APPEAL BY MR D. PRICE
SITE AT LAND EAST OF HEATH ROAD, BAGWORTH
LEICESTERSHIRE

REF:- APP/K2420/A/11/2166992/NWF

NATIONAL PLANNING POLICY FRAMEWORK

COMMENTS ON STATEMENT BY LOCAL PLANNING AUTHORITY

(Using the same headings)

THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The local planning authority (L.P.A.) is taking an exceptionally narrow view about this proposal. The NPPF recognises that any economic growth in rural areas should be supported and this should be achieved by taking a positive approach to the sustainable growth and expansion of all types of business and enterprise in rural areas.

This is not an agricultural dwelling application, where understandably the needs of the enterprise have to fully justify such an exception to countryside policies. The needs of animal welfare alone justify why this building is required, but in any event it has been explained that the enterprise will be more efficient and will be free to grow, once no longer constrained by the lack of a suitable building. The enterprise has been stagnating because there has been no proper provision for wintering animals safely and securely and for storing fodder and bedding in an acceptable environment.

The site where the building is proposed was previously 'developed' for buildings and is in an environmentally appropriate location set against a woodland background in one corner of the site, thus minimising any impact of prominence.

The LPA's own expert considered the proposal to be justified.

Regarding the access, it would be physically possible to improve the visibility sight lines to the standard required by the Highway Authority using the existing access and a suitable condition to that effect could be imposed. However, it is likely that this would involve third party land.

An alternative existing access further to the south-east could be chosen instead, where the same satisfactory visibility splays could be achieved, all within the frontage controlled by the Appellant.

As encouraged by the NPPF in Paragraph 187 under the heading of "Decision-Taking", the L.P.A. should be actively seeking ways to achieve satisfactory solutions to problems associated with otherwise sustainable development proposals – "local planning authorities should look for solutions rather than problems.....".

Thus any problem with the existing access can be positively overcome by a suitable condition requiring the standard set down by the highway authority to be achieved by submission of details, either for the existing access point, or for an alternative access point further to the south-east and for the highway improvement works to be carried out and completed prior to occupation of the proposed building.

THE WEIGHT OF ADOPTED 'SAVED' LOCAL PLAN POLICIES

Whilst Policy BE1 has general relevance, Policy BE21 is far more apposite in relation to this proposal, because it specifically deals with new agricultural buildings. This is broadly in conformity with the new objectives of NPPF and therefore has weight. The Appeal proposal meets with the criteria of this policy.

Policy NE12 concerns landscaping. The NPPF seeks to protect and enhance the environment so the policy has weight. Any concerns about the Appeal proposal in relation to this policy can be positively addressed by the imposition of an appropriate landscaping condition.

Policy T5 conforms with Paragraph 32 of the NPPF and therefore has weight, but as discussed above, this can be satisfied by the use of an appropriate condition.

Regarding Policy NE5, as far as they go, the three categories (a, b, & c) of development could be considered to be in conformity with the NPPF, but the NPPF seeks a much broader acceptance of development proposals in the countryside and so should be given preference in considering the merits of this proposal.

CONCLUSION

Overall, the arrival of the NPPF gives greater weight to the proposal under consideration in this Appeal and supports the Appellants stance that the Appeal should be allowed.