

2.3 REFERENCE NO - 18/501918/AGRREQ			
APPLICATION PROPOSAL Prior Notification for proposed Forestry Road. For it's prior approval for the siting and means of construction of the private way.			
ADDRESS George Bell Farm Plumpudding Lane Dargate Kent ME13 9EU			
RECOMMENDATION – Prior Approval Granted			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection and local objections.			
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr Robert Lewis AGENT	
DECISION DUE DATE 31/05/18	PUBLICITY EXPIRY DATE 07/05/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/501507/AGRIC	Prior Notification for proposed Forestry Road. For it's prior approval for the siting and means of construction of the private way.	Prior approval required	5/4/2018
18/500690/AGRIC	Prior Notification for proposed Forestry Road. For it's prior approval for the siting and means of construction of the private way.	Withdrawn	19/03/2018
17/506632/AGRIC	Prior notification for a proposed building.	Prior Approval Not Required	16/01/2018
17/504005/AGRIC	Prior notification for the erection of an agricultural barn for the storage of feed and machinery	Prior Approval Required	01/09/2017

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land measuring around 11 hectares (27 acres) in total. It is located in the open countryside and is isolated from any defined settlement boundary. The land falls within a Local Plan defined Area of High Landscape Value.
- 1.02 The site comprises open land, previously used as orchards and divided by a narrow strip of land in private ownership creating two parcels of land. One parcel fronts onto Plumpudding Lane with an access point there. The other also fronts Plumpudding lane but is only accessible from Dargate Road via a thin strip of land which is fenced on both sides and currently overgrown, and which lies immediately adjacent to a bungalow known as Lamborne House.
- 1.03 There are a number of residential properties located along Dargate Road and Plumpudding Lane, to the south and west of the site.

- 1.04 A building in the northern part of the site accessed from Plumpudding Lane, which is to be used in conjunction with the afforestation of the land, was deemed permitted development for forestry purposes and is currently under construction. Limited forestry has begun on the land with the growing of Christmas trees (Norway spruce) in containers for later planting out when the dry weather abates.

2.0 PROPOSAL

- 2.01 This application has been made under the prior approval process to construct a road for the purposes of carrying out forestry on the land on the basis that the road will be Permitted Development. The Council, under Prior Notification application 18/501507/AGRIC, has already determined that Prior Approval is required for this development. The Council now has to decide whether to accept the siting and means of construction of the proposed roadway.
- 2.02 The roadway would be approximately 745m in length and 4m wide, and used to provide access for the planting of trees to create a forest, particularly during the winter months. It will be lead directly off Dargate Road, using the existing strip of land immediately to the east of Lambourne House.
- 2.03 The road will lead northwards from Dargate Road for approximately 230m. It will then split east-west across the length of the land, for another 490m, with a turning circle at each end. The road will be constructed from recycled materials, brick and concrete and with an average depth of 0.5m, dependant on the soil levels.
- 2.04 The land here is particularly wet in winter months and the road will provide access for maintenance and cropping, as well as vehicular access for emergency vehicles.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The Town and Country Planning (General Permitted Development) (England) Order 2015 Class E of Part 6 of Schedule 2 (the GPDO).

4.0 LOCAL REPRESENTATIONS

- 4.01 Nine representations have been received from local residents objecting to the proposed development. A summary of their comments are as follows:
- There is no evidence/justification to support that the road is necessary
 - The land has been farmed before without the need for a metalled roadway
 - Plumpudding Lane already suffers from flooding that would be further exacerbated by any further development on farm land
 - Question who owns the access route off Dargate Road
 - Road safety suggest closing the Dargate Road access as its on a dangerous blind bend – other than for occasional agricultural vehicles, and only using access from Plumpudding Lane
 - Surely there has to be evidence of an established forest before this application is considered?
 - Ruin the landscape, making an already untidy area look more unsightly
 - It will have an urbanising effect upon the countryside detrimental to the surrounding landscape
 - Create more unwanted noise pollution and make the village lanes more congested

- Crushed concrete, tarmac and demolition arisings are not an appropriate material for a road in this location
- It will bring dust, noise and disturbance both during its construction, and ongoing use
- Potential for mud on the public road is no justification for losing 3000m² of agricultural land
- Limited maintenance will be required
- There is no need for access by emergency services – the area is not risk of forest fires here
- For new planting one would tend to use low ground pressure vehicles or at the very worst a temporary roll out mat system that would be removed after planting
- The ground conditions will improve after tree planting
- Proposed hardcore would risk groundwater pollution
- If permission is granted, then this should be on a temporary basis and for a limited time during the year

4.02 The applicant responded to the objections raised, saying:

- Land was never accessed by agricultural vehicles in the winter by the previous farmer
- The continued use of the track would be for cropping, i.e. Christmas trees in December, willow and chestnut coppice
- A planting map is being prepared with the assistance of the Forestry Commission
- The Commission provide grants for such roads as they see them as essential
- The road is not metalled, it is a forestry road, not sealed
- The additional traffic will be created regardless
- A forestry road neither adds to nor reduces the risk of flooding; it crosses no waterways and is not sealed, thus allowing soak away. The planting of trees will go a long way to reducing flooding issues
- I own the access road and all of the land on the application site
- The trees being just 1m high will not be seen from the surrounding area
- No more noise pollution will be created by any usual day to day farming activity
- Land lost to the private way will increase productivity of agricultural land and provide a natural break
- The type of hardcore used is not a pollutant
- A temporary road would not facilitate ongoing management and all year cropping

5.0 CONSULTATIONS

5.01 Hernhill Parish Council objects to the application. Their comments, in full, are as follows:

‘Construction of a road to provide winter access to enable planting of trees is unnecessary since the land has previously been accessed by agricultural vehicles without any specific issues.

