

**Parish: Boltby**  
Ward: Bagby and Thorntons  
**3**

Committee date: Thursday 4<sup>th</sup> April  
Officer dealing: Miss Charlotte Cornforth  
Target date: Friday 5<sup>th</sup> April 2019

**18/02731/FUL**

**Improvements to existing access and formation of track with cattle grid  
At OS Field 0087, Boltby  
For Mr Mark Blundell**

**This application is referred to Planning Committee and at the request of a Councillor**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site comprises of an existing field access with a gated opening in the road side hedge on the east side of the highway near the Boltby to Cinque Cliff Track road junction with Wandhill Lane. This access directly abuts the edge of the highway and is 3 metres wide. The North Yorkshire Moors National Park boundary is located approximately 125 metres from the existing access of the application site.
- 1.2 The proposal seeks improvement to the existing field access and the formation of a track with a cattle grid. The proposed track is a "twin trod" design, with central grassed reservation and hard core filled wheel treads. The proposed route for the track does not head straight across the field from the entrance, but turns north to towards the roadside and field boundaries.
- 1.3 The agent has advised that the purpose of the improved access and track is to provide a safe and functional means for vehicles to access the land to the west of the holding. This area is now to be more intensively managed with a need for more vehicles to use the existing entrance. At present, the access is too narrow and requires vehicles to be halted in the highway whilst the gate is opened. In addition when exiting the site visibility is currently constrained.
- 1.4 The proposed improvements to the access will provide a hardstand entrance for vehicles to pull off the highway before entering the site and on exiting visibility will be significantly improved.
- 1.5 Amendments were sought during the course of the application. These amendments include:
  - The extent of hard surfacing at the entrance is reduced from 20 metres in length to 13 metres in length
  - The width of the entrance has been reduced from 4.5 metres to 3.5 metres
  - Additional hedge planting is proposed along either side of the entrance
  - The route of the twin trod track is amended to run closer to the roadside and field boundaries

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is no relevant planning or enforcement history regarding the site.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 – Access  
Core Strategy Policy CP3 – Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 – Rural regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP6 – Utilises and infrastructure  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP26 – Agricultural issues  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 – Landscaping  
Development Policy DP43 - Flooding and floodplains  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Hillside Parish – they have questioned why a track is needed to service a field. If the access is only required to serve this small parcel of land (the Boltby side and not to serve the farm) then presumably the usage would be very low and therefore not warrant improved access and a track. The verge at present is wide enough and the road straight enough at that point to pull over a vehicle to open the gate. They have stated that the new track leads up to an upgrade that has already been done between the two woods as trees have been felled.

The agent has responded to the points made by the Parish. In terms of “the new track they propose leads up to an upgrade that has already been done between the two woods”, there are existing unmade tracks in the woodland which have been cleared to facilitate woodland management. This management has involved some thinning of the woodland and new tree planting. Additional planting is to take place in the future.

In terms of “some of the wood has already been felled”, selective felling has taken place as part of a standard woodland management programme.

- 4.2 NYCC Highways – no objection to the proposal. To achieve the required visibility splays, the boundary hedge to both the east and west of the existing access will require cutting back.
- 4.3 North York Moors National Park Planning Authority – regarding the initial scheme, NYMNPA objected to the proposal. This was on the grounds that the proposed increase in width of the entrance; the 20 metres of hard surfacing, and the routing of the track across the field would represent an uncharacteristic and urban form of development that would detract from the character of this open countryside location, to the detriment of the character and setting of the North York Moors National Park, the boundary of which is adjacent the site.

Following re-consultation on the amended scheme, NYMNPA advise that the amendments addressed their original concerns and therefore have no objection to the proposal.

4.4 Third party comments – 14 letters of objection have been received during the course of the application. A summary of the objections are:

- The proposal should not be artificially lit to minimise light pollution
- The proposed access is dangerous owing to the gate being a short distance from a sharp undulating S bend that is dark because of woodland
- The road is very narrow and not appropriate to have a turning from the road
- This application will place a large road across open and highly visible countryside and spoil the landscape immediately adjacent to the North York Moors National Park
- The farm already has 2 separate accesses to the Boltby/Thirlby and Boltby/Felixkirk roads which should be more than sufficient for the needs
- The new proposed access/egress point is in a place where visibility is not good and has potential for accidents

The agent has confirmed that there is only one track to Housebrough Farm and this approaches the farmstead from the south. There appears to be an assumption that there is a second access from the north off Thirlby Lane, but this field access is not in the ownership of the applicant and does not give access to the land to the west.

## 5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of development; (ii) impact upon the character and appearance of the countryside; (iii) highway safety; (iv) residential amenity and (vi) flood risk and drainage

### The principle of development

5.2 Policy CP4 allows for development that is necessary to meet the needs of farming and other enterprises 'with an essential requirement to locate in a smaller village or countryside and will help to support a sustainable rural economy'.

5.3 Seeking to support and strengthen the rural economy is naturally a very important dimension within the LDF for Hambleton. The main issues of rural regeneration relate to two key aspects – rural employment generally and agriculture.

5.4 Policy DP26 (Agricultural issues) states that agriculture will be supported by measures that include: farm diversification; promotion of sustainable forms of agriculture; support for integration of agricultural activities; and guiding developments of new agricultural buildings to locations which are sensitive to their environment.

