



**PLANNING COMMITTEE: Thursday,  
23 May 2024**

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**Report of: Deputy Chief Executive  
Lead Member for Planning and Community Safety**

**Contact for further information:  
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**SUBJECT: PLANNING APPLICATION REF: 2024/0047/FUL**

**PROPOSAL: Proposal to surface an agricultural access track.**

**APPLICANT: Mr Ian Birch**

**ADDRESS: Land West of Higher Lane, Dalton**

**REASON FOR CALL IN: Application has been called in by Cllr Whittington to consider the lack of detail and information within the submitted application including no supporting statement, flood mitigation measures and details of how the hardstanding will be laid. In addition, there are concerns on the excessive scale of the proposed hardstanding, flood risk, development in the Green Belt and existing Tree Preservation Orders in the area.**

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Wards affected: Rural North East;

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks to surface an agricultural access track.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

### **2.1 APPROVAL**

### **3.0 THE SITE**

3.1 The application site measures approximately 160 square metres and is situated to the east of Higher Lane. There is an existing gated access directly off Higher Lane.

## **4.0 PROPOSAL**

- 4.1 The application proposes the surfacing an agricultural access track. The track is to measure approximately 4.7m in width x 35m in total length as the track towards up to follow the boundary line, from an existing gate accessed directly off Higher Lane.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2023/0422/PNP Application for determination as to whether prior approval is required for details - New Access Road. Prior Approval IS required.
- 5.2 2024/0073/PNP Agricultural storage building. Approved
- 5.3 2024/0203/PNP Application for Determination as to Whether Prior Approval is Required for Details - Construction of a new access track. Approved

## **6.0 OBSERVATION OF CONSULTEES**

- 6.1 Principal Engineer (Drainage) – In light of this new information [material] I now have no objection in principle to this application as I estimate the impact on flood risk due to the proposed development, to be negligible. I have no further comment to make (08/02/2024)
- 6.2 Environmental Protection – I can confirm that I have no comments to make to the proposed application. (01/02/2024)
- 6.3 LCC Highways – LCC Highways has no objection. Higher Lane (C161) is a classified road which has a footpath on the western side of the carriageway only and is served by street lighting. Higher Lane has a speed limit of 30mph fronting the site.

The site is located on the western side of Higher Lane and is served by an existing gated dropped kerb gated field access off Higher Lane. I note that the existing dropped kerbs do not extend across the full width of the gated access. The existing dropped kerb should be extended to cover the full width of the gated access.

The works to extend the existing dropped kerb must be carried out under an appropriate legal agreement with the Highway Authority under the Highways Act 1980.

The proposal is to surface 35m of the existing track with the last 5m to in a bound material.

To prevent the transfer of mud onto the highway I would request that the existing access should be suitably hard paved for a distance of 10m into the site and that, in the interest of highway safety, the existing gate is relocated to 10m back from the edge of the highway to allow vehicles to pull clear of the highway when entering the site.

Subject to the following conditions LCC Highways has no objection to the application to surface an agricultural track and is of the opinion that the proposal would not have a severe impact on highway safety or highway capacity. (13/02/2024)

## **7.0 OTHER REPRESENTATIONS**

7.1 The application received several letters from neighbours objecting to the proposal on the following grounds;

- the need for a hardcore track and size of the track,
- the type and number of vehicles expected to use the track,
- surface water flooding
- nearby protected trees
- recently sold off parcels of land.

## **8.0 SUPPORTING INFORMATION**

8.1 Proposed Materials (06/02/2024)

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012 – 2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

9.2 **National Planning Policy Framework (NPPF)**  
Achieving well designed places

9.3 **West Lancashire Local Plan (WLLP) 2012 – 2027 DPD**  
Policy GN1 – Settlement Boundaries Policy  
Policy GN3 – Criteria for Sustainable Development Policy  
Policy EC2 – The Rural Economy  
Policy IF2 – Enhancing Sustainable Transport Choice

9.4 **Supplementary Planning Document**  
Design Guide (2008)  
Development in the Green Belt (2015)

## **10.0 OBSERVATIONS OF DEPUTY CHIEF EXECUTIVE**

10.1 The main considerations for this application are:

*Principle of Development – Green Belt*

10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012 – 2027 DPD provide the policy framework against which the development proposal will be assessed.

10.3 Paragraph 155 sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One such form of development is "engineering operations".

- 10.4 The development proposes engineering operations in connection with an agricultural use. The route proposed is new however, it benefits from an existing gated access to the site and will be seen in the context of the existing agricultural land. It is my view that the proposed access track does not result in adverse harm to the openness of the Green Belt and does not conflict with any of the purposes of including land within it.
- 10.5 The proposal would not comprise inappropriate development in the Green Belt and would comply with the requirements of the NPPF and Policy GN1 of the West Lancashire Local Plan (WLLP).

