

IMPLICATIONS REPORT

Application No. 17/01716/FULL

Plans List No. 1

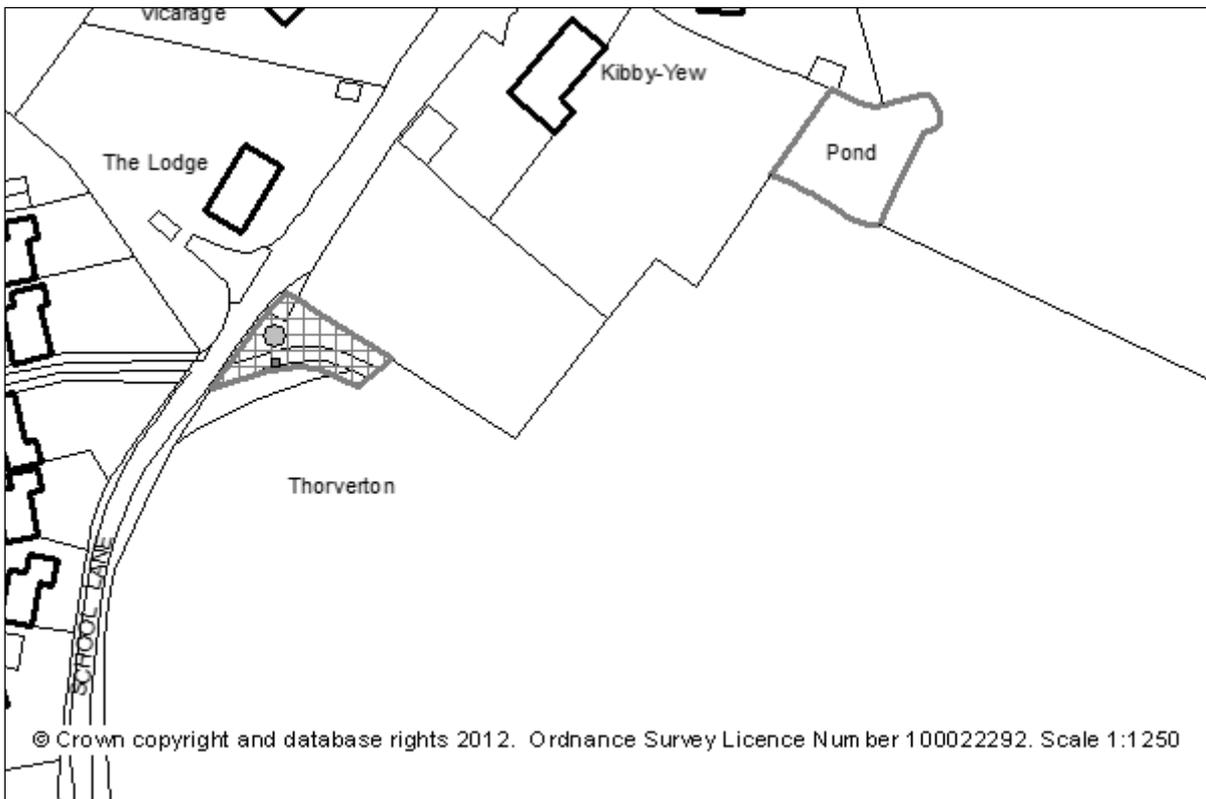
Grid Ref: 292482 : 101905

Applicant: Mr Richard Parr

Location: Land at NGR 292482
101905 School Lane
Thorverton

Proposal: Widening of the
existing access to
agricultural land

Date Valid: 19th October 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/01716/FULL

Description of 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.

REASON FOR REPORT:

At the meeting on 13th June 2018, Members resolved to refuse the application contrary to officer recommendations and the application was deferred for a further report setting out suggested reasons for refusal and the associated implications.

RECOMMENDATION(S)

Grant permission subject to conditions

Relationship to Corporate Plan:

Economy

- Business development and growth

Environment

- Protecting the natural environment

Financial Implications: An appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the development plan and all other material considerations.

