

DELEGATED DECISION REPORT

SMD/2021/0242
Valid 01/04/2021

SOUTH FIELDS FARM
LEEK ROAD
WETLEY ROCKS

CREATION OF VEHICULAR
ACCESS

(FULL - MINOR)

MAIN ISSUES

- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on biodiversity.
- Whether the proposed development comprises an exception to inappropriate development in the Green Belt.

DESCRIPTION OF SITE

The application site is located on the western side of the A520 Leek Road and comprises a detached dwellinghouse with a commercial enterprise located to the rear. The commercial enterprise comprises a haulage use that has become lawful over time and consists of an area of hardstanding and 2no. sheds. A manege and stables is located beyond the haulage use.

The application site is located in the Green Belt. It is surrounded by open fields to the north, west and south and the A520 to the east. The surrounding area comprises open fields interspersed with farms, with a small cluster of farmhouses and their associated outbuildings located either side of this section of the A520.

PROPOSAL

Full planning permission is sought to create a new vehicle access onto the A520 for the sole use of the existing haulage yard. The existing access is currently shared between the dwellinghouse and the haulage yard and this will be used solely in relation to the dwellinghouse with the existing fence continued across the access gates into the yard.

Full planning permission was granted in 2020 for the demolition of the 2no. commercial buildings and stables and the erection of a replacement commercial building to be used by the existing business that is operated from the site for vehicle repair and storage purposes. This application has not been implemented to date.

The 2020 application, as originally submitted, included the provision of a new access for the commercial business and to retain the existing access for sole use by the existing dwellinghouse. Concerns were raised regarding the visual impact this aspect of the development would have on the character and appearance of the surrounding area, opening up views of the proposed building due to the hedge's relocation and

wide bell mouth and the impact it would have on the openness of the Green Belt. This part of the development was therefore omitted from the scheme.

This application now seeks planning permission for the omitted access.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted September 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
E1 New Employment Development
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12, 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2020/0101 Demolition of existing commercial buildings and stables and erection of new vehicle repair and storage building
Approved 30/09/2020

CONSULTATIONS

Publicity

Site Notice expiry date: 14/05/2021
Neighbour consultation period ends: 07/05/2021
Press Advert: N/A

Public Comments

Three comments have been received that object to the proposal on the following grounds:

- Two previous owners of South Fields Farm operated haulage companies with HGVs that used the existing access with no problems or incidents. They cannot see why the existing access cannot be used by the new owners.
- The access to their farm was directly opposite the proposed new access. They found this a very dangerous and unsafe access due to the speed, volume of traffic and poor visibility. They applied to move their access to a safer position further up the road, in the direction of Cellarhead lights.

- HGVs will be slowing down and turning directly opposite their house, resulting in extra noise and pollution.
- Loss of Green Belt.
- Increased likelihood of possible incidents/accidents occurring.
- Creation of an additional access point at a location where there have been a significant number of serious accidents including a death.
- The intention to use the existing access for sole use of the house is at the detriment of the public good, in that it creates an additional and unnecessary route through Green Belt.
- Effect on the Green Belt via replacing a green field with a hard/tarmac surface, reducing the area of Green Belt and resulting in negative impact in terms of the environmental benefit.
- The suggestion that hedge planting will be an environmental improvement is negated by the fact that established hedgerows currently supporting wildlife will be cut down to allow for the development and the area of grassland will be reduced.
- The application ignores the fact that the new access is at the top of a slope just before a dangerous hidden dip and is therefore more dangerous than the existing access.
- Details of various accidents that have occurred on this stretch of the A520 have been provided.
- The only reason given for the proposed new access is to prevent HGVs from passing in front of the applicant's house.
- Details regarding issues the new access will cause when they are trying to reverse onto their driveways.
- The application suggests that the new access will improve safety for vehicles accessing the highway as the original access is unsafe, but if this was the intent of the application, then the existing access could be modified instead.
- The application cites approval given on Green Belt for new housing further down the road in Wetley Rocks as being a precedent to approve this application. However, the two instances are not comparable.
 - The new access created in Wetley Rocks is in a 30mph speed limit where traffic is moving slower and less chance of high speed vehicles suddenly coming upon slow moving HGVs turning into and off the highway.
 - The access route in Wetley Rocks was necessary as there was no other means of access. Where-as this site already has an existing access.

