

MEETING:	PLANNING COMMITTEE
DATE:	29 JUNE 2011
TITLE OF REPORT:	<p>DMS/110942/F - RETENTION OF FARM TRACK AT MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP.</p> <p>For: Mr and Mrs Maquire & Mr & Mrs Ben & Agnes Tapsell per Dr Angus Murdoch, Murdoch Planning, PO Box 71, Ilminster, Somerset, TA19 0WF.</p>

Date Received: 11 April 2011

Ward: Old Gore

Grid Ref: 365430,226745

Expiry Date: 23 June 2011

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 Marsh Farm is located in the open countryside. The site is accessed to the north from the U70000, Tanhouse Lane. There is also an existing farm track that provides access from Marsh Farm to the B4221 at Hill Top. This track does not benefit from planning permission since it is not constructed in accordance with plans approved pursuant to DCSE2008/1288/F. During the proceedings relating to the ongoing Inquiry into the unauthorised use of land at Marsh Farm for the siting of caravans for use by gypsies and travellers, the discrepancies were identified and this has led to the submission of this retrospective application for the retention of the farm track as constructed.
- 1.2 Marsh Farm comprises a Grade II listed farmhouse with attached barns and two more recently constructed agricultural buildings that are close to the entrance off Tanhouse Lane. There are two unauthorised residential mobile homes adjacent to the agricultural buildings, which are the subject of the ongoing Inquiry.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

S2	-	Delivering Requirements
S6	-	Transport
DR2	-	Land Use and Activity
DR3	-	Movement
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of trees, woodlands and hedgerows
HBA4	-	Setting of listed buildings
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
T8	-	Road hierarchy

3. Planning History

Farm Track

3.1 DCSE2008/1288/F Retention of farm track. Approved 07/04/2009.

Land at Marsh Farm, Upton Bishop (adjacent to current application site)

3.2 DCSE2007/2707/F Conversion of barn to form residential unit. Withdrawn.

DCSE2007/2713/F Conversion of barn 2 to form holiday accommodation and conversion of barn 3 to form office accommodation. Withdrawn.

DCSE2007/2899/S Hay barn/implement store. Prior approval not required. 4.10.2007.

DCSE2007/3445/F Application for temporary siting of mobile home. Refused 1.10.2008.

DCSE2007/3452/F Temporary siting of mobile home. Refused 1.10.2008.

DCSE2008/0320/S Implement shed for farm machinery. Prior approval not required 4.3.2008.

DCSE2008/2995/F Demolition of existing Grade II Listed farmhouse and attached barns and rebuild new farmhouse. Refused 5.2.2009.

DCSE2008/2991/L Demolition of existing of Grade II Listed farmhouse and attached barns. Refused 5.2.2009.

DCSE2008/2993/F Conversion and alterations of existing barns within the curtilage of a Grade II Listed barn to form farm office and farm workers staff rooms and secure stores/parking. Refused 6.2.2009.

DCSE2008/2994/L Conversion and alterations of existing barns within the curtilage of a Grade II Listed barn to form farm office and farm workers staff rooms and secure stores/parking. Refused 6.2.2009.

DCSE2008/2926/F: Proposed temporary siting of mobile home. Refused 26.1.2009.

DCSE2008/2951/F Temporary siting of mobile home. Refused 27.1.2009.

DCSE2008/3002/F Conversion of Grade II Listed threshing barn to form residential dwelling. Refused 3.2.2009.

DCSE2008/3003/L	Conversion of Grade II Listed threshing barn to form residential dwelling. Refused 3.2.2009.
DCSE2009/0855/F	Change of use of land and full planning permission to retain existing 1 mobile home. Retain existing log cabin mobile home and 4 additional log cabin mobile homes. Refused 22.6.2009.
DCSE2008/1568/F	Change of use of land and full planning permission to retain existing 1 mobile home. Retain existing log cabin mobile home and 4 additional log cabin mobile homes, 6 touring caravans for nomadic use only. Refused 15.9.2008. Appeal pending.
DMS/103232/F	Change of use of land to private gypsy site and traveller caravan site comprising of 4 pitches each containing 1 mobile home and 1 toured and utility block. Application withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Consultees

4.2 Traffic Manager: No objection subject to conditions.

4.3 Conservation Manager (Landscape): No objection.

4.4 Conservation Manager (Historic Buildings): No objection.

4.5 Conservation Manager (Ecology): No objection.

5. Representations

5.1 Linton Parish Council: No objection.

5.2 Twelve letters of objection have been received. In summary it is said:

- The constructed access is clearly visible from our property as it passes close to our eastern boundary with Marsh Farm;
- Prior to purchase of Marsh Farm by the present owners there was not a farm track evident across the fields, there was only a field access gate off the B4221 in the location of the current track position;
- I have an old aerial photograph which demonstrates that there was no farm track in existence in the current location;
- There never has been a track here;
- The current owners installed the track without planning permission being sought;
- This application is clearly linked to the proposed traveller sites. It is not true this is a track for farm use;
- There is no farming at Marsh Farm. It is not an operational farm;
- The track is not required for farm deliveries. There are commercial vehicles on site – carpet vans and a home care van. These are not farming activities;
- The track is obviously for residential use and as such should be the subject of a proper new application for residential use;
- This track is an eyesore on the local landscape, visible from other parts of the parish;
- This is a field which is unnecessarily being altered;

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- It will lead to accidents.