The application states that the road would continue to be used after the forest has been planted, but does not specify for what purpose it would be used.

Historically, the land at this site has been planted with trees which have not grown well. The Parish Council questions why and how it would now be suitable for planting a forest?’

5.02 The Council’s Rural Planning Consultant initially responded stating that the road did not appear to be necessary at this stage and as such was not considered to meet the

provisions of Class E of the GPDO. Subsequently, a site meeting was arranged to give the applicant an opportunity to explain why the road was necessary for forestry use of the land. Following this meeting, the Rural Planning Consultant concluded that the road was considered “reasonably necessary” as opposed to “essential”, commenting;

“The applicant plans to introduce a mixed planting scheme, and he is being guided by an experienced woodland manager in terms of setting out a planting plan and hopefully obtaining woodland planting grants.

The scheme would include the relatively short-term, more intensive planting and cropping of Christmas trees, and overall, given the evidence of Mr Lewis and his neighbour as to the very wet conditions on this land, I would agree that a hard surfaced track, down the centre of the section of the land south of the road, (where there would a firebreak/open ride in any event) appears reasonably necessary for forestry purposes.”

However, he also advised that it is still arguable whether the forestry road can be considered permitted development, and that it would be preferable for the access to be off Plumpudding Lane in terms of minimising local visual impact and traffic along the public roads through the hamlet. Essentially, he advised that if access were to be taken from Plumpudding Lane instead, the road could be shorter (omitting the link to Dargate Road) and this might be preferred. This would require a new access point onto Plumpudding Lane, whereas at Dargate Road the access point and gateway already exist. In conclusion, the advice is that if a planning application for a new access to Plumpudding Lane had been refused the current proposal might be acceptable. I have thus considered the likely prospects of an application for a new access onto Plumpudding lane (as an alternative to the current proposal).

- 5.03 Plumpudding Lane is a classified road and I have sought advice from Kent Highways and Transportation about the acceptability of such a new access and the necessary visibility splays that would be required at such a new access point. They have advised me that if a new access to Plumpudding Lane was to be envisaged, a sightline with a visibility splay of 2.4m by 120m in each direction would be required (an overall length of some 240m), commenting that it was uncertain exactly how much of the hedgerow would need to be cut back, but it was likely that the private hedge at Honeysuckle Cottage (a nearby private house) would obstruct it to the north, and as such may not be achievable. In contrast, the existing access to the east of Lamborne House, appears to already have the appropriate sightlines contained within the grass verges. I will return to this point below.

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 A supporting statement and site location plan has been submitted.

7.0 APPRAISAL

- 7.01 Schedule 2. Part 6, Class E of the GPDO sets out the extent to which certain forestry related development can be undertaken as permitted development, without the need for a specific application for planning permission. It allows for the formation of a private way to be carried out on forestry land providing such works are reasonably necessary for the purposes of forestry, including afforestation.
- 7.02 Before any such development can take place, the applicant must apply to the Local Planning Authority for a determination as to whether prior approval is required for the

siting and means of construction of the private way. The Council must make a decision as to whether prior approval is or is not required.

- 7.03 As the extent and nature of any existing forestry activity on the site was initially unclear, I considered it necessary to seek the advice of the Council's Rural Planning Consultant. I note that the Rural Planning Consultant is now satisfied that the road appears reasonably necessary for the purposes of forestry and as such can be determined in accordance with the relevant permitted development criteria. He suggested that road could be shorter if it were accessed off Plumpudding Lane which would remove the need to have the section of road leading from Dargate Road.
- 7.04 However, Plumpudding Lane is a classified road and the access here would be located near to a sharp bend on a narrow but fast flowing rural lane. At this point the lane is flanked by high trees in both directions which form continuous roadside hedging. It is clear to me from on site observations that the sightlines that would be needed (as confirmed by Kent Highways and Transportation) would result in a significant loss of this dense hedgerow along this stretch of road, right up to the Post Office Cottages on the corner and along to at least the front boundary to Honeysuckle Villa. This would be very harmful to the lane's appearance and to the rural character of the area; a lane which is protected by policy DM26 of the Local Plan as a lane of special rural character that ought to be protected from significant harm arising from new development.
- 7.05 Having accepted that the road itself appears reasonably necessary for forestry purposes, and that the alternative access off Plumpudding Lane will represent significant harm to the rural character of the area, at Dargate Road the access already exists with good visibility in both directions on a straight section of road. I consider the proposal to consolidate use of this existing access point on Dargate Road, with its appropriate sightlines contained with grass verges, to be preferable and acceptable.
- 7.05 I note the Parish Council's concerns regarding the purpose of the road and suitability of land for planting a forest. However, I have had discussions with the Rural Planning Consultant and am satisfied that the applicant has demonstrated a need for the road and is being guided by an experienced woodland manager. The forestry use will involve significantly greater need for winter access than the previous orchard use, and I am aware that the land here can be very wet in winter. I welcome the idea of forestry here and am keen to support it where I can.
- 7.07 Local concern raises a number of issues, of which some have been addressed by the applicant. The main issues raised refer to highway safety concerns, a lack of justification for the road, potential increase in flooding, detrimental impact on visual appearance of the surrounding area and the use of inappropriate materials in construction of the road. I have considered these matters and set out above why I consider the proposal to be compliant with the criteria set out within the GPDO and why the need for such a scheme in a location that already has an existing access would outweigh the limited harmful impact on the countryside and landscape.

8.0 CONCLUSION

- 8.01 I am satisfied that the private way is necessary for the purposes of planting and maintaining a forest on this site and the siting and means of construction is acceptable.

9.0 RECOMMENDATION – Prior Approval is granted

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