Town / Parish Comments: Cheddleton Parish Council object to the application. They consider that it will be an intrusion in the Green Belt and any development is harmful. They objected previously as the existing access is situated in a much better position onto an A road for visibility on a 50mph road.

Severn Trent Water: No objection to the proposals and do not require a drainage condition to be applied.

Staffordshire County Council Highways: No objection subject to a condition.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2019) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2019) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and SS1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2019).

Policy E1 of the Local Plan states that the Council will endeavour to support the sustainable redevelopment, intensification or improvement of existing employment sites for new business and industrial developments will be supported provided it would not have an unacceptable impact on amenities, character or appearance of the area. Whilst policy SS10 outlines that within the countryside and Green Belt the Council wish to sustain the rural economy by enabling the limited expansion or development of business for employment uses where a rural location can be justified.

The application site includes an existing haulage business and the proposed access will serve this business. It is therefore considered that the principle of the proposed development is acceptable, subject to the impact it will have on the Green Belt and other relevant policies.

Green Belt

The application site is located in the North Staffordshire Green Belt. Policy SS10 states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

Paragraphs 143 and 144 of the NPPF (2019) states *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'* and *'when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*.

Paragraph 146 of the NPPF (2019) lists certain other forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Such developments include (b) engineering operations, and (e) material changes of use of land.

The creation of a new access will involve an engineering operation. It will result in a field being partially developed for purposes incidental to the existing haulage yard that operates from the rear of the site. The proposed development will therefore result in the change of use of the field. The proposed development will therefore comprise development that meets those listed in criteria (b) and (e) of paragraph 146 of the NPPF (2019). It is therefore necessary to assess whether the proposed access will preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt.

The proposed access will be positioned within the field north of the applicant's dwellinghouse. It will require the removal of the whole of the roadside boundary hedge to the front boundary of the field, as well as the removal of the section of roadside hedge between the field boundary and the outbuildings attached to the applicant's dwellinghouse. This equates to the removal of approximately 53 metres of mature hedge of approximately 2.5 metres in height.

The access will comprise a bell mouth onto the A520 Leek Road that will be 23.5 metres wide. The access will extend 20 metres from the back edge of the highway to a pair of gates. The gates will be 1.25 metres in height and will be attached to brick built pillars of 1.6 metres in height. A brick wall of 900mm will be built along the back edge of the bell mouth. It is proposed to plant a replacement hedge behind the required visibility splays, that will extend behind the proposed boundary wall. Beyond the proposed gates, a driveway measuring 6 metres in width will curve through the existing field for approximately 45 metres. The driveway and access will be surfaced in tarmac.

It is noted that the need to '*preserve the openness of the Green Belt*' does not mean that all new development within the Green Belt will automatically affect openness, instead it is an assessment of a development's harm.

The proposed access will result in the loss of a visually prominent mature roadside hedge. It is noted that a replacement hedge is proposed however, this will take a number of years before it is of the height and maturity of the existing hedge. The replacement hedge will be set back from the roadside in order to achieve the required visibility splays, opening up views of the haulage site behind, particularly when travelling southwards along the A520. The proposed boundary wall, gate posts and gates are domestic in appearance and will appear incongruous within the rural landscape and street scene, particularly as boundary walls in the surrounding area are constructed of natural stone. However, it is noted at paragraph 5.4 of the Planning Statement that the boundary wall could be omitted if required. However, the gate posts and gates would be retained. It is unclear why the gates and gate posts are proposed, as they are not for security purposes given their proposed height of 1.25 metres. These should therefore also be omitted from the scheme.

The proposed development will encroach into a field that is devoid of development; extending the existing haulage use into the adjacent field. The proposed development will therefore conflict with one of the five purposes of including land within the Green Belt. The character of the field will be significantly altered by the creation of a 6 metre wide tarmac access driveway extending for approximately 45 metres and a 23.5 metre wide tarmac bell mouth. The access will be sited centrally within the field rather than to one side and therefore it is not possible to screen it without parts of the existing field becoming unusable for agricultural purposes. The proposed bell mouth, access driveway and gates will therefore result in a significant visual intrusion into the Green Belt. It is for these reasons that the proposed development is considered to affect the openness of the Green Belt and comprises inappropriate development.

