DELEGATED DECISION REPORT

DET/2020/0029	**LAND ADJACENT TO**	**PROPOSED ROAD**
Valid 18/06/2020	**DINGLE LANE**	
	RUSHTON SPENCER	**(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 applicant has effectively already had this matter determined with a previous application DET/2020/0005, he was told that prior approval would be required.

However, he did not follow that up by positing the required site notice within the necessary time period and, therefore, did not comply with a condition of the GPDO.

He has therefore, resubmitted afresh and asked for the matter to be re determined. With this application he provides more explanation as to why the track is required and a gradient survey of the sloping field.

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 track would provide access to a relatively new slurry lagoon built with planning permission granted in 2017 (SMD/2017/0685) in the middle of his 44 acre land holding. There is already an access to the lagoon but from Dingle Lane it shares a 100m stretch of a private road that serves non farming dwellings beyond. From the private road there is a field track to the west that provides a short steep climb following the field boundary and provides access to the lagoon beyond.

The applicant says that from the private road the existing track is too steep for heavy slurry tankers (dangerous and wasted fuel consumption) and that the new track is necessary because crossing the diagonal of the field from Dingle Lane it takes a steadier longer climb at a less steep gradient. It also has the advantage of avoiding the 100m stretch of private road, which at the time of the 2017 application for the lagoon raised maintenance and wear and tear issues for the residents, and this is potentially the motivating factor for this proposal.

A site visit reveals that the proposed track which is pegged out across the diagonal would have a steadier gradient, perhaps marginally so, but it's a longer climb and its not obvious why a tractor pulling a tanker can not easily negotiate the short steep ramp from the private road, surely they are built to cope with heavy loads and multi terrain.

The track would need to traverse a sloping field and ramp up as it reaches the corner of the field. The field grass is currently quite long, hiding the terrain beneath, do it is not clear how much cut and fill might be required. The application does not include any details or cross sections, showing the depth of any necessary cut or fill and the materials that might be required to provide structure beneath a stone surface.

The development could involve high and steep side profiles with considerable volumes of imported material necessary to achieve this. The development could have impact, prominent and exposed within the landscape. 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.

The existing track has been constructed without any form of consent or application process and has been formed with building rubble.

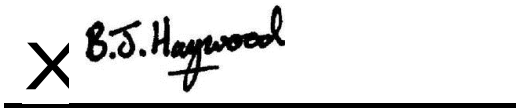
An application for prior approval would provide opportunity to consider cross sections and details relating to the depth of any excavation; the height of any raised level; and the depth, layers and type of material that would be provided beneath the stone surface.

CONCLUSION / PLANNING BALANCE

Construction of the track could involve development that has considerable impact, prominent within the landscape and exposed within the landscape. 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: 16/07/2020



Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council