

# DEVELOPMENT MANAGEMENT COMMITTEE 18<sup>th</sup> September 2023

**Case No:** 21/01621/FUL

**Proposal:** Creation of field access

**Location:** Land South of Kym Stables, Kimbolton Road, Hail  
Weston

**Applicant:** Mr C Patel

**Grid Ref:** 515369 263450

**Date of Registration:** 14<sup>th</sup> July 2021

**Parish:** Hail Weston

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## RECOMMENDATION - APPROVE

**This application is referred to the Development Management Committee in accordance with the Scheme of Delegation as the Officer recommendation of approval is contrary to the Parish Council recommendation of refusal.**

### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site is situated on Land South of Kym Stables, accessed via Kimbolton Road, Hail Weston. Kimbolton Road is characterised by open fields with sporadic trees along the boundary, though the proposed access point is exposed.
- 1.2 The land is located within flood zone 3 as designated within the Council's Strategic Flood Risk Assessment 2017 and on the Environment Agency Maps for Flooding.
- 1.3 Planning permission is being sought for the creation of a field access. This would be to serve a small independent parcel of agricultural land (0.76ha) which is not currently used and does not currently have vehicle access onto the adjacent public highway. Planning permission for the creation of the exact same field access was approved in 2013 under reference 130134FUL, though this has permission has now lapsed without action.

The application has been accompanied by the following:

- Traffic Speed Survey;

- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

## **2. NATIONAL GUIDANCE**

2.1 The National Planning Policy Framework (20 July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):

- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- achieving well-designed, beautiful and safe places;
- conserving and enhancing the natural, built and historic environment

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: <https://www.gov.uk>

## **3. PLANNING POLICIES**

3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

- LP1: Amount of Development
- LP2: Strategy for Development
- LP5: Flood Risk
- LP10: The Countryside
- LP15: Surface Water
- LP17: Parking Provision and Vehicle Movement
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerows

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

3.2 Supplementary Planning Documents (SPD) and Guidance:

- Developer Contributions SPD (2011)
- Huntingdonshire Landscape and Townscape SPD (2022)
- Huntingdonshire Strategic Flood Risk Assessment (2017)
- Cambridgeshire Flood and Water SPD (2017)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

#### **4. PLANNING HISTORY**

1301341FUL - Creation of field access - permission 25.11.2013

#### **5. CONSULTATIONS**

- 5.1 The Lead Local Flood Authority (LLFA) – were consulted and advised that this application type did not require their formal planning consultation. As such they would not provide an indication of support or objection. However, whilst they have not specifically raised any concerns, they do advise that the applicant would require formal watercourse consent in order to culvert the ditch to the front of the site and an informative note shall be added to any permission in this regard. This process is outside of the planning system, and so any decision on this application, has no bearing on this separate application process.
- 5.2 Cambridgeshire County Council (CCC) Highways - no objections to the proposal. Given the passage of time, Officers have consulted Highways again and their most recent response was on the 24<sup>th</sup> of August 2023 confirming that they maintain their position of no objection subject to a condition to relocate two chevron signs (if needed to improve visibility) which are in the approximate location of the proposed access.
- 5.3 Hail Weston Parish Council have been consulted three times and their comments are available to view on HDC's Public Access Site. Given the passage of time they have been consulted recently and provided their most recent comments on the 14<sup>th</sup> of August 2023. They maintain their objection on the grounds of:
- Highway safety concerns
  - Location of the access
  - Surface water flooding
  - The use of the section of land/agricultural heritage

Officer comments, the material considerations raised above are addressed in the proceeding sections of this report. It should be noted that this application is solely to consider the new access and not the use of the land.

- 5.4 Landscape Officer - No objections. The submitted Arboricultural Implications Assessment and Tree Protection Plan are acceptable. Therefore, support the proposed tree works subject to a compliance condition.
- 5.5 HDC Policy Team – No comments received at the time of determination.
- 5.6 Environment Agency – No comments received at the time of determination.

## **6. REPRESENTATIONS**

- 6.1 No objections received at time of determination.

