

COMMITTEE REPORT JUNE 2018

Plans List No. 1

Application No. 17/01716/FULL

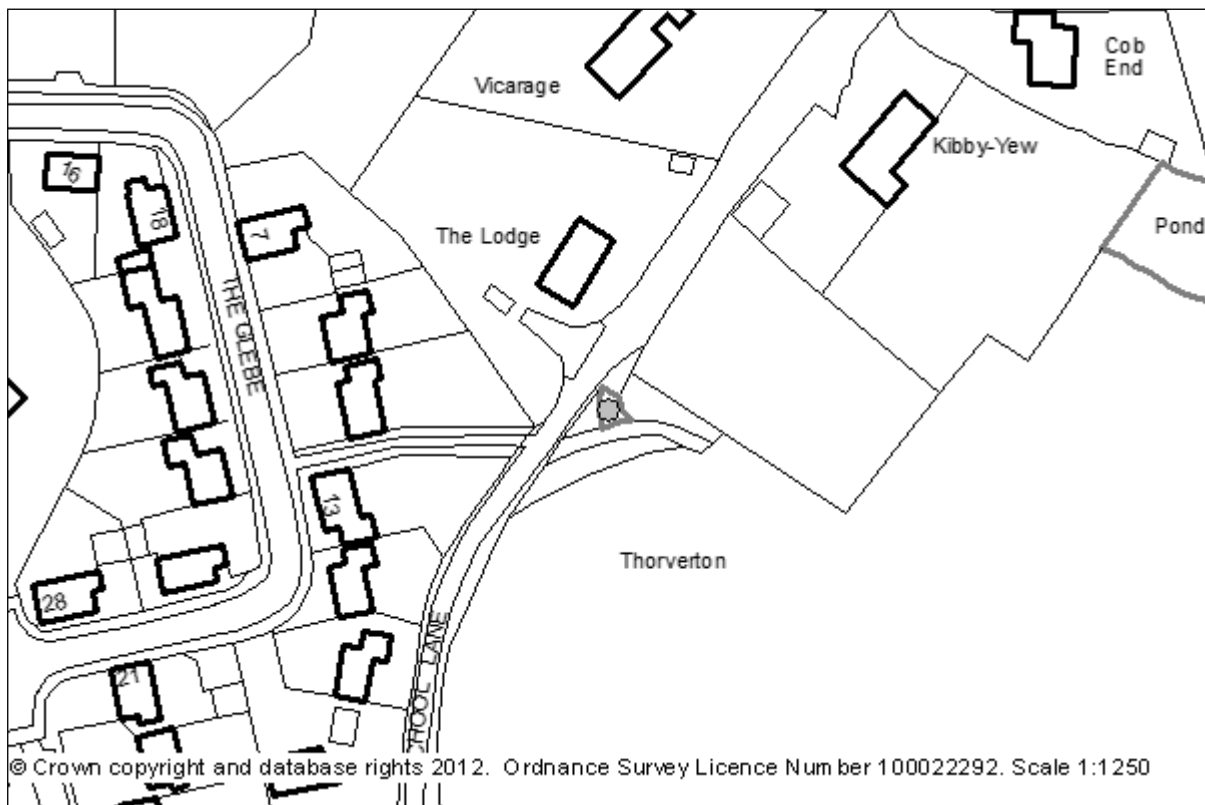
Grid Ref: 292482 : 101905

Applicant: Mr Richard Parr

Location: Land at NGR 292482 101905
School Lane
Thorverton
Devon

Proposal: Widening of the existing access to agricultural land

Date Valid: 19th October 2017



APPLICATION NO: 17/01716/FULL

MEMBER CALL-IN

Called in for consideration by Planning Committee by Cllr Bob Deed for the following reasons:

To consider whether there is an agricultural need for access and to consider matters relating to Highway safety.

RECOMMENDATION

Grant permission subject to conditions

PLANNING WORKING GROUP – 5 April 2018

Application 17/01716/FULL – Reinstate access and farm track to agricultural land – land at NGR 292482 101905, School Lane, Thorverton

There were 5 Members of Planning Working Group present.

Also present – the agent, an objector, a representative of the Parish Council, the Ward Member, the Case Officer and a representative from the Highways Authority (Ian Sorenson).

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider:

- The steepness of the application site
- The visibility splay
- Whether additional conditions, uses or methods of construction were required
- Pedestrian Safety
- The consequences of the application on the local amenity

The Principal Planning Officer outlined the application providing plans which identified the new access; the 1 in 10 slope for the first 8 metres of the access, the original access and the proposal to move the new access 2 metres from the road with a grass verge and retaining wall. The initial part of the access would be formed in concrete and drainage channels provided. The current access would remain and with the proposed access, this would allow vehicles to exit the field by either turning right or left onto School Lane.

The Group moved further into the access to the field and discussed the access issues which had been approved by the Highways Authority.

A representative of the objectors spoke questioning the ownership of all of the land in question. He stated that the visibility did not meet the acceptable requirements and to enable the required level of visibility there would be a need to encroach onto the road. He questioned the 1 in 10 steepness into the site and voiced concerns regarding the modified plans which gave additional detail. There was a need to make decisions on facts and that the Portal stated that the Highway Authority had no objection to the application, this was a local Highway man and not Mr Sorenson.

Mr Sorenson (Devon County Council, Highway Authority) stated that the plans identified that the area would be built out to provide a suitable visibility splay, he stated that his colleague also found it to be acceptable. The Highway Authority accepted the plans as the proposal

would be covered under the Highway Act. The land covered within the application was already publically owned and did not step into privately owned land.

Mr Dyson (Agent) spoke stating that the steepness had been accepted by the Highway Authority, the slope would be graded and it would extend into the field, there was only a requirement for a 1 in 10 slope for the first 8 metres of the access. The visibility splay would be built out onto highway land which would achieve the visibility required and it would actually improve the visibility to the left looking out from the site, the bank would be reduced and a visibility splay would be achieved in both directions. The Devon Bank and the retaining wall would stop any movement of earth out into the road.

Cllr Bright (Chairman of Thorverton Parish Council) spoke stating that the main objections were that of the ability to access the field via a 1 in 10 slope, the issue of drainage on a concrete entrance that could be blocked by muddy tyres and the maintenance of any drains; he also had concerns regarding road safety as it looked like a pinch point would be created which would be situated by the footpath from The Glebe which was used by children attending the local school.

