

24/11/0039

MR K MADGE

**CHANGE OF USE OF AGRICULTURAL LAND FOR STORAGE WITH LANDSCAPING AND ACCESS ENHANCEMENTS AT MOOR COTTAGE, NORTH CURRY**

Grid Reference: 331837.125842

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal for the following reason

- 1 The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway, with consequent additional hazard to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).
  
- 2 The application, which proposes the removal of a substantial area of existing roadside vegetation, is considered to be unacceptable as it would have a detrimental landscape impact on the character of the area, contrary to Taunton Deane Local Plan Policies EN6 and EN12.

ALSO

As this is a partially retrospective application that was submitted as a result of an enforcement complaint and investigation, it is further recommended that the Solicitor to the Council be authorised to serve an Enforcement notice and take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- Cessation of the use of land for the delivery, storage, processing and distribution of firewood/logs.

Time for compliance - 9 months

**PROPOSAL**

The application is to change the use of agricultural land for the storage, processing and delivery of firewood together with landscaping and access enhancements. The agent considers the use ancillary to agriculture and appropriate in the countryside. A highway assessment, a landscape report, a protected species survey and flood risk assessment have been submitted. The applicant previously worked from a site in Thornfalcon, but this was too expensive to operate.

The agent states that it is an enterprising rural business in connection with the adjoining dwelling where the operator lives. Cordwood (resembling freshly cut tree trunks, comes from Somerset and Devon, and is all FSC sourced) is usually delivered 2 to 5 times a year, the initial delivery was 3-4 times a year to provide a stockpile, with each delivery taking about 20 minutes to off load, the delivery vehicle stands on the highway to off load. The deliveries are just to the north of the southern access, where an area of 16m is shown for HGV delivery, from which it was taken to the northern part of the site by tractor and mechanical arm. It is stacked and stored for 18 months, chopped and split using a mechanical splitter and stored in bags for a further 12 months to season. It is delivered to customers, 6-8 deliveries per day usually through the winter, this being in 1 or 2 round trips. Thus there are around 2 traffic movements per day in winter and 2-3 per week in summer. The deliveries set out from the northern access.

The highway assessment considers that the delivery and unloading of the cordwood is similar to refuse collection or recycling vehicles from a number of properties, or to a builder's lorry to construction site or a vehicle bringing white goods to a domestic property. The assessment considers that this section of the road serving the site which is about 100m from the 30mph speed limit, outside the village, is not a trunk road, and thus considers the standards set out in "Manual for Streets" rather than "design manual for Roads and Bridges" to be appropriate. The assessment considers that there will be no greater use of the northern access than that generated by agricultural use of the fields. And that there is basically no increase in traffic generated by the lawful use.

The proposal includes amendments to the northern point of access and additional landscaping. It is proposed to create additional structural landscaping to the southern and eastern boundaries with a new east-west 5m landscaping area across the site to screen the log storage. Landscaping required for a previous approval for a stable block is also shown. A new hedge is shown to the west adjacent to the area shown as being removed for visibility improvements. The area shown for visibility improvements to achieve 2.4 x 60 to nearside in a northerly direction and 2.4 x 43m to centre line in a southerly direction, would remove a significant amount of vegetation.

## **SITE DESCRIPTION AND HISTORY**

The site is on the eastern/right-hand side of Moor Lane, being the last dwelling, as one leaves North Curry. The site is currently grassed for the main part with the northern end already used for the purpose of log storage and sawing of the wood for firewood and subsequent storage of sawn/cut wood in large 'dumpy' bags. Vehicular access is at three locations, the southernmost is an agricultural access for the applicant's field and other agricultural land, the access closest to Moor Cottage is to just to the south of the dwelling itself, and the third is approx. midway between the dwelling and the northern end of the site. This access is to the garage of the property and the log business. It has a significant bend around prior to reaching the field, which results in the storage area currently being screened from this aspect. There is a substantial tree and hedged boundary alongside Moor Lane, which separates the northern part of the site from the highway. The land is generally more open to the south and the site can be seen from the churchyard and adjacent public footpath.

