



PLANNING REF: 2217/22/AGR

DESCRIPTION: Application to determine if prior approval is required for a proposed new access tracks to provide direct access for the movement of livestock and machinery measuring in total 3355m x 5m width

ADDRESS: Hendham View Woodleigh TQ7 4DP

2nd July 2022

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society is **objecting** to this application as it is our opinion that the agent has made an error in understanding the General Permitted Development Rights Order, Part 6, Class B that relate to the provision of a private way.

In the submitted planning statement letter ref: 8724c/AMB/KB dated the 20th June 2022 regarding prior notification, the agent states the size of the farm as following:

'Hendham View Farm is a substantial farm holding comprising 730 acres of which 500 acres are owned at Hendham and 230 acres are rented on Farm Business Tenancies and long-standing grass keep agreements.'

At the end of the letter the agent goes on to state:

*'The proposal therefore meets with the permitted development rights in **Part 6, Class B of the General Permitted Development Order that relate to the provision of a private way.**'*

The agent has made a mistake in reading the permitted development legislation which is as follows:

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The Town and Country Planning (General Permitted Development) (England) Order 2015

UK Statutory Instruments 2015 No. 596 SCHEDULE 2, PART 6 Class B – agricultural

Class B – agricultural development on units of less than 5 hectares

Permitted development

B. The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—

(a) the extension or alteration of an agricultural building;

(b) the installation of additional or replacement plant or machinery;

(c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;

(d) the provision, rearrangement or replacement of a private way;

(e) the provision of a hard surface;

(f) the deposit of waste; or

(g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit.

The agricultural unit is stated in the planning statement as being ‘730 acres of which 500 acres are owned at Hendham and 230 acres are rented on Farm Business Tenancies’

That reads ‘295 hectares of which 202 hectares are owned at Hendham and 93 hectares are rented on Farm Business Tenancies’.

The agent should have recognised that this agricultural unit **is not** less than 0.4 hectares but less than 5 hectares in area and therefore PART 6 Class B – agricultural **is not applicable to this holding.**

The size of agricultural holding quoted has the following permitted development rights:

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,

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

There is no **'provision, rearrangement or replacement of a private way'** permission listed and it is therefore the Society's opinion that this prior notification request has been submitted in error.

Further, we would expect any planning request for private ways of this size to be fully supported by a Biodiversity and Geological Conservation assessments.

We also note that the road next to the Hendham barn complex is a classified road. The title of the application states *'direct access for the movement of livestock and machinery'* and in this instance it must be that the access is to and from the barn complex.

It is our opinion that despite the track surfacing shown to end 30 metres from the classified road, the remainder of the track is part of the development because the track for livestock and machinery leads to the barn complex. Without that section, the track leads to nowhere.

If the LPA considers that the South Hams Society is incorrect in its opinion, please can the Case Officer contact the Society so that we can give greater consideration to the proposal as we believe that these tracks will be damaging to the designated countryside.

For and on behalf of the South Hams Society

Richard Howell

Chairman.