Mr Sorenson explained that the road would not be narrowed at this point.

Cllr R M Deed (Ward Member) questioned the position of the bank and whether the bank would be physically cut to reduce it and lower it. He also questioned whether the proposed access would reduce the area of road surface at this point as at the current time it was used as a passing place.

Mr Sorenson explained that the bank would be cut back, reduced and a retaining wall created, the new gateway could be used as a passing place.

Members discussed the issues and accepted that there was a need for an amendment to the drainage condition to change the style of drainage system from an "Acco" style to a channel block and that the landowner would be required to maintain the drainage system in perpetuity. It was suggested that traffic generated from the field would not cause any increase in traffic movement and that the access in and out of the entrance was sufficient. Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

FURTHER OFFICER COMMENTS:

Since the consideration of this application at an earlier meeting of Planning Committee, a further plan was submitted and consulted on which in affect relates to the widening of the existing access involving the removal of part of the earth bank to allow vehicles to leave in a north direction. Whilst the scheme for the access as previously proposed remains acceptable to the Highway Authority and Officers, following a meeting between Ian Sorenson (DCC Highways) on site with representatives of the local community an amended scheme has emerged which the Highway Authority considers preferable.

PROPOSED DEVELOPMENT

The applicant seeks planning permission to widen the existing access to agricultural land on land at NGR 292482 101905, School Lane, Thorverton. At the present time there is an existing access to the field which arcs to the south but this proposal is to widen the existing access rather than the previous proposal to create an additional access which arcs into the

site from the north which would have required a build out into the lane. The proposal is in order to allow agricultural vehicles to be able to leave the field in a north direction along School Lane without having to travel further south along the country lane before having to turn in order to allow travel northwards back along the lane.

The new access to be created would be 23m wide adjacent the lane before reducing to a width of 4 metres at a distance of 10 metres back from the lane with the access having a minimum radii of 10m to allow travel to the north whereas the radii to the south would be 21m. The access would have a tarmac finish for the first 10 metres with a surface water interception channel leading to a new soakaway after. The proposal alters the position of the existing farm track leading into the field but would have a minimum width of 3.5m. The gradient of the improved access would be 1 in 10 for the first 10 metres before rising up to the field. Visibility splays are shown in accordance with Highway Authority recommendations being 43m in each direction as taken from a point 2.4m back from the edge of the carriageway. The existing traffic sign would also be relocated slightly further over.

APPLICANT'S SUPPORTING INFORMATION

Completed application form
Location Plan,
Existing Highway Layout Plan
Proposed Highway Layout Plan and Profile
Agricultural Justification Letter

RELEVANT PLANNING HISTORY

90/01095/FULL - PERMIT date 17th August 1990
Construction of vehicular access

17/01456/PNAG - PNP date 10th October 2017
Prior notification for the re-instatement of farm access/track

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR17 - Villages
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM22 - Agricultural development
DM27 - Development affecting heritage assets

CONSULTATIONS

Thorverton Parish Council - 9th November 2017

At the November 7th 2017 meeting of Thorverton Parish Council it was resolved that the following comment be submitted to MDDC Planning Department objecting to this application: 'Thorverton Parish Council objects to this planning application on the grounds of road safety'
Thorverton Parish Council – 14th February 2018

Thorverton Parish Council resolved to submit the following comments on this application:

- 1) The revised drawings do not provide the information required to address the objections raised by the local Highways Authority
- 2) No levels or sections have been shown and the drawings do not demonstrate that the access gradient can be achieved at one in ten
- 3) The retention of the bank appears to obstruct visibility above 600mm
- 4) Soakaway does not indicate a depth
- 5) An apron of 10 metres, as required by Highways, does not seem to have been addressed
- 6) Visibility splays should be shown in both directions and from both exits but are not.

Following the submission of additional information the following response was received:

Thorverton Parish Council - 14th February 2018

Thorverton Parish Council resolved to submit the following comments on this application:

- 1) The revised drawings do not provide the information required to address the objections raised by the local Highways Authority
- 2) No levels or sections have been shown and the drawings do not demonstrate that the access gradient can be achieved at one in ten
- 3) The retention of the bank appears to obstruct visibility above 600mm
- 4) Soakaway does not indicate a depth
- 5) An apron of 10 metres, as required by Highways, does not seem to have been addressed
- 6) Visibility splays should be shown in both directions and from both exits but are not.

Following consultation on the proposal to widen the existing access:

Thorverton Parish Council – 9th May 2018

Thorverton Parish Council resolved to submit the following comments at its meeting on 8th May 2018:

- 1) This is a new scheme which no longer appears to be a reinstatement of the track.
- 2) The removal of the bank in-between is detrimental to the character of the Conservation Area and the street scape.
- 3) Residents have raised concerns in that the new drawing does not accurately represent the bend in the road to the south west and, therefore, the ability to have the correct visibility lengths in place which could require removal of further hedgerow and bank for this to be achieved.

Highway Authority - 9th November 2017

Observations:

I have visited the site which is located on a single track road and the current access is substandard in terms of alignment visibility and construction. The Highway Authority is aware of the objections submitted which make reference to the unit supplying fuel to an AD plant in Clyst St Mary. Before the Highway Authority can make a full assessment of this application the Local Planning Authority are advised to seek a response from the applicant into the figures identified. These figures would appear to be generations over a full year and over a much larger land take and while they may be from land in the control of the applicant elsewhere on school lane the traffic generations of this field need to be determined to consider this application on its own merits.

In addition to which the Highway Authority would seek the following details incorporated into a new design plan.

- Both accesses should remain open if consent is granted.
- The applicant would need to demonstrate access gradients for both the new and existing access of 1 in 10 maximum
- The access is hard surfaced in Tarmac or Concrete for the first 10.0m

- Visibility splays are provided with no obstruction greater than 600mm above the existing road surface taken from a point 2.4m back along the centre line of both accesses and extending to a point 25.00m to the north and 25.0m to the south,
- The access will need to demonstrate suitable drainage so as to prevent surface water, and detritus entering the public highway.
- Position of the relocated signage so that is visible to oncoming drivers for a distance of 25.0m and does not present an obstruction to visibility.