## **7. ASSESSMENT**

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, however, there is not an adopted neighbourhood plan in place for Hail Weston. Therefore, whilst the adopted Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021) is considered relevant as part of the development plan, in this case no neighbourhood plans are given weight in the determination of this application.
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the

land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

7.5 The main issues to consider in the determination of this application are:

- Planning History
- The Principle of Development
- Highway Safety
- Flood Risk and Surface Water
- Impact on Trees

7.6 Planning History

Planning permission 1301341FUL approved planning permission in November 2013 for the creation of a field access to serve the same land as this current application site and be in the same location/same dimensions etc as that currently proposed. The initial plan submitted under this previous application showed the new access to be positioned further to the north, however after discussions with the highways team the access position was moved approximately 16m southwards in order to allow a forward visibility splay of 120m for vehicles turning into the site. The 215m westwards and 120m eastwards visibility splays were maintained. That permission was never implemented.

7.7 The principle of Development

The host site is not located within, or well related to a nearby designated built-up area therefore it is necessary to assess this scheme against Policy LP10 of Huntingdonshire's Local Plan to 2036 - The Countryside.

Policy LP10 states that all development in the countryside must:

a. seek to use land of lower agricultural value in preference to land of higher agricultural value:

- i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and
- ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;

- b. recognise the intrinsic character and beauty of the countryside; and
- c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

The site is located on Grade 2 agricultural land, however the proposed access point leads from the main highway over an existing ditch, to the field. This creation of a hardstanding access point will therefore be located on an area which would not otherwise be able to be used for agricultural purposes and as such the creation of an access point would not lead to the loss of the best and most versatile agricultural land. The proposal therefore complies with criterion a, i. of Policy LP10.

The proposed access point leads from an existing highway whereby small tracked roads and access points leading to surrounding fields are commonly found in the vicinity. The proposed development overall is of a minor scale and does not lead to the loss of a large section of hedgerow. Taking these points into consideration, the proposal would not compromise the intrinsic character and beauty of the countryside and would not give rise to impacts that would adversely affect the enjoyment of the countryside.

The proposed access point is therefore considered to accord with Policy LP10 of Huntingdonshire's Local Plan to 2036 and the NPPF (2021) in this regard and is therefore acceptable in principle subject to compliance with the other relevant policies and considerations.

### **Highway Safety**

- 7.7 Paragraph 111 of the NPPF (2021) sets out "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.8 The main issue is therefore whether there would be any severe adverse effects on highway safety and traffic flow arising from the proposed access. Hail Weston Parish Council (HWPC) consider the proposed entrance to be dangerous. HWPC undertook data capture on 18/06/22, and taking the average of both directions, has traffic numbers equal to highways estimate for 2025 of 7500 per day. In addition, from this monitoring data, a maximum speed of 91mph was cited in the Parish. Speeding bikes are well known on this road to residents, and the Police. Tragically fatal crashes were reported on 17/09/21, 04/10/2021, 29/11/2021, and 21/03/2016.

HWPC cite planning permission 1401104FUL on adjacent land for use of land for 4 private gypsies and traveller pitches. A new

access was proposed to serve this development approximately 94mm west of the existing access, and which was amended during the course of the application to set the gates back further into the site. A speed survey was also submitted in support of this application. Condition 10 of this consent, required the new access to be implemented prior to the occupation of the first pitch and that this access be used to access the pitches approved. It stated that the existing vehicle access to Kym Stables on site only be used to access the open countryside to the east and north of the pitches. This adjacent access is not within the applicant's ownership or control.

- 7.9 In determining whether the development would have severe residual cumulative impacts, Cambridgeshire County Council (CCC) were consulted. The proposal seeks to create an agricultural field access off Kimbolton Road. CCC Highways have raised no objection to the proposal, highlighting that the traffic speed survey submitted indicates no rise in highway safety concerns. The visibility is in accordance with the speed of the road. As this is an agricultural field access there is considered to be ample turning room within the site to enable manoeuvrability and any cleaning of vehicles when leaving the field as it is an offence under the Highway Act to deposit debris on the Highway.
- 7.10 CCC Highways have recommended conditions for the development including: gate restrictions and movement of gates; access width; construction in accordance with CCC construction specification (i.e., materials); the ditch/watercourse in accordance with a scheme; securing of the visibility splays (including the relocation of chevron signs). These are all in the interests of highway safety and are therefore considered necessary and reasonable to add these to the decision notice.
- 7.11 As such, whilst the concerns of the Parish Council have been considered and are noted, given the advice of CCC as the Local Highway Authority and specialist consultee on this application, the proposal is considered by Officers to be acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 9 of the National Planning Policy Framework in this regard.

