

**4/03428/15/RET - AGRICULTURAL ACCESS FOR LAND AT BOVINGDON AIRFIELD.
BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD.
APPLICANT: WJ & M Mash Limited.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The principle of the vehicular access serving agricultural land in this Green Belt location is acceptable. There is no highway safety objection subject to the access being only used for agricultural vehicles and the imposition of other highway related conditions.

Site Description

A vehicular access has been formed on the north west side of the Chesham Road (B4505), just beyond the built up limit of Bovington within the Green Belt. This has been subject to an enforcement investigation.

It is located about 100m south west of the Chesham Road - Molyneaux Avenue junction. The Chesham Road - Ley Hill Road junction/ bend is approximately 160m to the south west.

The access serves agricultural land at Bovindgon Airfield which is separated from the carriageway edge by a 1.6m high metal gate supported by brick piers. There is a 4m wide and 6m length hardsurfaced short accessway between the gate and the carriageway edge.

There are wide elongated highway grass verges to each side of the access bounded by trees / hedging planting providing sight lines in both directions. There is no public footpath on this side of Chesham Road. The access is within the 30 mph limit. To the south west of the 30mph limit this changes to 40mph about 80m from the access.

Proposal

This is for the existing access to be used for agricultural purposes only.

The Agent has confirmed that the Airfield features 60 acres of newly established grass ley. The grass is usually rotated with arable crops, but grass ley will be grazed by cattle and cut for silage.

The Agent has explained the existing access points are to the Airfield and not ideally suited for large agricultural machinery. The Agent notes road speeds on the existing access points are not ideal for slow moving flat trailers, cattle trailers etc and therefore the access has been constructed within the 30mph zone.

Relevant Planning History

Planning permission 4/0189/15/MFA was recently granted for the relocation of the Bovindgon Airfield Market with associated modifications to the access arrangements.

The report noted the following regarding the highway implications including reference in the 3rd paragraph to the access subject to the current application:

'This application does not seek to alter the current access arrangements (off Chesham Road, at the westernmost point of the site), or the existing egress (nearly opposite Whelpley Ash Farm). As the size of the market (in terms of the land covered by market stalls) is also remaining the same, it is considered that the proposals would not result in any adverse impact on the public highway.

A further egress is proposed onto Molyneaux Avenue and it is noted that this aspect has generated an objection from the prison, who have raised a concern that this would add to traffic flows using Molyneaux Road at a time when family visits take place, and Bovingdon Parish Council. However, this is a historical access onto the site and is already in use. Nevertheless the original planning permission for the market did not include this egress. It must be noted that the vast majority of visitors would continue to use the existing egress onto Chesham Road, while only a small proportion of the overall traffic volume would use the egress onto Molyneaux Avenue. To ensure that the current traffic movements continue in this fashion it is necessary to add a condition seeking that only staff and market traders use the Molyneaux Avenue egress.

Other local residents have complained about a new access that has been formed off Chesham Road (between the current egress and the junction with Molyneaux Avenue). However, as the submitted documents clearly show this new access is not connected with the market's plans and is outside of the red outline of the site. It must further be noted that this newly formed access is unauthorised and is currently subject to a planning enforcement investigation, which may seek to enforce the removal of this access and the re-insertion of the roadside hedge at this point.

Overall, it is considered that this application could not be refused on highways grounds and it is noted that this development is considered acceptable to the Highway Authority'.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council following two consultations.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Guidance Notes

Dacorum Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS5 – Green Belt

CS8 - Sustainable Transport

CS9 - Management of Roads

CS10 - Quality of Settlement Design

S12 - Quality of Site Design
CS25 –Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
Countryside Place Strategy Paras 26.10 and 26.13

Saved Policies of the Decorum Borough Local Plan

Policy 52
Policy 54
Policy 61
Policy 63
Policy 99
Appendices 1, 2, 3, 4, 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)

Representations

Bovingdon Parish Council

First Consultation

Object . The Parish Council query the necessity to have another gate and to clarify what is the agricultural use. As there are other accesses to the site another access is not required.

Additional Information provided by the Agent

In our opinion the existing accesses are large enough for agricultural vehicles and if not, then suggest modify existing access rather than create new one.

Trees & Woodlands

No response.

Scientific Officer

No response.

Hertfordshire County Council : Highways

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to recommended conditions.

Hertfordshire County Council has no objection to the proposed new agricultural access

subject to the applicant entering into a S278 Agreement and the following conditions.

Recommended Conditions

Condition 1. Use of this access, hereby granted, is restricted only to agricultural vehicles. Reason: In the interests of highway safety.

Condition 2. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (JR-DM-2.0) in accordance with Roads in Herts Design Guide 3rd Edition. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Condition 3. Prior to the commencement of the use hereby permitted visibility splays measuring 2.4 x 120 metres to southwest and 2.4 x 90 metres to northeast shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety.