In the Taunton Deane Local Plan, the site is open countryside, with the majority of the site within the Levels landscape area, and in an area liable to flooding, and within

close proximity to an area of high archaeological potential to the south and the Curry and Hay Moors SSSI to the north.

### History

24/77/0013 erection of dwelling to north of Moor Cottage, REFUSED as in open countryside and not for agricultural use, 13/06/77;  
24/80/0044 erection of dwelling to north of Moor Cottage, REFUSED as in open countryside, in special landscape area and not for agricultural use, 20/11/80;  
24/93/0039 extension of residential curtilage into field, APPROVED 27/09/93;  
24/02/0013 erection of single storey side extension and change of use of part of field to garden, APPROVED 21/06/02;  
24/05/0052 erection of stables (four stables and tack room) to north of Moor Cottage, APPROVED subject to implementation of a landscape scheme to the east of the stables, 16/02/06;  
24/05/0054 formation of vehicular access, this was to the south of the dwelling, County Highway Authority APPROVED subject to conditions, 24/02/06.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*NORTH CURRY PARISH COUNCIL* - supports the granting of permission subject to the following conditions:

1. The landscaping bordering the South side of the working area to be increased in width to double that shown on the plan and for it to consist of a variety of native shrubs and trees, so giving a dense screen from ground level to a considerable height as soon as possible.
2. The trees to be planted adjacent to the road close to the track beside Whitewell Cottage to be set back from the road so as not to impede visibility when exiting that track.
3. Working hours to be limited to those suggested by the Environmental Protection team.
4. A lay-by to be created sufficient to accommodate lorries delivering cord wood to the site, and cord wood to be moved to the processing area within 48 hours.
5. The size of the operation to be limited to that shown on the plans.

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

I refer to the above mentioned planning application and following a site visit, I have the following observations on the highway and transportation aspects of this proposal.

The proposal seeks retrospective planning permission for a change of use from agricultural land to business use, for the storage, processing and delivery of firewood.

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of their daily needs, deliveries and customers. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the

provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of District Local Plan.

However, it must be a matter for the Local Planning Authority to decide whether the change of use of this land or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The site is located on Moor Lane, a classified unnumbered road subject to the national speed limit of 60mph. However, it is accepted that in this location vehicle speeds will be lower than this due to the width, horizontal alignment and rural nature of the road. Moor Lane is well used, and traffic volumes are considered high for this type of road.

In terms of the detail, the proposal seeks to improve and use an existing access into the site. The improvements include the provision of a 2.4m x 60m visibility splay to the north and 2.4m x 43m to the south. Whilst these are not in accordance with the Highway Authorities usual standards, there is a reasoned argument for this particular application of betterment to the existing access. Also, and more importantly is the argument that a larger visibility splay would improve visibility along Moor Lane and therefore increases the potential for increased traffic speed which is not considered appropriate along this route.

Therefore, the visibility splays are considered adequate in this instance.

However the area marked as the 'HGV delivery Area' does raise the concern of the Highway Authority, and in particular highway safety issues. This issue has been highlighted by the Highway Authority, during pre-application discussions with the Applicants agents.

The parking of a large HGV on the highway, as proposed by this application, causes an obstruction to other motorists using the highway. Vehicles approaching the parked HGV (whilst delivering for 20-30minutes) travelling south, would have approx. 80m of clear visibility to realise that there was a parked vehicle and either brake to a full stop or decide to pull out and overtake.

The use of Manual for Street visibility distances, are applicable in urban (built-up) environments where motorists behave in a different manner and are likely to encounter obstacles such as parked vehicles or junctions, etc The Design Manual for Roads and Bridges visibility distances should be applied in rural settings where these obstructions are less likely to occur and as such motorists do not anticipate such hazards readily.

Using the DMRB guidance on visibility, 80m clear visibility to the parked HGV would be sufficient for vehicles travelling at approx. 35mph, but any vehicle travelling at a higher speed, as is likely to be the case, would require greater visibility.