### **Flood Risk and Surface Water**

- 7.11 Whilst as per the requirements of the NPPF (2021), given the location in Flood Zone 3 a Site Specific Flood Risk Assessment should be provided it is considered that this is not necessary given the nature of the proposed development being an access point to a field and thus minor development which, given the limited amount of hardstanding is unlikely to result in an increased risk of flooding to users of the site or occupiers of

surrounding land and property. The LLFA have commented that the applicant would require formal consent for the works to the watercourse. The Land Drainage Act 1991 is outside of the planning requirements; therefore, the planning permission does not give automatic permission to pipe the watercourse. This would be attached as an informative note to any planning permission.

- 7.12 Again, whilst the concerns of the Parish Council have been considered and are noted, for the reasons given above the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water drainage and therefore accords with Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and Section 14 of the National Planning Policy Framework in this regard.

### **Impact on Trees**

- 7.13 Policy LP31 of the Huntingdonshire Local Plan to 2036 requires proposals to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated and that a proposal would only be supported where it seeks to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development. The application has been accompanied by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. It should be noted that the site is not within a Conservation Area and there are no Tree Preservation Orders in force.
- 7.14 The proposed access is through an area of land which contains three mature Crack Willows and a lapsed hedge comprising Hawthorn and Blackthorn. The Assessment states that the Willow Trees are of mixed condition. The two trees closest to the highway should be pollarded at 5m regardless of any consideration of the proposed access in order to achieve a safety factor for those using the highway. The third Crack Willow would also require pollarding at 5m to install the access. With the access road formed over the existing ground level, there would be minimal disturbance to the rooting environment and the significant reduction in size would mean that the trees requirements for moisture and nutrients are substantially lower. This would allow the trees root systems to repair any collateral damage and adapt to the new setting.
- 7.15 In order to achieve the necessary visibility splays, a small section of hedge (approx. 1.5m) must be removed from the western side of the access. This is considered to be acceptable. Furthermore, conditions would be imposed on any planning permission granted to secure the protection of the existing trees and hedgerow during the construction period in accordance with the



Tree Protection Plan and Arboricultural Method Statement submitted.

- 7.16 HDC's Landscape's Officer has been consulted and raises no objections to the development subject to a compliance condition to secure the recommended tree protection measures to any permission.
- 7.17 Therefore, subject to the imposition of conditions the proposal is therefore considered acceptable in accordance with Policy LP31 of the Local Plan to 2036.

## **Conclusion**

- 7.18 The proposed development is considered to be compliant with the relevant national and local policy as it is:

- Acceptable in principle

And it:

- Would not have a harmful impact upon highway safety;
- Would not adversely affect flood risk in the locality.
- Is acceptable with regards to the impact on trees;
- There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

## **8. RECOMENDATION - APPROVAL subject to conditions to include the following:**

- Time limit
- Approved plans
- Installation of gates
- Access width
- Access construction specification
- Vehicle crossing (watercourse) scheme to be submitted
- Visibility splays (including relocation of signage)
- Compliance with tree protection measures

Informative note to be added in relation to:

- Ordinary Watercourse Consent under the Land Drainage Act (1991) as recommended by the LLFA.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

**CONTACT OFFICER: Kevin Simpson (acting on behalf of Jennifer Wallis): [Kevin.Simpson@huntingdonshire.gov.uk](mailto:Kevin.Simpson@huntingdonshire.gov.uk)**



# HAIL WESTON PARISH COUNCIL

**17 August 2021**

**PROPOSAL:** 21/01621/FUL Proposal: Creation of Field Access

**SITE ADDRESS:** Land South of Kym Stables, Kimbolton Road, Hail Weston

**Observations of Hail Weston Council (HWPC)**

1. Recommend **Refusal** *all Hail Weston Parish Council material considerations were considered: Due to Highways concerns and where proposed access is.*

No written observations were received by Hail Weston Parish Council prior to the parish meeting held on 17 August 2021 or at the meeting.

Jennifer Abell  
Clerk to Hail Weston Parish Council



## HAIL WESTON PARISH COUNCIL

21 July 2022

**PROPOSAL:** Creation of Field Access

**REFERENCE:** 21/01621/FUL

**SITE ADDRESS:** Land South of Kym Stables, Kimbolton Road, Hail Weston

### **OBSERVATIONS OF HAIL WESTON COUNCIL (HWPC)**

Recommend **REFUSAL** *Due to Highways concerns and where proposed access is.*

All Hail Weston Parish Council material considerations were considered.

