CASE OFFICER'S REPORT

Application Reference: **2023/05890**
Date of Inspection: 08/11/2023
Date site notice posted: n/a
Date of press notice: n/a

POLICIES

Wiltshire Core Strategy Core Policies CP1, CP2, CP27, CP39, CP48, CP50, CP51, CP57, CP58 & CP64
NPPF & NPPG

ISSUES

Principle
Impact on the character and setting of the surroundings
Impact on the surrounding landscape/AONB
Highway safety

REPRESENTATIONS

Arboricultural Officer - no comments received
WC Highways – No Highway objection, subject to amended plan showing drainage channel re-positioned
Fovant parish council – object with the comments below to the amended plans:
Fovant Parish Council notes the changes and relocation of the proposed entrance from Tisbury Road, but maintains its objection: in that this entrance is entirely unnecessary for efficient and safe servicing of this new agricultural space which transitioned from the footprint of the previous Trout Farm, a unit that functioned satisfactorily for many decades including during recent infilling; and that it would still generate an additional risk to traffic and pedestrians on Tisbury Road. The Highways Department accepted the inherent risks on Tisbury Road (submission 22 August) by referring to the excessive recorded vehicle speeds, and hence required the splay of the proposed entrance to be widened from 25m to 33m. In the council's view the resulting removal of an even greater length of the mature hedging, and the necessary restriction of the replacement hedging to 1m height , would be of unjustifiable detriment to the local ecology and amenity.

Third party representation –
Letters of objection were received from 13 local residents concerned about the following points:-

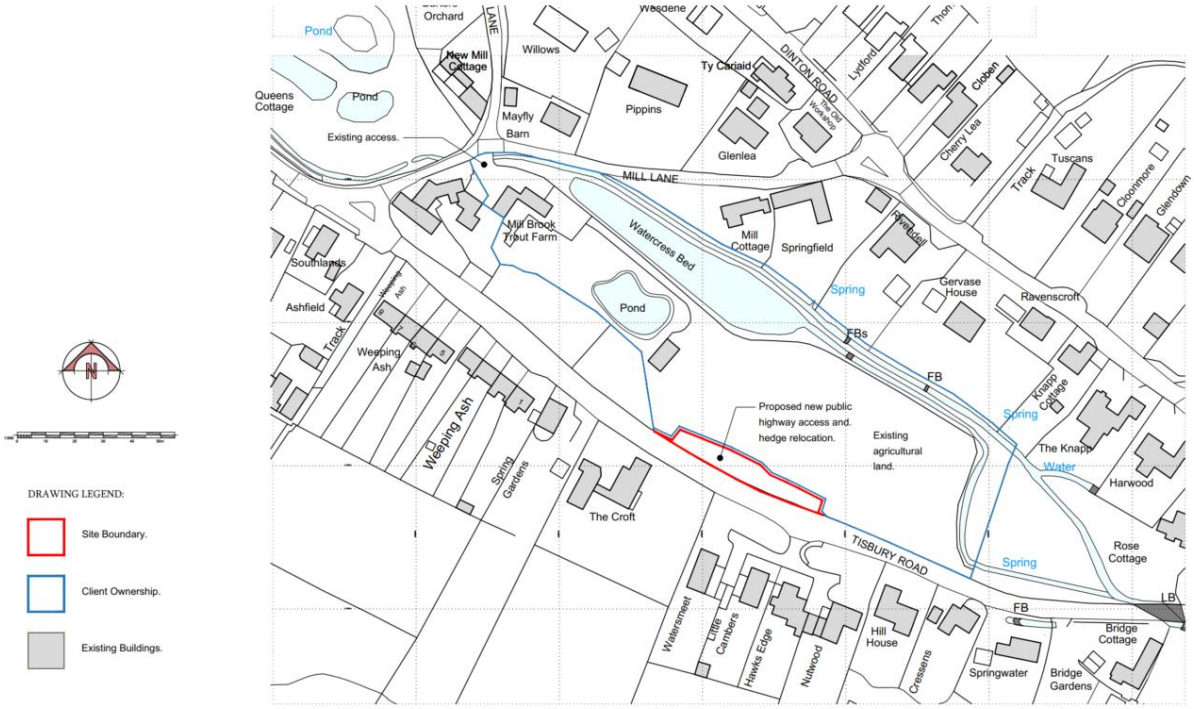
- Traffic danger to users of Tisbury Road, in particular the young, and the elderly using mobility scooters, from agricultural vehicles entering and leaving the site.
- Loss of the hedgerow
- Why is there a need for a new access when the existing situation works ok now
- Land is too small to need access from agricultural vehicles
- Existing access was adequate when this was an active trout farm
- The planned access is on a narrow part of the road where there is restricted vision
- Many people walk along this part of the road, and will be in danger from agricultural vehicles
- The previously approved temporary access when the fish farm was being infilled was never implemented so why is there a need for an access now?
- Elderly residents who live along the road have problems now with parked cars along the road, and their ability to use the road will be made worse by this new access.

