

Enforcement Report for Delegated Authority to take formal enforcement action.

Enforcement Case Reference No: E/21/0183

Developer: Wealth Property Limited (Co. Regn. No. 11046818)
Breach: Material change of use of land and buildings, from industrial and agricultural use to sui generis use including industrial, agricultural, residential (building conversion and caravan), vehicle sales, MOT station, vehicle repairs and servicing, vehicle restoration, vehicle body repairs, storage, tyre fitting, siting of caravans and portable structures/buildings, storage, manufacturing and retail; and facilitating development including the installation of fencing, hardstanding, closed circuit television, lighting, and ground works
Location: Land at Syston Mill, Mill Lane, Syston, Leicestershire, LE7 1NS
Parish: Cossington, Syston **Ward:** Syston West
Case Officer: Andrew Muir **Tel No:** 07834 335381

The authority for this decision lies within the constitution part 8.2 'delegation of council functions' (page 7, item 12) to the Head of Planning and Growth "To take formal enforcement action in relation to cases of unauthorised development not covered by other specific delegated authority'.

RECOMMENDATION:-



23 September 2024

Authorise Enforcement Action

It is **RECOMMENDED** that in accordance with the Council's Constitution to take enforcement action under the Town and Country Planning Act 1990 that an Enforcement Notice should be served and to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice.

The following reasons are why it is expedient to authorise enforcement action:

1. It appears to the Council that the above breaches of planning control have occurred within the last 10 years, material change of use and other facilitating development.
2. It is established planning policy, at both national and local level, that new development should be permitted outside established settlements in exceptional circumstances only. These circumstances normally relate to an agricultural need. The Land is within the countryside and there are no exceptional circumstances which justify over-riding the normal planning policies. The development conflicts with Policies CS1 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015; saved Policies ST/2, CT/1, and CT/2 of the adopted Borough of Charnwood Local Plan 2004; Policies DS1 and C1 of the submitted

Charnwood Local Plan 2021- 2037; and the provisions in Paragraph 180 of the National Planning Policy Framework (NPPF), which promote sustainable development in the countryside.

3. The development is prominently located within the countryside. The Local Planning Authority is of the view that the appearance of the development is visually harmful to the character and appearance of its rural surroundings, contrary to Policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015; saved Policies ST/2, CT/1 and CT/2 the Borough of Charnwood Local Plan 2004; the adopted Supplementary Planning Document on Design (2020); policies DS5 and EV1 of the submitted Charnwood Local Plan 2021- 2037, and the provisions in paragraphs 139-141 and 180 of the NPPF which all call for new development to be high quality design and not harm the character and appearance of the countryside.
4. To allow unfettered residential incursions in the countryside, outside the limits to development would likely encourage other similar residential development to take place contrary to Policies CS1 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015; ST/2 and CT/1 of the Borough of Charnwood Local Plan 2004; and DS1, C1 and EV1 of the submitted Charnwood Local Plan 2021- 2037; and the provisions in paragraphs 88, 89 and 180 of the NPPF.
5. The Local Planning Authority has assessed the development on the Land and considers that there has been a net loss in biodiversity due to the nature of the activity and its continued extension into areas of habitat. There is no evidence from the landowners or their tenants to confirm they have assessed the biodiversity impacts of the development, or to confirm that an assessment has been made and such a report is available. No report has been forwarded to the Local Planning Authority for consideration. Therefore, it is considered that development is contrary to Policy CS13 of the Charnwood Local Plan 2011- 2028 Core Strategy 2015; Policy EV6 of the submitted Charnwood Local Plan 2021-2037; and the provisions in paragraphs 186-188 of the NPPF.
6. There is a potential for flooding of the Land due to its location being in Flood Zone 3a and 3b. Without a flood risk assessment for the whole development; supported by a sequential test for the siting of caravans only; an assessment of the risks of flooding cannot be made. There is no evidence from the landowners or tenants to confirm that such a report is available, and no report has been forwarded to the Local Planning Authority for consideration. Therefore, it is considered, the development is contrary to The Charnwood Strategic Flood Risk Assessment 2014; to Policy CS2, CS16 of the Charnwood Local Plan 2011- 2028 Core Strategy 2015; Policy EV/1 of the Borough of Charnwood Local Plan 2004; and the Environmental Objective 7 and Policies DS5, CC1, CC4, EV6 of the submitted Charnwood Local Plan 2021-2037 and the provisions in paragraphs 165 -175 of the NPPF.

7. There is potential for contamination from the development of the Land due to the nature of the activity involving the storage and parking of vehicles and parts and the burning of waste. Without a Preliminary Risk Assessment report (also known as a Phase 1 Desk Top Study) being undertaken for the activity on the Land, an assessment of the risks to land and Controlled Waters cannot be made. There is no evidence from the landowners or their tenants to confirm that such a report is available, and no report has been forwarded to the Local Planning Authority for consideration. Therefore, it is considered, the development is contrary to Policy CS2 and CS16, of the Charnwood Local Plan 2011- 2028 Core Strategy 2015; the Environmental Objective 7 and Policies DS5, CC4, EV6 of the submitted Charnwood Local Plan 2021-2037; and the provisions in paragraphs 180, 189 -190 of the NPPF.
8. There are potential highway safety issues caused by the current design of the junction of Mill Lane with Fosse Way; and for pedestrians using the underbridge. Without an assessment of the development on the adopted highway, the impact on highway safety, or the residual cumulative impacts on the road network, an assessment of the risks and impacts cannot be made. There is no evidence from the landowners or their tenants to confirm that such an assessment is available, and no report has been forwarded to the Local Planning Authority for consideration. Furthermore, the development does not constitute sustainable development in transport terms and the developer has not provided an assessment of travel to confirm the priority of modes of transport to and from the site which encourages public transport use; address the needs of people with disabilities; reduce conflicts between pedestrians, cyclists and vehicle places; allow efficient delivery of goods and access by service and emergency vehicles; and enable charging of plug-in and other ultra-low emission vehicles. Therefore, development is contrary to Saved Policy TR/18 the adopted Borough of Charnwood Local Plan 2004; Policies CC5, T3 and INF2 of the submitted Charnwood Local Plan 2021-2037; and the provisions in paragraphs 114 - 117 of the NPPF.
9. The Council does not consider that planning permission should be given as planning conditions could not overcome these objections.

The notice will require the following steps to be taken:

- 1) Cease the use of the Land for the parking and storing of vehicles associated with the material change of use to sui generis use including industrial, agricultural, residential (building conversion and caravan), vehicle sales, MOT station, vehicle repairs and servicing, vehicle restoration, vehicle body repairs, tyre fitting, siting of caravans and portable structures/buildings, storage, manufacturing, and retail.
- 2) Cease the use of the Land for the selling of vehicles and any other retail uses.

- 3) Cease the use of the Land for the storage of scrap vehicles.
- 4) Cease the use of the Land for the storage of vehicle parts.
- 5) Cease the use of the Land for the storage and siting of caravans and trailers.
- 6) Cease the use of the Land for the storage and siting of portable buildings, sheds, and containers.
- 7) Cease the use of the Land for vehicle repairs servicing, MOT testing, vehicle restoration, vehicle body repairs and tyre fitting.
- 8) Cease the use of the Land for workshops, offices, storage, manufacturing, retail, and residential purposes.
- 9) Cease depositing waste on the Land.
- 10) Remove from the Land all vehicles associated with the sui generis use including industrial, residential, vehicle sales, MOT station, vehicle repairs, storage and servicing, vehicle restoration, vehicle body repairs, tyre fitting, siting of caravans and portable structures/buildings, storage manufacturing.
- 11) Remove from the Land all vehicle parts.
- 12) Remove from the Land all plant machinery associated with the sui generis use including industrial, residential, vehicle sales, MOT station, vehicle repairs, storage and servicing, vehicle restoration, vehicle body repairs and tyre fitting, siting of caravans and portable structures/buildings, storage manufacturing and retail.
- 13) Remove from the Land all caravans and trailers.
- 14) Remove from the Land all portable buildings, sheds, and containers.
- 15) Remove from the Land all means of enclosure (including fencing, gates etc and their associated foundations). Except for the timber post and rail boundary fencing as shown yellow on the plan attached at Appendix 2.
- 16) Remove from the Land all closed circuit television cameras, lighting, audio equipment and their supports and foundations within the areas used for vehicle sales on the southern side of the dividing watercourse and as shown outlined green on the plan attached to Appendix 3.
- 17) Remove from the Land all other paraphernalia associated with the sui generis use including industrial, residential (building conversion and caravan), vehicle sales, MOT station, vehicle repairs, storage and servicing, vehicle restoration, vehicle body repairs, tyre fitting.
- 18) Remove from the Land, and Buildings all items used in association with residential uses.
- 19) Remove from the Land all imported materials including, hard surfacing, surface dressing, base material, sub-base material, and geotextile/textile matting.
- 20) Remove from the Land all contaminants including but not limited to all vehicle fluids, buried waste, burned waste and general waste.
- 21) Remove from the Land the electricity supply and associated cabling to the vehicle sales area on the southern side of the Land and shown outlined purple on the plan attached to Appendix 3.
- 22) Remove from the Land the water supply and all associated pipework to the land on which the vehicle sales on the southern side of the Land are occurring shown outlined purple on the plan attached to Appendix 3.

- 23) Remove from the Land any sewerage connection and associated pipework to the land on which the vehicle sales to the southern side of the Land are occurring shown outlined purple on the plan attached to Appendix 3.
- 24) Reinstate the Land to its former condition and in accordance with the year 2000 aerial photograph attached at Appendix 1, including the reinstatement of ground levels, boundary means of enclosure, the planting of native species semi mature trees, shrubs, bushes, and grass seed mixes to match those of the adjacent land. The native species semi mature trees shrubs, bushes, and grass, required by this step, shall be planted in accordance with the horticultural industry standards or suppliers' instructions. The landowner shall inform the Local Planning Authority that this step has been completed within 48 hours of its completion.
- 25) Remove from the Land all plant, machinery, tools, debris, waste, and materials arising from undertaking steps 1-25 above.
- 26) All new planting, as required by step 25 shall be maintained, including, but not limited to, watering and weeding, in accordance with the horticultural industry standards or suppliers' instructions for a period of 5 years from the completion of planting.
- 27) The new planting as required by step 25 above, shall be monitored for growth and establishment for period of:
 - A) Trees 30 years
 - B) Bushes and shrubs 10 years
 - C) Grasses 5 yearsfrom the completion of the planting, to ensure re-establishment of the previously removed vegetation. Any planting that is dead dying, dangerous or destroyed in the time frames set out above shall be replaced with the same semi mature native species trees, shrubs and bushes, and grass of the same proportions at the time of discovery.

