

Planning Statement
Proposed turning area
Hutchinson Engineering Services Limited
Great North Road
Weston
Newark

This statement was submitted in connection with the previous application 23/00770/FUL, and should be read in conjunction with the covering letter accompanying the application



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Planning Statement

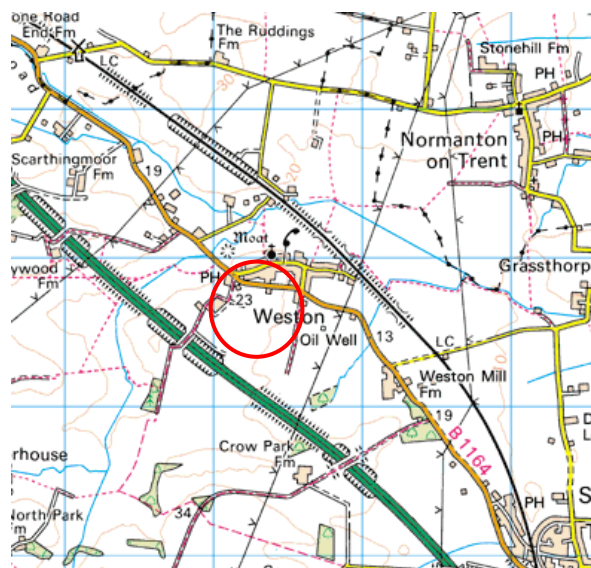
Proposed turning area, Hutchinson Engineering Services Limited, Great North Road, Weston, Newark, NG23 6TF

Introduction

1. This statement accompanies a planning application for the provision of a turning area at the southern end of the existing Hutchinson Engineering Services Limited haulage yard site at Great North Road, Weston.
2. These proposals follow the recent refusal of planning permission (21/02245/FUL) and the dismissal of an appeal (APP/B3030/W/22/3293016) in respect of proposals to extend the haulage yard site. These proposals are a direct response to the issues raised in the decisions. The nature and character of the proposals is materially different to that previously applied for and includes additional supporting information to which reference had been made in the earlier appeal decision. Fundamentally, rather than extending the haulage yard and site storage activities, these proposals simply make provision for a vehicle turning area at the southern end of the site. No storage or parking activity will take place within the identified area and from external vantage points the appearance of the site will be unchanged, and there will be no adverse visual impact. Landscaping proposals will ensure some enhancement to the appearance of the locale and will offer some additional screening of the existing site. In the absence of any material harm arising from the proposals it is considered that there are reasonable grounds to support these proposals.

The application site and the surrounding area

3. Previous application submissions¹ have considered in some detail the application site and surrounding area.
4. The application site is located in the village of Weston, approximately 15km north of Newark on Trent.



Showing Weston and the location of the application site.

¹ 07/00606/FUL, 17/00901/FUL, 18/0051/FUL

- Hutchinson Engineering Services comprises an established haulage and engineering company. It operates from a number of sites in the local area, Notably at Weston, Ingram lane, Sutton on Trent, and Great North Road at Tuxford. The Weston site is the main operating centre of the haulage business. Site activities include the repair, servicing and sales of commercial vehicles, specialist equipment hire (including cranes) and an operating base for a haulage business. That haulage business is involved in heavy and abnormal loads and on occasions the site accommodates loads in-transit. The site in particular lends itself to the specialist nature of the haulage use (dealing in particular in long and heavy loads); an operation that cannot conveniently operate from an urban area due to the tightly constrained nature of many urban roads.



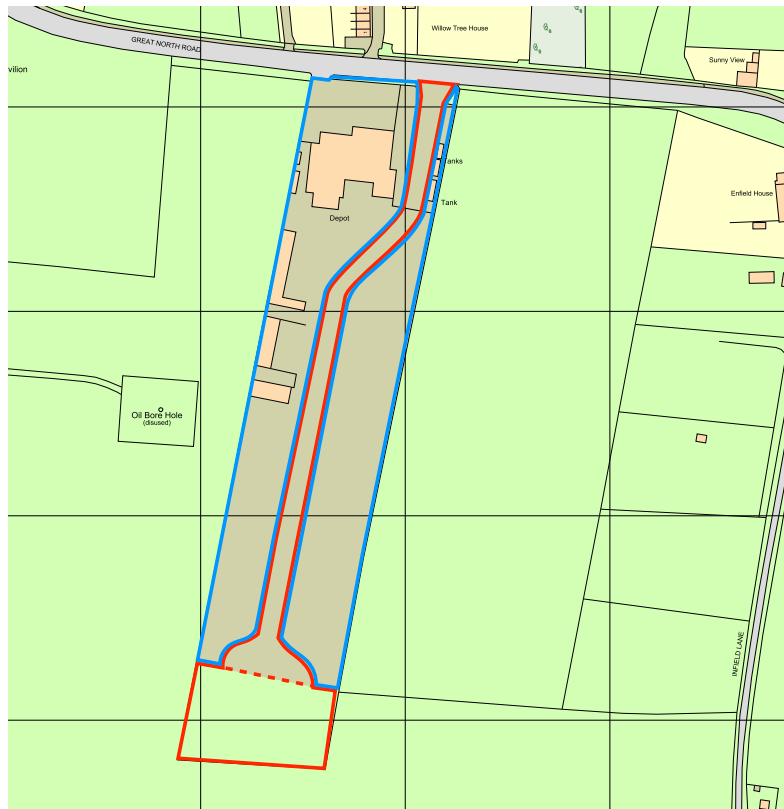
Overview of Weston and the application site. The premises of Hutchinson Engineering Services Ltd are highlighted in blue

- The existing Hutchinson site is not untypical of many haulage type operations. The site has a width of approximately 72m and a depth of approximately 300m, extending southwards away from the road. Set close to the road frontage is a large L-shaped workshop building with, an attached office section, part single storey and part two storey, extending around the northern and eastern sides of the workshop building. Set in front of the building is a staff and customer parking area. To the east of the building a forecourt area with fuel bunkers and a roadway that leads through to the yard area. Access to the workshops is via the yard area. To the south of the workshop building is an extensive yard area used for the parking of vehicles and trailers, equipment and in-transit goods. A number of secondary structures (as identified on the OS plan) extend alongside the western site boundary. The existing site has an area of approximately 2.1ha. The western and eastern boundaries to the site are defined by relatively tall, established hedgerows, and set on the inside of the hedgerow is a concrete panel fence / wall. This also continues across the southern boundary, with gates set centrally along the enclosure. The concrete sectional wall is generally hidden from view by the boundary hedge.



