

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1044	Case Officer:	Caroline Grist
Application Type:	Agricultural Prior Not. - Road		
Proposal:	Proposed track to be used as the main access southwards from the farm yard to fields and woodland. Track to consist of terram membrane overlaid with crushed concrete.		
Site:	Horsted House Farm, Horsted Lane, Sharpthorne, East Grinstead, West Sussex, RH19 4HY, ,		
Validation Date	23 Apr 2025	Overall Expiry Date:	
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval Is Not Required	Recommendation Date:	19 May 2025
Target Date:	21 May 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	20 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1044

Horsted House Farm, Horsted Lane, Sharpthorne, East Grinstead, West Sussex, RH19 4HY, Proposed track to be used as the main access southwards from the farm yard to fields and woodland. Track to consist of terram membrane overlaid with crushed concrete.

Mrs Camilla Witheridge

REPRESENTATION LETTERS

No representations have been received in response to this application.

INTRODUCTION

Consent is sought via an agricultural/forestry prior notification procedure for a track to be used as the main access southwards from the farm yard to fields and woodland at Horsted House Farm, Horsted Lane, Sharpthorne, West Sussex, RH19 4HY.

RELEVANT PLANNING HISTORY

DM/23/1472 - Re-surfacing of existing track to allow a tractor and trailer access. Prior Approval Refused.
DM/24/1423 - To add rubble to a track on both sides of a bridge to make less muddy for tractors in wet weather. Prior approval is not required.

SITE AND SURROUNDINGS

The site is located within the countryside and within the High Weald Area of Outstanding Natural Beauty. The application relates to a section of unsurfaced field that has been used for vehicular access from the farm buildings to the fields and woodland beyond. The entire agricultural unit is listed as being 113 hectares on the application form and has been used for some 100 years. Fields immediately surround the site to the south, east and west. The farmhouse and associated buildings and equestrian facilities lie to the north. Further west are pockets of ancient woodland and to the east is the Bluebell Railway.

The application site is also located further north of a proposal where a prior approval was previously granted for works to a track over a bridge.

APPLICATION DETAILS

Consent is sought via an agricultural/forestry prior notification procedure to create a track at Horsted House Farm, Horsted Lane, Sharpthorne. The application form states that the total length of track is to be some 200 metres long and 4.0 metres wide. It would connect the farm yard, where there is an existing track, to the field gate to the south. The listed material is terram, crushed concrete, and is to be grassed over.

The application form advises that the track is needed to provide a single access from the farm yard to fields and woodland southwards, which would also prevent adjoining fields from being used for access. The current, unsurfaced, arrangement is stated as being unpassable in winter. It is stated that it would improve access for the purposes of:

'checking sheep, collecting deer carcasses, fencing, hedge cutting, tree planting, ditch and culvert clearing, timber extraction and hay karting'.

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.

From the information submitted and the observations made during the Case Officer's site visit, the proposed track route has been previously driven along and the grass is rutted. The land is in agricultural use and there is no evidence to the contrary to suggest that the proposal would be used for any purpose other than agriculture.

Observations reinforced the current state of the land whereby, although there had been a period of dry weather, it had previously been muddy and rutted where vehicles had used it. Photographs have also been supplied by the applicant to show the land at different times of year. The proposal would provide a more suitable access from the farm yard to the land southwards.

Given the need for a suitable access from the farm yard to rest of the farm, the lack of existing route and its agricultural use its improvement is consider 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 road.

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 E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Decision: Prior Approval Is Not Required

Case Officer: Caroline Grist