CASE OFFICER'S REPORT

Application Reference:	PL/2023/06688
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	08 September 2023
Case officer:	Hilary Baldwin

Site Address:	Land lying to the East of Luckington Court, Luckington, Chippenham, Wiltshire, SN14 6PG
Proposal:	Construction of farm track following the approval of planning application ref 20/06457/APD (retrospective)
Recommendation:	Approve with Conditions

Proposal and Site Description

Proposal

The application seeks to construct an access track leading to farm buildings within the holding. The track would measure approximately 480m long and comprise one gravel track measuring approximately 3m. The track would have a membrane base, consolidated sub-base and compacted top.

The track would start an existing agricultural field gate on the western side of Church Road and lead westwards across the fields before heading north and terminating at an agricultural field barn.

It is stated that the track is required for farm and animal management and would provide for a weather resilient path across the fields.

From evidence gathered during an Officer site visit, it was evident that the track was in place and therefore the application is retrospective in nature.

Site Description

The fields across which the track leads, are within an area characterised by agricultural fields bordered by native hedgerows and mature trees. There are no nearby dwellings or other agricultural buildings and for most of its length, the track is adjacent to a field boundary.

The site is distant from any settlement boundary, is not located within any designated conservation area but does fall within known constraints of the Cotswold AONB.

Policies

National Context:

National Planning Policy Framework (NPPF) 2023

Paragraph 11 – Presumption in favour of sustainable development

Paragraph 130 - Function and form of development

Planning Practice Guidance (PPG)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015.
Wiltshire Core Strategy adopted 2015 (WCS)
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 51 - Landscape
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 60- Sustainable Transport

Key Issues
Principle of Development
Landscape Character
Amenity of Adjacent Occupiers

Relevant Planning History
The planning history on the site reveals that a very similar track was permitted by way of an Agricultural Prior Notification and was in the same location.

20/06457/APD - DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED FOR AGRICULTURAL BUILDINGS AND/OR OPERATIONS (SCHEDULE 2, PART 6)
Prior Approved Not Required
Decision Date 24 August 2020

Consultation Responses
Luckington Parish Council – No Objection
Highways – No comment to make.

Representations
No letters of representation were received in relation to the proposed development.

Planning Considerations and Assessment
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development:
The principle of agricultural facilities within the open and rural countryside is considered acceptable in this instance given the location of the site and the extent and nature of the proposal. It is not considered that a significant portion of agricultural land or grazing would be given over to the facility nor would there be any loss of existing mature hedgerow field boundaries

or significant loss of land. Whilst the principle of development may be acceptable, this is subject to site specific assessment and compliance with other relevant policies as contained within the adopted local development plan.

Impact on the Character and Appearance of the Area

The area is characterised by open agricultural fields and native hedgerow boundaries to fields and roads. There are rural properties and farms within the vicinity of the site, but these are sporadic in this location. The proposed development would be located adjacent to a field boundary for much of its length, but not so close that it would impact upon the integrity of that feature.

A track in a similar location was allowed by way of Agricultural Prior Notification in 2020. That development comprised a double track in the same location and on the same pathway and which leads to the same agricultural buildings across the fields.

The current proposal would, in essence, infill the central grass trackway of the existing track, which would allow for agricultural vehicles with different width wheelbases. Whilst the preceding determination was considered to fall within permitted rights for agriculture, there was an assessment in terms of siting and design and potential for impact upon the AONB. In that assessment, it was surmised that whilst the first part was visible from the field gate at the eastern end, the flat topography and low rolling countryside helped assimilate the development into the landscape. In relation to the current proposal, its retained location adjacent to a field boundary for much of the length would shield the development from many public viewpoints. The nearest public rights of way is over 150m at its nearest location and the flat nature of the track would not give clearly visible views from that those vantage points.

Core Policy 51 relates to landscape and sets out that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and in particular any AONB designation. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

In this instance, the proposed development is not considered to result any tangible negative impact upon that special designation and is considered to accord with CP51 and 57 of the WCS and the relevant paragraphs of the Framework.

Amenity

There are no directly adjacent residential properties within the vicinity of the track and the proposal is not considered to result in any noise, dust, vibration or loss of amenity over that which can already by undertaken by agricultural vehicles across open land. It is noted that no letters of representation have been received in relation to the scheme.

Conclusion

The proposal is considered to represent a reasonable and proportionate addition to the existing track and would not unduly impact upon the open nature of the area. Therefore, the local planning authority has determined this application in accordance with the development plan, unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits and in accordance with the core principles of the NPPF, the relevant policies of

the adopted Wiltshire Core Strategy and is recommended for approval subject to the following conditions.

Conditions: (2)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

GA_00 Location Plan. Received on 07 August 2023
GA_01 Existing Site Plan. Received on 07 August 2023
GA_02 Proposed Site Plan and Cross Section. Received on 07 August 2023

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

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

Informatives: (4)

3 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

4 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

5 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

6 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.