The Hutchinson Engineering Services site viewed from Great North Road

7. Set at the southern end of the existing yard site is an area measuring approximately 35-45m deep, and extending across the full width of the existing yard. This parcel of land is similarly bounded by an indigenous hedge similar to that defining the boundary of the existing site. As described in the planning history section below, this area of land was previously proposed to be landscaped as part of earlier proposals to extend the yard area. That landscaping was undertaken, although the planting was unsuccessful and the trees died. It is this parcel of land to the south of the existing yard area that comprises the present application site. For the purposes of the planning application, the application site also includes a red lined area connection the site to the public highway, as illustrated below.



The application site

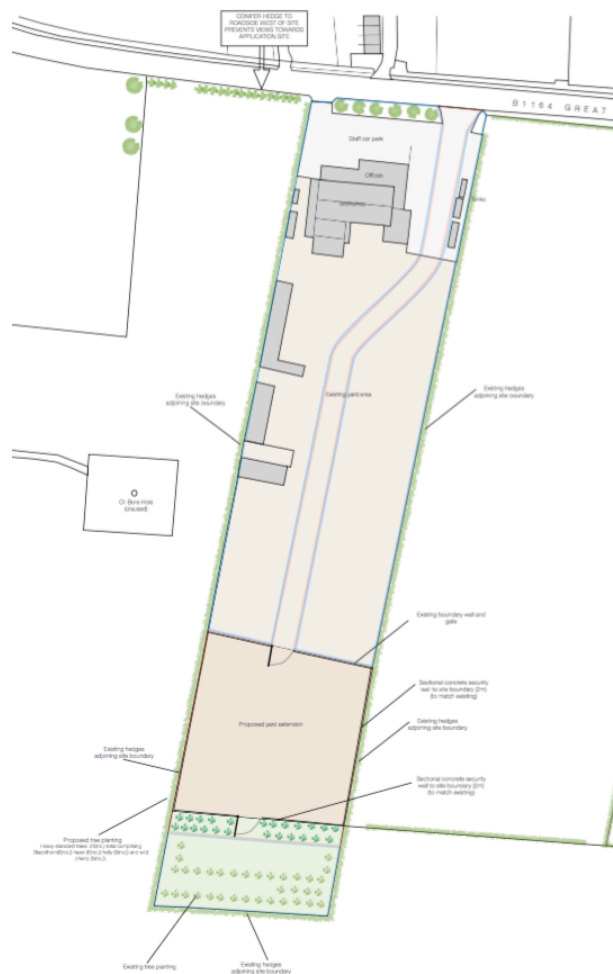
8. The application site has limited visibility from public vantage points. This is more fully considered and assessed within a **Landscape and Visual Impact Assessment** document that accompanies the application.

Site history

9. Previous application submissions² have considered relevant site history in some detail the application site and surrounding area. The following is a summary of the relevant planning history.
10. In 2000, a retrospective planning application was made for the change of use of a parcel of land extending 170m south of the site for use as an extended parking area in connection with the established use, together with a workshop extension (**FUL/990429**). This application included both the present application site as well as some of what now forms the present yard area. The workshop extension was located entirely within the then existing yard area. The application had followed an earlier application for the same development which was refused by the planning authority (**FUL/980458**).
11. The planning application was refused by the Council. The decision notice is not available although a subsequent planning appeal (**APP/B3030/A/99/1031870**) provides an indication that the application was refused on the basis of perceived policy conflicts and the impact of the development upon the rural landscape and the objectives of the policy for the countryside. It seems clear from a reading of the appeal decision letter that at the time of the appeal, there was limited screening to the site and that the Inspector concluded that the development would be harmful to the appearance of the locality. The Inspector also felt that the particular circumstances of the business at that time did not warrant the scale of site extension then proposed. The appeal was dismissed.
12. Under planning application reference **04/01305/FUL**, planning permission was granted for an approximate 40m southward extension of the then extant yard area.
13. Under application ref: **07/00606/FUL**, further proposals were advanced for the extension of the site, combined with an application to extend the existing workshop buildings. The yard extension which included the present application site, with an overall area of approximately 0.8ha, relative to the existing site area of approximately 1.6ha. Planning permission was refused in August 2007 on the basis that the developments were considered to represent a harmful intrusion into open countryside. A subsequent appeal (**APP/B3030/A/08/2067961**) was dismissed.
14. Under application ref: **17/000901/FUL** full planning permission was sought for the change of use of the full extent of the land directly to the south of the then existing site, and defined by the existing boundary hedge delineations to use as a yard for the parking and storage of vehicles, trailers and associated items in connection with the existing use of the adjoining land. It was proposed that the extension land would be amalgamated into the existing site and used in the same manner as the usage of the existing site. The application site comprised all of the field to the south of the existing site, as well as an access through the existing site to connect to the public highway. This application was withdrawn prior to determination.