Time for Compliance

Steps 1 to 25 shall be completed within 15 months from the date the notice takes effect.

Step 26 shall be completed within 5 years and 15 months from the date the notice takes effect.

Step 27 shall be completed as follows:

27A) Trees within 30 years and 15 months from the date the notice takes effect.

27B) Bushes and shrubs within 10 years and 15 months from the date the notice takes effect.

27C) Grasses within 5 years and 15 months from the date the notice takes effect.

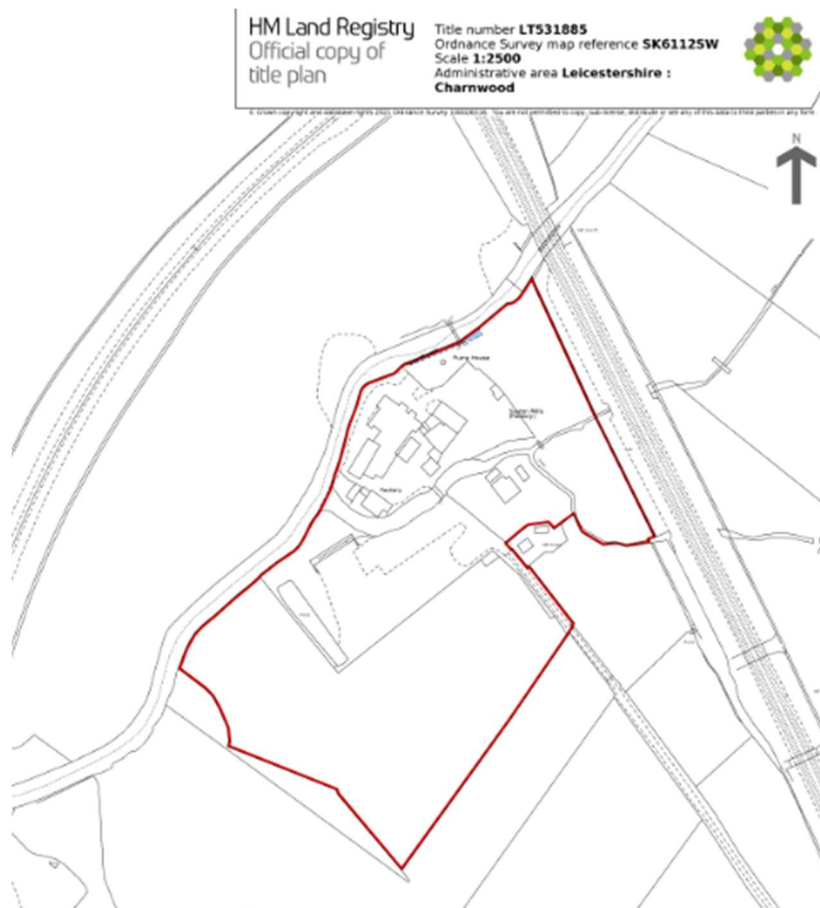
Description of the Unauthorised Development

The Land, subject of this report is outlined and shaded red on the plan attached to this report. The Land comprises the former Syston Mill, a remote range of industrial buildings that served the former mill and agricultural land to the east, and across the watercourses from the River Wreake to the east, southeast and to the south. The mill buildings are largely surrounded by the River Wreake to the northwest, the railway line to the east and the River Wreake subsidiary watercourse to the south.

The Land is accessed via Mill Lane which leads from Fosse Way under the railway bridge to Mill House, then to the agricultural land to the west before finishing at the vehicle bridge to the Former Syston Mill. The Land can also be accessed by way of public footpath I56 which leads from the railway bridge through the fields on the eastern side of Mill Lane and across the footbridges over the watercourses.

The subsidiary watercourses from the River Wreake cuts the land in half and splits into two further watercourses leading toward the cricket ground and the Lake on Fosse Way which it feeds.

The Land is under the same ownership and within the same redline as shown on the Title Plan below.




Official Copy (Title Plan) - LT53188

The Land is currently being used for a sui generis use including industrial, but not limited to, agricultural, residential (building conversion and caravan), vehicle sales, MOT station, vehicle repairs, storage and servicing, vehicle restoration, vehicle body repairs, tyre fitting, siting of caravans and portable structures/buildings, storage, manufacturing and retail; and facilitating development including the installation of fencing, hardstanding, closed circuit television, lighting, and ground works.

The plan below is an extract from the most recent unit sales particulars for the site last updated 26 January 2024. It identifies the building uses and who, at the time and may still, lease the different areas of the site. To note is that the “Vehicle Compound”, “Land”, and “Public Car Park” are the sites of vehicle sales and storage, i.e. land to the southwest. Furthermore, on the Mill site itself, the “External Parking” is vehicle sales, and “Unit 10 Office” is now a dwelling house.

There is a pump house leased by the Environment Agency to the northeast of the old Mill and does not form part of this enforcement report, other than for the purposes of identification, and has been excluded from the enforcement notice plan.



Syston Mills (Charges Inc VAT) Tenancy Summary		
Serial No.	Unit No.	Company Name/ Person's Name
1	Unit 7	Bogdan Feher Ltd
1	2. Unit 7A	Recruitment Investments Limited
2	Unit 16	SMC/Stuart Michael Chander
1	Unit 18	
4	2. Grazing Fields	Claire Watts
5	Unit 20	County Roofing (Leicester) Limited
1	Unit 22	
2	External Parking	
6	Area	E Lease Limited
1	Unit 23	
7	2. Yard	Another level Scaffolding (Midlands) Ltd
1	Unit A	
2	Unit C	
8	3. Leen To	Nomad Encon Limited
1	Unit D	
2	Vehicle Compound	
9	3. Unit 10 Office	Bogdan Feher Ltd
	Unit B1	Mr. Peter Chimanga
	Unit B2	Heritage Bodyworks Ltd
	Unit B3	Mr. Abdul Imran Sheikh
	Water Gauging Station	Environmental Agency
		Nippon Autos Ltd/ Mrs Yasuko Muhammad (Mr. Sajid)
12	Land	
13	Unit 17a	Mr. Hashim Ibrahim Waseem
14	Unit 17b&c	Mr. Hasan Ghorbani
15	Unit E1	
16	Unit E2	Auto Motors MK LTD
TOTAL		

The Land extends to approximately 7.6ha. with its entirety lying outside the Limits to Development and is within countryside as defined in the Borough of Charnwood Local Plan. The Land lies wholly within Flood zone 3a and 3b with all land around being within Flood zone 3 except for Mill House to the east of

Mill Lane which is within Flood Zone 2. The Land is also within a Mineral Consultation Area where there has been extensive extraction of sand and gravel in the past, with some of the area used for landfill or restored to water-based recreation. The Land is therefore within a landfill buffer zone.

The current owner purchased the Land in 2021. It is understood that some of the units on the site of the former mill were tenanted. The rest of the agricultural land formed by the enclosures and fields was unmanaged grassland not forming part of any agricultural holding.

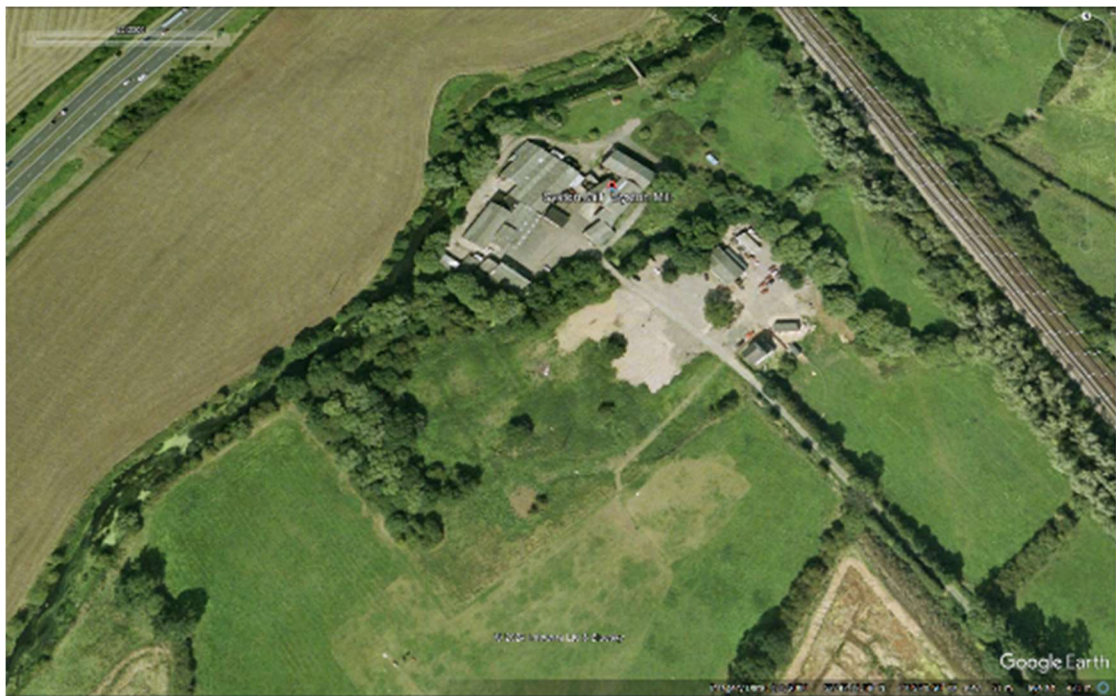
The land of particular interest includes the mill site and the area of agricultural land to the south on the opposite side of the watercourse.

