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1 December 2025

Dear Sir/Madam,

**Balcombe Estate, Church Lane, Ardingly, West Sussex**

We are instructed by the Balcombe Estate (Dickinson Trust), to submit this Prior Notification, for the creation of a means of access, on agricultural land, to the south of Townhouse Farm, Church Lane, Ardingly, West Sussex.

The proposal entails the creation of a short section of farm track, to link an existing means of access track in to the east, with one locate to the west. Presently, the Balcombe Estate rely on a section of track that runs though land owned by a neighbour. The short piece of track proposed in this application would replace this and mean the Estate do not need to use the neighbours land. The applicant can confirm that the extent of the proposed track lies entirely within the Estates farm holding.

This application is supplied with the following drawings:

- ❖ Location Plan, Drawing No. 01L Rev E; and
- ❖ Proposed Layout and Construction Plan, Drawing No. 02 Rev D.

This letter details the site and its surroundings, sets out background to the evolution of the agricultural unit and relevant planning history, describes the proposed development, summarises relevant legislative controls, and considers the agricultural need for the development, the siting of the development, and means of construction. Integral to this is consideration of the compliance of the scheme with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015, and the limitations and considerations that apply to Agricultural Prior Notification applications.

Site & Surroundings

The application site is a large agricultural field, some 4.85HA in size, located to the south of Church Lane. Church Lane runs south from the junction between Balcombe Lane and Street Lane. The laneway provides access to the local church and a number of residential and agricultural properties.

At the southern end of the Lane, there is a neighbouring farmyard known as Townhouse Farm. This is located to the west of Lane. Where the Lane ends, there is a junction for a number of

Public Right of Way (PRoW). One of these runs southwards, along the edge of the application field and towards Balcombe Reservoir. Another one runs to the south west, a further one to the west and finally, the bottom part of Church Lane is also a PRoW.

At the junction of Church Lane and the PRoW, there is an existing agricultural track that runs west and connects to a wider network of agricultural tracks that cross the Estates farmland. This section of track runs through a farmyard, which is not owned by the Estate.

The application site is a wide, flat and open field, that has hedge and tree boundaries on all sides. Located to the immediate north of the field is Townhouse Farm. There are then two neighbouring cottages located to the north east. The remaining land that surrounds the field are other agricultural fields owned by the Trust. The boundary with Townhouse Farm to the north and is demarcated by hedging and small trees.

### Balcombe Estate

The Balcombe Estate has over 1,400 Hectares (HA) of farmland, centred on the village of Balcombe in West Sussex, with much of the land located within the High Weald National Landscape (NL). To the south east of Balcombe, is the village of Ardingly, where the Estate also owns land. The Estate's land comprises a mix of farmland and actively managed forest and woodland.

The land owned by the Estate at the application site, has been in their ownership since 1920. The land has always been farmed, even prior to the Estate's ownership. Since 1920, the field has either been farmed by the Estate or let to tenanted local farmer.

### Planning History

There have been no historic planning applications or other agricultural applications lodged at the application site.

### Legislative Background

The application is seeking consent to install a new means of access, on agricultural land, for the purposes of agriculture. In such instances, there are permitted development (PD) rights which can be used to deliver this type of development. However, it is subject to a Prior Approval (PA) process with the Local Planning Authority (LPA).

Where an agricultural landowner wishes to exercise this PD right, they must apply to the LPA with a Prior Notification (PN) application. This is a very light touch submission, which allows an LPA to confirm that the PD rights exist for the means of access being sought. Via this process the LPA can either confirm the works are PD, or that they give their PA for the works. This process is outlined in The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Part 6 of Schedule 2 of the 2015 GPDO, relates to agricultural and forestry developments. Class A of Part 6 of Schedule 2, confirms that for any works to be PD, they must be "*reasonably*

*necessary for the purposes of agriculture within that unit.*" This means for a track to be considered PD, it must be delivered for and used for agricultural purposes only.

Class A relates to agricultural development on units of 5 hectares or more - which applies to the Balcombe Estate, who are a very large landowner in the local area. The legislation notes that PD rights include, *"the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area, of any excavation or engineering operation (Part 6, Class A(b)), which are reasonably necessary for the purposes of agriculture within that unit."*

Class A.1 sets out a series of limitations to the PD rights, whilst Class A.2 sets out a series of conditions which must be adhered to for the works to be considered PD. The limitations include a loss of PD rights if the new track would be located within 25m of a metalled road. As Church Lane is an unadopted roadway, the proposal would not fall foul of this requirement.

Part 6, Class A.2(2)(i) outlines what an Applicant is required to do when submitting a PN. This includes the need to submit a PN to the LPA for a determination as to whether that authority's PA is required for the works to take place. If PA is not required, then the works can just take place as proposed within the PN. If the LPA say their PA is required, then there might be the need to submit some further information so that the LPA can confirm their PA is given.

The main matters that the LPA are required to consider as part of the PN process are:

- ❖ The siting of the means of access; and
- ❖ The construction of the mean of access.