**Refused: Highway safety concerns** Data capture taken by HWPC on 18/6/2022 has traffic numbers, taking the average from both directions, equal to the Highways estimate for 2025 of 7500 per day.

The citing of this proposed entrance is considered by HWPC as dangerous.

Furthermore, data capture taken on 18/06/2022 reported a Max speed of 91 mph on camera cited within the parish. Speeding bikes are well known on this road to residents, Bedfordshire and Cambridgeshire police alike. Indeed, tragically fatal crashes were widely reported on 17/09/2021, 04/10/2021, 29/11/2021 and 21/03/2016.

**Background safety concerns** In 2016 Highways development control (Robin Hobbs Development Management Engineer Cambridgeshire County Council) suggested that the proposed access for 1401104FUL (which is near to the proposed entrance of 21/01621/FUL and arguably more dangerous as nearer to the bend) "was not suitable for any intensification of use" and recommended the closure of this access and cited that access should be moved further away from the bend which was the CCC main concern. AND on 1st February 2016 relating to APPLICATION NUMBER: 1401104FUL, Kym's stables Hail Weston PROPOSAL; Amended access details. The PC supported and approved the submitted plans for access which involve moving the main gateway back onto the site. This was one of several 'Highways' points Hail Weston Parish Council and other residents objected to when this application was first considered. One resident observation (supporting new access) was also made to PC and HDC.

Motorcycle-diaries.com advertise B645 as "This is a beautiful and very popular road, the surface and layout makes it feel more like an A road than a B. Goes through some nice villages. A couple of possible stops are: the Saint Neots market square" It has a 4 out of 5 pleasure rating.

**Refused: Flooding concerns** Surface Water Flood Risk. The field is situated within flood zone 3 as River Kym is on the eastern boundary.

No resident observations were received by Hail Weston Parish Council prior to or at the parish meeting held on 21 July 2022 Jennifer Abell. Clerk to Hail Weston Parish Council



# HAIL WESTON PARISH COUNCIL

10 August 2023

**PROPOSAL:** Creation of Field access

**REFERENCE:** 21/01621/FUL

**SITE ADDRESS:** Land south of Kym Stables, Hail Weston

## **OBSERVATIONS OF HAIL WESTON COUNCIL (HWPC)**

Hail Weston Parish Council Recommend **Refusal**

Unfortunately, the PC is unable to attend the Development Management Committee Meeting on 21 August, The PC is not a full complement of 7 Cllrs.

The PC accepts the opportunity to speak at the DMC is far from ideal but wishes to record their refusal to this proposal.

The PC is aware of the Case Officer recommendations from 2022 of approval and CCC Highway comments and conditions in the interest of 'highway safety' relating to this proposal.

The current Power network works near this location have warning signs of vehicles turning duplicated roadside for ½ mile on either side of the much larger entrance to the site where workmen and overhead works are clearly visible. The B645 at this point has a 60 mph speed limit and is mindful of 3 fatal crashes widely reported in 2021, speeding motorbikes, and vehicle numbers of circa 7,000 use this road per day. A proposed entrance is considered dangerous.

The PC is concerned that this creation of a small independent parcel (0.76ha) which is not currently used nor has vehicle access, on land that floods (zone 3). This application is being considered with no previous heritage or success of farming or livestock and without an agricultural holding.

2 resident objections were received by Hail Weston Parish Council at the Parish Meeting held on 10 August 2023 with 18 residents in attendance. Comments from residents were largely concerning Highways, safety, agricultural heritage, the B645 speed limit and flooding.

