

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                  |                                        |            |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------|
| <b>Ref. No:</b>                              | DM/26/1693                                                                                                                       | <b>Case Officer:</b>                   | Anna Tidey |
| <b>Application Type:</b>                     | Agricultural Prior Not. - Road                                                                                                   |                                        |            |
| <b>Proposal:</b>                             | Proposed new road. The proposed development is specifically designed to support and facilitate the agricultural use of the land. |                                        |            |
| <b>Site:</b>                                 | Land At Dirty Lane, Ashurst Wood, West Sussex, , , , ,                                                                           |                                        |            |
| <b>Validation Date</b>                       | 10 Jul 2026                                                                                                                      | <b>Overall Expiry Date:</b>            |            |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                  | <b>Pre-Com Conditions Date Agreed:</b> |            |
| <b>Recommendation:</b>                       | Prior Approval Is Not Required                                                                                                   | <b>Recommendation Date:</b>            | 6 Aug 2026 |
| <b>Target Date:</b>                          | 7 Aug 2026                                                                                                                       | <b>Recommending Officer Signature:</b> | Anna Tidey |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |            |
|------------------------------|-----------------|--------------|------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 7 Aug 2026 |
| <b>Comments:</b>             |                 |              |            |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/26/1693**

**Land At Dirty Lane, Ashurst Wood, West Sussex, , , ,**  
**Proposed new road. The proposed development is specifically designed to support and facilitate the agricultural use of the land.**  
**Miss Samantha Benson**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

None received.

### **INTRODUCTION**

The application is to determine if prior approval is required for an agricultural track to support the agricultural use of the land at Dirty Lane, Ashurst Wood, West Sussex.

### **RELEVANT PLANNING HISTORY**

DM/20/0799. Outline planning application with all matters reserved apart from access, for 22 dwellings (all affordable units) with access from Hammerwood Road, at Land East and West of Dirty Lane, Ashurst Wood. Refused October 2020.

DM/19/3028. Outline planning application with all matters reserved apart from access, for 9 new private dwellings with access from Hammerwood Road, at Land East of Dirty Lane, Ashurst Wood. Withdrawn September 2019.

DM/17/1497. Outline application for development of 22 dwellings, including 30 percent affordable housing, landscaping, the provision of public open space and vehicular access from Hammerwood Road (resubmission of DM/16/2740). All matters reserved except for access, at Land East and West of Dirty Lane, Ashurst Wood. Refused December 2017.

DM/16/2740. Outline application for the approval of access for development of 30 dwellings, including 30 percent affordable housing, the provision of public open space, including a BMX track and allotments, a new school car parking area, and vehicular access from Hammerwood Road, at Land East and West of Dirty Lane, Ashurst Wood. Withdrawn October 2016.

### **SITE AND SURROUNDINGS**

The parcel of land to which this application relates is an undulating field located between Dirty Lane, Box Lane and Phoenix Lane.

The application form states that the land holding extends to 16 hectares, but the area of the field within the red line on the submitted Location Plan measures approx. 2.2ha. A further area of land to the east of Dirty and is shown within a blue line, and this measures 2.4 ha.

The applicant has been contacted to clarify the size of the total agricultural holding, and she has confirmed that it is part of a larger farm of over 5 hectares.

The land is located outside the Built up Area boundary of Ashurst Wood, within the High Weald National Landscape/AONB, and in an Amber Impact Risk Zone for Great Crested Newts.

## APPLICATION DETAILS

The proposal seeks to create a new agricultural road to serve the area of land within the red outline.

The proposed single track road would extend in a north westerly/westerly direction from the gated access point from Dirty Lane into the field, measuring approx. 100m in length, with a turning head at the end. The Landscaping details submitted with the application state that it will be constructed 'using recycled crushed concrete and road planings to provide a durable and practical surface suitable for tractor and vehicular use'.

The application was submitted with a Planning Statement, which contains the following points:

*'The proposed access is needed to help manage the field as part of an existing agricultural holding. At present, access is limited, making it difficult to get machinery and other vehicles into the field and carry out routine farming activities safely and efficiently at all times of the year.'*

*'The new access will allow tractors and other vehicles to enter the field for day-to-day tasks such as maintaining grassland, repairing fences, moving equipment, and carrying out general field management. It will also make it much easier to look after existing and future livestock.'*

*'The proposal will support its existing agricultural use. The access will simply make the land more practical to manage and ensure that routine farming operations can be carried out safely and effectively throughout the year.'*

*'Overall, the proposal is a small but it is an important improvement for us that will benefit the day-to-day running of the holding, improve access for agricultural machinery and vehicles, and help ensure the proper care and management of the land and livestock. I hope this will be considered a reasonable and necessary development in support of our ongoing use of the land'.*

A further Supporting statement confirms:

*'The land is currently in agricultural use, and we already keep poultry on site as part of our smallholding activities. Looking ahead, we hope to expand the agricultural use of the land to include sheep and potentially other livestock.'*

*'In order to achieve this, it is important that the land can be accessed safely and practically. At present, the topography of the site makes access very difficult. The steep and uneven nature of the land creates challenges for machinery and vehicles, which are needed for routine maintenance and management of the holding.'*

*'Creating this access track would allow us to carry out essential agricultural tasks more effectively, including maintaining the land, repairing and installing fencing, and undertaking general husbandry and welfare activities. It would also make it possible to safely transport livestock to and from the site and facilitate the delivery of feed, bedding, and other materials required for the day-to-day operation of the holding.'*

*'The intention behind the proposed works is simply to improve the practical management and accessibility of the land that is already in use, while supporting our future plans to keep sheep and other livestock. This proposal is not intended to change the character of the land, but rather to enable its continued and enhanced agricultural use.'*

## POLICY CONTEXT

The proposal falls to be assessed against Part 6, Class A of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

### **Class A - agricultural development on units of 5 hectares or more**

#### **Permitted development**

**A. 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.**

**Development not permitted**

**A.1** Development is not permitted by Class A if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

(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, calculated as described in paragraph D.1(2)(a) of this Part;

(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; or

(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.

## Conditions

**A.2** — (1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

(b) where the development involves—

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A

(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

(2) Subject to sub-paragraph (3), development consisting of—

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

(d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under subparagraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph

(iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

## **ASSESSMENT**

In order for the proposed development to benefit from the above permitted development criteria, the developer is required, before beginning the development, to apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting and means of construction of the private ways. The Local Planning Authority must be satisfied that the proposal is reasonably necessary for the purposes (in this case, as applied for) of agriculture within the unit.

From the information submitted and the observations made during the Case Officer's site visit the land appears to be in agricultural use and the proposed road would serve the holding on the land for agricultural purposes.

The proposal would provide a made up road over the land and this would ease access for vehicles. The proposed road is considered reasonably necessary for the purposes of agriculture. The proposed materials are also considered to be appropriate for the rural setting.

The proposal does not relate to alterations to a dwelling, the creation of a building and it does not exceed the height of 3.0 metres. The track is not with 25 metres of a metalled part of a trunk road or a classified road.

## **CONCLUSION**

It has been satisfactorily demonstrated that the proposal is reasonably necessary for the purposes of agricultural and complies with the requirements of Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It is therefore considered that the proposal is permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required and the development can therefore proceed in accordance with the submitted details.

Decision: Prior Approval Is Not Required

Case Officer: Anna Tidey