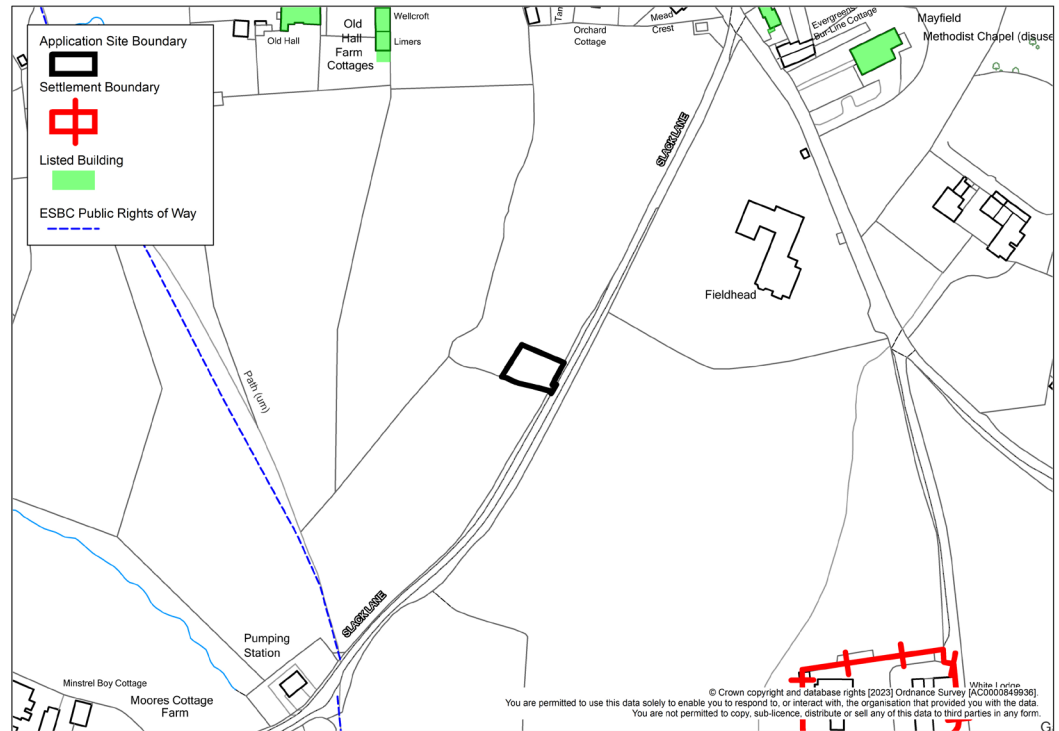


Delegated Report

Application Number	P/2023/00701	
Planning Officer	James Mattley	
Site Address	Land West of Slack Lane, Upper Mayfield, Ashbourne, DE6 2HW	
Proposal	Formation of new access to site and turning area within site on agricultural land to carry out agricultural activities	
Expiry Dates	Weekly List	24/07/2023
	Neighbours	27/07/2023
	Consultations	24/07/2023
	Site Notice	10/08/2023
	Newspaper Advert	N/A
Application not Determined within Statutory Time Period - Reason	EOT agreed until 26/10/2023	
Environmental Assessment	Screening opinion undertaken	N/A
	Schedule 1 or 2	N/A
	EIA Required	N/A
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP8 – Development Outside of Settlement Boundaries SP24 – High Quality Design SP29 – Biodiversity and Geodiversity DP1 – Design of New Development
	Supplementary Planning Documents	East Staffordshire Design Guide
	Other Policies/Guidance	No Neighbourhood Plan
Relevant History	P/2022/00575 - Erection of an agricultural building to house, feed and lamb sheep and to store fodder and implements - Permitted with conditions.	
Consultation Responses	ESBC Environmental Health have no comments to make. Staffordshire County Highway Authority state that the detail of the access has been agreed with the LHA and is seen as a reasonable solution to the accessing issues at the originally proposed access. It is therefore recommended that the application be approved subject to the planning conditions.	
Parish Council	Mayfield Parish Council originally advised that following a site visit they were satisfied with the proposed new access, with the understanding that the removed hedge will be reinstated to close off the existing entrance. Mayfield Parish Council then provided further comments	

