

# SUPPORTING STATEMENT

Access Track

Full Application

Wychwell Farm, Wapley Hill, Westerleigh, South Gloucestershire,  
BS37 8RJ

On behalf of Mr J Withall

Dexter Building Design Ltd

July 2023

## **Introduction**

This report has been commissioned by the applicant, Mr J Withall, in support of a full planning application for an access track at Wychwell Farm.

The hardcore for the proposed track has been laid at the site under permitted development, which the LPA has since disputed. This application is therefore partially retrospective and applies for retention of the track in its current layout, and to agree the proposed finishing and landscaping.

This application makes the case that the development is not inappropriate to the Green Belt and otherwise accords with all other relevant Development Plan policies and material considerations.

This report will describe the site and its surroundings, explain the development proposals, review the pertinent planning policy, provide a planning analysis, and draw some conclusions.

## Location and Surrounding Area

The application site concerns Wychwell Farm. Wychwell Farm, which has a total area of approximately 8.5 Ha.

The site is outside a defined settlement boundary. It is not within a Conservation Area, nor in the AONB. It is in Flood Zone 1, so poses no adverse risk of flooding. The site is in the Green Belt.

Wychwell Farmhouse is Grade II listed. Prior to the laying of the second track the site was accessed via a single entrance from Wapley Hill, which is retained.

An aerial map showing the site is included at **Figure 1**.



*Figure 1 – Aerial Map Image showing Wychwell Farm [Source: Google Maps]*

## The Proposals

This application seeks planning permission for a second access track at Wychwell Farm from Wapley Hill. The track has already been formed, but is not finished, so this application is partially retrospective. This application seeks permission to retain the track and to agree the proposed finish landscaping, fences, and gates.

The track is aligned adjacent to the existing hedgerows and an access with Wapley Hill has been created north of the existing access to the site.

The hedging has already been planted to replace the small amount lost to create the entrance where it met the road and as the track bisected an existing hedge (at the point where the applicant found a historic gateway), and to help add further screening for the track.

A plan extract showing the proposed, finished track is included at **Figure 2**.



Figure 2 - Proposed Track Plan Extract [NTS]

## Policy Review

### Planning Policy

This planning policy review sets out local and national policy and legislation relevant to the proposals.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 requires that applications must be in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of Local Plans and is a material consideration in planning decisions.

#### LOCAL POLICY

The South Gloucestershire Development Plan comprises:

- Core Strategy 2006-2027 (Adopted 11 December 2013)
- Policies Sites and Places Plans (Adopted November 2017)

Supplementary Planning Documents (SPDs) are not part of the Development Plan but are material considerations in decision making. The SPD pertinent to this development is:

- Development in the Green Belt (June 2007)

#### ***Core Strategy 2006-2027 (Adopted 11 December 2013)***

##### Policy CS1 – High Quality Design

Policy CS1 states *‘Development will only be permitted where the highest possible standard of design and site planning are achieved. Information submitted with an application should be proportionate to the scale, significance and impact of the proposals.’*

It goes onto to state that *‘development proposals will need to state that:*

- 1. Siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context;’*

##### Policy CS5 – Location of Development

With regard to development in the Green Belt, Policy CS5 states that:

- c) Other proposals for development in the Green Belt will need to comply with the provisions of the NPPF or relevant local plan policies in the Core Strategy.’*

##### Policy CS34 - Rural Areas

Policy CS34 states that development proposals in rural areas should;

4. *'protect the designated Green Belt and the Cotswold AONB from inappropriate development.'*

#### ***Policies Sites and Places Plan (Adopted November 2017)***

##### Policy PSP1 – Local Distinctiveness

Policy PSP1 states that *'Development proposal(s) will be acceptable where the proposals demonstrate an understanding of, and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area / locality.'*

*Innovative architectural responses will be favourably considered, where this would result in a high quality design that would in itself contribute positively to the distinctiveness of a place.'*

##### Policy PSP2 - Landscape

Policy PSP2 states that *'Development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape (defined by the Landscape Character Assessment). This includes, but is not limited to:*

- landscape attributes which define the inherent character of an area, such as: landscape patterns arising from roads, paths, hedges, waterways and buildings; designed and natural landscapes, which include elements of natural beauty, historical or cultural importance and ecological features;*
- the tranquillity of a landscape, sense of place and setting;*
- landscape features, such as trees, hedgerows, woodlands, views, banks, walls, ponds and waterways;*
- distinctive or characteristic topography and landforms.'*

##### Policy PSP7 – Development in the Green Belt.

Policy PSP7 states that *'Inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm.'*