Condition 4. Prior to commencement of the use hereby permitted, any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site. Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.

Other Recommendations

S278 Agreement: Work within the highway boundary must be secured and approved via a S278 Minor Works Agreement with HCC

Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Analysis

1. Description of the Proposal. This is an application for an agricultural access. The access has already been created; the gate has been installed, hardcore 'scalpings' laid and the boundary hedge has been substantially cut-back.
2. Location of Access. A field access is proposed from B4505, a secondary distributor, to the southwest of Bovington village. The access is located within a 30mph speed limit. The limit changes to 40mph approximately 80m from the access.
3. Analysis. It is appropriate that the standards found in Design Manual for Roads & Bridges be used to analyse this application.
4. Sightliness. The applicant has not provided any information about the volume and speed of traffic on B4505, nor has it been separately measured. The approach speed from the southwest is however expected to exceed the 30mph speed limit. In order to

provide a factor of safety it is appropriate to assume that the speed limit is 40mph and provide sight lines accordingly, as confirmed by Dermot McCafferty, Highways & Transport Consultants, in their letter dated 2 February 2016. The sight line for a 40mph speed limit is 2.4m x 120m.

From a site inspection, it appears that the sight line towards the southwest is partially obscured by a 'gateway feature' previously installed by Hertfordshire County Council some time ago. The street furniture included within gateway feature is; 3 traffic signs, 2 posts, a wooden post and a '5-bar' gate. Whilst it might be possible to see-through the gaps, due to its distance from the access, an oncoming small car or motorcycle would be significantly, if not fully, obscured from vision at the new access. In addition, it is apparent that, without maintenance the boundary hedge would also limit visibility. The result is that the unobscured sightline to the southwest is approximately 2.4 x 85m. This is not acknowledged within the application.

As there is no traffic speed data, it is not possible to determine whether the unobscured sight line of 2.4 x 85m is appropriate. However, working backwards, it can be stated that 85m equates to stopping sight distance for an approach speed of approximately 36mph.

5. Trip Generation. As this application is for agricultural access, it is expected that the number of vehicles using the access will be very low. If its usage was restricted to only vehicles with an agricultural purpose, it is suggested that the risks associated with the available sightlines would be acceptable, provided the boundary hedge was maintained.

There is however reference to the 'ultimate use' of the land within the letter from Dermot McCaffery. Should an intensification of use be intended e.g. for the market, it is recommended that a survey is undertaken to determine the actual approach speed of traffic from the southwest. An intensification of use would require more rigid application of uninterrupted sight lines.

6. Layout of Access. As this access is expected to be little used it is acceptable for its layout to be that of a simple crossover, with kerbs placed along the edge of the carriageway.

Conclusion.

This assessment identifies highway safety risks should the use of this access intensify above that associated with agricultural purposes. However the Highway Authority does not wish to restrict planning permission for the current application for agricultural access, subject to the above mentioned conditions.

Response to Neighbour Notification/ Site Notice

None.

Considerations

The key issues are the respective rural economy, the Green Belt and highway safety implications.

The application must be determined on the basis that no consideration is given to the fact that the access has already been constructed.

Policy and Principle: Rural Economy and Green Belt

Rural Economy

Paragraph 28 of the NPPF supports a prosperous rural economy. Planning policies should support economic growth in rural areas, including the promotion of the development and diversification of agricultural and other land-based rural businesses.

Dacorum Core Strategy Countryside Place Strategy Local Objectives include supporting the local economy particularly farming and local food production. Core Strategy Paragraph 26.9 confirms that 'to ensure a prosperous countryside, the needs of farmers and others engaged in land management activities will be recognised and supported through planning policies', with infrastructure for agriculture lacking in the Borough.

The access will serve an established agricultural use in accordance with national and local policies supporting the rural economy. The Agent has confirmed that the land to which the access serves is in agricultural use. This information has recently been received (and since HCC Highways advice):

1. The agricultural holding is situated just outside Chesham in Buckinghamshire and consists of approximately 465 Hectares of grass and arable land. Torrington Farm is central to the main operations of the farm and has been farmed by the Mash family for over 100 years.
2. WJ & M Mash have been breeding pedigree Limousin cattle (Brockhurst Herd) since 1988 and have around 230 head of cattle, with approximately 100 breeding cows, 6 breeding/stock bulls and the remainder calves and young stock. Calving occurs at set times throughout the year.
3. The first cattle purchases came from the famous Tanhill and Uplands sales and further animals have been imported from France and Ireland. The initial cattle that were imported had a big influence on the breeding within the herd and they have achieved many successes in the show ring.
4. Since 1988 the herd has bred many prize winning cows and bulls and accolades include Royal Show Champion, Royal Highland Champion, Female Champion at the Royal Show, Reserve Interbreed Champion at the Suffolk Show, Interbreed Champion at the Kent Show, Bucks Show, East of England Show and Royal County of Berkshire Show.
5. Approximately 360 hectares of the 465 hectares is dedicated to the arable enterprise within a crop rotation of wheat, barley, peas and oil seed rape. The remainder of the land is grass and grazing land associated with the cattle enterprise. The land at Bovington Airfield is primarily utilised as part of the cattle enterprise. The land at Bovington Airfield is grazed by the cattle but is also cut for silage up to 3 times a year. In order to maintain the land at Bovington Airfield, the land is regularly fertilised, rolled/harrowed, has muck spread on it and is sprayed.
5. The soil at the airfield is a medium clay loam that has a five year ley of Italian and perennial rye grass. During 2015 the grass was grazed by the cattle and also harvested for a number of silage cuts. In the next few weeks cattle will return to the

grass at the Airfield.