In addition to the above the Highway Authority may wish to place a restrictive condition on times of use to avoid conflict with school pick up and drop off such a restriction may require a suitable legal agreement. Upon receipt of the above information the Highway Authority will reassess the application

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, is likely to recommend refusal of planning permission, in the absence of further information:

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout, road construction, road gradients, and surface water drainage, contrary to paragraph 32 of the National Planning Policy Framework

Following the submission of additional information the following response was received:

Highway Authority - 8th February 2018

I can confirm that I have no objections in principle. I have forwarded the plan to neighbourhood engineer to see if he is willing to accept a licence application based upon this plan. His input will determine the conditions - if he accepts it I can accept the plan and he will deal with any further details in the licence, if he does not, he may require further plans being produced and a condition which will require discharging. If he is content I can condition the drawing as submitted.

One letter of objection as summarised below has been added as the Local Highway Authority has responded to the points raised:

1. This is a cynical Trojan horse application by the landowner to obtain a new access in the hope of residential development on a steep hillside, outside the 30 mph limit.
2. Measurements are not given for the retaining wall or the grass verge where the hedgerow is to be removed. The plan does not appear to be accurate on highway adjoining boundaries which may have been tweaked to fit the proposal.
3. The highway 'road narrows' sign and 'double bend' sign will not be properly visible to motorists in the relocated position.
4. The engineering works associated with this proposal are inadequate given the very steep incline particularly in wet weather.
5. To turn from School Lane into the new entrance with a 16m long tractor and trailer, grain trailer, or anaerobic digester waste trailer, will mean a wide turning circle and driving onto the curtilage of the listed Lodge opposite to achieve the turn, crossing from one side of the lane to the other and needing high revs to get up the very steep gradient.
6. Given the size and weight of vehicles and narrow width of turn and very steep incline, there would increase the health and safety risks.
7. There are no pedestrian pavements along the very narrow School Lane making the risk to villagers and children even greater walking to school and The Bury.
8. The proposed drains are totally inadequate to deal with the rain water and storm water run off from the concrete pad - soil and mud will also be dragged onto the highway. In addition where does the storm water and soil go once it enters the chamber on the plan?

Local Highway Authority - 22 February 2018

The Local Highway Authority response to the points raised in the additional letter of objection referred to above is as follows:

1. This is not for this application to consider and is speculation, however, the access being provided for agricultural use would not be suitable for a residential estate road and significant further works would be necessary along with suitable transport assessments for any housing generations will be necessary to determine suitability for the site for an increase in traffic.
2. Items 2, 3, 4 I have considered in the whole. The full width of verge and location of the realigned bank will be determined by the visibility splays. The current configuration with the retained bank was a desire from the Planning Authority to maintain the bank and general street scene. The Highway Authority are happy to accept this plan, albeit less than satisfactory, based on the need for the developer to enter into a licence with the Highway Authority where greater detail can be submitted in terms of technical aspects, but the layout, materials, visibility splay provision of drainage, radii and widths have been determined.
5. The swept path of agricultural vehicles entering the site from school lane from the north have been taken into consideration and that is why a 10m radii curve into the site and the lane /access width are as they have stipulated.
6. The gradient of the access has been stipulated as no greater than 1 in 10 for the new section which is the maximum gradient accepted by the Highway Authority and the hard surfacing of the access for the first 6.0m will cater for the skid resistance of the access.
8. The introduction of the drainage is a benefit over the existing access which is greater than 1 in 10 and has no restraint to water entering the highway. Details of the soakaway will be dealt with through the licence. The hard surface identified on the plan is the necessary requirement that allows a full wheel rotation and the reasonable removal of mud and stones before a vehicle enters the public highway. While greater detailed drawings would be desirable the plans submitted have sufficient annotation from a Highway Authority perspective to work with particularly given the need for a licence under the Highway Act.

Local Highway Authority – 5th April 2018

Observations:

Further to the Highway Authority responses to emerging plans and our emails and following the committee site meeting I am happy to offer the following conditions for consideration.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in a Northerly direction and 43.00 metres to the centre lien of the carriageway in the other direction.

REASON: To provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 8.00 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

3. The frontage of the site shall be set back 2.4 metres from) the nearer edge of the existing carriageway and the land in front of this new boundary shall be cleared of any obstruction to visibility and the level reduced to no greater than 600mm above the carriageway level

REASON: To provide adequate visibility from and of emerging vehicles and to allow for future improvement of the road

4. In accordance with details that shall previously have been submitted to, and approved by, inclusive of but not limited to drainage channel (not Acco drainage), Soak away details and porosity rates the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

5. Off-Site Highway Works No Use of the new access shall take place on site until the offsite highway works for the provision of a build out to support the visibility splays has been designed, approved by the Local Planning Authority constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.

Following consultation on the proposal to widen the existing access:

Local Highway Authority – 1st May 2018

The Highway Authority has viewed the revised plan and can confirm that it has no objection subject to the plan being conditional of consent. The relocated sign would need to be positioned where there is sufficient visibility and this is feasible and can be assessed on site for optimum location.

Environment Agency – This is operational development less than 1 ha within flood zone 1 where no consultation is required.

REPRESENTATIONS

33 Letters of objection have been received following consultation on the revised proposal for the widening of the existing access to agricultural land. Previously, 37 further letters of objection were received following consultation on amended plans to the proposal to reinstate access and farm track to agricultural land (showing build out arrangement) with 42 letters of objection having been received prior as reported in the Officer Report to Planning Committee as considered previously by Members.