##### Policy PSP29 – Agricultural Development

Policy PSP29 states: *Development proposal(s) for agricultural development outside the defined urban areas and settlement boundaries will be acceptable providing that in the case of new buildings:*

- 1) there are no existing suitable underused buildings, reasonably available; and*
- 2) the proposal(s) is reasonably necessary for the purposes of the use and is clearly designed for that purpose.*

## **Supplementary Planning Documents**

### Development in the Green Belt (SPD) – June 2007

This Supplementary Planning Document (SPD) outlines the purpose, importance and characteristics of the Green Belt and explains the limited development that is permitted in the Green Belt. This SPD supplements the policies of the South Gloucestershire Local Plan and will be used when assessing development proposals in the Green Belt for:

- Infill development
- Additions to existing dwellings
- Replacement of existing dwellings
- Changes of use

With regards to agricultural buildings, the SPD confirms that *'New buildings will only be constructed in the Green Belt if they are for:*

- *Agriculture and forestry*
- *Essential facilities for outdoor sport and recreation or cemeteries*
- *Limited extension, alteration or replacement of existing dwellings*
- *Limited residential infilling*
- *Limited affordable housing for identified local community needs (subject to thorough and comprehensive testing of alternatives sites and their impact in accordance with PPS3, PPG13 and Local Plan policies).*
- *Park and Ride (subject to thorough and comprehensive testing of alternatives sites and their impact in accord with PPS3, PPG13 and Local Plan policies).*

*Developments that fall within the above list will also be required to comply with other related policies in the Local Plan before planning permission will be granted.'*

## NATIONAL POLICY

### **National Planning Policy Framework (2021)**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 84 of the NPPF states that *'Planning policies and decisions should enable:*

*(b) the development and diversification of agricultural land...'*

Paragraph 149 of the NPPF states that: *'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

Paragraph 149 of the NPPF states that *"Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*



*f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

## Planning Analysis

This section highlights why this application is considered to be suitable in policy terms and demonstrates why the proposed development at the application site should be supported by the Council when assessed against the NPPF and the relevant local Development Plan policies.

The key planning issues are set out below:

- The principle of establishing a new track at the site;
- The access does not diminish highway safety;
- Whether the development is appropriate development in the Green Belt;
- An assessment of the proposal against other relevant material planning conditions.

### Principle of development

The track forms a second access onto Wychwell Farm. Prior to formation of the track there was just a single access serving Wychwell Farm, and a second access provides some relief by offering an alternative route on and off the site.

The track is across agricultural land. The development plan is silent on development such as this, but the reading of Policy PSP29 for agricultural development suggests that agricultural development is acceptable, other than in the case of new buildings where conditions and caveats then apply. No building are proposed, so it is submitted that policy PSP29 supports the development in principle.

Regarding highway safety, paragraph 111 of the NPPF states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

All other references to the creation of new accesses in the Development Plan policies follow the NPPF insofar as highway safety must be maintained, with Policy PSP11 stating *“Any new transport related infrastructure provided in relation to the [a] proposal would not create or exacerbate traffic congestion or have an unacceptable effect on highway and road safety;...”*. Furthermore, Policy CS8 states *“Car parking and vehicular site access should be well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety.”*

The new access has very good visibility onto Wapley Hill in both directions. These visibility splays will provide sufficient views of approaching traffic, where traffic speeds are naturally reduced because of the narrow width of the lane that does not support two-way traffic movements.

The site is in the Green Belt (see Green Belt assessment below) but is otherwise not subject to a national landscape designation, such as an AONB, which lowers the sensitivity of the land to change.

As such, and subject to further assessment of the material considerations below, the development is acceptable in principle and aligns with the relevant Development Plan policies and the NPPF in this regard.

Is the proposal appropriate development in the Green Belt?

The relevant Development Plan policies refers to the test for inappropriate development to the NPPF. The list of development that is considered inappropriate in the NPPF is also replicated in the 'Development in the Green Belt' SPD.

Paragraph 150 of the NPPF states:

*“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*

*(b) engineering operations”*

The creation of the track comprises engineering operations in connection with the site, and therefore this development is not inappropriate development in the Green Belt. To be policy compliant, it is also necessary to assess whether the track preserves the openness of the Green Belt.

