Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0921
Land West of Trickles Wood, Hole Street, Ashington, West Sussex, RH20 3DE

DESCRIPTION:
Prior notification for the creation of a new agricultural access track

RELEVANT PLANNING HISTORY:

DC/23/2264	Proposed camp site to accommodate no more than 10 tents.	COMMENTS on Consultation on 29.12.2023.

SITES AND SURROUNDINGS:
The application site comprises agricultural land of approximately 6.1 hectares, located to the north east of Hole Street, in Ashington. The site is currently accessed via Trickles Lane.

DETAILED DESCRIPTION:
The notification is under Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks a determination as to whether a new agricultural access track would require prior approval.

The access track would be constructed to form a permanent trackway from the Hole Street entrance to the site, this would run alongside Tricklewood Lane. The access track would be 400m in length and 3m wide and utilise an existing gate onto Hole Street. The proposed materials would be crushed concrete topped with gravel, which would have a sand/neutral colour.

RELEVANT PLANNING POLICIES
National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 26 - Strategic Policy: Countryside Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to

foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The main issue is whether prior approval is required for the proposed development under Part 6 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), and if so whether prior approval should be granted.

Permitted Development

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order as amended relates to *"the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –*

a) *works for the erection, extension, or alteration of a building; or*
b) *any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit."*

The permitted development right is subject to a number of provisions and conditions. There is no apparent conflict with A.1(a) through (g) and (i) through (k).

a) *The development would not be carried out on a separate parcel of land which is less than 1 hectare in size;*

b) *It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;*

c) *it would consist of, or include the erection, extension, or alteration of a dwelling;*

d) *it would involve the provision of a building, structure or works not designed for agricultural purposes;*

e) *the ground area which would be covered by—*
- *(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations **[**would exceed 1,000 square metres**]**; or*
- *(ii) any building erected or extended or altered by virtue of Class A **[**would exceed 1,500 square metres**]**,*

f) *the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;*

g) *the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres*;

h) ***any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;***

i) *it would consist of, or include the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;*

j) *it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;*

k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

(ii) is or would be within 400 metres of the curtilage of a protected building

l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

A.1(h) states that the development must not be within 25 metres of a metalled part of a trunk road or classified road. Hole Street is a C classified road and therefore the proposed access track, which would be accessed from an existing gate off Hole Street, would be within 25 metres of a classified road. Therefore, the access track does not benefit from prior approval due to not complying with A.1(h) and planning permission would be required.

Siting and Means of Construction

Article A.2(2)(a)(i) of Class A Part 6 of Schedule 2 of the GPDO imposes a condition on permitted development to determine whether prior approval is required for the sitting and means of construction of the private way.

The proposal involves the laying of an access track which would extend northwards from Hole Street to the south, towards the agricultural building to the north of the site. The track would be 400m in length and 3m wide. It is proposing crush concrete topped with gravel in sand/neutral colour which is considered acceptable.

Conclusion

The proposed access track is considered to be reasonably necessary for the purposes of agriculture. However, the access track would be within 25 metres of a C classified road, and therefore would not comply with A.1(h) of Part 6, which means that prior approval is not applicable. For these reasons, it is recommended that the application is refused.

Recommendation: Prior approval Required and REFUSED

Reason:

1. The proposal would involve development within 25 metres of a metalled part of a C classified road. The proposal would therefore not meet the requirements of Schedule 2, Part 6, Class A.1(h) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Plans list for: DC/24/0921
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		none	17.06.2024
Site plan		none	10.07.2024
Supporting Docs	Cover Letter	none	17.06.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 31.07.2024

Authorising Officer sign/initial Guy Everest Date: 31.07.2024