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Site Address: Camp Field (land to the west of Havant Crematorium),  
Bartons Road, Havant  
Proposal: Application to determine if prior approval is required for a proposed  
formation of a Private Way for Agricultural Use.  
Application No: APP/21/00799                      Expiry Date: 26/08/2021  
Applicant: Mr P Hodgson  
Redrow Homes  
Agent:                                                              Case Officer: David Eaves  
Ward: St Faiths

Recommendation: **PRIOR APPROVAL NOT REQUIRED**

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## **1     Site Description**

The site is currently a field that is used for agricultural purposes. The proposal is for an agricultural field access taken off the existing access to The Oaks Crematorium.

## **2     Planning History**

APP/19/00007 - Outline Application for access with all other matters reserved, for up to 72 new homes plus associated green infrastructure including community orchard, PERM,05/10/2020

APP/19/00537 - Extension of the parking area to provide 44 additional car parking spaces (Approved 19/09/2019). Request to Discharge Condition 3 (21/10/2019)., PERM,19/09/2019

***Officer Comment - Relates to Crematorium site***

APP/21/00300 - Application for non material amendment to planning permission APP/19/00007 to allow for 70 dwellings., PERM,29/04/2021

APP/21/00423 - Display of 1No. non-illuminated stack sign on timber posts with ACM face panels., PERM,05/08/2021

APP/21/00678 - Application for Reserved Matters Approval pursuant to Outline Planning Permission APP/19/00007 for the layout, scale, appearance and landscaping of 70 dwellings and associated works. Request for approval of details pursuant to Conditions 5 (Arboriculture); 7 (landscaping); 8 (drainage); 10 (boundary treatments); 13 (levels); 15 (highways); 17,18 and 19 (archaeology); 21 and 32 (lighting)., ***Current Application***

APP/21/00695 - Alterations and construction of a single storey extension to the crematorium building., ***Current Application***

APP/21/00812 - Construction of a section of highway and landscaping to frontage of crematorium access point., ***Current Application***

## **3     Proposal**

Application to determine if prior approval is required for a proposed formation of a Private Way for Agricultural Use.

#### **4 Policy Considerations**

National Planning Policy Framework  
Havant Borough Council Borough Design Guide SPD December 2011  
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)  
DM12 (Mitigating the Impacts of Travel)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Submission Version Havant Local Plan

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

#### **5 Statutory and Non Statutory Consultations**

**Councillor Imogen Payter**  
No comments received

**Councillor J Branson - St Faiths**  
No comments received

**Councillor T Pike - St Faith's**  
No comments received

**Hampshire Highways**

The proposed access road is to be accessed from the junction with Bartons Road which will be improved as part of the planning permission granted under reference APP/19/00007.

The access track is located off the highway but will be hard surfaced and kerbed to cater for agricultural vehicles which currently access the fields to the north via the existing field gate.

Given that the works are located off the highway and the agricultural use will not be intensified as part of the proposed development, the Highway Authority raise no objection to the principle of development.

#### **6 Community Involvement**

N/A

## 7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Whether Prior Approval is required

(i) Principle of development

The application is for an agricultural field access and is considered acceptable in principle to access agricultural land.

(ii) Whether Prior Approval is required

The application has been submitted under GPDO Schedule 2 Part 6 Class B (Agricultural Development on units of less than 5 Hectares).

The GPDO confirms that the proposed provision, rearrangement or replacement of a private way is permitted development under Class B2(d) where the development is reasonably necessary for the purposes of agriculture within the unit. In this case the access would provide field access to agricultural land and would replace a previous field gate access.

The GPDO then provides a number of criteria where development is not permitted as set out below:

*B.1 Development is not permitted by Class B if—*

*(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area;*

The field to be accessed by the access beyond the residential development area would exceed this area.

*(b) the external appearance of the premises would be materially affected;*

Not applicable to this proposal.

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

The proposal is more than 25m from the metalled part of a trunk road or classified road.

*(d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the*

*building or structure is within 400 metres of the curtilage of a protected building;*

Not applicable to this application.

*(e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept; or*

Not applicable to this application.

*(f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.*

Not applicable to this application.

A series of conditions are then applied under B.5

*B.5—(1) Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, is 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.*

Not applicable to this application.

*(2) Development consisting of the extension or alteration of a building situated on article 2(4) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—*

*(a) the condition that 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 as extended or altered or the siting and means of construction of the private way; and*

*(b) the conditions set out in paragraphs A.2(2)(ii) to (vi) of this Part.*

In this case the site is not on article 2(4) Land, which the GPDO defines as:

*Land within the following areas—*

*(a) a National Park;*

*(b) the Broads; or*

*(c) land outside the boundaries of a National Park which is within the parishes listed in subparagraph (2). The site is not within a listed parish.*

Therefore it can be concluded that in this case that the submission of an application to determine if prior approval is required is not actually required under the GPDO. As an application has nevertheless been submitted it is appropriate to determine that prior

approval is not required in this case.

## **8 Conclusion**

8.1 It is recommended that prior approval is not required.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **DETERMINE THAT PRIOR APPROVAL IS NOT REQUIRED** for application APP/21/00799 subject to the following conditions:

- 1 The development must be begun not later than 29 July 2026.  
**Reason:** To comply with the requirements of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Prior Approval Location Plan Drawing No. LP.03 Rev A  
Technical Note AKD/21:0324/6383 dated 16th July 2021

**Reason:** - To ensure provision of a satisfactory development and to comply with the requirements of the Town and Country Planning (General Permitted Development) Order 2015 as amended.