² 07/00606/FUL, 17/00901/FUL, 18/0051/FUL

15. Under planning application ref: **18/00251/FUL**, permission was sought to extend the yard area southwards by approximately 0.5ha; by approximately 68m on its eastern boundary, and 76m on its western boundary. The yard area was shown to be enclosed with sectional panel concrete walling in a similar manner to the existing yard (this is largely screened by the hedging surrounding the site), with a gate to provide access to the remainder of the applicant's land to the south. Tree planting was proposed to the south of the new wall, and existing tree planting in the remainder of the paddock area was also to be retained. The yard area was to be surfaced in a similar manner to the remainder of the site. Planning permission was granted for this extension in March 2018.



Yard extension as approved under 18/00251/FUL

16. Under planning application ref: 21/02245/FUL, planning permission was sought to extend the yard area onto the remaining area to the south of the existing yard area. This land, which has an area of approximately 0.3ha represents the area to the south of the existing yard area identified to be landscaped as part of consent ref: 18/00251/FUL. That landscaping had been implemented but the planting was unsuccessful.

17. The application proposed the extension of the yard area onto this land and the provision of concrete sectional walls around the perimeter, whilst retaining the existing boundary hedge around the site. The existing sectional wall separating the existing yard from the site was to be removed. The area s proposed to be used for vehicle parking and storage in a similar manner to the remainder of the yard.
18. Planning permission was refused for the proposed development in 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.

19. The decision was the subject of an appeal, and that appeal (**APP/B3030/22/3293016**) was dismissed in August 2022.
20. In the following section, we analyse the Inspector’s decision in further detail. Following the pre-ambule, paragraphs 5-23 of the appeal decision letter are set out below. Against each paragraph (or subsection of a paragraph) we offer a commentary.

| APPEAL DECISION REF: APP/B3030/22/3293016 COMMENTARY ON APPEAL DECISION LETTER | |
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| Appeal decision paragraph | COMMENTARY |
| 5. <i>While on my visit, I observed that the tops of several vehicles in the existing yard as well as some parked on the appeal site were partially visible from public vantage points such as the nearby public bridleway and footpath.</i> | <p>As discussed later in this statement, the proposals in this case will not involve the parking of vehicles on the site or the storage of goods. The intention is to use the area of land solely for the turning of vehicles. The landscaping proposals forming part of the application will offer a greater degree of screening to the existing site.</p> <p>The degree of visibility of the existing site is more fully considered in the Landscape and Visual Assessment that accompanies the application. Visibility from the footpath to the east and the bridleway to the west is very limited.</p> <p style="text-align: right;">Cont/.....</p> |

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| <p>5.(cont)</p> <p><i>I also saw that there is a gap in the hedgerow when viewed from the bridleway and that the hedgerow around the appeal site was not as high as the boundary walls or other hedgerows around the rest of the wider haulage depot site.</i></p> <p><i>In addition, I also saw that the existing site was clearly visible from public vantage points on the A1.</i></p> | <p>Importantly, the proposals for the site, will means its appearance will remain unchanged from external vantage points and the development will have no adverse visual impact.</p> <p>The gap in the hedgerow was caused by intruders breaking into the site. It is proposed to infill this gap with indigenous hedge planting to match the existing hedge. The hedgerow around the site will be allowed to grow to a height to match the height of the hedge around the existing site.</p> <p>The existing site has limited visibility from the A1 (see Landscape and Visual Assessment). Views of the application site, when viewed from the limited A1 vantage points will be unchanged as a result of the proposed development.</p> |
| <p>6. <i>As the proposal would introduce development and vehicles onto land that is currently open it would represent an encroachment into the countryside.</i></p> <p><i>Additionally, in the context of the above it would be likely to have a significant adverse visual impact on the openness of the countryside.</i></p> <p><i>It would also therefore fail to ensure that the rural landscape has been protected and enhanced.</i></p> <p><i>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.</i></p> | <p>As part of the current application proposals, it is proposed to utilise the land as an area for the turning of vehicles only. There will be no parking of vehicles or storage of goods and the land as such would be distinguishable in its usage from the existing site. From a visual perspective the appearance of the site from external vantage points will be unchanged.</p> <p>As the land is not proposed to be used for the parking of vehicles or for storage purposes, but simply as a turning area for vehicles. The appearance of the site will be unchanged. As a result, it will not have a significant adverse visual impact. The appearance of the site will be unchanged.</p> <p>Additional landscaping is proposed as part of the development. Tree planting (in excess of that proposed in connection with 18/00251/FUL), will offer some overall enhancement to the rural landscape and offer enhanced screening of the existing site.</p> <p>The proposal is to use the yard solely for the turning of vehicles. There will be no parking or storage of vehicles on the site. As such the appearance of the site will be unchanged.</p> |

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| <p>7. <i>I also note that the appeal site would be bounded by a medium-height hedgerow. However, this would not immediately be of a sufficient height to obscure either the haulage vehicles, cranes and other high sided vehicles which would be at least partially visible above them.</i></p> <p><i>In addition, even if the hedgerow was as high or higher than the wall, it would not be sufficient in and of itself of obscuring the proposal fully from view given its visibility from the A1 and through the existing gaps in the hedge.</i></p> | <p>As per comments above. It is not proposed to use the land for the storage or parking of vehicles, and as such there will be no vehicles etc visible over the hedge.</p> <p>The sectional wall to the rear of the hedge is largely screened by the existing hedge. The hedge is proposed to be allowed to grow to a similar height to the existing hedge, and this will take only a relatively short period of time. As a result the sectional wall will be completely screened in a short period of time.</p> <p>The reference to existing gaps is similarly overstated. There is only one gap of note, on the eastern boundary of the site, which arose from a break-in at the site. This is to be infilled.</p> <p>Visibility of the application site from the A1 is limited. The appearance of the site from the A1 will be largely unchanged. Proposed landscaping will in due course offer a more effective screening of the existing site.</p> |
| <p>8. <i>Furthermore, the hedge around existing haulage yard is higher than that which bounds the appeal site, and yet it still does not fully obscure the existing development and vehicles in the yard from view.</i></p> <p><i>Moreover, as highlighted by appellant, the haulage yard is currently full of vehicles on a weekend. Consequently, it would be reasonable to think that the appeal site would also be full of vehicles at this time meaning that any visual impact caused would be greater at that time.</i></p> | <p>The suggestion that the hedge is not as high as the hedge around the existing site is overstated. There is no a significant different in height – perhaps 12-18 inches at most. The hedge is proposed to be allowed to grow to a similar height to the existing hedge, and this will take only a relatively short period of time.</p> <p>As indicated above, the current proposals will not involve any parking or storage activity taking place within the site.</p> |
| <p>9. <i>I note the appellant's point that the most visible element within the existing haulage depot site is the workshop building that is situated towards the front of the site and that while the existing site is visible in the landscape, its impact is moderated by the low profile of on-site parking and storage, and the screening afforded to it. However, no substantive evidence, such as a Landscape and Visual Impact assessment has been submitted to support this. Additionally, this does not mean that the proposal would not have any visual impact in its own right.</i></p> | <p>In response to these comments, a Landscape and Visual Impact Assessment has been prepared. This has been prepared in the context of the current proposals (involving no parking or storage uses on the site). This illustrates that there are very limited vantage points from where the application site can be seen. As a result of the revised character of the proposals (involving no parking or storage – the appearance of the site will not materially changed. As a result there will be no adverse visual impacts as a result of the development.</p> |