The archive of aerial photographs (below) shows the physical changes that have occurred over time on the land. Of note are those from 2000, 2006, 2010, 2015 which show the expansion of the commercial vehicle sales into the adjoining land to the immediate northeast. The 2000 onwards aerials show the gradual loss of the vegetation on the southwestern end of the site and the creation and expansion of the general vehicle sales into this area. From 2015 there has been a gradual loss of the grassed area and bank sides to the northern side of the site. In 2024, the Council was alerted to the fact that part of the office building had been converted into residential accommodation and had been lived in for the past 2.5 years.

On the agricultural field to the south of the mill site, the historical aerial photographs indicate that a small part of this agricultural land, in 2006, 2010 and 2011, had been used on those days for informal parking. They also show that in 2015, the parking had been extended further into the land with fencing being erected; and that in 2016, 2018, 2019, 2020 there had been a gradual creep further into the Land and in 2021 a major extension of the site and introduction of hard surfacing occurred. Between 28 March 2022 and the date of this report the site has been further extended to the northeast towards the River Wreake and to the south into the scrub land. The land was divided up into plots with fencing and gates followed by the erection of CCTV, lighting and the siting of portable structures, caravans, and storage facilities. Electrical power, water and drainage is understood to have been installed. The electrical power comes from the main mill site across the watercourse and onto the vehicle sales site.

The aerial photographs below show the changes that have occurred.

Aerial Photo's 2000 -2022



Google Earth 01.01.2000



Google Earth 03.07.2006



Google Earth 01.01.2010



Google Earth 27.09.2011



Google Earth 21.04.2015



Google Earth 20.04.2016



Google Earth 05.04.2018



Google Earth 29.03.2019



Google Earth 21.04.2020



Google Earth 27.04.2021



Google Earth 16.06.2021



Google Earth 28.03.2022

On the opposite side of Mill Lane is an existing scaffold business which has existed for several years. To the southeast of that business lies Mill House and a site that is subject of an extant enforcement notice (E/21/0182) although this has now been complied with and the land restored. These sites are outlined red on the aerial photograph below.



Google Earth 28.03.2022

A Certificate of lawfulness (existing), P/21/1796/2, for the change of use of the land to the south of the mill site to car sales/parking (Sui generis) and associated works was received on 16 August 2021 and subsequently withdrawn by the Council on 23 August 2022. A further application for a Certificate of lawfulness (existing), P/22/0061/2, for the change of use of the same land to car sales/parking (Sui generis) and associated works was validated on 21 February 2022 and refused on 08 June 2022. It was found that insufficient evidence had been provided to prove on the balance of probability that the Land has been used continuously for car sales/parking (sui generis) and associated works for more than ten years preceding the date of that Application. No appeal was received. An application for a Certificate of Lawfulness (Existing) for the continued use of building A-C as car repair shop and MOT station (P/24/0474/2) was submitted on 18 March 2024. However, this was found to be invalid. The applicant did not progress this application and the Council withdrew the application on 03 June 2024.

Development Plan Policies

- Charnwood Local Plan 2011-2028 Core Strategy 2015

Policy CS1 - Development Strategy - sets out the development strategy for the Borough.

Policy CS2 – High Quality Design - requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials, and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS6 – Employment and Economic Development – sets out how the economic needs of the community might be met, including the provision of opportunities for manufacturing businesses to develop, re-locate and expand and the provision of small-scale, high-quality business units and offices.

Policy CS10 – Rural Economic Development – sets out how the Borough Council will seek to maximise the potential of the rural economy. This involves the provision of new employment land and supporting the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings and where the proposal is small scale and would not cause harm to the character and appearance of the countryside.

Policy CS11 – Landscape and Countryside - requires new development to protect landscape character and reinforce a sense of place. It supports rural residential development where it has a strong relationship to the operational requirements of agriculture, horticulture, or forestry.

Policy CS12 – Green Infrastructure – sets out how the Council will seek to protect and enhance green infrastructure assets for their community, economic and environmental values and sets out how the National Forest Strategy and the Charnwood Forest Regional Park can be protected and enhanced. Proposals that enhance leisure and tourism opportunities within the River Soar and Grand Union Canal Corridor will also be supported.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and which protects, enhances, or restores biodiversity.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction, the management of flooding, and development proposals are expected to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to:

- Sites of Special Scientific Interest
- Local Wildlife Sites

- Regionally Important Geological Sites
- UK and Local Biodiversity Action Plans priority habitats and species
- protected species, and
- ecological networks'

Policy CS17 – Sustainable Travel– Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS24 – Delivering Infrastructure – sets out the expectations that by 2028 there will be significant progress towards the delivery of essential infrastructure set out in the Infrastructure Delivery Plan and that the direct, local impacts of developments on existing infrastructure and the community would have been reasonably managed and mitigated.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social, and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

- Borough of Charnwood Local Plan 2004 (Saved)

Where they have not been superseded by Core Strategy policies, previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 – Limits to Development – seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design - ensures a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 - Parking Provision in New Development - states that planning permission will not be granted for development unless other forms of sustainable transport have been considered over the use of the car and off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities.

Policy CT/1 – General Principles for Areas of Countryside, Green Wedge, and Local Separation – states that development in these areas will be strictly

controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature and small-scale built development where there would not be a significant adverse environmental impact and the proposal would (inter alia) be essential for the efficient long-term operation of agriculture, horticulture, or forestry.

Policy CT/2 – Development in the Countryside – states that countryside development which is acceptable in principle will be permitted where it would not harm the character and appearance of the countryside.

The Borough of Charnwood Local Plan pre-dates, the NPPF. However, policies are not out of date automatically due to age, it has been held that "if the policies which are most important for determining the planning application have been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason, so that they are now out-of-date, the decision-makers must apply the tilted balance expressed in the presumption in favour of sustainable development." Peel Investments [2020] EWCA Civ 1175.

Material planning considerations:

- Submitted Charnwood Local Plan 2021-2037

The Government-appointed Planning Inspectors examining the Charnwood Local Plan 2021-2037 have recommended several Main Modifications to make the Plan 'sound'. The Council published these Main Modifications on 17th July 2024 for a period of public consultation which finished on 4th September 2024. The Inspectors will now consider the responses and prepare a report for the Council; should that report find the Plan sound subject to main modifications, the Local Plan will then be adopted by the Council. It is anticipated that the Local Plan will be adopted in December 2024.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- 1) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- 2) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- 3) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this enforcement matter, and the weight they can be assigned is addressed in the 'Consideration of Planning Issues' part of this report.

Policy Objective 7 – To improve local air quality, protect and improve the quality and quantity of the water in the Borough's surface and groundwaters and reduce other forms of pollution in the Borough.

Policy DS1 – Development Strategy – sets out the overall spatial strategy for Charnwood between 2021 and 2037 and takes a hierarchical approach focussed on urban concentration and intensification in the most sustainable settlements with some limited dispersal to other areas of the Borough. The most environmentally sensitive areas will be protected, and the pattern of development will provide a balance between homes, jobs, and facilities.

Policy DS5 – High Quality Design – requires all new developments to make a positive contribution to Charnwood, by responding positively to the local distinctiveness of the area and providing attractive and functional places where people will want to live, work, and visit. The policy sets out how this might be achieved and includes a requirement for development to protect the amenity of people who live or work nearby and those that will live in the new development.

Policy C1 – Countryside – sets out how development in the countryside will be managed to ensure that its largely undeveloped character and intrinsic beauty and character are protected. It supports some rural economic development and the re-use and adaptation of rural buildings and supports new rural housing in exceptional circumstances as set out in the policy. The policy is considered consistent with NPPF Paras 11, 16, 20, 23, 84, 88 and 180.

Policy E1 – Meeting Employment Needs – ensures that Authority will meet the economic needs of our communities and continue to contribute to supporting the economic needs of Leicester. We will do this by supporting development that:

- contributes to delivering our employment needs, in accordance with Policies DS1 and DS4;
- supports the expansion of the Loughborough Science and Enterprise Park, in accordance with Policy LUC3;
- encourages a greater proportion of high technology and knowledge-based businesses in Loughborough;
- provides opportunities for manufacturing businesses to develop, re-locate and expand;
- supports proposals that provide flexible accommodation, including for offices and managed workspace;
- provides opportunities for small-scale, high quality business units and offices, including freehold industrial units;
- supports business and employment regeneration opportunities which support our Priority Neighbourhoods and existing urban areas;
- seeks to provide employment and training schemes to maximise local employment opportunities and help address skills deficits in the local population; and
- supports and promotes transport, power and broadband infrastructure which facilitates employment developments.

The Authority will consider the use of planning conditions for applications which are for offices, research and development or light industrial uses (Use Class E (g)) to ensure that they remain within that use in perpetuity.

Policy E3: Rural Economic Development – maximises the potential of our rural economy by 2037 by supporting development that:

- provides small scale, sustainable growth and expansion of existing businesses in rural areas both through conversion of existing buildings and well-designed new buildings;
- enables farm diversification where farming remains the dominant element of the business;
- provides superfast broadband networks for all homes and businesses;
- provides tourism and leisure facilities, particularly developments that benefit the Great Central Railway, the River Soar and Grand Union Canal, the National Forest Strategy and the Charnwood Forest Regional Park; and
- is not detrimental to the character and appearance of the Countryside in terms of its scale, character or operational requirements.

Policy T3: Car Parking Standards - ensures that there is an adequate provision for all users of residential and non-residential parking in our Borough by:

- encouraging parish and town councils to address car parking needs and identify potential sites for new car parks through the neighbourhood planning process;
- requiring that all new developments provide car parking spaces in accordance with the latest published guidance of Leicestershire County Council and Charnwood Borough Council;
- requiring that parking infrastructure is well-designed and in suitable, sustainable locations; and
- requiring that any variation from the guidance is supported by robust evidence and thoroughly justified.

