

East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Dear Planning Team,

Application: 3/21/2776/FUL

Site: Church End, Stocking Pelham Buntingford, Herts, SG9 0HT

I write with reference to the above site following the recent submission via the planning portal for a new vehicular crossover to gain access to the Applicants land at the rear of their existing residential garden.

The site is located outside, but close to the settlement boundary of Stocking Pelham within a small cluster of existing residential / commercial development. There are several vehicle access points in this immediate locality which serve both residential properties and the commercial businesses.

The Applicants own the residential property known as Church End which is their family home adjacent to the proposed site and access.

The purpose of the submission is to gain access to the meadow / field to the rear of their property which was sold to them by a local farmer. Unfortunately, due to the position of the land compared to their existing access for the residential dwelling 'Church End' there is no feasible way to access the land via their existing drive which is demonstrated by the photographs on the following page. Photographs of other entrances are also shown for context of the area.

Applicants existing entrance not suitable to gain access to meadow



Existing Trees and Hedgerow to be retained:-



Visibility from proposed entrance from the west: -



Photograph 2:
Unrestricted visibility looking westward

Visibility from proposed entrance to the east:-



Photograph 1:
Unrestricted visibility looking eastward toward
Stocking Pelham centre.

Photographs of other accesses in immediate vicinity:-





As well as the existing dwelling and garage preventing an access to the meadow being achievable via their existing driveway, the land directly behind their residential property is still owned by the local farmer and therefore this is land outside of the Applicants control.

The Applicants purchased this land as an existing, attractive pleasant meadow which directly adjoins to the rear of their residential amenity space so that that the family can enjoy this meadow and natural landscape and ensure it protects their outlook and surroundings. However, following discussions with the farmer when seeking a legal right of way to the land in terms of vehicular access for continued maintenance of the land this was unable to be established.

Therefore, the purpose of this application is so that the Applicants can create a vehicular right of way onto the land for farming machinery and equipment to be able to maintain this area without causing any disturbance to their garden area which directly adjoins their dwelling.

The siting of the proposed access has been carefully considered to ensure minimal interruption to the existing landscape. The attractive trees along the boundary of the site as well as the established hedgerow is to be retained. A small opening will be created with an agricultural style gate, in keeping with the character and appearance of the rural area and sits naturally within the existing landscape setting.

The creation of this small opening will also allow views to be retained through the site and provide a visual glimpse of the attractive meadow / field which is appropriate for the setting.

In addition, the proposed siting ensures it is a sufficient distance away from the Applicants driveway and as demonstrated on the submitted documents there is adequate visibility splays in both directions to ensure highway safety is maintained.

As demonstrated on the submitted plans the proposal includes an entrance set back from the road frontage with an agricultural style soft wood 5 bar field gate and 2 175mm wooden gate posts. The gate would be opening inwards to ensure the highway remains free and clear at all times.

The width of the entrance gate will be 3.6 metres wide. A Track to run through the Applicants residential amenity space will be created with a second gate to the meadow to establish an access to this land within the Applicants control and ownership.

The new crossover will be compact hardcore base and type one topping with a gravel finish and includes a 300mm diameter culvert to preserve the drainage ditch.

The following policies have been considered in the preparation of this application: -

- Policy GBR2 Rural Area Beyond the Green Belt
- Policy DES3 Landscaping
- TRA2 - Safe and Suitable Highway Access Arrangements and Mitigation

The site is located within the rural area beyond the Green Belt and therefore policy GBR2 is relevant to this proposal. The policy sets out several types of development which will be allowed in the rural area providing they are compatible to the rural area. It is submitted that the provision of a gated access to provide access and maintenance to a meadow/field is total compatible to the rural area and the context of the immediate setting. The proposed gate would be viewed within the context of the existing entrances and the finish and type of gate proposed is cohesive with the rural setting.

The proposal also complies with criterion b) which allows the provision of outdoor recreation. It is essential that the applicants have access to maintain the land for their ongoing enjoyment and recreation. The proposal is therefore an appropriate development in the rural area beyond the green belt in accordance with policy GBR2.

Policy DES3 specifies that *“Development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features.”*

Although none of the existing trees and landscaping are protected the Applicants appreciate the importance of the retention of the mature trees and retention of the majority of the existing hedgerow. The location of the entrance allows these features to be retained and the access gate would integrate into the existing landscape retaining all existing trees and the majority of the hedgerow. The Applicant understands the importance of these landscape features and protects the loss of them.

Further by creating a very small opening it means that there will be views into the natural meadow and landscaping behind the applicants garden area which would enhance the setting in accordance with policy DES3.

Policy TRA2 relates to highway safety and specifies that *“Development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment.”*

The proposal complies with policy TRA2, the siting of the access achieves adequate visibility splays in both directions, the gates open inwards and are set back from the highway to ensure a safe and clear road at all times.

As already outlined the proposal would not have a detrimental effect on the character of the area and would appear as a typical agricultural access appropriate in the rural area retaining the existing landscape features and providing a glimpse through from the access to enhance the visual character of the area.

The conclusion is drawn that the proposal complies with relevant policy considerations. The access is an essential requirements for the Applicants to gain access to the meadow which is now within their ownership however there is no legal right of way onto the land to maintain it. It has been demonstrated that it is not possible to create access to the meadow from the Applicants existing driveway due to the position of the land compared to their existing property and double garage. The proposal would harmonise with the existing development in the area and would a cohesive form of development.

Having regard to all matters outlined in this statement together with the submitted documents the Planning Officer is respectfully requested to grant permission subject to appropriate conditions.

If any further information is required or there are any questions please do not hesitate to contact me throughout the application.

Yours sincerely

Elisa Hampson

E.H Planning Services