

21/00432/FUL

Applicant Dr Matthew Blades

Location Land At Hickling Pastures Melton Road Hickling Pastures
Nottinghamshire

Proposal Continued mixed farm and forestry use of part of farm yard for logging enterprise and retention of outbuildings and extension to Barn 2 (Retrospective)

Ward Nevile and Langar

THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. This application site is located on the eastern side of and accessed by a private access from the A606 Melton Road sited immediately adjacent to the access serving Hillside Farm to the northeast of Hickling Pastures. The site itself is set at a lower level to the surrounding land and is bounded by a steep bank to the northwest boundary topped by trees and hedgerow and sloping open fields to the northeast and southeast. The nearest residential properties at Hillside Cottage, Hillside Barn and Hillside Farm lie circa 170m to the west.
2. The site falls within open countryside and comprises 2 barns set within a stack yard used for storage. One barn remains in agricultural use whilst the other barn houses a logging machine and is used to store prepared logs awaiting dispatch for drying and once returned from the drying process logs are stored before delivery to customers.

DETAILS OF THE PROPOSAL

3. Retrospective planning permission is sought for the continued mixed farm and logging enterprise use of 2 no. existing barns and stock yard and the retention of associated structures and outbuildings.
4. Barn 1 - This is shown to be used for agricultural purposes only which has 1 no. green storage container to located to the rear used to store a classic tractor.
5. Barn 2 – This is shown to be retained to have a mixed logging business and agricultural use. To the rear of this barn is a porta cabin used as an office and a storage container used to store silage wrap, baler string and net wrap store. To the side is a further storage container housing diesel and hand tools and a small, enclosed sawdust store. To the front the barn has been extended to provide a tree trunk loading area to serve the log cutting machine.
6. To the rear of the barns is a large storage area used for the storage of uncut and cut logs and straw bales.

7. The application is accompanied by the following documents:-
- Design And Access Statement which outlines the logging enterprise activities summarised as follows:-
 - The business predominantly operates for approximately 6 months a year during the autumn/winter period (October to March) with potential to overlap the farming use. It employs 3 to 4 people (equating to 3 full time positions) who work as farmers or farming contractors when the enterprise is not operating
 - Hours of operation are 07.00 – 16.00 with cutting machinery operating from 08.00 – 15.00
 - It imports uncut timber from harvesting, woodland clearance and maintenance thinning's from Forestry Commission woodlands transported to the site by loader tractor. This is cut and split on site and stored until transported to the nearest drying plant at Bottesford for kiln drying to meet Government Guidelines for domestic fuel use. These are returned to the site for storage until orders for logs are received. Delivery for sold logs is via 2 no transit tipper vans doing on average 3 trips per day a maximum of 4 on very local deliveries
 - Waste timber is used at the drying plant.
 - Waste Management Plan
 - Transport Assessment
 - Flood Risk Assessment.

RELEVANT SITE HISTORY

8. 13/01182/NMA – Consent was granted in November 2013 for alterations to drainage arrangements.
9. 11/00894/FUL – Planning permission was granted in July 2012 for two cattle sheds and manure store.
10. 11/00888/FUL - Planning permission was granted in July 2012 for a pig shed and farm access road and manure store.

REPRESENTATIONS

Ward Councillor(s)

11. One ward Councillor (Cllr Combella) – initially raised no objections subject to conditions in relation to pollution, access, traffic and lighting. This has subsequently been amended to raise objections on the grounds of noise nuisance for residents sharing the driveway and nearby properties. Concerns are also raised with regards to traffic implications from the granting of permission for a Service Station at Hickling Pastures and impact on residents who share the access drive from large increase in traffic movements directly passing their dwellings. The Ward Councillor also questioned whether the tree and shrub planting referred to in the application documents be conditioned together with hours of operation and use of machinery to not include weekends or Bank holidays. They also suggested there should be a condition not to burn

waste on site as has occurred in the past. The Ward Councillor also made comment that this is also an industrial process continuing without the benefit of planning permission causing disturbance to residents through noise, light pollution and hours of operation.

