

DELEGATED

AGENDA NO

PLANNING COMMITTEE

8 June 2022

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/1772/RET

**Nanas Field Nannas Field, Aislably Road, Aislaby Near Yarm Stockton On Tees TS16 0JJ
Retrospective application for access track road and change of use of land from agriculture
to leisure and educational use.**

SUMMARY

The application site relates to a grass field which is to the east of Aislaby and slopes steeply down towards Aislaby Road to the south. The surrounding land is predominantly agricultural, with arable fields to the north and east of the site, with a strip of woodland along the entire western boundary of the site. Access to the field is via a single gated access from Aislaby Road.

The retrospective application is for the change of use of land from agriculture field to leisure and educational use and the associated access track. These leisure and educational uses consist of: preschool age using the field and woodland for education use (approximately 10 times a year), veteran soldier's group who use it for wild camping to help improve their mental health (approximately 6 times a year), forest working group who maintain the woodland (approximately 2-3 times a week), and use by family/friends/grandchildren etc (approximately 30 times a year).

With regards to the access, the track follows the contours of the land and steeply slopes up before gradually plateauing towards the rear of the site and is constructed from road planings.

Six objections have been received, along with twelve letters of support and these are summarised within the main body of the report below.

The site is situated outside the limits to development and is bounded by agricultural land to the north and east, and there is a small area of woodland which bounds the south and west of the site which is also under the ownership of the applicant, and Aislaby Road is to the south east.

The main considerations are the principle of the development, character of the area, highway safety and amenity. The development is contrary to local plan policies as it is within the open countryside and does not meet any exceptions for development in this location. The site also has a substandard access as it does not meet the required visibility splays, causing an unacceptable impact on highway safety. Furthermore the introduction of a large and formal access and hard surfaced track has led to an adverse impact on the rural character of the area and landscape.

In view of those factors the application is recommended for refusal for the reasons detailed below.

RECOMMENDATION

Planning application 21/1772/RET be Refused and that the Director of HR and Legal & Communications / Corporate Services be authorised to instigate all necessary legal action for the reasons specified below for the following reasons;

Principle of the development;

1. The application site is outside the defined limits to development and is therefore treated as the open countryside. The uses of the field as outlined by the applicant, do not require a countryside location and are not specifically for tourism or any other development outlined in the local plan considered acceptable in principle in the open countryside. Therefore the proposal would not be in accordance with local plan policies SD3, SD4, SD5 and SD8.

Substandard Access;

2. In the opinion of the Local Planning Authority, the proposed development would result in an intensification of the use of a sub-standard access given the limited visibility both east and west resulting in a unsafe access and unacceptable impact on highway safety, contrary to the National Planning Policy Framework paragraph 111 and 112 and Local Plan policy SD8.

Impact on character of the area;

3. The hard surfaced access track as a result of its position, length and materials has introduced a prominent and obtrusive form of development which is not in keeping with the character and nature of the surrounding rural landscape. In the opinion of the Local Planning Authority this has a detrimental impact on the rural character and appearance of the countryside. contrary to policies contained within the National Planning Policy Framework and local plan policies SD4, SD5 and SD8.

BACKGROUND

1. An enforcement enquiry was submitted to the council regarding the installation of an unauthorised access track into the application site. As a result, a planning application was submitted for the track. In addition to this, as the field is used for a multitude of different activities it was also considered that an application of a change of use of the land from agriculture to leisure and educational use would be needed.
2. The application was subsequently amended to include the change of use, with a further round of consultation with neighbours and a site notice displayed.
3. An application was refused in October 2014 at Aslak, situated west of the application site for the installation of a new access and driveway to serve the existing residential property. The applicant then appealed the decision which was subsequently dismissed by the inspector.

SITE AND SURROUNDINGS

4. The application site relates to a grass field which slopes steeply down towards Aislaby Road to the south. The surrounding land is predominantly agricultural, with arable fields to the north and east of the site, with a strip of woodland along the entire western boundary of the site.
5. The access to the field is via a single gated access from Aislaby Road.

PROPOSAL

6. The proposal is for retrospective planning permission for an access track constructed from the existing access with Aislaby road. The track follows the contours of the land and steeply slopes up before gradually plateauing towards the rear of the site. It is approximately 100m in length and approximately 4m in width. The surface is road planings.
7. It is stated in the application form that the purpose of the track is to provide easier and safer access to visitors/volunteers who use the field for various different purposes.

