

Planning Committee 20 July 2021
Report of the Planning Manager

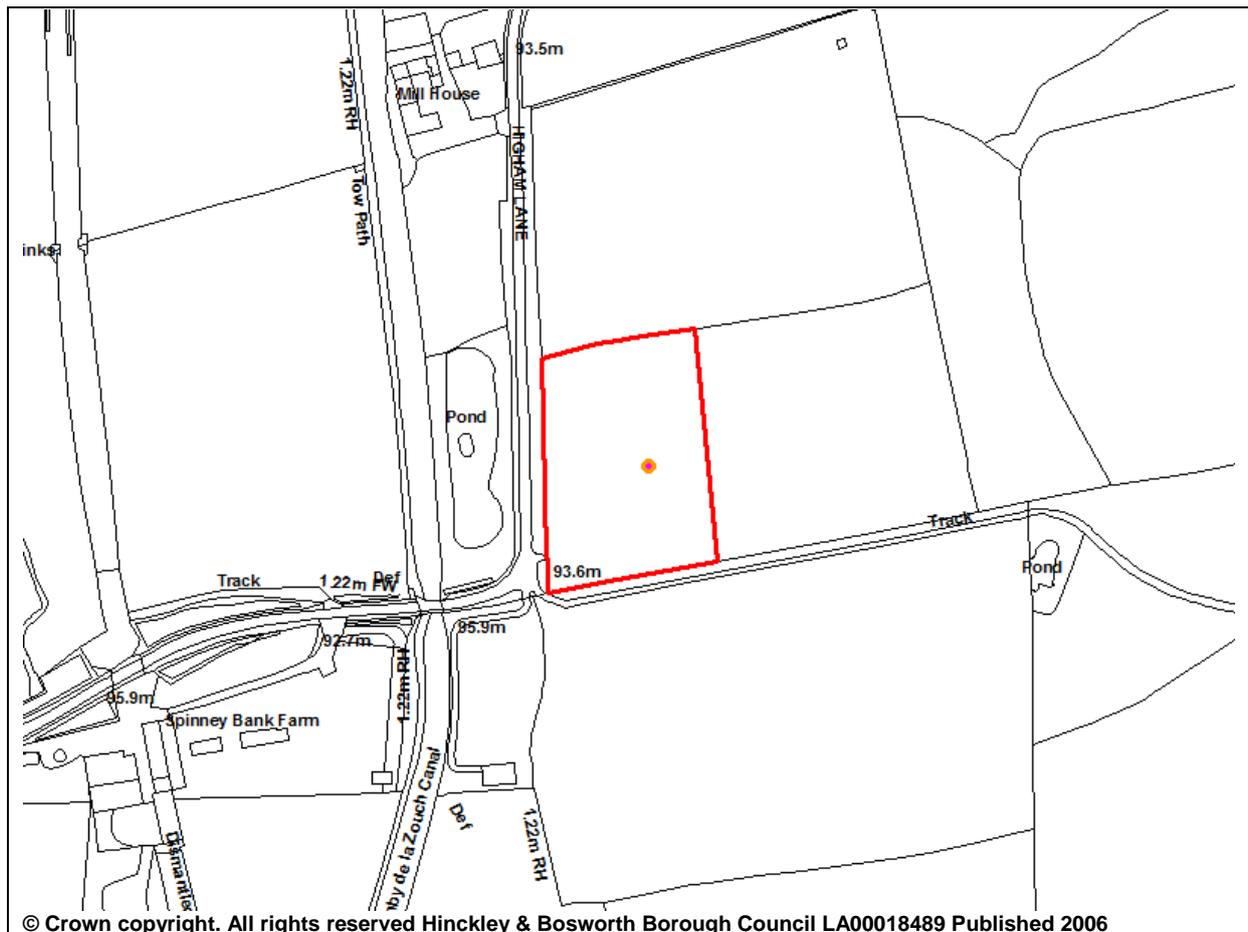
Planning Ref: 21/00251/FUL
Applicant: Mr N Aponso
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land East Of Higham Lane Stoke Golding

Proposal: Erection of building and change of use of land to form a dog day care facility (part-retrospective) (resubmission of 20/00570/FUL)



1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

2.1. This application seeks planning permission for the change of use of a portion of existing agricultural land for commercial use as a dog day-care facility. The proposal also includes the erection of an associated outbuilding. The application site is situated on land east of Higham Lane, Stoke Golding. The applicant currently runs a dog day-care business and is looking for new premises better suited to its needs.