Policy CC1: Flood Risk Management – manages flood risk by directing development to areas in the Borough with the lowest risk of flooding (Flood Zone 1), applying the Sequential Test and Exception Test, where necessary. We will do this by:

- ensuring that major development proposals in Flood Zone 1 and any developments in Flood Zones 2 and 3 are accompanied by a site-specific flood risk assessment;
- requiring a sequential approach to layout is taken within the site, with the highest vulnerability development being located within the lowest flood risk zone(s);
- requiring developments on greenfield sites to cause no net increase in the rate of surface water run off;
- requiring development on brownfield sites to secure a decrease a surface water run off developments to consider the cumulative impact of proposals within, or which affect, local areas susceptible to flooding, and ensuring appropriate mitigation measures are in place so that new development does not increase flood risk and, where possible, reduces flood risk;
- ensuring that, where appropriate, all major developments incorporate sustainable drainage systems, in accordance with Policy CC2;

- ensuring that the natural environment and major watercourses within the site are suitably managed to help reduce flood risk;
- encouraging minor developments to incorporate sustainable drainage systems, in accordance with Policy CC;
- ensuring that the design of flood risk mitigation measures is appropriate and in keeping with the environment in which they will be implemented;
- encouraging an integrated water management approach is considered in the early stages of site planning; and
- encouraging developments which support the creation of new habitats, including woodlands and wetlands, planting of trees and reconnecting rivers to natural flood plains. We will support neighbourhood plans in identifying suitable flood risk mitigation measures appropriate for their local area. cure a decrease in surface water runoff.

Policy CC2: Sustainable Drainage Systems (SuDS) - ensures that development includes appropriate measures to manage flood risk in an integrated way that achieves wider benefits for communities and the environment. We will support major development that:

- provides, where appropriate, Sustainable Drainage Systems that are integrated into development proposals having been considered as part the master planning of the site;
- prioritises Sustainable Drainage Systems where the development is in an area at risk of flooding, in accordance with the criteria set out in Policy CC1;
- ensures, where Sustainable Drainage System are used, surface water is directed to sustainable outfalls in accordance with the drainage hierarchy;
- ensures that the design, construction and ongoing maintenance of Sustainable Drainage Systems is carefully and clearly defined; and
- ensures Sustainable Drainage Systems provide multifunctional benefits for amenity, recreation and wildlife, that utilise natural features, where possible.

Policy CC4: Sustainable Construction – ensures that development adapt to and mitigate against the effects of climate change, by requiring all new developments and refurbishments to take account of sustainable development principles.

Policy CC5: Sustainable Transport - support sustainable patterns of development which will minimise the need to travel and seek to support a shift from travel by private car to walking, cycling and public transport where development meets certain criterion as set out in the policy.

Policy EV1: Landscape – requires new development to protect landscape character and to reinforce sense of place and local distinctiveness. The policy also requires new development to maintain the separate identities of our towns and villages.

Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity - sets out how we will conserve, restore, and enhance our natural environment for

its own value and the contribution it makes to our communities and economy to ensure it is resilient to current and future pressures.

Policy INF2: Local and Strategic Road Network - seeks to mitigate the transport impacts of our development strategy and improve the efficiency of our local and strategic road network by supporting development that:

- is supported by a robust transport assessment of the impact of the development on the road network, including any cumulative impacts;
- provides the necessary infrastructure to mitigate the impacts of the development with infrastructure which supports sustainable transport choices (including walking, cycling and the use of public transport) prioritised before any improvements to the local and strategic road network; and
- contributes to the reasonable costs of measures required to mitigate the cumulative impacts of the development strategy upon the local and strategic road network, in accordance with Policy INF1.

- The National Planning Policy Framework 2023 (NPPF)

The National Planning Policy Framework (NPPF) (2023) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The paragraphs of relevance include:

4, 7, 10-11, 15-33, 38, 47, 54-56, 59, 85, 88-89, 104-117, 131-141, 139-141, 165-175, 180, and 186-191

Paragraph 59 States that effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and act where appropriate.

- National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected, and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor-quality design should be refused. Paragraph 007 states that planning should promote

local character. New development should be integrated within existing surroundings.

- National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 135 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- The Borough of Charnwood Landscape Character Assessment (2012)

The site falls within the Wreake Valley Landscape Character Area which is described as having a rural quality which retains its remote countryside appearance and agricultural character. The A46 and A607 are mostly elevated on embankments. The area has low woodland cover. Small fox and game coverts are dotted across the landscape and there are trees along most watercourses.

- The Charnwood Strategic Flood Risk Assessment (2014)

This was the update report following the publishing of the original document in 2008. The 2014 update reports on the work that was included in the original SFRA and states that since that document there have been several changes to the planning system, including the Localism Act (2011) and the 2023 NPPF with the accompanying Planning Practice Guidance (March 2014). In addition, the provisions of the Flood and Water Management Act (2010) have been substantially commenced under a programme that was initiated by Defra in April 2010 and the Flood Risk Regulations came into force in December 2009 (these regulations transposed the "EU Floods Directive" into UK law).

The purpose of this SFRA update is to:

- provide information on the changes to planning, policy and guidance since the previous SFRA;
- provide a detailed assessment of the flood hazard within the Flood Zones;
- provide information on existing defences and flood risk management measures;
- allow a sequential approach to site allocation to be undertaken within a flood zone; and allow development of the policies and practices

required to ensure that development in Flood Zones 2 and 3 satisfies the requirements of the Exception Test.

- Leicestershire Local Transport Plan 3 (LTP 3) (2011-2026)

The Leicestershire Local Transport Plan (LTP3) sets out the vision for transport to 2026 across the County. It explains how LCC will ensure that transport continues to play an important part in Leicestershire's success. The key transport goals for Leicestershire are set out below:

1. A transport system that supports a prosperous economy and provides successfully for population growth;
2. An efficient, resilient and sustainable transport system that is well managed and maintained;
3. A transport system that helps to reduce the carbon footprint of Leicestershire by encouraging active and sustainable travel;
4. An accessible and integrated transport system that helps promote equality of opportunity for all our residents by improving the connectivity and accessibility of the transport system and encouraging active and sustainable travel;
5. A transport system that improves the safety, health and security of our residents by improving road safety and encouraging active and sustainable travel; and
6. A transport system that helps to improve the quality of life for our residents and makes Leicestershire a more attractive place to live, work and visit.

- Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

- Planning Guidance for Biodiversity

This document was adopted by the Council's Cabinet in June 2022, and it sets out guidance for applicants on how to avoid biodiversity loss or how to mitigate it on site, and where this is not possible, the document sets out how compensation can be achieved for mitigation off-site through the securing of developer contributions. The document is a material consideration.

- Employment Land Review (2018)

This was produced by Peter Brett Associates in support of the Council's preparation of a replacement development plan. It forms part of the evidence base to inform the policies in the emerging Draft Borough of Charnwood Local Plan 2021-2037. The report makes recommendations relating to the quantum

of employment land expected to be needed within the plan period both in the office and industrial sectors. The report finds that there is already sufficient supply (from allocations and outstanding permissions) for offices and this amounts to 17ha so no new office land is required. For the industrial market, the report recommends a minimum of 39ha of new land is needed for occupiers who demand units smaller than 9000 sqm. As with offices, there is already sufficient land allocated to meet this need, with a slight surplus which should be used to provide some contingency for planned or windfall losses. In addition, a minimum of 10ha is identified to be needed to meet the needs of local firms seeking larger units (more than 9.000 sqm) over the plan period. A site of 10ha or more is therefore recommended to be provided on which a number of units should be placed.

- The Environment Act 2021

Schedule 14 of the Environment Act 2021 inserts Schedule 7A of the Town and Country Planning Act 1990 which requires Biodiversity Net Gain to be included in all applications unless otherwise exempt. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

- The Equality Act 2010

This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require ‘reasonable adjustments’ to be made when providing access to goods, facilities, services, and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have ‘due regard’ to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

- The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

- Human Rights

The issue of human rights is also a material consideration in the determination of planning applications and enforcement issues. Article 8 of the Human Rights Act 1998 requires respect for private and family life and the home while Article 1 of the First Protocol provides an entitlement to peaceful enjoyment of possessions. However, these rights are “qualified” and it is necessary to consider whether refusing planning permission and/or issuing an enforcement notice would interfere with the developer’s human rights. If it would, the Committee must decide whether any interference is in accordance with the law, has a legitimate aim and is proportionate.

Relevant Planning History

Reference	Description	Decision & Date
P/74/1337/2	Erection of industrial building Class IV.	Decision 19/02/1975
P/75/2541/2	New footbridge on diverted footpath replacing existing footbridge.	Grant conditionally 12/02/1976
P/77/2648/2	New office and canteen block	Grant conditionally 17/05/1978
P/77/2649/2	Two new toilet blocks	Grant conditionally 17/05/1978
P/78/3169/2	Retention of temporary building	Grant conditionally 08/02/1979
P/79/0353/2	Erection of a warehouse (Renewal of planning permission ref. No. 2365/73/74/1301/12)	Grant conditionally 25/04/1979
P/80/0001/2	Two storey factory extension to increase production area required.	Refuse 10/04/1980
P/80/2425/2	Extension and canopy to factory (stamina components (Syston) limited).	Grant conditionally 03/10/1980
P/80/3627/2	Reconstruction of Syston mills gauging station.	Permitted Development
P/83/1602/2	Extension to provide three offices over existing offices.	Grant conditionally 26/08/1983
P/84/1039/2	Retention of storage hut	Grant conditionally 12/06/1984
P/87/1840/2	Erection of new bridge over stream	Grant conditionally 10/09/1987
P/97/1400/2	Determination of new planning conditions	Grant

	under the Environment Act - excavation of sand and gravel and restoration proposals. (81/0756/2 refers)	conditionally 24/07/1998
P/99/0951/2	Submission of details re: revised phasing of mineral extraction, landfill, and layout of site reception area	Grant conditionally 18/10/1999
P/00/1067/2	Extraction of sand and gravel (Consultation by Leicestershire County Council)	No objection 19/07/2000
P/00/2521/2	External alterations to industrial, warehouse and office premises.	Grant conditionally 29/01/2001
P/04/4370/2	Variation of condition 2 of planning permission 2002/2897/02 for extension of time for permitted operations. (Consultation by Leicestershire County Council)	No objection 14/02/2005
P/04/4371/2	Variation of condition 4 of planning permission 1991/1400/02 for extensions of time for permitted operations. (Consultation by Leicestershire County Council)	No objection 14/02/2005
P/20/1609/2	Change of use of vacant industrial units to Gymnasium (Use Class E(d))	Refused 05/01/2021
P/21/1796/2	Certificate of lawfulness (existing) for the change of use of land to car sales / parking (Sui generis) and associated works.	Withdrawn 23/08/2022
P/22/0061/2	Certificate of lawfulness (existing) for the change of use of land to car sales / parking (Sui generis) and associated works.	Refused 09/06/2022
P/24/0474/2	Continued use of site as Car Repair shop and Mot station (Lawful Development Certificate for Continued Use)	Withdrawn 03.06.2024

Responses of Statutory Consultees

Lead Local Flood Authority (LLFA) - In this case, the site is impacting an EA main river (i.e. not an ordinary watercourse). The LLFA has little power to do anything unless the businesses have directly impacted on an ordinary watercourse (or ditch), everything else would fall to the LPA as a planning matter.

