

NEW FARM, LONDON ROAD, KNIGHTON
BRERETON FARMS. 12/00784/FUL

The Application is for full planning permission for the retention of alterations to an existing agricultural access and laying of hardstanding to provide access to an agricultural building (within Shropshire).

The application site is located within the open countryside in an Area of Landscape Restoration as shown on the Local Development Framework Proposals Map.

This application has been called to planning committee by two local councillors due to concerns of local people and the Parish Council that the access is dangerous to local traffic and local people, the vehicles moving along this track which has already been installed despite local objection is disturbing for those residents. Poorly supplied pictures with the application fail to show the true road dangers of this application and the future use of this site, which overlaps with the Shropshire Authority, has not been fully disclosed.

The 8 week determination period expires on 30 January 2013.

RECOMMENDATION

Permit subject to the following conditions relating to the following matters:-

- (i) The access widened (kerb dropped) to the width of the existing gates within 3 months of the date of this decision.**
- (ii) Retention of the access/parking and turning areas for the life of the development.**
- (iii) The gates shall open inwards away from the highway.**

Reason for Recommendation

The retention of the access as existing would result in an improvement in highway safety terms and the access track is also considered to have no adverse impact upon the surrounding landscape due to its carefully considered position providing access to an agricultural building. The proposal therefore complies with policies D2, NC1, NC2 and T13 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, policy CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy as well as Policies N17 and N21 of the Newcastle under Lyme Local Plan and the aims and objectives of the NPPF.

Statement as to How the Local Planning Authority Has Worked in a Positive and Proactive Manner in Dealing With This Application

The application is as a result of an enforcement investigation and the applicant's agent has worked with the local planning authority to provide a submission that would regularise the current breach of planning control. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the National Planning Policy Framework.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing Change in Rural Areas
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy T13: Local Roads

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy CSP4: Natural Assets
Policy ASP6: Rural Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Supplementary Planning Guidance

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, formally adopted on 10 May 2001.

Relevant Planning History

None relevant to this application within this borough however there are several applications relevant within the administrative area of Shropshire. These are as follows:-

2010	10/02962/AGR	Erection of agricultural building for storage – prior approval not required
2012	12/04347/FUL	Change of use of part agricultural holding to operating centre for two vehicles; retrospective application for retention of access and hardstanding – permit

Views of Consultees

The **Highway Authority** has not provided any comments at this stage but it must be noted that they had no objections to the previous application at Shropshire Council subject to the inclusion of the following conditions;

- The access widened to the width of the gates and surfacing of the access for 5m from the rear of the highway boundary
- The access drive, parking and turning areas should be completed prior to its operation
- The gates shall only open inwards away from the highway

Loggerheads Parish Council objects to the application, and demands that the Borough Council instructs the applicant to restore the land concerned to the condition it was in before the unauthorised works that are the subject of this retrospective application were undertaken. It should be noted that the unauthorised roadway, as constructed, provides access to and from the B 5026 at a dangerous location in a blind spot next to Knighton Railway Bridge.

Shropshire Council has no objections to the application in accordance with the recommendations of Staffordshire County Council Highways Development Control.

Representations

At the time of writing this report no representations have been received however the publicity period does not end until 16 January 2013.

Applicant/Agent's Submission

The requisite application forms and plans were submitted along with a Design and Access Statement.

During the course of the application further highway safety information has been received from the applicant. This illustrates the visibility splays as existing as well as originally prior to the widening being undertaken. Photos illustrating the tractor and trailer length (14.3m) have also been provided as well as the reason for widening the access. The reason specified is that the main agricultural vehicle which uses the access has a large trailer. In total it is 14.3m in length. The authorised lorries with their trailers are only slightly shorter. These vehicles could not use the access when the gate was 4.9m wide without crossing to the wrong side of the road. This was a dangerous situation but did not prevent use. The widening of the access ensures that vehicles do not need to cross the central line to enter or exit the site thereby improving highway safety.

