CASE OFFICER'S REPORT

Application Reference:	PL/2023/09051
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	29 November 2023
Case officer:	Stefan Galyas

Site Address:	Manor Farm, Milbourne, Malmesbury, Wilts, SN16 9JB
Proposal:	Creation of a new vehicular access for agricultural machinery and equipment.
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The site constitutes a large, open agricultural field which links up to other open fields to the north. The proposal is situated on the outskirts of Milbourne, where dwellings and farmsteads are sporadically positioned along the highway. The Woodbridge Brook flows to the east and north of the site with Gardson Mill also located immediately to the east.

The proposal site is located in Milbourne, identified by the Wiltshire Core Strategy as a Small Village. The village does not have a settlement boundary and the site is therefore considered to be located within the open countryside.

With regard to policy constraints, part of the site has a defined groundwater flood risk.

PROPOSAL:
The application seeks planning permission for the installation of a new agricultural access which would abut the highway to the south of the site. The development proposal would also see the addition of a new gateway in the section of hedgerow removed to make way for the proposed access. The access would use hardcore and concrete splays with a metallic gateway and wooden posts.

POLICIES:
Wiltshire Core Strategy (WCS) Adopted 2015
Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 13 –Malmesbury Community Area
Core Policy 51 – Landscape
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 61: Transport and Development
Core Policy 62: Development Impacts on the Transport Network

National Policy:
National Planning Policy Framework (NPPF) December 2023
Paragraphs 2, 8, 11, 12, 38, 47, 88, 89, 114-116, 131, 135 and 139.

National Design Guide (2021)

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 be made in accordance with the Development Plan unless material considerations indicate otherwise.

ISSUES:

The main considerations which are material to the determination of this application are listed below:

- Principle
- Impact on Character and Appearance
- Neighbouring Amenities
- Highways and Access

RELEVANT PLANNING HISTORY:

The recent planning history of the site is not considered to impact the determination of this current proposal.

REPRESENTATIONS:

St Paul Malmesbury Without Parish Council: No objection.

Wiltshire Council Highways: Department: No objection.

Representations: There were no letters of representation received in response to the proposal.

Principle of Development:

The application constitutes the erection of an agricultural building to support the operations of an established agricultural business. Paragraph 88 of the NPPF states that planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship.

In light of the provisions of NPPF Paragraph 88 (b) the proposal is considered to be acceptable in principle subject to accordance with other policies within the Development Plan.

Impact on Character and Appearance:

Core Policy 51 of the Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

The road is currently abutted to either side by mature hedgerow which is currently uninterrupted to the northern roadside for a considerable distance of around 300m. There is an existing open access to the southern side of the road which breaks up the hedgerow briefly.

The field is currently accessed from the existing farm buildings along a gravel track to the west of the proposed access. The supporting statement confirms the proposed new accesses' rationale: "A new gateway will allow better access to the land and avoid continuous large farm machinery traffic through the village of Milbourne as the field links up with other land on the Charlton Road where the main access can be taken from.".

While the proposed access would break up the continuity of the existing hedgerow to the north of the road, it is considered that the gateway would likely have an acceptable appearance and would not appear overly incongruous given its rural setting. The proposal is considered to be of a modest appearance and would use materials commonly associated with agricultural accesses.

On this basis, the proposal is considered to accord with the provisions of Core Policy 51 and 57 of the Wiltshire Core Strategy.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The proposed access would be set at a distance from any neighbouring residential site to the west. Accordingly, neighbouring amenities are not considered to be detrimentally affected by the proposed access due to the location on the edge of the village. It is noted that no letters of representation were received in response to the proposed development.

Accordingly, it is considered that the proposal would not lead to an unacceptable loss of light, overshadowing, loss of privacy or overbearing impact to the amenities of the neighbouring residents.

Highways and Access:
Paragraph 115 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. Additionally, Core Policy 62 of the WCS states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Wiltshire Council's Highways Department were consulted on the scheme and noted that the site is located adjacent to an unnamed C classified road subject to a speed limit of 60mph. It was noted that the provision of access in this specific location would require alterations to the public highway which would be subject to a licence, should planning permission be granted.

It was further commented that the visibility splays were unlikely to be achievable due to the hedgerow and road alignment. However, the use of the access for agricultural purposes overcame these concerns due to the lack of intensive use. A condition ensuring that the access is only used for agricultural purposes is considered necessary and relevant in this instance in order to ensure highway safety, in the instance planning permission is granted.

The Highways Department resorted to raising no objection to the proposal as a result of the aforementioned reasons. It is therefore concluded that the proposed development is in accordance with the provisions of Core Policy 62 of the Wiltshire Core Strategy and Paragraph 115 of the NPPF.

CONCLUSION
The proposed development is considered acceptable and in accordance with Core Policies 1, 2, 13, 51 and 57 of the Wiltshire Core Strategy and the relevant paragraphs of the NPPF.

RECOMMENDATION
That planning permission be GRANTED subject to the following conditions:

Conditions: (6)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Block Plan
Received 18/10/23

Proposed Fence Elevations
Received 30/10/23

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved plans.

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

4 The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

5 Any gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

6 The access hereby permitted shall be used for agricultural purposes only and any other proposed use thereafter shall require approval in writing from the Local Planning Authority.

REASON: In the interest of highway safety.

Informatives: (4)

7 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.

8 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.

9 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.

10 The proposal includes alteration to the public highway, consent hereby granted shall not be
construed as authority to carry out works on the highway. The applicant is advised that a
license will be required from Wiltshire's Highway Authority before any works are carried out
on any footway, footpath, carriageway, verge or other land forming part of the highway.
Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.