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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | WH | **Date:** | 06/03/23 | **Manager:** | **LH** | **Date:** | **14/3/23** |
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| **Application Ref:** | 3/2023/0170 |  |
| **Date Inspected:** | N/A | **Site Notice:** | N/A |
| **Officer:** | Will Hopcroft  |
| **DELEGATED ITEM FILE REPORT:**  | **Decision** | **Prior Approval Not Required** |
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| **Development Description:** | Prior notification for an agricultural road 800m long x 5m wide, existing ground to be levelled and topped with brash cuttings |
| **Site Address/Location:** | Land to the east of Whitendale Road (Dunsop Forest) |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| N/A |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| N/A |
| **CONSULTATIONS:**  | **Additional Representations.** |
| N/A |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and (Amendment) Order 2018  |
| **Relevant Planning History:**21/1125 Prior notification for a proposed temporary road/trackways to assist timber harvesting – Permission Not Required21/0633 Proposed road length 100.00 metres x 3.4 metres width – Permission Not Required15/0175 Prior notification of proposed road 85 metres length x 5 metres width 1.5km north of Dunsop Bridge – Permission Not Required15/0173 Prior notification of proposed road 95 metres length x 5 metres width 3km north of Dunsop Bridge – Permission Not Required3/2000/017N ALTERATION TO EXISTING ROAD – Approved  |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The site is comprised of a large area of woodland approximately 2km to the north of Dunsop Bridge. It sits within the Forest of Bowland Area of Natural Beauty, and immediately adjacent to PROW Bridleway 8, Public Access (Right to Roam) land, the Bowland Fells SSSI and a Biological Heritage Site (Valley of the River Dunsop). The closest dwellings to the site are Bishops House (approx. 300m south-east) and Whitcher Wells (150m east of the northern part of the track).  |
| **Proposed Development for which consent is sought:**The applicant has applied for prior notification under Schedule 2, Part 6 Class E of the GPDO (2015) with regard to the provision of a new private way approx. 800m in length and 5m in width, inclusive of 3no. spurs. The track will be formed by levelling the existing ground and topping with brash cuttings from existing forestry operations. No material will be imported and the track will not be metalled, nor will it be traversable for other types of vehicles. They are considered necessary as a result of existing steep slopes on site requiring the creation of temporary tracks in order to harvest forest crop. Further information from Forestry England, found within the Dunsop Valley Management Plan, identifies felling and regeneration of timber to be a key priority for this area of woodland as a result of its relative inaccessibility to the public.  |
| **Whether or not permitted development**The scheme must satisfy a number of criteria as set out under Class E of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended 2018). Development is permitted for the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of… the formation, alteration or maintenance of private ways. With reference to this and the above information found within the Dunsop Valley Management Plan, it is considered that the works would be reasonably necessary for the purposes of forestry. Having regard to criteria a) – d), development is not permitted by Class E if –1. It would consist of or include the provision or alteration of a dwelling;

**The proposal does not consist of or include the provision or alteration of a dwelling.** 1. The height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;

**The works are not within 3km of an aerodrome and in any case do not exceed 3m in height.** 1. Any part of the development would be within 25m of the metalled portion of a trunk road or classified road

**No part of the development is within 25m of either a trunk road or classified road. The nearest classified road is Trough Road (C477) which sits approximately 1250m south/southwest.** 1. Any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste 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.

**This criteria is not relevant to this application for the formation of a private way.** **The proposal satisfies criteria a) – d) and therefore is defined as permitted development.****Whether or not prior approval is needed**In accordance with condition E.2-1 the Local Authority must determine whether prior approval is required as to the siting and means of construction of the private way.**Siting**Whilst the application does sit in close proximity to a variety of constraints, and within the Forest of Bowland AONB, the private way is sited as such solely to enable forestry operations in Dunsop Valley and cannot be sited elsewhere. In addition to this the private way would – at all points – sit within the forested area of Dunsop Valley which is not accessible to the public and as such would not be visible from any public highway or vista, including PROW Bridleway 8 which runs parallel to Dunsop Valley. **As such Prior Approval is not required in terms of siting.****Construction**The method of construction of the proposed private way would be to level the existing ground, and top with brash cuttings from the existing forestry operations. No material will be imported and the track will not be metalled. The path of the track does not sit within any ecological or biological constraints (although the proximity of the Biological Heritage Site is noted).**As such Prior Approval is not required in terms of construction.**  |
| **Observations/Consideration of Matters Raised/Conclusion:**The proposal meets all of the criteria set out within Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015; therefore, Prior Approval is not required. The siting and construction of the private way would be acceptable for the reasons stated above. |
| **RECOMMENDATION**: | Prior Approval Not Required. |