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| <p>10. Moreover, as set out above, I consider that the proposal and the vehicles that would be stored on the appeal site would be visible from the footpath and bridleway.</p> <p><i>In addition, as shown by the appellant's photographic evidence and from what I observed on my visit the existing haulage depot is clearly visible from public vantage points on the A1. As a result, I consider that the proposal would also be clearly visible from the A1, particularly by users of the two laybys as well as people travelling in both directions. While some of these views would be transitory, this is not the same as it not being visible at all or it not having any visual impact on the landscape in addition to the existing site and business.</i></p> | <p>See Landscape and Visual Impact Assessment. In the assessment we have identified that there are a limited number of vantage points along the footpath and bridleway from where the site can be seen. In the light of the revised proposals , which means there will be no parking or storage activity on the site, the appearance of the site from the se vantage points will be unchanged,. In due time, with the landscaping proposed, some enhancement will arise.</p> <p>See Landscape and Visual Impact Assessment. There are only limited viewpoints from the A1, and the impact of the existing site from those viewpoints is in our view over-stated. From those viewpoints, the appearance of the application site will be unchanged. In time, the landscaping proposals will offer a more effective screening of the existing site activity from these limited A1 viewpoints.</p> |
| <p>11. Additionally, the fact that the landscaping and tree planting approved under previous permission (Ref. 18/00251/FUL) would not be retained means that the proposal would not benefit from the additional screening that did, in conjunction with the hedgerow, provide sufficient screening to mitigate the adverse impact of the previous approved scheme. Consequently, to my mind, the proposal would not be sufficiently screened to adequately mitigate its adverse visual impact particularly when viewed from the A1.</p> | <p>The landscaping approved as part of 18/00251/FUL was set within the application site, and within the retained perimeter hedge line. Unfortunately, the planted trees died. The alternative landscaping proposals in this case proposed the planting of trees within the hedge-line itself. Not only will this serve to enhance the character and diversity of the hedge, it will also provide enhanced screening of the existing site. The amount of tree-planting proposed in this case, exceeds the amount of tree planting approved as part of 18/00251/FUL. These landscaping proposals are considered to represent a more effective landscaping solution in this case (particularly bearing in mind that the revised proposals will not involve the use of the land for the parking of vehicles or for storage use.</p> |
| <p>12. I also note that the Hall Farm Site has larger and taller buildings than the existing site meaning that it has a greater visual impact on the landscape than the lower profiled proposal would. However, this does not mean that the proposal would not have any visual impact at all. In any event I am considering the appeal scheme on its own merits.</p> | <p>This paragraph is based upon the previous proposals that involved the use of the land for parking / haulage yard usage. The revised proposals in this case will utilise the land solely for the turning of vehicles and will not involve parking of vehicles on the land or storage on the land. As a result, the proposed use of the site will not give rise to any visual impacts.</p> |

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| <p>13. <i>I therefore conclude that the proposed development would represent an unacceptable encroachment into the open countryside. Accordingly, it would fail to meet the relevant requirements of Core Policy 13 of the adopted Amended Core Strategy (ACS) and Policy DM5 of the adopted Allocations and Development Management Development Plan Document (ADM).</i></p> | <p>Given the changed characteristics of the proposed development, it is not considered that there will be any unacceptable encroachment into open countryside, and as a result, there will be no conflicts with the listed policies.</p> |
| <p>14. <i>Spatial Policy 3 of the ACS states that development in the open countryside will be strictly controlled and restricted to uses which require a rural setting. Policy DM8 of the ADM gives further detail on how development proposals within the open countryside will be determined with small scale employment development only being supported where it can demonstrate 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 Core Policy 6 of the ACS. It also supports proposals for the proportionate expansion of existing businesses where they can demonstrate an ongoing contribution to local employment. Core Policy 6 states that development which sustains and provides rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.</i></p> | <p>This paragraph rehearses, without amplification or comment, the principal development plan policies applicable to the appeal proposals.</p> <p>We discuss these policies, insofar as they are relevant to the current proposals later in this statement.</p> |
| <p>15. <i>Both main parties agree that the appeal site is located within the open countryside and from the evidence before me I see no reason to disagree. As result the proposal would have to be in accordance with the aforementioned development plan policies for it to be acceptable in principle.</i></p> | <p>It is not disputed that the application site is located in an open countryside location.</p> |
| <p>16. <i>The proposal would expand quite a large haulage business site and operation into the open countryside. According to the appellant's statement it would be a proportionate expansion of an existing business in a countryside location that demonstrates an ongoing general contribution to local employment.</i></p> | <p>The current proposals are distinguishable from the earlier proposals insofar as they do not propose to extend the area of land specifically used for the parking of vehicles / trailers or for storage activity in connection with that use. The area is proposed to be used as a turning area only.</p> |

