

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

24/02547/PNW

Installation of farm track

Land At

Radwell Bury Farm

Radwell Lane

Radwell

Hertfordshire

Submitted Plan Nos

Location Plan 5320 - 100 - P1 5320 - 101 - P1 Topographical Survey

1.0 Policies

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 The LPA does not normally consult on this type of agricultural prior approval application due to the short timescale for determination. However, given the proposed access to an adopted highway, consultation has been undertaken on this application. The applicant agreed an extension of time for determination of the application to allow for the consultation responses to be received.

3.2 The following responses have been received:

Highways

- ☐ Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions requiring technical plans showing *the detailed engineering designs and construction of the vehicle access and that associated visibility splays can be provided and the submission of a Stage 1 Road Safety Audit.*
- ☐ Highways comments:
 - Submitted information demonstrates that the design and build of the vehicle access meets the relevant policy and design specification and guidance's of the Highway Authority.
 - It would appear the proposed vehicle access can provide visibility splays measuring 2.4m x 43m which is compliant with MfS guidance, and the swept path tracks whilst tight but given site specific conditions acceptable.
 - The proximity of the motorway bridge supporting walls to the proposed vehicle access under which parking on the footway takes place (google map) and access is also opposite an existing developments vehicle access thereby creating potential conflict points, raises safety concerns for all highway users. A Stage 1 Road Safety Audit (RSA) will need to be submitted with particular attention to visibility splays at the proposed vehicle access and potential to mitigate conflict points.
 - The HA believes that there is sufficient scope for the applicant to satisfactorily address the above requirements and therefore could be conditioned.

Archaeology - Natural, Historic And Built Environment Advisory Team

- ☐ *The site lies within an Area of Archaeological Significance as identified in the Local Plan.*
- ☐ *The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and conditions are recommended.*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is open, agricultural land to the south of Radwell Lane. The site is a long established agricultural field, with an existing track running east from the farm and an existing farm access onto Radwell Lane.

4.2 **Proposal**

- 4.2.1 The application is proposing a new agricultural track running east from Radwell Bury Farm then north to join Radwell Lane.
- 4.2.2 The supporting Planning Statement notes that when the A1(M) was constructed in the 1960's this farm entrance was closed off and Highways funded the widening of an access to the farm via Radwell Lane but in the middle of the village. This has served the farm well for the most part, but as farm machinery and goods vehicles have grown in size, this has presented increasing challenges as vehicles have to pass through the narrow Radwell Lane in order to reach the farm.
- 4.2.3 The track will be 285m length, 5m in width and 0.2m in height. It will be constructed of concrete in a natural colour.
- 4.2.4 The track is necessary for the purposes of agriculture. It is currently difficult to access the farmyard through Radwell village with agricultural and good vehicles.
- 4.2.5 The entire agricultural unit is 350 ha.

4.3 **Key Issues**

- 4.3.1 This application is to be assessed under the GPDO Part 6, Class A which states:

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.

- 4.3.2 The proposed track is considered to be an engineering operation that is reasonably necessary for the purposes of agriculture within the farm unit. The proposal needs to meet the criteria below.

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 farm is more than 1ha 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;

N/a.

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

N/a.

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

No.

(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 would exceed 1,000 square metres; or

(ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres calculated as described in paragraph D.1(2)(a) of this Part;

N/a.

(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;

N/a.

(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;

N/a.

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

HCC Highways confirm that Radwell Lane is an unclassified road. It is noted that the proposed track runs parallel to the A1 (trunk road). However, no connection is proposed and the A1 is separated by an embankment. It does not appear from the submitted plans that the proposed track would be within 25m of the 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;

N/a.

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;

N/a.

(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;

N/a.

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

N/a.

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;

N/a.

(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;

N/a.

(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 complies with this condition.

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

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

(b) the formation or alteration of a private way;

(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

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

Prior approval is required for the siting and means of construction of the private way and hereby granted. Sufficient details have been submitted to allow HCC as the highways authority to support the proposed siting and design subject to conditions as outlined above. It is considered reasonable to attach these conditions.

(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 has been submitted.

(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;

Prior approval is required and hereby granted.

(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

Prior approval is required and hereby granted.

(cc) the expiry of 28 days following the date on which the application under subparagraph (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 application has been determined within the agreed extended determination period.

(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;

Prior approval is required and hereby granted.

(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;

Prior approval is required and hereby granted with conditions.

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

N/a.

(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;

(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).

(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.

4.3.2 It is noted that the site falls within an Area of Archaeological Significance. Comments received by the Natural, Historic And Built Environment Advisory Team are noted. However, given that the siting of the proposed track is along a partially existing track and across actively ploughed and worked farm land, the land has already been disturbed and it is unlikely that any remains of archaeological significance remain undisturbed. In addition, the proposed construction will sit on top of the sub soil. It is therefore not considered reasonable to attach the proposed archaeological conditions.

4.4 **Conclusion**

4.4.1 Prior approval is required and hereby granted with conditions.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 Not applicable.

5.0 **Recommendation**

5.1 The proposed development is 'reasonably necessary' for the purposes of agriculture and complies with the necessary criteria of the GPDO Part 6, Class A of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 with conditions. Prior approval is required and hereby granted.

1. No works shall take place on the construction of the new formalised vehicle access off Radwell Lane until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The plans must show the detailed engineering designs and construction of the vehicle access and that associated visibility splays can be provided. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.

2. No works shall take place on the construction of the new formalised vehicle access off Radwell Lane until a Stage 1 Road Safety Audit (RSA) for the vehicle access proposals has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the recommendations, if any, shall only be carried out in accordance with the report.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 February 2025	