Town/Parish Council

12. Hickling Parish Council – whilst local farming and the rural economy are supported objections are raised. Comments and evidence supplied by neighbouring residents should be taken into account regarding air and noise pollution and consideration be given in particular to vehicle movements and machinery operation at unsociable hours. Operations at the farm would be looked at more favourably if restrictions were in place to reduce the impact of the operations including retracting operating hours and deliveries to and from the site and limitations placed on any other environmental pollutants in terms of noise, dust and smoke.

Statutory and Other Consultees

13. Nottinghamshire County Council as Local Highways Authority – No objections are raised. Although there is a significant increase from existing vehicle movement, it is still considered low trips are generated and can be accommodated on the Highway Network during peak times. Following the submission of the Transport Assessment and ward councillor comments the Highway Authority consider that the impact of both the service station development and this proposal will be negligible and the additional traffic is unlikely to be more than the daily fluctuation. There will be no significant in traffic from the service station site or any highway safety implications. There will be no traffic or highway conflict on the A606 arising from both uses.
14. Nottinghamshire County Council as Public Rights of Way – No objections are raised. - Hickling Footpath no. 8 does cross the access road – the applicant must ensure that public are crossing the access road, which should be level and have no steps or steps etc from adjacent land, that good visibility is available to both the public and vehicles and that vehicles are aware of the potential of public in the vicinity and give way.
15. Rushcliffe Borough Council Environmental Health Officer – raises concerns with potential noise and recommends a temporary permission with conditions restricting the hours and days of operation of the business, the number and times of vehicle movement and retention of the hay bale/logs/log containers on the southwestern boundary.

As the hay bales and log containers which form a barrier along the southwestern boundary cannot be considered a permanent structure under planning and, therefore, cannot be conditioned to be retained in situ, it is again recommended that temporary planning permission be granted for a probationary period of 24 months to allow assessment of any noise impacts from the development.

Local Residents and the General Public

16. 7 no. representations have been received objecting to the proposal and 1 no. supporting the development which are summarised below:-

- a) Proximity of access road to neighbouring properties and loss of privacy
- b) The access road is unsuitable for HGVs. It is an uneven gravel track and HGVs and numbers of traffic movements result in noise and dust pollution
- c) Waste timber has been stored close to site boundaries
- d) Fires on site the result in ash, smoke and fumes affecting neighbouring properties in prevailing winds which evidences that waste wood is not being disposed of responsibly
- e) Traffic on the access road exceeds 20mph speed limit
- f) There are vehicular movements from 6am to 11 pm resulting in noise at all times of the day and throughout the week
- g) It is not an agricultural enterprise as it is bringing wood into and out of the site
- h) The buildings should be used for their agricultural not for this business enterprise
- i) Highway safety issues from increased traffic and slow-moving traffic along this stretch of road accessing the site
- j) There have been issues with consultation process
- k) Statements within the Design and Access Statement are false in terms of waste disposal, operating times, flexibility of use between agriculture and the logging enterprise, noise, volume of traffic and traffic movements and access
- l) Storage of hay bales and straw adds to the noise impact
- m) Light pollution when the business operates at night
- n) Operating times for the logging business should only be for the hours stated in the Design and Access Statement and there is no justification for the farming business operating outside of these hours
- o) The hedging laid to the northwest of the site is not maintained on the public footpath side
- p) The proposal could be supported if access road is relocated away from neighbouring properties and surfaced to prevent dust and noise the hours of operation restricted and waste products should be removed from site and disposed of in an environmentally friendly way
- q) 1 no. representation has been received which supports the proposal for agricultural diversification because of the benefits to the farming business allowing it expand and become viable and it will sustain rural employment and the rural economy.

Full comments can be found [here](#)

PLANNING POLICY

17. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2) and the Hickling Neighbourhood plan (2022). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG).
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving

development proposals that accord with the development plan without delay.

Relevant National Planning Policies and Guidance

19. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
20. The relevant chapters of the NPPF are:
 - Chapter 2: Achieving sustainable development
 - Chapter 6: Building a strong competitive economy
 - Chapter 9; Promoting sustainable transport
 - Chapter 12: Achieving well designed and beautiful places.

Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

21. The following Policies of the Rushcliffe Local Plan Part 1: Core Strategy are relevant:-
 - Policy 1: Presumption in Favour of Sustainable Development
 - Policy 10: Design and Enhancing Local Identity.
22. The following policies are considered relevant in the local plan part 2:-
 - Policy 1: Development Requirements
 - Policy 22: Development within the Countryside
 - Policy 40: Pollution and Land Contamination
 - Policy 41; Air Quality.

The full text of the policies in the LPP1 and LPP2, together with the supporting text, can be found in the Local Plan documents on the Council's website at:

[Adopted Local Plan - Rushcliffe Borough Council](#)

23. Policies in the Hickling Parish Neighbourhood Plan 2011-2028
 - Policy H1: The Countryside
 - Policy H3: Tranquillity
 - Policy H16: Reuse of rural buildings for business use.

The full text of the policies in the Hickling Parish Neighbourhood Plan can be found here:-

[hickling-neighbourhood-plan-adopted.pdf \(rushcliffe.gov.uk\)](#)

APPRAISAL

24. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the

statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

25. The main issues in the consideration of the application are the principle of development, impact on the character of the open countryside and rural landscape; residential amenity, and highway safety.

Principle of development

26. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
27. The site falls within open countryside. Policy 22 of Local Plan Part 2 states that land in the open countryside will be conserved and enhanced. Paragraph 2 sets out that development for certain uses which includes at sub paragraph f) small-scale employment generating development and farm diversification will be supported in principle subject to other material planning considerations.
28. Sub paragraph 6.23 of this policy further recognises that rural businesses make an important contribution to the rural economy.
29. Chapter 6 of the NPPF also sets out that planning decision should enable the diversification of agricultural businesses.
30. Policy H16 of the Hickling Neighbourhood Plan supports the principle of the expansion of the diversity of the rural economy whilst preserving the countryside.
31. The application site comprises an existing agricultural stack yard and associated barn buildings located within the open countryside and the logging enterprise results in the diversification of the farming business providing employment for the equivalent of 3 full time staff who work within the farming business outside of the operating months of the logging business. Part of the site would be retained for agricultural use.
32. Taking the above into account it is considered that the principle of the proposal meets the criteria set out in the above policies and is therefore acceptable subject to the following material planning considerations:-

Impact on the character of the area

33. In policy terms the following policies are pertinent to this consideration:
 - a) Policy 10 of LPP1 sets out that outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character
 - b) Policy 1 of LPP2 requires that development should not have any significant adverse effects on landscape character
 - c) Policy 22 of LPP2 at section 3 reflects this and sets out that development in the open countryside should conserve or enhance the appearance and

character of the landscape

- d) Policy H16 of the Hickling Neighbourhood plan at sub paragraph G supports the reuse of rural buildings for business use providing the development does not harm the character of the surrounding rural area
 - e) Chapter 12 of the NPPF provides that development should be sympathetic to local character including landscape setting.
34. The site falls within a rural landscape and is set within a slope of the land and well removed from the public realm. The logging business is operated from an existing large barn with a large agricultural barn directly opposite and an existing large storage area to the south west used for storing cut and uncut logs and hay bales.
35. The extensions and storage containers associated with both the logging business and the farm are considered to be modest, subordinate and proportionate to the scale and footprints of the existing barns. The mixed use of the open storage area to the southwest of the barns would not be considered to be significantly different to its use for agricultural storage purposes.
36. Taking this into account it is not considered that the additional structures and mixed use of the barns and open storage area would result in any significantly greater impact on the rural character of the site or the wider landscape setting than previously existed.
37. In terms of the proposal to retain the logging business use and the additional levels of activity and traffic to and from the site that would be generated, from the details provided within the Design and Access Statement and the Transport Assessment it is not considered that an additional traffic movements per day during the operating times of the business would be sufficient to significantly alter the character of the site bearing in mind the daily farm vehicle movements that could occur.
38. For the reasons set out above it is not considered that the proposal would result in adverse harm to the landscape character and appearance of the site, the immediate rural area or its wider setting.
39. The proposal is therefore considered to accord with Policy 10 of LPP1 Policies 1 and 22 of LPP2, Policy H1 of the Hickling Neighbourhood Plan and the NPPF.