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| <p>16.(Cont)</p> <p><i>However, while the proposal would likely demonstrate an ongoing contribution to local employment, I have no substantive evidence such as financial assessments or an employment assessment or a business plan to demonstrate that the proposal would a) be small scale or b) be a proportionate expansion of the existing business or c) meet a specific local need for rural employment. I also have no substantive evidence before me to show how many new jobs the proposal would create. Indeed, according to the Council's officer report the proposal would have a neutral impact on employment numbers.</i></p> | <p>In response to these comments, the applicant has prepared a financial assessment that specifically responds to the points raised by the Inspector. Whilst the application site is proposed to be used for the turning of vehicles only, the provision of this facility will enable a more efficient and effective use of the existing site. The financial assessment outlines job creation that is expected to flow from the enhanced use of the existing site.</p> |
| <p>17. <i>I note that the appellant has stated that the plant and crane hire element of the business operation has expanded by approximately 30% since 2018 with approximately 8 additional staff members being hired since 2018. However, this is not the same as additional staff being employed as a direct result of the proposal and no substantive evidence has been submitted to show what current staff numbers are or how existing staffing levels would be affected by it.</i></p> | <p>As above. In response to these comments, the applicant has prepared a financial assessment that specifically responds to the points raised by the Inspector. Whilst the application site is proposed to be used for the turning of vehicles only, the provision of this facility will enable a more efficient and effective use of the existing site. The financial assessment outlines job creation that is expected to flow from the enhanced use of the existing site.</p> |
| <p>18. <i>Therefore, while I acknowledge that the proposal would in terms of its area represent a modest physical addition to the existing site, I cannot be certain that it would also represent a small scale or proportionate expansion of the existing business operation or that it would meet a specific local need for rural employment.</i></p> <p><i>Likewise, I am also not convinced that the proposed use requires a rural setting, that the need for it to be in a particular rural location has been demonstrated, or that it represents a sustainable growth and expansion of the business.</i></p> | <p>These matters are addressed within the financial assessment. Insofar as the proposals do not entail the enlargement of the area where parking and storage take place, the proposals may reasonably be regarded as small scale and proportionate. The proposals meet a specific, local business need.</p> <p>The business is of long standing. The applicant has invested heavily in the existing site and it is not considered feasible to contemplate the relocation of the overall site. The proposals in this case are integral to the operation of the overall site and not separable from them. The site benefits from good proximate access to the A1 on good quality roads. An urban location, or a conventional industrial estate location would be unlikely to be suitable for the business, given the long, oversized loads that the business specialises in. The site is closely located to other sites operated by the company (at Sutton and Tuxford) and efficiency of operation flow from this co-location.</p> |

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| <p>19. Furthermore, according to the evidence the original haulage business operation has been incrementally expanded over a long period. The evidence also shows that each time the business has been previously expanded its spatial footprint has extended further into the open countryside that surrounds it. Consequently, to my mind, these previous expansions in combination with the proposal would cumulatively represent a significant total expansion of the original business that would be comparatively disproportionate both in a spatial and visual sense. Indeed, according to the Council's officer report, it would equate to approximately one and a half times the site area of the original business.</p> | <p>Whilst the overall business has expanded considerably since the site was first acquired. That expansion has been in stages and appropriate in each case, according to the scale and nature of the business and its space needs at that time. The company continues to expand and grow, and the present proposals, which have been formulated in the light of the identified concerns, and considered reasonable and proportionate in their context. This is not expansion for expansion's sake, this is a proportionate proposal that responds to the urgent business needs of the company. The proposals have been carefully formulated to ensure their overall impact is minimised.</p> |
| <p>20. I note the appellant argues that the existing site operation should form the basis of any comparison with the proposal in terms of the scale of the potential expansion. However, the previous expansions of the existing business and site are, in my planning judgement, relevant to the consideration of this case given its nature and the main issues I have identified.</p> | <p>As above. The primary policy consideration in this case should be the support of existing rural enterprises that wish to expand, where that expansion can be achieved without detriment to the character and appearance of the countryside. In this instance the revised proposals ensure that there will be no adverse or detrimental impact upon the countryside.</p> <p>There are comparable nearby cases where Councils have supported the expansion of rural enterprises in similar circumstances without the need for such rigorous justification as has been sought in this case.</p> |
| <p>21. The appellant has also argued that subsection 8 of policy DM8 only applies to new rural businesses and not the expansion of existing ones. However, this section of the policy refers to small scale employment development which in my view clearly refers to the development of a new or existing employment use. I also consider that this subsection is intended to give a clear steer on how the policy subsection would apply to proposals for the proportionate expansion of an existing business i.e., that such proposals would also need to be small-scale employment development where 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 Core Policy 6 can be demonstrated. Moreover, it is my reading of the policy that it is intended to be applied as a whole where relevant rather than it being split into two separate parts as asserted by the appellant.</p> | <p>This was discussed in some detail within the appeal statement and is discussed in further detail below, specifically in the context of the revised proposals. Despite the comments of the Inspector, our view is that the first sentence of DM8 references all types of small scale employment development, whereas the second sentence references the expansion of existing enterprises. In this respect, the two sentences cover different aspects and in this respect may be seen as separable.</p> |

