

MH/APP

**APPEAL BY PAUL AND LILY HAWORTH AGAINST THE REFUSAL OF
RIBBLE VALLEY BOROUGH COUNCIL PLANNING AUTHORITY TO GRANT
PLANNING PERMISSION FOR THE RETENTION OF RE-POSITIONED
ACCESS GATE AND STONE TRACK OFF SLAIDBURN ROAD**

Written Statement of Case

LPA Reference: 3/2023/0946

July 2024

Rural Futures
07791 488410



FUL/2022/5600

APPEAL STATEMENT AGAINST THE REFUSAL OF LAKE DISTRICT NATIONAL PARK PLANNING AUTHORITY TO GRANT PLANNING PERMISSION FOR THE RETENTION OF RE-POSITIONED ACCESS GATE AND STONE TRACK OFF SLAIDBURN ROAD.

Application 3/2023/0946

REFUSAL

Decision 10th March 2023

Reasons for refusal:

- 1 The proposed works, including widening of the access and construction of a sizeable area of permeable bound tarmac, are considered to be excessive for the use intended, would fail to conserve or enhance the character of the surrounding Area of Outstanding Natural Beauty (National Landscape) and insufficient evidence has been provided to demonstrate that the works are reasonably necessary for the purposes of agriculture. The proposal would therefore fail to satisfy the requirements of Policy DMG2 of the Ribble Valley Core Strategy and as such is considered to be unacceptable in principle.
- 2 The proposed works, by virtue of the creation of hardstanding, widening the former access width, public visibility of the access and subsequent loss of dry stone walling and vegetation that would be required to facilitate retention of the access, would be visually harmful to the character of the surrounding Area of Outstanding Natural Beauty (National Landscape). The proposal therefore fails to satisfy the requirements of Paragraph 135 and 182 of the NPPF and Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy.

Consultations

Parish Council

- No response

Lancashire County Council Highways

- No objection subject to conditions

Third Party Representations

- Impact on visual amenity

-Impact on highway safety

-Impact on flood risk

-Comments in respect of future commercial development on the applicant's land

1.0 Site Circumstances

See attached plans, drawings and images showing the access as created off Slaidburn Road.

- 1.1** The application site is located immediately north of The Graces and provides access via an existing stone track to 40 acres of farmland and a former quarry. Access is required with four wheel drive vehicles, livestock trailer and other machinery used to manage the land including tractors, pasture topper, mower, trailer and equipment for animal husbandry. Details of the agricultural enterprise are shown in the Agricultural Information Form.
- 1.2** The access has been created for safety reasons to avoid vehicles having to stop on a fast highway to open or close the existing gate which was originally positioned 4 metres from the highway edge. The former gateway measured 3.5 meters in width.
- 1.3** The surrounding area is characterised by open land to the east. Slaidburn Road rises northwards and descends to the south. A woodland area extends immediately north of the access point west of Slaidburn Road.
- 1.4** Immediately south of the access is the garden curtilage of The Graces, a modern imposing dwelling with a high boundary wall off Slaidburn Road. A stylised metal boundary fence off The Graces forms the boundary with the created access (Image 5)
- 1.5** The existing gateway has been widened to 8 metres and the gate moved 15 metres west of the highway. The resulting track formed with permeable stone reduces to 4.5 metres at the new gate position. A temporary metal gate has been positioned with wire fencing to ensure stock are retained. Planting with laurel and native species trees has been undertaken along the grass verges each side of the track. (Image 6)
- 1.6** There are no Public Rights of Way (PROW) over the land. The closest PROW is FP0343004 at 128 metres south at Slaidburn Road. The access works are not visible at this point (Image 9). The closest bridleway is 793 metres east of the access works which are not visible due to contour changes and distance. See Figure 1 for details.
- 1.7** The land is within Flood Zone 1 with a low risk of flooding.