Impact on Amenity

40. In policy terms the following policies are pertinent to this consideration:
- a) Policy 10 of LPP1 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers or nearby residents
 - b) Policy 1 of LPP2 sets out that permission may be granted for development provided it does not result in significant effects upon the amenity of adjoining properties or the surrounding area by reason of levels of activity and traffic movements on the site, loss of privacy or noise and light pollution
 - c) Policy H3 of the Hickling Neighbourhood Plan permits a range of development provided it does not result in any significant loss of local tranquillity.

41. The logging business which is the subject of this retrospective application has been operating for circa two years. The comments received from Environmental Health confirm that there have been no noise complaints received since 2021.
42. It should be noted that the access to the site is separate to that serving the neighbouring residential properties. It is not considered that the additional level of traffic generated by the logging business is significantly greater to that generated by the farm. It should also be noted that the access to be used, represents an existing permitted feature with no restrictions on its use in relation to agriculture with regard to vehicular traffic levels, types or hours.
43. However, notwithstanding this, having regard for the rural setting of the site, the nature of the logging business operation and access to the site and distances to the nearest neighbouring properties from the access road it is considered reasonable to attach the conditions recommended by Environmental Health in relation to restriction of hours and days of operation to process the logs and hours and daily numbers of HGV, tipper/transit vans and trailer movements. These are largely in line with those submitted on the application forms and will safeguard neighbouring amenity in terms of noise and levels of activity associated with the business.
44. It is also proposed to plant up missing hedgerow along the access track and plant new hedgerow along a section adjacent to post and rail fencing and the stables. This will further assist in safeguarding amenity and can be secured by condition.
45. It is not considered that it would be reasonable to control by condition the retention/maintenance of the 6m high hay bale or full wooden log cart wall along the southwestern boundary of the site given that although these structures are currently in situ they are there purely for storage purposes and will be removed from the boundary as and when they are required for either the farm business or for processing the uncut logs or transporting the cut logs for drying or to customers.
46. Environmental Health would raise concern that without this barrier there may be potential for noise transference from the site. Given that the business has been operating for a number of years without any noise concerns being raised with the Council during which time the hay bales and log carts may have been removed or relocated within the site it is considered that a temporary two-year permission be granted to enable the Borough Council to review the development and any impacts that may have arisen during this period.
47. Given the location and taking account of the details of the log processing operations that take place within Barn 2 as identified within section 3 of the Design and Access Statement there are no concerns with regards to dust pollution.
48. Although the Design and Access Statement states at 3.2 that there are no regular bonfires it is considered necessary and reasonable to attach a condition should permission be granted to remove any potential for bonfires/burning of waste at the site to safeguard neighbouring amenity.
49. Subject to the conditions the proposal is therefore considered to accord with

Policy 10 of LPP1 and 1 of LPP2 and Policy H3 of the Hickling Neighbourhood Plan.

Highways

50. Policy 1 (2). of LPP1 sets out that planning permission for changes of use will be granted where a suitable means of access can be provided without detriment to the amenity of adjacent properties or highway safety.
51. Policy H1 sub paragraph F of the Hickling Neighbourhood Plan provides that development should not generate levels or types of traffic that would result in harm to local rural roads.
52. Chapter 9 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
53. The logging business would access the site via the existing private access from the A606 serving the farming business which was approved in 2011. This is a separate access to that which serves the residential properties.
54. The Transport Statement submitted with the application outlines the vehicle types and traffic movements to and from the site serving the logging business. There are 12no. transit tipper vehicle movements per day 5 days per week, 1 no. HGV movements per fortnight and 2 no. tractor and trailer movements per week. This is in addition to the 17 farm vehicle movements per day.
55. Nottinghamshire County Council Highway Authority has reviewed the application and the submitted Transport Assessment and has raised no objections to the proposal. Although there is a significant increase from existing farm vehicle movement, the overall movements remain low and can be accommodated on the Highway Network.
56. It is noted that the Highway Authority raise no concerns in relation to comments received with regards to the cumulative impact of the additional traffic at the application site and that resulting from the approved service station to the northwest of the application site which would not result in traffic or highway conflicts or raise any highway safety implications.
57. Conditions securing the details contained within the Transport Statement is considered reasonable should permission be granted to safeguard highway safety.
58. Taking the above into account it is considered that the proposal would accord with Policy 1 of LPP2 and Chapter 9 of the NPPF (2023).