	that the entrance location is unsuitable and that an alternative entrance should be considered.
Neighbour Responses	<p>A total of 14 objections have been received raising the following issues:</p> <ul style="list-style-type: none"> - Would result in the destruction of ancient hedgerow and impact on wildlife; - How can we be sure that further applications won't be submitted? - Slack Lane is too narrow for the proposed development and unsuitable for agricultural vehicles; - The access arrangements would be dangerous due to number of pedestrians, dog walkers, runners and children which use the land; - The junction between Slack Lane and Gallowstree Lane contains inadequate visibility; - The proposed development is unnecessary as an existing access already exists off Gallowstree Lane; - Would be contrary to local plan policies which seek to protect landscapes and biodiversity; - There are errors on the planning application form; - Development is outside of the settlement boundary; - Removal of the bank below the hedgerow would impact on the natural flood defences of the area; - More than 5 metres of hedge would need to be removed to provide the splay; - Applicant states that the field is 16 acres but it is only 2 acres; - Drainage and flooding concerns due to removal of the bank; - The road surface of the lane is poor and not looked after; - Requests details of the speed survey results; - Ownership is unproven and very contentious.
Human Rights Act Considerations	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.
Crime and Disorder Implications	It is considered that the proposal does not raise any crime and disorder implications.
Equalities Act 2010	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.
Planning Officer's Assessment	<p>The Site. The site comprises a large field located on the west side of Slack Lane, but with a short frontage at its very northern end onto Gallowstree Lane, where an existing access to the field is gained. It is situated immediately to the south of the small village of Mayfield and lies in the open countryside. Slack Lane is a single track lane with mature hedgerows on either side, one of which forms the eastern site boundary.</p> <p>The applicants planning statement states that the holding extends to approximately 16 acres of which 2 acres are owned. The holding rears sheep and the land is used for grazing.</p>



Proposal.

Planning application P/2022/00575 was granted planning permission in November 2022 and allowed for the erection of an agricultural building to house, feed and lamb sheep and to store fodder and implements. The application proposed to utilise the existing access off Gallowstree Lane. Subsequent to the grant of this planning permission there are legal issues which are preventing the use of the existing access.

Full planning permission is now sought for the formation of a new access into the site from Slack Lane and the creation of a turning area in order to carry out agricultural activities. The new access would be 5.0 metres in width and would be recessed 6.0 metres from the highway. The recessed area will be fenced with a timber post and rail fence and standard livestock gate opening into the site. The turning area will be constructed of permeable hardcore with a grass seed overlay.

The proposal would result in the removal of a 5 metre section of hedgerow from Slack Lane. The removed hedgerow would be replanted over the existing access point (along with supplementary landscaping) which would effectively result in the closure of the existing access points from Gallowstree Lane.

The application is supported by a planning statement, photographs and speed survey data.

Principle of development.

The site lies in the open countryside, where development is restricted principally to those that relate to rural/agricultural uses to protect the rural appearance of the land.

Policy SP8 – Development Outside of Settlement Boundaries states the following:

Development outside settlement boundaries will not be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location;

The following detailed design criteria should also be met if the above is considered to be acceptable:

- *The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,*
- *The design of the buildings, structures and materials are visually well related to the proposed site and its setting with careful choice of materials, landscaping,*

massing of buildings and attention to local architecture and roofscape design.

- *Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.*

The previous application on the site approved the erection of an agricultural building. As part of that application concern was raised regarding the principle of the development. Given the extent of objections received from local residents and the Parish Council it was deemed necessary for the application to be considered by an independent agricultural advisor (IAA). The IAA concluded that the principle of a new agricultural building on the site was acceptable. It therefore follows that it is acceptable in principle to provide access to an agricultural building.

Overall, the proposed access can be justified in principle in relation to Policy SP8. The detailed design criteria set out in SP8 is considered further in the report below.

Design and impact on the countryside.

Slack Lane is a single track rural lane with hedgerows and tree located either side of it. The hedgerows are located at a higher land level than the road and there is a grassed bank either side of the road.

The proposal would result in the removal of a 5.0 metre wide section of hedgerow in order to provide for the new access. Whilst the loss of the hedgerow is regrettable the removal of only 5.0 metres width of hedgerow is not considered to result in significant adverse impacts on the countryside. In coming to this conclusion, it is noted that there are existing examples of field gates located either side of Slack Lane that provide access points into adjacent fields.

The hedgerow which would be removed would be replanted in the north eastern part of the site. A total of 21 metres of new hedgerow would be planted in this part of the site and this would prevent the use of the existing access off Gallowstree Lane.

The proposed turning area would be relatively small in comparison to the size of the field and would be well screened by existing hedgerows and trees in the surrounding area. It is also noted that the turning area would be constructed of permeable hardcore with a grass seed overlay which would help in assimilating the turning area into its rural surroundings.

It is therefore considered to be in compliance with Policies SP8, SP24 and DP1 of the Local Plan.

Ecology.

The NPPF requires a net gain in biodiversity to be provided on sites. The proposal would have a minimal impact on biodiversity as it would entail the removal of only 5.0 metres of hedgerow and a small area of hardstanding in comparison to the overall size of the site.

Given that the proposal includes for 21 metres of new hedgerow planting this is considered to more than compensate for the loss of 5 metres of existing hedgerow and ensure that a net gain in biodiversity would be provided.

The County Council Ecologist has been consulted on the application and a response is currently awaited. Any response received can be included on the update sheet.

Highway Safety.