Legal Implications: The report identifies the risks in proceeding with an appeal based on the reasons given by the Committee on 13th June 2018 – both in terms of outcome of an appeal and

the risk of a costs decision. The Council will still need to prepare draft planning conditions for the appeal.

Risk Assessment: If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

REASONS FOR REFUSAL AND IMPLICATIONS:

At the Planning Committee held on 13th June 2018, Members gave consideration to:

- The number of objections to the application
- The size of the field
- The number of trips on a daily basis from the field
- Whether the other access should be considered
- The views of the objectors with regard to road safety issues and the impact on the visual amenity, the misleading plans previously submitted, the narrow blind bend, the impact on the Conservation Area and the number of people who used the lane
- The views of the agent with regard to the reasoning for the application, the fact that the access to the field would be improved and the views of the Highway Authority
- The views of the Ward Member highlighting the road safety issues and the environmental impact of the application on the Conservation Area, the access was now on an industrial scale, concerns of the safety of foot traffic in the lane and the fact that the landscaping would grow and encroach on the highway.
- How the application would improve the access to the field
- Whether the new track was required even with larger machinery
- Drainage issues
- The need to consider the application on planning merits

Members of Planning Committee resolved that they were minded to refuse the above application contrary to officer recommendation and therefore wished to defer the application for consideration of an implications report to consider reasons for refusal to include:

- Highway Safety
- The environmental impact of the proposal
- The visual impact on the Conservation Area and the character of the area
- The possible lack of business need
- The general pedestrian safety issue given the presence of the school in the locality

The suggested wording for reasons for refusal

The Committee was minded to refuse the application on the grounds listed above. Set out below are the reasons for refusal which would appear on the planning decision notice to address the five issues raised:

1. In the opinion of the Local Authority, the proposed widening of the existing access is considered unacceptable in highway safety terms given the steep gradient of the access proposed for vehicles entering and exiting the site, the identified radii for the new section of access off a narrow stretch of lane in terms of achieving the required swept path for an agricultural vehicle and trailer. The proposal does not enhance road safety with the potential conflict with other road users and pedestrians given the position of the access located opposite the entrance of a public footpath. The development is therefore

considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies).

2. In the opinion of the Local Authority, the proposed works associated with the widening of the existing access is likely to result in a detrimental environmental impact. The proposed removal of earth bank and vegetation in order to provide the required visibility splays and increase in the extent of hard surface will result in an increase of surface water run-off from the site and a loss to the natural resource and biodiversity of the countryside. The development is therefore considered to be contrary to Policy COR2, COR11 and COR18 of the Mid Devon Core Strategy and DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies).
3. The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area to the detriment of the heritage asset of the adjoining Conservation Area and the visual amenity of the area in general. The Thorverton Conservation Area Appraisal and Management Plan adopted 2015 outlines that the School Lane part of the conservation area has a rural, tranquil character and the bank and vegetation which would be removed is considered to contribute towards the rural character of the lane and the visual amenities of the area and therefore its removal to the extent shown would be detrimental to the rural quality of the area. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM22 and DM27 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.
4. Insufficient justification has been provided for the need of a widened access given the fact that the applicant has been able to farm the lane previously from the existing access and that there are alternative accesses available to the applicant further south along School Lane therefore negating the need for the works associated as part of this proposal. The works are not considered reasonably necessary to support the farming activity on site contrary to DM22 of the Local Plan Part 3 (Development Management Policies).
5. In the opinion of the Local Authority, the proposed widening of the access would prejudice road safety due to lack of a public footpath along School Lane and the proximity of Thorverton Primary School and associated pedestrian traffic from parents and children walking to from the school via the public footpath link from The Glebe. The proposed widening of the access will encourage increased travel along School Lane between the centre of the village and the application site with the prospect of the access also used by vehicles to turn. The generation of additional traffic movements to and from the site by the development proposed along School Lane would result in an increased risk of accidents to all road users. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies).

The implications of refusing the application

Reason for refusal 1

In respect of the determination of planning applications, the planning Acts (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) state that they should be determined in accordance with the development plan unless material indications indicate otherwise. The development plan is therefore the primary consideration and the NPPF acts as non-statutory guidance which should be taken as a material

consideration and this is clear from paragraph 2 of the NPPF which states that it is a material consideration in planning decisions. In this instance, the relevant policies of the Development Plan relating to concerns of highway safety are considered to be those of COR9 (Access) of the Mid Devon Core Strategy (Local Plan 1) and DM2 (High quality design) and DM22 (Agricultural development) of the Mid Devon Local Plan Part 3 (Development Management Policies).

The Local Planning Authority take advice on highway safety matters from the statutory consultee, which in this case is Devon County Council as the Highway Authority. The Highway Authority has not objected to the application with the consultation response being that they consider the access to be acceptable, subject to the imposition of conditions which include the provision of visibility splays, surfacing and drainage of the access proposed; such conditions were recommended in your officer's report to Planning Committee on the 13th June 2018. As commented upon by the Local Highway Officer when he addressed Members at Planning Committee, the proposed access represents an improvement to the current access arrangement with an improved surface, drainage and visibility splays providing a betterment in highway terms given that the area for the wider access could be used as a passing place for longer vehicles and as refuge area for pedestrians.

The new access would also allow travel north onto School Lane whereby in order to achieve this at present the farmer would either have to leave south from the existing access onto School Lane before having to turn further along the lane in order to travel north or leave via an access located further south onto School Lane via an adjoining field which has limited visibility before having to travel north along a narrow stretch of lane which results in a higher likelihood of conflict with other road users. Your Officers report to Planning Committee on the 13 June 2016 set out to members that 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 this amended scheme emerged for a single point of access being the preferred Highway layout of the Local Highway Authority which would provide the most highway benefit.

The relevant paragraph as reported within the officer report was as follows; *'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.'*

Members reiterated concerns made by the Ward Member and members of the public on highway safety given the extent of the works involved in order to create this access as shown on the submitted plans and in order to achieve an access which was designed to the required technical standards. An alternative view to the Local Highway Authority on highway safety was arrived at by Members.

In considering the acceptability or otherwise of the access arrangements in terms of highway safety, Members need to consider the above and whether this access as designed would result in highway safety concerns especially as Members should be mindful that the Highway Authority has raised no objections to the proposed access arrangement to serve the existing field used for farming, noting the improvement on the existing access arrangement.

One implication of a reason for refusal on the ground of highway safety is that in the event of an appeal being made, the Planning Inspector even if minded to dismiss the appeal could award a partial award of costs where they believe a party has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense. There are appeal decisions whereby the Inspector has concluded that sufficient evidence has not been provided in light of adopted development plan policies other than beyond very generalised assertions and therefore did not substantiate the reason for refusal and thus put the applicant to the unnecessary expense of preparing grounds of appeal and then final comments to rebut the reason.

This stance as referred to above was viewed by the Inspector as unreasonable behaviour resulting in unnecessary expense, as described in the national Planning Practice Guidance. A similar view could be taken here and for the reasons given above it is strongly advised that such a reason for refusal is not included on any refusal of planning permission for this site.

Reason for refusal 2

The second reason for refusal relates to the environmental impact of the proposal. From the debate of Members at the Planning Committee, this is considered to be either through the loss of the bank and associated impact on biodiversity, increased surface water run-off from the site or other pollution as a result of the development. The relevant policies are considered to be those of COR1 (Sustainable Communities), COR2 (Local Distinctiveness), COR9 (Access), COR11 (Flooding) and COR18 (Countryside) or the Mid Devon Core Strategy (Local Plan 1) and Mid Devon Local Plan Part 3 (Development Management Policies) DM2 (High quality design) and DM22 (Agricultural development).

The proposal under consideration 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.

Policy COR2 outlines that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets outlining the need for 'the protection and enhancement of designated sites of national and local biodiversity and geodiversity importance. Development will support opportunities for protecting and enhancing species populations and the restoration, recreation, enhancement and linking of habitats to contribute toward the delivery of Biodiversity Action Plan targets'.

