

Planning Committee: 08 October 2019

Item Number: 7

Application No: [W 19 / 1051](#)

Town/Parish Council: Lapworth
Case Officer: Dan Charles

Registration Date: 02/08/19
Expiry Date: 27/09/19

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The Oaks, Chessetts Wood Road, Lapworth, Solihull, B94 6ER

Access to land via field gate. FOR Mr. Michael Wiseman

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

That planning permission is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the installation of a new field gate into a parcel of land to the rear of the existing dwelling.

THE SITE AND ITS LOCATION

The application site relates to a detached residential dwelling, situated to the east side of Chessetts Wood Road, on the corner with Rising Lane in Lapworth. The site lies within the Green Belt and is set within an open countryside location. This application relates to the north of the residential part of the site and is a parcel of land which is within the applicant's ownership but does not form part of the approved residential curtilage of the dwelling.

PLANNING HISTORY

W/17/0733 – Alter residential curtilage, proposed two storey rear extension, proposed boundary wall, demolition and relocation of porch and other external alterations and additions – GRANTED 30.06.2017.

W/16/2103 – Change of use of agricultural land to garden land and erection of single storey side extension – REFUSED 13.03.2017 and APPEAL DISMISSED 30.11.2017

W/16/1395 – Certificate of lawfulness for existing garden surrounding The Oaks, Chessetts Wood Road, Lapworth, B94 6ER – WITHDRAWN 13.10.2016

W/16/1372 – Enlargement of existing dormers, installation of new windows and doors, erection of new log shelter and replacement porch – Granted 20.09.2016

W/16/0152 - Ground Floor Side Extension, Removal of two rear dormers to form one large dormer, Increase roof covering on rear over nation and two storey front extension with open porch – REFUSED 24.03.2016

RELEVANT POLICIES

- National Planning Policy Framework
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: No objection.

WCC Highways: No objection subject to conditions.

WCC Ecology: No objection subject to explanatory notes.

WDC Tree Officer: The positioning of the gate appears to have been carefully considered and the method statement that has been provided is thorough; the control measures should be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development.

Public Response: 5 letters of objection have been received making the following comments;

- Inappropriate development within the Green Belt.
- Will introduce a hard boundary feature into a rural area.
- Any hard surface will create more harm.
- Lack of justification for new access.
- Harmful to highway safety.
- Harmful impact on biodiversity, hedgerow and retained tree.
- Harmful impact on rural landscape character.

ASSESSMENT

History/Background

There have been a number of applications at the site for the use of this land as garden land associated with the dwelling. It should be noted that this application does not pursue the use of land and is related solely to the installation of a field gate access from the public highway.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 allows certain forms of development such as buildings for agriculture and appropriate facilities for outdoor sport, recreation cemeteries

and burial grounds and allotments. In addition, Paragraph 146 allows for engineering operations within the Green Belt where the works preserve the openness and do not conflict with the purposes of including land within the Green Belt.

Whilst a field gate does not fall comfortably within the above definitions, it is noted that the existing hedgerow has been removed to facilitate works by Severn Trent and the proposal would seek to reinstate the hedgerow and at the same time provide access to the land for maintenance purposes. The gate is a traditional 5-bar gate design that is a common feature in rural areas and the proposal would not result in any harm to the openness of the Green Belt. Officers are therefore satisfied that the proposal would be appropriate development within the Green Belt.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposal is for a traditional 5 bar field gate that is a common feature in rural areas. The proposal will also see the gap in the hedge reinstated with native planting to infill the area between the proposed gate and existing hedgerow.

Whilst local concern has been raised regarding the creation of a hard edge in a rural area, Officers are satisfied that the creation of a field gate would not be detrimental to the rural character of the area.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The nearest residential properties are located to the west of the application site and set back behind a deep frontage. Due to the separation distance and the form of development, Officers are satisfied that the proposed new access gate would not result in harm to highway safety.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Local concern has been raised regarding highway safety impacts as a result of the installation of the field gate.

The proposed new gate will be set back from the edge of the public highway carriageway by approximately 8.5 metres allowing vehicles to exit the carriageway in front of the gate. The areas to the side of the existing gate will have the hedgerow reinstated to connect the existing hedgerow to the gate posts either side of the access affording visibility in both directions.

The County Highways Officer has considered the proposed scheme and is satisfied that the development would not be harmful to highway safety subject to a condition that the access is constructed to the appropriate highway standards.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The area of the proposed gateway is on an area of land cleared for Severn Trent works. Therefore, the existing hedgerow and trees have been removed. Following clarification of this matter, the County Ecologist has raised no objection subject to the imposition of an explanatory note regarding nesting birds.

Other Matters

Trees/Hedgerows

The District Council Tree Officer has considered the proposal and notes that positioning of the gate appears to have been carefully considered and the method statement that has been provided is thorough and as such raises no objection subject to the control measures should be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. This can be secured by condition.

Use of Land

Local concern has been raised regarding the future use of the land and the need for the field gate.

Officers note that earlier applications have sought to use the land as garden area. This application, if granted would not grant any permission for a change of use of the land for which a separate application would be required.

Officers are satisfied that a field gate onto the land would afford access for maintenance of the land without having to manoeuvre through the existing

dwelling access. The use of the field gate is likely to be small scale and Officers are satisfied that this use would be acceptable.

Conclusion

The proposal seeks the provision of a field gate to serve a parcel of agricultural land. The development is deemed to be appropriate development within the West Midlands Green Belt.

The proposal is considered to respect the rural character of the area by providing an appropriately designed field gate and reinstates an area of removed hedgerow whilst protecting the existing trees.

The proposal does not result in harm to the amenity of neighbouring properties and the proposal is considered acceptable in terms of highway safety.

The proposal will result in minor ecological gain through the reinstatement of the hedgerow adjacent to the gate.

For the above reasons, the proposal is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL.03 Rev A and PAL.04 Rev A, and specification contained therein, submitted on 2 August 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to

cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 4 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

 - 5 The reinstatement of the native hedge shall be carried out within the first planting season following the substantial completion of the access works. Any tree(s) or hedgerow plants removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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