The objections on the revised plan to widen the existing access have been summarised as follows:

- School Lane has become a busy road since the closing of Hulk Lane which has impacted on those walking to the local school, particularly children, and dog walkers. The widening of the road will cause vehicles to travel even faster and allow larger vehicles access.
- The access point is located immediately after a particularly narrow part of the lane, around a relatively tight corner which is approached by a slope.
- The access point is directly opposite the pedestrian access to The Glebe, of which there is no pavement to enter / leave the road. An increase of agricultural machinery using this

access would pose significant risk to safety for those pedestrians using this entrance, particularly school children, in breach of NPPF Section 32

- The end of School Lane meets Bullen Street, which then results in a T-junction entirely impractical for large vehicles to navigate.
- There is no pavement along the narrow School Lane to the Bury.
- The drawings are deliberately misleading as School Lane has been straightened to meet Highways visibility compliance. The visibility splay can only be achieved by removing over 20 metres of ancient Devon hedgebank north and south of the access and re-siting a BT telegraph pole on the bank (breach of the Hedgerows Act 1997)
- 73 children are on roll at Thorverton CE Primary School, as well as 20-30 Preschool children on site at any one time with children's safety when using School Lane and the surrounding roads in the village being a major concern as there is no car parking or drop off sites therefore requiring children to walk to school.
- The school uses the community recreation ground for P.E during the summer, walking children along the road, past the proposed site and uses School Lane to access a number of facilities.
- An unintended consequence of this large tarmacked access will be its use as a turning point thus increasing the traffic in School Lane and increasing the risk to pedestrians.
- Enabling large agricultural vehicles to be able to turn north out of this field seems very problematic and likely to impinge on the driveway of the house opposite.
- The widening of the access is in order for the farmer to bring bigger farm machinery into the road that small school children use, which will put them in danger.
- The access is far too steep for use by vehicles which could descend out of control and injure pedestrians or collide with vehicles on the lane.
- The lane is simply too narrow to allow a less steep safe gradient
- School Staff park next the school for most of day restricting road width.
- There is to be an increase in traffic with the applicant now be regularly crop maize in this field to supply an anaerobic digester in East Devon at Clyst St Mary, a process which currently does not happen.
- A safe stopping distance will be impossible to achieve due to the blind corner and the steep Devon hedge bank.
- A road traffic accident occurred recently on May 9th 2018 within 100 metres of the proposed new access where a large van lost control, clipped the side of the hedge and ended up on its side in the lane. This could easily happen with this new access given the poor visibility, destabilising slope of the proposed new access and narrow blind corner, as well as increase in agricultural and school drop off traffic.
- Maintenance of this access will become a significant road safety issue as the applicant will not wish to maintain the entrance to the same standard as the highway in the future
- A traffic survey carried out in March 2018 demonstrated 495 movements in total, with 20% vehicle movements into School Lane and 80% of all pedestrian movements were to the School.
- The design of access is again non-compliant and unachievable regarding both slope and visibility. This new design bears no resemblance to the official Agricultural Access drawings in Appendix 4 page 321 of DCC Highways own reference manual2.
- If to be approved, cannot the applicant be obliged to make a contribution towards the cost of building a pavement from the Glebe footpath towards the school entrance?
- If approval is granted, is the planning authority willing to pick up the associated costs and risks of having to design, manage and enforce compliance of the Highways conditions and to also defend these conditions in the event of a possible challenge?
- This new design requires the applicant to place considerable additional new tarmac down to the level of the public highway in School Lane. Please clarify who is to assume responsibility for its compliance, future ownership and maintenance?

- There is no mention of moving existing South Facing road safety signs or consideration for additional possible new signage needed for North bound traffic approaching site from around the bend. If there are to be any changes, movements or additional road marking, who is responsible and who is expected to pay?
- We understand the new design calls for the complete removal of over 10 metre of Devon bank and field soil down to the level of school lane in an attempt to achieve the needed 2.4m visibility "X" distance.
- What is the expected depth of the kerb where it meets the public highway?
- The large expanse of concrete run off will lead to increased pooling at the pedestrian entrance to the Glebe during the winter.
- There are no SUDS design details and as there are no highways drains on this side of school lane, are planning able to clarify precisely how this design can be expected to prevent surface water and detritus from entering the public highway without the construction of a drain to the other side of school lane?
- Planning Policy DM22 requires "Agricultural Need" to be demonstrated - there is no evidence of this "Need" although it was quoted that this as one reason why MDDC are in support. Please can you clarify MDDC's evaluation criteria on this important part of Planning law.
- There are other accessible routes into this field for the applicant which could be utilised instead of removing a Devon hedge.
- The new plan has nothing to do with the widening or reinstatement of a farm access for agriculture but a housing estate, business park or even an industrial estate.
- The scale of it makes clear that the applicant's intentions are not limited to facilitating occasional egress from his field.
- The "farming" of this field has been successfully carried out for the last five years since the applicant purchased the land with the existing access so no need to change it.
- The entrance itself seems absurdly disproportionate in size akin to an industrial access
- The widening described is not appropriate for simple infrequent access to the field.
- The destruction of the ancient hedgerow and bank proximate to the conservation area will ruin the approach to this beautiful village.
- The site is on the edge of Thorverton conservation area and the design will not retain any visual amenity value for the community - it is urban in design not rural, fundamentally not in keeping with the School Lane rural features, the Lodge and its garden directly opposite in the Thorverton Conservation Zone contrary to policy on amenity value.
- Due the dramatic impact the new driveway will have on the "green environment and peaceful aspects" of School Lane, will the Conservation Officer re-visit the site?
- The new plan (5th) will mean the removal of large sections (20m+) of ancient Devon hedge bank 500 years old, creating an industrial urban design and huge expanse of tarmac right next to the Thorverton Conservation Zone.
- The proposed new access is directly opposite the historic Lodge and its Garden, both of which are listed in the TCZ of being exceptional merit.
- Proposal could result in the loss of hedgerows used by bats. A full environmental impact survey needs to be conducted to ensure that there are no protected species in the vicinity of the proposal.
- Noise, smell and pollution will result as a consequence of the increased use and nature of traffic using the widened entrance.
- There would be an increased risk of damage to the area around this entrance.
- The proposed development is opposed by the community and should be refused
- Does the change in description require a new application?
- The applicant is being afforded an amazing amount of tolerance by the Planning Officer when submissions of revised drawings exceed the stated time scale
- There are outstanding unresolved planning issues that this applicant has failed to make good.