Paragraph 144 of the NPPF (2019) states, *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

The Planning Statement outlines at paragraph 5.3 that *'the proposed access is required in order to improve highway safety within the locality'*. Paragraphs 5.15 and 5.16 state the existing access onto Leek Road *'has very poor visibility, with no radius kerbs, and is considered less than ideal for the established haulage depot on the site. Lorries are compelled to cross over onto the far side carriageway in order to complete their manoeuvres and have no visibility of oncoming traffic before doing so. Such conclusions are reinforced by the comments of the Local Highway Authority in its assessment of application SMD/2020/0101 where it was acknowledged that: "Reduction in the intensity of the use of the existing access will be a benefit, as visibility is restricted".'*

The full comments of the Highway Engineer regarding application SMD/2020/0101 were, *'Reduction in the intensity of use of this access will be a benefit, as visibility is restricted. It is recommended that the owners improve visibility at this access when works are underway to provide visibility splays for the proposed access'*. This indicates that improvements could be made to the existing access to improve visibility, without the requirement for a new access and its associated impact on the openness of the Green Belt. No information has been submitted that demonstrates that the existing access cannot be improved.

In addition, the Planning Officer spoke to the Highway Engineer in respect of the omission of the new access from application SMD/2020/0101 and she stated, *'I don't have a problem with the original access and the continued use, volume and vehicle type...However, the existing is in use and it would appear that there isn't going to be any significant change to the current situation/use. Therefore I don't have any issues with the change'*. Therefore, whilst visibility at the existing access is restricted, the Highway Engineer does not raise an objection to the existing access continuing to be used for both the dwellinghouse and the haulage depot. There is therefore no highway safety issue associated with the continued use of the existing access.

Paragraphs 5.5 – 5.12 of the Planning Statement outline two planning applications that were approved by the Local Planning Authority for accesses in the Green Belt and draws parallels with the access proposed by this application.

Planning application SMD/2019/0451 was for the provision of a replacement access road to serve a landlocked brownfield site within the Green Belt that was to be redeveloped for affordable housing. The site is located opposite the Development Boundary of the village of Wetley Rocks, is less prominent than the application site, and the land previously benefitted from an existing hardcore farm track that was approved in 2002.

Planning application SMD/2020/0265 was for the retrospective approval of an access track to serve 1no. dwellinghouse. The access track comprised two strips of hardcore with grass in-between that was open to the remainder of the field. A simple 5-bar gate with wooden posts was positioned across the access and is flanked by a mature hedge and trees. Due to the low intensity of the proposed access, no alterations were required to facilitate visibility splays and therefore the access had a small bell mouth and all existing vegetation could remain in-situ. The overall impact on the openness of the Green Belt from the access was significantly different to this application. In addition, a condition was attached to the Decision Notice that removed Part 1, Part 2 and Part 9 permitted development rights to prevent the access from being improved, altered or resurfaced in any way that would change its character or appearance.

It is for these reasons that the examples put forward within the Planning Statement are not directly comparable to this planning application and in any event, each application should be determined on its own merits.

Conversely, the Planning Inspector dismissed the appeal for a vehicular access at Stanhopea, Mill Lane, Wetley Rocks (Appeal Ref: APP/B3438/A/12/2174657) on the grounds that the proposal would comprise inappropriate development in the Green Belt; that it would *'cause significant harm to the character and appearance of the surrounding area'*; that *'no reasons have been given why an access which would cause visual harm and represent inappropriate development in the Green Belt should be permitted other than the appellant's preference for an individual access off Mill Lane'*; and concluded that *'the very special circumstances necessary to justify the development do not exist'*.

The proposed access at Stanhopea was to serve 1no. dwellinghouse and comprised a much smaller bell mouth that connected Mill Lane to the dwelling's residential curtilage. It included an extended parking area adjacent to the dwellinghouse. The scale of the access at Stanhopea was far smaller than that proposed by this application and yet the Planning Inspector determined that the development comprised inappropriate development in the Green Belt for which there were no Very Special Circumstances. Parallels can be drawn between this application and the access proposed at Stanhopea as there is no highway safety justification for either and the existing accesses could be improved without the same level of harm to the Green Belt.

