

AGENDA

Meeting: Eastern Area Planning Committee

Place: [Online Meeting](#)

Date: Thursday 3 December 2020

Time: 3.00 pm

Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.shannon@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Mark Connolly (Chairman)
Cllr Paul Oatway QPM (Vice-Chairman)
Cllr Ian Blair-Pilling
Cllr Stewart Dobson

Cllr Peter Evans
Cllr Nick Fogg MBE
Cllr Richard Gamble
Cllr James Sheppard

Substitutes:

Cllr Ernie Clark
Cllr Anna Cuthbert
Cllr George Jeans

Cllr Jerry Kunkler
Cllr Christopher Williams
Cllr Graham Wright

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve as a correct record the minutes of the meeting held on 15 October 2020.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

[Access the online meeting here](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than **5pm on Tuesday 2 December 2020**.

Submitted statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

Statements will be read out by those who have registered and provided a statement, in order of submission.

For further details on Public Participation, please see the [Remote Planning Committee Procedure](#).

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 26 November 2020 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 30 November 2020.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Appeals and Updates (Pages 11 - 12)

To receive details of the completed and pending appeals, and any other updates as appropriate.

7 Planning Applications

To consider and determine the following planning application.

7a **19/10845/FUL - Manor Farm, The Street, All Cannings, SN10 3PF**
(Pages 13 - 40)

Retention of new access track in its current form.

8 Urgent items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 OCTOBER 2020 AT ONLINE MEETING.

Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble and Cllr James Sheppard

36. **Apologies**

Apologies were received from Cllr Nick Fogg MBE.

37. **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 September 2020 were presented for consideration and it was;

Resolved:

To approve and sign the minutes as a true and correct record.

38. **Declarations of Interest**

There were no declarations of interest.

39. **Chairman's Announcements**

The Chairman explained the procedure should a recess be required.

40. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

41. **Planning Appeals and Updates**

Resolved:

To note the report on completed and pending appeals.

42. **Planning Applications**

The following planning application was considered.

43. **20/05329/VAR - Thicket Cottage, Malthouse Lane, Upper Chute, SP11 9EG**

Public Participation:

- Stella Turner, Agent, spoke in support of the application.
- Dominic Hughes, Chairman of Chute Parish Council spoke in objection to the application.

Mike Wilmott, Head of Development Management, presented a report which recommended that planning permission be granted with conditions for the variation of conditions 2 and 5 of 20/01143/FUL to include the extension of the ground floor by 8m, and the formation of a rooftop terrace with external staircase.

The officer explained some of the planning history of the site. The applicants had previously applied for planning permission for a pseudo Georgian replacement dwelling under 19/06565/FUL. This was refused by Wiltshire Council but was allowed at appeal. The applicants then put in another application for a replacement dwelling of a different design under 20/01143/FUL. This application was approved with conditions and the applicants had demolished the cottage that was previously on the site and had started building the approved dwelling. The application before the committee was a variation to the approved proposal.

The dwelling under development was of a contemporary design and the variation proposed was to extend each wing by approximately 4 metres either side and to add roof terraces to the single-story sections of the building. The proposal included a small wall on the roof terraces which would be below the height of the double story block which had approval. The site was a short distance (approximately 180 metres) outside of the settlement of Upper Chute and within the Area of Outstanding Natural Beauty (AONB).

Key issues to be considered were stated to include impact on the character and appearance of area, neighbour amenity and highway safety. The officer stated that the variations to the proposal did not have any significant adverse impact on the AONB landscape, neighbour amenity and highway safety. Therefore, the application was recommended for approval, with conditions.

Members of the public then had the opportunity to present their views, as detailed above.

Comments from the public in support included that the officer's report addressed how the scheme was considered to be acceptable by virtue of having no significant adverse impact on the AONB landscape, neighbour amenity and highway safety. The recent appeal decision was highlighted, which stated that unless it could be demonstrated that the scale of the replacement dwelling had a harmful visual impact on the landscape then the size restrictions imposed by Policy HC25 were unfounded. Inspectors had held that the wording of Policy HC25 did not require a proposal to meet specific size guidelines in

order to have no impact upon the landscape area. It was stated that the site already benefited from planning permission for a replacement dwelling and the proposed amendments to the scheme would comply with the development plan.

Comments from the public in objection included that the new application would significantly alter the character of the new dwelling and hence of the village and its setting within the AONB. It was felt that Wiltshire Core Strategy (WCS) Core Policy (CP) 51, had not been taken into account. This policy gave clear protection to visually sensitive skylines and topographical features, important views, visual amenity, tranquillity and the need to protect against intrusion from light pollution, noise, and motion. It was stated that the twin factors of scale and the addition of roof terraces were a clear and obvious intrusion to all of these aspects of the setting. It was also felt that WCS CP 26 and the Tidworth Area Strategy had not been adhered to. It was stated that the inspectors appeal decision had not dismissed outright the Kennet Local Plan (KLP) saved policy HC25 and the Village Design Statement, but rather had given it limited weight.

The unitary division member, Cllr Ian Blair-Pilling, spoke in objection to the Application. Points raised included the following. The residents of the Chute's were fiercely proud of living in an AONB and were keen to preserve and enhance the character of their beautiful village. The recent planning history of the site was relevant. The applicants had changed their mind on the design from the original pseudo Georgian building whose planning permission was granted at appeal. The new design was out of character for the area and had a large increase in footprint, however local residents had not objected as most of the building would not be seen. It was stated that the addition of the roof terraces and the further increase in footprint made the proposal unacceptable to local residents. The roof terraces would make the dwelling much more visible at night and the area needed protection from light pollution. Cllr Blair-Pilling felt that the application did not comply with WCS CP 51 and 57 and therefore should be refused.

In response to public statements the officer stated that the applicants/developers had the right to build in accordance with the approved design. A condition could be added to the existing proposed conditions in order to mitigate light pollution, for example not having lights on the roof terrace. However, the officer stated that there would already be some light pollution from the first-floor block in the approved design. The officer felt that the context of the roof terrace should be kept in mind, there was only a 20cm high wall proposed. This would be lower than the already approved first-floor block.

The Chairman proposed a motion to approve planning permission, with conditions as set out in the agenda report. This was seconded by Cllr Stewart Dobson.

A debate followed where it was stated by some Members that they were surprised that there had been no objections to 20/01143/FUL, the new design of dwelling, which had already received planning permission and was being built. They found it hard to understand why the new proposal being considered, 20/05329/VAR was so different. These Members stated that they suspected if

20/01143/FUL had come to the committee it would not have been granted planning permission. Whilst they had sympathy with the village residents and Parish Council, they felt there was no valid planning reason to refuse the application and that if the committee did so they were likely to lose at appeal.

Cllr Mark Connolly then proposed an amendment to his motion, which was to add a condition to mitigate light pollution by restricting lighting on the roof terraces, with the final wording of this condition to be delegated to officers. This was seconded by Cllr Stewart Dobson.