The 37 objections received to the previous amended plans contained a number of objections as had previously been reported within the Officer report but the additional points of objection are summarised as follows:

- Following receipt of computer drawn plans, the previous hand drawn plans have been removed
- The plans produced are not by a recognised highways engineer qualified to deliberate on road design
- The revised plans are misleading with inaccurate information, particularly regarding visibility splays and inclines
- The access is not in accordance with D.C.C Highways Development Management Advice
- In order to achieve a 1 in 10 gradient, the access would need to extend a further 10 metres into the field
- The size of modern agricultural tractors and trailers (16m) means the stated sweep radius of 10 metres will be impossible to achieve without destroying the existing south entrance as well as driving onto the curtilage and driveway of the Lodge opposite
- The position of the relocated highway signs will not be seen by road users
- To be effective and prevent serious run-off, the proposed soakaway will need to re-engineered in order to below the level of the existing road. A percolation test will also be needed to confirm viability
- Without an artificial build out this application is completely unviable
- Object to the proposed narrowing of School Lane opposite the entrance to The Glebe which will make it dangerous to pedestrians, especially children and other road users.
- The build out will create a severe impact on pedestrian and other road user safety, contravening Section 32 National Planning Policy Framework and impact on the visual amenity of School Lane within the conservation zone.
- Traffic would be moved closer to the pedestrian access from The Glebe
- Traffic and pedestrian movements onto School Lane - A movement survey was conducted in the Bury on March 27th from 8 am - 9.30 am. There were a total of 495 vehicle and pedestrian movements, with 20% of vehicles entering or exiting School Lane and 80% of pedestrian movements to the School or to the school buses in the Bury.
- It is essential to maintain one of most effective and frequently used passing places along School Lane, especially for large vehicles
- The fact remains that agricultural vehicles have done significant and repetitive damage to boundary walls and vehicles along School Lane so this proposal would make the situation worse
- Any retaining wall should be constructed in Thorverton stone to be in keeping in the Conservation Area
- The applicant already has two other accesses leading to this field which are safer
- This application is not needed for agricultural purposes with the landowner's agricultural justification poorly evidenced.
- Concerns are raised that this application has received so many objections from Thorverton residents on the grounds of highway safety but is still being considered favourably
- The reopening of Hulk lane as part of a round walk from the village encourages people to get fit and this represents a highway danger to pedestrians.
- The Build-out will need to be urban designed and hard engineered to withstand mounted and driven over on a daily basis by agricultural vehicles and artic lorries as this critical passing place will be removed. The unsightly kerb edge will be 50mm in height rising to 600 mm against the orchard wall, which is not in the applicant's ownership but the Lodge

opposite, located in the Thorverton Conservation Zone. The 2 regulatory warning signs for 'road double bend' and 'road narrows on both sides' will be relocated to the kerb.

- Planning Permission already granted for a storage building for crops harvested from the applicant's holding. The applicant was granted planning permission under 15/007720/PNAG by MDDC on 3 June 2015 for a grain/crop storage building on his land at Yellowford Thorverton, serviced by the existing southern entrance from the steep field. There is no necessity therefore for a further access as planning permission has been granted for a storage building within a mile of the field on the basis of agricultural need with an existing and sufficient southern track for access.
- Since purchasing the field 4 years ago the applicant has rented the field out for 2 in 4 years to other farmers for sheep keep and swedes under plastic, bringing into serious question the justification for agricultural need.

The grounds for objection to the proposal to reinstate an access (new access to arc to the north) as outlined in the Officer Report considered previously by Members were summarised under the following issues.

Application form and plans submitted:

1. The new plan is not to scale with no details of any materials to be used in the construction and the proposed "channel drainage to soakaway" is lacking in any technical information.
2. Parts of the application form have been filled out incorrectly
3. The term re-instatement is misleading as whilst there may have been a field gate at one time, no powered wheeled vehicle has ever entered this unit from the north.
4. Level of detail. The current field access was installed under planning permission 90/1095/FULL which had a number of conditions regarding positioning of the field gate 5m back from highway, suitably hardened surface material, maintaining hedgerows etc. in order to improve visibility, protect the visual amenity of the area and prevent mud and stone debris being carried onto the public highway in the interests of public safety and convenience.

Need for access:

5. The applicant is named on a planning application approved by East Devon District Council as working under contract to grow bio feed to fuel an Anaerobic Digester located near Clyst St Mary. Land at Yellowford is identified as generating 1,530 tonnes of crop and in turn taking back 1,170 tonnes of digestate in order to "fertilise" the fields. These activities generate at least 350 journeys by tractor and trailer across narrow lanes. These journeys would be re-routed to the north, past the primary school and through the middle of the village whereas they have been successfully delivered in the past using the existing exits to the South down School Lane towards Brampford Speke & Exeter.
6. Other accesses have been opened up along School Lane (some without permission) to allow the large scale farm machinery to enter the field.
7. It will not improve road safety as all crop harvested this year from the whole plot (including this field) has all gone south down School Lane. It is understood that not one load has completed a 3 point turn at Yellowford and returned through the village.
8. The current owner has successfully operated all types of large agricultural machinery using the current access since acquiring the land over 4 years ago without apparent inconvenience.
9. Why would the landowner wish to add over 4 miles each way to a journey to his home farm while needing to negotiate a very tight turn in the centre of a village?

Practicability of access:

10. It would be unusable as the field is at least 5 meters above the level of School Lane with any new lane from the north needing to be a similar length of that to the south to prevent a steep slope and a steep bend.

11. A tractor is unlikely to negotiate this steep bend into the field and prevent debris from inevitably ending up in the public highway.
12. A new access may only be achieved by being engineered in concrete which would create significant extra surface water run-off and diffuse pollution through soil and mud dragged onto the highway by heavy agricultural vehicles, thereby increasing the risk of a road traffic accident.
13. The proposal would require more engineering works in the form of highway drainage to deal with surface water run off and mud. There is a constant run-off from the current access onto the lane with the existing drainage unable to take this extra water away.
14. The existing road signage would need to be relocated.