Jennifer Abell, Clerk to Hail Weston Parish Council

# Development Management Committee



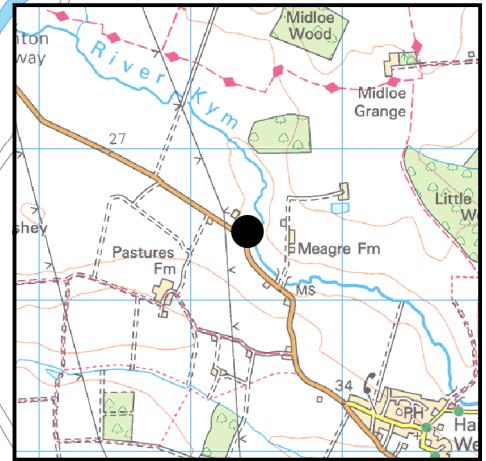
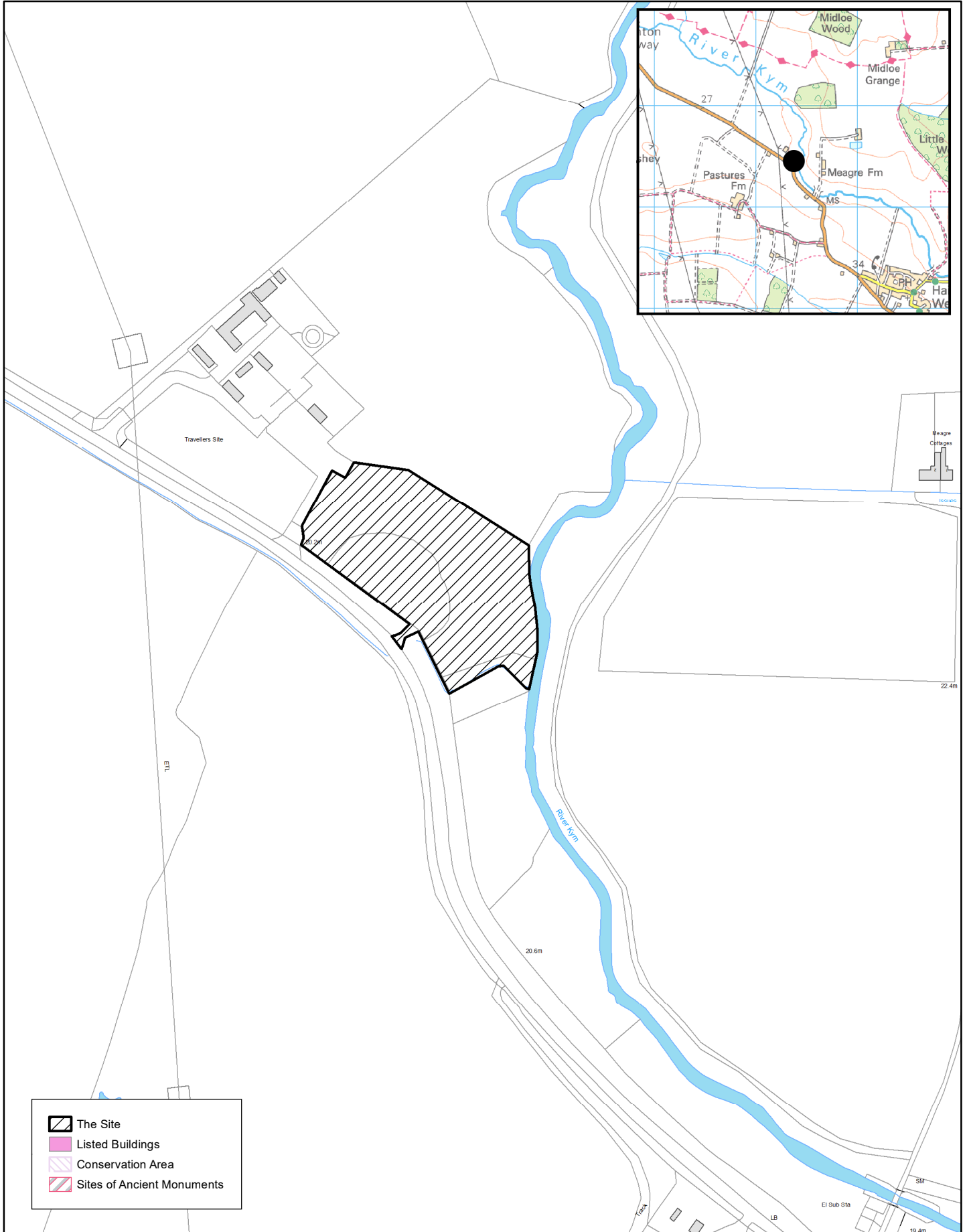
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Date Created: 07/08/2023