For the reasons outlined above, no weight is afforded to the two examples outlined within the Planning Statement or the argument that the proposed access is required to improve highway safety due to the existing access being substandard.

Design/Visual Impact

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Policy DC3 of the Local Plan (2020) seeks to protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands. It seeks to inter alia resist developments that would lead to a prominent intrusion into the countryside; support developments that conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds.

Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character.

The application site is located in the Potteries & Churnet Valley character area and the Ancient Slope and Valley Farmlands landscape character type, as identified by the 'Landscape and Settlement Character Assessment of Staffordshire Moorlands'. This character type is characterised by a strongly undulating or sloping landscape cut by small scale steep sided stream valleys; small scale mainly ancient irregular fields bounded by trees and hedgerows; there are extensive views from higher ground; and includes intimate wooded valleys. The main land use for the area is low intensity pastoral farming.

As previously outlined, the proposed development will result in the loss of a significant length of mature roadside hedge. Although replacement hedge planting is proposed, this will take a number of years to grow to the height and maturity of the existing hedge. The proposed hedge will follow the boundary of the new bell mouth rather than the field boundary. The introduction of gates, gate posts and walls to the entrance will be incongruous to the surrounding rural area, although these features could be conditioned to be omitted from the scheme, with permitted development rights for gates, walls and fences also removed. The bell mouth will create a significant opening within the road frontage, resulting in views being gained of the otherwise currently obscured haulage yard buildings. Both the access and the driveway, due to their scale, will result in a significant area of tarmac being laid within a field that is devoid of development. The proposed development will result in a suburban feature being introduced into a currently long, unbroken frontage along this side of the A520.

The proposed access and driveway will be visually prominent and harmful to the rural character of the street scene. It will not protect or enhance the local landscape and it will result in a prominent intrusion into the countryside. The proposed development will therefore be contrary to policies DC1 and DC3 of the Local Plan (2020) and the NPPF (2019).

Amenity

Core Strategy policy DC1 and paragraph 127(f) of the NPPF (2019) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

There are 3no. dwellinghouses located on the opposite side of the road from the application site, with Darleyshire Farm Nursery sited immediately opposite. Concern has been raised that the siting of the proposed access will result in an increase in noise and pollution to neighbouring properties from vehicles slowing down and turning into/out of the new access.

Darleyshire Farm Nursery faces in a northeasterly/southwesterly direction, rather than facing towards the A520. The dwellinghouse also has a large detached double garage with a pitched roof sited between the dwellinghouse and the A520. The A520 is a very busy road and therefore the dwellinghouse is already affected by noise and pollution. The proposed access will serve an existing haulage business which currently uses an existing access further south of Darleyshire Farm Nursery however, the proposed access will not result in any increase in the intensity of the existing operation at the business. The neighbouring dwellinghouse is located 25 metres, at its closest point, to the proposed access.

It is acknowledged that the proposed access will result in HGVs turning closer to the neighbouring property than the existing access. However, for the reasons outlined above, it is not considered that it would have a significantly detrimental effect on their amenity from an increase in noise or pollution. It is for these reasons that the proposed development would comply with policy DC1 of the Local Plan (2020) in respect of amenity.

Highway Safety

Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves.

Comments have been received that object to the proposed development on the basis of highway safety. The Highway Engineer has assessed the application and made the following comments:

'Current records show that there are 2 Personal Injury Collisions (PIC) on Leek Road within 160 metres either side of the proposed access for the previous five years. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.'

The development is located on Leek Road which is an A classified road (Road No. A520) with a speed limit of 50 mph and has the benefit of streetlights. There are speed cameras along this stretch of the A520.

This proposal is for the construction of a new vehicular access as detailed in Drawing Number 21/620/02. The access will serve the existing haulage depot

and is of the same dimensions and position as proposed in application (SMD/2020/0101). The existing access to the residential property will remain and will be solely for residential use.