Other Members stated that the new proposal would have a huge impact. The proposal, if granted, would have a huge footprint and the proposal did not enhance or preserve the setting. It was stated the roof terraces also made a great difference. These Members stated that at appeal a different inspector may have a different opinion. They felt that the committee should adhere to policy and to principles and therefore not grant the permission. Some stated that they did not agree with the original appeal decision on 19/06565/FUL (the pseudo Georgian design replacement dwelling). It was stated that saved policy HC25 of the Kennet Local Plan did apply and carry weight. Likewise, WCS CP 51 and 57 applied and gave valid reasons to refuse this application.

Further comments included that the statements in debate made by some Members in objection to the application applied to the whole dwelling which already had planning permission and could be built, so were therefore not relevant. It was also stated by other Members that the committee could not second guess the outcome of an appeal.

The Members voted and the motion to approve planning permission, with the conditions stated in the report and the amendment detailed above, was not carried.

Therefore, the Chairman requested that a new motion be proposed.

Cllr Ian Blair Pilling proposed a motion to refuse planning permission as the application did not comply with:

- WCS CP 51 (Landscape);
- WCS CP 57 (Ensuring high quality design and place shaping);
- NPPF chapter 15 (Conserving and enhancing the natural environment) paragraph 172.

This was seconded by Cllr Paul Oatway.

There was no further debate and therefore the motion was put to the vote. It was;

Resolved:

To refuse planning permission, against officer recommendation.

REASONS:

The proposed development, by virtue of the increase in size and consequent resulting development mass, and the potential for increased light pollution from the roof terraces, would have an adverse impact on the character and appearance of this part of the North Wessex Downs Area of Outstanding Natural Beauty at this sensitive site on the approach to Upper Chute. The development would also result in a building that is much larger than the dwelling it replaced. This would conflict with policies CP51 (vii) and CP57 (iii and vii) of the Wiltshire Core Strategy; The Position Statement on housing published by the North Wessex Downs AONB (paragraph 323 xiv) and paragraph 172 of the NPPF, which gives great weight to the conservation and enhancement of the landscape of the AONB.

44. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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**Wiltshire Council
Eastern Area Planning Committee
3rd December 2020**

Planning Appeals Received between 02/10/2020 and 20/11/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/01341/FUL	Crown Centre 39 St Johns Street Devizes, Wiltshire SN10 1BL	DEVIZES	Installation of a light to illuminate the hotel name sign	DEL	Written Representations	Refuse	26/10/2020	No
20/02035/LBC	Crown Centre 39 St Johns Street Devizes, Wiltshire SN10 1BL	DEVIZES	Installation of a light to illuminate the hotel name sign	DEL	Written Representations	Refuse	26/10/2020	No
20/04042/PNCOU	Agricultural Barn Curnick's Lane Sells Green, Seend Devizes, Wiltshire	SEEND	Notification for prior approval under Class Q for a proposed change of use of agricultural barn to a dwellinghouse (Use Class C3) and for associated operational development	DEL	Written Representations	Refuse	22/10/2020	No
20/05301/FUL	17 West View Crescent Devizes, SN10 5HE	DEVIZES	Demolition of existing property and erection of two dwellings	DEL	Written Representations	Refuse	17/11/2020	No

Planning Appeals Decided between 02/10/2020 and 20/11/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/11356/FUL	Marshfield 85 High Street Great Cheverell SN10 5XR	GREAT CHEVERELL	Demolition of existing bungalow and erection of 3 new bungalows	DEL	Written Reps	Refuse	Dismissed	17/11/2020	None
19/11921/OUT	Land at The Clay Easterton, SN10 4PB	EASTERTON	Outline application with some matters reserved for the proposed erection of 4 no. self/custom build dwellings and associated works.	DEL	Written Reps	Refuse	Dismissed	05/11/2020	Appellant applied for Costs - REFUSED

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REPORT FOR EASERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	3 rd December 2020
Application Number	19/10845/FUL
Site Address	Manor Farm, The Street, All Cannings SN10 3PF
Proposal	Retention of new access track in its current form
Applicant	J R Curnick & Son
Town/Parish Council	ALL CANNINGS
Electoral Division	Cllr Philip Whitehead
Grid Ref	406956 161490
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called-in by the Leader of Wiltshire Council, Cllr Philip Whitehead, on the basis of factual accuracy on the application.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

Concerns have been raised regarding the content of the submission, inaccuracies contained within documents and plans, the further actions of the applicant on other areas of their land, the impact on highway safety, and lack of information to allow for a proper assessment of the case. It has also been argued that the previous reasons for refusal have not been overcome. All relevant planning issues will be addressed in this report.

3. Site Description

The application site is located in open countryside within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The land is agricultural and is categorised as Grade 2 agricultural land according to the Council's maps. The site is also identified as falling within the Countryside Character Area: BERKSHIRE AND MARLBOROUGH DOWNS (Code 116) and the Landscape Character Assessment County: Greensand Vale (Area Code 15A), the condition of which is described as declining, with a moderate strength and a long-term strategy to conserve and improve its character. To the north of the site are mature hedgerows, with trees forming the boundary features. To the south is a copse of trees

forming a wooded area. The topography of the land is generally level and begins to slope up to the west.

Access to the site can be gained from the east, from Manor Farm along 'Bridleway ACAN6', as shown on the aerial photograph below. The fields in which the unauthorised track is located lie approximately 1.2km to the west of Manor Farm in a straight line. Access can also be gained along an existing access track that joins onto 'Shortlands Lane' (bottom left hand corner of the aerial photograph below). Comments have also been received in respect of alterations to this access point - this will be covered in the report.