Highway Safety:

15. It will be an unsafe entrance due to the close proximity of neighbouring residencies and sited opposite a footpath from The Glebe to School Lane that is designed to provide primary school children an alternative safer route to the Thorverton primary school.
16. School Lane has no pavements and with the future new development in Broadlands for sixteen additional houses, the number of children using this route to access the school will increase. Young pedestrians would be sharing a narrow country lane with turning tractors and trailers which is not safe.
17. The new access would be off a blind muddy corner and will result in an increase in heavy large agricultural vehicles along School Lane which is narrow and sunken with poor drainage.
18. The application proposes to unnecessarily drive large heavy farm machinery through the village of Thorverton, past the village primary school to a sharp right angled bend in the middle of the village (junction of school lane and Bullen Street). The DCC School Transport Safety Officer has already expressed concerns over road traffic/parking issues.
19. Most buildings and many walls in both in School Lane and the middle of the village try to be protected by bollards. Unfortunately they are in regular need of replacement due to damage by farm machinery trying to negotiate these narrow roads. Driveways along School Lane are also used as a passing place to allow large vehicles to squeeze through. The implied additional minimum of 350 extra journeys through the middle of the village caused by this totally proposal will only exacerbate an already bad situation.
20. The ownership of West Raddon Farm is based in Netherexe, meaning an inevitable level of farm traffic between the two, routed through Silver Street, The Bury and Bullen Street. This traffic has been compounded in the last few years by two other developments. First, the landslip and resulting closure of Hulk Lane to vehicles has meant that traffic between Fortescue Farm and Rewe Barton, traffic which formerly used Hulk Lane, is forced to use Silver Street, The Bury and School Lane. Second, Yellowford Farm is now in common ownership with Lynch Farm, and traffic between the two used Bullen Street and School Lane. Prominent among the latter are milk tankers; these navigate the corner between Bullen Street and School Lane only with difficulty, and have a history of causing damage to cobble, kerbs and pavements.

Impact on Heritage Assets:

21. Thorverton Conservation Area Appraisal and Management Plan describe School Lane as having a rural, tranquil character.
22. A new access may only be achieved by being engineered in concrete which would be completely out of character with the adjacent conservation zone, being unsightly.
23. MDDC have the duty to ensure that proposals for development within the conservation area either preserve or enhance character." The proposed application with the installation of a large concrete ramp directly opposite The Lodge, a quintessentially English thatched country cottage, and adjacent to the conservation area seems contradictory to these stated aims.

Impact on the environment:

24. This application, if granted, would be in direct contravention to Thorverton Parish Plan and Council's environmental aims.

25. The use of concrete for the proposed and existing access is not in keeping with the local environment and not in accordance with MDDC's stated vision to conserve and enhance the areas environment. Discouraging the use of School Lane by walkers and cyclists is also not in keeping with the spirit of MDDC's Greater Exeter Strategic Plan, especially in relation to transport issues.

26. The ostensible purpose of the development is to facilitate vehicle access for the movement of biomass for use in an anaerobic digester. Crops grown for this purpose [e.g. Maize] lead to soil structural degradation and lead to significantly higher surface-water runoff as clearly established by research published in Soil Use and Management in 2013. The runoff from the fields in question will adversely affect both School Lane and also the River Jordan and Silver Street due to the orientation of the slope of the field from the 77 Metre highpoint shown on the OS Map at N50:48:18 W3:31:32 (WGS84).

Potential use of access for future residential development:

- There have been enquiries made to Thorverton Parish Council by Devon and Cornwall Housing (DCH) regarding the possibility of building "30+ housing and car parking" on the land immediately surrounding this gateway on School lane.
- The proposal will lead to housing on site resulting in more traffic and pollution.

The following representations were reported on the update sheet to the Planning Committee on 28th February 2018:

Further 4 objections were received following receipt of the amended plans. Similar points have been raised as reported in the Committee Report but additional comments raised are summarised as follows:

- Drainage will run off the proposed concrete surface for both accesses into the highway
- How will soakaway and drainage be maintained and kept clear
- There are no details for the soakaway location/depth

One letter of objection as summarised below has been added as the Local Highway Authority has responded to the points raised:

1. This is a cynical Trojan horse application by the landowner to obtain a new access in the hope of residential development on a steep hillside, outside the 30 mph limit.
2. Measurements are not given for the retaining wall or the grass verge where the hedgerow is to be removed. The plan does not appear to be accurate on highway adjoining boundaries which may have been tweaked to fit the proposal.
3. The highway 'road narrows' sign and 'double bend' sign will not be properly visible to motorists in the relocated position.
4. The engineering works associated with this proposal are inadequate given the very steep incline particularly in wet weather.
5. To turn from School Lane into the new entrance with a 16m long tractor and trailer, grain trailer, or anaerobic digester waste trailer, will mean a wide turning circle and driving onto the curtilage of the listed Lodge opposite to achieve the turn, crossing from one side of the lane to the other and needing high revs to get up the very steep gradient.
6. Given the size and weight of vehicles and narrow width of turn and very steep incline, there would increase the health and safety risks.
7. There are no pedestrian pavements along the very narrow School Lane making the risk to villagers and children even greater walking to school and The Bury.
8. The proposed drains are totally inadequate to deal with the rain water and storm water run off from the concrete pad - soil and mud will also be dragged onto the highway. In addition where does the storm water and soil go once it enters the chamber on the plan?

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Justification for the development**
- 3. Highway matters and highway safety**
- 4. Design and appearance of the development and its visual impact on the landscape**
- 5. Drainage provision**
- 6. Other matters**

1. Policy and procedure.

This is a planning application which the applicant outlines is to widen the access to agricultural land on land at NGR 292482 101905, School Lane, Thorverton. The original submission outlined a proposal to reinstate an access and farm track to agricultural land although it was noted that whilst there is an old gate post on site, there has been no access in any form for a significant period of time and therefore the proposal was being considered in the light of the creation of a new access to the agricultural land, in addition to improvements proposed to the existing access which arcs from the south off School Lane. However, since then the proposal has been revised to have a single access through the widening of the existing access which is a scheme preferable to the Local Highway Authority providing a betterment in highway terms providing an area which can be used as an additional passing place for larger vehicles, a refuge area for pedestrians and does not require any build out into the highway.

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework [the Framework], published by the Government in March 2012, is noted as one such material consideration.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. In this instance, the relevant policies are considered to include COR1 [Sustainable Communities], COR2 [Local Distinctiveness], COR9 [Access], COR17 [Villages], COR18 [Countryside] of the Core Strategy and DM1 [Presumption in favour of sustainable development], DM2 [High quality design], DM22 [Agricultural Development] and DM27 [Development affecting heritage assets] of the Development Management Policies [Local Plan Part 3].