It is considered that the proposed new commercial access located along the straight section of Leek Road, will benefit from a 6-metre-wide driveway and the provision of a bell mouth to accommodate vehicles accessing and egressing the site without obstructing traffic on the A520.

There appears to be sufficient parking and turning within the curtilage of the site as detailed on 21/620/02.

Visibility as stated in Design Manual for Roads and Bridges (DMRB) for a road with a 50mph speed limit requires a visibility splay of 160 metres.

Drawing Number 21/620/03 details an achievable visibility of 160 metres. However, there appears to be a small section that is very close to or passes over the neighbouring boundary and may require the trimming back of a hedge on the neighbouring frontage, though it already appears to be well maintained.

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:

The development hereby permitted shall not be brought into use until the visibility splays have been provided as per submitted Drawing Number 21/620/03. The visibility splays shall thereafter be kept free of all obstructions to visibility with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway.'

Although the Highway Engineer states they have no objection to the proposed development on highway grounds, this is subject to the imposition of a Condition that requires the visibility splays as shown on the submitted drawing to be constructed before it is brought into use and for the visibility splays to be kept free of all obstructions with nothing placed or retained forward of the splay that exceeds 600mm in height above the level of the adjacent carriageway. The Highway Engineer goes on to state that part of the visibility splay extends across land that is not within the applicant's ownership. The applicant therefore cannot implement the required visibility splays as they have no control over this section of the existing hedgerow nor could they prevent the visibility splay from being obstructed. The applicant therefore cannot abide by the requirements of the Condition the Highway Engineer seeks to impose that would ensure the development is acceptable from a highway safety perspective.

On this basis, the proposed development would have a detrimental effect on highway safety and would be contrary to policies DC1 of T1 of the Local Plan (2020).

Ecology

Policy NE1 outlines that the biodiversity of the District will be conserved and enhancement by positive management and the strict control of development by (1) protecting and enhancing habitats and species of principal importance for conservation; (2) ensuring development produces a net gain in biodiversity and; (3) any unavoidable impacts are mitigated.

The proposed development will result in the loss of a significant length of existing mature field boundary hedgerow and the construction of an access and driveway on an otherwise open field. It is proposed to replace the hedge with a new hedge, planted behind the required visibility splays. This hedge will comprise a mix of Hawthorn, Field Maple and Hazel. The applicant has also proposed additional planting alongside each side of the driveway, if required. However, in practice, this would segregate the existing field into unusable-sized parcels and therefore is unlikely to be acceptable. The submitted drawing also indicates that seeding will take place in disturbed areas to create a grassland that is rich with a variety of species.

In order to comply with policy NE1, the proposed development needs to result in a net gain in biodiversity. It is considered that this could be covered by a suitably worded condition.

To avoid any impact on nesting birds, a Condition should be attached that requires the existing hedge to be removed outside of the bird nesting season.

Subject to the imposition of the suggested Conditions, it is not considered that the proposed development will have a detrimental effect on biodiversity and it will comply with policy NE1 of the Local Plan (2020).

CONCLUSION / PLANNING BALANCE

1. The application site is located in the North Staffordshire Green Belt. The proposed new vehicular access comprises inappropriate development in the Green Belt and 'Very Special Circumstances' have not been demonstrated that clearly outweigh the harm by inappropriateness and associated visual harm to the openness, character and appearance of the area. The proposal is therefore contrary to policies DC1, DC3 and SS10 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).
2. One of the required visibility splays extends over land that is not within the applicant's ownership. The applicant therefore is unable to construct the visibility splay nor can they prevent the visibility splay from being obstructed. The visibility splay is required to ensure that the development is acceptable from a highway safety perspective. Without the ability to construct the visibility splay as required, the proposed access would have a detrimental effect on highway safety and would be contrary to policies DC1 of T1 of the Local Plan (2020) and the NPPF (2019).
3. The proposed access and driveway will be visually prominent and harmful to the rural character of the street scene. It will not protect or enhance the local

landscape and it will result in a prominent intrusion into the countryside. The proposed development will therefore be contrary to policies DC1 and DC3 of the Local Plan (2020) and the NPPF (2019).

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry

Recommendation Date: 27/05/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council