

Delegated Report

Planning Ref: 23/00900/FUL

Applicant: Mr & Mrs Joseph Garland

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land West Of Mythe Farm Atherstone Road Pinwall

Proposal: Creation of vehicular access

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application seeks planning permission for the creation of a vehicular access including dropped kerb on land west of Mythe Farm, along Atherstone Road. The proposed will reinstate a gateway that previously existed which will involve the erection of a new gate and fencing along with hedgerow planting. The land has been separated from the rest of the farm and is now in separate ownership. The proposed access is required to accommodate large modern agricultural vehicles accessing the field including combine harvesters and tractors with long trailers.

2.2. It appears this application has been submitted as the previous scheme granted under 20/00434/FUL has now lapsed (05/08/2020).

3. Description of the site and surrounding area

3.1. The application site comprises a small piece of land along Atherstone Road, Pinwall, outside of any defined settlement boundary. Adjacent to a narrow public footpath, to the east are open fields, to the north is an area of woodland and a cluster of dwellings heading into Pinwall, and further south is Atherstone, a principal urban area beyond the borough boundary. Atherstone Road is classified as a 'B' road.

4. Relevant planning history

4.1. 20/00434/FUL

- Creation of vehicular access
- Approved
- 05.08.2020

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. No letters have been received.

6. Consultation

6.1. No objections have been received from LCC Highways subject to conditions.

6.2. Sheepy Parish Council- 'Sheepy Parish Council is cognisant of the Delegated Report for 20/00434/FUL (7th August 2020), notes that the current application is a resubmission of 20/00434/FUL, and the response below reflects that submitted by Sheepy Parish Council for 20/00434/FUL to HBBC on 6th July 2020.

Having reviewed the above application 23/00900/FUL (Creation of vehicular access (resubmission of 20/00434/FUL), Land West Of Mythe Farm Pinwall Lane Pinwall), Sheepy Parish Council is supportive of the application as it appears to be in line with the policies, which should be considered collectively, in the Sheepy Parish Neighbourhood Plan made May 2022, and specifically in line with Policy S17- Rural Economy subject to it satisfying the requirements of the relevant expert consulted bodies'.

7. Policy

7.1. Sheepy Parish Neighbourhood Plan 2018-2036 (SNP)

- Policy S1: Countryside
- Policy S8: Design
- Policy S17: Rural Economy

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP and Policy S1 of the SNP sets out the circumstances in which development would be considered sustainable within the countryside, such as a development which supports the economic development of rural businesses. Policy S17 also supports development which is for the benefit of rural economies. As such, the proposed access to facilitate the day to day running of an existing farm business is acceptable in principle, subject to having no adverse impact upon the intrinsic value of the open character of the countryside. Compliance with the latter within Policy DM4 of the SADMP and Policy S1 of the SNP will be assessed further in the following section.

Design and impact upon the character of the area

- 8.3 Policy DM4 of the SADMP and Policy S1 of the SNP allows for sustainable development in the countryside where it meets specific criteria. Criterion i) requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.4 Policy DM10 of the SADMP and S8 of the SNP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 The proposed access would be located on the east side of Atherstone Road. It would be 8.5 metres in width and finished in a hard surface. The proposal would reinstate a gateway that was previously located in the same place, used for the safe access of agricultural machinery. The existing access use on the other side of Mythe Farm is no longer available and was unsafe. The gateway would be set back 11 metres from the highway into the eastern agricultural field and would not have an obtrusive appearance when viewed from the highway. The creation of an access to serve the overriding land use in the vicinity would not be unreasonable. The proposal would not have any adverse impact upon surrounding visual amenity or the openness of the countryside.
- 8.6 The proposed development would therefore accords with Policy DM4 and DM10 of the SADMP and Policy S1 and S8 of the SNP.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.8 According to its sufficient distance from residential properties to the south, combined with the access not being used on a frequent basis, the proposed access would not cause any adverse noise disturbance to nearby properties.
- 8.9 The proposed development would therefore accord with Policy DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.10 Policy DM17 of the SADMP requires new development to have no adverse impact upon highways safety.
- 8.11 LCC Highways are satisfied that acceptable visibility splays north and south of the access can be achieved. There are also satisfied that the width proposed would accommodate the types of vehicles intended to use the access, and the gateway set back 11 metres from the highways would be acceptable. The Design and Access Statement provided proposes hardstanding for the first 2.5 metres back from the highway and the remainder of the access will be constructed of a hardcore base with a surface of road plainings to ensure no significant harm to highways safety.
- 8.12 The proposed development subject to LCC Highways conditions would therefore satisfy Policy DM17 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposal would not have any significant adverse impact upon the character of the countryside. It would not have any neighbouring residential amenity impacts and would not have any adverse impacts upon highways safety. The application is considered to be in accordance with Policies DM1, DM4, DM10 and DM18 of the SADMP and Policies S1, S8 and S17 of the SNP. Thus, the application is recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Visibility Splays Plan 001 (1:500 scale) received by the Local Planning Authority on 02.11.2023

Visibility Slay Plan (1:1000 scale) received by the Local Planning Authority on 02.11.2023

Site Location Plan (1:2500 scale) received on 13.11.2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements, hardstanding and gate set back distance as shown on Agricultural Access Design General Arrangement, drawing number SD/11/9. Once provided, these shall be maintained in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), and to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres have been provided at the site access in both directions. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

5. The new vehicular access hereby permitted shall not be used for a period of more than three months from being first brought into use unless the existing vehicular access on Atherstone Road that become redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

11.3. Notes to applicant

1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.