

GREENGORE, HILL LANE, HURST GREEN, CLITHEROE.
REPORT ON A PROPOSED ACCESS TRACK FOR AGRICULTURAL PURPOSES.

PLANNING REFERENCE 3/2021/0057

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February 2021

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1.0 Introduction

- 1.1 This report has been prepared at the request of Ribble Valley Borough Council who on the 8 February 2021 asked if I would provide my comments on an application to provide an access/egress track to serve an existing agricultural building at Greengore, Hill Lane, Hurst Green, Clitheroe.
- 1.2 The planning application number is 3/2021/0057 and was received by Ribble Valley D C on the 20 January 2021. The sole applicant is Mrs Judith Johnson, Allhallows House, Clitheroe Road, Mitton. BB& 9PH
- 1.3 The application has been submitted under the prior notification procedure under the Town and Country Planning General Permitted Development Order.
- 1.4 I met the applicant Mrs Johnson on the 13 February 2021 and inspected the location of the proposed access track and the existing agricultural building at Greengore. Also present was Mr Johnson. The following information was provided by the applicant.

Part 1 - The Existing Situation

2.0 Land Occupied and Tenure

- 2.1 The applicant has submitted a site plan with the application. Mrs Johnson advised that she owns the land shown edged blue on that plan having purchased this property about 12 months ago. Her ownership includes the stone barn, the barn and cart shed

- immediately to the south, the farm yard area and the more modern agricultural building to the immediate east.
- 2.2 Her ownership also includes an area of land to the north of these buildings running up to the access lane indicated as Greengore Private Road on the site plan, together with the field to the immediate east extending to about 2.8 ha [7 acres]. This field is currently in grass.
- 2.3 The 2.8ha field is used for agricultural purposes and is subject to a secure agricultural tenancy held by Mr P Dewhurst of Higher Hud Hey Farm which lies to the west. I understand this secure tenancy does not include the modern agricultural building or the land to the north of it running up to the access lane.
- 2.4 A further plan marked “Extent of Holding” has been submitted with the application. This shows in addition to the land owned by Mrs Johnson, land that makes up Higher Hud Hey Farm. Mrs Johnson advised that Higher Hud Hey Farm is owned and occupied by Mr Dewhurst.
- 2.5 In the submitted “Additional Information Required For Agricultural Applications” form Mr Dewhurst is shown as the joint applicant. The total area of the holding is given as 32 ha [79 acres]

3.0 Access to and egress from the land

- 3.1 Access to and egress from Mrs Johnson’s property is gained by a relatively narrow unsurfaced lane from Greengore Private Road, which is also unsurfaced, running through the joint access serving Greengore and Hunters Rest and then alongside the rear garden of Hunters Rest.

3.2 I understand that this is the current main access to the southern gable of the modern agricultural building.

3.3 There are two gated access/egress points from Greengore Private Road to the 2.8 ha field

4.0 Agricultural buildings on site

4.1 At the time of my site visit there was a modern agricultural building to the immediate east of the stone barn. It is constructed of block walls with a corrugated cement roof. It is stated to be 23m x 8m. The interior has a concrete floor with concrete cattle stalls. The building has timber sliding doors on both the north and south gables. It would appear to have been last used as a shippon/byre as the milk pipeline is still in situ.

4.2 Mrs Johnson advised that she believes it was last used for agricultural purposes about 5 years ago.

4.3 On my site visit I noted the building is currently being used for the storage of various items of building equipment including scaffolding planks and scaffolding metal work.

4.4 I understand a former silage pit to the immediate east of this building has been demolished leaving heaped hard core on the site.

5.0 The proposals

5.1 Mrs Johnson advised that she proposes to construct a new access track from the existing field gate into the 2.8 ha field to provide a wider access for farm traffic into the modern agricultural building.

- 5.2 This track is to run through the tenanted land just inside the field boundary and then cross the owner occupied land to reach the northern gable of the former shippon.
- 5.3 It is to be 122 m long by 3.5m wide giving an area of 427m². It is to be constructed as a twin track with a grass centre from hard core with a porous surface. Mrs Johnson felt she would use the hard core from the demolished silage pit.

