

Application reference: R20/0259

Appeal reference: APP/E3715/W/22/3306652

Appellant: Magna Property Solutions Limited

Location: Land at Cross in Hand Farm, Lutterworth Road, Rugby, CV23 0QW

Proposal: Redevelopment of the site to a HGV Facility including the demolition of agricultural building and formation of HGV parking spaces, fuel station, vehicle inspection station, vehicle maintenance unit, petrol filling station, electric charging points, convenience store, coffee shop, creche, overnight accommodation, ancillary car parking and associated works (Outline – principle and access to be considered)

Introduction / Background

1. The application was considered by Planning Committee on 9 March 2022, with a recommendation for refusal from Officers. Members decided to refuse the application, with a decision issued on 9 March 2022. The reason for refusal was as follows:

In the opinion of the Local Planning Authority, having regard to the prominent position of the development within the countryside, the proposed development would, by virtue of its scale, massing, visual appearance and lack of adequate mitigating landscaping, result in an unacceptable form of development that would have a materially adverse impact on the character and appearance of the surrounding countryside and wider general landscape within which it is located. As such the development would be contrary to Policy SDC1 and NE3 of the Rugby Local Plan 2011-2031, June 2019 and therefore constitutes unsustainable development which is contrary to the NPPF.

2. This item has been noted as part of this Planning Committee to enable the Committee to endorse the approach to be presented as part of the Council's evidence to defend this decision.

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3. The proposal was considered contrary to the Development Plan and to not accord with sustainable development as set out by the NPPF. Landscape harm was noted specifically within the reason for refusal, but as part of the appeal and the Council's case a full benefits and harms analysis of the proposal will need to be provided.
4. The appeal scheme would involve a large development on currently agricultural land, resulting in significant change. Allowing the development would result in a permanent change in land use from a farmed landscape to the encroachment of a major urban extension, resulting in an incongruous form of development which would erode the continuum of the farmed landscape within the surrounding area. The A5 provides a distinct dividing line between employment uses to the east and open countryside to the west. Whilst, mitigation is proposed, which, over time, would mature and contribute to consolidating the containment of the site within the immediate landscape, given the distinct character of the site, the landscape character and visual impact of the development on this area would be adverse. The Council's Proof of Evidence will confirm that these measures will not address the overriding harm caused by the proposed development. The level of harm to the landscape character and appearance of the countryside resulting from the proposed development would attract significant negative weight in the planning balance.
5. As part of the planning balance, the benefits of the scheme have to be assessed including the weight that should be afforded to the quantum of development proposed and the deliverability of elements of the scheme. The quantum of additional HGV parking aligns with the requirement for the whole of the East and West Midlands. While that need is recognised, the requirement for all these additional spaces is not focused specifically in this part of the A5

meaning that the proposal will not effectively meet much of this demand, but result in significant additional provision in a single location. The scale of the facility therefore may have greater harm to the landscape and the quantum of agricultural land required for the development compared to that required to meet the needs in this area. The area upon which the Appellant undertook the alternative site search was also very localised, reinforcing the intention that the development serves a need for this specific area, rather than the whole East and West Midlands, undermining the weight that should be provided as a whole to the deliverability of the HGV parking.

6. During the planning application, the scheme was amended to provide additional landscaping. As a result this reduced the developable area as noted on the parameters plan. The illustrative masterplan supporting the proposal removed the individual buildings for the hotel, café, retail unit, site security and the creche, replacing them with a single 'facilities building'. The ability to deliver the scale and nature of development envisaged is therefore questionable. Whilst the proposal is only for outline consent, with maximum levels proposed, if the quantum of development delivered for the retail, hotel, café and creche is reduced, then this affects the expected job creation and economic benefits. The weight to be afforded to these elements would therefore be reduced accordingly, and this is a point that has been raised in the Council's Statement of Case.
7. Regardless of the specific scale of the individual buildings, the HGV park is proposing 293 spaces. At this scale, the number of HGV users raises serious concerns over the deliverability and viability to support the proposed café and retail facilities. The link between the creche and the HGV park is also unclear. It is anticipated that significant additional use support from passing motorists and residents of the wider area will be necessary in order to enable these facilities to be viable; if their viability is questionable, the supporting facilities may not be included as part of the reserved matters application, or if built, may not remain open. The weight to be afforded to the deliverability of these facilities should therefore be tempered in the absence of evidence to show that they are viable and deliverable.
8. Additionally, there is an outstanding disagreement between the Council and Appellant as to whether Biodiversity on site would be increased or decreased. The Appellant has acknowledged that if it cannot be provided as a gain on site, that alternative land is available to contribute towards the ecological areas and/or a financial contribution can be provided. Whether the approach is acceptable depends upon whether a biodiversity net gain can be secured. The Appellant will need to demonstrate that it can but this again forms part of the planning balance.