



Appeal Decision

Site visit made on 1 November 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.02.2024

Appeal Ref: APP/Y2430/W/23/3320028

Field 7858, Melton Road, Long Clawson

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dominic Waters of Waters Homes Ltd against the decision of Melton Borough Council.
 - The application Ref. 21/00700/FUL, dated 7 June 2021, was refused by notice dated 20 December 2022.
 - The development proposed is a new office building with ancillary bike / bin shed and parking.
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Decision

1. The appeal is allowed, and planning permission is granted for a new office building with ancillary bike / bin shed and parking at Field 7858, Melton Road, Long Clawson in accordance with the terms of the application, Ref. 21/00700/FUL, dated 7 June 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development given in the planning application form and the appeal form reflects the details of the original proposal which included a two-storey building, that description being: '*New L-shaped office building, with 2-storey main building and 1-storey wing; with ancillary bike / bin shed and parking*'. The proposal was modified prior to the Council taking its decision on the planning application. The Council's Officer Report makes it clear that the decision to be taken by the Planning Committee was on the amended scheme. I have assessed the proposal and determined the appeal on the basis of the amended plans and the modified description given in the Council's decision notice which is: '*New office building with ancillary bike / bin shed and parking*', and I have used that description in my decision and in the banner heading above. Publicity has been undertaken about the planning application and the appeal and I have had regard to the representations I have seen. I am satisfied that the approach I have taken in respect of the description of the development would not cause prejudice to any party involved in the appeal.

Main Issue

3. The main issue is the effect of the proposed development on protected views south-west from Long Clawson, particularly from the Melton Road.

Reasons

4. Long Clawson is an attractive, medium sized, rural village, generally arranged along a sinuous linear pattern and set in an agricultural landscape and is

identified in the Melton Borough Local Plan 2011 – 2036 (October 2018) (the LP) as a Service Centre. It comprises an interesting mix of buildings, primarily dwellings, of differing age, size, appearance, and design.

5. The appeal site is located at the western end of the village on an area of land situated generally between the rear of 26 Melton Road and the recently constructed dwellings at Saxon Meadow, which is the road from which access would be taken to the appeal proposal. The site is within the 'Limits to Development' (the LTD) of Long Clawson as defined in Policy H3 of the Clawson, Hose & Harby Neighbourhood Plan 2017 to 2036 (the NP) and is allocated for housing development in both the LP and the NP, albeit that allocation has been implemented through the construction of the dwellings at Saxon Meadow.
6. The junction of Saxon Meadow and Melton Road provides a relatively short gap along Melton Road which affords views for pedestrians, drivers and other highway users across the appeal site southwards and westwards over rolling countryside. However, the extent of these views from Melton Road is generally limited at either side of the appeal site due to mature hedging and the presence of the recently constructed dwellings on Saxon Meadow.
7. Notwithstanding the relatively elevated height of the road junction within the locally undulating topography, even for pedestrians passing slowly along the footways on Melton Road, views in this location are dominated by telegraph and electricity poles and wires, and a pole mounted sub-station. Moreover, noting the need for a general awareness of road conditions while driving, views southwards and westwards for motorists approaching the crest in the road close to the entrance to Saxon Meadow are glimpsed and fleeting.
8. Figure 10 and Appendix 2 of the NP generally define important views into and out of Long Clawson, including the views south-west from Melton Road defined by the arrow numbered 14 in figure 10. There is disagreement between the main parties regarding the breadth and intended vantage points associated with this view. In considering this matter, based on the limited information provided regarding the extent of the views intended for protection, I note that the photograph provided in NP Appendix 2 appears to indicate a view westward from a position considerably further south along Melton Road from the appeal site, and this appeared to me to be close to a public right of way.
9. Further, while NP figure 10 is a small-scale map, it seems clear to me that arrow 14 begins from a position to the south of the appeal site rather than a location in the vicinity of the junction of Saxon Meadow and Melton Road as suggested in the Council's statement of case. I have seen no further substantive evidence from the Council that supports its position regarding the precise breadth or extent of the view intended for protection through the NP, and I have determined the appeal on the basis of the evidence before me, including the NP.
10. The proposal would partially obscure views from Melton Road close to the junction with Saxon Meadow towards the countryside to the south and west of the appeal site. However, notwithstanding the disagreement between the main parties regarding the intention of NP Policy ENV8, given the circumstances I have described in respect of the publicly available vantage points on the approaches to the appeal site, and having regard to the scale, mass and height of the proposal, the extent of obstruction that would be introduced by the

proposal would be limited. As such, I am not persuaded that the proposal would have an unacceptably detrimental impact on the views and vistas described for protection in the NP.