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| <p>22. I note that paragraph 84 of the National Planning Policy Framework (the Framework) does not impose size limitations on the expansion of existing businesses. However, it specifically refers to the enabling of the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings. The proposal would not convert an existing building, nor would it provide well-designed new buildings. As highlighted above, I also have no substantive evidence that the proposal would represent a sustainable growth and expansion of the business. As a result, I afford this consideration limited weight.</p> | <p>It is inconceivable in our view that the National Planning Policy Framework only supports the growth and expansion of businesses in rural areas if that expansion comprises the conversion of existing buildings or well-designed new buildings Para.84). The general thrust of the NPPF and Section 6 in particular is to support economic development. ‘Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. [81]. Planning policies should positively and proactively encourage sustainable economic growth [82(a)]. Moreover, paragraph [85], indicates that planning policies and decisions should recognise that that sites to meet local business needs may have to be found adjacent to or beyond existing settlements. IN this context it is important to ensure that development is sensitive to its surroundings and does not have an impact upon local roads. Sites that are physically well related to existing settlements should be encouraged where suitable sites exist. In our view, the pro-business growth emphasis of the NPPF has not been sufficiently taken into account in this instance.</p> |
| <p>23. I therefore conclude that the proposed development would not be justified by the reasonable needs of the existing business. Accordingly, it would fail to meet the relevant requirements of Spatial Policy 3 and Core Policy 6 of the ACS and Policy DM8 of the ADM.</p> | <p>The current application proposals include a full justification for the proposals in this case.</p> |

Commentary and the proposed development

21. The broad conclusions of the appeal decision were that

- ❖ The form and type of development then proposed, involving the extension of the existing haulage yard use (including vehicle parking and storage activity) onto the site, would represent an unacceptable encroachment into the open countryside, resulting in adverse visual impacts.
- ❖ Insufficient justification has been advanced for the proposed development, as a result of which the development is considered to conflict with relevant national and local planning policies.

22. In response to the issues raised by the appeal Inspector, revised proposals have been prepared. It was particularly noted that the proposed development would result in the extension of the haulage yard activities onto the site (in particular the parking of vehicles), and this would result in adverse visual impacts. In this respect, reference is made to the visibility of the site from a number of vantage points, the lower nature of the hedge when compared to the hedges to the existing site, and gaps in the hedge. These factors were

considered to contribute to the overall visual impact of the previously proposed development.



The application proposals

23. In response, the proposals have now been revised to restrict the use of the area to the turning of vehicles only. Plans submitted with the application illustrate that the parking / storage activities taking place on the existing site will not be extended into the site. As a result, when seen from surrounding public vantage points, the appearance of the

application site will be unchanged. Landscaping proposals accompanying the application illustrate the tree planting approved within the site (as part of application 18/00251/FUL), will be replaced by planting set within the hedge around the perimeter of the site. A gap in the existing hedge line will be infilled with new planting. The hedge will be allowed to grow to a height to match the height of the hedge around the existing site. This is considered to represent a more effective and appropriate form of landscaping around the site and one that will serve to mitigate the impact of the existing site. The Landscape and Visual Impact Assessment that accompanies the application illustrates that the site has a very limited visibility from surrounding vantage points and that the proposed development will not materially alter the limited views that are available. Indeed, in time the landscaping proposed will offer tangible benefits to the quality of the landscape. In overall terms, the proposed landscaping, when implemented will offer tangible benefits to the local landscape; enhancing biodiversity and serving to better screen the existing site.

24. The application is also accompanied by a financial assessment / business plan which serves to provide greater context to the proposals and to offer a clearer demonstration of the benefits of the proposed development. It demonstrates that the proposals represent, small-scale, proportionate expansion proposals and proposals that accord with relevant national and local planning policies.
25. Conditions can reasonably be imposed in this instance that control how the site is utilised (ie. no parking or storage activities) and implementation of the proposed scheme of landscaping.

Planning policy considerations

26. The National Planning Policy Framework includes a commitment to develop a strong, competitive economy. Paragraph 81 of the guidance states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths.

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

27. Paragraph 82 continues by stating that. '*Planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.*' Paragraph 83 indicates that planning policies and decisions should recognize and address the specific locational requirements of different sectors.
28. Planning policies the guidance indicates should set out a clear economic vision and strategy for their area, which positively and proactively encourage sustainable economic growth. Plan policies should support existing business sectors, and where possible identify and plan for new or emerging sectors likely to locate in their area. Policies should be sufficiently flexible to accommodate needs not anticipated within the plan, and to allow for a rapid response to changes in economic circumstances.
29. In terms of economic development in rural areas, Paragraph 84 of the guidance identifies that planning policies should support economic growth in rural areas in order to create jobs

and prosperity, by taking a positive approach to sustainable new development. In order to promote a strong rural economy, local plans are expected to support the '*sustainable growth and expansion of all types of business and enterprise in rural areas; through both conversion of existing buildings and well-designed new buildings*'.

30. Paragraph 85 of the guidance is a new paragraph that first appeared in the 2018 version of the NPPF (This is significant in as much as the Amended Core Strategy and the Allocations and Development Management DPD were both assessed and examined against policies in the 2012 NPPF. Therefore, the development plan policies, in relation to the expansion of existing rural enterprises, do not accurately reflect the more up to date provisions of the NPPF (2018 versions onwards). Paragraph 85 states;

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

31. Whilst the Inspector [22] suggests that as the proposals do not comprise a new building or the conversion of an existing building, no significant weight can be attached to paragraph 84, it seems abundantly clear that there is a strong pro-growth emphasis to government policy in respect of economic development. Paragraph 85 is especially relevant and applicable in this instance and the revised proposals in this case are demonstrably sensitive to their surroundings, and do not impact upon the local road network. We consider the NPPF overall offers strong policy support for the application proposals.
32. Fundamental to the new NPPF is a presumption in favour of sustainable development. Paragraph 11 identifies how that presumption should be applied, both in terms of policy making, and in terms of decision-making. In terms of decision making, this means approving developments that accord with the development plan and, where a plan is absent, or silent, or out of date, approved applications, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
33. In this particular case, we would contend that the development accords with the provisions of the NPPF. The NPPF very strongly, and more empathically than previous guidance, supports the expansion of existing business uses in rural areas, as well as sustainable economic growth more generally. The expansion of activity on an existing, established site, site must be seen to comprise a sustainable form of development; indeed, it is more sustainable to consolidate and develop a use on its existing site, than to create a separate facility on a separate site. The NPPF further suggests that a development, which accords with the provisions of the development plan, may be regarded as sustainable. As we shall demonstrate below, the development in this case conforms to development plan policy.

