

Recommendation Report for

REF NO: A/164/21/AG

LOCATION: Land south of Littlehampton Road
Angmering
BN12 6PN

PROPOSAL: Notification under the Town & Country Planning (General Permitted Development)(England) Order 2015 under Schedule 2, Part 6, Class B(d) to upgrade existing agricultural track, providing access to Roundstone Farm.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is a prior notification under the Town and Country Planning Act (General Permitted Development) Order 2015 as amended Schedule 2, Part 6, Class B 'agricultural development on units of less than 5 hectares' part (d) to determine whether the Local Planning Authority has any objections with regard to the siting and means of construction of the formation/replacement of a private way (road).

The section of road will be 115m long with a width of 5.5m and will be constructed using grey coloured tarmac.

The road will be for the benefit of the farmer who has farmed the adjoining land for 40 years.

Access to the site is currently achieved from 2 points; a 'left in, left out' priority junction is situated on the northern boundary of the wider site, which in turn connects to a priority junction type arrangement

within the site connecting to the agricultural track. The agricultural track provides a connection through the agricultural fields to an access located on the A259/A280 roundabout. The access arm of the junction provides rights for both roundabout access and egress, although manoeuvres out of the site by farm vehicles are typically undertaken via the eastern access.

The existing agricultural track extends a distance of 300m between the two points of access. The surface of the track is formed of a loose bound material and use by heavy vehicles associated with agricultural activities has resulted in undulations along its length. The proposal relates to improvements to the western section of this access. The access track is used by agricultural vehicles associated with the operation of Roundstone Farm, including the operation of larger 'abnormal load' vehicles (defined as being in excess of

the typical legal width/weight for use on the public highway). The agents have advised that the use of such vehicles has had a detrimental impact on both the surface and subbase construction of the route, resulting in an undulating track surface and the need for frequent maintenance, and which is exacerbated by periods of inclement weather. Therefore, it is proposed to undertake improvements to the access track to address these issues. The access track is to be constructed to provide for a 5.5m wide tarmac track (consistent with the existing width of the track) with a full depth construction and coupled with the inclusion of drainage.

The following specification is proposed:

- 150mm subbase course;
- 100mm base course;
- 50mm binder course;
- 300mm surface; and
- Kerbing either side and drainage gullies every 25m discharge from the road into the ground.

The access track is to be kept on the existing alignment, and no alterations are to be made to either point of access.

The improvements will not result in any change to the way the access track operates; the use of the access track will not intensify vehicular activity along the track and will continue to be used by vehicles in connection with Roundstone Farm.

SITE AREA	4.9 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Evergreen tree belt to road frontage
SITE CHARACTERISTICS	Existing farm access serving farm. The application site is in agricultural use for crop growing.
CHARACTER OF LOCALITY	Predominantly rural. Access track provides access to a few dwellings and the farmyard and some commercial floorspace. to the east.

REPRESENTATIONS

N/A Not advertised.

Comments made by third parties cannot be taken into account. The proposal is being considered in respect of compliance with legislation and whether it meets the requirements of permitted development. It is not being assessed on planning merit. Prior Notifications appear on the weekly list for information purposes only.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Settlement Gap

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

N/A

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under Class B, Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is the perimeter of an existing agricultural field which lies outside the built up area boundary where the principle of agricultural/horticultural development is permitted subject to a Prior Notification under Part 6, Class B, (d) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the consideration of siting and means of construction and compliance with the conditions of the Order.

AGRICULTURAL NEED:

The applicant states that:

"At peak periods, such as during harvest, the track will be used a number of times daily by large farm machinery. At other times of the year it may be used less frequently to access the agricultural facilities associated with Roundstone Farm. The requirements for repair are very much dependant on the time of year and the weather conditions. The submitted Transport Note, advises that the improvements to the track do not have any effect on the its use as route for agricultural vehicles. The proposal seeks to create a safer access to Roundstone Farm which can better withstand use from agricultural vehicles such as tractors and combine harvesters. There is no anticipation that this enhanced track will be used for any purpose other than as an east-west connection between 2 points of the farm."

The existing access does not have visibility issues.

The improvements will benefit the existing farmer.

CONSIDERATION IN RESPECT OF DISTANCE TO METALLED ROAD

The existing agricultural track runs parallel with the A259 which is a classified road, but the proposal is more than 25m from it. Section B1 of Class B removes permitted development rights through clause (c) where "any part of the development would be within 25 metres of a metalled part of a trunk road or classified road". The 'metalled' section of road refers to the carriageway surface, which is formed of a gravel and tar solution. A 'made up carriageway' is defined in Section 329 of the Highways Act (1980) as being "carriageway which has been metalled or in any other way provided with a surface suitable for the passage of vehicles". Therefore, the 25m distance is measured from the edge of carriageway and not from the boundary of the public highway or any adjacent footways. On this basis, annotations have been added to submitted drawing ITB16357-GA-007 detailing the separation between the metalled carriageway surface and the access track. Therefore, the proposed improvement satisfies the criterion of section B1. Sections B2, B3 and B4 do not relate to any of the permitted development rights associated with Class B (d).

VISUAL AMENITY:

The proposal is for an agricultural access way (road) which would not be visually apparent when viewed across the adjoining fields. Whilst the road surface would be gravelled it would not be visually out of keeping with the adjacent agricultural land. The road would also be located around the edge of the field and thus minimises the impact on the landscape. The proposal would utilise an existing access onto the highway and would not alter the route of the current existing and established track.

CONCLUSION:

The proposed replacement of part of the existing private way is reasonably necessary for agricultural purposes. It is in an appropriate location and not excessive in length. It would follow existing field boundaries and would not unnecessarily expand into open countryside. The access track provides a private east-west connection between 2 points of farm access over land used for agricultural purposes. Improvement of the access track is proposed to provide for a bound surface, full depth construction and drainage to address issues of maintenance and useability.

The proposed improvements/upgrade to the access track constitutes permitted development under Part 6 Class B (d) of the Town and Country Planning (General Permitted Development) Order 2015.

It is recommended that no objection be made in relation to the siting and means of construction of the private way.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

NO OBJECTION

- 1 For the avoidance of doubt the approved details are the Agricultural Road Realignment Drawing ITB16357-GA-007 and Track Site Location Plan 040 rev C.