

22 DCNW2003/2770/F - NEW FARM ACCESS, EXISTING DRIVE RETAINED FOR RESIDENTIAL USE ONLY AT OLDCASTLE, KINNERSLEY, HEREFORDSHIRE.

For: Mr D.M.G. Probert per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire, SY8 4AA

Date Received:
11th September 2003

Ward:
Castle

Grid Ref:
33544, 48542

Expiry Date:
6th November 2003

Local Member: Councillor J. Hope

1. Site Description and Proposal

- 1.1 The application site comprises a roughly rectangular 0.1 hectare of agricultural land immediately to the north of the garden curtilage of Oldcastle House. The eastern boundary of this strip of land is defined by an established hedgerow alongside the unclassified road which links the hamlet of Ailey with the A4112 to the north.
- 1.2 The western end of the site comprises the partially constructed livestock/storage buildings associated with Oldcastle Farm. Permission was granted for the relocation of these modern buildings (NW2002/0310/F) as part of the proposed conversion of two traditional farm buildings to residential use (NW2002/0169/F).
- 1.3 Planning permission is sought for the creation of a new agricultural access and driveway some 10 metres to the north of the boundary with Oldcastle House together with additional planting. The intention would be to enable the existing access which is shared with 3 other properties (potentially a fourth if the conversion of Old Laundry Cottage is approved) to be used solely for residential use and thereby improving the amenities of existing and future occupiers of the converted barns.

2. Policies

Hereford & Worcester County Structure Plan

CTC 9 Development Requirements
A1 Development on Agricultural Land

Leominster District Local Plan (Herefordshire)

A1 Managing The District's Assets And Resources
A2(D) Settlement Hierarchy
A9 Safeguarding The Rural Landscape
A10 Trees And Woodlands
A54 Protection Of Residential Amenity
A70 Accommodating Traffic From Development
A78 Protection Of Public Rights Of Way

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA2 Landscape Character and Areas Least Resilient to Change
Policy LA5 Protection of Trees, Woodlands and Hedgerows
Policy LA6 Landscape Schemes

3. Planning History

79/1504 - Agricultural Workers Dwelling - Approved 4/2/80 (Oldcastle House).

NW2002/0310/F - Relocation of modern farm buildings - Approved 10/04/02.

NW2002/1948 - Erection of agricultural storage building - Approved 23/08/02.

NW2003/0109/S - Silage pit - Prior Approval Not Required - 28/01/03.

4. Consultation Summary

Statutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection subject to conditions regarding gate positions, visibility splays and detailed information regarding construction of the proposed new driveway.

Internal Council Advice

- 4.2 Chief Conservation Officer raises no objection to the proposed new access subject to additional hedgerow planting along the northern edge of the driveway. No objection is raised in respect of the setting of the listed farmhouse.
- 4.3 Public Rights of Way Manager raises no objection to the amended plans with the proviso that any planting should preserve the right of way unobstructed and that a gate be installed in preference to a stile at the north-west corner of the garden of Oldcastle House.

5. Representations

- 5.1 Kinnersley Parish Council state that they are not convinced by the need for an additional access to the new farm buildings and makes reference to the need for landscaping and the enforcement of such conditions during 2004.

- 5.2 The Ramblers Association raise no objection.

- 5.3 A total of 3 letters of objection have been received from the following persons :

- Mr. H. Ellam, Oldcastle Cottage, Kinnersley
- B.R. Gardiner and G Jones, Railway Cottage, Kinnersley
- Mr. & Mrs. Jacobsen, Rock Cottage, Kinnersley

- 5.4 The concerns raised can be summarised as follows :

- new farm access unnecessary and would create a further hazard. Existing access is clearly acceptable.
- already 3 accesses in close proximity to the dangerous bend in the road.
- purchasers of Barns 1, 3 and 6 were all aware that existing driveway would be shared with farm traffic.
- concern regarding loss of hedgerow.

- 5.5 One letter of support was received from Mr. & Mrs. Edelstyn residing at Railway Cottage, Kinnersley and the purchasers of Barn 6. These comments are as follows :

- farm traffic no longer comparable with what is now a predominantly residential area.
- danger to young children from agricultural vehicles.
- new access will make existing drive safer, cleaner and less noisy.

5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The two key issues for consideration in respect of this application are highway safety and the visual impact of the proposed new access and driveway on the character and appearance of the surrounding countryside.
- 6.2 The comments received from the Parish Council and concerned local residents are acknowledged and it is accepted that the existing driveway arrangement is acceptable in terms of the highway safety and the amenities of both existing and future occupiers of the Oldcastle farm complex. This said it is advised that the proposed new access would represent an improvement to the current arrangements in terms of the visibility that can be achieved. Furthermore, there will clearly be an advantage to those residents of the converted buildings since agricultural vehicle movements would not affect the existing driveway which would otherwise be used solely for private cars.
- 6.3 No objection is raised by the Head of Engineering and Transportation subject to conditions and since the new access will not result in any demonstrable harm to existing residents in the locality it is not considered that there are any highway safety or amenity grounds upon which to object to the proposal.
- 6.4 The landscape impact has been considered by the Chief Conservation Officer and no objection is raised subject to additional hedgerow planting along the northern edge of the proposed new driveway. This has been accepted in principle by the applicant and an amended plan is awaited at the time of writing.
- 6.5 In view of the above and with the imposition of conditions/notes in respect of the protection of the public right of way the proposed new access and driveway is considered to accord with adopted development plan policy.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - A07 (Development in accordance with approved plans) (revised drawing no. to be substituted)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

4 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

7 - H01 (Single access - not footway) (new entrance, 5 metres)

Reason: In the interests of highway safety.

8 - H03 (Visibility splays) (2.4m)(90m)

Reason: In the interests of highway safety.

9 - H05 (Access gates) (10m)

Reason: In the interests of highway safety.

10 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Notes to applicant :

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN05 - Works within the highway
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.