2.2. Planning permission was previously sought for the same proposal under ref. 20/00570/FUL. In this previous application, the proposed outbuilding was to be located along the western boundary of the application site adjacent to Higham

Lane. In the current application, the proposed outbuilding is located in the south east corner of the application site.

- 2.3. The reason for the refusal of ref. 20/00570/FUL is outlined below:
- 2.4. *“By virtue of its nature and siting, the proposed development would constitute a form of uncharacteristic development in this countryside location of Stoke Golding, which would have a visually intrusive and adverse impact upon the intrinsic value, tranquillity and verdant character of the surrounding agrarian landscape. No reasonable justification for the change of use and outbuilding in the location proposed has been provided and as such the proposal would represent un-justified harm to the countryside contrary to Policy DM4 and DM10 of the SADMP and the overarching principles of the NPPF.”*
- 2.5. The applicant’s appeal against this refusal was dismissed by the Planning Inspectorate under ref. APP/K2420/W/20/3258978 for the following reasons:
- 2.6. *“The appellant suggests that, as the landowner would rent the field to the appellant and continue to harvest a crop from it each year, the additional income for the landowner from rental represents diversification of a rural business. However, other than the landowner’s name and address and noting that the only other land edged blue around the site is the other half of the field, I have not been provided with any details regarding the landowner’s business. Consequently, I am not able to conclude that the proposal constitutes diversification of a rural business. As such, the proposal does not satisfy development referred to in point ‘c’ of Policy DM4”.*
- 2.7. *“The proposal would introduce built form where there is currently none. With regard to layout, the building would be sited close to Higham Lane, where it would be highly visible. I consider the combination of a new building, its siting, the parking of up to 4 cars in the field and the proposed activity/use, would significantly harm the tranquil, open character and appearance of the site, thereby eroding part of the intrinsic value and beauty of the countryside.”*
- 2.8. *“With regard to local and national planning policies, I conclude that the location would not be suitable for the proposal as it would significantly harm the character and appearance of the open countryside. As such, the proposal does not accord with policies DM4 and DM10 of the SADMP or paragraph 9 and sub paragraphs 127 (c) and 170 (b) of the Framework. Collectively, and among other things, these policies seek to recognise and protect the intrinsic character and beauty of the open countryside, only allowing development that is sympathetic to, compliments or enhances local character.”*
- 2.9. The current application seeks to overcome the previous reasons for refusal outlined above.

3. Description of the site and surrounding area

- 3.1. The application site comprises an open piece of agricultural land outside of the Stoke Golding settlement boundary. The wider field it sits within is sited east of Higham Lane, running parallel with the Ashby Canal. The wider area has a tranquil character comprising open fields bounded by sparse hedges, trees and timber post and wire/horizontal rail fences, as described in Stoke Golding’s Landscape Character Appraisal (Hinckley and Bosworth Landscape Character Assessment, 2017). There are a small number of dwellings, farmsteads, agricultural buildings and equestrian facilities scattered across the area. Having visited the site on multiple occasions, there is no evidence of existing agricultural buildings on the land. Very few outbuildings are sited on neighbouring fields surrounding the site. There is however dog training equipment on the land, in connection with the applicant’s existing business: Nilz & Harley Pet Services. The field is currently

rented out by the applicant Monday-Friday. The land is therefore currently being used unlawfully for commercial use used by applicant. This issue is currently under enforcement investigation.

4. Relevant planning history

20/00030/PP

- Erection of building and change of use of land to form a dog day care facility
Appeal dismissed
18.02.2021

18/01202/FUL

- Erection of a steel frame barn for the purposes of agriculture and to provide a dog day care facility
Withdrawn
30.01.2019

19/00225/GDO

- Agricultural storage building
Prior Approval Refused
22.03.2019

19/00415/GDO

- Agricultural storage building
Prior Approval Refused
10.05.2019

19/00563/FUL

- Agricultural building
Planning permission refused
31.07.2019

20/00570/FUL

- Erection of building and change of use of land to form a dog day care facility
Planning permission refused
18.08.2020

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. 18 letters of support have been received for the following reasons:

- 1) The applicant runs a successful, reliable and professional business
- 2) The field is isolated so activities related to the business would not cause disturbance
- 3) The field is safe and secure for the dogs
- 4) Small businesses should be supported
- 5) The development would be screened from the highway by hedgerows
- 6) Similar development has been allowed in the area
- 7) Dog kennels are permitted in the countryside so why should a dog day care facility not be
- 8) The building and surrounding land is suitable and necessary for the business
- 9) No harm caused to the land or the surrounding area

