
2025/0321

Fraser

Alterations to existing agricultural access (Application to determine if prior approval is required for a proposed formation of a private way for agricultural use)

Land West of Tivy Dale Drive, Cawthorne, Barnsley

Site Location and Description

The site is located at the head of a cul-de-sac off Tivy Dale Drive, Cawthorne, adjacent to an existing access serving agricultural land associated with the holding.

The site runs along the western boundary of the 28 Tivy Dale Drive, and is currently overgrown with vegetation and is located within the Deffer Wood woodland TPO 1/1951



Proposed Development

The proposal involves general clearance works, some excavation works and the laying of a new surface of hardcore and limestone chippings, approximately 55m in length and 8m in width to provide an improved access between the north field and the south field, to limit the disturbance on the highway network.



Policy Context

General Permitted Development Order Prior Notification Procedure – Agricultural and Forestry Part 6

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.

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;
- (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;
- (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;
 - (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 1000 square metres; or
 - (ii) any building erected or extended or altered by virtue of Class A, would exceed 1500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;
 - (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;
 - (h) any part of the development would 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;
 - (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;
 - (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; or
 - (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.

Consultations

Biodiversity – no objections, suggest the inclusion of an informative to protect any nesting birds

Conservation Officer – No objections – historical records suggest that a track was once situated in this location, and that whilst the site is located within the historical parkland it is unlikely to introduce serious harm.

Cawthorne Parish Council – they have objected to the development stating that the laying of a track constitutes an engineering operation which should be subject to a full application, in addition, the laying of hardcore would impact on biodiversity. They also dispute the presence of a historical track in this location.

Forestry Officer – verbal comments have been received in relation to the site being located within a woodland TPO, an informative is to be included notifying that any tree works will be subject to a TPO application.

Highways DC – No objections

Ward Councillors – No objections received

Representations

No representations have been received.

Assessment

Principle of development

The proposal meets the requirements of Part 6 Section A as the proposal involves the excavation or engineering operations in association with the construction of a private way on an agricultural unit of 5 hectares or more, and which is reasonably necessary for the purposes of agriculture within that unit.

It is acknowledged that the area of track to be laid is uneven and that some levelling works will be required prior to the surfacing works. Engineering operations in association with an agricultural holding are considered acceptable and the level of works required would be minor.

A plan has been submitted showing the area of land in question. The proposal involves the use of an existing access off the unclassified road of Tivy Dale Drive, which serves the 'north field' to provide an additional access to the 'south field'. The works once completed are reasonably necessary and would be acceptable in terms of visual amenity and the impact on the openness of the Green Belt.

It is noted that some consultees have raised objections and concerns however, the comments raised by consultees are noted, however agricultural holdings benefit from permitted development rights and whilst the comments are acknowledged they don't carry any weight against the application.

In relation to the comments made by the Conservation Officer, it is noted that the development would be located within the Grade II Historic Park and Garden of Cannon Hall, however, given the siting of the track on the boundary of the historic park and garden, adjacent to agricultural land, and the settlement boundary, and not centrally within Historic Park and Garden or Cannon Hall Pleasure Grounds, it is considered that the siting is acceptable.

In relation to the comments raised by the Forestry Officer and Ecology, these are noted, and their concerns would be covered by separate legislation. Nevertheless, the applicant will be informed that an application for tree works will be required and that any unauthorised works to a protected tree(s) would be susceptible to enforcement action and that it is an offence to disturb nesting birds. In light of the above it is considered that prior approval is not required.

Recommendation

Prior approval not required