

15 DCCE2005/0350/F - CONSTRUCTION OF A FARM TRACK AT LAND AT CAREY, NEAR HOARWITHTY, HEREFORDSHIRE, HR2 6NG

For: Mr. M. Soble per Paul Smith Associates, 19 St. Martins Street, Hereford, HR2 7RD

Date Received: 3rd February, 2005

Ward: Hollington

Grid Ref: 56067, 31004

Expiry Date: 31st March, 2005

Local Member: Councillor W.J.S.Thomas

1. Site Description and Proposal

- 1.1 The site is located north of unclassified road 72001 west of the hamlet of Carey. Ground levels fall steeply from the road northwards into the site and also from west to east surrounding the site. Immediately south is a small deciduous woodland known as White Thorn Wood and around 80 metres north of the site are three detached dwellings located on the northern side of unclassified road 72003.
- 1.2 The application is retrospective and is for the retention of an agricultural track running westwards from an existing field access for a distance of 150 metres. When first submitted, the application also included the erection of an agricultural building but this has now been deleted from this application.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy C1	-	Development within the Open Countryside
Policy C4	-	AONB Landscape Protection
Policy C5	-	Development within AONB
Policy C6	-	Landscape and ANOB
Policy C8	-	Development within AGLV
Policy ED6	-	Employment in the Countryside
Policy ED9	-	New Agricultural Buildings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy S7	-	Natural and Historic Heritage
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA6	-	Landscaping Schemes
Policy E13	-	Agricultural and Forestry Development

2.3 Planning Policy Statement 7 – Sustainable Development in Rural Areas

3. Planning History

- 3.1 DCCE2004/4258/S Agricultural building and construction of farm track. Double decision - Prior Approval Required and Prior Approval Refused 6th January 2005. Reasons were unacceptable landscape impact and concern over whether the building was necessary within the holding
- 3.2 DCCE2005/0093/S Double Decision - Prior Approval Required and Prior Approval Refused 2nd February 2005. Reason was unacceptable landscape impact.
- 3.3 DCCE2005/0484/F Farm track, level of ground for first 10 metres to lessen gradients. Full planning permission is required as works have already been undertaken. Decision dated 10th March 2005.
- 3.4 DCCE2005/1124/S Proposed erection of agricultural building. Currently undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager - no objection.
- 4.3 Public Rights of Way Manager - the proposed development would not appear to affect Public Footpath LD2A which crosses the access track.

5. Representations

- 5.1 Little Dewchurch Parish Council - no objections to the application.
- 5.2 Twelve letters of objection have been received. The main points raised are:
1. The farm track is now largely complete which has included considerable excavation and importation of rubble. This is a cynical pre-emption of a planning application.
 2. The track is an eyesore and has entailed the cutting down of various trees from the woodland.
 3. More appropriate locations exist for the track which should be out of the direct view of several neighbouring properties, closer to the road and nestled behind trees.
 4. The applicant is proposing an intensive organic farming of strawberries and soft fruit. This is likely to be the first step towards polytunnel farming which would be devastating to this part of the AONB.
 5. The development will lead to an increase in heavy lorries transporting produce and what are very narrow lanes and unsuitable for heavy commercial traffic.
 6. The excavations have taken place adjoining a Bluebell wood which may be lost regardless of the fact that they are a protected wildflower.
 7. The track will devalue our property and effect our holiday cottage business.

- 5.3 A letter of support has been submitted by the applicants. The main points raised are:

The proposed location uses the most suitable entrance served by the best road available with the minimal length of track. The track will be adjacent to existing woods and new woodland will be planted above and below to further reduce the impact. Other locations were considered but they did not meet the objectives, particularly for access or long term assimilation into the landscape. Within a very few years the new woodland will be established and the track will be fully assimilated into the landscape.

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

6. Officers Appraisal

- 6.1 The application when first submitted also included the construction of an agricultural building. This has now been deleted from this application and is considered under separate and independent agricultural notification application reference DCCE2005/1124/S. Therefore the only matter for consideration under this application are the acceptability or otherwise of the track.
- 6.2 The application is now retrospective, as the track has been constructed. The track would ordinarily be permitted development under class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. However as the track is now in place the development cannot be considered under the agricultural notification procedure and therefore full planning permission is required.
- 6.2 The applicants have submitted a brief report produced by ADAS to demonstrate the agricultural need for the track (and a building). Guidance concerning the processing of permitted development applications suggests that where an agricultural need can be demonstrated, the principle of whether the development should be permitted is not for consideration. Therefore, the agricultural need and consequently the principle of constructing a track within the holding (comprising 18 hectares) is accepted.
- 6.3 The track is to be constructed off an existing field access, which provides a satisfactory level of visibility. This view is supported by the Traffic Manager who raises no objection. Due to the difference in ground levels, excavation works have been undertaken to create a level area for the track, which is around 4.5 metres in width for its full length. These excavation works do impact upon the landscape, which is designated as an Area of Great Landscape Value and Area of Outstanding Natural Beauty. However, the selected site for the track is considered to be the most appropriate location within the holding and has minimal impact on the AONB. This is principally due to the existence of mature woodland immediately south of the site and the relatively low-lying position within the holding in relation to the surrounding topography. Furthermore, additional native planting is proposed along the full length of the track, which will, in time, largely screen the development from public view.
- 6.4 Objectors' concerns are noted. However, the impact of the development on the view enjoyed by properties in the locality is not a material planning consideration. It has already been concluded that the selected site is the most appropriate site in both planning, and more particularly landscape terms. Other sites have been investigated, including sites suggested by objectors. However, it is considered that these are generally more elevated, provide less natural screening and consequently do not offer the same opportunities for the track to be assimilated into its environment. There are

no residential amenity issues with the track and the fact the application is retrospective should not cloud Members assessment of the proposal.

- 6.5 The track has minimal impact on the AONB and is considered acceptable in accordance with Policies C1 and C6 of the South Herefordshire District Local Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Within one month of the date of this permission a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall clearly describe the species, sizes and planting numbers and location of the planting.

Reason: In order to protect the visual amenities of the Area of Outstanding Natural Beauty.

2. All planting, seeding and turfing comprised in the approved details of landscape shall be carried out in the first available planting season following approval of the details. Any trees or plants which within a period of five years from completion of the planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year defects period.

Reason: In order to protect the visual amenities of the Area of Outstanding Natural Beauty.

Informatives:

1. Public rights of way
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.