#### *Flooding Related Issues*

- 10.6 There have been concerns raised regarding the issue of flooding following the surfacing of the access track. The proposed surfacing measures approximately 4.7m in width x 35m in total length. The proposed site sits within Flood Zone 1. The Principal Engineer initially objected to the proposal (29/01/2024) on the basis that the proposal would undoubtedly exacerbate existing flooding on Higher Lane as the surface water run-off will increase.
- 10.7 In response, the applicant clarified the proposed material to be used would be MOT Type 3 which would consist of pure crushed granite, basalt or limestone. On this basis, the Principal Engineer (08/02/2024) withdrew their objection. It is therefore considered that the proposed development would not give rise to further risk of flooding from additional surface water run-off.

#### *Highways*

- 10.8 There is a current site access, off Higher Lane, that sits close the tree-lined boundary separating the fields. This access forms the basis of the proposed access track. As demonstrated on the amended plans, received 2<sup>nd</sup> May 2024, and following comments received from LCC Highways, a gated access has been moved back approximately 10m from the highway to allow vehicles to pull clear of the highway when entering the site.
- 10.9 It is of the opinion of LCC Highways that the proposal would not have a severe impact on highway safety or highway capacity subject to the provided conditions including extension of the existing dropped kerb, any gateposts erected at the access shall be positioned 10m behind the edge of the highway and a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

#### *Impact on Residential Amenity*

- 10.10 Policy GN3 of the WLLP allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 10.11 It is my view that the proposal would not result in a significant increase of agricultural activity on this agricultural land. I am satisfied that there would be no

adverse impact on neighbouring properties, none of which are in close proximity, as a result of the proposed development.

### *Visual Appearance/Design*

- 10.12 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.13 The access track would be used for agricultural purposes and is of a sufficient width and length to accommodate large farm vehicles and machinery accessing the land for agricultural operations. I am satisfied that the materials proposed are appropriate and that the size and extent of the track is in keeping with the character of the area and use of agricultural purposes.

### *Other Matters*

- 10.14 Concerns have been raised regarding the impact on the existing Tree Preservation Orders in the immediate area. However, it is noted that the siting of the proposed surfacing measures approximately 38m from the nearest TPO situated to the residential dwelling Woodvale. Considering this extensive distance, it is my opinion that the development would not result in any harm to the protected trees.

## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed development is considered acceptable in that the proposed surfacing of an agricultural access track would not comprise inappropriate development in the Green Belt and would not result in any significant harm to highway safety and capacity, drainage, residential amenity and the character and appearance of the street-scene.
- 11.2 The proposed development is therefore considered to be compliant with the NPPF and Policies GN1, GN3, EC2 and IF2 of the West Lancashire Local Plan 2012 – 2027 DPD and the application is therefore recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be granted subject to the following conditions:

### **Condition(s):**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Submitted Application Form;  
Site Location and Site Plan (/045 and /046);

Received by the Local Planning Authority on 2<sup>nd</sup> May 2024.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012 – 2027 Development Plan Document.

3. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be outlined on the following plans and documents:

Submitted Application Form;  
Site Location and Site Plan (/045 and /046);

Received by the Local Planning Authority on 2<sup>nd</sup> May 2024.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012 – 2027 Development Plan Document.

4. No part of the development hereby permitted shall be used until the existing drop kerb has been extended to the existing gatepost at the carriageway edge and a 2-vehicle cross-over constructed across the footway fronting the site in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: In the interests of pedestrian safety and accessibility and to ensure compliance with the requirements of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012 – 2027 Development Plan Document.

5. The part of the existing access extending from the highway boundary for a minimum distance of 10m into the site shall be paved in tarmac, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and to ensure compliance with the requirements of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012 – 2027 Development Plan Document.

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 10m behind the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety and to ensure compliance with the requirements of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012 – 2027 Development Plan Document.

## **Reason for Approval**

The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire

Policy GN1 – Settlement Boundaries Policy  
Policy GN3 – Criteria for Sustainable Development Policy  
Policy EC2 – The Rural Economy  
Policy IF2 – Enhancing Sustainable Transport Choice

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report.

## **13.0 SUSTAINABILITY IMPLICATIONS**

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

## **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

## **16.0 HEALTH AND WELLBEING IMPLICATIONS**

16.1 There are no health and wellbeing implications arising from this report.

## **Background Documents**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

## **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

## **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

### **Appendices**

None.