Application Ref:21/01621/FUL

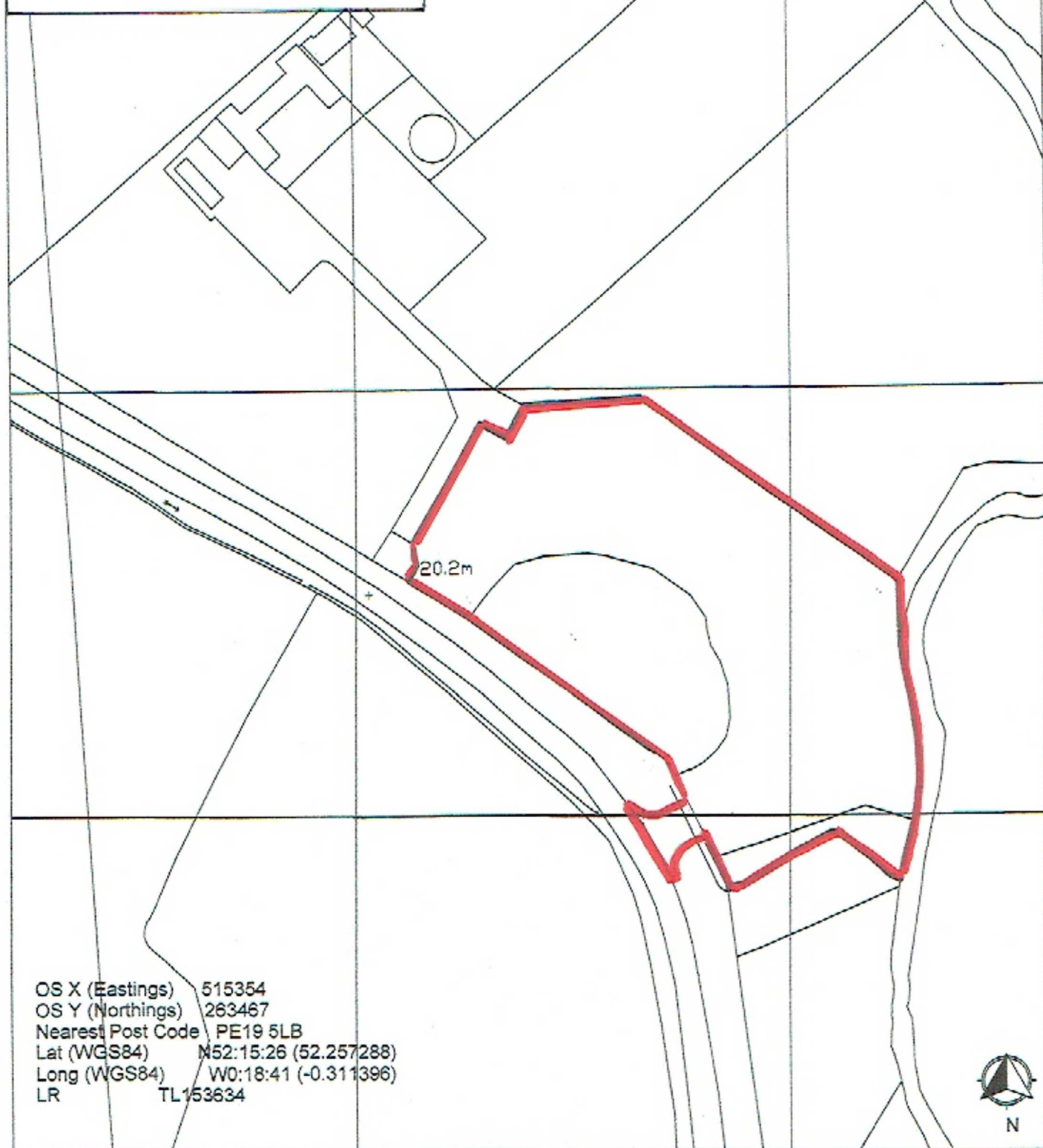
Location:Hail Weston

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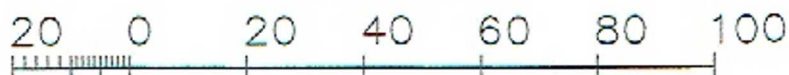
CREATION OF FIELD ACCESS

LAND SOUTH OF KYM STABLES  
KIMBOLTON ROAD  
HAIL WESTON  
PE19 5LB



OS X (Easting) 515354  
OS Y (Northings) 263467  
Nearest Post Code PE19 5LB  
Lat (WGS84) N52:15:26 (52.257288)  
Long (WGS84) W0:18:41 (-0.311396)  
LR TL153634

