

PLANNING COMMITTEE – 27 JANUARY 2020**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/503100/FULL			
APPLICATION PROPOSAL			
Creation of a new agricultural vehicular entrance and access track (Part retrospective).			
ADDRESS Rides House Warden Road Eastchurch Sheerness Kent ME12 4HA			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
Based upon the location and individual site characteristics, minimal harm would be created to the countryside and this harm would not be significant to outweigh the future benefits in terms of accessibility to agricultural land.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council Objection			
WARD Sheppey East		PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr W. Love AGENT Bloomfields
DECISION DUE DATE 15/08/19		PUBLICITY EXPIRY DATE 07/08/19	
RELEVANT PLANNING HISTORY			
Application No	Description	Decision	Date
19/503515/FULL	Proposed cladding of open bays to existing agricultural barns, including insertion of doors to the east and south elevations.	Grant	10.10.2019
19/503931/FULL	Demolition of conservatory. Erection of a single storey front and single storey rear extension with a raised patio. Hip to gable roof extension with raised ridge and loft conversion with 3 no. roof lights to front and 6 no. dormer windows to rear. Changes to fenestration.	Refused	25.09.2019
19/500979/PNQCLA	Prior notification for the change of use of 2no. agricultural buildings to 2no. dwellinghouses and for associated operational development. For its prior approval to: - Transport and Highways impacts of the development. - Contamination risks	Refused	26.04.2019

	on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.		
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1. DESCRIPTION OF SITE

- 1.1 The site is located within the countryside, outside any defined built up area boundary.
- 1.2 The site forms part of a larger land area comprising of a collection of farm buildings and associated open land collectively referred to as Rides Farm.
- 1.3 The subject site relates to the area of open land immediately to the west of Rides Farm House that fronts the northern side of Warden Road and links to agricultural land to the north.
- 1.4 To the north east of Rides House Farm there is a farm yard area and a number of associated farm buildings that are accessed off of the existing track from Warden Road.
- 1.5 To the north are open fields in association with the holding with surrounding residential development and farms to the south, east and west

2. PROPOSAL

- 2.1 Part retrospective planning permission is sought for the creation of a new agricultural vehicular entrance and associated access track. The track would provide access from Warden Road, leading north across an area of open land to a field beyond.
- 2.2 The vehicle access is retrospective. The proposed track would continue for a length of 67 square metres. It would have and have a width of 5.5 square metres
- 2.3 The first 6m of the access track would be constructed in a bound material on top of a suitable sub-base described in full detail within section No.7 of the application form.

3. PLANNING CONSTRAINTS

- 3.1 Countryside setting
- 3.2 Agricultural land classification grade 3

4. POLICY AND CONSIDERATIONS

Development Plan – Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

Policy CP 4 Requiring good design
 Policy DM3 The rural economy
 Policy DM 14 General development criteria
 DM31 Agricultural land

5. LOCAL REPRESENTATIONS

5.1 No local representations received

6. CONSULTATIONS

6.1 Eastchurch Parish Council objects to this application for the following reasons:

- There is already an existing agricultural access for the site which had been in situ for many years.
- The site is under two current enforcement actions because of the removal of established hedgerows and mature trees in order to create two new entrances for a housing application(withdrawn).

6.2 Council's Rural Agricultural Advisor - Further to your request for agricultural advice regarding the above, the proposal for a new vehicular access appears to be based on an assumption that this will be required as a result of proposed residential development. However it seems such development has yet to be approved. As matters stand, therefore, the proposal appears premature.

Planning Officer Response: The applicant submitted further evidence in the form of a written statement received from an agricultural contractor confirming recent crop yield.

Agricultural Advisor (upon receipt of additional information above) - I note from the attached particulars that Rides House was advertised for sale including all the land to the rear. Details of the current ownership /legal access arrangements remain unclear. However, given that the agricultural use of the land to the rear has been continuing, with contractors taking a recent hay crop, using an existing access, I don't consider that this submission demonstrates any clear agricultural need for the proposed new access.

Further correspondence was then received from the agent to which the Agricultural advisor then considered that the current access arrangements are not suitable/sufficient for modern machinery. In addition, the access is a shared and given that the farm house is for sale this has the potential to create future problems.

Agricultural Officer (upon receipt of additional information above) -

Based on this latest information, I can see that continued access to the field, with farm equipment, in between two residential properties, is likely to be problematic, and therefore there would appear to be a good case for the agricultural land to the rear to have its own discrete access.

6.3 KCC Highways - I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the

highway.

- Provision of measures to prevent the discharge of surface water onto the highway.

7. APPRAISAL

Principle of Development

- 7.1 The proposal seeks permission for development within the rural countryside. Policy DM3 of the Local Plan 2017, supports development in the countryside where:

- d) For new buildings and ancillary facilities, the design and layout is sympathetic to the rural location and appropriate to their context*
- e) Result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area.*

- 7.2 The proposal is for ancillary development to support existing services. No additional buildings are proposed and thus ensuring the development represents a sympathetic addition, which was demonstrated during the course of this application to be appropriate in its content and therefore compliant with Policy DM3 as set out above.

- 7.3 In accordance with policy DM31 the development proposal involves works to improve access and associated functionality of Grade 3 agricultural land. The applicant has demonstrated that the current access is increasingly unviable, with manoeuvrability of machinery problematic and in the event of the sale of Rides House, potential access problems. A new access and associated track is therefore considered consistent with policy to ensure appropriate access to Grade 3 high quality agricultural land.

- 7.4 Notwithstanding the Agricultural Consultant has been consulted and is satisfied that sufficient justification has been provided to reasonably support the application and as such raises no objection to the principle of development within this rural setting.

Visual impact

- 7.5 The existing parcel of land is generally flat with some low rise vegetation. The track does not propose the removal of existing trees or hedgerow or result in increased bulk or scale therefore it is not considered that any significant harm would be caused to visual amenities or indeed the wider countryside.

Residential Amenity

- 7.6 The proposal is located in relatively close proximity to Rides House to the east and Clover Lodge to the west. In terms of increased intensification, given that the existing access, located 35 metres to the east, has been used without formal objection, I do not consider that any potential additional activity created as a result of this track being used regularly would cause significant disturbance to the adjacent neighbours over or beyond the existing situation. There will be no additional overlooking or sense of overbearing created and therefore acceptable in this regard.

Highways

- 7.7 The access is provided on a straight road. There are no trees or hedgerows immediately adjacent to the access and therefore the site provides high levels of

visibility. KCC has raised no objection to the proposal subject to safeguarding conditions and therefore in this regard the application is acceptable.

8. CONCLUSION

- 8.1 In this instance, a balancing exercise of harm is necessary against the impact upon the visual amenities of the country side compared to the viable provision of access to Grade 3 agricultural land. I am therefore of the opinion, given the location and individual site characteristics that minimal harm would be created to the countryside and this harm would not be significant to outweigh the future benefits in terms of accessibility to agricultural land.

9. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

1. No development shall take place other than in accordance with the following approved plans: P.12.026.2076

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the streetscene.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Reason: In the interests of residential amenity.

3. The development hereby permitted shall not take place until the provision and maintenance of:

- visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interest of highway safety

4. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

