CASE OFFICER'S REPORT

Application Reference:	PL/2023/06826
Application Type:	Prior notification: Road (agricultural/forestry)
Site Inspection:	
Consultation ends:	10 August 2023
Case officer:	Lucy Rutter-Dowd

Site Address:	Land North East of Park Farm & North West of Candy`s Farm, Ramsbury, Marlborough, SN8 2HW
Proposal:	Proposed Agricultural and Forestry Track
Recommendation:	Prior Approval Not Required

Planning Policy

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which refers to Forestry Developments. Before development can be carried out under Class E, the developer must submit a Prior Notification to determine if 'Prior Approval' of the Local Planning Authority is required.

The application is determined against the criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) therefore the policies of the adopted development plan are not applicable.

Description of Site

Arable field to the North East of Park Farm and North West of Candys Farm. The site is washed over by the North Wessex Downs Area of Outstanding Natural Beauty. There is a Public Right of Way Order in place to redirect near by footpaths, one of which will run along the proposed track.

Proposal

The application seeks the formation of new track to be used for agricultural and forestry purposes. The proposed length of track would connect two existing tracks and would built built using hardcore over a geotextile membrane.

Consultations

None made.

Relevant Planning History

None relevant.

Assessment

Part 6, Class E of Schedule 2 of the General Permitted Development Order 2015 (GPDO) relates to forestry developments. This part of the legislation states that development is permitted for 'the carrying out on land used for the purpose of forestry, including afforestation, of development reasonably necessary for those purposes consisting of-

a) Works for the erection, extension or alteration of a building
b) the formation, alteration or maintenance of private ways
c) operations on land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways,
d) other operations (not including engineering or mining operations)

The criteria E.1 (a)-(d) of Part 6 of the GPDO will be considered in turn to establish whether the structure would be permitted development as set out below.

(a) it would consist of or include the provision of alteration of a dwelling

- No such development is proposed.

(b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;

- The development would not exceed 3 metres in height by being a private way.

(c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or

- No such development is being proposed.

(d) any building for storing fuel for, or water from, a biomass boiler or an anaerobic digestion system would be used for storage water not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

- No such development is being proposed.

Conditions

Part 6, Class E Condition E.2 (1) (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) stipulates that:

(a) The development must, before the beginning of 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, or as the case may be, the siting and means of construction of the private way.

Consideration has been afforded towards the siting and means of construction of the private way proposed. In this regard it is considered that the proposed private way would have a minimal impact on the landscape setting of the wider area due to its location within a flat arable field and use of materials of crushed hardcore which would blend into the setting. The proposed track is to follow the exact route of a redirected public right of way. It is considered that the laying of hardcore for the track in this location would not restrict users of the PROW. The PROW would remain unobstructed as such no harmful impact would be caused in this instance.

In addition to the above, it should be noted that the granting of permission under this application does not affect the ability of the Public Rights of Way Team to enforce any legislation that falls within their remit. Should there be an issue in this regard, the applicant may be unable to carry out the works specified in this application.

Recommendation

Prior approval is not required.