- Is this application a means to allow residential development on the site?
- This application will lead to heavy traffic using an unsuitable road to the detriment of existing road users
- The moved hedgerow will take a long time to recover, and will be a biodiversity loss.

ASSESSMENT

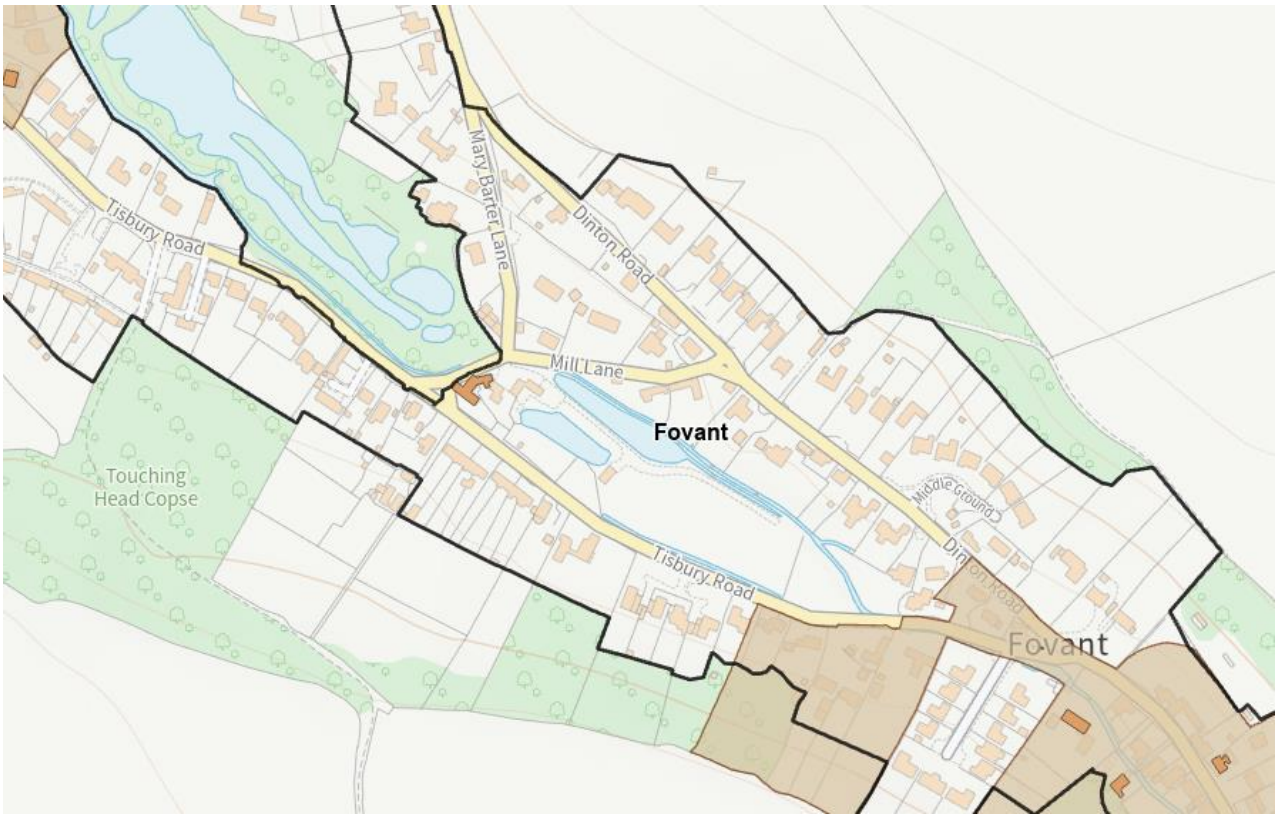
Site description

Mill Brook Trout Farm is a former fish farm located within the village of Fovant. It lies outside of the village Conservation Area, with the dwelling known as Mill Cottage to the north west of the site being a listed building. The location plan is as set out below:-



Application site edged in red

The site lies within the settlement boundary of this Large Village, as defined in the Core Strategy, see plan below:-



The land immediately to the north of the location of the proposed new access is at a lower level than the land to the south and the highway that passes through the village in this location, known as Tisbury Road. This road is a bus route leading to Tisbury. The site is largely not visible from the public domain due to the hedge along its Tisbury Road frontage.