6. The agricultural land at Bovingdon Airfield forms an essential part of the cattle enterprise and is heavily relied upon for grazing and silage for feed. To transport livestock and silage bales, tractors and trailers are utilised. The access which is the subject of this application provides the best sight lines of any access at the airfield. The sight lines on the proposed access provide the drivers of slow and long agricultural machinery (tractor plus trailers are a maximum of 18m and 25m in length depending upon the number of trailers) more time to anticipate vehicles moving on the road, improving their safety and more importantly, the safety of other road users.

7. As with all good land management and livestock management, inspections are regular (cattle up to three times a day) and the grassland requires constant maintenance. The average movements in a day at the new access is six. It is likely however that this would significantly increase during times of silage cutting and carting during the summer and spring months, but this would be limited to less than 10 days in the year.

It is accepted that the access serves an established agricultural use.

Green Belt

Core Strategy Paragraph 26.13 confirms that there are still pockets of derelict land associated with Bovingdon Airfield, which is within the Green Belt and will in time revert back to their more natural state.

Agricultural buildings are acceptable in the Green Belt. Also NPPF Paragraph 89 of confirms 'certain other forms of development not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'. These include engineering operations.

The purposes of the Green Belt are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal involves an engineering operation which is an acceptable form of development in the Green Belt to serve an appropriate use in the Green Belt. Therefore the principle of the development is acceptable. The development will not affect the established openness of this part of the Green Belt.

There will be no overriding harm to the visual amenity of the Green Belt, taking into account the need to maintain the respective visibility sight lines by regular maintenance of the grass verges (see HCC Highways response).

Highway Safety

Hertfordshire County Council Highways has comprehensively assessed the safety implications.

Fundamentally it will be necessary to ensure the access is **only** used for agricultural purposes.

On this basis HCC Highways has concluded that the access is acceptable. This is subject to the imposition of conditions and the separate approval by the Highway Authority. These include the upgrading of the existing unlawful access (including the drainage to ensure that there is no surface water discharge onto the highway) and the permanent provision of the recommended sight lines within the verge.

Other Issues

There are no other apparent objections. This takes into account soft landscaping , ecological implications, security, drainage, contamination and there being no requirement for an environment impact assessment.

Conclusions

National and local policies support the very important role of agriculture in the rural economy. The access is appropriate development in the Green Belt which will not affect its openness.

Based upon the Agent's information there is an agricultural requirement for the access which Hertfordshire County Council Highways Unit considers to be safe. This is only subject to its use for agricultural purposes.

Subject to the imposition of conditions the access is recommended for permission.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **Use of the vehicular access hereby permitted shall only be used for agricultural vehicles and shall not be used for any access to Bovington Market subject to Planning Permission 4/01889/14/MFA for the relocation of market from east/west runway to north-west/south-east runway, reconfiguration of associated car parking areas, installation of office and toilets, and formation of landscaping (including new bund).**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy, to accord with the details submitted with the application and for the avoidance of doubt.

- 2 **Notwithstanding the submitted details the vehicular access hereby permitted shall not be used until it is constructed fully in accordance with Roads in Hertfordshire Design Guide 3rd Edition.**

Reason: To ensure satisfactory access into the site and to avoid carriage of

extraneous material or surface water from or onto the highway in accordance with Policy CS12 of the Dacorum Core Strategy.

- 3 **The vehicular access hereby permitted shall at all times be served by visibility splays measuring 2.4 x 120 metres to southwest and 2.4 x 90 metres to northeast to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2 metres above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy .

- 4 **The access gate (and any associated bollard, chain or other means of obstruction) shall be hung to open inwards at all times and maintained at a minimum distance of 6 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction in accordance with Policy CS12 of the Dacorum Core Strategy.

- 5 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

JR-DM-2.0

JR-DM-3.0

JR - DM -4.0 : Site Plan

JR-DM-4.0 : Visibility Plan

JR-DM-4.0 : Elevations Plan

JR-DM -1.1

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

Highway Works

Section 278 Agreement: Work within the highway boundary must be secured and approved via a S278 Minor Works Agreement with Hertfordshire County Council Highways Authority.

Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1.

Contamination

The developer should keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.