11. Accordingly, the proposed development would not harm protected views south-west from Long Clawson, particularly from the Melton Road. The proposal would therefore accord with NP Policy ENV 8 because it would respect the open views and vistas as shown in NP Figure 10 and Appendix 2.

Other Matters

12. The proposal is located inside the LTD where development plan policy provides a presumption in favour of development, including commercial development. Furthermore, Chapter 6 of the National Planning Policy Framework (December 2023) (the Framework) recognises the importance of building a strong, competitive economy and of supporting a prosperous rural economy. Notwithstanding concerns expressed in representations regarding the need for the proposal, I note that an end-user for the proposed building has been identified and I am satisfied that the proposal would contribute towards achieving local and national policy intentions in respect of supporting businesses, including in rural areas.
13. Interested parties contend that the proposal would affect the setting of a Grade II listed building. Whilst little information has been provided in this respect, I note that 19 Melton Road and Holm Farm, 19A Melton Road¹ (the listed buildings) are in proximity of the site.
14. Thus, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. From my observations during my site visit I noted that the listed buildings sit some distance from the appeal proposal on the opposite side of Melton Road. Further, the proposal before me is substantially lower than the relevant representations suggest. Given the scale of the proposed development and the extent of separation from the listed buildings, the proposal would not harm the setting of the listed buildings and would therefore accord with the requirements of section 66(1) of the Act.
15. A significant number of interested parties, including local residents, a Borough Council Ward Member and the Clawson, Hose and Harby Parish Council have also expressed a wide range of concerns including, but not limited to the following: character and appearance; highway safety; frequency of public transport services; living conditions, including loss of light; protected species, specifically Great Crested Newts; flooding; and the historic ridge and furrow earthworks, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

¹ List Entry Number: 1075049, first (Grade II) listed on 30 August 1979

16. I have also noted the views that the intention for the site was for it to be used as a playground, and about potential future residential conversion. However, there is little to substantiate the view surrounding the intended use of the site, and the likelihood and merits of a potential future residential conversion are not before this appeal. Furthermore, private views from a window and property values are not material planning considerations.

Conditions

17. I have had regard to the conditions suggested by the Council, and to the comments made by the appellant on those conditions, and I have made minor modifications to some. The standard condition relating to the period for commencement is necessary in the interests of certainty, as is a condition defining the plans approved through this appeal. I have included the drainage Technical Note as an approved document since this is necessary in the interests of certainty and enforceability.
18. A condition requiring approval of building materials is necessary to protect the character and appearance of the area, however it is not necessary that this be a pre-commencement condition.
19. It is necessary to secure appropriate vehicle parking on-site in the interests of highway safety and I have added a requirement that, notwithstanding information given in the drainage Technical Note, details of surfacing of the parking and manoeuvring area must be agreed by the Council for the same reason and to protect the character and appearance of the area.
20. Landscaping is necessary in the interests of the character and appearance of the area, and I have attached conditions to that effect, adding a requirement that details of a scheme shall first be approved by the Council and that appropriate triggers for implementation of the scheme are defined to ensure precision, certainty, and enforceability.
21. Appropriate measures would be required should Great Crested Newts be found on the site in order to prevent harm to that protected species, and a condition ensuring defined mitigation measures can be implemented is therefore necessary. A condition limiting any future use of the building to uses that could be carried out in a residential area is also necessary to protect the living conditions of nearby residents. However, this need not be so limited to Use Class E(g)(i) as suggested by the Council, and I have amended its suggested condition accordingly.

Conclusion

22. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

David English

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and document:

Site Location Plan - WA 520(04)01 Amendment A

Site Plan As Proposed - WA 520(04)02 Amendment B

Ground Floor Plan As Proposed - WA 520(04)03 Amendment A

Roof Plan As Proposed - WA 520(04)04 Amendment A

NW & NE Elevations As Proposed - WA 520(04)05 Amendment A

SE & SW Elevations As Proposed - WA 520(04)06 Amendment A

Proposed Bin Elevations - WA 520(04)07

Technical Note FW2251_TN_001 v1 (13 September 2022)

- 3) No development shall take place above ground level until details of the materials and finishes to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until such time as the parking and turning facilities shown on the approved plans have been completed in accordance with those plans and in accordance with details of the finished surfaces of those areas which shall first have been submitted to and approved in writing by the Local Planning Authority. The onsite parking and manoeuvring provision shall be so maintained thereafter.
- 5) No development shall take place above ground level until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.
- 6) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the commencement of use of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The development shall be carried out in accordance with the mitigation measures identified in the Great Crested Newt Survey Report & Mitigation Strategy (October 2019)
- 8) The premises hereby permitted shall not be used other than for purposes falling within Use Class E(g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

END OF SCHEDULE.