In addition to the above concerns, the inter-visibility between vehicles travelling in both directions (and wishing to manoeuvre around the HGV) is restricted to approx. 50m due to the road alignment and this distance is not considered sufficient.

For these reasons, the Highway Authority suggested during pre-application discussions that a loading/unloading area should be considered within the application site, which would remove this particular safety concern.

I would recommend that this application be refused on highway grounds for the

following reason:

The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway, with consequent additional hazard to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).

*LANDSCAPE LEAD* - The proposed visibility splay requirements will have a significant impact on the existing hedgerow and its removal will have a detrimental landscape impact on the landscape character of the area.

*BIODIVERSITY* - The roadside hedge to be removed for visibility, should be checked for wildlife prior to any removal. On receipt of ecology survey of hedgerow, - if pp granted, condition suggested.

*ENVIRONMENT AGENCY* -no objection subject to conditions on not raising the ground level or storage within 3m of watercourse.

*DRAINAGE ENGINEER* - no observations.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - I note from the application (sec 22) that the development relates to the storage, splitting and delivery of firewood. There is no mention of any plant or machinery that would be used as part of this process, or of the proposed hours that the site will operate.

If machinery is to be used as part of this development there is the potential for it to be operating throughout the year, whereas machinery on agricultural land tends to be used for short periods of time at each location. If any machinery is used at unreasonable times, or is loud and persistent it could disturb nearby residents.

Therefore, if the development will involve the regular use of plant and machinery I would suggest a condition to limit the hours that this can be used. This would need to be amended to include details of the plant that will be used on site.

## **Representations**

13 Letters of objection (11 from North Curry) raising the following points:

### Traffic/Access

- Dangerous access to and egress from the site;
- There is no proper access to the site;
- Unloading takes place on the road close to a blind bend and on a road with no speed restriction;
- There are about 200 dumpy bags, this will result in 200+ traffic movements; Given that the area can be waterlogged in winter, a significant amount of mud will be left onto the road at a place where drivers often brake;
- There will have to be a relaxation of Highway regulation which would be a dangerous situation;
- Previous highway objections;
- The tree trunks are delivered in a double load lorry with grab arm which parks in the middle of the road, obstructing the flow of traffic in both directions;

- Deliveries have taken place early morning and late afternoon when the light can be subdued;
- There have been several deliveries in one day;
- When Moor Lane is closed due to flooding, there are always more vehicles in the congested centre of the village;
- The Traffic Commissioner would be unlikely to issue an operating licence to allow goods vehicles exceeding 3.5 tonnes from what is an inappropriate vehicle operating base, thus most journeys will be done in small vehicles and there will be significant traffic generation;
- There have been numerous near misses in the vicinity of the site, as there is a blind bend at the bottom of the hill;
- Even if wholesale distribution to other sources takes place, the number of movements will not reduce;

### Environment

- Noise from machinery running all day and into the evening;
- The use of chain saws for many hours is disturbing to neighbours;
- Debris and off cuts are burnt on site with smoke and smells to the discomfort of neighbours;
- The smell drifts across roads;
- The dumpy bags are an eyesore;
- There are visible from the Church which stands in a designated landscape feature;
- Previous applications for applications which affect the view of the Church have been refused in the past;
- The noise of machinery will be audible from the Church and Churchyard;
- The piles of wood and other paraphernalia is an eyesore in a picturesque area;
- The dumpy bags are not temporary and unsightly;
- The land is prone to flooding, generally water logged in winter, any access into the field would have to have a 'sound' base which would add to the 'eyesore';
- This site is not suitable for such a business;
- An inappropriate location on a floodplain, if the site is raised, the floodplain capacity would be reduced, if moved to the higher land it would be more visible;
- Multicoloured plastic bags are very visible across the moor;
- There are locations within one of the many disused dairy units around where large farm traffic is established;
- The description omits the processing and delivery of firewood as this is integral to the business;
- Objections are based on the observations of a neighbour of the ongoing activities, there is noise, trade waste, policy, road safety and visual effects;
- There has been noise of a mechanical splitter and movement of large vehicles in the evenings and at weekends, outside normal working hours;
- Considerable debris is left at the side of the road following unloading;
- The cordwood is left adjacent to the roadside for 3 weeks after delivery – not moved straight away as stated by the agent;
- The road has become muddy and slippery due to lorries;
- The changes to access will not solve the problems and will result in the removal of established hedgerow which will have a detrimental impact on the landscape;
- The view across the moors should be protected;
- No amount of landscaping will disguise the visual mess that has been made to the most beautiful side of North Curry village;