- 10) Refusing development would damage the business
- 11) Approving would encourage the business' growth
- 12) The countryside is a suitable location for the development
- 13) There is an increasing local need for the development
- 14) The development would be very close to a small holding that has a number of outbuildings and barns on its land so would be read in this context

5.3. 4 letters of objection has been received raising the following concerns:

- 1) The current application does not overcome previous issues
- 2) Dog day care facilities already exist elsewhere
- 3) The development would have ecology implications
- 4) The development would completely change the nature of the existing field
- 5) Adjacent to a blind bridge which is subject to frequent collisions
- 6) The site is within a National Trust tourist area
- 7) The proposed built form would be at odds with the application site's open character
- 8) The development would have an intrusive and adverse impact upon the verdant and tranquil character of the surrounding landscape
- 9) A building in beautiful open countryside would be inappropriate

6. Consultation

6.1. No objections have been received from:

- HBBC Pollution Environmental Health
- HBBC Waste
- Ramblers Association
- LCC Ecology subject to conditions related to a vegetation buffer and measures to mitigate impact upon Great Crested Newts
- LCC Highways subject to conditions related to access, parking and turning and vehicular obstructions

7. Policy

7.1. Core Strategy (2009)

- None relevant.

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Hinckley and Bosworth Landscape Character Assessment (2017)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking standards
- Ecology
- Planning balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF (2019) also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF (2019) states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy DM4 of the adopted SADMP is the most important development plan policy to consider when determining the current application. It states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Criterion 'C' of the policy specifies that new development in the countryside is considered sustainable where it significantly contributes to economic growth, job creation and/or diversification of rural businesses. Should proposed development be considered sustainable development in the countryside in accordance with Policy DM4 this is acceptable in principle subject to there being no significant adverse impact upon the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.5. The policy goes on to suggest that a rural enterprise can entail a variety of activities which can all contribute to job creation and economic growth, including but not exclusively, uses related to agriculture, tourism, business and community uses.
- 8.6. Notwithstanding, policies within the Local Planning Authority's (LPA) development plan are considered to be out-of-date. The settlement boundaries it defines focus on delivery of a lower number of housing than that required by the up-to-date figure. Paragraph 11 (d) of the NPPF (2019) states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2019) taken as a whole. Therefore a titled balance in favour of development is engaged and development in this instance should be approved unless adverse impacts would outweigh the benefits of the proposal.
- 8.7. Paragraph 83 of the NPPF (2019) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also states that planning policies and decisions should enable development and diversification of agricultural and other land-based rural businesses.
- 8.8. Notwithstanding the policy being out of date, it is considered that Policy DM4 as per paragraphs 7.7 and 7.8 of this report is still consistent with the spirit and objectives

of the NPPF in terms of supporting a prosperous rural economy and in this regard still carries significant weight in the assessment of the current planning application.

- 8.9. The applicant part-retrospectively proposes to change the use of the application site from agricultural to commercial use. Permission is sought to use the application site to run his existing dog day care business from. This would include the erection of an outbuilding to provide an area of shelter. Up to 16 dogs at any one time would use the facility, which the applicant's business is licensed for. The land subject to the current application is owned by the owner of Mulberry Farm.
- 8.10. The business would run from the site between the hours of 9.30am to 4pm Monday to Saturday, and occasional use on Sunday between 10am - 4pm. During the hours of operation the dogs would not be left unattended. A strict assessment protocol is conducted before any dogs are registered for day care to ensure that they are suitably socialised and have no underlining behavioural issues.
- 8.11. In the assessment against strategic planning policies under 20/00570/FUL, the following conclusion was made:
- 8.12. *"Insufficient information has been provided to demonstrate that the quantum of development proposed would lead to the significant expansion of a business currently ran off site or significant diversification of an existing farm business that the application site forms part of. It is not proposed that the development would lead to expansion of employee numbers.*
- It is therefore considered that the proposed development fails to demonstrate acceptable development that would be in accordance with Policy DM4 of the SADMP and the principle of sustainable development cannot be established in this instance."*
- 8.13. In the Planning Inspectorate's dismissal of ref. APP/K2420/W/20/3258978, the following was observed:
- 8.14. *"The appellant suggests that, as the landowner would rent the field to the appellant and continue to harvest a crop from it each year, the additional income for the landowner from rental represents diversification of a rural business. However, other than the landowner's name and address and noting that the only other land edged blue around the site is the other half of the field, I have not been provided with any details regarding the landowner's business. Consequently, I am not able to conclude that the proposal constitutes diversification of a rural business. As such, the proposal does not satisfy development referred to in point 'c' of Policy DM4."*
- 8.15. The applicant has responded to the Planning Inspectorate's conclusions in their submitted "Design, Access & Planning Statement", stating that the owner of the application site is identified on the submitted application form and "runs a long established agricultural enterprise and the formal agreement between the landowner and the applicant will be supplied to the LPA on a confidential basis as it contains private financial details".
- 8.16. In addition, in an email sent to the LPA on 28.04.2021 from the applicant's planning agent, it is stated:
- 8.17. *"[The land owner] is a well-known and established farmer in the area (confirmed with the approval of application 19/01078/FUL) and the applicants pay rent on the field and the lease agreement can be provided to the LPA obviously on a confidential basis for the avoidance of doubt. Plus as already documented, the field provides a hay crop each year that is used by Anne Morris in her wider agricultural activities within the area. It is considered the submission of the lease agreement is a material consideration capable of addressing point "c" of Policy DM4 and alongside the amended location of the building, the resubmission is capable of*

