

**PLANNING  
COMMITTEE**

19th January 2022

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**Planning Application 21/00799/FUL**

**Agricultural track**

**Land East Of Berrowhill Lane, Feckenham, Worcestershire, B96 6QJ, ,**

**Applicant: Mr K Morton**  
**Ward: Astwood Bank and Feckenham Ward**

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

The case officer of this application is Simon Jones, Planning Officer (DM), who can be contacted on Tel: 01527 548211 Email: simon.jones@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site is located on the east side of Berrowhill Lane approximately 250metres north of its junction with the Droitwich Road B4090 'Saltway'.

The site forms the southern end of an agricultural field recently created through the subdivision of a larger parcel of agricultural land sold to different landowners in 2020. The proposed track coincides with a pre-existing gated access onto Berrowhill Lane

**Proposal Description**

Full planning permission is sought retrospectively for an agricultural track extending approximately 75 metres from a pre-existing agricultural field gate on Berrowhill Lane across the southern end of a field to the next field to the east which is in the ownership and control of the applicant, to give access all year round to their 5 acre holding.

The track is located as shown on the submitted plans. The track crosses the field from the road gateway in a straight line to allow direct access to the applicant's owned land.

The length of the track is approximately 75m, and 4m wide.

The track would be constructed by laying a permeable membrane with crushed hardcore and then finer stone on top as detailed on the submitted plans.

A standard post and rail agricultural fence would be constructed either side of the 10m pull in, to which a lockable gate of functional agricultural style and design (i.e. galvanized steel 7 bar) has been attached. Neither of these elements require planning permission

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**Relevant Policies :**

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: Green Belt

Policy 9: Open Countryside

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 36: Historic Environment

**Others**

Redditch High Quality Design SPD

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

**Relevant Planning History**

None

**Applications in the vicinity**

20/01342/FUL	Agricultural building and new access track	GRANTED	26.03.2021
20/00935/CPE	Shepherds Hut	WITHDRAWN	30.09.2020

**Consultations**

**Feckenham Parish Council**

**Objection**

Feckenham Parish Council objects to this application as they are extremely concerned about the sporadic development on Berrowhill lane. There is an on-going erosion of green belt within this area of natural beauty and that this application would lead to further potential for urbanisation of this rural lane.

**North Worcestershire Water Management**

The proposed development site is situated in the catchment of Bow Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. Correctly designed drainage will mitigate any flood risk from surface water on the site.

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Based on the available information there is no reason to withhold approval of this application on flood risk grounds. However, it may be beneficial to consider some drainage at the entrance to ensure that a flow path is not created from the field to the road. Please also note that if a ditch line across the entrance requires a culvert to allow access Land Drainage Consent from NWWM will be required. I do not deem it necessary to recommend attaching a drainage condition.

## **Natural England**

**no comments** on this proposal but refers to standing advice.

### **Standing Advice**

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

The consultation documents indicate that this development includes an area of priority habitat as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

## **Highways Redditch**

### **No Objection**

No highway objections to the proposed agricultural track to be located off the existing field gate.

Applicant to ensure the overgrown hedge and vegetation is cut back regularly to ensure visibility is not compromised.

Applicant has indicated the gate is also to be set back, this is acceptable and a betterment to the location of the gate at present.

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## Historic England

**no comments** on this proposal but refers to standing advice

We suggest that you seek the views of your specialist archaeological advisers regarding the impact of the scheme on any non-designated archaeological and historic landscape features, such as evidence of ridge & furrow cultivation, and ensure this is appropriately assessed and any impacts mitigated (where necessary).

## Worcestershire Archive And Archaeological Service

No objection subject to condition

I appreciate that the development – at 4 – 6 inches - is of a shallower depth, however, even shallow earth moving can impact above ground archaeology (earthworks) and has the potential to impact archaeological features that may lie just below historic plough horizons. Although difficult to ascertain from a photograph (21/12/2021) it does appear that earthworks either side of the trackway are degraded, any subtle earthworks along the area of the trackway – which are also likely to have been degraded, will have been further damaged by the installation of the track. The photograph supports 2011 Environment Agency Lidar, which indicates an area of more disturbed ground adjacent to the trackway. Earthworks in the field to the East of the development area are intermittent and appear degraded (WSM69884), those to the South are clear on 2005 aerial photographs but less well defined from 2011 (WSM69883). Earthworks North of the application area are clear on aerial photographs and Lidar (WSM69883).

The application area is within a landscape of known archaeological interest with low levels of change and which retains a coherent medieval and post medieval character . Directly adjacent to a routeway – Berrowhill Lane - of likely medieval or earlier origin, c. 250m North of the Roman Road between Droitwich and Alcester and c. 400m North West of the Scheduled Monument Feckenham manorial moated site, there is moderate potential for archaeological layers and deposits associated with medieval or earlier wayside settlement.