Leicester County Council – Local Highways Authority (LHA) - From the minimal information submitted, at this stage the LHA is unable to comment whether the development would result in a severe impact upon the highway in accordance with Paragraph 111 of the NPPF.

In our future observations on a planning application, the LHA would be commenting on the following details:

Site Access

Mill Lane is a private and unadopted road therefore the LHA would only specifically be interested in the site access to and from the adopted highway which would be from Fosse Way which is an adopted classified road subject to a 30mph speed limit.

The access from Fosse Way measures to be more than 8.0m which narrows as entering Mill Lane. The access geometry should be accordance to Figure DG20 of Part 3 of the LHDG and the LHA believe the access may be substandard in accordance with this guidance.

From an assessment, visibility south of the site is restricted, the LHA would therefore have concerns regarding the potential intensification of use of a sub-standard access in both visibility and access width.

In future observations on a planning application the LHA would be commenting on the following details:

- Ensuring that the access and carriageway widths are appropriate for the proposed usage of the site;
- Requesting that the proposed access meets the highway at a perpendicular angle;
- Ensuring that visibility is achievable in accordance with 85th percentile speeds along Fosse Way;
- Minimising the number of access points on to the highway; and,
- Requiring hardbound surfacing for a distance, dependent upon site usage, to prevent debris on the highway.

Within observations, the Applicant would be informed that planning permission does not give the Applicant approval to work on the public highway. Therefore, prior to carrying out any works on the public highway the Applicant must ensure that all necessary licences/permits/agreements are in place.

Trip Generation

To enable the LHA to further consider the proposals, the LHA would request the detail in respect of trip generation. The level of trips the site presently generates under its current lawfully permitted use and the trip generation for the proposed development.

The Applicant should also include information in respect of the number of trips likely to be undertaken by certain vehicle types, i.e. large vehicle transporter type vehicles.

Parking and turning

Parking provision should be in accordance to Highway Requirement for Development (HRfD) (Part 4) available at; <https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2019/2/>

[13/Highway-requirements-for-development-part-4-parking-standards%20Refer-to-part3-sectionDG14-first.pdf](#) in accordance to the most appropriate Use Class. Noting the proximity of the development site from the public highway, it is unlikely that any shortfall (if any) would overspill onto the public highway. Again, noting the site specific location, the site would be able to accommodate for a turning facility to enable all vehicles to enter and exit in a forward direction.

Rights of Way Officer at the County Council Based on the Definitive Map showing the route of Footpath I56 whilst it is noted that to access the southern end of the Footpath pedestrians must use the railway underbridge alongside any traffic the path is well used and forms part of a popular circuit from Syston. There is no footway through the underbridge and no place to step out of the way of vehicular traffic. Although the tunnel is short, when entering from the south there is a limited view of on-coming traffic due to the bend in the road. Therefore, the LHA would have concerns about any increase in the level of traffic using the lane as a possible result of the proposed development.



Leicester County Council – Minerals Planning Authority (MPA) The land formed part of the Meadow Lane Quarry site. This site has now been fully worked out and restored. From our records, the five-year aftercare period came to an end during late 2017. On 23 January 2018, the MPA notified the operator of the site (Lafarge) confirming satisfaction that the planning aftercare requirements had been met and that there were no further planning controls relating to its restoration/aftercare from the Mineral Planning Authority. At this point the mineral development was complete. As the mineral resource in this area has also been exhausted, it is confirmed that the material change of use would therefore have no implications from a mineral safeguarding planning point of view.

Regarding waste, unless you have concerns that there is an element of vehicle dismantling occurring at the site, at present there is nothing to indicate that we would have any concerns from a waste planning point of view or that the change of use would constitute a county matter.

Environment Agency (EA) – The following comments indicate how we would have responded if consulted on the current land-uses through planning. These comments mainly relate to flood risk.

Land Southwest of Syston Mill - Flood Risk

This area in Flood Zones 3a and 3b (functional floodplain). However, most of the hardstanding area appears to be within Flood Zone 3a. Less vulnerable development such as this could be permitted within Flood Zone 3a, if resilience measures are included, and flood risk is not increased elsewhere. Additionally, the LPA should consider whether the applicant has taken a sequential approach to site selection, ensuring they have demonstrated that there are no other reasonably available sites at a lower risk of flooding.

It is worth noting that the functional floodplain definition for Charnwood is based on the 1 in 20 year extents rather than the current nationally recommended definition of the 1 in 30 year extent. Ultimately, the SFRA defines the functional floodplain, so the 1 in 20 years would be the definitive extent.

In the absence of any detailed topographical data, we couldn't provide a position on whether the proposals would be acceptable, as it's difficult to interpret the strategic level modelling and know exactly where Flood Zone 3b ends or determine the flood depths on site. The absence of a flood risk assessment for this site would be a reasonable reason to object though.

For the 1 in 100 year plus 20% climate change, the flood depths vary but are generally no deeper than 450mm. This depth could result in extensive damage to vehicles without any plans to move them prior to a flood event. The applicant would need to assess the 28% climate change allowance based on national guidance, but the Environment Agency does not have this data available.

Groundwater & Contaminated Land

The site is atop a historic landfill and is a highly sensitive area with respect to controlled waters. There is a pond located in the west of the site, the River Wreake is located immediately to the northern site boundary and there are surface water abstractions (spray irrigation) from the river. The underlying geology comprises Alluvium drift geology (secondary A) and the superficial geology is predominantly Edwalton Member Mudstone (secondary B) and Branscome Mudstone (secondary B).

Due to the potential for contamination from activity at the site, if consulted under the planning regime, we would object to the application as no Preliminary Risk Assessment report (also known as a Phase 1 Desk Top Study) has been undertaken for the site to assess the risks to Controlled Waters.

Syston Mill is largely outside of the functional floodplain based on the strategic level model for the River Wreake. Flood Zone 3b does encroach into the SE corner of the site and NPPF states that less vulnerable development such as

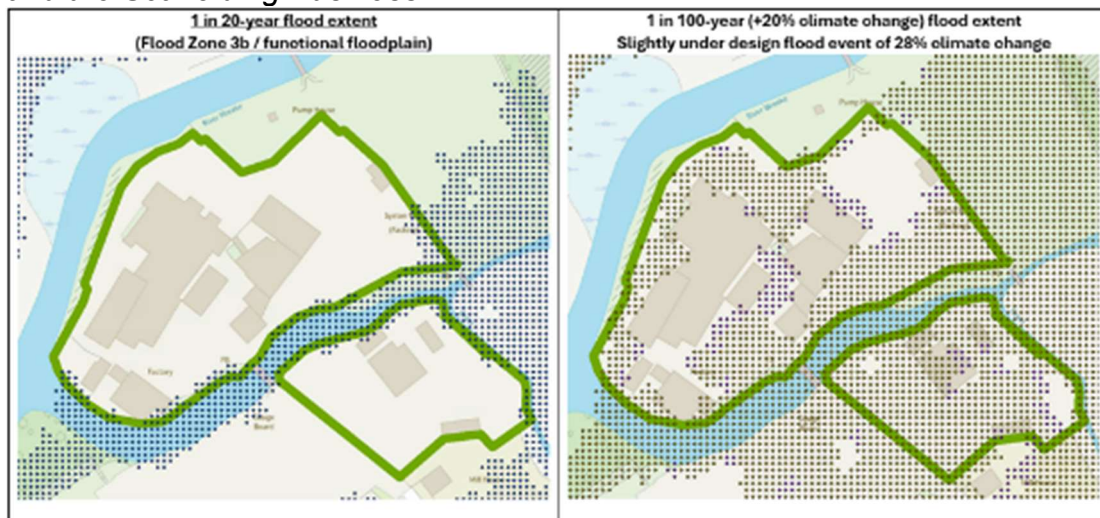
this should not be permitted in this corner. Detailed topographical survey data should be provided though to demonstrate that the wider site levels are above the 1 in 20 year flood height. During the 1 in 100-year plus 20% climate change scenario, flood heights are generally shallow, less than 300mm but occasionally exceeding this level up to about 400mm. These heights could be acceptable, but new development or activities should not encroach within 8 metres of the River Wreake due to the likely higher flow velocities creating a greater flood hazard. The storing of any material or vehicles this close to the channel increases the likelihood of them being washed away which can cause a blockage downstream and pose a pollution risk.

From a planning policy perspective, less vulnerable development could take place at this location, but ideally not within 8 metres of the top of the bank of the River Wreake or within the functional floodplain as mentioned above. We would encourage the applicant and LPA to ensure a sequential approach to planning and site layout is taken, ensuring there are no other reasonably available locations for this development. The applicant would need to demonstrate that the proposals are flood resilient and ensure flood risk is not increased elsewhere. The storing of vehicles and equipment at this location would increase the risk of damage to property and measures should be put in place to mitigate this risk. This could include the moving of vehicles to an area of lower flood risk on receipt of a flood warning.

Summary Flood Risk comments:

In summary, in the absence of flood risk assessments we would object to all these developments. However, if the developments can be shown to be outside of the functional floodplain, the proposals could be compliant with NPPF. The proposals would need to be supported with a sequential test, adequate resilience measures and a plan to evacuate people and move vehicles in advance of a flood event.

Please see the attached screenshots of the flood extents toward Syston Mill and the Scaffolding Business.



Other Comments Received

No other comments have been received.

Consideration of the Planning Issues

Issues to be considered:

- The planning unit
- The principle of the development
- Design and the impact on the character & appearance of the countryside
- Biodiversity
- Flood Risk
- Highways

The starting point in the decision making process on enforcement matters is to consider what the planning unit is and then consider whether the development is in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this matter are listed above under the section headed "Development Plan Policies" and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy 2015, those 'saved' policies of the Borough of Charnwood Local Plan 2004 which have not been superseded by the Core Strategy and those included in the submitted Charnwood Local Plan 2021-2037. It is acknowledged that several of these plans are over 5 years old. Therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Except for Policy CT/1, the policies set out within this report are up-to-date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

- The planning unit

The general rule is that the materiality of change should be assessed in terms of the whole site concerned, normally the whole of the area is in the same ownership or the same occupation.

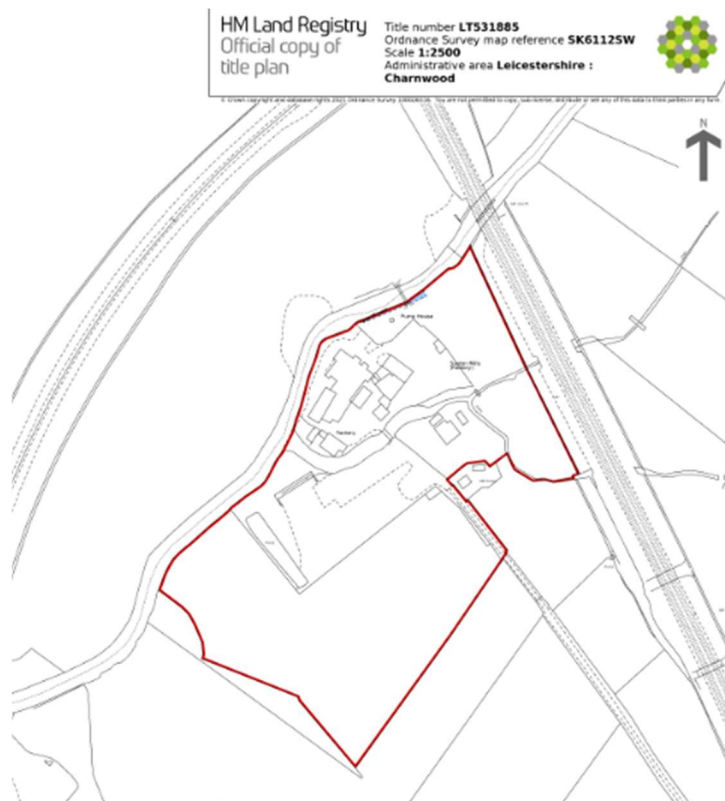
There are three tests contained in [Burdle v Secretary of State for the Environment \[1972\] 3 All E.R. 240, 244](#) to establish the planning unit.

1. Whenever possible to recognise a **single main purpose** of the occupier's use of their land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.
2. But secondly, it may equally be appropriate to consider the entire **unit of occupation** even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time,

but the different activities are not confined within separate and physically distinct areas of land.

3. Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for **substantially different and unrelated purposes**. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.

In this case, the land is all within the same ownership under one title and is in a mixture of uses. On the northern side of the dividing water course the land is both industrial and agricultural. Whereas, on the southern side and prior to the vehicle sales taking place, the land was reclaimed following the extraction of raw materials and returned to agriculture. The locations share the same Mill Lane for access. However, the Syston Mill industrial site is functionally attached to the agricultural land and the unauthorised vehicle sales by way of the inter relationships and activities of the tenants on the Land. Officers have been informed during site inspections that the vehicle repair businesses on the Land service the separate vehicle sales businesses also on the Land. They have also been informed that the tenant of the office building (used as a dwelling) and a multi-workshop unit also tenants and sublets the vehicle sales area to the south of the site. Therefore, these two areas of the Land are considered to form a single planning unit due to the visible and occupational links.



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- The principle of the development

The National Planning Policy Framework provides support to the rural economy (paras. 88 & 89) including the sustainable growth and expansion of businesses in rural areas, including well designed new buildings. It acknowledges that rural employment sites may be required beyond existing settlements with poor public transport access; and promotes the use of previously developed land and sites physically well related to existing settlements. It is important to highlight that Paragraphs 88 and 89 of the NPPF note that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to, or beyond, existing settlements; and that, 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). Paragraphs 88 and 89 stress that the use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.

The adopted Core Strategy provides the development strategy for the Borough through Policy CS1: Development Strategy which seeks to focus development in locations which provide good access to jobs, services and facilities through a strategy of urban concentration and regeneration. This policy is up to date and therefore holds full weight.

The Land is in an area of countryside outside of the settlement limits as identified in the adopted Development Plan and emerging Local Plan, remote from any settlement where Policy CS11 of the Charnwood Local Plan 2011-2028, and Policies C1 and EV1 of the submitted Charnwood Local Plan 2021-2037 would apply. These policies seek to support and protect the character of the countryside and landscape. These policies require new developments to protect landscape character and supports development which meets certain criteria, including the operational requirements of land-based industries. Policy CS11 is up to date and therefore can be attributed full weight. Emerging Local Plan policies CS1 and EV1 can currently be given significant weight.

The Land is located outside the Development Limits to the settlement of Syston as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 2004 and Policy DS1 of the submitted Charnwood Local Plan 2021-2037. For land outside the Development Limits, policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015, policies CT/1 and CT/2 of the Borough of Charnwood Local Plan 2004, and policies C1, EV1 and DS1 of the submitted Charnwood Local Plan 2021-2037 apply which seek to control development in the countryside outside of a relatively narrow set of criteria. Whilst the policies seek to protect and enhance green infrastructure, they lend support to development that both protects landscape character and rural economic development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry, or other land-based industry.

Saved policy of the Charnwood Local Plan 2004 CT/1 (out of date as it is not consistent with paragraphs 88 and 89 of the NPPF as it is more restrictive); and emerging Policy C1 (significant weight) of the submitted Charnwood Local Plan 2021-2037 allow for certain types of development within the countryside. Policy CT/1 strictly controls development in the countryside through demonstration that the proposed development could not reasonably be located within or adjacent to an existing settlement. Whereas emerging Policy C1 requires development within areas of countryside must satisfy the criterion set out in that policy.

A planning application has not been submitted for the material change of use of land and therefore it has not been demonstrated that alternative sites that are in more accessible locations within or adjacent to an existing settlement which do not involve an incursion into the open countryside have been considered or encouraged as required by the NPPF or the saved Local Plan Policy CT/1 albeit it holds reduced weight.

An examination of 'The Employment Land Review 2018' (ELR) and the 'Strategic Housing Employment Land Availability Assessment 2020' (SHELAA) along with a brief search of Rightmove/Zoopla etc for commercial properties for sale or rent would suggest that there are other locations within the wider Borough of Charnwood and more locally in the southern part of the Borough taking into account the northern fringe of the urban extent of Leicester and including: Birstall, Thurmaston, Syston and East Goscote. It is concluded that there are suitable sites that could accommodate the unauthorised uses within the southern part of the Borough and in other locations within the boundaries of Charnwood borough. It is understood that it is difficult for car sales business owners to find sites. However, it is recognised that there are, from time to time, planning applications for changes of use to car sales which are often granted on existing lawful industrial estates. The Council's records show that, in the time since the current adopted Local Plan came into force 18 applications came forward for changes of use from commercial/industrial use sites to car sales with 15 being approved conditionally.

The development on the Land does not fall within any of the criterion set out in the policies and as such is contrary to both the saved policies contained within the Charnwood Local Plan 2004 and those within the submitted Charnwood Local Plan 2021-2037.

Policy CS10 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 lends support to the growth and expansion of businesses both through the conversion of existing structures, and well-designed new structures are supported provided the scale and character of the development is designed and operated to not cause detriment to the character and appearance of the countryside. This policy is up to date and can be attributed full weight. However, it appears that the unauthorised development is unrelated to any lawful existing business either on the Land or nearby and is not to facilitate the expansion of an existing rural business.

The principle of development in respect to the conversion of the office building into a dwellinghouse is guided by local plan policies CS1 of the Charnwood Core Strategy (2015) which outlines the development strategy for the borough and the distribution of sustainable growth. Policy CS1 seeks to provide at least 3,000 new homes within and adjoining the Service Centres and aims to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. Emerging policy DS1 of the submitted Local Plan directs development to Leicester Urban Area and then Loughborough.

The site is within Syston and involves the change of use of existing office building on a predominantly mixed-use site to a residential dwelling. The site lies outside of the limits to development in open countryside. The emerging Local Plan policy T1, and the submitted proposals map, also define the site as outside the limits of Syston. Furthermore, policies CS11 of the Charnwood Core Strategy (2015) and C1 of the submitted Charnwood Local Plan 2021-2037, require applications for housing in the countryside to be supported by evidence to satisfy one or more of the circumstances listed in those policies. No evidence has been submitted by the landowner or occupier to confirm that the dwelling satisfies any of the policy criterion. The change of use of the office building to residential is therefore not acceptable in principle.

To conclude, the development is in the countryside outside of the Limits to Development and outside of any defined protected employment or housing area. In addition, there is a strong likelihood that there are alternative sites available in more suitable locations as required by the Development Plan and no evidence has been provided to the contrary through the submission of a planning application. The spatial strategy for development in the adopted Core Strategy does not encourage development in such locations due to the lack of supporting services, facilities and infrastructure and the reliance on the private motor vehicle. The unauthorised development is unrelated to any lawful business either on the Land or nearby and having regard to the location on a greenfield site within the countryside, it is considered unacceptable in principle. Therefore, the development is contrary to policy.

- Design and the impact on the character and appearance of the countryside.

To be acceptable, the development needs to be in accordance with Policies CS2, CS11, CS13, and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy 2015; and DS1 and C1 of the submitted Charnwood Local Plan 2021-2037. Together, these policies aim to protect and enhance the natural environment, including matters linked to landscape sensitivity, biodiversity, geodiversity, and the adaptation and mitigation to the effects of climate change.

The development falls within an area defined as countryside by Policies ST/2, CT/1 and CT/2 of the Borough of Charnwood Local Plan 2004. These policies

have been 'saved' as part of the development plan. The saved policies were adopted some time ago, but their central tenet, to protect and enhance the intrinsic character of the countryside remains relevant and has been reiterated in both the current Charnwood Local Plan 2011-2028 Core Strategy 2015 with Policies CS1 and CS11; and the emerging Local plan in Policies DS1 and C1. Furthermore, the overall approach in Policies ST/2, CT/1, and CT/2 is deemed to accord with Paragraph 180 of the NPPF. Policy CT/1 is clear that development in the countryside will be strictly controlled, and be subject to certain criteria, although as previously expressed this policy has reduced weight given that it is considered to be out of date.

Policy CT/1 also states that in all cases it should be demonstrated that the development could not reasonably be located within or adjacent to an existing settlement. This is in some way supported by the NPPF which encourages the use of other sites on previously developed land or within existing settlements. Chapter 7 of the Core Strategy re-iterates the role and purpose of areas defined as countryside. The extent of the countryside is also re-stated in the Core Strategy Policies Map.

Policy CT/2 applies where the principle of development is considered acceptable. In this case, the development fails to fall within the range of developments acceptable in principle as stated in Policy CT/1. Therefore, the principle of development is not considered acceptable and as such this policy does not need to be formally assessed.

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved Policy EV/1 supports development that is of a design, scale, layout, and mass compatible with the locality and uses materials appropriate to the locality. These policies generally accord with the National Planning Policy Framework. As a result, it is considered that there is no need to reduce the weight that should be given to these policies in this regard.

Policy CS11 of the Core Strategy seeks to protect the character of the Borough's landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of the local Landscape Character Assessment. This policy is consistent with national planning policy and is therefore given full weight. Similarly emerging Policy CS1 seeks to protect the undeveloped character and intrinsic beauty of the countryside and therefore restricts the type of development that is considered acceptable to rural land based uses and residential uses that are closely associated with agriculture. The current uses on the site therefore do not comply with this policy.

The NPPF is a material consideration. The advice within the NPPF is that proposed development within the countryside should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, particularly where landscape importance is recognised by special designations such as National Parks, AONBs (paragraph 182). The NPPF supports the sustainable growth and expansion of all types of business in

rural areas and supports the use of previously developed land. The NPPF recognises that some rural businesses need to be located outside of settlements and states that such developments should not have an unacceptable impact on local roads and be sensitive to its surroundings (paragraphs 88-89).

The Land is contained within the landscape by Mill Lane, the main railway line, the river Wreake and agricultural land. A subsidiary watercourse from the River Wreake separates the northern and southern parts of the Land. Access to the Land is via a single-track private lane. The location of the Land is prominent in the landscape and can be seen from the public footpath I56 on the eastern side of the Land and public footpath I63a on the northern side of the River Wreake. In addition, Mill Lane, the River Wreake and the railway line also give very public views of the Land.

The development includes a variety of uses of the Land including but not limited industrial, agricultural, residential (building conversion and caravan), vehicle sales, MOT station, vehicle repairs, storage and servicing, vehicle restoration, vehicle body repairs, tyre fitting, siting of caravans and portable structures/buildings, storage, manufacturing, and retail. These uses are being facilitated through development which includes, but not limited to, the installation of fencing, hard standing, closed-circuit television, lighting and ground works.

The aerial imagery shows the intensification of the uses on the former Syston Mill part of the Land and the physical changes that have occurred which include the extension of uses beyond the physical confines of the preceding built form and increased vehicle parking, storage areas for scrap and customer vehicles, parts and other items, and localised burning of waste. The changes commenced around 2006 and the site has continued to evolve to include the material change of use of an office building for residential purposes in the last two or so years. More recently a caravan has been sited on the land to the northwest of unit E1 that is also in residential use. The extremities of the built form along the northern and eastern fringes have been secured with the introduction of vertical boarded timber fencing, metal fencing and metal gates. The latter being to secure the eastern access road. Metal gates have also been erected at the southern end of the site to prevent access north beyond units 20, 'E1 and A, C & Lean' (as identified in the southeast of the aerial image below). The photograph below taken from the 2023 sales brochure for the entire Title area identifies each building. The additional aerial photograph contextualises and provides the correct orientation of the Land.



The series of dated aerial photographs, near the beginning of this report, also document the material change of use of the agricultural land to the west of Mill Lane and the intensification of its use through the siting of caravans and portable buildings/structures and the facilitating development required for the growth of the vehicle sales. This commenced around 21 April 2015 and has continued to grow with the vehicle sales area to the west of Mill Lane being extended in 2023 into the area previously vegetated to the immediate southwest of the River Wreake junction with the subsidiary watercourse and to the immediate northwest of the vehicle sales area. This extension continued southwest toward the existing pond. On reaching the edges of the pond, the earthworks change direction to the south between the pond and existing portable building. This vehicle sales area is enclosed along the southern perimeter and approximately halfway across the eastern perimeter by galvanised steel palisade fence of an industrial appearance. A post and wire fence is located along the western vehicle sales area boundary. A post and wire fence subdivides the site and is also located along the eastern end of the vehicle sales area. The site is now largely hardstanding with strong visual prominence.

In conclusion, the overall material change and intensification of use; and the facilitating development, results in an unwarranted intrusion in the countryside with visual harms to its character and appearance. The additional security fencing, CCTV, and lighting presents an industrial appearance and gives the sense that a high level of security is warranted for the development. Saved policy CT/1 of the Charnwood Local Plan 2004 does not support this type of development in the countryside and the development does not comprise a scheme achieving rural diversification (supported by policy CT/1). It is also not supported by CS11 of the Core Strategy, emerging Policy C1 of the submitted Local Plan or the guidance contained within the NPPF. It is acknowledged that the Land is generally remote from long distance views with exception of those from the air. The Land is relatively enclosed within the landscape, such that visual harm to the wider landscape is largely avoided. However, the

overall unauthorised uses and operational development is visually harmful and is visible from the public footpaths, Mill Lane and the main railway line. The development is therefore considered to be harmful to visual amenity and contrary to Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 and saved Policies CT/1 and CT/2 of the Borough of Charnwood Local Plan 2004.

- Design

A proportion of the Land is enclosed with a mixture of treated and untreated timber, metal and wire means of enclosure which has been erected along the perimeter of the Land and within its boundaries. There is limited uniformity on the site and its haphazard nature is a result of its lack of overall management and product of its evolution over the years. There is existing natural vegetation growth including trees and shrubbery, however this is rapidly reducing due to the expansion of the business. The aerial photographs confirm the reduction in the vegetation coinciding with the introduction and intensification of the uses and operational development on the Land. The means of enclosure provides filtered views of the Land from Mill Lane and the public footpaths but not from the railway.

The Land is located adjacent an area that is currently used commercially. The land to the eastern side of the Mill Lane, at Mill House is subject to an enforcement notice in respect of the unauthorised use of land, however that notice was recently complied with, and the land reinstated to agriculture and garden. The neighbouring scaffold businesses to the north of Mill House, and in an area of the Title Land, is also the subject of a separate enforcement investigation for unauthorised commercial activity.

It is considered that the unauthorised sui generis use of the Land including industrial, agricultural, residential (building conversion and caravan), vehicle sales, MOT station, vehicle repairs, storage and servicing, vehicle restoration, vehicle body repairs, tyre fitting, siting of caravans and portable structures/buildings, storage, manufacturing and retail; and facilitating development including the installation of fencing, hardstanding, closed circuit television, lighting, and ground works, advertisement boards, and other structures do not maintain the undeveloped and open character of the countryside. Its appearance in this prominent rural location is inappropriate to the countryside and is visually harmful in short to medium distant views. Therefore, it is considered that the development is contrary to Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015, saved Policies CT/1 and CT/2 of the Borough of Charnwood Local Plan 2004, and Policy DS5 of the submitted Charnwood Local Plan 2021-2037.

- Biodiversity

Both the existing Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 and Policy EV6 of the submitted Charnwood Local Plan 2021-2037 are designed to protect and improve natural environments, focusing specifically on biodiversity and ecological habitats. They align with the

National Planning Policy Framework's mandates to prevent net losses in biodiversity. Policy CS13 can be attributed full weight and at the time of writing this report, emerging Policy EV6 can be given significant weight. Ecology officers have assessed the development and consider that there has been a net loss in biodiversity, identifying the need for compensatory measures and their monitoring to ensure they are maintained and allowed to establish. It is evident from the aerial photograph archive and site inspection that this biodiversity loss has occurred across the Land over a period and is continuing. The landowner and tenants have not considered the biodiversity impacts of their actions. Therefore, the development fails to accord with the objectives outlined in Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 and Policy EV6 of the submitted Charnwood Local Plan 2021-2037, which prioritise the conservation and enhancement of natural habitats and biodiversity. The development also fails to accord with current biodiversity guidance and paragraphs 186-188 of the NPPF.

In England, Biodiversity Net Gain is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is now also a mandatory requirement for small sites from 2nd April 2024. There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. In this case the matter would be dealt with under Section 73 of the Town and Country Planning Act 1990 as a retrospective planning application on a Ground 'A' appeal to Pins against the Enforcement Notice.

- Flood Risk

Policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 and Policy CC1 to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. Policy CS16 generally accords with the NPPF, and it is considered there is no need to reduce the weight afforded to it. Emerging Policy CC1 is not yet adopted policy and therefore the weight that can be given to it is significant due to its stage in the plan making process. The Council's Strategic Flood Risk Assessment concurs with the Environment Agency mapping data and confirms that the whole of the Land is within Flood Zones 3a and 3b (functional floodplain) which is active washland for the nearby River Wreake.

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy 2015, Policy EV/1 of the Borough of Charnwood Local Plan 2004 and Policy DS5 of the submitted Charnwood Local Plan 2021-2037 seek to protect the amenity of people who live or work nearby through high quality design. These policies generally accord with the National Planning Policy Framework

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved Policy EV/1 supports development that is of a design, scale, layout, and mass compatible with the locality and uses materials appropriate to the locality. These policies generally

accord with the National Planning Policy Framework. As a result, it is considered that there is no need to reduce the weight that should be given to these policies in this regard.

The EA have advised that although it is difficult to make an assessment without a preliminary flood risk assessment, they have assessed the two areas of the Land separately. The area of the Land to the southwest of Syston Mill and west of Mill Lane, based on the strategic level data, has the potential for flooding that could result in extensive damage to vehicles without any plans to move them prior to a flood event. Regarding the Syston Mill area of the Land, they advise that new development or activities should not encroach within 8 metres of the River Wreake due to the likely higher flow velocities creating a greater flood hazard. Also, the storing of any material or vehicles this close to the channel increases the likelihood of them being washed away which can cause a blockage downstream and pose a pollution risk.

The EA has reaffirmed the need for a sequential approach to planning and site layout to ensure there are no other reasonably available locations for the development. However, under the NPPF this only relates to the siting of caravans. There will be a need to demonstrate that the development is flood resilient and ensure flood risk is not increased elsewhere. The storing of vehicles and equipment at this location is likely to increase the risk of damage to property and measures should be put in place to mitigate this risk. This could include the moving of vehicles to an area of lower flood risk on receipt of a flood warning.

It is concluded therefore that the development has not been subject of a Flood Risk Assessment and a sequential test in respect of the siting of caravans for habitable use that has been made available to the Authority and the development has been allowed to continue by the landowner and tenants without consideration of the impact upon flooding. In the absence of any flood risk assessments supported by a limited sequential test, adequate flood resilience measures and a plan to evacuate people and move vehicles in advance of a flood event, the development is contrary to national guidance on flood risk and contrary to Policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy 2015; Policy EV/1 of the Borough of Charnwood Local Plan 2004; and Environmental Objective 7 and Policies DS5, and CC1 of the submitted Charnwood Local Plan 2021-2037; and paragraphs 165-175 of the NPPF.

- Groundwater and Contamination

Policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 and Policy CC2 of the submitted Charnwood Local Plan 2021-2037 seek protect the amenity of people who live or work nearby and those who will live in the new development (policy CS2), and to ensure that new development is not a risk to groundwater and result in contamination using Sustainable Drainage Systems (SuDs). These policies generally accord with the NPPF. It is considered there is no need to reduce the weight afforded to

Policies CS2 CS16, however as CC2 is an emerging Policy full weight cannot be afforded yet, instead it holds significant weight.

In the submitted Charnwood Local Plan 2021-2037, environmental objective 7 is *'To improve local air quality, protect and improve the quality and quantity of the water in the Borough's surface and groundwaters and reduce other forms of pollution in the Borough.'* Policies CC4, DS5 and EV6 of that plan all seek to protect environmental resources, improve water quality, and protect people's amenity from ground water contamination. These Policies are emerging, and full weight cannot be afforded yet.

According to the EA the area of the Land to the southwest of Syston Mill and west of Mill Lane, is atop a historic area of landfill that is a highly sensitive area with respect to controlled waters. There is a pond located in the west of the site, the River Wreake is located immediately to the northern site boundary and there are surface water abstractions (spray irrigation) from the river. The underlying geology comprises Alluvium drift geology (secondary A) and the superficial geology is predominantly Edwalton Member Mudstone (secondary B) and Branscome Mudstone (secondary B).

There is potential for contamination from the development of the Land due to the nature of the activity involving the storage and parking of vehicles and parts and the burning of waste. Without a Preliminary Risk Assessment report (also known as a Phase 1 Desk Top Study) being undertaken for the activity on the Land an assessment of the risks to Controlled Waters cannot be made. There is no evidence from the landowners or their tenants to confirm that such a report is available, and no report has been forwarded to the LPA for consideration. Therefore, it is considered, the development is contrary to Policy CS2, CS16, of the Charnwood Local Plan 2011- 2028 Core Strategy 2015 and Environmental Objective 7 and Policies DS5, CC4, EV6 of the submitted Charnwood Local Plan 2021-2037 and paragraphs 180, 189 -190 of the NPPF.

- Highways

Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004 and Policies CC5, T3 and INF2 of the submitted Charnwood Local Plan 2021-2037 seek to mitigate parking and transport impacts in respect of development proposals. Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Land is accessed via Mill Lane which is a private unadopted single track road which is accessed via a junction with Fosse Way which is an adopted Class C Road with a 30mph speed limit.

The Local Highway Authority (LHA) has assessed the access to the Land and considers the junction of Mill Lane with Fosse Way may be substandard when

reviewing accordance with Figure DG20 of Part 3 of the Local Highways Design Guidance (LHDG).

In terms of transport sustainability, the nearest bus stop is located on Fosse Way, an estimated 550m south of the proposed development. The Centrebus 100 services are available which provide 4 services daily to Melton Mowbray. Part 3 of the LHDG states that generally walking distances to bus stops in rural areas should not be more than 800m. There are no cycling facilities on Mill Lane or on Fosse Way and Mill Lane does not have a separate footway for pedestrians. Concerns are raised in respect to Footpath 156 and the pedestrian safety at the southern end and particularly the part through the underbridge. This section has no footpath, has no place to step out of the way of vehicular traffic and has limited view of on-coming traffic due to the bend in the road. Therefore, the increased traffic generated from the unauthorised development is a cause for concern.

The LHA considers the junction of Mill Lane with Fosse Way may be substandard in view of the unauthorised uses. There are also concerns over the safety of pedestrians using the underbridge and the increased traffic levels caused by the unauthorised development. Without an assessment of the development on the adopted highway, the impact on highway safety, or the residual cumulative impacts on the road network, an assessment of the risks and impacts cannot be made. There is no evidence from the landowners or their tenants to confirm that such an assessment is available, and no report has been forwarded to the Local Planning Authority for consideration. In addition, the development does not constitute sustainable development in transport terms as set out in the "Principle" section above. The developer has not provided an assessment of travel to confirm the priority of modes of transport to and from the site which encourages public transport use; address the needs of people with disabilities; reduce conflicts between pedestrians, cyclists, and vehicle places; allow efficient delivery of goods and access by service and emergency vehicles; and enable charging of plug-in and other ultra-low emission vehicles. The development is therefore considered to be contrary to Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004, Policies CC5, T3 and INF2 of the submitted Charnwood Local Plan 2021-2037 and paragraphs 114-117 of the NPPF.

Conclusion

The Land falls within an area designated as countryside. Under the policies in the development plan, development in the countryside is to be strictly limited, and subject to criteria. The development does not meet the policy criteria set out in saved Policies CT/1 of the Charnwood Local Plan 2004 or CS1 of the of the submitted Charnwood Local Plan 2021-2037 and DS1 of the submitted Charnwood Local Plan 2021-2037. It is considered that there is insufficient justification for the development in this location, and it cannot be demonstrated that the development could not reasonably be located within or adjacent to an existing settlement. Therefore, the unauthorised development is not in accordance with saved Policy CT/1 of the Charnwood Local Plan

2004 and so contrary to Policy CS1 and policy DS1 of the submitted Charnwood Local Plan 2021-2037.

The impact on the natural environment and landscape should be considered against Policy CS11, Policy CS13 and Policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy 2015. For the reasons set out above, it is considered that the unauthorised development is harmful to the character and appearance of the countryside with losses to biodiversity that can be required to be reinstated through an enforcement notice. The visual impact of the proposal is harmful to the undeveloped and open character and appearance of the countryside. In these ways, the development fails to accord with Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy 2015, saved policy CT/1 of the Charnwood Local Plan 2004 and Policy EV1 of the submitted Charnwood Local Plan 2021-2037.

The harms of the unauthorised development are:

- The harm to the spatial strategy of the local planning authority in that the unauthorised development is in an unsustainable countryside location which is unsustainable in transport terms.
- The visual harms caused by the appearance of the vehicle storage, general increased activity, fencing, hard surfacing material etc whilst moderate in scale, would be nonetheless most noticeable from the public footpath which crosses the site.
- There is likely to be a significant loss of biodiversity caused by the activity on the land and the residual pollutants.
- Inappropriate location of development within the floodplain leading to increased flood risk.
- Likelihood of groundwater contamination caused by the activity and the resultant pollutants not being captured or prevented from entering the land.
- The potential of impacts on highway safety and on the road network

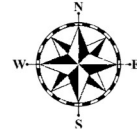
These harms taken together are substantial and demonstrable and as such, enforcement action should be taken in respect of the unauthorised development.



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Location: Land at Syston Mill, Mill Lane, Syston, Leicestershire, LE7 1NS
Scale: 1:2500


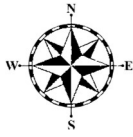


Appendix 1



Image from Google Earth Pro
Image date 01/01/2000

Appendix 2

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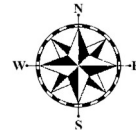
Reference No: E/24/0010
Location: Land at Syston Mill, Mill Lane, Syston, Leicestershire, LE7 1NS
Scale: 1:2500
Boundary Fence: Yellow Line



Appendix 3



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Reference No: E/24/0010
Location: Land at Syston Mill, Mill Lane, Syston, Leicestershire, LE7 1NS
Scale: 1:2500
Vehicle Sales area: Edged Green