5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The main considerations in this application are:

- The use of the access and the resultant impact on the amenity of neighbouring dwellings.
- The visual impact of the proposal.
- The impact of the proposal on highway safety.

6.2 Retrospective planning permission has been granted for a farm track at Marsh Farm, DCSE2008/1288/F refers. However, the plans submitted with the application did not match the line of the track as constructed. The submitted plans indicated the line of the track from the entrance off Hill Top running in a direct north-easterly line to the rear of Marsh Farmhouse and buildings. However, the track as constructed is further across from the position on the approved plan and follows a different route. Specifically, from the entrance off Hill Top the track follows the contours of the land and a fenced field boundary and continues in a north easterly direction approximately 160 metres east of the approved line until it meets the rear of the Marsh Farm complex where it diverts southeast along the end of the farm house and barns and continues in front of the farm house up to the two more recently constructed farm buildings, and unauthorised mobile homes which are being occupied by gypsy travellers. These are subject of a separate refused planning application and an Enforcement Notice and an ongoing appeal.

6.3 Reference to the objections received confirms that there is a difference of opinion as to whether a track existed from the Hill Top entrance to Marsh Farm. However, permission was granted for a farm track albeit along a different route than that now being considered and as such it is not considered reasonable to question the principle of providing a farm track. Insofar as the visual impact is concerned the track is not considered to be visually prominent due to the topography of adjoining land and where possible the track follows hedgerow boundaries. Where it does cross open fields, a post and wire fence has been erected to denote the boundary of the track and the boundaries have been landscaped with a mixture of hedgerow and tree planting approved pursuant to the 2008 permission. The Conservation Manager (Landscapes) has given consideration to the line of the track as constructed and comments that the alignment of the track is acceptable with the contours of the site. Consequently, it is considered the track does not have an adverse impact on the character of the landscape. As such the retention of the track complies with Policy LA2. No further trees or hedgerows would need to be removed and as has been stated above additional landscaping has been carried out.

6.4 In addition to the key consideration of the landscape impact, the Council's Ecologist and Senior Building Conservation Officer have advised that there is no objection to the alignment of the farm track as constructed. Having regard to these views, it is considered that Policies NC9 and HBA4 are satisfied.

6.5 It has been said that the track will be used for a variety of vehicles to access the site and not solely for agricultural vehicles. As proposed, the application is for the retention of a farm track to serve the lawful use of the land for agricultural purposes. Policy DR2 requires that development does not prejudice the amenity or continued use of adjoining land and buildings. The nearest dwelling to the track is Trem Y Bryn. The distance between the dwelling house and the track is approximately 50 metres with the boundary of the garden being approximately 18 metres or so from the track. A further consideration is that Trem Y Bryn is adjacent to the B4221, which is a busy, fast road with a speed limit of 60mph. Although the proposal would

introduce additional vehicular movements, it is considered that the comings and goings associated with the agricultural use of the farm would not give rise to any significant noise or disturbance, particularly given the reasonably high ambient levels from the adjacent road network. There is an existing hedge on the northwest boundary of Trem Y Bryn which does screen the track.

- 6.6 With regards to highway safety, the 2008 application was subject to lengthy negotiations with the applicant. A speed survey had been undertaken and the resultant transport assessment submitted with that application outlined the visibility that can be achieved at the access. Visibility to the northwest was hampered by an existing telegraph pole which has now been repositioned so that it no longer interferes with the visibility. The Traffic Manager has given consideration to matters of highway safety and comments that the entrance onto the B4221 is acceptable subject to improvement in visibility which can be achieved within the limits of the highway by cutting back hedgerows either side of the entrance.
- 6.7 To conclude, the proposal is not considered to harm the landscape character of the area and adequate visibility splays can be achieved to provide safe access and egress. With regards to the impact on the amenity of neighbouring dwellings, there is an existing access, which can lawfully be used, and given the noise arising from vehicles travelling along the B4221 and the landscaping that has and would be undertaken the track is not considered to give rise to any significant noise or disturbance to warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. B01 Development in accordance with the approved plans**
- 2. The entrance onto the B4221 shall be provided with visibility splays measuring from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 120 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 3. The access gate shall remain set back 12 metres from the adjoining carriageway edge and shall be made to open inwards only.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
- 4. The new access shall be constructed in accordance with the specification providing in Appendix A1 of Herefordshire Council's Highways Specification for New Developments' from the nearside edge of the carriageway for a distance of 15 metres and shall remain in perpetuity.**

Reason: In the interests of highway safety to prevent debris from entering onto the public highway.