5.5 The agent has advised that the purpose of the improved access and track is to provide a safe and functional means for vehicles to access the land to the west of the agricultural holding that equates to 47 acres (19 hectares) of land and woodland. The agents notes that this area is to be more intensively managed than in the past and this will result in a need for more vehicles to use the existing entrance. The agent further notes that the existing entrance is unsuitable and could be unsafe for the increased number of trips. The more intensive management regime includes more woodland planting, tree thinning and general management of the wood. The land needs re-seeding to allow for more productive cropping. The crops are then able to be taken off the site in a safe and easy manner.

5.6 The agents considered that the topography of the site means it is not safe, or practical, for farm vehicles to leave the existing track to the south and manoeuvre over Long Hill to access land on the west of the holding 20 metres below the ridge. The proposal gives safe and practical vehicular access to 19 acres of land and woodland on the west side of the holding.

- 5.7 This area is under new ownership and is to be more appropriately managed with a need for more vehicles to use the existing entrance. At present the access is too narrow for some vehicles and requires vehicles to be halted in the highway whilst the gate is opened. In addition when exiting the site visibility is currently constrained.
- 5.8 A plan has been submitted that shows the land holding of Housebrough. The plan identifies the holding known as Housebrough, other land farmed in association with Housebrough, and land not owned by the applicant.
- 5.9 This plan shows that there is only one existing access track to the farmhouse and buildings and this is from the south. The holding has limited road frontage to the west and the existing access proposed for improvement is the only safe location on this road frontage for vehicles to use.
- 5.10 It is considered that subject to the proposal meeting the other LDF policies in terms of landscape impact, highway safety, amenity and drainage, the principle of development to improve the existing access and form a new track for agricultural and forestry purposes is considered acceptable.

#### Impact upon the character and appearance of the countryside

- 5.11 Policy DP30 (Protecting the character and appearance of the countryside) states that the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.12 The extent of hard surfacing at the entrance has been reduced from 20 metres in length to 13 metres in length and the width of the entrance has been reduced from 4.5 metres to 3.5 metres. Additional hedge planting is also proposed along either side of the entrance, with a post and rail timber fence.
- 5.13 The existing access is 3 metres wide and the proposed access is 3.5 metres wide. Therefore, 0.5 metres of hedge will need to be removed. 3 metres of hedge in a north easterly direction needs to be trimmed back to achieve the visibility splays. Therefore the loss of hedgerow is considered minimal.
- 5.14 The design of the track is a characteristic of rural areas and the cattle grid and 7 bar metal gate are features you would expect to see within the countryside. No external lighting is proposed as part of this application.
- 5.15 It is considered that the proposal will not have a detrimental impact upon the character and appearance of the countryside, in accordance with Development Policy DP30 nor harm the landscape setting of the North Yorkshire Moors National Park.

#### Highway safety

- 5.16 Development Policy DP3 (Site accessibility) advises that all proposals for new development must include provision for sustainable forms of transport to access the site and within the development.
- 5.17 A traffic count and speed survey has been carried out and submitted with the application. The proposed works include visibility splays of which accord with NYCC standards. 3 metres of hedge in a north easterly direction needs to be trimmed back to achieve the visibility splays of 2.4 metres x 61 metres in a south westerly direction and 2.4 metres x 82.9 metres in a north easterly direction.

- 5.18 The Local Highway Authority has raised no objections to the proposal and It is considered that the proposal will not be detrimental to highway safety in accordance with LDF policies.

#### Residential amenity

- 5.19 Development Policy DP1 (Protecting amenity) states that all development proposal must protect amenity and make provision for basic amenity needs of neighbours.
- 5.20 The site is relatively remote and it is considered that the proposal will not be detriment to neighbouring amenity in terms of being overbearing in presence, increased activity or loss of light or privacy. No external lighting is proposed.
- 5.21 It is considered that the proposal will protect neighbour amenity in accordance with Development Policy DP1 (Protecting amenity).

#### Flood risk and drainage

- 5.22 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.23 Surface water is to be disposed of via a soakaway. There is no evidence to suggest that the demands on the infrastructure of the local area arising from the development (in respect of drainage) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the area.

#### Planning balance

- 5.24 The proposal would provide a safe entrance and exit for farm vehicles to the wider land holding, without having a detrimental impact upon the character and appearance of the countryside without harm to highway safety, residential amenity or the capacity of local infrastructure.
- 5.25 No other material considerations would preclude a grant of planning permission. Overall the scheme is found on balance to be acceptable.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Amended Site Location Plan 3844-PD-00 Rev D, Amended PROPOSED SITE PLAN 3844-PD-02 Rev D and Visibility Splays 10699-001 unless otherwise agreed in writing by the Local Planning Authority.
  3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - a. The details of the access shall have been approved in writing by the Local Planning Authority
  - b. The crossing of the highway verge shall be constructed in accordance with the approved details shown on drawing 3844-PD-02 Rev D 'Proposed site plan' and Standard Detail number E9.
  - c. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 61.00m to the west and 82.00m to the east measured along both channel lines of the major road from a point measured 2.40m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32 and National Planning Policy Framework.
3. In accordance with Policy CP2 and DP3 and in the interests of highway safety.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In the interests of road safety, in accordance with Policies CP2 and DP3.
6. In accordance with Policies CP1, CP2, DP1 and DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

## Informative

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.