2.0 Planning History

2.1 There is no relevant planning history to this application.

3.0 Proposed Development

3.1 Full details of the access works are provided in the Access Layout Drawings and Location Plan.

Design

3.2 The works have involved the removal of a small length of fence and shrubs south of the pre-existing gate to form an 8 metre opening which will allow access with large vehicles for livestock transportation and agricultural management of the holding.

3.3 The access area created to the south of the existing track has been made up with recycled tarmac crush. The final surface finish will be to tarmac the area to create a bound surface which is required to satisfy LCC Highways Authority (LHA) .

3.4 The position of the new gate is 15 metres west of the highway and has been formed with a temporary metal gate. The intention being to replace this with a timber gate. (See image as Appendix A)

3.5 Grass verges have been retained either side of the extended access with laurel planting and native species trees (Birch).

3.6 As a consultee Lancashire Highways Authority (LHA) initially objected to the application requesting further information regarding drainage and visibility splays. Following the submission of this information the Highways Authority removed their objection subject to conditions.

3.7 To achieve the required visibility splays a short length of wall (9700mm) will be reduced to 900mm in height to allow the required sight lines. See attached plan. No wall will be removed.

4.0 Planning Officers Delegated report

Site Description and Surrounding Area

4.1 The case officer's description of the development and proposed works correctly describes the proposed works with two minor inaccuracies. The fencing which forms the extents of the works is wire fence, not post and rail fencing. The existing access track was a 3 meter wide stone track for the full length of the 15 metres back from the

highway which had partially grassed over. The grass has simply been stripped from the track and enlarged each side with a grass verge left on each side.

Principle of Development

- 4.2** With reference to Policy DMG2 of the Ribble Valley Core Strategy the planning officer points out that development is considered justifiable if ‘the development is needed for the purposes of forestry or agriculture’.
- 4.3** The officer provides details of the agricultural activities and the rationale for moving the gate and widening the access but goes on to question the extent and scale of the works and questions it being reasonably necessary for the purposes of agriculture. With reference to Google historic imagery the officer describes the original access as of modestly sized width, naturally grassed track and rustic timber gates.
- 4.4** The council acknowledges that relocating the access gate further into the site is justified on safety grounds but considers the extent of the works as excessive for the agricultural use stated.
- 4.5** In respect of development within the National Landscape and Policy DMG2 and the impact the development has on the landscape and character of the area it is suggested that significant operational development has been undertaken in the construction of the access which creates a somewhat domestic appearance considered anomalous against the surrounding open countryside backdrop. This together with the reduction in height of the adjacent stone wall and removal of vegetation required to achieve visibility splays is described as a harmful addition to the site that would fail to conserve the or enhance the National Landscape.

Impact on Residential Amenity

- 4.6** The proposed development is not considered to be unduly harmful to the amenity of any neighbouring residents.

Visual Amenity/External Appearance

- 4.7** The officer considers the development against National Planning Policy Framework (NPPF) Policies 135c & 182 and Policy DMG1 & EN2 of the Ribble Valley Core Strategy.
- 4.8** The officer reiterates the suggestion that significant operational development has been undertaken and the installation of a line of trees and metal gate will be visible from

Slaidburn Road and will be visually harmful to the character of the surrounding National Landscape.

Highways and Parking

- 4.9** Despite Lancashire County Council Highways determining that the access is acceptable the council maintains it's concerns that the extensive works undertaken are not needed solely for the purposes of agriculture. Nevertheless, the council concedes that the development would not have any undue impact upon the highway network.

Landscape/Ecology

- 4.10** It is accepted that the retention of the unauthorised works would not be harmful to the ecology of the area.

Drainage

- 4.11** The planning officer makes reference to the information provided by Lancashire County Council Highways regarding drainage of the site. The LHA have requested conditions to be placed on the application if the works are retained and will require the applicant to enter into a legal Section 278 agreement.
- 4.12** Third party representations include one objection. The objector suggests that a PROW has been affected and the development is visually intrusive. An allegation that the proposed access is required for alternative commercial activities.

