



Appeal Decision

Site visit made on 29 June 2015

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 July 2015

Appeal Ref: APP/K2420/W/15/3007626

Land at Beanfield Farm, Derby Lane, Snarestone, Swadlincote DE12 7DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Crown Estate against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00706/FUL, dated 16 July 2014, was refused by notice dated 8 December 2014.
 - The development proposed is the relocation of an existing field entrance and the creation of an agricultural access track.
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Decision

1. The appeal is allowed and planning permission is granted for the relocation of an existing field entrance and the creation of an agricultural access track at Land at Beanfield Farm, Derby Lane, Snarestone, Swadlincote DE12 7DE in accordance with the terms of the application, Ref 14/00706/FUL, dated 16 July 2014, subject to the conditions set out at the end of my decision.

Main Issue

2. The main issue in this case is whether the proposed development would be consistent with the principles of sustainable development, having regard to the character and appearance of the surrounding rural area.

Reasons

3. Derby Lane is a narrow road connecting the villages of Shackerstone and Snarestone. The road accesses a few houses and farms, is single track for the majority of its length and is set in a landscape of arable fields, bounded mostly by mature hedges. The proposal seeks to construct a new farm access to the lane. Following on from the field entrance a track some 510m long and 3.5m wide, according to the Council's figures, would be constructed. The track would be built with compacted or crushed dark stone. As part of the proposal an existing field access would be removed from the hedgerow to the south of the new proposal.
4. Policy NE5 of the Hinckley & Bosworth Local Plan, February 2001 (the Local Plan), states that planning permission will be granted for development in the countryside provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement, and only where it does not have an adverse effect on the appearance or character of the landscape.

The National Planning Policy Framework (the Framework) states, in paragraphs 28 and 17 respectively, that plans should promote the development of agricultural business and should recognise the intrinsic character and beauty of the countryside, and support thriving rural communities within it.

5. The access would be set to the south of an existing concreted access to Beanfield Farm, and is stated to be necessary as the Farm has been sold off separately to some of the surrounding land. The Council are of the view that a field access would be satisfactory for the level of access that is required and note that farm vehicles are capable of driving on multiple terrains. However, I note the types of vehicle and machinery which are required to use the access, including combine harvesters and other heavy machinery, and that access to the land is required all year round. Whilst the access in the winter months appears to be needed less, reasonably intensive use in September and October is shown to be required for muck carting, harvesting and wheat drilling. In my judgement therefore the need for a hard surfaced track to the fields has been justified and shown to be required for the continued use and development of the agricultural business and the economic benefit this would provide.
6. On my site visit I noted the mature hedgerows set along Derby Lane such that the site for the majority of the proposed access track would be well hidden from views from this carriageway. My visit took place at a time of the year where growth in the hedgerow and of crops was at a high level and I note that during the winter months views of the proposed access track may be more noticeable. However, views from the south of the track would be viewed against the backdrop of trees and buildings at Beanfield Farm. Furthermore, the proposed materials for the track would help the access assimilate into the landscape and be far less noticeable than a more traditional concrete access would be. I do not consider therefore that the track would be prominent, incongruous or urbanising in the rural landscape; where views are possible of the access it would be regarded as a low key, functional part of a normal working agricultural business. Any environmental effect of the track would therefore be minimal.
7. The Council also raise concerns that the proposal would result in the permanent loss of farmland. Whilst I note that the area for the track would be 'lost' for arable use, the use of the land would still be agricultural. Furthermore I note in this respect that the continued and reasonably intensive use of a grass track by heavy machinery would also result in the loss of that land for crop growing, and could result in damage to the soil structure through compaction and rutting. Concern is also raised that if similar applications were approved on all farmland that this could result in a significant urbanising impact. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions and Conclusion

8. I have imposed the standard conditions relating to implementation and compliance with plans, in the interests of the proper planning of the area and for the avoidance of doubt. I have also imposed a condition requiring samples of the proposed surfacing material to be agreed by the Council prior to development commencing. This is necessary in order to ensure that the access track assimilates into the landscape and has no adverse effect on the character

and appearance of the area. Finally, I agree with the Council's suggested condition regarding the removal of the existing vehicular field access, and have thus imposed this. This is necessary in the interests of the character and appearance of the area and to avoid the proliferation of accesses.

9. The proposed track coincides with a public footpath for a part of its route. The County Council Access Officer has recommended a condition requiring surfacing details. However, the proposed track construction as shown on the submitted plans would remain suitable for use as a public footpath for the distance that the two uses coincide and I do not consider that a further condition is necessary.
10. The proposal would enable proper access to promote the development of agricultural business and support the rural community, whilst protecting the intrinsic character and beauty of the countryside. I therefore conclude that the proposed development would be consistent with the principles of sustainable development, having regard to the character and appearance of the surrounding rural area. The proposal would comply with Policy NE5 of the Local Plan, and with the Framework, as well as with Policy BE1(a) of the Local Plan, which states that development should complement the character of the surrounding area with regards to scale, layout and materials.
11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 4 CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 03/02/14; Plan of Proposed Track (Area of Development) dated 04/08/14; Proposed Access Plan dated 12/08/14; Creation of New Agricultural Access at Beanfield Farm Drawing No JN1639-NWK-001 Rev C; Cross Section Through Proposed Farm Access Track No BEANFIELD PL-01.
- 3) No development shall take place until samples of the materials to be used in the construction of the access track hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Within one month of the new access hereby permitted being brought into use, the existing vehicular access shall be permanently closed and the redundant vehicular crossing reinstated to highway verge.