

Parish:	Walpole Cross Keys	
Proposal:	Proposed new agricultural access	
Location:	Old Farm Market Lane Walpole St Andrew Norfolk	
Applicant:	Mr Ben Human	
Case No:	20/01250/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 16 October 2020

Reason for Referral to Planning Committee – The Parish Council’s comments are contrary to the officer’s recommendation and the Sifting Panel requires the application to be determined by Planning Committee.

Neighbourhood Plan: No

Case Summary

The application site is located on the northern side of Market Lane, in the Parish of Walpole Cross Keys, between the A17 and Walpole St Andrew. It lies approx. 70m west of 'Samuel's Farm Shop'.

The application seeks the creation of a new vehicular access with gates to the gain access to the agricultural land to the north, behind the existing apple tree orchard. The land is bounded by a row of Poplar trees and hedgerow to the south adjoining a wide grassed verge to Market Lane.

Members may be aware that this land has been the subject of previous committee, enforcement, and planning appeals which have been dismissed.

Key Issues

Principle of Development;
 Planning History;
 Form and Character;
 Highway Issues;
 Impact on Trees; and
 Any other matters that require consideration prior to the determination of the application.

Recommendation

APPROVE

THE APPLICATION

The application site is located on the northern side of Market Lane, in the Parish of Walpole Cross Keys, between the A17 and Walpole St Andrew. It lies approx. 70m west of 'Samuel's Farm Shop'.

The application seeks the creation of a new vehicular access with gates to the gain access to the agricultural land to the north, behind the existing apple tree orchard. The land is bounded by a row of Poplar trees and hedgerow to the south adjoining a wide grassed verge to Market Lane.

There is currently an access to the field, approximately 40m west of the proposed access between Milagrita and Boradview, which is shared with the neighbour to access thier own field further north. There is no access through Samuel's Shop, which is in the same ownership. The proposed access is required for direct access from Market Lane to the agricultural field to the north of the access (blue land).

SUPPORTING CASE

None.

PLANNING HISTORY

18/01876/F: Application Refused: 05/02/19 - Change of use of agricultural land to residential garden and proposed new access to agricultural land (Committee).

18/01555/F: Refused to Determine: 05/09/18 - Change of use of agricultural land to residential garden and proposed new access to agricultural land.

16/02013/CU: Application Refused: 29/06/17 - Change of use of the land for garden to improve existing residential amenity - Appeal Dismissed 22/01/18.

15/00164/UNAUTU: Enforcement notice issued 06/07/15 - Material change of use of agricultural land to use as garden land, including stationing of residential paraphernalia and the construction of a child's climbing frame: Appeal dismissed 19/04/16.

14/01488/F: Application Permitted: 03/12/14 - Altered vehicle access and proposed front fence, walling and gates (Delegated).

14/00800/F: Application Withdrawn: 24/07/14 - Proposed front walling and gates - Old Farm House.

12/00119/F: Application Permitted: 22/05/12 - A proposed entrance lobby to the front of Old Farm. A sun lounge and wooden garden shed on the east side of Old Farm (Delegated).

10/02079/F: Application Permitted: 09/06/11 - Completion and retention of extension incorporating covered walkway, chimney and greenhouse/conservatory (Delegated).

09/00868/F: Application Permitted: 07/09/09 - Construction of detached garage and log store (Delegated).

08/00294/F: Application Refused: 10/04/08 - Erection of garage in curtilage of dwelling (Delegated).

07/02550/CU: Application Permitted: 04/02/08 - Change of use of strip of land to form amenity space for dwelling (Delegated).

07/02021/F: Application Withdrawn: 30/10/07 - Erection of detached garage, alteration to highway access

04/02098/CU: Application Permitted: 08/02/05 - Conversion and extension of buildings to create dwelling (Delegated).

RESPONSE TO CONSULTATION

Parish Council: OBJECTS on the following grounds:

"Already has 2 access points to the field therefore why another?
Previous applications have been made and objected to.
This access point is onto a main road and could be a danger to traffic when pulling out."

Highways Authority: Makes the following comments:

"Having previously visited the site I am aware that the point of access would achieve levels of visibility to accord with the adopted standards and I therefore recommend the following conditions:

SHC 05

Prior to the first use of the access hereby permitted the vehicular crossing over the ditch / watercourse shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways Field Access specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety."

