

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	22 nd June 2011		
Application Number	09/01844/S73A		
Site Address	Westwood Farm, Rode Hill, Box, SN14 8AR		
Proposal	Alterations and formation of private way for agricultural purposes and installation of associated access gates and railings		
Applicant	Mr T Mordant		
Town/Parish Council	Box / Colerne		
Electoral Division	Box & Colerne	Unitary Member	Councillor Sheila Parker
Grid Ref	380398 170118		
Type of application	S73A		
Case Officer	Simon T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Parker requests that this application be determined by the Development Control Committee so that the potential impact the new tracks and gates have upon the landscape and Green Belt are fully considered.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to receipt of comments from the Environment Agency and conditions.

2. Main Issues

The proposal is for the formation of new tracks and associated gates and railings on land that is part of the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty. As such, the main considerations are as follows:

1. To consider the proposal against Policies C3, NE1, NE4, NE7, NE10, NE23 of the adopted North Wiltshire Local Plan 2011 and guidance contained in PPG2 and PPS9.
2. "Presumption against inappropriate development" (PPG2: Green Belts 1995)
3. Visual impact
4. Impact upon biodiversity
5. Flood risk

The Box Parish Council objects to the proposal. The Colerne Parish Council supports the proposal.

3. Site Description

The proposal is submitted pursuant to the 2006 grant of planning permission for the creation of a sizeable new dwelling in an elevated position above the Box valley. That dwelling is now

constructed and sits within substantial domesticated grounds on a East facing slope to the South West of Colerne. A hinterland of woodland and open fields surrounds that domestic curtilage. The entire 105Ha landholding remains in the same ownership and may only be lawfully used for agricultural or forestry purposes.

The application site is set within both Green belt and Area of Outstanding Natural Beauty designations.

4. Relevant Planning History		
Application Number	Proposal	Decision
06/02554/FUL	Demolition of Existing Farmhouse, Annexes and Associated Agricultural Buildings. Construction Of Two Storey and Attic Private Dwelling With One Storey and Attic Annex	Granted 13/02/07
09/01666/FUL	Erection of 1 no. Outbuilding (Equipment Store/Bothy) Ancillary to the Main Residence Together with Associated Landscape Works	Granted 17/02/10

5. Proposal

This is a retrospective application for the creation of a network of private ways across land under the ownership of the applicant. Via a new gates and railings (also part of the application), the tracks would link from the Rode Hill access to points close to the new dwelling, points close to Ranch House Farm (also under the control of the applicant) and to several points in between.

The applicant contends that the proposal primarily consists of the resurfacing and realignment of existing tracks with crushed Cotswold stone. The application suggests that the tracks are required for the ongoing maintenance of the agricultural landholding, which includes designated County Wildlife Sites.

6. Consultations

Highway Officer – No objection.

Forestry Commission – “...I believe that a new track has been created through one of the woodlands, in these circumstances the applicant is required to apply to the Forestry Commission to request a determination as to whether our consent is required.”

Environment Agency – To be reported.

County Ecologist - *“Having reviewed the recently submitted County Wildlife Site Management Plan for the above site, I am pleased with the level of detail and scope of proposed measures set out in this comprehensive report. I am satisfied that provided this plan is implemented, it will fully mitigate and compensate any damage caused to the onsite County Wildlife Sites during the construction of the access tracks. The access tracks themselves will also help significantly with the implementation of the management plan, and facilitate the long-term favourable management of the nine onsite County Wildlife Sites, with significant benefits for the local ecology. As such I am satisfied that the permission may be granted in accordance with policy NE7 of the local plan, and the advice set out in PPS9. I would however advise that any permission granted be subject to a suitably worded condition such that:*

'All nine County Wildlife Sites, namely Draught Wood, Draught Wood Downland, Ryder's Wood and Breach, Ryder's Wood North, Medley's Wood Downland, Sidney Farm Fields-Northern Parcel, Sidney Farm Fields-Southern Parcel, Westwood Farm Down, and Westwood Farm Down East, shall be managed in complete accordance with the submitted County Wildlife Site Management Plan (The Landmark Practice, 2011. Ref E2280/TMOR). Any monitoring reports produced as part of the required annual monitoring programme shall be made available to the Local Planning Authority.'