officer support having regard to local and national planning policies and the issues raised by the Inspector.”

- 8.18. Furthermore, an email from the applicant's agent dated 17.05.2021 states that *“members of the committee will be well aware of the longstanding agricultural activities undertaken by [the land owner] in and around Stoke Golding based at Mulberry Farm and the LPA would not have approved application 19/01078/FUL were this not the case”*.
- 8.19. The applicant has not been forthcoming with a copy of the lease agreement between themselves and the land owner. It is the applicant's responsibility to provide sufficient relevant evidence to the LPA that can be used in the LPA's consideration of the application. Notwithstanding, it is not considered that evidence of a lease agreement would necessarily provide all “details regarding the landowner's business” that the Planning Inspectorate believed to be lacking in order to satisfy Policy DM4 of the SADMP.
- 8.20. 19/01078/FUL relates to permission granted by the LPA for an agricultural building on Land North West of Wykin Fields Farm Stoke Lane, Wykin. The land owner of the current application site declared themselves the owner of this land as per the approved application form. 19/01078/FUL was accompanied by a supporting statement, received by the LPA on 22.11.2019. Prior to approval, the statement explains that rather than in connection with Mulberry Farm, the application site was used for sheep grazing in connection with Wishing Well Farm (owned by the land owner's son). An agricultural building on the application site was required so that the sheep did not have to be transported back to Wishing Well Farm every time they needed dagging, sheering, worming etc. No great detail was therefore provided in relation to Mulberry Farm. Instead it was stated, “Anne Morris currently resides at Mulberry Farm where there are a number of buildings but she has been notified that this is likely to be sold in the near future and she will have to move out so long term these buildings are not a viable option”.
- 8.21. In the instance of 19/01078/FUL, the proposal was considered to support the ethos of Paragraph 83 of the NPPF (2019).
- 8.22. Notwithstanding, each application is considered upon its own merits. The proposal under 19/01078/FUL was for a different site, different development, and little information regarding the land owner's farming enterprise was provided.
- 8.23. It is acknowledged that small scale rural diversification can benefit local communities and services. However, the current application is not supported by any business plan which provides detail on the farming enterprise that the proposed ‘rural diversification’ would support. Notwithstanding the suggestion of Mulberry Farm being sold on under 19/01078/FUL, information regarding the farm's existing profile, activities, assets or operations has not been provided. Evidence of the application site being registered as part of a wider agricultural holding with the main business as agriculture has neither been provided. The current submission is therefore unclear as to why the additional rental income from the proposed change of use and ‘diversification’ is necessary for the needs of the existing farming business and how this fits into the future of the enterprise. It is also noted that the site location plan submitted in the current application has not been altered from previous, despite the Planning Inspectorate highlighting that this plan fails to demonstrate the scale of the farming enterprise.
- 8.24. Overall it is considered that since 20/00570/FUL and APP/K2420/W/20/3258978, no convincing or sufficient evidence has been provided to address and overcome the in principle concerns previously raised by both the LPA and the Planning Inspectorate. The LPA is therefore once more unable to conclude that the proposed

change of use would constitute diversification of a rural business .It has not been sufficiently demonstrated that the proposal represents sustainable growth and expansion of a business in a rural area as per paragraph 83 of the NPPF (2019). It is therefore considered that the proposal would not satisfy Policy DM4 of the SADMP in regards to criterion 'C'.