Newark & Sherwood Core Strategy

34. The Newark & Sherwood Amended Core Strategy offers broad policy support for the expansion of existing rural businesses (Core Policy 6 and Spatial Policy 3). What is clear however is that the document, which pre-dates the National Planning Policy Framework (2018 versions onwards) does not fully embody the pro-rural business growth provisions set out within Section 6 of the NPPF. In the circumstances this section of the NPPF should reasonably take precedence over the less specific provisions of the Core Strategy.
35. The Allocations and Development Management DPD was examined on the basis of the NPPF(2012) and reflect the provisions of that document rather than that of later versions.
36. Outside of defined settlement boundaries, as in this case, Policy DM8 of the DPD applies. Policy DM8 relates to development in the open countryside, and identifies the types of development permissible in such locations. Item 8 relates to employment development and indicates that the following employment development will be considered acceptable;

Small scale employment development will only be supported where it can demonstrate 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 Core Policy 6. 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 a sequential test.

37. This highlighted sentence broadly aligns with Section 6 of the National Planning Policy Framework although the introduction of the qualification that any expansion should be proportionate is not necessarily consistent with Section 6. This said, we would contend that in this particular instance, these revised proposals – which do not extend the yard area used for parking and storage - are both logical (in terms of working to defined physical boundaries) and proportionate. Likewise, NPPF Section 6 does not include any requirement to ‘*demonstrate an ongoing contribution to local employment*’ contained in the policy, although it would be nonsensical to seek to expand an existing enterprise unless there was a clear business justification to do so. In this respect, it should be self-evident that expansion proposals will invariably help to sustain and enhance the existing employment presence on the site; indeed, realistically, the proposals will increase local employment rather than simply sustaining existing levels. In response to the appeal decision [16], this application is accompanied by a financial / employment assessment / business plan which demonstrates, in the context of the policy that the proposals in this case may be considered small scale, represent a proportionate expansion and meet a specific need.
38. In our view, the proposed development in this case may reasonably be seen to comprise a proportionate expansion of the existing business. The development will help to consolidate and sustain the existing enterprise and will help support and maintain existing local employment and indirectly contribute to new employment opportunities. Sequentially, this must represent the most suitable and appropriate location to expand the business, although the policy makes clear that sequential justification is not required in this case.
39. What is also clear is that neither the NPPF nor Policy DM8 place any significant emphasis upon the need to fully justify the expansion proposals. The NPPF’s only qualification of note is that expansion (and indeed any new development) proposals should be ‘*sustainable*’ in its broadest sense, and Policy DM8 sub-paragraph 8 simply references that any expansion should be ‘*proportionate*’. Whilst expansion proposals must be seen to be demonstrably

reasonable and appropriate to the business, it does seem clear that the past emphasis upon the need for justification for the proposed development is less evident in the present policy. As we have highlighted earlier in previous submissions, the applicant company has recently been granted planning permission for the expansion of its existing engineering division site at Ingram Lane, Sutton on Trent in similar policy circumstances (15/00501), and the nearby Hall Farm Wild Bird Feed business at Wadnall Lane, 300m to the west of the application site, has similarly been recently consented for expansion (16/01004). The firm's Tuxford site (in Bassetlaw) has similarly been recently consented for expansion. The decisions offer some indication of the burden of evidence considered necessary to meet the requirements of the policy. In this case, the proposals have been significantly revised in the light of the appeal decision, and have full regard to the nature and context of the site and the surrounding area.

40. In principal therefore the proposed development can be seen to enjoy national and local policy support. As highlighted above, it is considered that the new policy emphasis within the NPPF and policy DM8 has quite fundamentally altered the overall planning balance in this case, in favour of the development proposals.
41. **Core Policy 9** of the **Core Strategy** relates to Sustainable Design. The policy identifies seven considerations to which new development proposals should conform. As we shall illustrate below, there is no conflict with the policy in this case.

| Core Policy 9 : Sustainable Design | | |
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| The District Council will expect new development proposal to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Therefore all new development should: | | |
| No. | Criteria | Comment |
| 1 | Achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing building and landscape environments: | The revised proposals are appropriate in their context, and of an appropriate scale and form. The development will complement the existing development. As the change of use of land for a specific purpose , sustainable design considerations are not a significant consideration in this instance. |
| 2 | Through its design, pro-actively manage surface water including, where feasible, the use of Sustainable Drainage Systems; | The development will incorporate appropriate drainage systems to pro-actively manage surface water. |
| 3 | Minimise the production of waste and maximise its re-use and recycling; | Waste will be managed in accordance with normal commercial waste collection arrangements, including recyclable waste. Same arrangements as existing site use. |
| 4 | Demonstrate an effective and efficient use of land that, where appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character | The development represents an efficient and effective use of land. Insofar as it enables the consolidation of the existing business; it represents a sustainable development in a sustainable location. |

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| 5 | Contribute to a compatible mix of uses, particularly in the town and village centres; | The development will be wholly compatible with its surroundings. |
| 6 | Provide for development that proves to be resilient in the long term. Taking into account the potential impacts of client change and the varying needs of the community, including where appropriate and viable, development to Lifetime Home Standards; and | The development represents a sustainable long term use of the land. The site is only accessible via the existing haulage site. |
| 7 | Take account of the need to reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promote safe living environments. | The working environment in this case will be safe and secure, and conform to recognised crime prevention design objectives. |