Pollution and Contamination

59. Policy 40 of LPP2 provides that permission will not be granted for development which would result in an unacceptable level of pollution. Policy 41 of LPP2 also sets out that permission will not be granted for proposals that may adversely impact air quality.

60. The Environment Agency have advised that the applicant should be made aware of relevant permitting for wood cutting dust mitigation that wood IBCs or wood should be stored with appropriate Fire Prevention Regulation considerations and that fuels/oils storage is appropriately managed.
61. In terms of the business operations Barn 2 is provided with a sawdust storage unit fitted with ventilation and extraction mechanisms. The kiln drying process of the cut logs is undertaken off site and waste wood used to fire the kiln. The wood is dried to exceed government guidelines in relation to 20% water content. The dried wood has a water content of 12% and produces a suitable domestic fuel.
62. The development is therefore considered to accord with Policies 40 and 41 of LPP2.

Other Matters

63. The site falls within Flood Zone 1 with a low probability of flooding.
64. Concerns have been raised in relation to the consultation process that has been carried out. Site notices have been displayed and a press notice posted. Adjoining properties have also been notified by letter, including re-consultation on revised plans. This accords with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion

65. Having assessed the development proposal against the policies set out in the development plan for Rushcliffe and considering the material matters discussed above, it is considered the proposal would be in accordance with the relevant local and national policies. Therefore, it is recommended that this application be granted subject to conditions.
66. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. This permission shall expire 2 years from the date of this permission after which, unless a further planning permission has been granted, the logging business shall cease operating from the site.

[This is not considered to be an appropriate form of permanent development and the granting of temporary consent will enable the Borough Council to review the situation]

2. The development hereby permitted must be retained strictly in accordance with

the following drawings:-

Proposed Site Layout drg. no. 2021-2 Rev 2 deposited on the 27th November 2023

Elevation Plans deposited on the 15th December 2023.

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies]

3. The use of barn number 2 and the associated adjacent hard standing to the south of such for the processing and storage of logs shall be restricted to between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

4. Long Good Vehicle (LGV) or Heavy Good Vehicle (HGV) deliveries associated with the supply of logs to the business shall only take place between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays. No more than one LGV or HGV delivery of logs shall take place in any two-week period.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

5. Tractor and trailer movements associated with the drying of logs offsite shall only take place between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays. No more than four tractor and trailer movements shall take place in any two-week period.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

6. Tipper/transit van movements associated with the delivery of logs to customers shall only take place between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays and no more than eighty deliveries in tipper/transit vans shall take place in any one-week period.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

7. There shall be no burning of any materials on the site at any time.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019) and in the interests of safeguarding air quality having regard to Policy 40 (Pollution and Land Contamination) and 41 (Air Quality) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

8. Within 56 days of this approval precise details of the species and size of the proposed hedgerow planting as indicated on drg. no. Proposed Site Layout drg. no. 2021-2 Rev 2 deposited on the 27th November 2023 shall be submitted to and approved by the Local Planning Authority.

Thereafter the planting must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following that approval.

If, within a period of 5 years of from the date of planting, any tree planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 (Achieving Well-designed Places) of the National Planning Policy Framework (2023)]

NOTES TO APPLICANT

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

Your attention is drawn to the following advice of the Environment Agency.

If waste wood is received the applicant must ensure a permit/exemption of the relevant Regulatory Position Statement (RPS) is established.

The applicant should be mindful of relevant permitting for the incineration (kiln) and emissions, wood cutting dust mitigation.

Wood IBCs or wood should be stored with appropriate Fire Prevention Regulation considerations.