Design and impact upon the character of the area

- 8.25. Policy DM4 of the SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area and that the use and application of building materials respects the local area generally
- 8.26. Paragraph 127 (c) of the NPPF (2019) states that decisions should ensure developments are sympathetic to local character, including the surrounding built environment and landscape setting.
- 8.27. Paragraph 170 (b) of the NPPF (2019) states that decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
- 8.28. The proposed development includes the erection of a large scale outbuilding on the application site to support the dog day care facility. The outbuilding would have a simple metal box profile with dual pitched roof. It would be coated in juniper green plastisol and would measure 13.7 metres in width (approx.) and 9.1 metres in depth (approx.). The single entrance into the building would feature a shallow canopy over.
- 8.29. The building would measure approximately 3.7 metres up to its ridge and 2.4 metres to its eaves. It is not considered that the building would have any architectural merit in a sensitive landscape by virtue of its utilitarian design and appearance. The 125sqm (approx.) footprint is not considered substantial in the context of the overall application site. Previously under 19/01078/FUL the proposed outbuilding was to be located alongside the western boundary of the application site adjacent to the adopted highway. It was considered that the building would have appeared extremely prominent in an area characterised by limited built form and uninterrupted views of the countryside to the east of Higham Lane. In the current application, it is proposed that the outbuilding would be located in the south east corner of the application site, set away from the highway boundary. It is considered that the proposed outbuilding would appear less prominent in this location and therefore would be acceptable in this regard. Notwithstanding, the proposed development would introduce built form into an agricultural field where there currently is none. As such, it is still considered that the outbuilding would disrupt the long distance and wide range views of the countryside beyond.
- 8.30. The proposed development also includes the change of use of the land. The land would provide an area of outdoor exercise space for dogs in the care of the applicant. Two parking spaces on site are proposed but detail of how these would be demarcated have not been provided by the applicant. As per the recommendations of the Local Highway Authority, this detail would be required via condition if permission were to be granted. Nevertheless, it would still be the case that the proposed commercial use of the land would inherently change the character of the surrounding tranquil and verdant landscape.
- 8.31. Notwithstanding the acceptable design and location of the proposed outbuilding, it is still considered that the combination of a new building and the proposed activity/use, would significantly harm the tranquil, open character and appearance of the site, thereby eroding part of the intrinsic value and beauty of the countryside

contrary to Policy DM4 and DM10 of the SADMP and the requirements of Paragraph 127 (c) and 170 (b) of the National Planning Policy Framework.

Impact upon neighbouring residential amenity

- 8.32. Policy DM10 of the SADMP states that proposals should not adversely affect the amenity of the occupiers of the neighbouring properties.
- 8.33. There are no residential dwellings considered to be in close proximity to the application site. As such, the proposed outbuilding would not have any overbearing impacts upon the private residential amenity of the nearest dwelling north or south west of the application site.
- 8.34. The hours of use for the proposed development would be 9.30am to 4pm Monday - Saturday and occasional use on Sunday between 10am - 4pm, which are not considered to be unsociable hours. The proposed development would accommodate the day care of up to 16 dogs at one time. No objections have been raised by HBBC Pollution in terms of the hours of operation or the potential noise implications of the proposed development.
- 8.35. Although running parallel to the public footpath adjacent to the southern boundary of the application site, no objections have been raised by the Ramblers Association in terms of harmful impact upon the enjoyment on the public footpath.
- 8.36. The proposed development would therefore satisfy Policy DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.37. Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.38. The proposed development would be accessed via an existing gated entrance off Higham Lane, a classified C road. The gated farm entrance is one of a number of field accesses within the vicinity. Despite no changes being proposed to the current arrangements, the application fails to demonstrate an acceptable access in accordance with Leicestershire Country Council guidance. Nevertheless, such details could be secured by condition and therefore a lack of information at present does not warrant the application's refusal on such grounds.
- 8.39. The application site will operate with one custom built van and one other vehicle when necessary. The applicant has stated the site will not be open to members of the public and would therefore not generate additional vehicle trips in this respect.
- 8.40. Thus, the applicant proposes parking within the application site for two vehicles, immediately inside the gated entrance. During the course of the application, LCC Highways were unsatisfied that the detail supplied to demonstrate this was sufficient to ensure that suitable parking and turning provision would be achieved to avoid the need for vehicles to reverse out on to Higham Lane. Nevertheless, such details could be secured by condition and therefore a lack of information at present does not warrant the application's refusal on such grounds.
- 8.41. Overall, the impacts of the development upon highway safety and the surrounding road network would not be unacceptable or severe. As such, the proposal is in

accordance with Policies DM17 and DM18 of the adopted SADMP and the wider policies of the NPPF.