Therefore, when a PN is lodged, the only matters that need to be justified from a design perspective is the route of the new track, its length, width, surfacing appearance, and how it would be constructed. These matters are outlined and discussed in detail below.

For most PN submissions, the LPA should deal with the submission within 28 days. The LPA do have a right to extend the determination period by another 28 days if they need to seek further information in support of the PN.

Part 6, Class A.2(2) states that development proposals must not begin before the LPA provide (within 28 days) their considered view as to whether their PA is required for the new means of access. If they indicate their PA is needed, then this will spark the second 28 day period, during which the Applicant will need to erect a site notice for at least 21 days, to advertise the works.

If the LPA confirm that the works do not need their PA, then the works are approved after 28 days. If the LPA do not formally respond to the Applicant within 28 days, then the means of access is said to have been given 'Deemed Consent' and would also be approved.

### Prior Notification Information

Having regard to the above, it is considered that the main issues in relation to this proposed scheme comprise the agricultural need for the development, and the provision of details with respect to siting and means of construction of the track. Each are now considered in turn.

### ***Agricultural Need***

For a new means of access to be considered PD and compliant with the requirements of the GDPO, the new track can only be delivered where it is situated on agricultural land and required for agricultural purposes.

Here, the applicant is a large landowner who have been farming this land, either directly or via a tenanted farmer, for some 95 years. At present, there is no track through the field, and if there is a need to cross east to west, then the farmer must utilise a tack that runs through a neighbouring farmyard. Whilst this is possible, it is not considered a suitable arrangement and the Estate would like to secure their own independent means of access.

There is a need to provide a better surfaced access for larger machinery and find a route which does not impact the neighbour and PRow users, at what is nearby junction of 4 separate directions that the PRow extends. Keeping agricultural traffic clear of this, is helpful.

However, the overriding need is for a more appropriately located and direct route between existing tracks owned by the Estate. The small proposed means of access, is really a link track that will improve access across the application field and into other ones owned by the Estate. This new section of track will provide year round access, that is weather proof and will be easy to maintain.

Given the above, it is submitted that the works are reasonably necessary, for the purposes of agriculture, for the new track to be laid in the interests of the functional operation of the agricultural holding.

### ***Siting***

The route of the proposed means of access, would largely mirror the length and route of the existing track that runs through the neighbouring farmyard, but would be set around 5-15m further south. The proposal has been designed to link to an existing means of access to the east and another one to the west. It is important to note that the siting of the track, is such that it acts solely as a link and does not stray on to these existing trackways.

The track would be sited to the very north of the field and would follow the line of the existing boundary treatment that demarcates the extent of Townhouse Farm. However, the precise location, as shown on the proposed plans, is offset from the boundary treatment to ensure it can be installed without any impact on boundary hedging. The route was chosen and designed to be as short as possible, at around 71m.

The tracks has been limited to some 3.2m in width which is adequate for a tractor and long trailer to drive comfortably along the track and manoeuvre on to the adjacent tracks. This is very important during inclement weather, when the soils in the field become very challenging to traverse.

As result of the neighbouring hedge line and field shape, the proposed track is a shallow W-shape. This route of the site also means that the track is well contained, by existing landscaping and is located so as to be an innocuous element of the wider field. The route would be screened from the north and and from further south within the field, the topography of the land means the track would not be readily visible.

Given the above, the applicant submits that the routing of the proposed track is appropriate for the need and otherwise, well designed to limit any visible impact of the proposal.

### ***Means of Construction***

The truck would require the excavation of some 300mm of topsoil. The track would be constructed via a well-consolidated layer of crushed stone, some 250mm in depth. This would then be overlain with 500mm of Type 1 MOT in light grey. It would include a 70mm camber in both directions to ensure runoff was directed off the surface on to nearby field.

As confirmed on the proposed plans, the surface is to be laid “*in accordance with Forestry Commission (England) Regulations for forest roads and tracks.*” This is to ensure that the track is laid in a sensitive manner

It is submitted that the proposed detail will ensure that the track is of a low key, agricultural appearance and will quickly assimilate into the local landscape.

### **Summary**

It is considered that the creation of a track some 71m in length and typically 3.2m in width of track, to serve the ongoing agricultural operations of the Balcombe Estate. The works comprise a scheme that falls wholly within the allowances of the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular, the works are reasonably necessary for the agricultural operation of the holding.

On this basis, the application seeks a determination from your Authority as to whether PA is required with respect to the siting and means of construction of the private way. The track is sited in its functionally requisite location, close to the edge of the application field, a visually discrete location which will not have undue impact on the wider area. The proposed means of construction reflects similar tracks formed elsewhere by the Estate and would be of a suitable appearance.

It is therefore respectfully submitted that no further Prior Approval should be required from your Authority for the undertaking of these works.

In accordance with the requirements of the GDPO, we look forward to receipt of a determination of this proposal within 28 days.

Yours sincerely

**Peter Young** BSc (Hons) MA MRTPI  
Associate Director