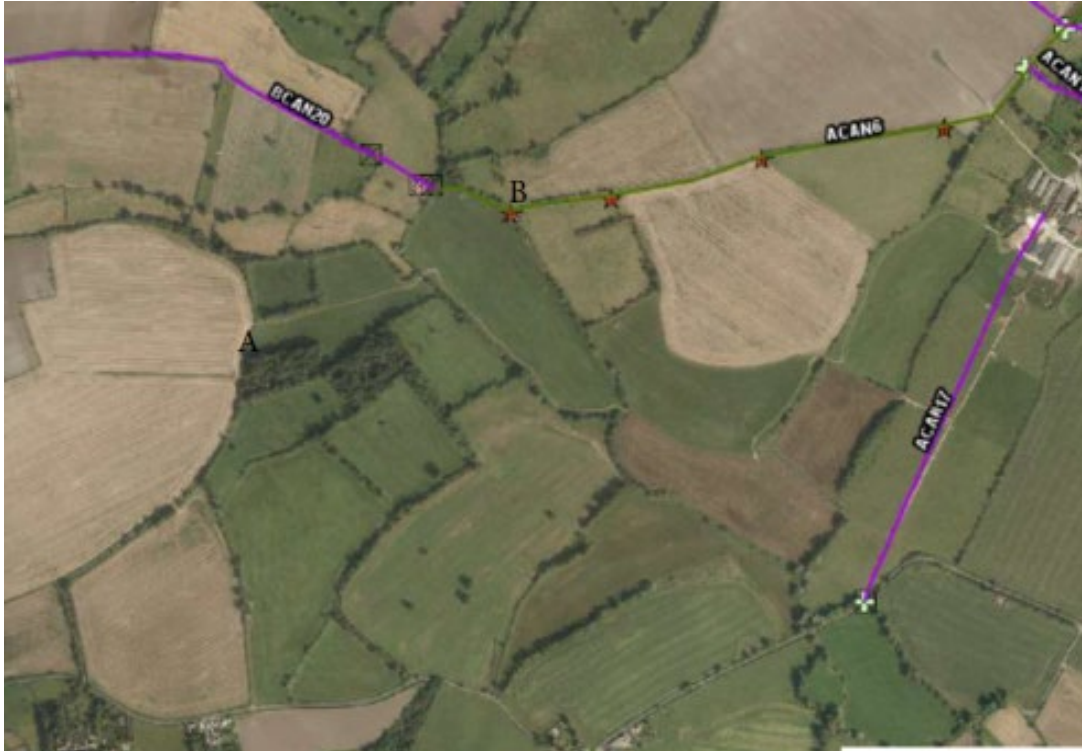


Fig. 1 - Aerial photograph covering site and wider area (extract from mapping system – 2014 Aerials)

From looking at the Environment Agency maps, it is clear that the track runs through both flood zones 2 and 3 - as such a Flood Risk Assessment is required to be submitted as part of the application. This has now been received and full re-consultation carried out.

4. Planning History

18/05990/FUL	Proposed pad of concrete for storing silage on, together with a concrete apron for access purposes and an extension to an existing farm access track – refused.
18/05984/FUL	Proposed below ground clay lined lagoon, for storing dirty water associated with the dairy unit – refused.
16/02349/FUL	Concrete pad for storing silage on, together with a concrete apron for access purposes – withdrawn.
16/02344/FUL	Below ground clay lined lagoon for storing dirty water associated with the dairy unit at Manor Farm – withdrawn.

Planning permission was previously sought for a silage pad and lagoon under application references 16/02349/FUL and 16/02344/FUL; however, these applications were withdrawn due to concerns raised with the applicant/agent regarding the following:

- inaccurate and insufficient details submitted (relating to both the details shown on the submitted plans and assertions made within supporting reports/statements)
- insufficient justification for the position of the bunds in the proposed location
- lack of an ecological survey

The agent subsequently submitted two more applications (18/05990/FUL and 18/05984/FUL) for the silage pad, lagoon and access track. Many of the issues identified under the previous 2016 applications remained unanswered in the 2018 applications. These applications were subsequently refused on 1 July 2019 on the grounds of impact on the landscape and the special qualities of the AONB; and lack of information relating to highway movements.

5. The Proposal

The current application is retrospective in nature and is for the retention of the new access track in its current form. The track runs across agricultural land within the applicant's ownership, upon which farming activities are carried out. Between the submission of the original applications in 2016 and the applications for consideration in 2018, the applicant constructed an access track from Manor Farm (All Cannings) to the site of the previously proposed lagoon and silage pad. It is evident that areas of this track existed originally, whilst some parts were newly created. This application deals with the section of track between points A and B as shown below:

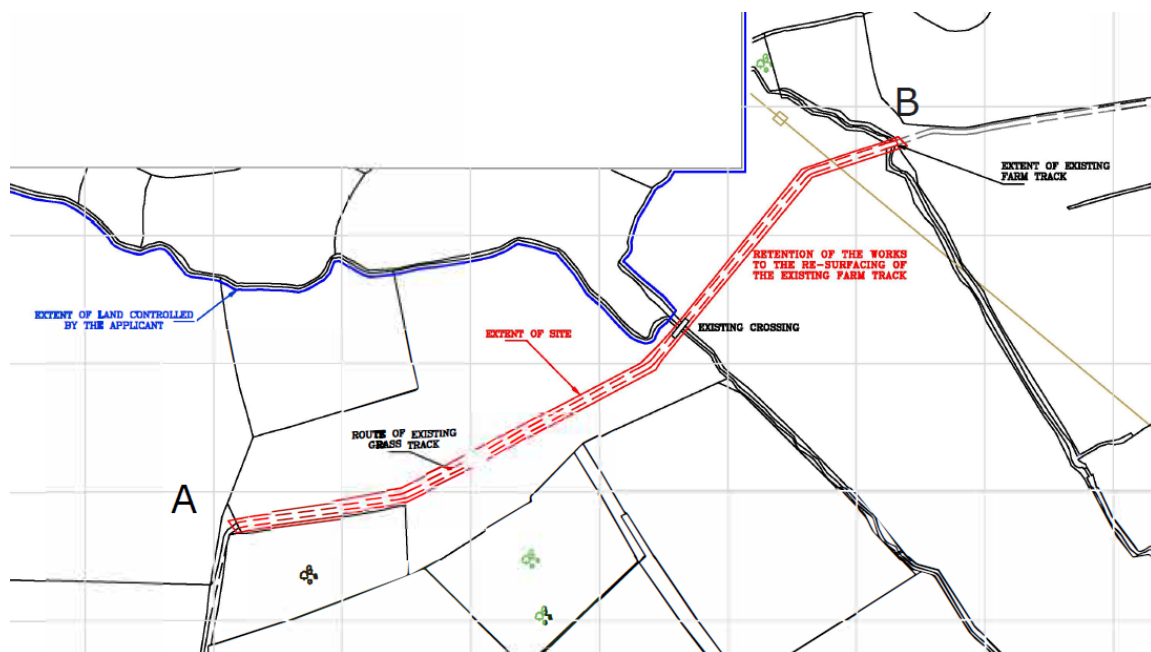
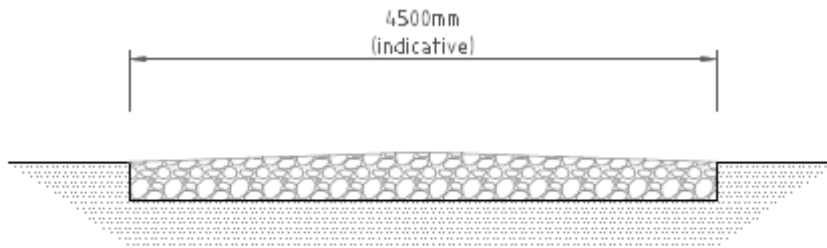


Fig 2. - Retention of new access track between points A and B

Within the submitted details, the access track is described as being 4.5m wide and finished in a graded, compacted stone, as shown in the typical cross section below:



The track has been re-graded in stone, compacted and graded to fall to the ground either side and will be left to green over with natural grass growth.

TYPICAL CROSS SECTION
1 : 50

Fig. 3

The site layout plan provided (extract reproduced below) states that the length of the access track is in the region of 389m long, crossing over several fields.