Ecology

- 8.42. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.43. The application site comprises existing managed grassland, therefore no ecological surveys would be required, and no objections to the proposal have been raised by LCC Ecology for this reason. However, due to the proximity of the proposed outbuilding to the potential Local Wildlife Site (LWS) hedgerow and trees along the southern boundary, LCC Ecology have recommended that a 10 metre vegetation buffer to the southern boundary be required by condition were planning permission to be granted.
- 8.44. In addition, the proposed development is within 100 metres of a pond which may have potential to support great crested newts (GCN). This pond has not been surveyed, but it was considered unreasonable to request surveys from the applicant regarding this matter. LCC Ecology have instead advised that reasonable avoidance measures that would minimise any potential impact to GCN be conditioned in the event of planning permission being granted.
- 8.45. Subject to conditions, the proposed development would be in accordance with Policy DM6 of the SADMP.

Planning Balance

- 8.46. The development proposed in the current application would have some economic benefits for both the land and business owner and the dog day care facility would provide a social benefit for dog owners using the service. However, both benefits would be small scale and therefore limited weight is attached to these considerations. Furthermore, in the opinion of the LPA it has neither been demonstrated that the proposal represents sustainable growth and expansion of a business in a rural area as per paragraph 83 of the NPPF (2019).
- 8.47. In the submitted "Design, Access & Planning Statement" the applicant contends that without the proposed facility they would be unable to provide a dog care facility in accordance with the required animal welfare legislation. The LPA attach moderate weight to the matter of animal welfare.
- 8.48. The applicant has also submitted a copy of the delegated officer report for ref. 18/00353/FUL, using this as a 'comparable' example of similar development approved. The LPA has already explained to the applicant previously that this previous application is not considered to be a relevant comparison and that all applications are considered on their own merits. No weight is attached to this example as a material consideration.
- 8.49. Applying Paragraph 11 (d) (ii), there are no material considerations that would collectively or significantly outweigh the environmental harm to the countryside identified. The proposal would be contrary to Policy DM4 and DM10 of the SADMP and sub paragraphs 127 (c) and 170 (b) of the Framework. Collectively, and among other things, these policies seek to recognise and protect the intrinsic character and beauty of the open countryside, only allowing development that is sympathetic to, compliments or enhances local character.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposed development would significantly harm the character and appearance of the countryside by introducing an uncharacteristic form of development into an area of largely undisturbed, verdant and open countryside. The proposal would have an unwarranted and adverse impact on the undeveloped nature of surrounding countryside which is characterised by agriculture. The proposal fails to provide a clear and concise business case which demonstrates that the proposal represents sustainable growth and expansion of a business by way of diversification in a rural area. As such, there is un-justified harm to the intrinsic value and beauty of this area of countryside, contrary to Policy DM4 and DM10 of the SADMP and Paragraphs 9, 83, 127 (c) and 170 (b) of the NPPF (2019). The proposal is therefore recommended for refusal.

11. Recommendation

11.1 **Refuse planning permission** subject to the reasons at the end of this report.

11.2 Reasons

1. The proposed development would constitute a form of uncharacteristic development that would significantly harm the tranquil, open character and appearance of the application site and thus erode part of the intrinsic value and beauty of the countryside, contrary to Policy DM4, of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraphs 9, 127 (c) and 170 (b) of the National Planning Policy Framework (2019).
2. No sufficient, clear and convincing evidence has been provided to demonstrate that the proposed change of use represents sustainable growth and expansion of a business in a rural area by way of diversification as per paragraph 83 of the NPPF (2019). The proposal would therefore fail satisfy Criterion 'C' of Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

1. This application has been determined having regard to the following documents and plans submitted with the application along with previous applications on the site:

- Emails between Simon Cheshire Planning Ltd and the from 13.04.2021 to 21.05.2021
- Site Location Plan
- Proposed Elevations, Drg No. 001
- Design and Access Report
- Officers Report 18/00353/FUL
- Parking Plan
- Application Form

All received 22.02.2021