Policy COR1 of the Mid Devon Core Strategy [Local Plan Part 1] seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. It seeks to provide accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel and allow for ease of movement. Policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses and COR17 relates to the development types acceptable for villages such as Thorverton.

In light of the policies within the Core Strategy and Development Management Policies, the key issue to be considered in respect to this proposal is that of the principle of the development taking into consideration the adopted and emerging planning policy relating to

acceptable agricultural development, its design, highway safety and impact on the landscape and residential amenity. These matters and other planning considerations are considered further below.

2. Justification for the development.

COR18 establishes the principle of the types of development in the countryside and permits the provision of agricultural buildings/works. More specifically DM22 specifies that agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm and in the immediate agricultural community.
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

The impact on the highway network, the environment and residential amenity are considered later in this report. In terms of the principle of this development, the proposal (as now submitted) is for the widening of an existing access requiring the removal of a bank of land in order to improve the existing access arrangements onto the field from the narrow road to allow improved access from the north. The field served by this access has a total area of 11.92ha (29.45 acres) of mainly arable land.

The applicant has confirmed that the maize grown on the holding is ensiled in silage pits at his home farm at Higher Bagmores and that the maize silage is to be consumed by cattle throughout the winter on that holding. It is therefore preferable to travel north through the village and then east to the main road network rather than south along narrow lanes. In addition to this, the applicant has commented that he farms land in the Shobrooke area, therefore being beneficial to be able to travel north through the village, the most direct route. In respect of the existing access onto site, the applicant's agent outlines that the current arrangements create a significant health and safety issue as tractors and trailers either have to reverse out onto the public highway or alternatively travel the distance to Yellowfiord farm whereby they are required to carry out a three point turn on the public road in order to travel back towards Thorverton. Both of these actions create significantly higher risk to the public and other road users than the proposed access.

Planning permission is required for this access due to School Lane being a classified road. In terms of ensuring the long term viability of an agricultural enterprise operating from this site, it is considered reasonable to permit this access to support the agricultural activity on the holding, with the proposal representing a betterment to access arrangements into the site.

An objection raised with respect to need is made on the basis that other accesses are available for use by the applicant further south along School Lane. On this point, it is noted that the existing access to this field which arcs from the south is the only direct access from a public highway. With respect to the use of alternative accesses, the first point that would need to be made is that the applicant is able to currently use the existing access to this field and leave in a south direction before legally turning further along School Lane in order to travel back north. The main purpose for this application is to provide a safe access for the main field, improving upon the current access arrangements given the applicant's preferred route to travel north through the centre of the village and then east along Silver Street to get on to the A396 rather than travelling south along School Lane and onto Dunsford Hill which is narrow lane with limited passing places.

In terms of other accesses, there is an existing access point between this field and the adjoining field in which the applicant could navigate across the field toward another access. There is field access to the south of the residential property of Perles Hill, a distance of approximately 320m from the existing access to the application site, but this has limited visibility and is directly onto a narrow stretch of lane, but there is a wider access approximately 630m to the south from the existing access to the application site.

The factors which would deter the applicant from undertaking a route to the public highway via an adjoining field are considered to be on the grounds of the additional distance required across adjoining fields to existing accesses (approximately 245m and 405m), the current topography of the site with the land rising to the south of the application field before sloping back down within the adjoining field and that the closest alternative access is onto a narrower stretch of land with restricted visibility, especially to the north. With respect to the applicant traversing across fields to access the public highway rather than through an improved access arrangement for the main field, the applicant's agent has stated that whilst there are road accesses to the other arable fields along School Lane, they are of the view that a useable access is required to each arable field so in order to avoid having to drive over crops to access any fields without gateways onto the highway. Given the nature of the existing accesses into the adjoining field, the likelihood of an increase of mud onto the highway would also be a consideration.

3. Highway matters and highway safety.

The original plans provided as part of this planning application were considered insufficient to assess the impact onto the highway network with the Local Highway Authority requesting further information. Further plans were received for a new access which allowed travel north onto School Lane which was deemed to be acceptable by the Local Highway Authority subject to conditions.

Whilst the scheme for the access as previously proposed remains acceptable to the Highway Authority and Officers, following a meeting between Ian Sorenson (DCC Highways) on site with representatives of the local community an amended scheme has emerged for a proposal which in affect relates to the widening of the existing access involving the removal of part of the earth bank to allow vehicles to leave in a north direction. The Local Highway Authority has confirmed that the single point of access is the preferred Highway layout which would provide the most highway benefit.

Initially following the original submission, the Local Highway Authority noted objections making reference to the unit supplying fuel to an Anaerobic Digestion plant in Clyst St Mary and that before the Highway Authority could make a full assessment of this application recommended that the Local Planning Authority seek a response from the applicant into the figures identified. As reported earlier, the applicant has confirmed that the maize on this field is grown to be consumed by cattle. However, in any event the Local Highway Authority has further commented that they would discount this objection as the fields would be able to be used for crops without further planning consent and that looking at the figures to the annual generations the daily movements would be limited, albeit the land is going to be seasonal, but the generations would be the same as if the crop is used for fodder on any other part of the holding or sold to any other farming enterprise.

On this point, whilst these comments are noted from objectors, it is considered that the case can be made that this improved access would be beneficial to the farming enterprise of the applicant given that they want to travel through the village to get on to a main road rather than use single narrow lanes. Movements which can take place today but require the turning of vehicles further south along School Lane. The applicant's agent has noted there is currently access to the field from the public highway and currently no restriction on transport

movements and that this application seeks to improve the health and safety aspect of the field entrance and is required given that there are no existing farm buildings on site.

With respect to traffic generation, it is not considered that there would be a significant increase of traffic onto the site from what could take place now. The objections received are predominantly on the basis that the access as shown would allow for more heavy agricultural traffic to pass by the primary school and through the centre of the village which would represent a highway danger to all road users. It is noted that there has been conflicting reports received from residents of Thorverton through the objections received, some stating that no agricultural vehicles from the farming operations carried out on site have travelled north along the lane and through the village to those complaining of the size and frequency of agricultural vehicles travelling through the village as a result of the combined farming enterprise of the applicant. In any event, the direction of traffic is not a matter that can be controlled as the applicant can leave the site and then turn the vehicles around where possible in order to travel in the opposite direction and the Local Highway Authority do not object on highway safety grounds.