5. **A highway management plan, including management responsibilities and maintenance schedules for the access and track, shall be submitted to and approved in writing by the local planning authority prior to the use of the new access. The highway management plan shall be carried out in accordance with the approved details.**

Reason: In the interests of the amenity of the adjacent dwellings.

6. **None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the local planning authority.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

7. **No development shall take place until a scheme of tree planting between the access track and boundary of Trem y Bryn has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees to be planted and the proposed time of planting. All tree planting shall be carried out in accordance with those details.**

The trees shall be maintained for a period of five years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

1. **HN01 Mud on highway**
2. **N15 Reason(s) for the Grant of PP/LBC/CAC**

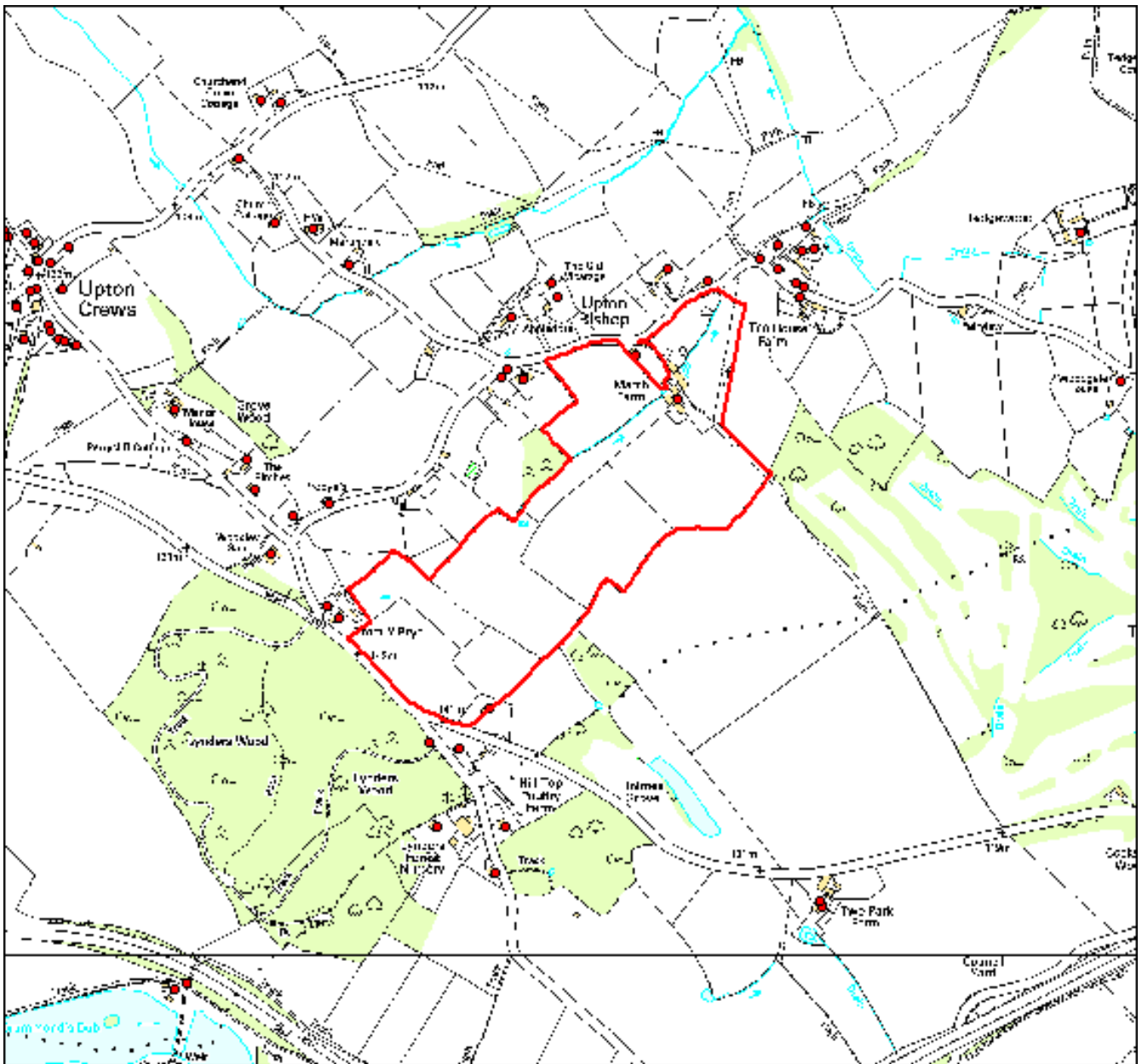
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/110942/F

SITE ADDRESS : MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP

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