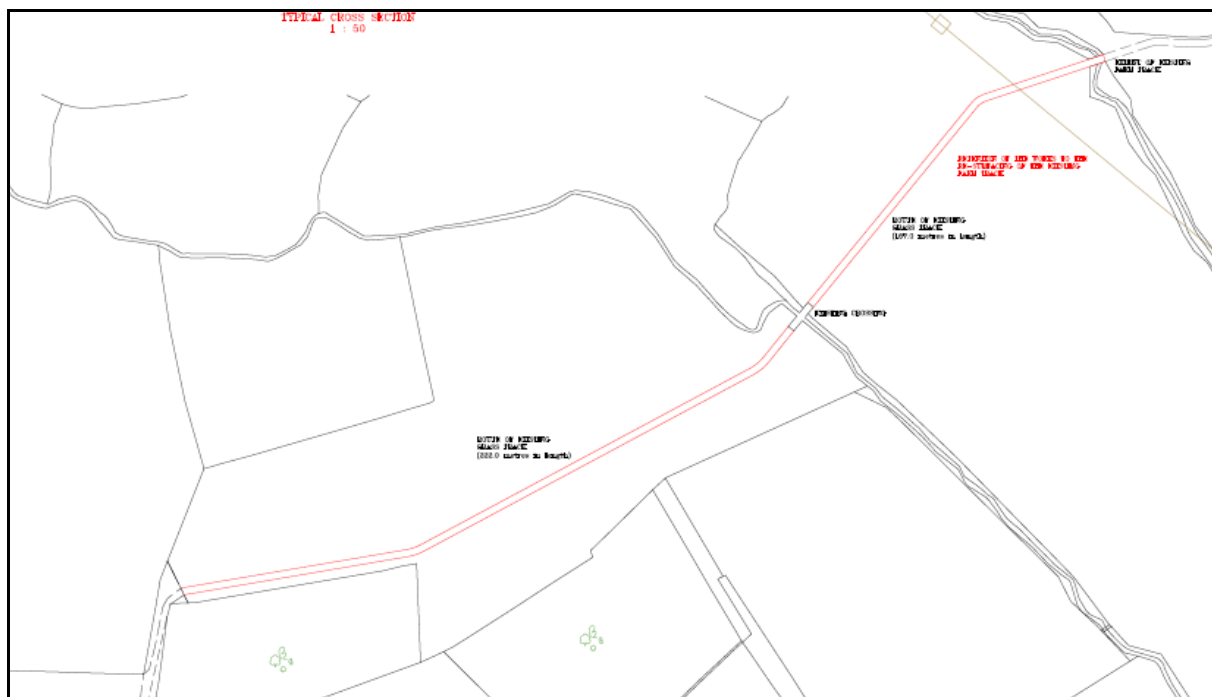


Fig. 4 - Site Layout extract taken from block plan submitted

However, as can be seen within the mapping extract below, the distance from point A to point B (the extent of the works that require planning permission) is actually closer to 598m long. Using the scale bar on the submitted site layout plan also confirms that the track is 598m long. It is therefore assumed that the draughtsman has failed to take the correct measurements when notating the plan. Whilst this may appear misleading, it does not alter the fact that the details submitted clearly show the precise location and extent of the track. Also, the fact that the track is in situ meant that it could be properly assessed.

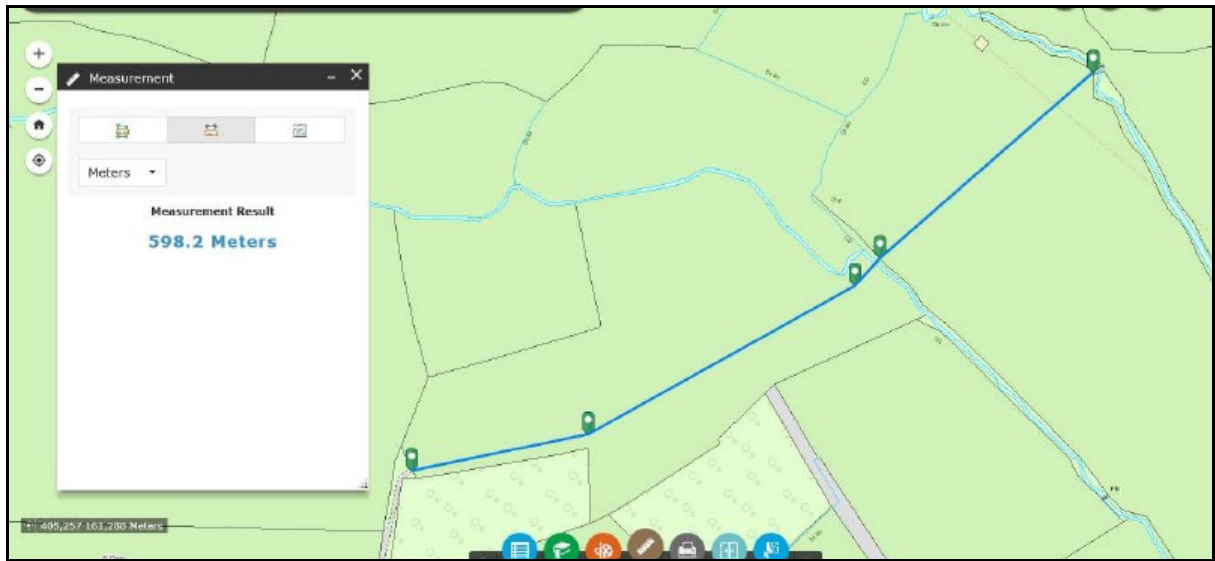


Fig. 5 - Extract from mapping system, shows length to be retained as actually 598.2m long

6. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 3 – Infrastructure Requirements
- Core Policy 12 – Spatial Strategy: Devizes Community Area
- Core Policy 48 – Supporting rural life
- Core Policy 50 – Biodiversity and geodiversity
- Core Policy 51 – Landscape
- Core Policy 52 – Green Infrastructure
- Core Policy 57 – Ensuring High Quality Design and Place Shaping
- Core Policy 58 – Ensuring the conservation of the historic environment
- Core Policy 60 – Sustainable transport
- Core Policy 61 – Transport and new development
- Core Policy 64 – Demand management
- Core Policy 67 – Flood Risk
- Core Policy 68 – Water Resources
- Core Policy 69 – Protection of the River Avon SAC

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

National Planning Policy Framework (2019) (NPPF)

Planning Policy Guidance (PPG)

- The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- Wiltshire Council's Landscape evidence base comprising: Kennet Landscape Character Assessment (1998);
- Wiltshire Landscape Character Assessment (2005);
- Kennet Landscape Conservation Strategy (2005);
- North Wessex Downs AONB Integrated Landscape Character Assessment (2002);
- Countryside & Rights of Way Act 2000 (CRoW Act 2000).