5.0 Considerations and Response to the Council Decision and Third Party Representations

- 5.1** Planning policy DMG2 regards development that is needed for the purposes of agriculture and forestry as justified. The council have been provided with information regarding the farming system and an explanation of why the development is needed.
- 5.2** Slaidburn Road is a long straight road and vehicles regularly travel well above the 60mph limit. To gain access to the track which serves the 40 acres of agricultural land including the woodland and fell land meant that the applicants and contractors were required to stop on the highway to open the access gate. Likewise when leaving the land they had to stop on the highway to close the gate. This in itself is dangerous when vehicles are approaching at speed in particular from the North travelling down hill towards Waddington.

- 5.3** The safety aspect of the proposal is accepted by the planning officer. However, the concerns are the scale and design of the proposed works and whether these are required for the purposes of agriculture.
- 5.4** Information was requested and submitted to the council regarding the agricultural operations and the farming system. No additional information was requested by the council which could have been provided if they had concerns in this regard. We must also question the understanding of the council's officers in respect of agriculture and the needs of animal husbandry and land management. Agricultural vehicles including livestock trailers have significantly increased in size in the past two decades. Where 60 - 100 horse power tractors were common in the early 2000's it is not uncommon for units of 200 -250 horse power tractors to be used today, particularly by contractors undertaking work on steeply sloping land for bracken control etc. (See Images and report on tractor sales trends at Appendix B)
- 5.5** The total area of the development site is 140m² and it is difficult to accept that this is regarded as a significant development. This area includes the existing stone track which represented 45m² of the site area (Proposed gate to highway). The additional stoned area is 48.75m² with the remaining 46.25m² being the grass verges and shrub/trees.
- 5.6** The planning officer has drawn comparisons with the former access using Google historic imagery. We would like to point out that the wooden gate which was in place in 2011 had already been replaced in 2022 with a steel gate (see Google images). The applicants purchased the property in October 2022 and prior to their ownership the land had only been used for short term grazing on annual lets. Consequently the land was allowed to deteriorate in quality with little maintenance. Since the applicants have taken over the land they are working closely with the Natural Landscape Farming in the Protected Landscape (FIPL) officer to improve the land through livestock grazing with cattle, sheep and pigs (See Agricultural Information Form). This now means the access is used with larger machinery which could not access the site through a 3.5m gate close to the highway.
- 5.7** The agricultural unit has no sheep dipping facilities and animals will be sheared by contractors. This will necessitate contractors accessing the site to undertake these operations. Whilst the agricultural unit is relatively small the contractors are typically geared to larger units and will require access with larger equipment. Likewise steep land means that large four wheel drive tractors are the safest way to carry out operations such as pasture and bracken control.

- 5.8** Again we question the planning authority's understanding of modern agricultural practices to determine that the works undertaken are "not considered reasonably necessary for the purposes of agriculture". As far as we are aware no consultation was undertaken with an agricultural land agent or rural surveyor and no additional information was requested from the applicants to make a fully considered decision in this respect.
- 5.9** The re-positioning of gateways to allow vehicles to safely leave the highway is a regular condition of LHA approval and acceptable design standards within a Section 278 agreement. A recent approval (App 3/2023/0877) which involves the creation of a new access track from agricultural land off Twitter Lane in Waddington village included a design with the gate set back from the highway for safety reasons. This practice is common across the Ribble Valley where agriculture is the dominant land use.
- 5.10** Farmers are acutely aware of the health and safety issues around farm vehicles. Figures published in the Health and Safety Executive's report 'Fatal injuries in agriculture, forestry and fishing in Great Britain 2021/22' show 25 people were killed as a result of farming and other agriculture-related activities during the year. Transport – overturning vehicles or being struck by moving vehicles, caused most deaths. Agriculture has the worst rate of worker fatal injury (per 100,000) of all the main industry sectors, with the annual average rate over the last five years around 21 times as high as the all-industry rate.
- 5.11** The planning officer suggests that the works have an overly domestic appearance despite the position directly adjacent to the large residential dwelling and imposing boundary wall off Slaidburn Road. A stylised boundary fence between the access and the domestic property further accentuates the domestic aesthetic and we would suggest the access is significantly less intrusive than those structures.
- 5.12** The suggestion that the access has a significant impact on the wider landscape and character of the area is a preposterous assertion. The visual impact of the access is limited to a short distance of highway for less than 100 metres in length. The closest PROW is 128 metres to the south and the access cannot be seen from the footpath (See Figure 2).
- 5.13** The concerns regarding the lowering of the stone wall and maintenance of vegetation to 900mm above the highway will involve the reduction in height of 9 metres of wall by approximately 300mm of the existing stone wall (See attached drawing). No wall will

