

Planning Committee: 05 January 2011
Application No: ENF 450/48/09

Item Number:

Case Officer: Phillip Hopkinson
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Land adjacent to Old Warwick Road, Shrewley, Warwick CV35 7AA

Creation of a vehicular access from Old Warwick Road.
Property Owner(s) Mr S Hoult

This report is brought before Committee to request that enforcement action be authorised.

BACKGROUND

Agricultural land bounded by Old Warwick Road, Five Ways Road and Stoney Lane was sold off in small plots.

The vehicular access for plots 5,6,7,8,9,10 and 11 was designed to be from an existing field access adjacent to a road lay-by in Old Warwick Road.

Contractual agreements were to be in place to allow an easement to all the plots from this communal access point crossing land owned by Mr Hoult.

In November 2009 it was brought to the attention of the enforcement section that a new vehicular access had been made from the B4439, Old Warwick Road, Shrewley to gain access to Plot 7 through a narrow strip of land owned by Mr Hoult.

The owner was contacted and informed that Planning Permission was required.

A retrospective planning application was submitted [W10/0489] which was refused under delegated powers 14th September 2010 on highway safety grounds.

RELEVANT POLICIES

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W10/0489 – Construction of vehicular access. Refused 14th September 2010

KEY ISSUES

The Site and its Location

Old Warwick Road is classified as the B4439 and is subject to a 60 mph speed limit. It is the main traffic route from Warwick to Rowington and Hockley Heath with Highway safety being an important consideration in the determination of any planning application for a new access.

In addition the access point is within the Green Belt where both Structure Plan and Local Plan policies seek to conserve and protect the openness of the Green Belt and the character of the rural landscape.

Assessment

The field to which this access has been made forms part of a larger agricultural area which has been divided-up and sold off in agricultural plots. This particular field [Plot 7] does not have any significant planning history.

Some of the plots are owned by Mr Hault and some by other persons. The original access design, when the land was sub-divided, was for several of the plots to have access from a communal point using an historic field access adjacent to an existing lay-by.

The result of this arrangement was that other plot owners had to access their land through the land owned by Mr Hault.

The internal route has been stopped up and a new access direct from Old Warwick Road created to Plot 7 to remove the necessity for this plot to be accessed through land owned by Mr Hault.

The result of this new arrangement is that there are now two road access points in very close proximity. Warwickshire County Council as the Highway Authority consider that having two accesses in such close proximity compromises safety at both accesses as the required visibility splays cannot be achieved.

The new access was not created to address issues of Highway safety or other matters for consideration by the Planning Authority. It has however resulted in the removal of a section of established rural hedgerow and the laying of hardcore material which detracts from the rural character of the area.

Justification for Enforcement Action

The development has already taken place and planning permission has been refused.

Negotiations with the property owner has not resulted in the removal of the hardcore material, the stopping up of the access or the reinstatement of the hedge, it is therefore considered that formal action is now appropriate to resolve this breach of planning control.

RECOMMENDATION

That officers be authorised to proceed with appropriate enforcement action directed at the cessation of the use of the vehicular access, it's removal/stopping up, the removal of the surface materials and the replanting of a hedge with a compliance period of TWO months.