7. Summary of consultation responses

Etchilhampton Parish Council – Object; the application should be rejected outright. The objections made in 2018 in respect of the same track under applications 18/05990/FUL and 18/05984/FUL apply:

- Incomplete and Inaccurate Application Form and Design and Access Statement
 - Not an existing use
 - There are alterations to an existing access
 - There are tree and hedgerows on land associated with the development that will be impacted on
 - Impact on the environment
 - No assessment of flood risk; the land has a high-water table and is prone to flooding, the area is in a flood danger area
 - Site is in NWD AONB, the adjacent woodland and water meadow are important environments that will be impacted on by the proposed development
 - Danger of hazardous substance polluting the environment from vehicles using the track
 - A grassed track did not exist before
 - Traffic movements will be beyond the farming activities of Manor Farm, to Heath Knapp Farm and AD plant at Bromham
 - Claimed highways benefits do not exist
 - Submission fails to take account of the AONB status
 - Submission makes no reference to the alterations of the new access
- Highways Implications – There will be a vast increase in LARGE vehicle movements on the public highways NOT a decrease in highway use.
 - Increase in journeys between this site and Bromham
 - No new evidence to demonstrate nature of highway implications
 - Misleading comments
 - The purpose of the new track is to travel between Etchilhampton and other farm holdings at Bromham and elsewhere
 - No consultation with other town/parish councils
 - Detrimental impact on highway safety and highway damage and increased air pollution
 - Increase in journeys between Manor Farm, Heath Knapp Farm and Bromham
 - No evidence for need of the track as highlighted in Tony Coke's report
- Application lodged whilst the refusal of the same track in 18/05990 is still subject to appeal
 - Application has been submitted before an appeal has been lodged
 - Does not overcome reasons for refusal of previous applications
- Failure to Comply with Wiltshire's Enforcement Order re 18/0990
 - Track is unlawful and should be returned to its former state

Further comments:

- Issues with flooding in the village and surrounding area
- Concerned at works in the field opposite Manor Farm Lane; new access point would increase highway problems
- New access clearly in association with the track the subject of this application
- Absence of traffic movement assessment
- The inaccuracies in the submission should result in outright refusal and enforcement action taken
- The inappropriate materials (builders waste) used raise strong concerns
- Change in description does not alter previous objections
- It would be unlawful to consider the current application
- The FRA is critically challenged
 - The report has been generated with input from 'others'
 - The report has not taken into account the real problems of flooding associated with this area
 - The report fails to address the flooding at the Shortlands Lane junction

All Cannings Parish Council – No objections

Wiltshire Council Ecologist – No objections

Wiltshire Council Highways – No objections

Wiltshire Council Public Protection – No comments received

Wiltshire Council Land Drainage – No comments

North Wessex Downs AONB Planning Officer – No comments received

Natural England – No comments received

Environment Agency – No comments received

8. Publicity

The application has been advertised by way of a site notice and by letter to local residents. The following is a summary of numerous the responses received (43 although some objectors have written in more than once) :

Object:

- Inaccuracies with the application form and design and access statement
 - Application form is incorrectly completed
 - Not an existing track before the laying of the stone track
 - Works have already been carried out
 - Track has been unlawfully laid
- Land is not suitable for the creation of a surfaced track; fields are waterlogged and unsuitable to take the new track

- The track does connect to the highways (at Shortlands Lane)
- Questions raised, what is the existing access arrangements onto the farm land; what are the existing vehicle movements?
- Alterations to the junction with Shortlands Lane demonstrate the applicant's intention to increase vehicle movements on this lane and the alterations are not hard surfaced and result in mud being deposited onto the road
- Shortlands Lane regularly floods
- There are trees and hedgerows on the development site that are important and might be affected
- Site is in a flood zone and crosses a water course; how will surface water be disposed of sustainably
- The development will impact on protected species and their habitats, such as the Etchilhampton barn owls
- Site is a historically recognised ancient water meadow
- Manor Farm is associated with Bromham Biogas in Bromham and transports crops/digestate between these two locations, this track will facilitate an increase in larger vehicle traffic movements
- Site can be viewed from public vantage points, such as bridleway at Etchilhampton Hill
- Application should be viewed in conjunction with two previous applications 18/05984/FUL and 18/05990/FUL
 - Silage pad will be used to store product in connection with AD plant
- Track will be used in connection with the transport of product between Manor Farm and Bromham AD plant
- Object to the size and volume of heavy farm vehicles driven through the country lanes and villages
- Insufficient highway width to allow vehicles to pass without damage to the highway verges
- The high-level movement of tractors and trailer movements along our lanes is damaging the rural character of Etchilhampton village, the environment and wildlife
- Location and risk of development to the River Avon SAC by groundwater flow
- Builders waste used to fill in track at access
- The rutting within the verge and access at the junction of the track with Shortlands Lane clearly shows the increased level of use of this access
- The unauthorised track does allow connection to a highway and any notion that it is for internal farming activities only be dismissed
- No need for a lagoon or silage pad in this location
- No objection to the farm track being extended for internal operations but object to any traffic movements beyond this farm
- The road the new track leads to is not adequate to accommodate the increase in traffic movements, there are no pavements for pedestrians etc
- Impact on AONB unacceptable, contrary to CP51 and NPPF
- FRA unacceptable, unreliable; disagree with argument that development is less vulnerable
- Hinder response times for emergency vehicles
- Instances of near misses and potential collisions along this highway

- The new access will act as a dam thus impacting on flooding
- Potential for pollution of the adjoining watercourses

9. Planning Considerations

- Principle of development

The principle of development is considered to be acceptable. The application is for the retention of an agricultural track across agricultural land. There is an existing track from the farm to point B, as shown on Fig. 2 above, and there is an existing track from point A to the junction with 'Shortlands Lane'. It is therefore only the length of track laid from points A to B that requires planning permission. The creation of an agricultural track on agricultural land for agricultural purposes is considered appropriate and acceptable in principle.

- Visual Impact including impact on the AONB

The site and surrounding open countryside lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The purpose of AONB designation is to conserve and enhance the natural beauty of the area. The Council is required to have regard to this purpose in determining planning applications. The NPPF states that 'great weight' should be given to conserving the landscape and natural beauty of these landscapes.

Objections received state that this application must be considered with due regard to the previous two applications for the silage pad and dirty water lagoon, contending that the current application does not overcome the previous reasons for refusal. Whilst the previous applications are material in the consideration of the current application, the cumulative harm identified is no longer a justifiable consideration. The current application is for the access track only and does not include the silage pad and lagoon – this must be the starting point in assessing the development.

The previous applications were refused due to concerns regarding the cumulative impact of the development. The current application is only for the access track and whilst the concerns raised by local residents are acknowledged, the applicant could still come forward with a future application for the lagoon and pad the consideration, at which time those matters would be taken into consideration. The current application cannot justifiably be refused on the grounds that an application for the other works that may be submitted in the future. Rather, it must be assessed on its own merits

The current application is for the retention of the granular stone access track running from Points A to B as identified in Fig. 2 above. The track has the appearance of an agricultural track running across agricultural land and therefore does not look out of place within this rural context. As the track lies level with the ground it has little to no visual impact within the wider landscape and would therefore not cause harm the character and scenic beauty of the AONB. Closer views into the site again would not be significantly affected as a result of the track. In any event, it is considered that in time, the track will grass over, thus reducing its limited impact further. Concerns raised regarding the erection of a stockproof fence are unfounded. This would be at the same level as the access and has the appearance of a typi

fence typically found in a rural situation. It should also be noted that the fence in question is considered to be permitted development in accordance with the Town and Country Planning General Permitted Development Order (England) (2015, as amended).

