

Woodmans Farm, London Road, Ashington, West Sussex

**Written Statement Relating to
Public Right of Way and Agricultural Hardstanding**

Planning Reference: DC/26/1320

Application: Prior Approval for the Erection of an Agricultural Building and Associated Works

1. Introduction

This statement has been prepared in response to the Local Planning Authority's request for further information in relation to the Public Right of Way (PROW) crossing the site and clarification regarding the agricultural hardstanding.

The statement confirms the measures that will be implemented to ensure that the PROW remains open and available for public use during the construction of the proposed agricultural building and following completion.

It also clarifies the planning status of the agricultural hardstanding and explains why the works benefit from the permitted development rights granted by Class A, Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

2. Public Right of Way

The applicant acknowledges the Public Right of Way (PROW) which crosses the site and confirms that the route will remain open, accessible and unobstructed throughout the construction of the proposed agricultural building.

The Public Rights of Way Definitive Map appears to identify a public right of way running through the footprint of an existing building. However, this appears to be a mapping anomaly rather than an indication that the public right of way has been physically diverted or obstructed by the applicant.

Figure 1 - Photos of the Public Right of Way Signage and Route



Agriculture buildings have been established in this location since at least the 1960s and therefore significantly predates the current circumstances being considered as part of this application. There has been no construction across an established public right of way, nor has the applicant undertaken any works to divert, stop up, obstruct or otherwise alter the route of a public right of way.

The physical circumstances on the ground indicate that the building and the public route have co-existed for many decades. The alignment shown on the Definitive Map appears to pass through the footprint of the existing building, which is inconsistent with the long-established physical arrangement of the site and suggests that the recorded alignment may not accurately reflect the historic route on the ground.

For the avoidance of doubt, the applicant has not diverted, obstructed or otherwise interfered with the Public Right of Way in any way. The existing building has not been constructed as a means of preventing or restricting public access, and the proposed development does not seek to divert, obstruct, extinguish or otherwise alter the existing PROW.

The proposed agricultural building will be positioned and constructed having regard to the existing route. No works associated with the proposal are intended to interfere with the public's ability to use the PROW, and the applicant will ensure that the route remains available for public use throughout the construction period.

Prior to the commencement of works, the PROW will be clearly identified to the appointed contractor and all site operatives. Its continued availability and protection will be treated as an important requirement throughout the construction period.

The following measures will be implemented:

- The route of the PROW will be clearly identified to all contractors and site operatives before construction works commence.
- The PROW will remain open and available for use by members of the public throughout the construction period.
- Construction materials, machinery, spoil, waste, plant and equipment will not be stored on the PROW.
- Construction vehicles will not be parked or positioned in a manner that obstructs the route.
- Any construction vehicles or machinery required to cross the PROW will do so only where necessary and with appropriate care to ensure that the route remains safe and available for pedestrians.
- The PROW will be kept free from mud, debris, spoil and other materials associated with the construction works.
- Contractors will be instructed that the PROW must not be obstructed or otherwise interfered with during the construction period.
- Any temporary damage, obstruction or accumulation of materials affecting the route will be addressed promptly by the applicant or contractor.
- The applicant will monitor the condition and accessibility of the PROW throughout the construction period.

Following completion of the development, the PROW will continue to remain open and available for public use. No permanent works are proposed which would prevent or restrict the continued use of the route.

The applicant therefore confirms that the proposal does not involve, and has not involved, any diversion, stopping up or alteration of the Public Right of Way and that the route will remain open and accessible throughout the works.

3. Agricultural Hardstanding

3.1 Description and extent of the hardstanding

The agricultural hardstanding referred to by the Local Planning Authority extends to approximately 0.2 hectares.

The hardstanding is located within the established agricultural yard at Woodmans Farm and adjoins the existing agricultural building and established areas of farmyard hardstanding.

The works therefore represent an extension of the existing agricultural yard and are directly related to the established agricultural use of the holding.

The hardstanding is not an isolated area of engineering works located within an otherwise undeveloped agricultural field. Its location is directly connected to the existing farm buildings and established farmyard and provides additional operational space required in connection with the agricultural use of the holding.

The additional hardstanding provides a suitable and durable working surface within the established agricultural yard, facilitating the movement, parking and manoeuvring of

agricultural machinery and equipment and providing additional operational space associated with the existing agricultural buildings and farming activities.

The location is therefore directly related to the existing agricultural operation and avoids the need to create a separate and isolated area of hardstanding elsewhere within the agricultural holding.

The hardstanding is consequently both physically and functionally related to the existing agricultural buildings and farmyard.

3.2 Permitted development rights

The agricultural holding exceeds 5 hectares and is therefore a qualifying agricultural unit for the purposes of Class A, Part 6 of Schedule 2 to the GPDO.

Class A permits, on agricultural land comprised within an agricultural unit of 5 hectares or more, development consisting of works and operations reasonably necessary for the purposes of agriculture within that unit.

The proposed hardstanding constitutes an engineering operation associated with the established agricultural use of the holding and is reasonably necessary for the purposes of that agricultural use. The works provide additional operational space within the established farmyard and are directly associated with the existing agricultural buildings and agricultural activities undertaken from the holding.