8. The proposal is also for a change of use of the land from agriculture to leisure and educational use. These leisure and educational uses consist of: preschool age using the field and woodland for education use (approximately 10 times a year), veteran soldier's group who use it for wild camping to help improve their mental health (approximately 6 times a year), forest working group who maintain the woodland (approximately 2-3 times a week), and use by family/friends/grandchildren etc (approximately 30 times a year).
9. Other ad-hoc uses include release site for recovered hedgehogs and birds, metal detecting, archery (approximately 3 times a year), farmer cuts meadow once per year for animal feed, festival held once per year including live music for charity (approximately 100 people attend). In addition, future use of the field has been offered to a brownie group and local junior school.
10. The application site was an agricultural field with an access gate from Aislaby Road.

CONSULTATIONS

11. The following Consultations were notified and any comments received are set out below (in summary):-
12. **Highways, Transport and Design Manager** – objects on the highway grounds due to the lack of visibility. Although the site benefits from an existing field access, the visibility for a 60mph road (2.4m x 215m) cannot be achieved as the visibility available to the left (east) is circa 70.1m and to the right (west) is circa 47m.

Based on the observed speeds of 45.2 mph (72.74kph) northbound and 43.5 mph (70.00kph) southbound, visibility splays of 2.4m x 120m to the left (south) and 2.4m x 120m to the right (north) are required, which cannot be achieved.

There are no landscape and visual comments regarding the proposals.

13. **Environmental Health** – no objection, subject to the imposition of the following conditions:

Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Music Festival

I would recommend a condition that the music festival is limited to one even per year.

The music noise level (MNL) of the events shall not exceed 65dB(A), Leq15mins, during both the sound checks and the event when measured at 1 meter from the façade of any noise sensitive receptor.

PUBLICITY

14. Local residents have been individually notified of the application and it has also been advertised on site.
15. Letters of objection were received from the following addresses and a summary of the comments received are set out below. 6 objections were received in total.

1. Aslak, Aislaby Road, Eaglescliffe, Stockton-on-Tees TS16 0QN
2. White House, Aislaby TS16 0QN
3. 2 Black Bull Wynd, Eaglescliffe, Stockton-on-Tees TS16 0GN
4. Rivergarth, Aislaby Road, Eaglescliffe, Stockton-on-Tees TS16 0QN
5. 8 Black Bull Wynd, Aislaby, Stockton-on-Tees TS16 0GN
6. The Gables, Aislaby Road, Eaglescliffe, Stockton-on-Tees TS16 0QN

The main concerns raised were: -

- Impact on the character and appearance of the countryside
- Highway safety
- traffic
- Loss of habitat and biodiversity
- Amenity
- Use of the field for other reasons

16. Letters of support were received from the following addresses and a summary of the comments received are set out below. 12 letters of support were received in total.

1. The Old Police Station, Bentley Wynd, Yarm TS15 9BS
2. 39 Fountains Avenue, Ingleby Barwick, Stockton-on-Tees TS17 0TX
3. Greenabella, Bentley Wynd, Yarm TS15 9BS
4. 54 Redwing Lane, Norton, Stockton-on-Tees TS20 1LN
5. 32 Atherton Way, Yarm, TS15 9TB
6. 517 - 519 Yarm Road, Eaglescliffe, Stockton-on-Tees TS16 9BG
7. 25 The Slayde, Yarm TS15 9HZ
8. 4 Jesmond Grove Hartburn Stockton on Teesside TS185ES
9. 9 Fulmar Road, Norton, Stockton-on-Tees TS20 1SL
10. 12 The Slayde, Yarm TS15 9HZ
11. 14 Mond Crescent, Billingham, TS23 1DL
12. 9 Longbeck Way, Thornaby, TS17 9RH

The main reasons for support were: -

- Parking and access currently hazardous
- Tranquil and peaceful area
- Easier to drive up steep gradient all year round
- Biodiversity benefits
- Opportunity for camping
- Benefits to local people

PLANNING POLICY

17. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
18. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so

far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

19. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

20. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

21. **Paragraph 111.** 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.

22. **Paragraph 112.** Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

23. **Paragraph 130.** Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

24. **Paragraph 174.** Planning policies and decisions should contribute to and enhance the natural and local environment by: 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;

Local Planning Policy

25. The following planning policies are considered to be relevant to the consideration of this application

Policy SD1 - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable

development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Policy SD4 - Economic Growth Strategy

The Council will support appropriate economic growth development within the countryside that cannot be located within the limits to development, or is of an appropriate scale and does not harm the character and appearance of the countryside; where it:

- a. Is necessary for a farming or forestry operation; or
- b. Provides opportunities for farm diversification; or
- c. Provides opportunities for equestrian activity; or
- d. Is a tourism proposal requiring a rural location; or

e. Is a site for new and existing land based rural businesses/enterprises.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.

d) Enhancing woodlands and supporting the increase of tree cover where appropriate.

i) Considering development proposals within green wedges against Policy ENV6.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

c. Supporting sustainable water management within development proposals.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

e. Privacy and amenity of all existing and future occupants of land and buildings;

f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
 3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
 4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.

MATERIAL PLANNING CONSIDERATIONS

26. The main planning considerations of this application are the principle of the development, and the associated impacts on the character and appearance of the area, amenity and highway safety.

Principle of development

27. The application site is outside the defined limits to development and is therefore treated as the open countryside, which under national and local planning policy receives a degree of 'protection' to ensure its character and intrinsic beauty is preserved. Consideration over the

associated impacts of the development on the character and appearance of the countryside therefore need to be fully and carefully considered.

28. Policy SD4, relates to economic growth and includes reference to supporting sustainable tourism and a tranquil river corridor provided that development is of an appropriate scale, having regard to the intrinsic character of the countryside and requires a rural location.
29. Policy SD5 supports development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
30. The applicant submitted a supporting statement outlining the various uses of the field including by members of the public. There are rights under schedule 2 part 4 class B of the permitted development rights for the use of any land for any purpose for not more than 28 days in total in any calendar year. Based on the information provided by the applicant on the uses of the field, it is clear that the land is used for a various leisure/recreational purposes for longer than this period. In the judgement of the Court of Appeal in *Pitman v Secretary of State for the Environment* (1989) J.P.L 831, the term 'leisure plot' was defined as a piece of land where leisure activities are carried out on with some degree of frequency and defined 'leisure activities' as those activities people carry on in their free time for the primary purpose of pleasure or amusement rather than the acquisition of money. It is a matter of fact and degree whether the use of the land constitutes a material change of use. Based on the information available it is considered that the frequency and types of activity would constitute a material change. With regard to the change of use to leisure and educational use alone, previous appeal decisions regarding plots of land to leisure plots have considered the impact on the landscape and character of the countryside and concluded that in some instances this change of use to a leisure plot can have adverse impact on the character and landscape. However these related more to permanent/continuous uses and structures. In this instance the use of the land for leisure activities is occasional at various times with a lot of ad-hoc usage, and on balance, notwithstanding impact of the access and track, the principle of the use as a leisure plot, when considering character and appearance, would not be considered as detrimental in this regard.
31. However, whilst the uses are beneficial to the groups that use the land providing sports and recreational uses to people in the community, they do not specifically require a countryside location nor is it for tourism purposes and consequently the use would not comply with the element of the local plan policy identified above. Based on the above it is contrary to policy and would need a reason for refusal.

Character and appearance of the area

32. The NPPF seeks planning decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
33. Furthermore, Policy SD5 of the local plan states that the Council will ensure development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape'
34. The use of the field for the limited range of activities indicated by the applicant is by itself not considered to result in any significant visual impacts on the overall character and appearance of the site and surrounding countryside.

35. This stretch of Aislaby Road is characterised by hedgerows along the side of the road typical of a country lane. Previously located was a typical unobtrusive field access gate in between the hedgerow which was in keeping with the rural landscape.
36. However, to create the access and improve the visibility, some of the hedgerow and trees along the boundary with Aislaby Road have been removed. The access is therefore significantly wider and is set back from the road creating a much more open access, with the track itself approximately 4m in width and 100m in length, altogether it appears as a much more formalised access into the site compared to a typical field access seen elsewhere in the vicinity of the site.
37. Due to the topography of the site, there are views from public areas of the application site and the larger access in combination with the length and its surface material (road planings) is in stark contrast to the remaining field, surrounding woodland and farmland.
38. As a consequence, it is a highly prominent and obtrusive form of development within the landscape which adversely affects the otherwise attractive rural character. Whilst the applicant has planted trees/shrubs further back from the road, which would offer some 'softening' of the access track it is not considered to be sufficient to offset the visual harm nor would it change the overall harm to the nature and character of the countryside landscape.
39. Previously a similar proposal, for a new access and driveway to serve an existing residential property 230m further along Aislaby Road towards Aislaby village was refused planning permission in 2014. It was refused on the grounds that by virtue of the design, scale and siting of the access and driveway, it represented an unjustified domestic extension into an area of open countryside. Furthermore the proposed development would not protect and enhance the Special Landscape Area and would harm the landscape value of the Tees Valley by reason of the introduction of a formal, domestic appearance to the area of open countryside and an area of scenic value. The applicant also appealed the decision and this was dismissed by the inspector. The inspector concluded that the new access and tarmac drive would adversely affect the character of the country lane and erode the attractive rural landscape causing material harm to the character and appearance of the rural surroundings that are designated as a special landscape area.
40. In view of the above and whilst recognising that the use of the field by a limited element of the community would have some social benefit for those users, it has limited overall public benefit. Nevertheless, such benefits would not override the substantial harm to the character and the appearance of the countryside as a result of the introduction of a large and formal access. The proposal is therefore considered cause a detrimental impact on the rural area, which would be contrary to the NPPF and Local plan policies outlined above.

