


**Report to be read in conjunction with the Decision Notice.**

<b>Application Ref:</b>	3/2021/0034	 Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Date Inspected:</b>	~	
<b>Officer:</b>	RB	
<b>DELEGATED ITEM FILE REPORT:</b>		<b>REFUSED</b>

<b>Development Description:</b>	Prior notification application for a proposed agricultural access track at Moorgate Farm.
<b>Site Address/Location:</b>	Moorgate Farm, Moorgate Lane, Dinckley, BB6 8AN

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 2015.

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Observations/Consideration of Matters Raised/Conclusion:**

This application seeks a determination as to whether the Council's prior approval of details will be required for the formation of a new agricultural road comprising hard core base with road planings at Moorgate Farm, Dinckley.

In this particular instance the relevant part of The Town and Country (General Permitted Development) Order 2015 to consider is Schedule 2 Part 6 Agricultural and Forestry Class A.

In order to be permitted development, the development needs to satisfy a number of criteria as comprised in Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015. The first of those requirements is that the development must be 'reasonably necessary for the purposes of agriculture within that unit'.

The applicant's agent has stated that the applicant has planted miscanthus in the field in which the proposed track is to pass through and the new access track will enable the applicant to travel across the adjacent field and arrive at the recently approved agricultural track (approved under application 3/2019/1006) without causing ruts, soil compaction or water-logging.

The application site benefits from an existing track that enables the applicant to access the recently approved agricultural track however the applicant's agent states that the existing track is not suitable for the following reasons:

1. the existing access track also serves a small complex of holiday pods at the site and with large agricultural machines being within close proximity of the residents of the holiday lets the existing access being used for agricultural purposes poses a potential health and safety risk.
2. the existing access is not suitable due to agricultural machinery churning up the surface and depositing of mud/muck

The field is served by an existing access track and there is no uncertainty around the fact that the proposed track if granted would be used for agricultural purposes. However, no information has been provided in relation to what agricultural activities take place on the land to justify the provision of a new agricultural track when there is an existing agricultural track serving the same parcel of land. Any repair works required to the existing track could be carried out by the application without seeking approval of the Local Planning Authority

Regarding the relationship between the existing leisure use and agriculture, the applicant himself sought permission for the camping pod site in this particular location and has therefore created a situation where there is a close relationship between agricultural activities and the guest accommodation. Guests are likely to expect a degree of noise from agricultural activities at the site given its location in the open countryside.

Furthermore, it is noted that an alternative route is also available to the approved agricultural track (3/2019/1006) via an existing track to the east of 'The Bungalow'.

Therefore, it is deemed that considering all the above the new track would not be reasonably necessary for the purposes of agriculture.

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;

The parcel of land is more 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;

**Development under Class Q or S of Part 3 (changes of use) has not been carried out.**

(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;

**It would not include any of the above.**

(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 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

**The development would not exceed 1,000 square metres.**

(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;

**The development would not be within 3 kilometres of the perimeter of an aerodrome and would not exceed 12 metres in height.**

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

**The development would not 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;

**The development would not 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.**

(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.

**The proposed development would not include any of the above.**

The applicant has failed to provide sufficient evidence to demonstrate that the proposed development is reasonably necessary for the purposes of agriculture. Prior approval is refused and a full planning application is required.

Notwithstanding the above, even in the event that the LPA considered the track to be necessary for agricultural purposes it is considered that, by virtue of its siting and method of construction, and taking into account the location of surrounding tracks, the proposal would have a scarring effect on the landscape following neither established field boundaries or contours of the land.

<b>RECOMMENDATION:</b>	Prior approval is refused.
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