In terms of highway safety, the proposal as now submitted shows a single wider access having a minimum radii of 10m in order to allow vehicles to leave or enter from the north. Another requirement would be for the improved access is to achieve a gradient of 1:10 which the Local Highway authority believe can be achieved, allowing for this gradient to a distance of 10 metres back from the carriageway edge with the proposal representing an improvement to the existing access through the steep nature of the current access being reduced, having a tarmac surface and the introduction of a drainage channel to deal with surface water run-off. Visibility for the access as shown on the submitted plan is for 43m in each direction as taken from a point 2.4m back from the edge of the carriageway. Agricultural vehicles leaving the site would therefore be able to view pedestrians on the road in front.

4. Design and appearance of the development and its visual impact on the landscape and character of the Conservation Area.

The previous proposal to create a new access would have resulted in a new grass verge to be created with the lowering of an area of existing bank, with a retaining wall constructed having a rubble stone face. Following the original submission and requirements outlined by the Local Highway Authority, the applicant considered three alternative proposals, the first to create a larger single access onto site involving the removal of the complete bank, the second option being to keep the existing access from the south and have a new access to the north allowing the existing bank to be retained but lowered in height down to approximately 1 metre in order to achieve visibility in either direction, or to keep the existing access from the south and have a new access to the north but with the bank cut back approximately 2 metres allowing for a grass verge or increased carriageway width in front of the existing bank (kept at the height it is currently). The latter option was chosen as the creation of a grass verge was considered to be more in keeping with the small grass verge on the opposite side of the road.

However, concerns were received from members of the community that this proposal to create a new access would have required a build out into the highway which would have resulted in the loss of an existing passing place, the narrowing of the existing lane and movement of traffic closer to pedestrians using the public footpath link to The Glebe.

The site is opposite the conservation area with a number of objections received at the time of the original plan being on the basis that a new concrete access would detract from the character of the area. However as commented in the previous officer report, it was not considered that the new 3.7m wide access shown with the creation of grass verge would

harm the setting of the heritage asset of the conservation area with the Conservation Officer raising no objection to the proposal on the basis that the development was implemented in accordance with the amended plans received, with the development therefore considered in accordance with policy DM27.

The revised proposal following the meeting of the Local Highway Authority and representatives of the local community is to create a larger single access into the site involving the removal of the complete bank which is preferable in highway safety terms. Further objections have been received that this proposal would result in a detrimental impact on the Conservation Area due to construction of a wider access with the removal of the earth bank with comments received that in order to achieve visibility to the south, further hedge bank will need to be removed.

On the matter of the removal of further hedge bank to the south, the proposed plans do not show any further removal of hedgebank but it should be noted that there is an existing access which arcs to the south with this proposal representing an improvement to the existing access arrangement. It is not considered that the works to the existing access results in any significant detrimental environmental impacts with the access being read in context with the purpose of being an agricultural access onto the farm land. An area of existing bank is to be removed but it is not considered that this alone would result in significant harm to the Conservation Area with the public benefits through the creation of an additional passing bay and refuge area for pedestrians along School Lane weighing in its favour.

5. Drainage provision

As referred to earlier in the report, a drainage channel is shown to be installed for the improved access with water to drain to a soakaway area as shown on the submitted plan. This detail is considered to be acceptable by the local highway authority with an improvement to the existing access arrangement onto the site. Therefore the drainage provision for the development is considered to comply with Policy DM2 of the Local Plan Part 3 Development Management Policies. An informative note has been included as part of this recommendation advising on the nature of the surface water drainage arrangements that will be sought.

6. Other matters

In terms of any impact on amenity of neighbouring residential properties, it is only considered that occupiers of The Lodge opposite the site could be affected, but given the gradient changes and frequency of use, it is not considered that there would be a significant detrimental impact on amenity. Agricultural traffic can pass the property currently and the sweep path of the access means that traffic will be concentrating on the access and views along the lane to oncoming traffic rather than directly into the property.

In terms of objections received relating to this development, it should be noted that the proposal is for an access into the agricultural land, not on how the land is to be farmed and for what purpose, or whether it is intended to be used for housing in the future, the latter requiring planning permission in any event. Water run-off from the agricultural activity taking place on the field is also not a matter to be considered as part of this application as this application only relates to the access arrangements onto the site and whether these would be acceptable in policy terms which they are considered to be.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
4. No part of the access drive hereby approved shall be laid out at a gradient steeper than 1 in 10 for the first 10 metres back from the edge of the highway carriageway as shown on the approved plan, drawing no. TM81k.PH1d with the site access road to be hardened, surfaced, drained and maintained thereafter for a distance of not less than 8.00 metres back from its junction with the public highway.
5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in a Northerly direction and 43.00 metres to the centre line of the carriageway in the other direction.
6. Notwithstanding the submitted details, the surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Drainage shall be implemented in accordance with the approved details and so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning and to achieve safe access to and from the site in a manner which does not cause significant danger and inconvenience to other road users in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).
3. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies DM2, DM22 and DM27 of the Local Plan Part 3: (Development Management Policies).
4. In the interest of highway safety and to prevent mud and other debris being carried onto the public highway in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

5. To provide adequate visibility from and of emerging vehicles in the interest of highway safety in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

6. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

INFORMATIVES

1. You are advised that surface water drainage details required under condition 6 shall be inclusive of but not limited to drainage channel (not Acco drainage), soak away details and porosity rates in order that provision be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the works to widen the existing access is considered to be supportable in policy terms. The new access arrangement is required in order to improve the current access arrangements into the field due to substandard nature of the existing access and the size and nature of agricultural vehicles accessing the farmland from a narrow lane. The development is reasonably necessary to support the farming activity on the holding with the applicant confirming that they farm this land to grow feed for cattle. Whilst the proposal represents an increased width of access into the site with an area of bank removed, it is not considered that the access as shown on the submitted drawings would result in significant harm to the character and appearance of this rural area including the adjoining conservation area. It is also not considered that the proposal results in any significant adverse impacts on the amenity of nearby occupiers, the environment or the highway network. Overall the proposal is considered to be compliant with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.