves and ridge height of the extension to the main building, described on the submitted drawings as a lean-to, would sit higher than the existing eaves and would span a large section of the eastern elevation of the main building. In combination, the considerable scale of the grain store building, the extensive width and height of the lean-to extension and the additional presence of all the proposed buildings closer to the eastern boundary of the site would increase the prominence of industrial scale development and would not conserve or enhance the rural landscape setting.
8. I acknowledge that visual perception of the proposals from Kings Road and Ironstone Road would be largely mitigated by the intervening distances, topography and vegetation. However, the impact on the landscape would be particularly evident from publicly accessible views on nearby Public Rights of Way (PROW), most notably from footpaths 10 and 11. I have taken into account the orientation of the proposals, its proximity to existing buildings, the presence of existing hedgerows, the supplementary planting proposed and the materials that would be utilised. However, the scale of the new buildings and the elevated views that are offered from the PROWs means that these measures would be unlikely to successfully assimilate the development into the landscape to the point that there would not be a marked increase in the scale of the industrial operation within the rural landscape.
9. The appellant contends that Scalford Station has been an industrial site for many years. Even acknowledging the established use of the site and the historic context, there is still a need to ensure that new development proposals are sympathetically designed so as to minimise the visual impact on the countryside. My attention has also been drawn to the overhead powerlines and electricity pylons within the local landscape. However, such structures are a common feature in the countryside and the nature and profile of these features means they do not define the overall landscape character, nor do they justify the provision of bulky development of an industrial nature.
10. I note the suggestion that the extension to the existing main building follows discussions with the Council's Environmental Health team with the aim of covering existing equipment and improving the appearance of the site. However, I am not persuaded that the design of the extension and contrasting higher roof heights successfully achieves this.
11. To conclude, the development would have a detrimental effect on the character and appearance of the rural landscape. Consequently, in that regard, the development would be contrary to Policies D1 (Raising the Standard of Design)

and EN1 (Landscape) of the Melton Borough Local Plan 2011-2036 (2018) (MLP) which amongst other things state that new developments should be of a high quality of design and that the character of Melton Borough's landscape and countryside will be conserved and, where possible, enhanced by ensuring new development is sensitive to its landscape setting.

12. The proposal would also conflict with the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and that decisions should enhance the natural local environment by amongst other things recognising the intrinsic character and beauty of the countryside.

Living conditions

13. On my site visit I saw the proximity of existing residential properties to the appeal site, including those at Station House, Station Cottages and Mawbrook Farm. The evidence before me indicates that there has been previous cause for the Council to monitor noise levels on the site and I note the noise assessment reports conducted and provided as part of the appeal submission.
14. The evidence before me suggests that in respect of the existing fixed equipment on the site, silencers were previously introduced to the outside fans. The appellant suggests that following the installation of silencers, the Council's Environment Health officer found noise levels were within legal limits. The premise behind the extension to the existing main building is to cover the existing grain store bins and conveyor equipment and to further mitigate noise levels. However, I have not been provided with any comments from the Environmental Health Officer to confirm whether this is necessary or would be effective from their perspective. Nevertheless, existing noise levels on the site are a separate matter for the Council to investigate.
15. The Council have suggested a condition requiring a scheme for noise insulation. However, there is nothing before me to suggest that the extensions proposed or the activity within would lead to a discernible increase in noise levels on the site. I must also have regard to the evidence before me which predicts that vehicular activity would be reduced as a result of the development. On this basis, there is the potential for levels of noise and disturbance associated with vehicles to also be reduced. Whilst specific details on hours of use have not been provided, the Council has suggested a condition could be attached to restrict the times that deliveries could be undertaken. Such a condition would further assist in protecting the living conditions for the occupants of neighbouring residential properties.
16. To conclude, I am not persuaded from the evidence before me that the development would increase the levels of noise and disturbance experienced by neighbouring occupiers. Consequently, in that particular regard, the proposal would comply with Policy D1 (Raising the Standard of Design) of the LP and paragraph 127 of the Framework which promotes a high standard of amenity for existing and future users.

Highway safety

17. The supporting documentation confirms that the company currently processes an average of 12,000 tonnes of grain a year. The appellant contends that the

- bulk of grain processed currently has to be stored off site and transported to the site when required, thus leading to multiple handling of the grain and increasing traffic movements. The proposed grain store would increase the storage capacity on the site from 500 tonnes to 3,000 tonnes of grain.
18. The appellant has provided journey data illustrating the reduction in trips that would occur as a result of increasing grain storage capacity on the site thereby reducing double handling of the commodity. The Highway Authority have accepted this data, noting the reduction in vehicular trips and have raised no highway safety concerns.
 19. Amongst the representations made raising objections to the proposals, a third-party has produced their own trip rate data which is based on an assumption that the processing of grain will increase considerably. However, there is no substantive evidence before me to verify that the proposals would increase processing capacity. The figures produced by the third-party can therefore not be substantiated. In the circumstances, I am more persuaded by the appellant's case on this particular matter and the lack of objection from the Highway Authority.
 20. To conclude, the anticipated reduction in vehicular movements as a result of the additional storage capacity on site would not have a detrimental effect on highway safety. Consequently, in that regard, the proposal would comply with Policy D1 (Raising the Standard of Design) of the LP. The development would not conflict with Paragraph 109 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other matters

21. Any lack of progress on the planning application following a change in the Council's case officer is not a matter which has influenced my decision. I have reached my decision based on the planning merits of the proposal having considered the details before me.
22. The appellant contends that the dimensions of the building have been influenced by the tonnage of grain that would be stored within, that the business supports other local rural businesses, is closely related to agriculture locally and that there is community need for the development. I also note the suggestion that the proposal would secure existing employment for the current workforce and there is some third-party support for the economic benefits of the proposal.
23. However, whilst I acknowledge the general support for the rural economy in Policy EC2 (Employment Growth in the Rural Area (Outside Melton Mowbray)) and at paragraph 83 of the Framework, the policies also state amongst other things that new buildings for employment must be well-designed, of an appropriate scale for its location and be sensitive to its surroundings. I have found that the design of the proposal would result in harm to the character and appearance of the area. The development therefore conflicts with local and national policy relating to employment growth in rural areas.
24. The appellant suggests that there would be an improvement in air quality as a result of the reduction in traffic movements to and from the site. They also

contend that there would be no flood risk as a result of the proposal. I note that air quality and flood matters do not form part of the Council's case and I have no detailed evidence that would lead me to reach a different conclusion. In any case, the acceptability or not of these aspects of the scheme does not override the harm I have identified.

Conclusion

25. I have concluded that the development would provide acceptable living conditions for neighbouring residential occupiers and would not result in harm to highway safety. However, the development would have a harmful effect on the character and appearance of the area. This represents a significant and overriding issue which would be decisive in this case.
26. The proposal would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR