HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY D PRICE AGAINST THE REFUSAL OF PLANNING PERMISSION FOR AN AGRICULTURAL BUILDING ON LAND EAST OF HEATH ROAD, BAGWORTH, LEICESTERSHIRE. HINCKLEY AND BOSWORTH BOUROUGH COUNCIL REFERENCE 11/00635/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/11/2166992/NWF

NATIONAL PLANNING POLICY FRAMEWORK

BY RICHARD WRIGHT BA (HONS)

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 7 of the NPPF outlines the three dimensions to sustainable development: economic, social and environmental. Paragraph 8 states that these roles should not be undertaken in isolation. Paragraph 14 provides a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 17 recognises the intrinsic character and beauty of the countryside and the need to conserve and enhance the natural environment.

Whilst it could be suggested that the erection of an agricultural building within the application site could contribute to the rural economy and therefore fulfil an economic role, the local planning authority would suggest that in the absence of any appropriate agricultural justification, the erection of a new building in the countryside location proposed would be contrary to the environmental role of sustainable development that seeks to protect the natural environment and valued landscapes. In this case, the applicant has consistently failed to demonstrate that any agricultural need exists for the proposed agricultural building that would outweigh the adverse impact that the proposed building, which is of significant scale, would have on the undeveloped, open character of the landscape.

Paragraph 32 of the NPPF requires a safe and suitable access to the site to be achieved.

In this case, for the reasons outlined in the Local Planning Authority's Appeal Statement, the existing access has insufficient visibility in order to leave the site in a safe manner and therefore the proposed development is in conflict with the NPPF.

Comments on the Weight of Adopted 'Saved' Local Plan Policies

'Saved' Policies BE1, NE12 and T5 of the adopted Hinckley and Bosworth Local Plan 2001 are considered to be consistent with the principles of the NPPF and should, therefore, be given significant weight in the determination of this appeal. Policy NE5 restricts development in the countryside to three categories of development which is in conflict with the NPPF which provides a general presumption in favour of sustainable development. However, the three criteria within Policy NE5 are considered to be in conformity with the general principles of the NPPF therefore the policy can still be given limited weight in the determination of this appeal

Conclusions

In conclusion, whilst if an agricultural need existed, the proposed building could fulfil an economic role, no demonstrable agricultural need has been provided by the applicant to justify the building in economic terms that would outweigh the environmental role of sustainable development to protect the natural environment and landscape. As a result, the proposed development is therefore considered to be contrary to the principles of the NPPF and to 'Saved' Policies BE1 (criteria a, b, e and g), NE5 (criteria i, ii, iii, and iv) and T5 of the adopted Hinckley and Bosworth Local Plan 2001.