The proposed single track is laid across level ground adjacent to existing, mature vegetation. These factors combined means the track is not visible from distant views and is not prominent from nearby views within the boundary of the site because it has a level topography, and the existing and proposed vegetation and landscape planting obscure it. Even when using the track, the proposed finish (gravel) means it will have a minimal visual impact and will achieve an appearance that matches similar tracks seen on other sites and farmsteads in rural settings such as this. The winding layout of the track also helps reduce any adverse impact because the whole length of the track is not visible at any given time.

There is a public right of way that runs along the original access to Wychwell Farm before continuing west and off the Wychwell Farm site. The PROW is shown at **Figure 3**, below.



Figure 3 - OS map extract with PROW through the site highlighted Orange.

A photograph was taken from the viewpoint location marked on the plan below (**Figure 4**). As can be seen from the image at **Figure 5**, the track is not visible from the PROW from this viewpoint. Moreover, the hedge that obscures the track from this viewpoint also obscures it from other sections of the PROW.

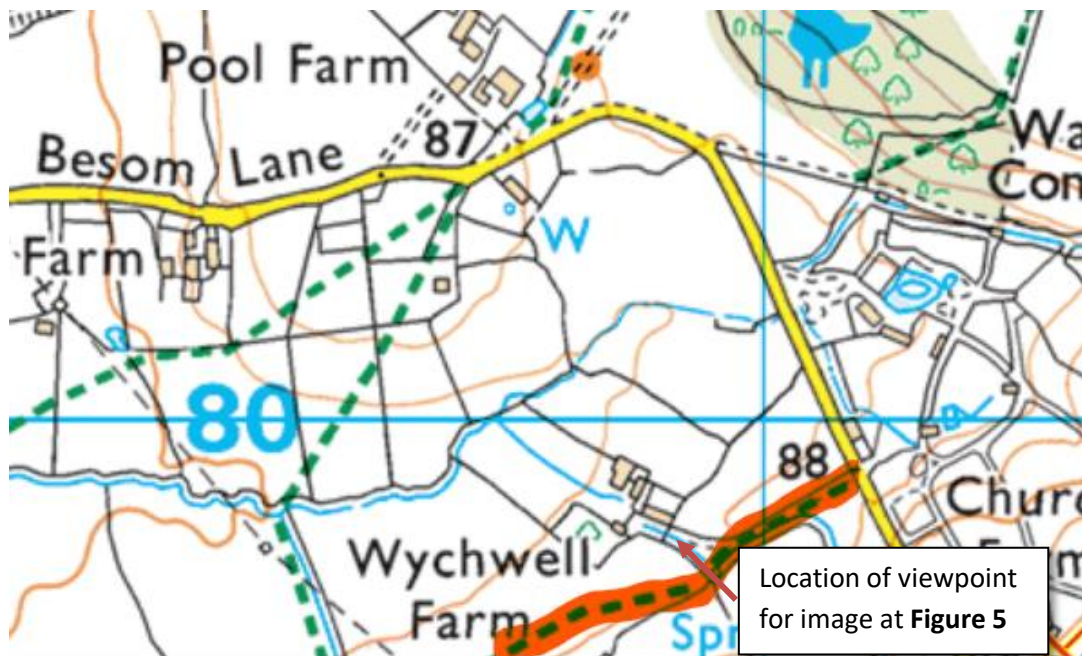


Figure 4 - Viewpoint location for image taken at Figure 5 from the PROW (highlighted Orange)



*Figure 5 - Photo taken from the public footpath (PROW) at the point where it leaves the access road and continues west through the boundary of the application site (image dated 7 July 2023).*

Other images taken from around the site towards the track are included at **Appendix A**. These demonstrate that it is not visible from a number of locations within the site.

Case law has established [*Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA (Civ) 489*] that whether development would *preserve* the openness of the Green Belt cannot mean that a proposal can only be regarded as not inappropriate in the Green Belt if the openness of the Green Belt would be left entirely unchanged. Instead, it must mean that the effects on openness must not be harmful (being that *preserve* means to 'keep safe from harm' as opposed to 'maintain a state of things').

Given that the assessment above shows the track will not create a harmful impact on the openness of the surroundings, it follows that it must also preserve the openness of the Green Belt.

Consequently, the track will preserve the openness of the Green Belt and therefore passes the policy tests of Policies CS5, PSP7, the relevant SPD and the NPPF in this regard.

#### Other Matters

#### ***Landscaping and Biodiversity***

A small section of hedge was removed to facilitate the track installation, and this will be more than compensated for by hedgerows that have been planted (see accompanying plans). The landscape planting also compensates for a small loss in biodiversity resulting from installation of the track.

***Trees***

The track does not affect any existing trees.