The provision of a hard surface is also expressly contemplated by the provisions of Class A, including circumstances where materials are brought onto the land for use in providing a hard surface, provided that such materials are incorporated forthwith into the building or works in question.

The hardstanding is therefore an engineering operation falling within Class A(b) and is reasonably necessary for the purposes of agriculture. To the extent that the construction of the hardstanding involves excavation or the deposit of waste material falling within paragraph A.2(2)(c), the relevant area is approximately 0.2 hectares and therefore does not exceed the 0.5 hectare threshold specified in that provision. Accordingly, the prior approval procedure under paragraph A.2(2)(c) is not triggered by the extent of the works.

Having regard to the nature, location and purpose of the works, the applicant considers that the proposed hardstanding benefits from the permitted development rights granted by Class A, Part 6 of Schedule 2 to the GPDO. The works are reasonably necessary for the purposes of agriculture, are located within the established agricultural yard and are substantially below the relevant 0.5 hectare threshold.

The hardstanding therefore does not constitute development requiring a separate planning application or prior approval, subject to compliance with the applicable limitations and conditions of the GPDO.

3.3 No separate planning permission or prior approval is required

The GPDO grants planning permission for development falling within the relevant permitted development class, subject to the limitations and conditions contained within the Order.

The applicant's position is that the hardstanding satisfies the relevant requirements because:

- the land forms part of an agricultural holding exceeding 5 hectares;
- the land is in established agricultural use;
- the hardstanding is directly associated with the existing agricultural yard and buildings;
- the works are reasonably necessary for the purposes of agriculture;
- the hardstanding measures approximately 0.2 hectares;
- the hardstanding adjoins the existing agricultural building and established farmyard;
- the works extend the existing historic farmyard hardstanding rather than creating an isolated area of hardstanding elsewhere within the agricultural holding; and
- the relevant area is below the 0.5 hectare threshold specified in paragraph A.2(2)(c) for excavations or deposits of waste material.

The hardstanding therefore benefits from the planning permission granted by Class A, Part 6 of Schedule 2 to the GPDO and, on the basis of the above, does not require a separate planning application or prior approval.

The hardstanding should consequently be distinguished from the proposed agricultural building which is the subject of the current prior notification under DC/26/1320.

The hardstanding is not being put forward as development requiring prior approval under DC/26/1320. It is separate development undertaken pursuant to the agricultural permitted development rights available under the GPDO.

3.4 Relationship with the existing agricultural yard

The location of the hardstanding is also relevant to demonstrating that the works are reasonably necessary for agriculture.

The hardstanding adjoins the existing agricultural building and established farmyard. It effectively extends the existing working area of the farmyard and provides additional operational space immediately associated with the agricultural buildings and farmyard activities.

It does not constitute a new or isolated area of hardstanding within the wider countryside.

The relationship between the hardstanding, the existing building and the established farmyard demonstrates that the works are directly connected with and reasonably necessary to support the agricultural use of the holding.

The works are therefore consistent with the purpose of Class A permitted development rights, which allow agricultural businesses to undertake development reasonably necessary to support their agricultural operations, subject to the limitations and conditions of the GPDO.

4. Conclusion

The applicant considers that the matters raised by the Local Planning Authority have now been satisfactorily addressed.

In respect of the Public Right of Way, the applicant confirms that the route will remain open, accessible and unobstructed throughout the construction period and following completion of the development.

The existing building has been present on the site since at least the 1960s and the applicant has not undertaken any works to divert, stop up, obstruct or otherwise alter the Public Right of Way. The apparent alignment of the Definitive Map through the footprint of the existing building appears to be inconsistent with the long-established physical arrangement of the site and may therefore reflect an historic mapping anomaly.

The applicant will nevertheless ensure that the PROW is clearly identified to contractors before works commence and that appropriate measures are implemented to prevent construction materials, machinery, vehicles, spoil, waste or debris from obstructing or adversely affecting the route.

In respect of the agricultural hardstanding, this measures approximately 0.2 hectares and is located immediately adjacent to the existing agricultural building and established farmyard hardstanding. It forms a logical extension of the historic farmyard and is directly related to and reasonably necessary for the agricultural use of the holding.

The agricultural holding exceeds 5 hectares and therefore falls within the scope of Class A, Part 6 of Schedule 2 to the GPDO. The hardstanding constitutes an engineering operation reasonably necessary for agriculture within the established agricultural unit.

The relevant area of hardstanding is approximately 0.2 hectares and is therefore below the 0.5 hectare threshold specified in paragraph A.2(2)(c) in relation to excavations or deposits of waste material.

Accordingly, the applicant considers that the hardstanding benefits from the permitted development rights granted by Class A, Part 6 of Schedule 2 to the GPDO and does not require a separate planning application or prior approval..

The hardstanding is separate from the agricultural building which is the subject of the current prior notification under DC/26/1320 and should not be treated as development requiring prior approval as part of that notification.

The applicant respectfully requests that the above clarification is accepted and that the prior approval assessment can proceed on the basis that:

1. the Public Right of Way will remain open, accessible and unobstructed throughout the construction and thereafter; and
2. the agricultural hardstanding constitutes permitted development under Class A, Part 6 of Schedule 2 to the GPDO and does not form part of the development requiring prior approval under DC/26/1320.