42. Policy DM5 of the Allocations and Development Management DPD relates to design considerations. The policy identifies 10 considerations against which proposals should be assessed;

| ALLOCATIONS AND DEVELOPMENT MANAGEMENT DPD POLICY DM5 Design | | |
|---|--|--|
| In accordance with the requirements of Core Policy 9, all proposals for new development shall be assessed against the following criteria: | | |
| No. | Criteria | Comment |
| 1 | Access Provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible. | The land can be satisfactorily accessed via the existing yard area. The existing site access offers good visibility in each direction. The site itself will not generate additional traffic to and from the site, but will better facilitate vehicular movements in and around the site. |
| 2 | Parking Parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification. | Adequate provision is made for access and car parking within the wider site. As a turning area only, the development has no parking implications. |
| 3 | Amenity The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Proposals resulting in the loss of | The development will not result in adverse amenity impacts upon nearby dwellings. There are no dwellings in the immediate vicinity of the site. There will be no loss of amenity space |

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| | <p>amenity space will require justification.</p> <p>The presence of existing development which has the potential for a detrimental impact on new development should also be taken into account and mitigated for in proposals. New development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted.</p> | <p>The development will not be impacted by existing adjoining development.</p> |
| 4 | <p>Local distinctiveness and character The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.</p> <p>In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document. Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted. Where local distinctiveness derives from the presence of heritage assets, proposals will also need to satisfy Policy DM9.</p> | <p>The development will have no adverse impacts upon local distinctiveness or character (see Landscape and Visual Impact Assessment).</p> <p>Landscape character will not be adversely impacted in this instance(see Landscape and Visual Impact Assessment).Appropriate landscaping is proposed as part of the dvelopment</p> <p>The development does not comprise backland development.</p> <p>There are no heritage assets in the vicinity of the site that will be impacted by the proposed development.</p> |
| 5 | <p>Trees, Woodlands, Biodiversity & Green Infrastructure In accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.</p> <p>Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.</p> | <p>The existing site is well screened by existing hedgerows, and additional landscaping will be provided as part of the proposed development.</p> <p>Landscaping matters are capable of being discharged by means of suitable planning conditions.</p> |
| 6 | <p>Crime & Disorder The potential for the creation or exacerbation of crime, disorder or antisocial behaviour should be taken into account in formulating development proposals. Appropriate mitigation through the layout and design of the proposal and/or off-site measures should be included as part of development proposals.</p> | <p>The development has been designed with crime prevention considerations in mind. The site incorporates appropriate security and crime prevention measures.</p> |

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| 7 | <p>Ecology</p> <p>Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.</p> | The site does not provide a habitat for any protected species. Local biodiversity will be enhanced. |
| 8 | <p>Unstable Land</p> <p>Development proposals within the current and historic coal mining areas of the district should take account of ground conditions, and stability and mine gas, and where necessary include mitigation measures to ensure they can be safely implemented.</p> | The application site does not comprise unstable land. |
| 9 | <p>Flood Risk and Water Management</p> <p>The Council will aim to steer new development away from areas at highest risk of flooding.</p> <p>Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.</p> | The site is not located within a flood risk area. |
| 10 | <p>Advertisements</p> <p>Proposals requiring advertisement consent will be assessed in relation to their impact on public safety, the appearance of the building on which they are sited or the visual amenity of the surrounding area</p> | Not applicable in this case. |

43. The proposals demonstrably comply with this policy, and as such we can identify no policy conflicts that arise in this case.

44. At a more general level, the development is considered to represent an appropriate scale and form of development for the site. The development represents an appropriate and proportionate expansion of the existing enterprise, and in its context, and taking account of its location must be regarded as appropriate. The development responds to and takes account of the findings of the appeal decision.

45. The site is well, screened by existing hedgerows, and that screening will be re-inforced by the provision of security walling within the site, behind the existing hedges. The existing hedge is to be supplemented with tree planting and gaps in the hedge will be infilled.
46. The business continues to grow and expand. The business includes not simply haulage operations but also mobile crane and plant hire activities which are also expanding. It is anticipated that the historic growth will continue and this will result in the growth of the vehicle fleet. Increasingly larger vehicles require large areas to manoeuvre within the site. As the haulage activities become more complex and bespoke, so the range of trailers required for the business has increased. For each vehicle in operation, there will be a number of trailers available for use, and these require storage at the site when not in use. Thus as the fleet expands so the stock of trailers increases as well. There remains an ongoing need to store in-transit goods at the site; the space for which will increase as the vehicle fleet increases. The need for space is at its most critical at weekends when most of the vehicle fleet and trailers return to Weston. The nature of the trailers, and their size is such that a large area of space is required to be maintained at all times to enable vehicles and their trailers to turn safely within the site. The provision of the bespoke site turning facility will enable a more efficient and effective use of the existing site.
47. In overall terms, it is considered that in the overall planning balance there is a clear policy support for the proposed development. The revised proposals will not give rise to any adverse visual impacts. Appropriate landscaping will in due course enhance the overall appearance of the site and the locale, and assist in screening activity on the existing site.

Conclusions

48. These submissions, for significantly revised proposals, illustrate that there is broad policy support for the sustainable expansion of existing rural enterprises.
49. It is considered that in the context of this strong policy support, that these revised proposals, which restrict the use of the site for vehicle turning purposes only, with no on-site parking or storage, combined with extensive additional landscaping, represent an appropriate and proportionate expansion of the enterprises and one that gives rise to no harm to the surrounding area.
50. The proposals incorporate appropriate landscaping proposals and the development will not give rise to adverse impacts that would justify a refusal of planning permission. In the overall planning balance, the benefits of the development in terms of the increased employment and business growth it facilitates outweigh any perceived harms.
51. It is considered that on its overall planning merits, the proposals in this case are acceptable and that planning permission should be granted in this instance.

M Sibthorp
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September 2022