be completely removed. The maintenance of vegetation will be simply mowing grass and herb species dominated by Meadow sweet (Images 3 & 4).

5.14 The applicants accept that the planting of laurel shrubs is not the preferred species for this setting and is happy to replace these with native species shrub or tree species which would be acceptable to the council.

5.15 The third party representations contain inaccuracies regarding the track being a PROW. Assertions regarding highway safety are countered by the LHA acceptance of the scheme subject to conditions. Conjecture as to the future use of the site is regarded as unfounded speculation made with mendacious intent.

6.0 CONCLUSION

6.1 The re-positioning of an access gate 15 metres from the highway has been necessary for the purposes of agriculture and safety of the applicants, delivery vehicles and contractors.

6.2 The scale of the works is modest. The existing access track has been extended by approximately The position of the access adjacent to a large dominating residential development and a woodland area limits the visual impact to a small area adjacent to the highway. The impact on the National Landscape is negligible. The impact on the character of the area is negligible.

6.3 We feel strongly the highway safety aspects of the scheme have been disregarded by the council. The LHA consider the access as preferable to the pre-existing access and subject to conditions regarding drainage and the requirement to enter into a Section 278 agreement acceptable. The applicants will meet any requirements in relation to the design of the access and enter into a Section 278 agreement with the LHA.

6.4 The applicants are willing to replace the laurel shrubs and boundary treatments as preferred by RVBC.

6.5 In consideration of our statement of case we believe the application is congruous with the policies of the NPPF and the Ribble Valley Core Strategy. The works are required for the purposes of agriculture and the visual impact of the scheme is negligible. In light of the information provided in the application and additional information in this statement we respectfully request that the Inspector allows this appeal.

Appendix A



Timber gate to replace temporary metal gates.

APPENDIX B Agricultural vehicles and equipment

Livestock trailers



Sheep shearing trailer



Mobile sheep dip



2100 Ltr Tank (470 Gallon)

Twin axle

Fully road legal (tested by DVSA).

Twin exit ramp

Long lead up ramp with walk way to assist loading.

Decoy head yoke sloping floor into dip tank ideal for large flocks, allowing for high through-put

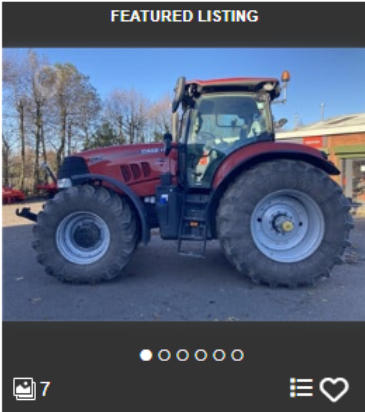
Large full draining tank allows draining pen to be emptied rapidly ensuring dipper is in full use at all times.



