

Planning Reference No:	10/2699N
Application Address:	Land Adjacent Limes Farm, Deans Lane, Barthomley.
Proposal:	Agricultural Access Track.
Applicant:	Mr P Abell, Walnut Tree Farm, Radway Green Road, Barthomley
Application Type:	Commercial
Grid Reference:	376422 351830
Ward:	Doddington
Earliest Determination Date:	17 th August 2010
Expiry Dated:	8 th September 2010
Date of Officer's Site Visit:	17 August 2010
Constraints:	Wind Turbine Consultation Area

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES:

- Principal of development
- Impact of the development on the character and appearance of the open countryside
- Highway safety along Deans Lane.

1. Referral

This application has been referred to Committee at the request of Cllr D Brickhill, supported by Cllr J Hammond, for the following reasons:

“To see if the plan, which is not to scale, is misleading;
To establish whether the necessary visibility splay to the north is or is not achieved by the application;
To see whether that the plan proposes a visibility splay to the south, which, whilst desirable, is unnecessary and destroys 10 M of good established hedge;
To discuss whether the effect will be to create an eyesore with loss of amenity and damage to the surrounding countryside;
To discuss if the application does not overcome the previous refusal of 9/1376N refused on appeal;
To hear highways officers views of highway safety;
To discuss whether permission should be given for 10M x approx 10M of concrete sleepers should be allowed to remain when the previous appeal to allow them was refused;
To observe whether the ground between the track and the adjacent garden is isolated and noxious weeds grow there.”

2. DESCRIPTION OF SITE AND CONTEXT

This proposal follows a recent refusal for a similar application (ref 09/1376N) and subsequent appeal. The appeal was dismissed however, the Inspector's decision

indicated that the development was acceptable in principle subject to alterations to meet highway safety concerns and changes to the surface treatment of the track.

Pre- application advice, including a site visit, has been given by Highway Officers together with written guidance from Planning Officers. The application reflects the advice given.

The site, which includes open fields and an agricultural building, lie within Green Belt and open countryside as identified by the Borough of Crewe and Nantwich Replacement Local Plan 2011 (Local Plan).

The track crosses the route of a main gas pipe line.

The applicant is a tenant of the land which is owned by the Duchy of Lancaster.

3. DETAILS OF PROPOSAL

The track runs some 740m from an existing field gate on Deans Lane towards Limes Farm following existing field boundaries.

The revised design indicates that a 1.5m wide concrete strip would be provided at the edge of the roadway in order to provide support to the roadway thereafter the first 10.5m of track would be formed by concrete railway sleepers up to the revised position of the gateway.

It is proposed to replace the first section of the track, approximately 60m, which is formed by re-use of concrete railway sleepers, with hardcore similar to the remainder of the existing track. The agent states that the hardcore section of track would be finished with crushed stone.

The track is for the most part complete. The agent stated on the previous application that it is designed to serve the arable fields that it passes through and an existing cattle building within the Limes Farm complex. The fields measure approx. 23 ha with the building being approx. 1550m².

4. RELEVANT HISTORY

09/1376N Proposed Retention of Agricultural Access Track. Refused on 10th July 2009, subsequent appeal dismissed on 4th February 2010.

5. POLICIES

Local Plan Policy

NE.1 (Development in the Green Belt);
NE.2 (Open Countryside);
BE.2 (Design Standards);
BE.3 (Access and Parking);
BE.21 (Hazardous Installations).

Other Material Considerations

PPS 7: Sustainable Development in Rural Areas;
PPG 2: Green Belts.

7. CONSULTATIONS (External to Planning)

Highways: No objection, subject to the access being constructed in accordance with the submitted drawing.

National Grid (Gas): No response.

Public Rights of Way: Recommends conditions/informatives to ensure that there is no detrimental impact on the public footpath, Barthomley No 2.

8. VIEWS OF THE PARISH / TOWN COUNCIL

- Strongly opposes the application for the following reasons:
- The road and gateway are visually intrusive into the open countryside and potentially hazardous;
- No agricultural justification for the roadway;
- The applicant may not have control over all the land the road passes over;
- The construction of the roadway will/has caused disruption and damage to Deans Lane;
- To allow this scheme will set a dangerous precedent, permitting landowners to profit from depositing waste to form unjustified trackways
- The Parish Council wishes to make the following observations:
- The work started earlier than stated on the application form;
- Points to other inaccuracies in the information supplied on the submitted application form relating to the removal of hedgerow, trees and biodiversity features;
- The submitted plan does not represent a true indication of the road layout (Deans Lane);
- The supporting statement refers to the roadway providing access to land which it is associated which is not a complete description as the roadway serves a building located at Limes Farm.

