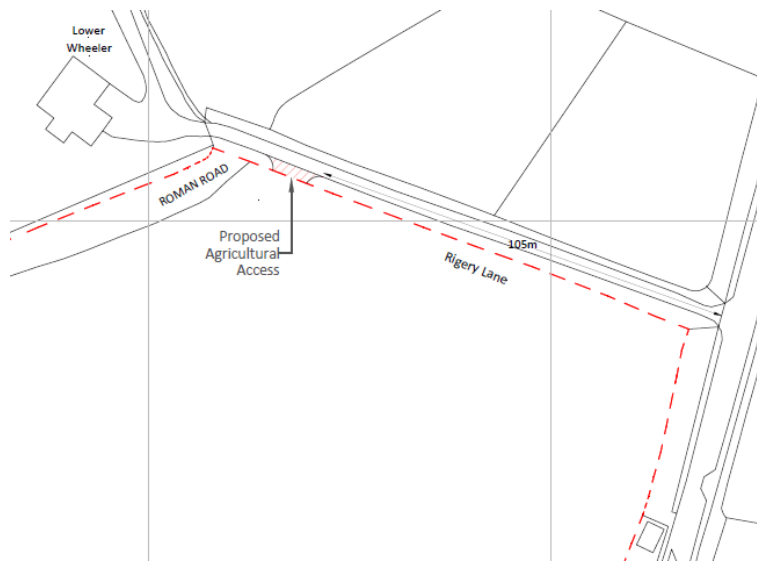


PRIOR APPROVAL PLANNING STATEMENT

PROPOSED AGRICULTURAL ACCESS, RIGERY LANE, COLLIERS END SG11 1ET

1.0 INTRODUCTION

1.1 Fishers Farm requires a new agricultural access to meet the operational requirements of the farm. Rigery Lane is a Byway Open to All Traffic (BOAT) and borders the agricultural land in question to the north. The proposed access would be 105m along Rigery Lane from the junction with Ermine Street, with a width of 6m and a bell-mouth of width 12m. It would provide access for agricultural vehicles to the agricultural land to the south.



1.2 This application is submitted requesting a determination as to whether Prior Approval is required as to the siting and means of construction of the access, in accordance with Class A, Part 6, Schedule 2 of the GPDO, being the formation of a private way for agricultural purposes on agricultural land and not within 25m of the metalled part of a trunk or classified road.

2.0 HIGHWAYS PRE-APPLICATION ADVICE

2.1 Before submitting this application for Prior Approval determination, pre-application advice was requested from Hertfordshire Highways.

2.2 Hertfordshire County Council Highways responded 31 January 2024 (letter attached), confirming that Rigery Lane is a BOAT and is suitable for agricultural access. They requested that visibility for walkers be considered, that a small construction management plan be submitted to ensure that the public right of way is not

obstructed during construction, and observed that the ditch should be retained to avoid surface water runoff on to the highway.

3.0 PROPOSED DEVELOPMENT

3.1 Fishers Farm is long-established and comprises 40.4ha of land. The agricultural business is arable, mostly corn and also hay and straw production.

3.2 Access to the agricultural land in question is currently through the historic farmyard, off Ermine Street. It is narrow, going between the medieval farmhouse (grade II listed) and associated historic barns (curtilage listed buildings). It is therefore not possible to widen the access at this point.



3.3 The proposed access would be from Rigery Lane and would provide improved access for larger, modern agricultural vehicles and machinery.

3.4 The proposed development would be 105m along Rigery Lane from the junction with Ermine Street, with a width of 6m and a bell-mouth of width 12m. A new 750mm twinwall pipe will be installed, ensuring full submersion to maintain consistent water flow rates. Shuttering will be implemented over the new pipework to prevent debris from entering the waterway. Reinforcement bars will be pinned and anchored into

both sides of the bank, with mesh reinforcement installed. Grade C35 lean concrete mix will be supplied and compacted around the twinwall pipe to eliminate air gaps, ensuring long-term stability.

3.5 The driveway will be constructed upon settling and curing of the construction. New roadway sections will be laid to match existing levels, with kerb edgings to transition from the existing road and the new surface will be recycled road planings. Sandbag shuttering will be placed on either end to prevent debris from entering the bank.

3.6 Reflective barriers will be installed at the entrance for enhanced visibility and safety of pedestrians and vehicles.

4.0 PERMITTED DEVELOPMENT

4.1 In accordance with Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposal is permitted development provided the following requirements and conditions are met:

Class A – agricultural development on units of 5 hectares or more

Permitted development

A. *The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

Fishers Farm is an agricultural unit of 40.4ha. The proposed access is reasonably necessary for the purposes of agriculture within that unit to enable improved access for larger modern agricultural vehicles and machinery, the existing access being constrained in width by listed buildings (see above).

Development not permitted

A.1 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 land forming part of the unit is 6.47ha.

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(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;

The proposal is not for the erection or extension of a building.

(c)it would consist of, or include, the erection, extension or alteration of a dwelling;

The proposal is not for 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;

The proposal involves works designed for agricultural purposes, being for an agricultural access to agricultural land.

(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 [F11,000 square metres], calculated as described in paragraph D.1(2)(a) of this Part;

The proposal meets this requirement.

(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;

The proposal meets this requirement.

(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 proposal meets this requirement.

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

The proposal would be 105m from the metalled part of Ermine Street, meeting this requirement.

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(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 proposal meets this requirement.

(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 proposal meets these requirements.

[F1](#) Words in Sch. 2 Pt. 6 Class A para. A.1(e) substituted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, 12

Conditions

A.2—(1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

The proposal satisfies this condition.

(b) where the development involves—

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit,
the mineral is not moved off the unit;

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The proposal does not involve any of the above.

(c)waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

The proposal satisfies this condition.

(2) Subject to sub-paragraph (3), development consisting of—

(a)the erection, extension or alteration of a building; The proposal does not consist of this development.

(b)the formation or alteration of a private way; The proposal DOES consist of this development.

(c)the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

The proposal does not consist of this development.

(d)the placing or assembly of a tank in any waters,

The proposal does not consist of this development.

is permitted by Class A subject to the following conditions—

(i)the developer must, before beginning 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, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

This application meets the requirement to seek a determination as to whether the prior approval of the authority is required as to the siting and means of construction of the private way.

(ii)the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

This application meets this requirement. A written description of the proposal and materials to be used are provided at 3.4 – 3.6 above. A plan is submitted indicating the site. A construction management plan and drawings indicating construction details are also submitted. The fee is paid.

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- (iii)the development must not begin before the occurrence of one of the following—
 - (aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (bb)where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or
 - (cc)the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

The development will comply with these conditions.

- (iv)where the local planning authority give the applicant notice that such prior approval is required, the applicant must—
 - (aa)display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and
 - (bb)where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

The applicant will comply with these conditions.

- (v)the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
 - (aa)where prior approval is required, in accordance with the details approved;
 - (bb)where prior approval is not required, in accordance with the details submitted with the application; and
- (vi)the development must be carried out—
 - (aa)where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

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(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

The development will comply with these conditions.

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

N/A

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

N/A

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

(a)the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b)planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

N/A

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

N/A

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

N/A

5.0 CONCLUSIONS

- 5.1 The proposal meets all of the requirements and conditions in Class A, Part 6, Schedule 2 of the GPDO. The siting and means of construction are appropriate.
- 5.2 It is therefore requested that the Local Planning Authority determine that Prior Approval is not required for the proposed development.

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