The access track is predominantly laid with granular stone, although a site visit confirmed that for a length of the track within the vicinity of point A (Fig. 2), the applicant appears to have laid 'builders' rubble' and 'rubbish' on the track (see photos below).



Photos of site taken in 2020 (near to point A)

This will be a matter for enforcement in the event that planning permission is granted.

On balance, it is considered that the development does not cause significant harm to the character and scenic beauty of the NWD AONB and therefore complies with the relevant parts of the NPPF (2019), Core Policies 51 and 57 of the Wiltshire Core Strategy and the North Wessex Downs Management Plan.

- Impact on ecology

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

Objections have been received relating to the potential for an impact on ecology, predominantly through pollution of the Avon and the SSSI, but also habitats of local species.

The application site is not within or immediately adjacent to any statutory or non-statutory designated site for nature conservation, nor within the expected zone of influence.

Comments from the Council's Ecologist state that, in general, where farm tracks are regularly used by large farm vehicles, it is better to surface them with a permeable material such as compacted stone, to avoid significant disturbance of the topsoil, with resulting destruction of the grass sward and potential silt mobilisation into surface water. The covering must be permeable in order to ensure that surface water can penetrate and not

cause additional run-off into nearby ditches. She also advises that the photographs of the track submitted in support of the application demonstrate that, for the most part, the track surface is permeable, although there are some places where ruts allow water to collect and these should be addressed to improve permeability so that water can percolate into the ground.

The submitted Design and Access Statement (DAS) identifies that there are existing concrete “heads” across water courses, so that vehicles do not enter the watercourse. This helps to prevent erosion of soils which are then carried into the watercourse by surface water during rain events.

While there is scope for the applicant to seek advice from e.g. FWAG or Natural England on best available techniques for design and construction of farm tracks, in the wider landscape context, the area of stone track constructed at this location is unlikely to result in significant harm to local biodiversity.

- **Impact on highway safety**

Core Policy 60, Sustainable Transport, supports the principle of development within sustainable locations. Core Policy 61 aims to ensure that new development should be located and designed to reduce the need to travel and to encourage the use of sustainable transport alternatives. The requirements of this policy also aim to ensure that the proposal is capable of being served by safe access to the highway network.

Paragraph 109 of the NPPF states that: “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Objections received argue that the previous reasons for refusal apply and that consideration should also be given to traffic movements on the highway at the junction of the existing track with ‘Shortlands Lane’. It is asserted that the applicant is transporting produce to a bio-digester at Bromham and that the current application should be refused on this basis. Objections received also raise concerns about large tractors towing trailers using the highway and causing highway safety issues, as the surrounding lanes are not considered wide enough to accommodate cars etc. and large rural vehicles. They claim there is conflict between farm traffic and other road users such as pedestrians, cyclists, horse riders etc. Comments received also highlight issues with mud being dragged out onto the surrounding highways by farm traffic.

Rules and regulations pertaining to farmers driving their vehicles on the public highway are considered under separate legislation. Furthermore, a farmer can drive from one location in their farm vehicles to another without requiring planning permission. Etchilhampton is a small rural village located within open countryside, surrounded by agricultural land; as such the sight of agricultural vehicles on the lanes and byways should not be a surprise to local residents.

The application states that the purpose of the resurfacing is to allow these tracks, on the applicant’s own farming land, to be used throughout the year and to reduce the numbers of

farm vehicles from this holding travelling along the highways which is what is deemed to be causing congestion and safety issues. It is also stated that the track will provide efficiencies in existing farming practices, thus enabling them to be managed more efficiently.

Comments received from the highway officer raise no objections to the proposed scheme. It is recognised that vehicle movements associated with the farm can take place with or without the surfacing of this track. It is therefore considered that the provision of this surfaced track will not lead to any additional movements onto the main roads.

The concerns and objections raised by local residents are acknowledged, however, this is a rural farming community, where farm traffic using the local highway network is not unusual, is not illegal and not unacceptable for the existing farming practices taking place in this locality. It may well be the case that the applicant is transporting produce to the bio-digester at Bromham, however, it is not possible to attribute this stretch of access track singularly to the traffic movements that exist today whether the access track is there or not. Issues relating to traffic movements associated with a 'bio-digester' plant relate to that application and that site. The main consideration in respect of this application is whether the retention of a length of access track wholly contained within the agricultural land of the applicant and which connects two existing tracks would likely lead to an unacceptable impact on highway safety. The assessment of the highway officer is that it would not.

In summary, the application is considered to comply with the relevant policies of the WCS (2015) and with the NPPF (2019) in that the retention of the surfaced track does not have a detrimental impact on highway safety.

- **Flood risk**

The site lies in open countryside and the track crosses several watercourses. As the site crosses both flood zones 2 and 3, a flood risk assessment was required to be provided in support of the application; this was carried out and submitted and a full re-consultation on these details carried out.

Strong concerns have been received from local residents that the development falls within flood zones 2 and 3 and that the track will create a 'dam' like effect on waters within this area, thereby increasing the risk of flooding.

No objections have been received from the Council's land drainage team as the application does not constitute development that they would look to comment on.

The report states that the track will not lead to a reduction in the functional floodplain through the implementation of areas that raise existing ground levels. As such, it is not proposed that offset flood compensation is provided due to there being no change in existing conditions or flooding mechanisms. The proposed track will be at ground level and will therefore not impede flood flow routes. The scheme will therefore not impede the flow of any flood water that may occur within the area and further it is considered that the materials used are of a permeable nature that will continue to allow water to percolate through into the ground.

This is confirmed within the report, which states that the track is formed of loose material and will therefore not create an impermeable area. The opinion of the author of the FRA is that any surface water flows that fall upon the track will disperse to the ground as per greenfield conditions.

Whilst it is acknowledged that the site lies within Flood Zone 3, the development falls within a 'Less Vulnerable' flood risk vulnerability classification. The report identifies that this classification of development is appropriate for the flood zones in accordance with the NPPF.

Core Policy 67 of the WCS (2015) relates to flood risk and focuses on development within flood zones 2 and 3. The first part of the policy refers to the necessity for a sequential test when considering development for new housing. The second part of the policy, relevant to this application, identifies that all new development shall include measures to reduce the rate of rainwater runoff and improve water infiltration unless environmental conditions makes these measures unsuitable. The scheme provides a permeable track through several fields which as identified within the supporting FRA is considered less vulnerable development and which also allows surface water to disperse to the ground. As such, the development is considered to comply with CP67 and the NPPF.

- **Other matters**

The application has been called in on the grounds of factual inaccuracies contained within the submission. The comments and objections in respect of the application also identify that the submission contains errors, inaccuracies and misleading information.