6.0 Other information

- 6.1 Mrs Johnson advised that she has recently secured planning consent to convert the stone barn and the cart shed to the immediate south to residential use and that it may be up to 5 years before she completes this development. She has received some enquiries from local farmers to rent the modern agricultural building over this period for agricultural purposes and therefore wishes to provide a better and separate access to it.

Part 2 - Guidance in relation to the current application.

7.0 The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- 7.1 The application for this track has been made under the above order. Under Schedule 2 Part 6 of that order, in my view, consideration first needs to be given as to whether the application falls within Class A or Class B.
- 7.2 Class A deals with agricultural development on units of 5 ha or more. It would appear that by submitting the “Extent of Holding” plan the applicant is seeking to include the

area of Higher Hud Hay Farm and if you accept this, the application will fall within Class A. However, Mrs Johnson is not the owner or occupier of Higher Hud Hey Farm.

- 7.3 Mrs Johnson only owns 2.8ha of agricultural land, she is the sole applicant on the application form and has only shown the land she owns on the submitted site plan. If you accept this basis then it would appear that the application falls within Class B – agricultural development on units of less than 5 ha.
- 7.4 It would also appear that the section of the proposed track that runs immediately north of the gable end of the modern agricultural building does not fall within the tenanted area held by Mr Dewhurst. Therefore, this section of track may not fall within an area currently being used for agricultural purposes.
- 7.5 If you conclude that the application falls within Class B, I draw your attention to paragraph B.2 (f) which states that development is not permitted by Class B if any part of the development would be carried out within 5 m of any boundary of the unit. In this case the proposed track follows the boundary of the applicants 2.8 ha agricultural unit and is within 5 m of it

8.0 Reasonably necessary for the purposes of agriculture within that unit.

- 8.1 If you decide the application falls within Class A, then any excavation or engineering operations to create the proposed access on agricultural land comprised in an agricultural unit of 5 ha or more, should be reasonably necessary for the purposes of agriculture within that unit.
- 8.2 If you decide that the application falls within Class B then the provision, rearrangement or replacement of a private way on agricultural land comprised in an agricultural unit of

not less than 0.4 but less than 5 ha should be reasonably necessary for the purposes of agriculture within that unit.

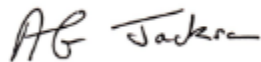
- 8.3 As I understand the current situation, the conditions of the planning consent [application number 3/2020/0543] for the conversion of the stone barn to residential use, requires the demolition of both the former silage pit and the modern agricultural building [former shippon] before the converted barn is occupied.
- 8.4 The silage pit appears to have been demolished and the former shippon appears to have a limited life span if the barn conversion proceeds.
- 8.5 Therefore, in my view, you will need to consider if the access road is reasonably necessary for the purposes of agriculture, given the limited remaining life of the former shippon building because of the proposal to convert the stone barn to a dwelling.

9.0 Other comments

- 9.1 The letter from Richard Turner and Sons makes the point that in the absence of the proposed track any rutting of the field may be penalised in relations to support payments under the Basic Payment Scheme. That may be the case if severe rutting occurs but conversely, it is my understanding that the area of stoned farm tracks are deducted from the area payments made to farmers under the Basic Payment Scheme.
- 9.2 It is also my understanding that all permitted development for agricultural buildings and operations under Classes A and B are subject to the proviso that the land must be in use for agriculture. [See section 1-CLA Guidance notes on permitted development]. It would appear that the parcel of land between the northern gable of the former shippon and

Greengore Private Road may not be within the agricultural tenancy held by Mr Dewhurst and therefore may not be in use for agriculture.

9.3 I also understand that it is a proviso that the land is used for the purposes of an agricultural trade or business. As far as I am aware, no evidence has been submitted to show that the applicant Mrs Johnson is operating an agricultural trade or business. I believe the letting of agricultural land is classed as investment income and not as a trade or business.



Alan Jackson BSc FRICS FAAV

For AG & P Jackson, Chartered Surveyors and Land Agents

16 February 2020

Disclaimer

The information provided in this report has been obtained from the applicant and published sources. In particular the figures relating to areas of land and livestock numbers are the applicant's figures and have not been verified.