Planning History

Planning permission was granted in 2013 for the "Change of use from fish farm to agriculture, incorporating infilling of fish ponds and tanks, removal of feeder channel, alterations to pond and re-grading of ground, formation of temporary access and alterations to residential curtilage" (ref.no. S/2013/0334)

S/2016/01935/VAR – remove condition 4 of the above planning permission (relating to the provision of a temporary access to allow the importation of materials to the site) A/C 4/04/2016

The proposed development

The current application proposes the construction of a new access off of Tisbury Road to allow for access to the newly created agricultural field, rather than vehicles passing the residential dwelling known as Millbrook Farmhouse.

The existing access to the site is via Mill Lane. This bridged approach provides access to the existing field and 2no. residential buildings. This existing driveway is accessed via a series of awkward lanes (public highways), a turn into a narrow driveway, and then through a courtyard. The access to the field itself is via a gravelled access track from the main house, following the existing stream line. For larger vehicles this is a difficult set of manoeuvres, and there is a conflict between agricultural uses and residential, including the Listed Building Mill House. The photo below shows the relationship of the existing access with the Listed dwelling:-



The proposal is to create a new access off of Tisbury Road, and to set the access back from the exist edge of the highway to provide the necessary visibility splays to the site. This will entail the relocation of the existing hedge to back into the site. This hedgerow is a visually important feature in this part of the village, as can be seen in the photos below. It should be possible to re-locate sections of this hedge without significant loss of the feature, thereby not losing the integrity of the feature and its visual and ecological interest. The application is accompanied by a detailed specification as to how the hedge will be re-located and from experience this method of moving a hedge can be effective and will be conditioned as part of the permission, along with a requirement to reinforce the hedge if any part of the re-location is to fail.

Concern was expressed by a local resident that the application site could include land within his ownership. Amended plans have been received which clarify that the whole of the application site lies within the applicants ownership.



Photo taken from within the application site with the dwellings along Tisbury Road to the right



Proposed access from the west, between the two telegraph poles



Proposed access from the east

Impact on the surrounding area

The proposal to create a new access in this location has already been approved, albeit on a temporary basis, in connection with the works to infill the old fish farm that previously existed on the site. However this access was not created as the material to infill the site was delivered via the existing access to the site via Mill Lane.

The applicant wants to use the land to the rear of the proposed access for agricultural purposes, possibly the growing of wild flowers and other vegetation to be used in biodiversity net gain operations on development sites and similar. The requirement is to separate the use of this land from the residential curtilage of the adjacent dwelling.

The access will result in the loss of an area of hedgerow to allow the 3.5m wide access to be created into the field. The Design and Access statement comments that the design of the access will be as follows:-

"*The new entrance will have metal gates to match existing in the local area. The new gates will be wider than the existing access beside the main house, but will replicate the features and styles of the current gated entrance. Distance from the public highway to these new gates to be confirmed with Wiltshire Highways prior to construction. New gated entrance to be located a minimum of 7.5 metres from the highway edge to allow sufficient space for vehicles to safely leave the public*

highway whilst opening. Relocated hedge planting will return to either sides of these gates to provide a continuous aesthetic.
New tarmacadam access to public highway, to be properly consolidated for a minimum of the first 5.0m from the highway edge and maintained. New drainage channel fitted at junction to highway, to Wiltshire Highways standards and recommendations. Pl.ease note that the existing ground levels are falling into the site, as opposed to onto the public highway. Extent of non-migratory surface (hot rolled macadam or equivalent) indicated hatched, and to be agreed with Dorset Highways. A new post and rail fence will line the track between the existing public highway and new gated entrance, until the new hedge planting has been established.
Remainder of access track to be of permeable construction, and follow the existing topography of the overall site. The existing track is of poor construction, and its removal and relocation will not be detrimental to the existing building and overall site. Moving the field access away from the existing buildings will minimise the harm to the area of existing hisotric dwellings, reduce the reliance on the small lane entrance for larger vehciles, and improve the overall aesthetic of the area.
The drive will finish at existing ground level, with drainage channels on the lower side to allow water run off. 100mm crushed tarmac planings (scalping) to match the existing driveway, over 150mm of Type 1 over new membrane. Well consolidated ground below. The drive will have a small camber and be edged to prevent any spread. The surface will finish at existing soil height. The existing site and new access will be used by vehicles incidental to the nature of the existing agricultural uses."