Access is proposed by constructing a new access along Slack Lane. Concerns have been expressed by both the Parish Council and local residents regarding the suitability of the access off Slack Lane and its junction with Gallowstree Lane. The application is accompanied by details of a speed survey which has been carried out and an amended plan relating to visibility splays. The plan shows that visibility splays of 24 metres and 26.3 metres are achievable at the site access.

The County Highway Authority have considered the submitted details and conclude the following:

The above application is for the Formation of new access to site and turning area within site on agricultural land to carry out agricultural activities.

It is understood that this proposal is a replacement access for a substandard access off Gallowstree Lane that was the subject of a previous application. Due to land ownership issues it was not possible to improve that access and so it is proposed to access the field

from this access. The detail of the access has been agreed with the LHA and is seen as a reasonable solution to the access issues at the originally proposed access.

It is therefore recommended that the application be approved subject to the following conditions:

Prior to being brought into use the access and turning area shall be constructed in accordance with the approved plans, hard surfaced for at least the first 10m and drained to ensure no surface water runs onto the highway and once brought into use shall be maintained as such thereafter.

Before the access hereby approved is brought into use visibility splays shall be provided in accordance with the approved plans and shall be kept clear of all obstructions to visibility greater than 0.9m above the level of the carriageway and maintained as such thereafter. The access shall be constructed to ensure it has a gradient no greater than 10% and maintained as such thereafter.

Any gate placed across the access will be a minimum of 10m from the edge of the carriageway.

The concerns relating to highway safety, including the surface of Slack Lane, are noted but given that the County Highway Authority raise no objections to the application on highway safety grounds subject to the inclusion of planning conditions then it is not considered that the application could be refused on these grounds.

Other.

The application site lies within flood zone 1 which has the lowest probability of flooding from rivers. In addition, the surface which would be formed would be permeable which would assist with drainage and a planning condition is recommended (and included) to ensure that no surface water runs onto the highway

Matters relating to land ownership and the potential for further applications on the site are not material planning considerations and therefore are not relevant to the determination of the application.

Issues have been raised regarding errors contained on the planning application form including the site area and that trees and hedges would not influence the development. The site area is stated as 6.48 hectares which represents the agricultural unit rather than the site area of the application site which is approximately 80 square metres. This has been clarified with the applicant's agent and has been dealt with on that basis. The submitted plans make it clear that a 5 metre stretch of hedgerow would be removed and additional hedgerow would be planted elsewhere.

Neighbours have queried that the planning application refers to a land holding of 16 acres but that the field in question measures around 2 acres in size. The applicant's agent has confirmed that that the field to the west of Slack Lane measures around 2 acres but there are a further 14 acres to the east of Slack Lane.

Conclusion
(including Signature & date)

The proposal is considered to be acceptable and in compliance with policies set out in the adopted Local Plan. It is therefore recommended for APPROVAL subject to appropriate conditions.

CONDITIONS.

Condition 1: Time Limit - 3Yr Standard

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

- Drawing No.1096-006 Rev A – Visibility Splays dated as received on 10/08/2023;
- Drawing No.1096-001 – Location Plan dated as received on 14/06/2023;
- Drawing No.1096-002 – Block Plan dated as received on 14/06/2023;
- Drawing No.1096-003 – Access Details dated as received on 14/06/2023;
- Drawing No.1096-004 – Cross Section dated as received on 14/06/2023;
- Drawing No.1096-005 – Removal and replacement hedgerow dated as received on 14/06/2023;
- Planning Statement dated as received on 14/06/2023.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP1, and the National Planning Policy Framework.

Condition 3:

No lighting or illumination is permitted within any part of the field in which the agricultural building hereby permitted is to be located.

Reason: To ensure that existing bat foraging sites are unaffected by this development in compliance with East Staffordshire Local Plan Policy SP29, and the National Planning Policy Framework.

Condition 4:

Prior to being brought into use the access and turning area shall be constructed in accordance with the approved plans, hard surfaced for at least the first 10m and drained to ensure no surface water runs onto the highway and once brought into use shall be maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

Condition 5:

Before the access hereby approved is brought into use visibility splays shall be provided in accordance with the approved plans and shall be kept clear of all obstructions to visibility greater than 0.9m above the level of the carriageway and maintained as such thereafter. The access shall be constructed to ensure it has a gradient no greater than 10% and maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

Condition 6:

Any gate placed across the access will be a minimum of 10m from the edge of the carriageway.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

Condition 7: Implementation of Landscaping

All new planting, seeding or turfing as shown on drawing number 1096-005 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policy SP24, the East

	Staffordshire Design Guide and the National Planning Policy Framework.	
	<i>James Mattley</i> 03/10/2023	
Engagement	During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.	
Section 106 required?	No	
Draft Decision Notice checked by Planning Officer or Team Leader		
Team Leader Comments		