Internal Drainage Board: NO OBJECTION, subject to compliance with the Board's byelaws.

Arboricultural Officer: NO OBJECTION Having reviewed photos, no comments made.

REPRESENTATIONS

NONE Received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS06 - Development in Rural Areas

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 10 - Transport and Access

Policy 6 - Managing and Reducing Flood Risk

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development;
- Planning History;
- Form and Character;
- Highway Impact;
- Impact on Trees; and
- Any other matters that require consideration prior to the determination of the application.

Principle of Development

The application is for a proposed access with gates to an agricultural field to the north of the apple tree orchard (blue land). There is currently an access to the west of the proposed access, which is shared with the neighbour. There is no access through Samuel's Shop (to the east), which is in the same ownership. The proposed access is required for direct access from Market Lane to the agricultural field.

The principle of the development is generally considered to be acceptable provided that it would not have any detrimental impact on the character or appearance of the countryside or result in any significant harm to highway safety in accordance with Policies CS06, CS08 and CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016..

Planning History

The previous planning application (18/01786/F) went to Planning Committee in February 2019 and was for a change of use of agricultural land to residential garden with a proposed access to agricultural field; the same access as the one proposed in this application. The committee report commented that the proposed access would have been acceptable. However, as the application needed to be considered as a whole with the change of use, it was recommended refusal. The minutes from February 2019 Planning Committee showed no comments were made specifically against the proposed access.

Furthermore, the planning appeal history on this parcel of land was regarding the change of use from agricultural land to residential garden only. The Inspector in both appeals, noted that the parcel of land was agricultural, therefore, the change of use to garden land would be contrary to Policy CS06 of the Core Strategy 2011. However, a field access, the subject of this current application, was not part of any previous appeal proposals.

Form and Character

Market Lane is characterised by sporadic residential development and parcels of agricultural fields along the north and south side.

The land is bounded by a row of Poplar trees and hedgerow to the south adjoining a wide grassed verge to Market Lane. The proposed access will not have an adverse impact on the rural character of the road as the site will continue to have planting along the boundary by only removing two trees to the south of the site and one tree to the north. The rural feel of the locality will thus be maintained.

The proposal is therefore acceptable in term of form and character and complies with Policy CS06 and Policy CS08 and Policy CS12 of the Core Strategy 2011, Policy DM15 of the SADMPP 2016 and Policy 10 of the Walpole Cross Keys Neighbourhood Plan.

Highway Impact

The access is approximately 8.9m east of Milagrita and 24.9m west of Old Farm. The gate of the proposed access will be approximately 8.4m from the carriageway edge of Market Lane. Whilst the Parish Council raise concerns regarding road safety on Market Lane, the Local Highway Authority has raised no concerns and recommended a condition to define the details of the construction of the access and its drainage.

The proposed access is considered to be acceptable in highway safety terms and complies with Policies CS08 and CS11 of the Core Strategy 2011, Policy DM15 of the SADMPP 2016 and Policy 10 of the Walpole Cross Keys Neighbourhood Plan.

Impact on Trees

A total of three trees are proposed to be removed for the access (two trees along the south boundary and one tree on the north boundary). The Arboricultural Officer has raised no objection to the removal of these trees.

The proposal is therefore acceptable in terms of the impact on trees and complies with Policies CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Any other matters that require consideration prior to the determination of the application.

The existing ditch that the access crosses will be culveted in accordance with the requirements of the LHA (secured by condition). The Internal Drainage Board have raised no concerns and have no comments to make on the application. The proposal would be in accordance with Policies 6 and 10 of the Walpole Cross Keys Neighbourhood Plan.

CONCLUSION

It is considered that the proposed access will not have an adverse impact on the current flow of traffic of Market Lane and will not adversely impact the form and character of the locality. There are no objections from statutory consultees relating to the provision of the access. Overall, the proposal is in accordance with the requirements of the National Planning Policy Framework 2019 and other relevant policies of the Development Plan. It is recommended that this application be approved subject to conditions as set out below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg no. 18-P57-PL010
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first use of the access hereby permitted the vehicular crossing over the ditch / watercourse shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways Field Access specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.