These documents are available for inspection at www.newcastle-staffs.gov.uk/planning/newfarm

Key Issues

As stated above the application is for the retention of alterations to an agricultural access and laying of hardstanding to provide access to an agricultural building. Looking at before and after photos and the position of the existing dropped kerb, it appears as though the access has been increased in width by approximately 3m. Hardstanding has also been put down to create an access track to the agricultural building constructed following an agricultural determination application. The application site is located within the open countryside and an area of landscape restoration as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- The impact upon highway safety of the widened access
- The appearance of the access track on the wider countryside

The impact upon highway safety of the widened access

During the course of the application supplementary highway information has been received from the applicant. This is in the form of visibility splays, photographic information and an explanation of the use of the access.

Having visited the site your officer acknowledges that the visibility out of the site especially in a northerly direction is restricted somewhat due to the raised bridge however this is not considered to be so adverse that it would warrant refusal taking into account the context of the application. The access is an existing historic access that is lawful and the alterations that have taken place have increased the width in a Southerly direction thereby improving the distance between the potential conflict with the raised bridge. It must also be noted that your officer whilst on site assessed the visibility in a Northerly direction and was able to see vehicles coming from some distance away. This was in a car (at a height of approximately 1.45m) which is lower in height than someone sitting in an agricultural vehicle or haulage vehicle (2.5m approx) using the access where visibility would not be as obstructed. As such it is considered that the access as existing provides a betterment in highway safety terms than the original, lawful, access. The case put forward by the applicant for widening the access and the reasoning behind it, appears logical and well considered as a wider splay would improve the angle at which vehicles could access/egress the site which would, as the agent stated, remove the potential for highway conflict associated with going into the wrong carriageway lane.

Due to the topography of the land and the alignment of the road, it is not considered there are any impacts upon the Southerly visibility splay to comment upon.

Although comments have not been made on this specific application at this stage from the Highway Authority it is felt pertinent at this stage to discuss the recommended conditions by them on the Shropshire application. With regards to condition 1, it is considered that the dropped crossing needs to be implemented to allow free passage of vehicles although acknowledgement needs to be made that agricultural vehicles bumping up and

down a kerb is less dangerous in highway safety terms than a normal car. In relation to the surfacing of the access track in a bound material, this is not considered to be necessary in this instance as no new surfacing material has been placed near the entrance and the ground is very compacted due to its historic use. It is therefore considered that this is not necessary in highway safety terms and would also ensure that the access remained more rural in nature rather than a more formalised arrangement which appears more urban. It is considered that this condition should also be completed within a certain time as it is believed that the application approved by Shropshire has already been implemented. Conditions 2 and 3 are felt acceptable and would meet the relevant tests set out in Circular 11/95 and would ensure the local authority had control over any changes that may adversely impact upon highway safety.

The appearance of the access track on the wider countryside

Due to the existence of the existing agricultural building which is lawful, it is considered that the access track as it exists has been carefully considered and it is of a design and scale that limits its impacts upon the wider landscape. The access track has been positioned as near to the boundaries as is feasibly possible to limit the impact upon the wider landscape without creating a much longer and more winding route. The use of hardstanding also prevents the ground surface being cut up in inclement weather which can lead to mud being dragged on to the carriageway – a problem often seen in many rural areas at certain times of the year. It is therefore considered that the access as installed does not impact upon the overarching aims and objectives of policy N21.

Other matters

Concern has been raised as to the inadequacy of this access and the dangers associated with its use however your officer needs to draw your attention to the fact that this is a historic access and irrespective of the decision in this case, the closure of the access could not be secured through enforcement action. The access could and most likely would continue to be used by the applicant as a means of access to his recently erected farm building and in accordance with the permission for use of the site as an operating centre for 2 vehicles. Any potential enforcement action would therefore only serve to reduce the access down to its previous width which as explained above would lead to increased highway safety dangers than present with the widened access.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

9 January 2013