***Drainage and Flood Risk***

The track has a permeable surface and will therefore be free draining. An ACO drain is proposed to drain the tarmac for the first few metres of the track at the entrance. There are no flood risk issues to consider.

Furthermore, the development would not affect any heritage assets. Wychwell Farmhouse is Grade II Listed, however the track is not in its immediate setting and it will not adversely impact the existing character of the site being that it will/has the appearance of a farm/rural track.

As such, the proposed track adheres to all other policy considerations and accords with the relevant sections of the Development Plan and NPPF.

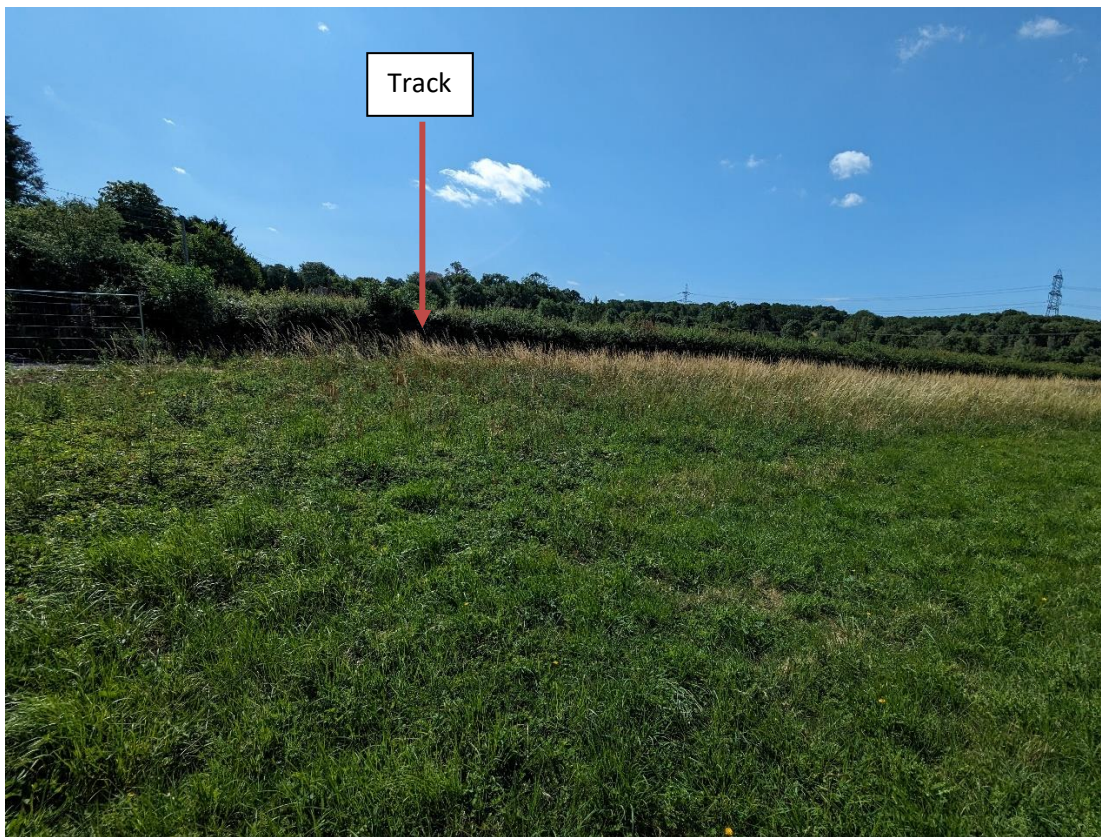
## Conclusion

In conclusion,

1. The access track preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. The formation of the access track is not therefore inappropriate development in the Green Belt.
2. There is an adequate level of visibility and thus no harm to highway safety generated by the proposal.
3. The track is not visually conspicuous from any public viewpoints.
4. The track is not visible from any public footpaths near the site.
5. The single track does not appear incongruous in this agricultural landscape characterised by farmsteads served by similar tracks.
6. Additional landscaping has been introduced to soften its appearance.
7. Subject to the imposition of a condition to ensure that it is finished in a suitable materials/ crushed stone, it would not have a harmful effect on the character or appearance of the area.

Consequently, the proposed development should be approved, and no material considerations suggest otherwise.

## Appendix A – Site Photographs (taken 7 July 2023)



*Picture 1 – Photograph taken due south from within the application site with the track in the foreground (track not visible).*



*Picture 2 - Photograph taken due south-west from within the application site (track not visible).*





*Picture 3 – image taken due north-east where the PROW enters the application site. The track is not visible from this location.*