The difficulty with this proposed reason for refusal is that the application site is not located within or close to a protected landscape or other protected site such as a County Wildlife Site or Local Nature reserve and the bank in question to be removed in order to widen the access does not form part of a mature hedgebank, instead being an earth mound with vegetation on the bank having been cut back. As a result, it is not considered that the ecological importance of this bank is of significant importance, with benefits associated through an improved access and betterment in highway terms considered to outweigh any harm.

On the matter of any removal of further hedgebank to the south, the proposed plans do not indicate this 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 into the farm land.

As far as surface water run-off is concerned, there is no drainage to the existing access whereby surface water drains directly onto the road, pooling by the entrance. A drainage channel would 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 being an improvement to the existing access arrangement onto the site. The development is considered to comply with Policy DM2 of the Local Plan Part 3 Development Management Policies and an informative note was included as part of the recommendation to approve advising on the nature of the surface water drainage arrangements that would be sought.

In terms of air pollution, there is an existing access with this proposal representing an improvement to this access. It is not an intensification of the use of the access as the movements to and from this field related to the farming activities can take place at present and will not result in a significant increase in traffic movements to result in any notable increase in air pollution. Therefore it is not considered that the development would be contrary to COR9 of the Core Strategy.

Members are advised to consider the information submitted and whether the recommended condition on your Officers report to Planning Committee on the 13 June 2018 is adequate to ensure sufficient and satisfactory drainage arrangements and provision of additional landscaping. Notwithstanding the above paragraphs, Officers have drafted a reason for refusal based on the concerns raised by Members in relation to the impact on the environment through this development.

Reason for refusal 3

The third ground of concern to Members relates to the visual impact on the Conservation Area and the character of the area. With respect to the reason for refusal as drafted, concern is raised to the inclusion of reference to the impact on the Conservation Area in light of the fact that the site is not located within the Conservation Area, the response received from the Conservation Officer and the requirements of the NPPF in terms of assessing the harm to a heritage asset.

The Conservation Officer has raised no objection to the proposal, noting that he prefers the previous proposal to create a new access which arcs from the north which would have resulted in a new grass verge to be created with the lowering of an area of existing bank. However, it was noted that 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 and therefore the revised scheme was received for a single access where no build out was required.

The response from the Conservation Officer to this revised scheme is that he would raise no objection subject to a good landscape mitigation plan using indigenous plants being implemented to soften the scar of the banks to the widened access. In terms of development affecting heritage assets is concerned, Policy DM27 is relevant. This states that Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.
- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of requirements of paragraph 133 of the National Planning Policy Framework are met.

- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.
- e) Require developers to make a proportionate but systematic assessment of the impact on setting as set down in the guidance from English Heritage: "The Setting of Heritage Assets".

Paragraph 132 of the National Planning Policy Framework states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.' Paragraph 133 goes on to outline 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

With regard to this application, as referred to earlier the site is not within the Conservation Area but adjacent to the Conservation Area whereby the extent of this area is to the curtilage of The Lodge (which is not a listed dwelling) opposite. The Conservation Officer has not deemed the proposal to result in significant harm but in any event, if the development was considered to result in a degree of harm, it is considered that this would be defined as 'less than substantial harm' whereby the public benefits of the scheme can be taken into consideration. These benefits would be an improved access onto the lane and use as a passing bay for longer vehicles or refuge area for pedestrians. In light of this a reason for refusal on the basis of the impact on the Conservation Area whereby the Council's Conservation Officer is not of the same opinion could be viewed as unreasonable behaviour by the Local Authority.

However, the impact on the visual amenity and character of the area in general is more subjective with the proposal representing a change when viewed from the road from a 3m wide access to that of a 21m wide access onto the lane through the removal of the bank having a tarmac surface. Consideration can therefore be given to the weight of harm that change would have on the rural character of the lane. If Members were so minded to refuse this application on the grounds of the character alone, it is considered that the following draft reason would be more appropriate:

'The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area to the detriment of the visual amenity of the area in general. The bank and vegetation which would be removed is considered to contribute towards the rural character of the lane and the visual amenities of the area and therefore its removal to the extent shown would be detrimental to the rural quality of the area. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.'

