

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1953	Case Officer:	Stefan Galyas
Application Type:	Agricultural Prior Not. - Road		
Proposal:	Proposed engineering operations associated with the formation of a private way for agricultural purposes, and the associated works to the current lane in order to permit it to continue to be used as a Public Right of Way (PRoW).		
Site:	Little Strudgates, Paddockhurst Lane, Balcombe, Haywards Heath, West Sussex, RH17 6QZ, ,		
Validation Date	4 Aug 2025	Overall Expiry Date:	29 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval Is Not Required	Recommendation Date:	21 Aug 2025
Target Date:	1 Sep 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	22 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1953

Little Strudgates, Paddockhurst Lane, Balcombe, Haywards Heath, West Sussex, RH17 6QZ, Proposed engineering operations associated with the formation of a private way for agricultural purposes, and the associated works to the current lane in order to permit it to continue to be used as a Public Right of Way (PROW).

Woolf

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

West Sussex County Council Public Rights of Way: No objection *'The surface of the PROW must be at, or above, the specification held by WSCC. This would only be an issue where the new access road joins the PROW but should still be a consideration.*

The 2 x locations where the new access road is to join the existing track / PROW clearly provide potential for conflict between walkers and farm machinery. Consideration must be given to clear vision at these locations and signs to warn walkers of the risk.

Consideration should be given to whether additional WSCC signage will be required to avoid walkers deviating along the new access road in the belief that is the PROW. This can be provided by WSCC if required.

The granting of this exemption does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW). This can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal order process by Mid Sussex District Council as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team. If this can not be guaranteed during the construction phase, then the path must be closed under a legal Temporary Closure Order. This must be applied for at WSCC.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.'

INTRODUCTION

Consent is sought via an agricultural/ forestry prior notification for the formation of a private way at Little Strudgates.

RELEVANT PLANNING HISTORY

AR/29/94 - County matter: use of disused quarry for quarrying sandstone. No objection 06.09.1994.

02/02084/CMA - Variation of condition 2 of planning permission AR/29/94 to extend this for the extraction of stone. Permission 09.01.2003.

04/01805/CMA - Extend the existing active quarry from 0.3 hectares to 1.0 hectares. Permission 10.05.2005.

DM/21/1378 - Renovation of family Home. Works include roof top extension a new bay window at rear of property, new window insertions, new single storey toilet and demolition of tool shed. Withdrawn 08.10.2021.

DM/22/0750 - Renovation of existing dwelling. Works include upgrading the thermal and sustainability profile of the building, a roof top extension. A bay window to the rear of the property, window openings and demolition of single story toilet extension and tool shed. Permission 19.05.2022.

DM/22/1824 - Restoration and minor alterations to small outbuilding. Minor alterations including a small amount of fenestration. Permission 03.08.2022.

SITE AND SURROUNDINGS

The site relates to Little Strudgates, an agricultural holding of 72.8 hectares which includes both arable land to the north and pasture land to the south of the existing track. The track leads off from the highway to the west and there is an existing farmhouse as well as a barn on site. There is an existing public right of way which runs along the track (reference ARD/4_Ba/1) and the woodland to the south-east of the site is classified as ancient woodland. The site is also set within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Consent is sought through an agricultural/ forestry prior notification procedure to form an agricultural track at Little Strudgates. The proposed track would measure at circa 220m in length, 4 in width and would be composed of a dark grey stone mastic asphalt. The line of the existing road would be removed whilst the existing public right of way footpath would be retained.

The supporting Planning Statement confirms that the proposed track is required in order to allow larger agricultural machinery to use for access. It is noted that the current arrangement is restricted by the house and barn to either side of the road. The new road would be sited to the northern side of the barn for ease of access.

LEGISLATION

Under the provisions of Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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 and means of construction of the private way.

Part 6, Class A (agricultural development on units of 5 hectares or more) states the following:

'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; or*
 - (ii) any building erected or extended or altered by virtue of Class A, would exceed 465 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; or
- (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.

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 sub-paragraph (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;
 - (iii) 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.

The Council's planning history records indicate that there have been previous permissions nearby for the use of a mine to the east of the site and further along the track as it meanders in this direction. Following further confirmation from the Applicant, it was confirmed that this mine is no longer operational.

From the information submitted and the observations made during the Case Officer's site visit, it is considered that the land is in agricultural use and there is no evidence to the contrary to suggest that the track would be used for any purpose other than agriculture. The proposal would not relate to alterations to a dwelling, create a new building and does not exceed the height of 3.0 meters. Furthermore, the track is not within 25m of a highway.

The existing throttle point between the barn and house to both the north and south of the road is considered to be restrictive in allowing larger agricultural machinery to access the nearby fields. It is also considered that the proposed track would improve the level of access to the field on the northern side of the site.

CONCLUSION

For the reasons outlined above it is considered that the proposed track is reasonably necessary for the purposes of agriculture/forestry, and the siting and means of construction of the tracks are acceptable.

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).

Decision: Prior Approval Is Not Required

Case Officer: Stefan Galyas