

DELEGATED DECISION REPORT

DET/2018/0018
Valid 12/06/2018

KNIVEDEN FARM MOUNT
ROAD
LEEK

PROPOSED ROAD
(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

- Whether the proposed development complies with Part 6 Class A of the General Permitted Development Order 2015
- Whether Prior Approval is deemed to be required as to the siting, and means of construction of the proposed road; and if required, whether the proposal is acceptable in these terms

DESCRIPTION OF SITE

The application site comprises an area of agricultural land associated with Kniveden Farm, Mount Road, Leek. The land is situated to the north east of the farm buildings and slopes sharply away from the farm buildings to the valley floor which lies approximately 250m distant.

The agricultural field immediately east of the farm buildings is accessed by an existing track which forms a junction with the main farm access from Mount Road. A large amount of rubble has been deposited at the entrance to this field, which is the subject of a county enforcement matter. A wind turbine is positioned at the top of the slope in close proximity to the field entrance.

On inspecting the site this large field contains a number of sheep and cattle and displays clear evidence of a route used by agricultural vehicles which descends in a suitable diagonal manner in a south easterly direction. The most northerly part of the site is characterised by wild grass, shrubs and scattered trees.

PROPOSAL

This prior notification application has been submitted under Part 6, Class A of the General Permitted Development Order and seeks consent for a proposed road/field access.

The documentation accompanying the application which includes the Application Form and Levels and Gradient Information, states that the justification for the road is to allow laden farm vehicles to access the field parcels from the farm yard and buildings.

The Site Location Plan shows the proposed road to run for 130m from the top of the hill where the existing field access is located in an easterly direction, before reaching

a fork. One part measuring 80m is shown to head southwards into the large agricultural field containing sheep and cattle, whilst the road continuing straight heads eastwards for a distance of 103m behind an existing pond into an overgrown and enclosed wooded area. The proposed road would measure 5m in width and would be constructed of a crushed stone.

The Location Plan indicates that the proposed road/field access would be subject to levelling and engineering works. The Levels and Gradients information refers to the levelling as not exceeding 30 degrees, and that spoil already deposited on or near the proposed track would be used. The track is stated as not being steeper than 1:4 gradient.

RELEVANT LEGISLATION

Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended 2018)

CONSULTATIONS

Publicity

Site Notice expiry date: 19th July 2018
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

4 x letters of objection have been received from members of the public. The grounds for objection are summarised below:

- Roads will require substantial amount of material to be transported via Mount Road to the detriment of local residents
- Adverse visual impact from Leek-Ashbourne road and on wider landscape
- Un-regulated tipping would be likely to intensify as a result of this road being constructed

OFFICER COMMENTS

Whether the proposal complies with Schedule 2, Part 6, Class A of the General Permitted Development Order

Schedule 2, Part 6, Class A refers to agricultural units of 5 hectares or more and is relevant to this application based on the size of holding specified on the submitted Application Form.

Part A allows for the carrying out of any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

No detailed information has been provided with the application as to why the proposed road is 'reasonably necessary' for the purposes of agriculture. The sole

justification is for laden farm vehicles to access this area for the safer transportation of muck to be spread and import for fodder. In an email to the applicant's agent, it was stated that the proposal would be reasonable and necessary for agriculture. This email was sent prior to benefit of a site visit.

Whilst it is acknowledged that it is reasonable and necessary for agricultural vehicles to have suitable access to parcels of land within the agricultural unit, it is evident from visiting this site that the parcel of land to which the proposed road leads to beyond the small pond to the east, is overgrown and enclosed by mature trees and is not currently used for agricultural purposes.

From visiting the site, there is clear evidence of an existing more suitable means of access into the neighbouring field, which runs south eastwards from the top of slope at approximately a 45 degree angle, defined by shorter grass and tyre track marks.

Given the above, and after the benefit of a site visit to fully understand the proposal, after further consideration it is deemed that the proposed road is neither 'reasonable' nor indeed 'necessary' for the purposes of agriculture and as such the proposal does fall within Schedule 2, Part 6, Class A of the GPDO 2015.

Further to the above, Paragraph A.1(e) states that development would not be permitted by Class A if *"the ground area which would be covered by any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a) of this part."*

Paragraph D.1 (2)(a) sets out the methodology for calculating the area of development and states that the area comprises *"the ground area which would be covered by the proposed development..."*

The Site Location Plan and accompanying Levels and Gradient document confirms that the total length of the proposed track (taking into account both forks), equates to 344m. The width of the proposed track is 5m. The total area of proposed road is therefore 1720 square metres. In addition, the Location Plan and accompanying Gradient Levels document highlights that a significant amount of levelling is involved, as indicated by the chevron arrows and dashed line. When including this aspect of development within the calculations, the total area of development is in excess of 5,000 square metres.

Based on the above, it is clear that the proposed track does not meet the requirements of paragraph A.1(e) and is therefore not permitted development.

In summary, it is considered that due to the proposed road not being either 'reasonable' or 'necessary' for the purposes of agriculture and that the proposal fails to meet the requirements of Paragraph A.1(e) of Part 6, Class A, the application does not constitute permitted development and therefore full planning permission would be required.

As the applicant's agent was notified by email that Prior Approval was required for this application, the local authority are duty bound to assess the siting and means of

construction, under Paragraph A.1(d) of Part 6, Class A. This assessment is undertaken below.

Whether Prior Approval is deemed to be required as to the siting, and means of construction of the proposed road; and if required, whether the proposal is acceptable in these terms

The applicant's agent was notified by email that Prior Approval was required for the proposed road and that cross sections of the proposed road would need to be submitted. This notification was issued prior to a site visit taking place and before the case officer had a full understanding of the proposal and the site context.

Knivenden Farm is positioned in a prominent location at the crest of a hill on the north eastern outskirts of Leek. There are clear views of the site from both the A523 Leek-Ashbourne Road, which is situated to the south east, and from Stile House Lane, which is situated in an elevation positioned running from north to south on the opposite side of the valley.

The applicant's agent was requested to provide Cross-Sections of the proposed road. However at the time of writing no further information has been received.

The proposed road would be highly visible from both of these key visual receptors and would introduce a heavily contrived and engineered permanent surface to what is currently a natural rural landscape. The proposed road would result in significant adverse harm to the landscape character and visual amenity of the site and of the wider rural area and would be unlikely to have the support of the local authority should a full planning application be submitted.

Notwithstanding the fact that the proposed road does not represent a form of permitted development under Schedule 2, Part 6, Class A of the GPDO 2015 (2018 as amended), the significant adverse harm to landscape character and visual amenity would – if the proposal did constitute permitted development – result in the application being refused.

In conclusion, for the reasons set out in this report, it is recommended that Prior Approval is required and refused.

OFFICER RECOMMENDATION: Prior Approval required and Refused

Case Officer: James Stannard

Recommendation Date: 31st July 2018

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council