Reason for refusal 4

The fourth area of concern raised by Members relates to a possible lack of business need for the works proposed. The main concerns as discussed by Members is that the scale of the access proposed appears unnecessary in light of the farming activities which have and are taking place on site without the need of a widened access to date and the availability of alternative accesses further south via an adjoining field.

The first point which Members need to consider is that this is not a new access but works to an existing access with the proposal to widen it in order that agricultural vehicles can leave in a north direction. This existing access into the field which arcs from the south was approved under planning permission 90/01095/FULL on the 25th May 1990. Nevertheless as the development relates to agricultural purposes, the relevant policies are considered to be those of COR18 of the Core Strategy and DM22 of the Development Management Policies.

Below are the relevant paragraphs as contained within the Officer report which address this matter of need:

'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 Yellowford 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.'

It is considered that a reason to refuse on the ground of need whereby the access exists already but would be altered incorporating improvements in order to assist with the farming activities being carried out on site would be difficult to defend, as the requirement within Policy DM22 is that the development is 'reasonably necessary' to support farming activity on that farm. The improvements to an existing substandard access in order that agricultural vehicles can manoeuvre into the field from either approach from School Lane with the access having improved visibility, surface material and drainage and being of a scale allowing for longer vehicles including trailers can be argued to be reasonably necessary to the agricultural activities taking place on site. The wording of the policy does not state that any need would not exist if an alternative access was available (not taking into regard the substandard nature of the existing and alternative accesses off School Lane) or that the need should relate to the design or scale of the development proposed.

Reason for refusal 5

The final matter of concern relates to a general pedestrian safety issue given the presence of the school in the locality accessed from School Lane. Your officers identified in their report to Planning Committee on the 13th June 2018 that the Local Highway Authority considered the traffic movements to the site after concerns had been received making reference to the unit supplying fuel to an Anaerobic Digestion plant in Clyst St Mary. The applicant has confirmed that the maize on this field is grown to be consumed by cattle and the Local Highway Authority 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.

Whilst concerns have been raised to movements along School Lane and by the primary school in particular the fact remains that the vehicle movements to and from the field will remain, albeit that it will be easier for the applicant to enter the field from the north or leave in a northern direction. The applicant is able to travel along School Lane at present which is a public highway whereby no

controls can be put in place to prevent particular traffic movements to and from the site. Therefore the applicant is able to drive his vehicles past the school and through the village should they wish.

The following paragraph was included within the Officer report:

'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.'

The applicant has highlighted that in order to travel north, they need to first travel south from the field before making a turn further along School Lane in order to travel back north which the Local Highway Authority has outlined would result in more of a conflict to highway users and pedestrian safety. The existing access is opposite the entrance of the footpath link to The Glebe and the Local Highway Authority has commented that this new widened access could be used as a pedestrian refuge given that School Lane has no public footpath. Given the agricultural use the access will serve (growing of crops), it is not considered that the access will be in constant use and the improvement to existing visibility will assist drivers of vehicles travelling from the site and onto School Lane allowing them to view pedestrians and other road users.

Your officers have carefully considered and weighed up this impact, taking advice from the Highway Authority and concluded that the impact will not be so significant to render the proposal unacceptable and as concluded with the first reason for refusal, an Inspector could conclude that a reason for refusal on this basis as being unreasonable given what can take place at present in terms of traffic movements.

Conclusion:

Your officers have concerns that all of the reasons for refusal as set out above with the potential exception to an amended reason for refusal relating to the impact on the character of the area, are unlikely to be upheld at appeal and could result in an aware of costs if pursued. In particular due to the fact that this is an existing access into the site and there are associated movements and routes of travel which can take place at present which currently have greater impact on highway safety. It is important to also note the views received from statutory consultees and that Members should consider these matters carefully as any reason for refusal must be justified and reasonable given the evidence of these consultees. If Members are minded to refuse the application, it is recommended that Members refuse the application on the ground of the amended suggested reason for refusal 3 as set out earlier within this report. However approval remains the recommendation of officers for the reasons set out in the earlier Officer report to Planning Committee attached.

Contact for any more information

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Background Papers

Committee report

File Reference

17/01716/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee