

**PLANNING  
COMMITTEE**

14th December 2016

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**Planning Application 2016/275/FUL**

**New agricultural vehicular access and track**

**Land Adjacent To Rookery Cottage, Droitwich Road, Feckenham, Worcestershire**

**Applicant: Mr & Mrs Neil Hodgkins**  
**Ward: Astwood Bank and Feckenham**

**(See additional papers for site plan)**

The author of this report is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 881655 Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The application site is situated in the open countryside within the Parish of Feckenham. It is a rural location along the Droitwich Road (B4090), which has a 60mph speed limit where the proposed access would be located. The proposed access and track would be located between two existing dwelling houses: Rookery Cottage and The Elms. It would break through part of the existing hedgerow that fronts onto the Droitwich Road and the track would go through the first field; which is an old orchard, to provide access to the agricultural fields to the south and east of Rookery Cottage.

These agricultural fields make up the agricultural holding connected to Rookery Cottage. The holding comprises approximately 19 acres; 6 acres of which are designated as a Site of Special Scientific Interest (SSSI). Other parts of this land are also designated as a Local Wildlife Site, which is a non-statutory designation.

The only access onto this land currently is through the residential driveway of Rookery Cottage, which is the adjacent dwelling house owned by the applicant. This driveway is only 3 metres wide for a distance of some 25 metres. There is a gap in the hedge at the end of the driveway, directly opposite the cottage. This gap leads to the old orchard, which then provides access onto the agricultural fields to the south and east of Rookery Cottage.

**Relevant Policies:**

**Borough of Redditch Local Plan No. 3**

BRA02 Housing in the Open Countryside Outside the Green Belt  
BBE13 Qualities of Good Design

**Emerging Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

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Policy 9: Open Country Side  
Policy 16: Natural Environment  
Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

**Relevant Planning History**

None

**Consultations**

**Landscape & Countryside Manager**

No objections providing the remaining Ash (T1) and Pyrus (T3) are retained and afforded full protection in accordance with BS5837:2012.

**Highway Network Control**

Comments received 6.10.2016

I have no highways objection to the proposed access, the applicant has provided above the minimum distance recommended for the visibility splays but not the desirable distances. In this instance the distances provided are acceptable.

Recommends that any permission which the District Planning Authority may wish to give is subject to conditions.

Comments received: 26.10.2016

WCC take the last 5 years into consideration when looking at planning applications; there has been 1 accident in the last 5 years (not near proposed access) which was highlighted to you in my earlier email.

The accidents which have been highlighted on the WCC website by the residents objecting are over 5 years old and would not have been taken into consideration.

I am happy with my highway comments; No Highway Objection subject to the conditions recommended are taken on-board.

I would also like to add this access is only for agricultural use (agricultural vehicles only) and this should not be used as a residential vehicular access.

**Feckenham Parish Council**

No comment

**Kernon Countryside Consultants**

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From my understanding the present access was never intended to be used by agricultural machinery. Due to changing circumstances and an old access being severed from the land to the south of the old orchard through different ownership the use of the existing access has come about.

Access is gained to the agricultural land through a field gate in a hedge opposite the residential property. There are certain types of farm machinery that this access is simply not suitable for such as bale trailers. It is also claimed that larger farm machinery has to reverse out onto the main road which is dangerous for both the farmer and other road users.

I believe the proposed access is justified in agricultural terms as the land to the south cannot be fully utilised or effectively farmed unless access is possible for most types of farm machinery. It is my view that the existing access is not suitable for most types of farm machinery and there is no other access to the land that could be utilised.

Both in terms of practicality and safety the close proximity of the existing access to the residential property, in my opinion, make the track unsuitable. Certain times of year such as late summer will give rise to increased farm traffic which is likely to conflict with the residential use of the track.

Taking all factors into consideration, I believe the proposed access track is agriculturally justified.

**Public Consultation**

1 Neighbour Letter was sent out on 26.09/2016 (expired 17.10.2016)  
Site notice posted 05.10.2016 (expired 26.10.2016)

2 letters of objection have been received from neighbouring properties, both of these letters raised objection on Highway Safety grounds.

**Assessment of Proposal**

**Introduction**

The agricultural fields to the south and east of Rookery Cottage were originally part of a larger agricultural unit and access to this land was gained from a vehicular access further along Driotwich Road towards Feckenham. The need to use the driveway of Rookery Cottage to access these agricultural fields for farm vehicles and machinery is a use that has only come about following the severance of the larger agricultural unit through different ownership.

The applicant's agricultural justification sets out that the existing access via the driveway of Rookery Cottage is not suitable for agricultural vehicles or machinery due to their size.

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They are therefore proposing to create a new agricultural access and track from the Droitwich Road (B4090) into and across the old orchard to provide access to the agricultural fields to the south and east of Rookery Cottage, part of which is a SSSI. The proposed access would enable the applicants to operate a small holding with livestock and maintain the SSSI and meet the SSSI land management obligations.

The first section of the proposed access to the gate would be 5 metres wide by 15 metres long, to allow vehicles to safely pass each other off the main highway. Beyond the gate it is proposed to reduce the track to a gravelled track suitable for agricultural vehicles.

**Principle of Development**

Both the current local plan and the emerging local plan set out that development in the Open Countryside will not be permitted except where it is: clearly necessary for the purposes of agricultural or forestry and cannot be sited in a settlement.

Kernon Countryside Consultants have assessed the information provided with the application and in particular the agricultural justification. From this, they have concluded that the proposed access is justified in agricultural terms as the land to the south cannot be fully utilised or effectively farmed unless access is possible for most types of farm machinery. They considered that the existing access is not suitable for most types of farm machinery and there is no other access to the land that could be utilised.

It is therefore considered that the proposed development is acceptable in principle.

**Highways**

Objections have been received from 2 neighbouring properties regarding highway safety. Raising concerns regarding the speed of the road and the number of accidents and near misses that already occur along this stretch of road.

Worcestershire County Council Highways Department have set out that the applicant has provided the minimum distance recommended for the visibility splays, but not the desirable distances. However in this instance Worcestershire Highways have confirmed that the distances provided are acceptable.

Following the objections received from the neighbouring properties, Highways further looked into the proposal. They confirmed that they take the last 5 years into consideration when looking at planning applications; and in that time they have confirmed that there has been 1 accident on this road, not near to the proposed access.

As such they have confirmed that they have no objection to the proposal, subject to conditions.

**Conclusion**

Overall therefore, it is considered that the proposed development would accord with the provisions of policies in the local plan and it is recommended that the proposal would be acceptable.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby approved shall be implemented in accordance with the following plans:

Drawing No. 7830-A-100- Location Plan  
Drawing No. 7830-A-200- Proposed Site Plan  
Drawing No. 7830-A-600- Visibility Splay

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area.

- 3 All trees on site shall be afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 4 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 195m to the left and 171 m to the right along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 5 Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

Reason: In the interests of highway safety.

- 6 The agricultural access and track hereby approved shall not be brought into use until the access facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 7 The proposed access and track hereby approved shall be constructed in a bound material for at least the first 10 metres, measured back from the carriageway edge.

Reason: In the interests of highway safety

- 8 The proposed access gate shall be set back at least 10 metres from the adjoining carriageway edge, and shall be made to open inwards only. It shall be maintained as such in perpetuity.

Reason: In the interests of highway safety.

- 9 Details of the boundary treatment, including: the proposed gate, fencing and new hedge shall be submitted to the Local Planning Authority for approval prior to it being installed. The gate and or fence shall then be installed as per the approved details prior to the first use of the access and any proposed hedge shall be planted as per the approved details by the end of the planting season following the first use of the access.

Reason: To protect the character and appearance of the local area.

- 10 The proposed access shall only be used by agricultural vehicles in connection with the land to the south and east of Rookery Cottage (shown on Drawing No. 7830-A-101) and for no other purpose, including as a residential access to Rookery Cottage.

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Reason: To define the permission and in the interests of highway safety.

**Informatives**

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.
- 2) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds when carrying out these works.
- 3) Before you create the new access you will need to formally apply for consent from North Worcestershire Water Management (NWWM) for any new culvert or bridge in or over the ditch. For more information please contact NWWM on [enquiries@nwwm.org.uk](mailto:enquiries@nwwm.org.uk).
- 4) The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 5) Drainage arrangements shall be provided to ensure that surface water from the approved access and track does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.

**Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.