### Policy/Other

- For more than 30 years I have supported rural industry, however this activity is in

the wrong place;

- There is no reference to storage of house coal and smokeless fuel which are stored on site;
- The applicants view that the use is akin to forestry is misleading as forestry is growing, harvesting and felling of trees, none of these activities take place on site, the business has been relocated following purchase of the site;
- This application does not secure sustainable economic growth, so should not be treated favourable under policy PPS4, as there is only one employee and there is no intention to expand;
- This is not a diversification of a farm based enterprise – there was no farm based or other at this site previously;
- This is not agriculture or forestry, it is processing of wood grown elsewhere;
- The use does not respect the distinct character and appearance of the Landscape Character Area – Policy EN12.

25 Letters of support (10 from North Curry) raising the following points:

### Traffic

- Move the 30 MPH sign to north of Lawnmoor Farm will help;
- Mud on the road applies to most agricultural accesses;
- When Moor Lane is closed due to flooding, there is less traffic as a short cut is closed;
- The increased visibility will increase road safety;
- The 2002 access was for non agricultural use, for vehicle movements in excess of current scheme;
- The deliveries are no different to other large vehicles such as heating oil, septic tank disposal, refuse and recycling lorries;
- The main danger on Moor Lane is from drivers who lack judgement of width of road, bends and show no consideration of other road users including pedestrians, cyclists and horse riders;
- There is only minimal extra traffic, and only from smaller vehicles than the average local “Chelsea tractor”;
- Cars can pass the lorry whilst unloading takes place;
- The recycling lorry blocks Queens Square every week;

### Environment

- Support, provided the landscaping is provided;
- It is not a noise nuisance, and wood is only cut in spring and summer;
- Extensive landscaping is to be provided;
- Smoke also comes from the withy beds;
- There has always been a certain amount of mud on this road, there has not been an increase in the last few months;
- This is similar to other rural enterprises such as silage bales, storage barns and farm machinery;
- Farm vehicles are more culpable in mess on the roads;
- Minimally invasive;

### Rural business/other

- Encourages a working community;

- Local business helps the area;
- The ideal location for such a business;
- A sustainable energy source;
- An appropriate use of the land;
- Proposal is modest;
- Complies with policies;
- Applicant is my supplier.

## **PLANNING POLICIES**

PPS7 - Sustainable Development in Rural Areas,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

EN12 - TDBCLP - Landscape Character Areas,

EN28 - TDBCLP - Development and Flood Risk,

EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The business is in operation at the present time, so the impact of the use can be assessed. There are several main issues and these are addressed below:

### Traffic/loading/unloading.

The lorries bringing the cordwood presently unload on the highway close to the southern access. This process apparently takes about 20 minutes and results in one part of the road being blocked. Vehicles can pass the lorry, but there would be restricted visibility due to the lorry itself and the curve of the road with Moor Cottage and then the associated vegetation along the area to the north. The planning application includes plans to remove a significant area of vegetation alongside the highway, but it is difficult to see how this would significantly help the vision for motorists when Moor Cottage is end on to the highway in a prominent position. The County Highway Authority recommends refusal on the basis that the development does not make adequate provision for the loading and unloading of goods vehicles, and would therefore encourage such vehicles to park on the highway, with consequential hazard to road users.

The smaller lorry which delivers the firewood uses the northern access point, and this would benefit from these increased visibility splays. The area between the highway and the field is surfaced such that mud is not deposited onto the highway.

