DELEGATED DECISION REPORT

DET/2020/0005 **Valid 06/02/2020**	**LAND ADJACENT TO DINGLE LANE RUSHTON SPENCER**	**PROPOSED NEW TRACK FROM AN EXISTING ACCESS POINT** **(AGRICULTURAL/FORESTRY DETERMINATION)**

MAIN ISSUES
Is prior approval required for the siting and means of construction of the proposed new track?

DESCRIPTION OF SITE
Relates to a roadside field parcel that slopes up from roadside to sudden ramp up at a steep gradient for the last 5metres to the field boundary around 100m from the road. There is an existing farm track to the edge of the field, which serves properties beyond, but after a short distance (100m) there is a junction with a cattle type track that provides access to the field following the field boundary along a kind of ridge or contour line above that of the road.

PROPOSAL
The application seeks a determination as to whether the prior approval of the siting and means of construction of a proposed new track/private way, will be required.

The new track would apparently share the same highway access but drive a straight diagonal land across the field parcel, effectively cutting the corner from the route of tracks already provided.

With the application there is a short covering letter and a location plan that shows the proposed route in red. The app forms say that the track would be 100m long, 3.5m wide and have a stone surface.

The covering letter complains that the existing track is too narrow for modern machinery and that it has tight corners and steep gradient.

OFFICER COMMENTS
The reality is that the existing tracks follow straight lines following the corner of the field boundary and thus contouring around the very steep gradient of the field.

It is not clear how a straight line diagonal track across this track could be built without considerable construction to bridge the ramp in levels. The application does not include any details or cross sections, but the development could involve significantly high and steep side profiles with considerable volumes of imported material necessary to achieve this. The development could have considerable impact, prominent within the landscape and exposed to the roadside. It could also rely on the importation of significant quantities of material, waste or otherwise, which could run counter to the principles of sustainable development and have unknown impacts on the highway network and/or the amenity of residents.

An application for prior approval would provide opportunity to consider cross sections and details relating to the depth of any excavation; the height of any raised level; and the depth, layers and type of material that would be provided beneath the stone surface. Obviously the particular interest is in how the track would be constructed to cross a steep ramp up in field gradient and what this might mean for its side profile, levels and gradient. Contrary to comments made in the applicant's covering letter, where there is reference to the steep gradient of the existing track, it would appear that the existing track arrangement actually takes a more contoured approach, whilst the proposed route of the new track would drive directly up from the road at a very steep ramp and gradient cutting straight across the field.

Moreover, whilst is not a matter for determination under the context of this application, it is perhaps prudent to question whether the proposed track is reasonably necessary for the purposes of agriculture within the unit. If the development does not objectively pass that test it is not permitted at all. This is raised as a concern particularly because there are serviceable tracks already in place that contour the gradient of the hillside without covering anymore significant distance. Where the covering letter refers to tight corners, it appears that the track from the roadside actually takes a straight run for a short distance before it makes one turn onto a cattle track. Perhaps there could be more explanation around the size, type, and purpose of the 'modern machinery' referred to in the covering letter. If needs be, the applicant could explore the possibility of improving the arrangement and orientation of the turn onto the field at the junction with less work and impact involved.

CONCLUSION / PLANNING BALANCE

Construction of the track could involve development that has considerable impact, prominent within the landscape and exposed to the roadside. It could also rely on the importation of significant quantities of material, waste or otherwise, which could run counter to the principles of sustainable development, have impact on the highway network and/or the amenity of residents.

The prior approval of the siting and means of construction of the proposed track is required.

OFFICER RECOMMENDATION : PNREQ

Case Officer: Ben Hurst
Recommendation Date: 21/02/2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council