9. OTHER REPRESENTATIONS:

The Occupier of Honeysuckle Cottage, the main areas of concern relate to:

- The roadway represents an unjustified and unnecessarily wide track which will have a significant effect on the appearance of Deans Lane;
- Repeats the Parish Council's comments relating to inaccuracies in the information provided by the applicant;
- No site notice was posted;
- Questions the Planning Inspector's conclusions that only a small visibility splay was required to the south and suggests that the development may be potentially dangerous to vehicles travelling from the north side of Deans Lane;
- The retention of some of the sleepers is contrary to the Inspector's comment when dismissing the recent appeal. Furthermore, the new position of the gates will increase the visual impact within the context of the historic hedge line along Deans Lane;
- Requests that an alternative route directly from Englesea Brook Lane should be used;

- Requests that Members should visit the site and that he would like the opportunity to make a direct representation to the Committee when this application is considered.

10. APPLICANT'S SUPPORTING INFORMATION

Planning Statement (The Planning Consultancy, 18th May 2009):

The main issues covered by the statement relate to addressing the Inspector's reasons for dismissing the appeal to the previous refusal.

The statement confirms that pre-application advice has been sort before the application was submitted.

11. OFFICER APPRAISAL

Principle of Development.

The main issue on the previous application ref 09/1376 was considered to be justification for the track as there was an existing track to Limes Farm, to which the land and building were originally associated with. However, the Inspector's appeal Decision Notice accepted that the track was reasonably required for the applicant's agricultural operations.

Impact on the Character and Appearance of the Open Countryside

The Inspector concluded that the first section of track, i.e. the concrete sleeper section, has an unacceptable impact on the character and appearance of the area and the visual amenity of the Green Belt.

The revised application involves the removal of the majority of the former concrete railway sleepers and their replacement by a gravel track similar to the remainder of the access track with the exception of a 9m section between the concrete edging strip and the new location of the gate. The applicant has stated that this solid surface treatment would prevent large vehicles from disturbing the surface when turning onto the Highway.

Due to the relatively short distance and the fact that there is a valid reason for the retention of the surface treatment, the harm to the character and appearance of the area is considered to be within acceptable limits. This impact would be negated further by the sense of enclosure formed by the re-positioned hedge-line and access gates. Therefore, the use of the former concrete railway sleepers over this short section is considered to comply with Policy BE.2 of the Local Plan without detrimental impact on the visual amenities of the Green Belt.

Highway safety

The development has resulted in the widening of the original field access at the point where it adjoins Deans Lane. The Inspector's Decision Notice stated that the current access arrangements are inadequate with substandard visibility to the south and that the access width and set-back of the gates do not meet Highway Engineer's recommendations. Given the nature of the access this objection could be remedied by the incorporation of a small southerly (visibility) splay into the design which would not cause visual harm.

Consequently, the applicant, through his agent has been in negotiation with the Authority's Highway engineers in order to achieve an adequate visibility splay on the southern side of the access, the introduction of a concrete edging strip and the set-back of the access gates.

The creation of the visibility splay would involve the removal of approximately 10 m of hedgerow. This is in addition to any removed during the alterations to the original field gate. However, the loss of hedgerow is considered acceptable given the commercial demands of the applicant and the requirement to ensure that the access is safe for the users and the general public traversing Deans Lane. The loss of the hedgerow would be mitigated by additional planting along the line of the visibility splay which would comprise 75% Hawthorn and 25% Blackthorn. This planting is to be supplemented by the installation of a 1.5m high wooden post fence at the rear of the hedge.

Other Matters

Comments have been made about inaccuracies on the submitted application forms. Whilst these comments may have some merit, the information in question is not considered such that it would lead to injustice or warrant refusal of the application. Questions relating to exact details of the surface treatment and hedge planting will be dealt with by condition which will ensure that these details are agreed by the Authority.

12. CONCLUSIONS

Whilst an appeal was dismissed for similar development, the Inspector's Decision Notice made it quite clear that the construction of a track in this location was acceptable in principle subject to meeting design criteria which incorporated highway improvements.

The revised proposal is considered to meet these criteria and now represents an appropriate form of development within the open countryside which meets the needs of agriculture without detrimental impact to the character and appearance of the area or highway safety.

13. RECOMMENDATIONS

APPROVE: Conditions:-

- 1. Within 3 months of the date of this permission a schedule of implementation shall be submitted for approval to the Local Planning Authority. The schedule shall include details of the timeframe and the phasing of the development, finished surface treatment and the additional planting. Thereafter, the development shall be carried out in accordance with the agreed details.**
- 2. Protection of public footpath.**
- 3. Schedule of approved plans.**

Location Plan

