



Design and Access Statement

Farm Track and Hardstanding at Ladymead Farm, Quainton

This is a resubmission of a retrospective application at Ladymead Farm, Quainton, Aylesbury, Buckinghamshire, HP22 4AN for the construction of a hardstanding area and access track off the public highway to the south of the site known as The Willows. The resubmission follows the issuing on an undated refusal under reference 23/00649/APP. The date of issue shown on the Council's website is 5 July 2023. This statement includes a review of the undated decision notice and the related delegated officer report.

The resubmission follows the service of a Breach of Condition Notice ("the Notice") by the Council dated 2nd November 2022 and a period of discussion with Officers on how to proceed with remedying the situation. The application is made in good faith and seen as a pragmatic solution to the issues raised in the Notice. The submission of this application does not however indicate that the applicant accepts the validity of the Notice, the reasons for its issue or that the required steps to remedy are necessary. This caveat extends to the fact that a large section of the farm track from the Willows was in fact already in place as described below.

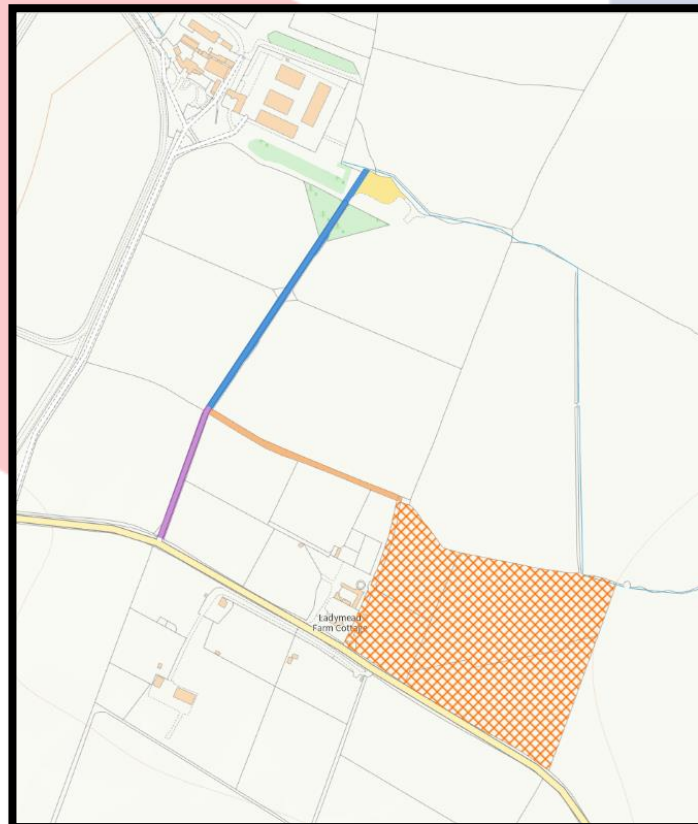
The Site

Ladymead Farm is located to the east of Quainton and comprises a range of dwelling houses, a mix of equestrian and farming facilities, business centre with a number of let properties and approximately 90 acres of land all owned by the applicant. The business centre currently provides employment for circa 70 full time and part time staff. In addition, there are two new commercial buildings that were granted permission under reference 22/03060/APP and which are now virtually completed and nearly ready for occupation. Including the main farmhouse there are eight residential properties and consent for a further three dwellings which were approved in December 2022 under reference 22/03782/PAPCR. All of which create traffic movements throughout the day plus movements associated with their occupation. The residential and commercial centre is served by the main concrete access ("the main access") which runs parallel to the farm track. The main access meets the requirements of the commercial and residential vehicle movements providing a safe, clean road which does not conflict with the agricultural operation on the wider farm. The route of the main access is either through the



residential properties or the commercial yard. It is for this reason, a separate, farm track was constructed to the south east, connecting in the existing section (as described below) to isolate the agricultural movements to and from Ladymead Farm. This has removed the potential hazard of large agricultural vehicles manoeuvring around the rest of the site, the deposit of mud in these areas and the associated disturbance from noise and light generated from such vehicles.

The site is bordered by agricultural land on all sides. The hardstanding is located immediately to the east of the farm centre with the trackway aligned north south and connecting to the Willows to the south. A significant part of the access track including the junction onto the Willows has existed since prior to the applicant purchasing the Farm in 2012. This section is shown coloured purple on Plan 1. The section coloured orange connected further land (hatched orange) which is not in the applicant's ownership. As the orange section was not needed the hardcore was dug up and used in the construction of the trackway coloured blue. The orange area was then put back down to grass. As a consequence, there has been an overall net gain of 90m of farm track. The plan below shows the various sections of track.





The hardstanding area (coloured yellow on the plan) is used for the storage of agricultural equipment and baled hay that is cut on the holding. Prior to its construction storage was limited to areas of grassland. In wet weather access to it was very difficult, causing damage to the grassland and created extensive rutted and muddy areas. Once these areas had dried out in the Spring, they had to be harrowed to remove the ruts, reseeded and then rolled. Normally used for grazing or hay, the affected areas were taken out of production for 12 - 18 months whilst the ground fully recovered and the grass ley was properly re-established. It also meant that the temporary storage area had to be moved resulting in an ongoing annual repairs and loss of available grass. This was also a potential breach of the applicant's BPS Cross Compliance farming obligations, with subsequent areas of compaction and increased runoff in drier months. Section GAEC 5 of the Rural Payments Agency Guide to Cross Compliance states all reasonable steps must be taken to put in suitable practicable measures to prevent soil erosion caused by amongst others, vehicles, trailers and machinery which are identified as a high-risk cause of soil compaction, causing soil erosion. Where vehicles are the cause of the soil erosion, it is recommended that activities on areas at risk of compaction and run off are avoided and hard tracks with good drainage are installed. Farmers are at significant risk of losing scheme payments if they have not taken all reasonable steps to prevent erosion. Vehicles used for farming activity were previously sharing the main access, dragging mud and associated detritus onto it. It was essential therefore in conjunction with the farm track's construction, a hardstanding area, of approximately 0.4 acres, would be created at the northern end of the track, to provide a permanent storage area for farm equipment and the farms crops and the ability to farm more the grassland more productively and in accordance with Cross Compliance regulations.

The Development

The farm track extends to approximately 500 metres in length and is 4 metres wide. It is constructed of 100mm road plainings over a base of a 400mm layer of crushed hardcore. Native hedgerow plants have been planted along its entire length and it is contained within a 1.5m high post and rail fence. The hardstanding area is of similar construction and extends to approximately 1600m². Both elements sit flush with the existing ground level.



Transport and Highways

The farm track meets the public highway at the point of an existing agricultural access. Traffic to and from the entrance is minimal, therefore we do not consider that the development has had an impact on the highways. The Highways Authority raised no objection to the refused application.

Landscape

The northern section of the farm track was constructed over an area of grassland through existing gateways, avoiding damage to any trees and hedgerows. The hardstanding area was also constructed on grassland which prior to its construction was in poor condition due to the continued agricultural movements across to access hay bales leaving deep ruts and pooling surface water.

Following the completion of the track, hedge planting was carried out each side of the track, establishing 900m of hedgerow comprising approximately 5,400 individual plants. The planting comprises 70% Hawthorn, 15% Field Maple, 10% Hazel and 5% Bird Cherry.

In addition, approximately 550 standard trees of approximately 250cm in height have been planted at the northern end in three blocks, one either side of the track and the third immediately adjacent to the hardstanding. The planting includes Alder, Hornbeam, Silver Birch, English Oak, Field Maple and Rowan. The Council's ecologist had no objection to the refused application commenting that although there is *a loss of modified grassland...the hedge planting has provided ecological gains...so is policy compliant.*

The application includes a Landscape and Visual Appraisal which has been prepared to objectively assess the development in the context of the existing landscape character, visual environment and landscape related policy environment.

The site lies within a settled landscape defined by a mix of arable and pastoral land uses which extend across a large scale, geometric field pattern defined by hedges and scattered hedgerow trees. The area is characterised by a number of scattered farmsteads and properties which tend to be set back from the local highway network and accessed via private tracks / drives which follow the geometric field pattern. These drives are often lined by timber post and rail fences and / or hedgerows, creating defensible edges to the wider field network. There



are numerous examples within the localised setting of the site, including Ladymead Farm and Business Park, approximately 150m west of the site, Lower Denham Farm, which includes a hard surfaced track extending south from The Willows, approximately 260m west of the site, and with the approach to the various properties associated with Denham, including Denham Hill Farm, approximately 550m north of the site, and Denham Lodge to the north west. Gravel / hardcore access tracks, lined by post and rail fences and hedgerows are considered to be existing components within the area. The development, therefore, would not be at odds with this character or represent alien features. The track extends back from The Willows, broadly parallel to the existing Ladymead Farm access, reflecting the geometric field pattern. The boundary treatments of the track also reflect those present elsewhere locally. The track does not affect an appreciation or understanding of those features which are considered characteristic of the wider area, such as the topography, land use, heritage, settlement pattern or public access.

The track does not compromise the local distinctiveness or sense of place associated with the area and appears well-integrated within this landscape setting. The track has not adversely affected any existing woodlands or hedgerows and has not resulted in the loss of any valuable, semi-natural habitats.

Contamination Risk on Site

No investigation other than oral enquires and visual appraisals were made with regard to any potential pollution or contamination. As far as we are aware there is no contamination risk at the site.

Flood Risk

The very northern end of the track, along with the hardstanding are both located in Flood Zone 2. As such a Flood Risk Assessment has been prepared by EAS Transport Planning Ltd and forms part of the submission. The remainder of the farm track is in Flood Zone 1. Previously site-specific modelling for the wider site in relation to other planning application has been carried out. The modelling indicates that other than along the northern site boundary a large part of the hardstanding is not at risk of flooding or flooding is limited to below 200mm. In addition, around 65m of the farm track is generally below 100mm. As such EAS concludes that the *depth of flooding is likely to have little impact upon the agricultural vehicles using the farm track, but staff working on foot in the hardstanding area and the stored crops, could be at risk from fluvial or surface water flooding.* The



recommended advice from EAS in the event of a Severe Flood Warning or if high water levels or standing water is observed, *the area at risk of flooding is closed to staff.*

Furthermore, no sequential test is required as the works are an engineering operation which are not classed as essential infrastructure. This conclusion is underpinned by appeal decision reference APP/B3030/W/18/3217750 which considered a very similar issue. A copy of this decision forms part of the submission. In that case a new driveway to serve a dwelling and home office had been proposed. The driveway route involved land within the floodplain. The Inspector concluded *that the construction of the proposed drive would primarily be an engineering operation rather than involve a building used for a dwelling of the type referred to in the Practice Guidance as being a more vulnerable form of development within a floodplain. The proposed drive is equally not essential infrastructure of the type which is referred to in the Practice Guidance. Further the appeal scheme would represent a minor development in the floodplain and, as such, it is unnecessary for either the sequential or exceptions tests to be undertaken.*

It is also important to note that the Council's SuDS Officer made no comment to the refused application.

Location and Siting

We consider the location and siting of the farm track and hardstanding to be well suited. The topography of the landscape and surrounding planting means that it is screened from view and does not affect the local visual amenity. Overall, we consider the development to be sympathetic in style and in keeping with the rural character.

Agricultural Need

Agriculture is a very broad description and without planning permission very different operations can be carried out. For example, the current improved grassland (where the land is managed through re-seeding, regular spraying and fertilising) can be completely ploughed up and used for cereal production instead. This is an option that the applicant has considered but remains committed to operating a grass farm where, stock, including cows and sheep can be brought on to the farm to graze. In recent years sheep have done so. However, the problem has been the lack of facilities to support these operations and so the farming



operation has had to be managed in a very low-key fashion. This has meant it is not farmed anywhere close its productive capacity but with the loss of subsidies the applicant is having to consider intensifying the operation which means introducing stock even without the hardstanding and trackway formalised.

With stock on the farm unit there will be regular movements all around the farm on a daily basis throughout the year which will include amongst others supplementary feeding in the winter, checking stock twice per day, having feed deliveries and periodically transporting stock on and off the unit. To support this suitable storage areas for feed, and decent trackways are required. Below are a selection of photos of a site elsewhere in Buckinghamshire (Aylesbury Vale Area) where the farming operation comprises a beef unit and tracks and concrete area have had to be laid to overcome, in the winter and wet, what was completely unacceptable and unworkable conditions. Photographs 1 and 2 are of a similar view, but before and after the construction of the new trackway. Photograph 3 is helpful in illustrating the situation we would have at Ladymead without the hardstanding area where daily access to the baled hay will cause significant damage and be a breach of Cross Compliance.

Photograph 1



Photograph 2





Photograph 3



Whether livestock are introduced or not, there will be a requirement to store hay and silage on the farm. This means the produce can be sold away from the farm when demand is highest in the winter, or if the livestock are introduced when the grass has stopped growing and the animals need the feed taking to them. Without the track, ruts from the stack to either the highway to go off farm or to feed animals will be formed and likely follow the route of the track. This would be far more unsightly than a maintained track. Without the hardstanding and track, we believe the hay and silage stack, and subsequent rutting would cause far more harm to the character of the area and the beauty of the countryside.

There are no farm buildings at Ladymead and this has been the case since the applicant bought the farm a few years ago. As part of the investment and to improve efficiencies on the farm the applicant has been trying to obtain consent for a new farm building adjacent to the hardstanding area. This application was validated on 29 October 2020 under reference 20/03710/APP and remains undetermined. The track leads to the site of the proposed farm building which is adjacent to the commercial yard. The two areas are separated by an existing post and rail fence and hedge. There is small gate between the two areas but this remains closed and locked. Consequently, traffic from the commercial yard leaves the site through the main site access and



business activity is contained within that area. The agricultural movements are restricted to the farm track and the wider agricultural land.

Policy

We have considered both the National Planning Policy Framework 2021 (NPPF) and the Adopted Vale of Aylesbury Local Plan (VALP) adopted in September 2021.

NPPF

Paragraph 7 states *purpose of the planning system is to contribute to the achievement of sustainable development.*

Paragraph 8 outlines overarching objectives for sustainable development ...*an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity...*

Paragraph 11 states that Plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 81 requires planning policies and decisions to help create conditions in which businesses can invest, expand and adapt. *Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs as well as wider opportunities for development.*

Paragraph 84 states that *Planning policies and decisions should enable: b) the development and diversification of agricultural and other land-based rural businesses;*

Adopted Vale of Aylesbury Local Plan

Paragraph 6.39 focusses on the development of Agricultural Buildings, however its principles can be applied to other agricultural development. It states that the council *recognises the need to support modern farming practices and a prosperous rural economy,* but it also encourages applicants *to locate development to minimise*



impact on the openness and attractive character of the countryside. The farm track is important to support the agricultural businesses onsite and removes additional large vehicle traffic from the commercial and residential areas. 6.39 confirms that the *impact on residential amenity, includes that arising from farm traffic movements.*

Quinton Neighbourhood Development Plan 2015 – 2033 (Modified Version – June 2022)

Policy QP5 relates to Business Enterprise and Local Employment. Part (e) relates to promoting *the development and diversification of agriculture and other land use based rural businesses* and in the supporting commentary at point 7 confirms that *the farming economy and operations have changed substantially over the past few decades, but productive use of the land is essential to the national and the parish local economy.*

We have also considered Policy QP9 which confirms that *development proposals that demonstrate they will conserve or enhance the natural environment will be supported provided they (amongst others):*

(a) Produce and deliver high quality landscaping schemes for all development comprising new dwellings or non-residential floor space which respect the local distinctive landscape character, achieve a biodiversity net gain such as enabling new native species habitat creation, or new green infrastructure.

(d) Protect existing hedgerows where at all possible as per the Hedgerow Regulations 1997 particularly when shielding the development from the highway.

Review of Reasons for Refusal contained in 23/00649/APP

To aid the decision maker the numbering in this section relates to that in the Officer's delegated report ("the Report").

6.7 The Report refers to the Quinton Neighbourhood Plan ("QNP") expressing that it states *"that development proposals in the open countryside outside the Settlement Boundary will be supported where they respect the character of the immediate locality..."*. With respect this statement does not reflect the wording of the Policy which is copied below. Instead, we consider that the policy relates to the whole of the QNP including land within the settlement boundary.



Policy QP1: Quanton Settlement Boundary

The Neighbourhood Plan designates a Quanton settlement boundary as shown by Figure 6 New Settlement Boundary Map.

- (a) Proposals for development will be supported where they respect the character of the immediate locality; contribute to local distinctiveness; and maintain appropriate amenity of adjacent dwellings.
- (b) Apart from the special circumstances set out in paragraph 80 of the NPPF there is a presumption against development of new homes outside the settlement boundary.

The Policy only sets out a presumption against the development of new homes outside of the settlement boundary and nothing else. Therefore, all types of development (save for new homes), as long as it complies with the character, distinctiveness and amenity tests are acceptable. Point 6 of the commentary emphasises this with reference to the *“appropriate forms of rural development on land outside the defined settlement boundary”* which *“would be for the purposes of (amongst others) agriculture or forestry.”* As this application is for the purposes of agriculture and as set out in the Landscape and Visual Appraisal the proposal is typical of the character; it is locally distinctive of the area and amenity of adjacent dwellings is unaffected. There is no conflict with Policy QP1.

6.9 Policy S2 of the Vale of Aylesbury Local Plan (the “VALP”) is a strategic policy making provision for the delivery of new homes, employment land to contribute to employment needs, retail floor space and associated infrastructure to support the delivery. This application is not one that is relevant to this Policy but that does not mean it should be refused because of it. The Policy is clearly not relevant.

6.10 Similarly Policy S3 of the VALP is not relevant. This Policy relates to the delivery of housing in various areas including the rural areas.

6.11 Notwithstanding the applicant has demonstrated a need for the track and hardstanding there is no requirement in paragraph 174 of the NPPF to do so. Instead (a) to (f) of para 174 (amongst others) requires



b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

It is also important to note that the NPPF at paragraph 84 requires that policies and decisions should enable *the development and diversification of agricultural and other land-based rural businesses.*

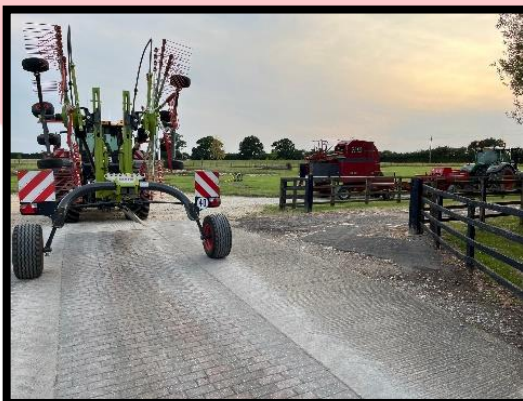
6.12 Policy E9 of the VALP specifically refers to *the development of new agricultural buildings* and not *agricultural development* as per the Officer Report. The *associated hardstanding* referred to are those being created in relation to *new agricultural buildings*. There is no specific policy in relation to farm tracks and hardstanding areas.

6.13 Under Policy E9 the test of need is only relevant to the development of *new agricultural buildings* or *where the Council considers the building too large in relation to the holding.*

6.15 The agricultural buildings that were converted were all traditional style sheds with low eave and ridge heights. The three buildings are now 3 x 2 bed dwellings. Each is approximately 2.5m to the eaves and they range in size from 79m² to 95m². These buildings were not capable of contributing to modern day agriculture due to their small size. These conversions do not highlight diminishing agricultural activity at the site and we struggle to see how the Council has reached this view.



6.16 The Officer concluded previously that the access track and hardstanding *do not appear to have been designed primarily for the purposes of agriculture*. We have provided evidence for how the areas will be used, the improvements it will make and its functional construction reflecting the nature of the vehicles that will use it. Heavy, large slow-moving vehicles which will often be covered in mud from working in the fields. The track will act in the same way as a haul road. It is not smooth meaning vehicles will shake as they travel along it removing detritus as they go. This would not happen on the adjacent smooth concrete road serving the commercial units and could result in the mud falling off the vehicles on the public highway as it dries. The length of the track is necessary in order to connect the hardstanding to the public highway. The width is necessary to accommodate the large agricultural machinery. The photos below were taken on Ladymead farm in summer 2023 showing the type of agricultural equipment used on the farm.





In addition, the Rural Payments Agency provide grants for 'Machinery and Livestock Tracks' under their countryside stewardship grant schemes. The scheme specifically states that these tracks will *"reduce soil compaction and erosion caused by livestock and machinery. They also help reduce channelling of surface runoff and the risk of sediment and other pollutants entering a watercourse."* We have had several applications for tracks on other farms locally of similar construction approved by other Local Planning Authorities and supported by Department for Environment, Food & Rural Affairs (DEFRA) funding. Photographs of some recently approved and constructed grant scheme tracks are shown over the page.

We have also approached the local Catchment Sensitive Officer who on behalf of Natural England (an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs) assesses and endorses, where their criteria are met, agricultural grants including those for farm tracks. Mr Bateman's email dated 7 December 2023 forms part of this application and confirms that had a grant been applied for in this case he would look to approve it as it complies with Option RP4 under the Countryside Stewardship Scheme.





6.18 Nowhere in any Policy is there a test “for need” or for the proposal having to be “*reasonably necessary for the purposes of agriculture*”. Notwithstanding the applicant has clearly shown a need, the reliance on these points in the previous decision is misplaced. Instead, the Council should consider Policies QP1 and QP5 of the QNP where there is support for agricultural development again without any requirement to show need or for it to be reasonably necessary.

Sections 6.22 to 6.33 have been in the main responded to in the Landscape and Visual Appraisal prepared by ES Landscape Planning.

6.24 This refers to development conserving and enhancing biodiversity. Policy NE2 suggests that 10m ecological buffers should be provided *unless existing physical constraints prevent*. The existing hardstanding is a physical constraint to meeting this test and it causes no adverse impact on the function of the watercourse.

6.44 Part of the reason for refusal is the lack of a sequential test and the Officer does not consider that the proposal falls within any of the exemptions as set out within footnote 56 of the NPPF. To assist the decision maker an appeal under reference APP/B3030/W/18/3217750 considered a similar issue. In that case a new driveway to serve a dwelling and home office had been proposed. The driveway route involved land within the floodplain. The Inspector concluded *that the construction of the proposed drive would primarily be an engineering operation rather than involve a building used for a dwelling of the type referred to in the Practice Guidance as being a more vulnerable form of development within a floodplain. The proposed drive is equally not essential infrastructure of the type which is referred to in the Practice Guidance. Further the appeal scheme would represent a minor development in the floodplain and, as such, it is unnecessary for either the sequential or exceptions tests to be undertaken.*

Our application is identical in terms of it being an engineering operation and not essential infrastructure and as such the application can be determined without the need for a sequential test. It is therefore not in conflict with Policy I4.

Conclusion

This statement has identified the requirement for a separate farm track and hardstanding area, to isolate farm vehicles from other site traffic at Ladymead Farm. This will not only reduce disturbance but improve the safety to other site users, removing the large agricultural machinery from the commercial and residential areas. The damage and mess resulting from storage of agricultural equipment and hay bales on grassland is in breach of



the Cross Compliance regulation as set out for the Basic Payment Scheme. This states that farmers must keep land in good agricultural and environmental conditions, which is directly related to issues such as soil erosion.

The Flood Risk Assessment has shown that the development is suitable as it is a less vulnerable use subject to pedestrians not entering the area at times of flooding. Furthermore, a sequential test is not required.

Significant planting has been carried out as part of the construction of the farm track and hardstanding. Coupled with the reduced harm caused to the grassland particularly in winter months by heavy farm machinery there has been an improvement in biodiversity.

To achieve this improvement only a net gain of 90m of trackway and the hardstanding construction is required with a significant amount of material be reused from the old section of track that was removed.

We consider that the development has been designed and constructed to meet the necessary requirements of the agricultural business. The development achieves a biodiversity net gain and no harm is cause to the character of the countryside. The proposal meets the planning requirements set out in local and national policy and should therefore be approved.