Tractors

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FEATURED LISTING



7

2021 CASE IH PUMA 240 CVX
175 HP to 299 HP Tractors

Price: **Call for price**

Machine Location:
Holmes Chapel, Cheshire, United Kingdom
CW4 7ET

Hours: 2,190
Transmission Type: CVT
Drive: MFWD
Engine Output: 240 HP

Compare

Malpas Tractors
Crewe, United Kingdom CW4 7ET
Phone: [+44 1695 318003](tel:+441695318003)

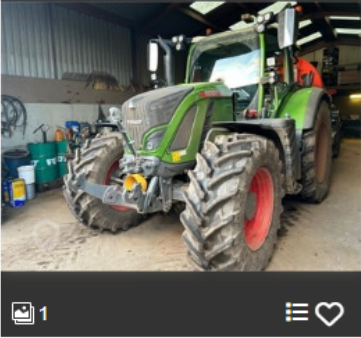
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Updated: Friday, July 12, 2024 01:40 AM

CASE PUMA CVX DRIVE 240, 2021

FEATURED LISTING



1

Updated: Thursday, July 11, 2024 01:58 AM

FENDT 720 PowerPlus, 2023, 1000hrs, Front links & P.T.O £P.O.A

2023 FENDT 724 VARIO

175 HP to 299 HP Tractors

Price: Call for price

Machine Location:
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Drive: 4WD
Engine Output: 237 HP
Condition: Used

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Large Tractors (More Than 200 HP) Market Share and New Trends Analysis: By Its Type, Application, End-use and Forecast for period from 2024 to 2031

Published Apr 24, 2024

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The Global "[Large Tractors \(More Than 200 HP\) market](#)" is expected to grow annually by 14.3% (CAGR 2024 - 2031). The Global Market Overview of "Large Tractors (More Than 200 HP) Market" provides a special perspective on the major patterns influencing the market in the biggest markets as well as globally from 2024 to 2031 year.

Introduction to Large Tractors (More Than 200 HP) Market Insights

Utilizing advanced technologies such as big data analytics, artificial intelligence, and machine learning, the futuristic approach to gathering insights on the Large Tractors Market (More Than 200 HP) aims to provide a more comprehensive understanding of market dynamics, customer preferences, and emerging trends. By analyzing vast amounts of data in real-time, companies can make informed decisions, optimize production, and enhance the overall customer experience.

These insights have the potential to shape future market trends by helping businesses anticipate demands, improve efficiency, and innovate new products tailored to the evolving needs of the agriculture industry. With the Large Tractors Market (More Than 200 HP) projected to grow at a CAGR of % during the forecasted period, leveraging advanced technologies to gain valuable market insights will be crucial in sustaining competitive advantage and driving growth in this rapidly expanding sector.

Download a PDF sample of the Large Tractors (More Than 200 HP) market research report: <https://www.reliableresearchreports.com/enquiry/request-sample/2006318>

Market Trends Shaping the Large Tractors (More Than 200 HP) Market Dynamics

1. Sustainability: The push for sustainability in agriculture is driving the adoption of large tractors with more fuel-efficient engines and advanced emission control technologies.
2. Precision agriculture: The integration of technology such as GPS, sensors, and data analytics is transforming large tractor operations, enabling farmers to optimize their productivity and reduce input costs.
3. Autonomous technology: The development of autonomous tractors is reshaping the industry, offering increased efficiency, reduced labor costs, and improved operational flexibility.
4. Electric tractors: The shift towards electrification in the automotive industry is also influencing large tractor manufacturers to develop electric-powered models, offering lower operating costs and reduced environmental impact.
5. Connectivity: The trend towards connected machines is leading to the integration of telematics systems in large tractors, enabling remote monitoring and control of equipment for improved performance and maintenance.