Highway Safety Considerations

41. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy SD8 also seeks to ensure that new development provides safe and satisfactory access and parking for all modes of transport.
42. Whilst the access track utilises an existing access from Aislaby Road, the visibility required (visibility splays of 2.4m x 120m both east and west) to satisfy the observed speeds of Aislaby Road cannot be achieved. The available visibility to the left (east) is circa 70.1m and to the right (west) is circa 47m. The Highways Transport and Design Manager has therefore objected to the proposals.
43. Prior to changing the access, the field was previously accessed via a typical field gate from Aislaby Road for agricultural purposes on an ad hoc basis. The previous access gate as shown

on historical street view images is clearly not suitable for access by members of the public in cars.

44. The new access has improved accessibility for vehicles and made it a more attractive option for accessing the site. As a result of the variety of purposes proposed, the use of the field has expanded and an intensification of its use by vehicular traffic has resulted. The increase in vehicle accessing the site for the various activities and the overall intensification of an access with substandard visibility would therefore have a detrimental impact on the highway safety of other road users of Aislaby Road which is itself a relatively narrow road with a 60 mph speed limit which undulates and has numerous bends.
45. An access to a field with intensified use onto to this road without the required visibility causes an unacceptable impact on highways safety contrary to the NPPF and local plan policy SD8.
46. Again, whilst there are some social benefits to the community, these would not outweigh the harm caused by the installation of a substandard access track in this rural location which the use of would create significant highways safety implications.

Amenity

47. Some of the uses of the field have the potential to cause noise and disturbance to nearby residential properties, in particular the use of the field for a festival, which the applicant has indicated occurs once per year. However, the Environmental Health Unit was consulted on the application and did not object to the application subject to the festival being limited to one event per year and subject to a noise condition limiting the music noise level.
48. It is also acknowledged that there are no residential properties immediately adjacent to the site, with the nearest residential dwelling approximately 200m to the west. Due to the distance between the access track and the nearest residential properties, it is not considered that the access causes a significant loss of amenity to neighbouring properties. Taking into account the distance to residential dwellings and the imposition of appropriate noise controls, it is not considered that the change of use has a detrimental impact on amenity.

Other matters

49. The use of the land as a caravan site has also been mentioned in letters of objections. Exemptions certificates (valid for up to 1 year) can be issued under Section 2 of and the First Schedule to the Caravan Sites and Control of Development Act 1960 by exempted organisations which provide exemptions from the need for a site license or planning permission. These sites are known as certificated locations or certificated sites, and no more than 5 caravans can be stationed on the site at any one time.

CONCLUSION

50. As detailed above it is acknowledged that there are some social benefits to the users of the site for the leisure and recreational purposes identified. However, the proposed access track is a prominent feature within the landscaping given its size, position, length and use of materials, and is considered to have a detrimental impact on the character and appearance of this rural area.
51. Additionally, the intensification of an access with substandard visibility will have an unacceptable impact on highway safety. The proposed development is therefore contrary to general planning policies set out in the Development Plan and the National Planning Policy Framework as detailed within the report.

Director of Finance, Development and Business Services
Contact Officer David Richards Telephone No 01642 526058

WARD AND WARD COUNCILLORS – NEED TO INSERT PLEASE

Ward Eaglescliffe
Ward Councillors Jacky Bright
Stefan Houghton
Laura Tunney

IMPLICATIONS

Financial Implications: None

Environmental Implications: Matters relating to impacts on countryside and landscape and noise/disturbance have been considered in the report above, and whilst any noise disturbance caused by temporary events on the field, can be controlled by conditions, there would be significant adverse impacts on the character and appearance of the landscape and the rural character of the area.

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The Town and Country Planning Act 1990.
National Planning Policy Framework
Stockton-on-Tees Local Plan