The site sits within the Cranborne Chase AONB, and on the edge of the Fovant Conservation Area. However it is considered that the relatively small opening created in the hedge line will not adversely affect the visual amenities of the area and will have no impact on the AONB, being as it is sited within the settlement of Fovant and not on the edge where it will have an impact on the landscape quality of the surrounding area.

The agricultural field is in FZ 2 and 3 and has very little potential for any form of development other than agricultural due to that flood risk, even though it does lie within the settlement area of the village where residential development would not be inappropriate in principle.

Amenity consideration

There are a number of letters of objection to this proposal, many raising issues of highway safety for pedestrians using this stretch of road. The roadway adjacent to the site is relatively narrow, with no pavement and has a speed limit of 20mph, as do the majority of the highways through the village.

The PC have commented that the speeds along the road exceed the 20mph limit and this will necessitate a larger visibility splay to the proposed access.

It is considered that due to the relatively small size of the field being served by the proposed access, that the level of usage of this access will be relatively low and should not have an adverse impact on the users of the highway. The slight re-alignment of the highway to provide the splay and access will actually provide more of a refuge for road users than at the moment, and will allow a vehicle to pull into the bell mouth if larger vehicles are coming the other way, or to allow pedestrians to pass on the other side. The visibility splay will read as an extension of the existing verge in front of the existing hedge and will not be an alien feature in this part of the village, and with re-instated and reinforced hedge to remain as the site boundary, the visual impact on this part of the village will be minimised.

Almost opposite the proposed access is a very suburban access to a small group of dwellings, as can be seen on the photo below. It is suggested that the new access, will have less of an urbanising impact on this part of the village than this existing access.



Highways considerations

Subject to a condition requiring the drainage channel being set back off the Highway verge and that the visibility splays and hardening of the access etc are complied with and maintained then there is no highway objection to the proposal.

Conclusion

This application proposed the construction of a relatively simple access to serve a small area of agricultural land in the middle of the village of Fovant. Provided that the hedge reinstatement and reinforcement is carried out in accordance with the submitted details it is concluded that the access will have little visual impact on this part of the settlement outside of the Conservation Area. The impact on other road users, including pedestrians, should be limited and not unacceptable due to the likely infrequent use of the access as the land area it is serving is limited in size. The application therefore complies with the provisions of Policy CP57 and is recommended for approval.

RECOMMENDATION

Approve, subject to Conditions

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.

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

Existing Location Plan – Drawing no. 22035-201B, received on 12th March 2024
Proposed Location Plan – Drawing no. 22035-200A, received on 9th October 2023
Proposed Site Plan – Drawing no. 22035-202B, received on 12th March 2024

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

The Hedge Translocation and reinforcement shall be carried out in accordance with the details submitted in the Design and Access Statement, received on 17th July 2023, and the Hedge Translocation details set out in the letter from R and S Consultants, dated July 2023, and received on 9th October 2023. These operations shall be carried out during the planting season November to March inclusive, immediately following commencement of the development hereby approved. All hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. The translocated and reinforced hedge shall be planted 1m back behind the visibility splay.

REASON: To ensure a satisfactory landscaped setting for the development, the protection of existing important landscape features, and to ensure the visibility splay is not encroached on.

The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, 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.

No part of the development shall be brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

Any gates shall be set back 7.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

No part of the development shall be brought into use until drainage channels have been installed across the access hereby approved on the applicant's land, where the public highway meets the private property of the application site. These drainage channels shall be thereafter maintained to prevent the flow of water onto the public highway.

REASON: in the interests of highway safety.

The access hereby approved shall be used in connection with the agricultural use of the land shown on the Proposed Site Plan (drawing no. 22035-202A) only and for no other purpose.

REASON: The access is only suitable to serve the limited agricultural land within the applicant’s control and not to serve any other purpose.