Google Streetview July 2023



Google Streetview July 2023



Google Streetview May 2022



Google Streetview May 2011



Google Streetview April 2009

Images



Image 1 North of access point (arrow indicates access point)



Image 2 North of access point (arrow indicates access point)



Image 3 Stylised fencing forms the boundary fence of the neighbouring property



Image 4 Stone wall will be reduced in height (not removed)



Image 5 Access point



Image 6 New gateway set back to allow vehicles to leave Slaidburn Road



Image 7 Access from the south



Image 8 Access from the south (arrow indicates access point)



Image 9 View from Footpath FP0343004 (128 metres)

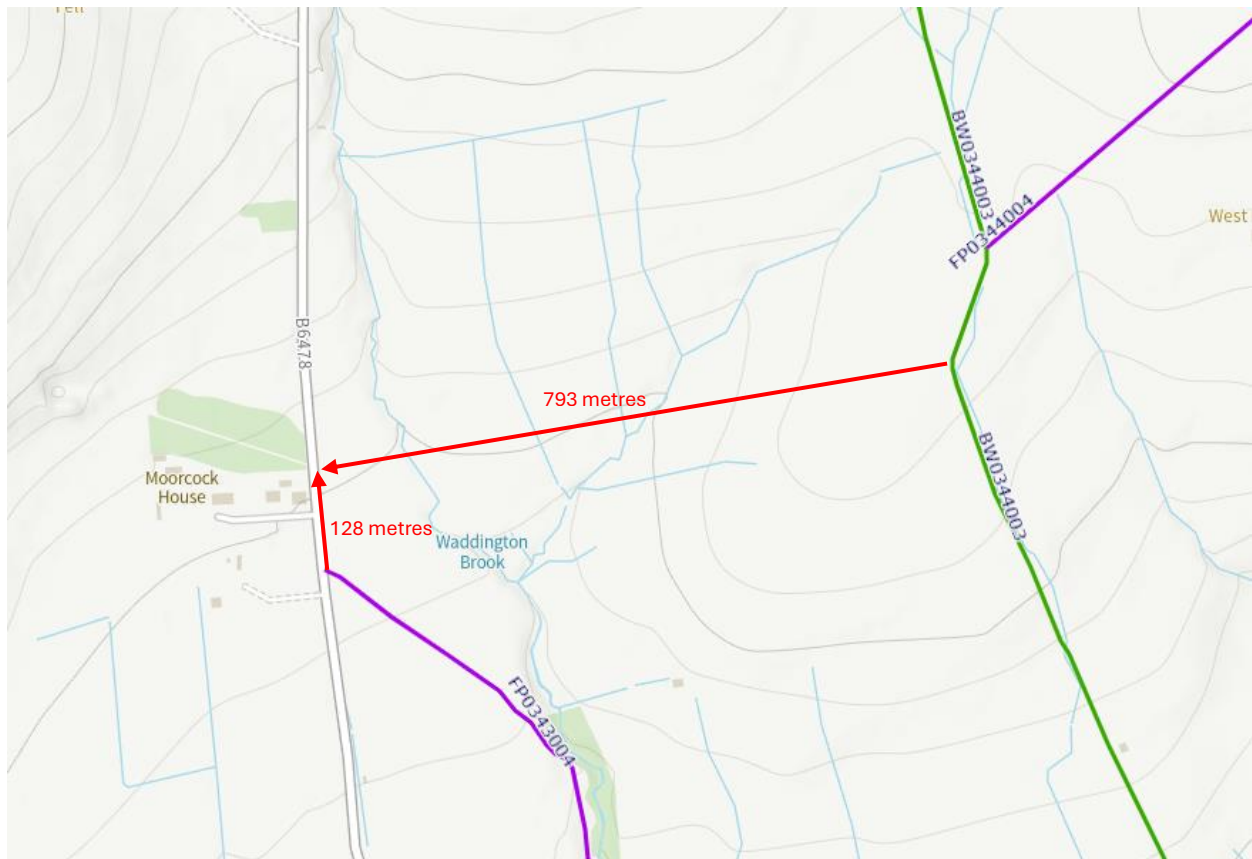


Figure 1 Distances from nearest PROWs

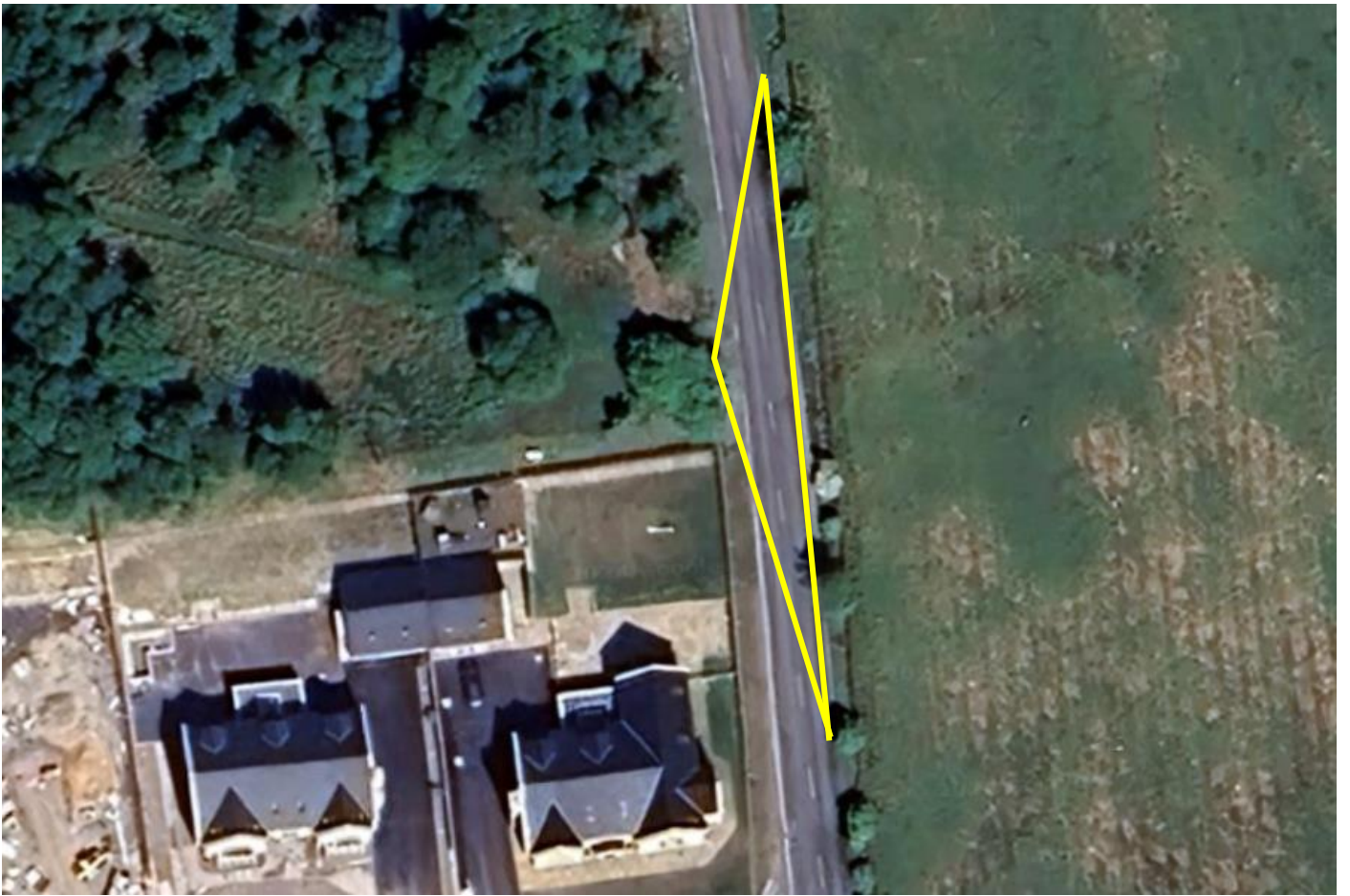
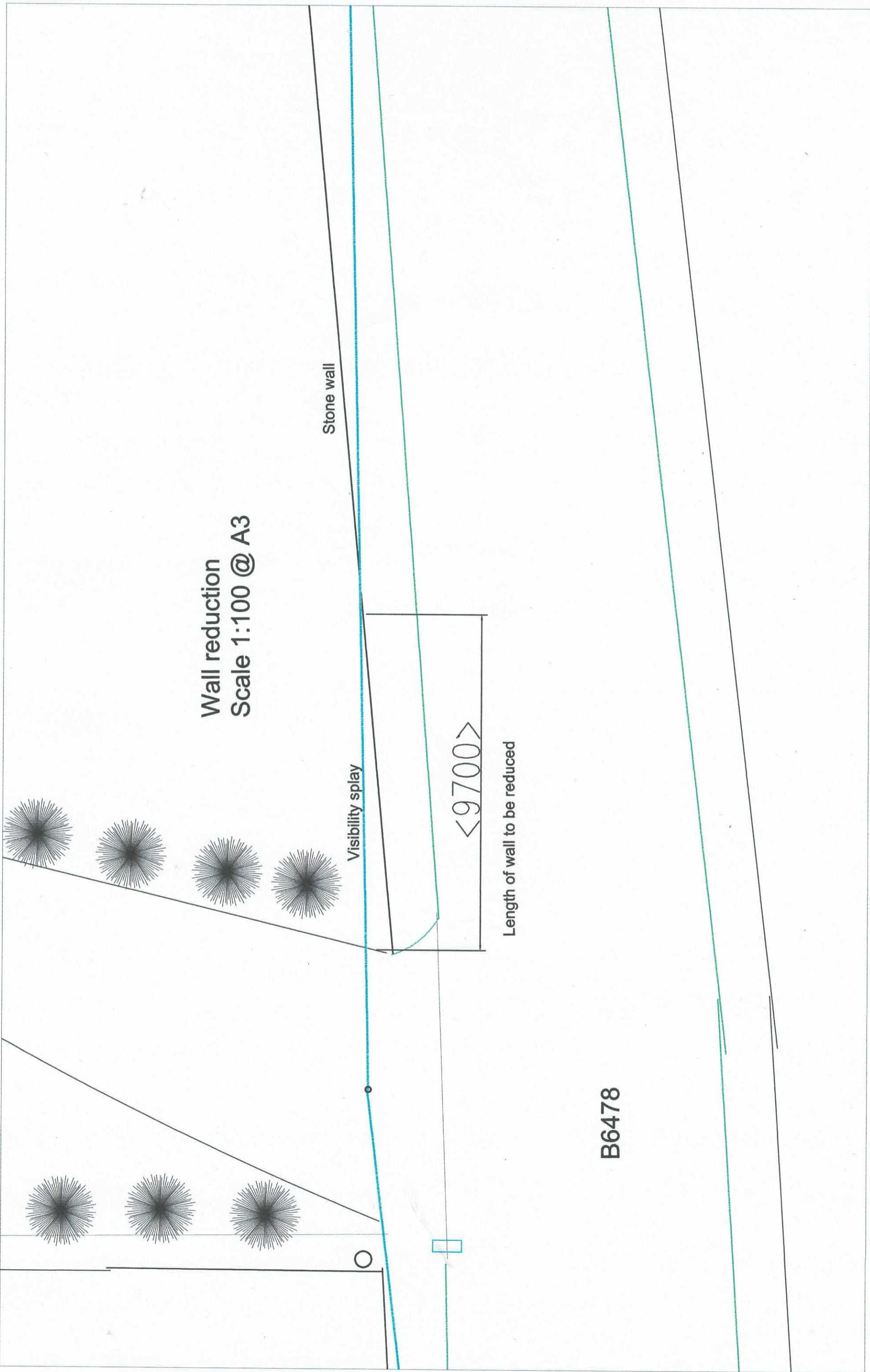


Figure 2 Zone of Visual Impact

Wall reduction
Scale 1:100 @ A3



Stone wall

Visibility splay

<9700>

Length of wall to be reduced

B6478