The agent and some supporters of the scheme have commented that there are many other vehicles which stop within the highway to collect (refuse/recycling lorries) and others which deliver (builders merchants, oil tankers etc.). Whilst such a statement cannot be contradicted, it could be said that such instances are accepted as part and parcel of driving. One will expect refuse and recycling lorries on a regular basis, but these vehicles usually do not stay for more than a few moments before moving off. Delivery vehicles are a feature of both urban and rural areas, but deliveries are usually infrequent; the Local Planning Authority has to consider that if permission were granted for this application this could be seen as encouraging such unsocial, and potentially hazardous, unloading. It is considering that unloading from



a position on the highway is unacceptable.

The traffic generation from this site is not considered to be such that it warrants a reason for refusal. The County Highway Authority does not have records of any traffic accidents along this section of road, either as there have been no personal injuries or as there were no reports to the police.

#### Environment:

The dumpy bags are seen from Moor Lane to the south of the Cottage and from the public footpath beside the churchyard, these are generally screened from most of Moor Lane. If the area of roadside vegetation is removed, there is a possibility that more of these bags will be visible from public viewpoints prior to the proposed landscaping becoming established.

The additional landscaping would help screen some of the storage area from the elevated public footpath, and the boundary treatment will help in overall landscaping but a 12m long area is left un-landscaped to allow for the unloading, with an area of 16m shown on the highway for the unloading area. Thus the site will be visible from this point. The proposed cross field landscaping could help mitigate this in due course.

The loss of the vegetation alongside the highway is in itself an issue and the Landscape Lead objects to this element of the proposal. Whilst this site is on the way to/from the levels, which are more likely to be demarked by ditches with some willows, this area of Moor Lane is characterised by this area of roadside vegetation. It is considered that there will be landscape impact from the removal of the existing established roadside vegetation, which will not be mitigated for several years, by the proposed replacement planting.

There have been several comments about hours of operation and noise from machinery. These could be conditioned such that the hours are normal working hours with no evening or Sunday working and a noise condition could be imposed. Bonfires are more difficult to control, however the applicant has stated that most of the off cuts go for kindling, and sawdust in dumpy bags goes to farmers or for horses' bedding. He has stated that there is little 'debris' left for a bonfire, and his recent bonfires have been hedge trimmings and rubbish previously left in the dwelling. Much of the remaining wood related 'debris' is burned on his inside fire.

Given that there are withy beds on the moors, burning of cut vegetation does take place on occasions. There are often piles of plastic covered bales in the countryside, often forming significant eyesores, which are accepted as they are agricultural and usually temporary, even if that may be for some years. It is not the intention of the applicant to expand over and above the level of activity currently undertake, and now that the stockpile has reached a particular size, the number of deliveries should be less this year.

In summary in respect of the objectors' view that visual intrusion is apparent, it is not considered that the impact is such that would warrant refusal. The site can be seen from public footpath by the churchyard, but it is not such that could not in due course be landscaped and mostly screened.

#### Policy/other

This site is outside development limits where new developments are strictly controlled, however PPS7 emphasizes both objective to raise the quality of life and the environment, and the promotion of sustainable economic growth and diversification. There should be good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources. There should be promotion of competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies. In respect to rural areas all development should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

### Summary

The current application is not a farm diversification, it is one person's main employment, with office support from his partner. It is not ancillary to an agricultural main business, where a wood business is carried out at quiet times, it is not forestry where the wood is grown, managed and cut for timber, this is a main industry in a location close to a village. There are some limited economic benefits, this use employs one person full time with clerical support, it is his source of income and it provides a local source of firewood. However it could be carried out in a location within an established range of farm buildings or farm yards or within an industrial area. Given the source of the cordwood is from outside the immediate area, the main reason which brings the operation to this site, is land ownership. It is not considered that the economic benefit for this applicant outweighs the detrimental impact of the removal of the vegetation or the unloading hazards and the application is therefore recommended for refusal.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**