**Given that the application is judged to have potentially impacted/altered buried undesignated heritage assets of archaeological interest I would recommend – should the application be retrospectively approved at committee – a single trench evaluation, directly adjacent to the trackway and away from areas of clear ridge and furrow earthworks – to establish the presence/absence of archaeological features and/or deposits, their character and significance.**

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, paragraph 205:

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"...Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

In order to comply with policy, we recommend that the following two conditions should be attached to any consent:

1) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation(s), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme(s) of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

**Cllr Warhurst**

No Comments Received To Date

**Cllr Clayton**

No Comments Received To Date

**Public Consultation Response**

A site notice was displayed on 12/07/2021. No representations were received from the public.

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## **Assessment of Proposal**

### Agricultural Need and Green Belt

Local Plan Policy 9 Open Countryside, states that; *“Development in the Open Countryside will not be permitted except where it is: i) clearly necessary for the purposes of agriculture or forestry.”*

Local Plan Policy 8 Green Belt, states that *“Applications for development in the Green Belt will be determined in line with national planning guidance on Green Belts and other relevant policies within the development plan.”*

The NPPF states that engineering operations are not inappropriate development subject to the caveat that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The applicant has no other means of access to his land, it would allow access across the field in all weathers. Otherwise, in wet weather in particular, the land can at best be affected by ruts, or at worst, be impossible to cross. If vehicles get stuck, especially when transporting heavy goods such as bales, this not only causes ruts but also soil compaction and capping, and presents safety risks in trying to release vehicles again, and has knock-on welfare effects for livestock which may not be checked or fed as a result. This has hampered the applicant's ability to manage his land; it is impossible to bring livestock to the site until it is guaranteed that access can be had in all weathers. It would be unfeasible to have to park near the road and carry, for example, sheep feed or bales of hay, across the site. Not having a track also results in a much greater risk of carrying mud onto the road from vehicles leaving the site; an inconvenience and potential safety hazard to other road users.

Your Officers consider that an agricultural need has been demonstrated for the track and that the proposed engineering operations to create it would not be detrimental to the openness of the green belt or the purposes of including land within it.

### **Heritage**

Local Plan Policy 36 states *“Non-designated heritage assets, nationally important archaeological remains and locally listed heritage assets, and their settings will also need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment”*

The HER records moderately preserved north-south orientated earthworks directly north of the proposed access trackway. Aerial photographic evidence supplied by the County Archaeologist already indicate pre-existing degradation of the ridge and furrow in the immediate area of the track. The area of prominent ridge and furrow to the north which is not in the control of the applicant is unaffected by the proposal.

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The County Archaeologist has recommended that if members are minded to grant permission, a single trench evaluation, directly adjacent to the trackway and away from areas of clear ridge and furrow earthworks – to establish the presence/absence of archaeological features and/or deposits, their character and significance. Conditions based on those proposed by the County Archaeologist are recommended.

## **Visual Impact**

The location of the track is such that it would not form an unduly prominent feature in the landscape and takes the shortest functional route from the point of access to the applicant's land. It would be visible to walkers along a 40metre section of the public right of way No. 588(c) situated some 120 metres away at the northern end of the field. The established hedgerow on Berrowhill Lane and topography screens the site from view, other than the glimpse obtained from the existing access.

## **Highway Safety**

The access to the site is as existing, through an established field gateway off the lane which has good visibility. In the past, this gateway would have only been utilised periodically by one owner, but is now inevitably used more intensively given that it is shared by a number of owners. The existing gate has been moved 10m into the field to allow for large vehicles and trailer to pull in, which does not require planning permission. The proposal raises no highway safety issues, since it relates to a track for agricultural purposes and utilises an existing access.

## **Conclusion**

This application is for a small-scale agricultural development which will have no undue impact on the landscape, and limited impact upon non-designated heritage assets and is compliant with planning policy. It would improve not only farm infrastructure having a positive effect on a rural business, but also benefit others nearby by including an improved pull in off the road and reducing risk of depositing mud on the road. The comments of the Parish Council are noted but do not have a bearing upon the specific merits of the application proposal which has been considered in the context of relevant local and national policy considerations. Accordingly, it is recommended that permission be granted.

## **RECOMMENDATION:**

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

### **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.

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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 carried out in accordance with the following plans and drawings:

Block Plan  
Location Plan  
Track Cross Section Dwg 01

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. Within 3 months of the date of this decision, a programme of archaeological work including a Written Scheme of Investigation(s), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The site investigation and post investigation assessment shall be completed in accordance with the approved programme set out in the Written Scheme(s) of Investigation.

Reason: In accordance with the requirements of paragraph 205 of the National Planning Policy Framework.

**Procedural matters**

This application is being reported to the Planning Committee because an objection has been received from the Parish Council. As such the application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee. As such the application falls outside the scheme of delegation to Officers.