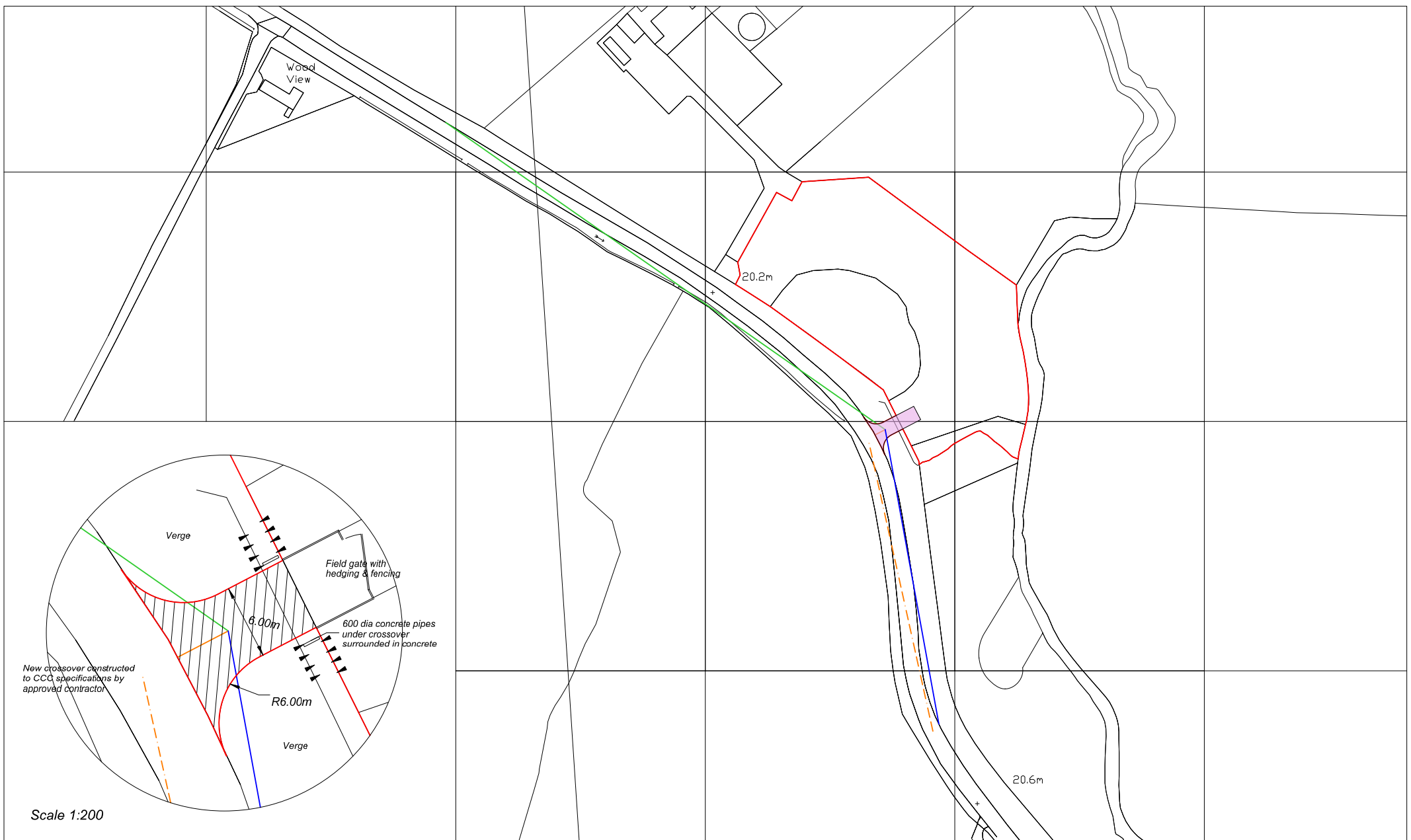
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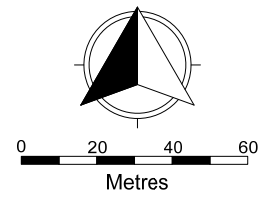
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Notes:

Visibility Splays:  
 WEST - 4.5 metres x 215 metres —  
 EAST - 4.5 metres x 120 metres —  
 EAST - Forward visibility along centre line 120 metres - - -



Client: Mr Chilesh Patel		
Title: Creation of Field Access Land off Kimbolton Road, Hail Weston, PE19 5LB		
Date: 22.10.13	Scale: 1:1000 @ A2	Drawing ref. HW-KR-1.1 - Rev B

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