Colerne Parish Council - Support

Box Parish Council - Objections. 17th November 2010 response: *"The Parish Council would dispute that there were roads there previously....The Parish Council do not agree with the description of agricultural and it is a road leading to the house and there is no evidence for agricultural need. This is a residence not a farm and it is new development in the Green Belt which is urbanising the AoNB."*

1st March 2011 response to further information: *"Strong objections. Local knowledge refutes the previous existence of the tracks and states that the gates were never used for access. Aerial photos show that there were no tracks previously."*

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Thirteen (13) letters of letters received (11 in objection and 2 in support). Summary of key relevant points raised:

- Tracks highly visible in AoNB and Green Belt – inappropriate development which has an urbanising effect
- Tracks are being used for private/domestic purposes for the new house at Westwood Farm
- No need for exit onto Rode Hill as there is already access from Westwood Farm into the valley
- Tracks are new and not realigned or reinstated as claimed by the applicant
- Trees and hedgerows effected by creation of tracks
- Proposal would have an impact upon biodiversity, geological conservation and hydrology of area
- Applicant failed to explore alternative, less damaging routing of tracks
Proposal and associated felling of trees has caused considerable damage to ancient woodland and tributary of Bybrook River and Lid Brook.

8. Planning Considerations

"Presumption against inappropriate development" (PPG2: Green Belts 1995)

Long standing national planning guidance in PPG2: Green Belts contains a prescriptive schedule setting out the types of new building in the Green Belt that is appropriate. New building that is not contained within that list is presumed to be "inappropriate" development and therefore, by definition, harmful to the green Belt. Paragraph 3.4 states that development for the purposes of agriculture or forestry would be appropriate development.

The proposed tracks have been variously described throughout the life of the application as being required for the purposes of agriculture, forestry and for management of woodland biodiversity gain – with some evidence submitted to that end from those persons who work the land for those stated purposes. The true objective of the tracks has, of course, been disputed by local residents and the Box Parish Council (who claim that the tracks are for cosmetic or domestic purposes).

Whilst it is evident that at least one “spur” of the tracks leads to the new house at Westwood Farm, the remainder are spread across the landholding and would serve no obvious domestic link from public highway to house. To this end the claims made by the application that the tracks are indeed required for agricultural/forestry/land management purposes are considered plausible and therefore not thought to justify a defensible reason to refuse planning permission.

The proposed development is therefore thought to be appropriate development in the context of guidance contained in PPG2.

Visual impact

In terms of planning policy, the application site is part of the probably the most protected landscape in the North Wiltshire district. Furthermore, the site is set upon a slope and topographical ridge that can be seen from distance in the Box Valley.

It is undeniably the case that the new dwelling at Westwood Farm remains highly visible in the landscape. Local concerns that further development (in this case that might easily be construed as estate roads) should not add to that visual impact are understandable. Those concerns were particularly evident upon the tracks first being created in 2009, with the light colour of the crushed Cotswold stone laid having a stark appearance.

In response to the concerns raised a Landscape Visual Impact Assessment was prepared and submitted. This concludes that to a large extent the sections of tracks are screened by vegetation and topography, but with some open views possible from public rights of way that cross the landholding. It ends with the assertion that the works would assimilate into the landscape over time.

Despite the most immediately visible sections of track, and particularly that stretch leading up to the junction and new gates at Rode Hill, presenting quite a stark visual difference from the previous situation (ie. a shift from typical field access to estate type gates/railings and hard surfaced track), it is true that the works have mellowed and weathered significantly since 2009. To a very large extent the tracks are not substantially different from many other agricultural tracks that can be seen across the countryside, including the Green Belt and AONB. The gates railings at Rode Hill point of access, whilst perhaps more ornate than a typical farm access, are by no means unprecedented.

It has been suggested that in contrast to that claimed by the applicant, the tracks are entirely new and are not simply a resurfacing of existing. Available aerial photographs of the site possibly show impressions of the route taken by (presumably farm related) vehicles across land, but possibly not a surfacing of that route. To this extent, the photographic evidence is thought inconclusive. However, in any event, the critical consideration is whether the proposed works have a harmful effect rather than whether the tracks did or did not exist in the past.

Impact upon biodiversity

The application site includes nine (9) designated County Wildlife Sites (CWS). The CWS predominantly comprise ancient and semi-natural woodland, secondary woodland, scrub and unimproved neutral and calcareous grassland. It is understood that the proposed works have resulted in damage to five (5) of the CWS.

As a result of the impacts a full and detailed County Wildlife Management Plan was required, prepared and subsequently submitted. It was assessed by the County Ecologist and his comment are reported in full above.

Importantly, notwithstanding the damage caused, the County Ecologist does point out that it can be mitigated and compensated for. He is also of the opinion that the tracks will in fact facilitate the

favourable management of all the CWS, with significant benefits for local ecology. In effect exactly the requirement of Policies NE7 and NE10 of the adopted North Wiltshire Local Plan 2011.

Flood risk

Sited in Flood Zone 1, the site is at a low risk of flooding.

In response to concerns raised by local residents that works had taken place close to (and in places, culverts created under the tracks) watercourses leading to the Lid Brook, the Environment Agency raised concerns over the proposal and its potential to increase flood risk. The applicants were subsequently compelled to prepare a Hydrology Report. That report broadly concludes that the works and culverting will not cause additional flood risk and that measures can be put in place to prevent erosion and land slip (which were symptoms identified by local residents of the works being carried out without the proper assessment and measures being undertaken).

The physical works required to prevent erosion and land slip appear to comprise more substantial works than the application, as originally submitted, suggested. However, they appear to take the form of retaining type structures around the culverting, albeit of substantial depth, which are likely to have only a localised visual impact.

The final comments of the Environment Agency are awaited and will be separately reported, taking account of any effect their response has upon the recommendation.

9. Conclusion

The works subject to this application have already been carried out and it is undeniable that the works have had an impact both in visual terms and upon the ecology of several of the CWS.

Nevertheless, it has become clear that over time the stark tone of the stone used in construction has mellowed and weathered to the extent that it is now little different in appearance and extent to those type of works carried out in support of many agricultural holdings across the countryside. In this way the proposal is considered to be appropriate development in the Green Belt that will not have such an effect upon the landscape that would warrant a refusal of planning permission.

The submission of specialist reports and the use of appropriately worded planning conditions are considered sufficient to overcome concerns in relation to hydrology and ecology.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be an appropriate form of development in the Green Belt that will not have a significant detrimental impact upon the landscape, ecology or hydrology of the area. Subject to the imposition of appropriately worded planning conditions, the proposal would comply with the provisions of Policies C3, NE1, NE4, NE7, NE10, NE23 of the adopted North Wiltshire Local Plan 2011 and guidance contained in PPG2 and PPS9.

Subject to the receipt of comments from the Environment Agency and the following conditions:

1. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Planning, Design and Access Statement (including Agricultural Access Track plans BRS.2189_02-1b) dated October 2009
Landscape Visual Impact Assessment (dated February 2010)
Hydrology Report (dated August 2010)
County Wildlife Site Management Plan 2011 - 2015 (dated April 2011)

REASON: To ensure that the development is implemented as approved.

2. All nine County Wildlife Sites, (namely Draught Wood, Draught Wood Downland, Ryder's Wood and Breach, Ryder's Wood North, Medley's Wood Downland, Sidney Farm Fields-Northern Parcel, Sidney Farm Fields-Southern Parcel, Westwood Farm Down, and Westwood Farm Down East), shall be managed in complete accordance with the submitted County Wildlife Management Plan 2011 – 2015 (prepared by The Landmark Practice – dated April 2011), and the 5 year action plan that is incorporated in that plan. Any monitoring reports produced as part of the required annual monitoring programme shall be made available to the Local Planning Authority upon request.

Reason: In the interests of securing the required biodiversity mitigation and compensation measures following the damage caused by the proposed works and so as to secure future management of the County Wildlife Sites to the benefit of local ecology.