It is agreed that the plans and content of the Design and Access Statement (DAS) contain some errors and inaccuracies, however the extent of these do not render the application invalid and do not result in a scenario where an assessment of the scheme cannot be carried out. The application is for the retention of the access in its current form - the engineering operations to create the track have been carried out and the stone-surfaced track now exists. It is clear that this is located between points A and B as identified in Fig. 2 above. The site location plan provided clearly identifies where the track is located and the typical cross-section specifies the track's construction. As such, it is considered that there is sufficient information to determine the application.

Issues pertaining to alterations to the access at the Shortland Lane junction and the creation of a new access opposite Manor Lane Farm have been passed across to the enforcement team for further consideration. These elements do not form part of the current application.

Legal advice provided on behalf of a local resident has identified, amongst other issues, that procedurally the LPA may decline to determine the current application under Section 70A of the Town and Country Planning Act 1990. The points raised are as follows:

- The applicant fails to provide any additional evidence that substantially differs from the previous applications

- Under Section 70A of the Town and Country Planning Act 1990 the LPA is empowered to decline to determine an application if within the last two years they have refused a similar application or dismissed an appeal and in the opinion of the authority that there has been no significant change since the refusal or in the development plan or in any other material considerations.

In this instance, the application is only for the access track whereas the previous application (18/05990/FUL) was for a proposed silage pad and access track; this is considered sufficiently different, insofar as the cumulative visual impact of the development has been significantly reduced. In addition, the legislation states that an LPA 'may' decline to determine an application and does not state that it 'shall' decline to determine it. As the works are associated with an enforcement case and the circumstances have sufficiently changed, the LPA has decided to determine the current application.

10. Conclusion (The Planning Balance)

The principle of development for the provision of an agricultural track on agricultural land is considered acceptable; there is no change in use of the land and the development amounts to engineering operations. As such the greater weight should be attributed to the potential impact on the AONB, ecology, highways and flood risk.

Core Policy 51 refers to development within the setting of an AONB; as the track is a typical design for an agricultural track i.e. hardcore granular stone surface set level with the land, with any fencing proposed to be stock proof fencing. Due to the extensive existing screening within this landscape, it is considered that there will be no impact on the special qualities of the AONB or on visual amenity generally. The track in time will grass over to a certain degree, usually along a central line, and will soften towards the edges. This will further limit its visual impact within this location. On balance, the scheme is considered to comply with the requirements of Core Policy 51 of the WCS (2015) and NPPF (2019).

Core Policy 50 seeks to protect ecology and where possible enhance the environment. The application site is not within or immediately adjacent to any statutory or non-statutory designated site for nature conservation, nor within the expected zone of influence. It is acknowledged that where farm tracks are regularly used by large farm vehicles, it is better to surface the tracks with a permeable material so as to avoid significant disturbance of the topsoil, which would have the potential to release silt into surface water. The track is in place and does not impact on the surrounding trees and hedgerows and as such does not impact on existing wildlife corridors. The comments received from the Councils ecologist do not object to the scheme and recognise that the surfaced track has the benefit of reducing the impact of silt entering the watercourse. On balance, the scheme is considered to comply with the requirements of Core Policy 50 of the WCS (2015) and NPPF (2019).

The many concerns and objections raised by third parties over the increase in vehicular movements are acknowledged. However, the farming activities at this site existed before the access track was created with tractor movements along rural lanes associated with farms common place within this and many rural communities across the country. As such, whilst the access track allows for a more efficient route to the applicant's land within this location, it does not in itself generate more farming traffic beyond that which exists already operated by

the applicant. No objections have been raised by the highway officer on the development who recognise that the agricultural vehicle movements associated with the farm can take place with or without the surfacing of this track and they are satisfied that the development does not lead to any additional movements onto the main roads. On balance it is considered that the development does not have an unacceptable impact on highway safety and any potential residual cumulative negative impact on the highway network is not severe to reach a reason for refusal. The development is considered comply with the relevant criteria of the WCS (2015) policies and with the NPPF (2019).

Core Policy 67 of the WCS (2015) relates to flood risk and focuses on development within flood zones 2 and 3. It is considered that the scheme provides a permeable track through several fields which as identified within the supporting FRA is considered less vulnerable development and which also allows surface water to disperse to the ground. Whilst it is acknowledged that there is some pooling along the track at rutted areas this can be resolved through the maintenance of the track. As such the development is considered to comply with CP67 and the NPPF.

The application is for the retention of a track that has been created without the necessary consent in place. Whilst such actions are not supported the Council, it must now determine the application before it without any predetermination or prejudice from such actions. On balance, it is considered that the creation of this track within this location would comply with the relevant policies of the Wiltshire Core Strategy (2015) and guidance set out in the National Planning Policy Framework (2019).

RECOMMENDATION

That planning permission be GRANTED subject to the following condition:

1. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
 - Location Plan, Dwg No. MF/FT/PLN/001
 - Block Plan and Section, Dwg No. MF/FT/PLN/002

REASON: For the avoidance of doubt and in the interests of proper planning.

Appendix A – Photos of site and surrounding area in 2016



Existing access track running from Point A to 'Shortlands Lane' junction



2016 - Photo of field looking back to Point A



2016 – Photo of field looking towards bridge near to Point B



2016 – Photo of junction at 'Shortlands Lane' shows existing access



2016 – Photo – long distance from direction of Etchilhampton Hill

Appendix B – Photos of site and surrounding area in 2018



2018 - Photo of field looking back to Point A



2018 – Photo of field looking towards bridge near to Point B (the pylon to the left is just out of shot)

Appendix C – Photos of site and surrounding area in 2020



2020 - Photo of field looking back to Point A



2020 – Photo of field looking towards bridge near to Point B

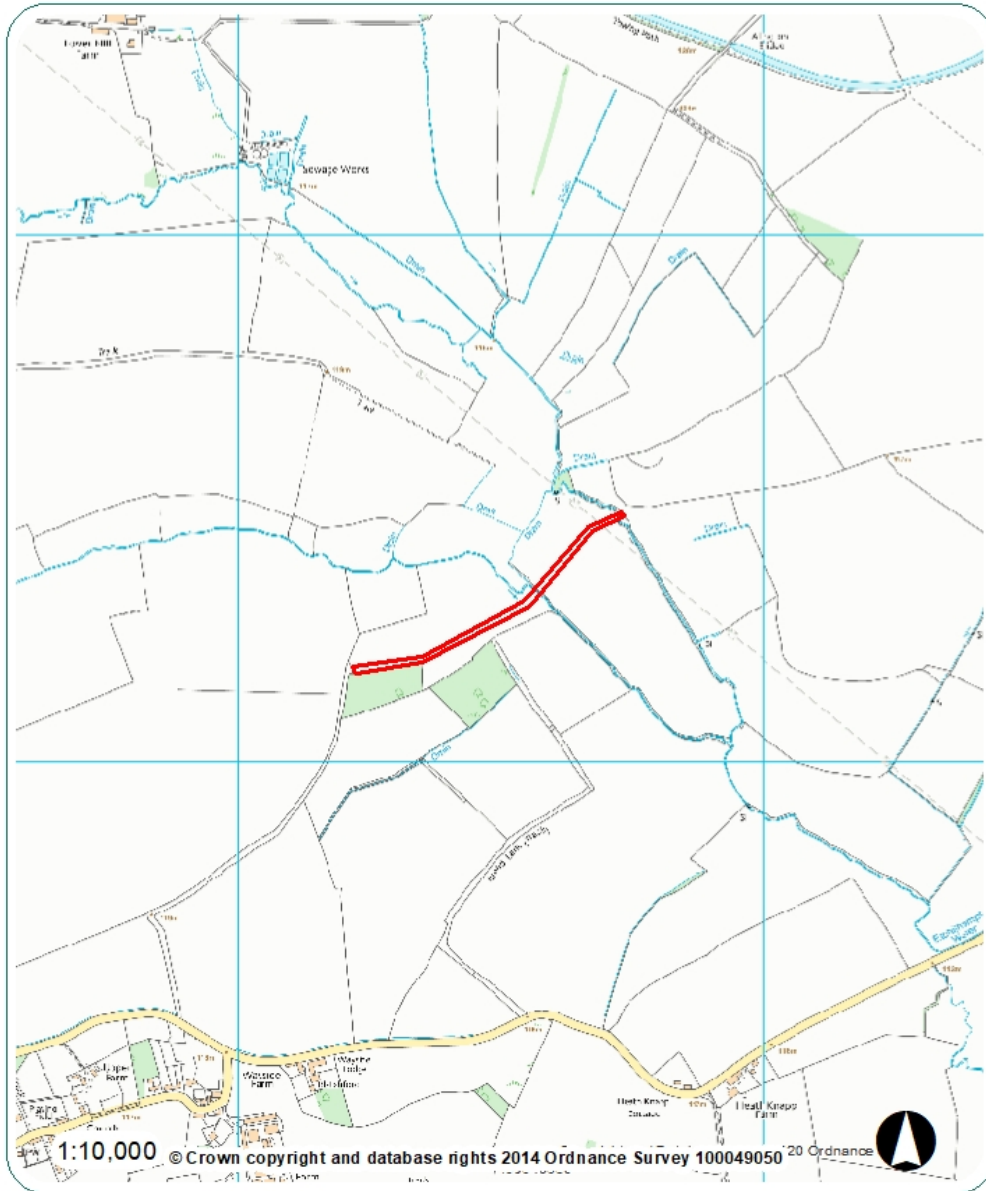


2020 – Photo's near to point A – appears to be 'builder's rubble' and rubbish put into track





2020 – Photo – long distance from direction of Etchilhampton Hill

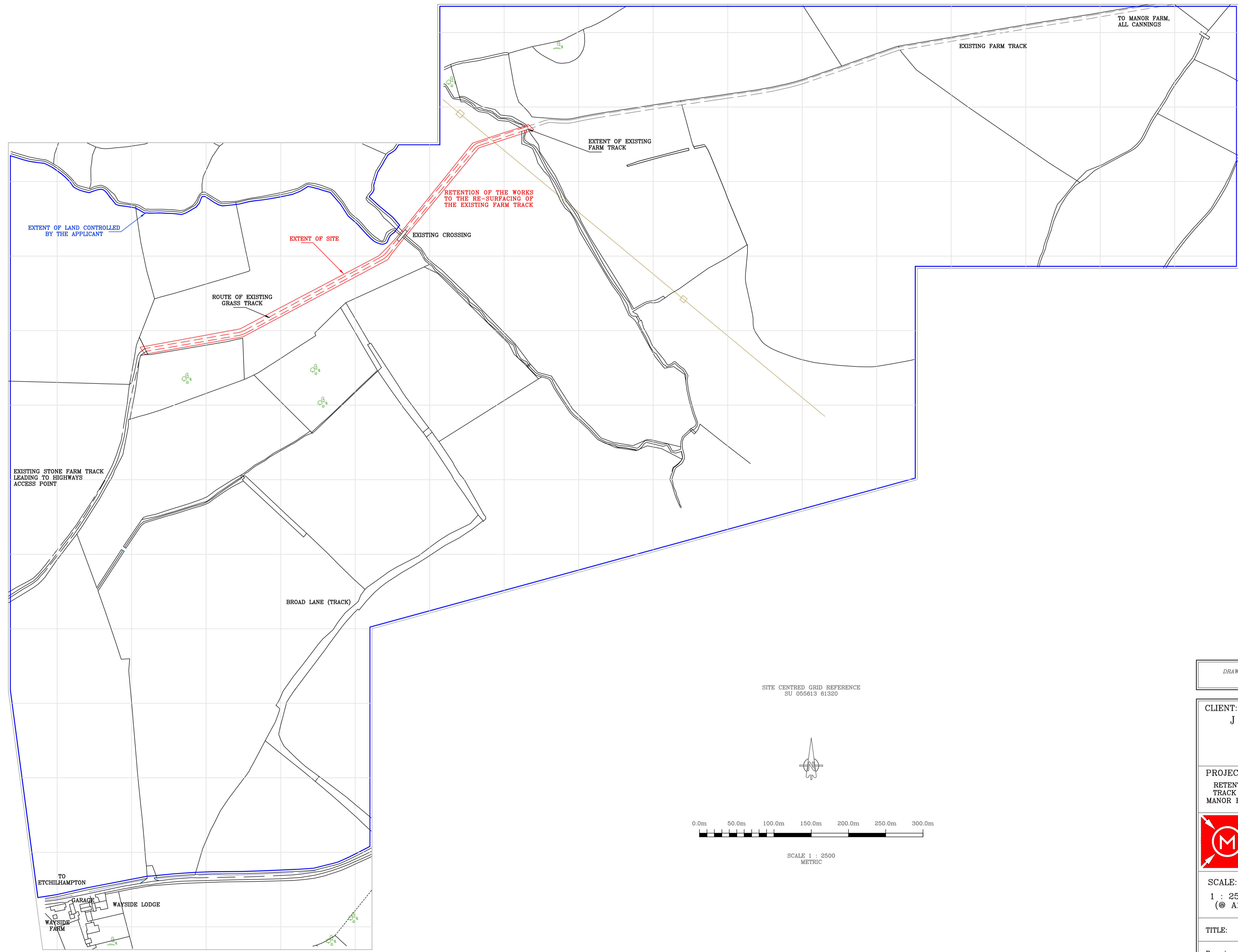


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DRAWING ISSUED FOR PLANNING PURPOSES
 06/11/2019

CLIENT:
 J R CURNICK & SON.
 MANOR FARM,
 ALL CANNINGS,
 DEVIZES,
 SN10 3PF.

PROJECT:
 RETENTION OF WORKS TO EXISTING FARM TRACK ON LAND TO THE SOUTH WEST OF MANOR FARM ALL CANNINGS, DEVIZES, WILTS.

MICHAEL GOFF
Agricultural Planning & Project Management
 Telephone: 07739 279042

SCALE: 1 : 2500 (@ A1)	DRAWN: M Goff	DATE: 03/11/2019
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TITLE: LOCATION PLAN.

Drawing No: MF/FT/PLN/001.

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