

PLANNING STATEMENT

**LAND ADJ. GORSTY HILL COTTAGE
UPPER TEAN**

JULY 2026

Site Address:

Land adj. to Gorsty Hill Cottage, Tenford Lane, Upper Tean, ST10 4EL

Applicant:

Mr. B. Edgar

Proposal:

Lawful Development Certificate for Proposed Use:
Formation of agricultural access and track

Planning Statement:

Date Issued: 21st July 2026

Job Reference: RDP/2026/068

Report Prepared By:

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1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. B. Edgar to lodge a lawful development certificate application pursuant to the provisions of section 192 of the Town and Country Planning Act 1990 (As Amended).
- 1.2 The Lawful Development Certificate application seeks to confirm that the proposed formation of an agricultural vehicular access and associated track (private way) on land adjacent to Gorsty Hill Cottage, Tenford Lane, Upper would amount to permitted development pursuant to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and would therefore be lawful.
- 1.3 The National Planning Practice Guidance confirms that an applicant is responsible for providing sufficient information to support an application for a Lawful Development Certificate to be granted, and that an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.
- 1.4 This Planning Statement sets out the applicant's case for the Lawful Development Certificate to be granted in light of the above requirements and should be read in conjunction with the submitted drawing (GNC/26/206/1 Revision A) which shows the proposed formation of a vehicular access and track, providing direct access from the highway to the field.

2 Site & Surroundings

- 2.1 The application site is located within the rural area and comprises a parcel of agricultural land that extends to approximately 2 hectares in area, and which lies to the north and east of the applicant's dwellinghouse, which is known as Gorsty Hill Cottage.
- 2.2 The carriageway of Tenford Lane encloses the southern boundary of the site, with the proposed agricultural access being located in an area where there is already a gap in the boundary hedgerow that otherwise separates part of the land from the carriageway. Tenford Lane is an unclassified road.
- 2.3 Open agricultural fields extend to the northwest and north, with the applicant's dwellinghouse located to the east. Further agricultural fields lie to the south on the opposite side of Tenford Lane. There are no immediate residential occupiers located nearby.

3 The Proposal

3.1 This Lawful Development Certificate seeks confirmation that:

- 1) The proposed formation of an agricultural access and track would constitute permitted development and thus be lawful.

4 Planning Assessment

- 4.1 Section 192(1) of the Town and Country Planning Act 1990 (As Amended) confirms that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land would be lawful they may make an application for the to the Local Planning Authority specifying the land and describing the operations in question.
- 4.2 Section 192(2) of the Act goes on to state that If the local planning authority are provided with information satisfying them that the operations described in the application would be lawful if instituted. or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- 4.3 The Planning Practice Guidance confirms in respect of Lawful Development Certificates that an applicant is responsible for providing sufficient information to support an application. It goes on to state that if a local planning authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probable, then there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 4.4 This Lawful Development Certificate application seeks to demonstrate that the proposed formation of an agricultural access and track would amount to permitted development pursuant to the provisions of Schedule 2, Part 2, Class B, and Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.5 Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) makes provision for the formation of a means of access to a highway, where that highway is not a trunk road or a classified road, and where the access is required in connection with development permitted by any Class in Schedule 2 (other than Class A of Part 2).

4.6 Schedule 2, Part 6, Class B of the Order makes provision for the carrying out on agricultural land within an agricultural unit of not less than 0.4 hectares and less than 5 hectares in area, of development consisting of (amongst other forms of development):

(d) the provision, re-arrangement or replacement of a private way

4.7 The term 'private way' is defined by the Order as comprising:

"a highway not maintainable at the public expense and any other way other than a highway"

4.8 The applicant's agricultural land holding extends to approximately 2 hectares, and thus is more than 0.4 hectares in area, and less than 5 hectares. The provisions of Schedule 2, Part 6, Class B can therefore apply to the land.

4.9 The applicant's land is used on a rotational basis for the grazing of cattle and for the cutting of hay. It requires regular access for stock management, pasture maintenance and routine agricultural operations. The land was previously accessed via the applicant's driveway which provided access through to both the land itself, as well as an agricultural storage building at the top of the slope (located to the northeast of the existing dwelling).

4.10 That means of access was not well suited for use by tractors and trailers given its gradient and close proximity to the dwelling, resulting in the land often

becoming churned up by vehicles. The image in Figure 1 below shows the original route of the agricultural access. That route was persevered with in the absence of any suitable alternative.

Figure 1 – Image of route of the original farm track



- 4.11 The agricultural building has since been converted to a cattery under planning application SMD/2018/0224. Since the cattery opened in June 2024 the original access route has been rendered even more unsuitable for continued use for agricultural vehicles and equipment due to concerns about pedestrian / vehicular conflict, as well as the ongoing going concerns about the land becoming churned up during periods of bad weather.
- 4.12 As a consequence, the land north / northeast of the former agricultural building has not been grazed as intended and has begun to deteriorate in appearance. Regular grazing is essential, not only for the helping to rear the animals themselves, but also for maintaining the land in good agricultural condition and for preventing overgrowth, supporting soil health, and preserving the rural character of the area. Without proper access, the land can no longer be effectively used for agricultural purposes, either for stocking

grazing or for the cutting of hay for animal feed. The proposed access and associated private way (track) will provide a safe and practical means to access the land and allow it to continue to be used for such agricultural purposes.

4.13 The proposed agricultural access and track is consequently concluded to be reasonably necessary for the purposes of agriculture, and thus amounts to permitted development, subject to addressing the tests set out in Schedule 2, Part 6, Class B.1 of the Order. These are considered in turn below.

4.14 Schedule 2, Part 6. Class B.1 of the Order confirms that development is not permitted 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;
- (b) the external appearance of the premises would be materially affected;
- (c) any part of the development would be within 25 metres of a 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;
- (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

(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; or

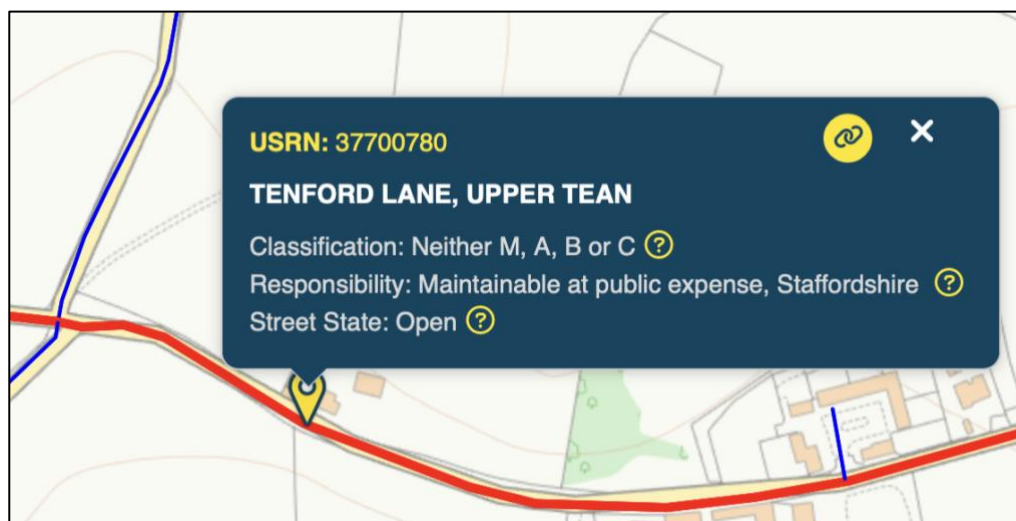
(g) the extension of a building would be carried out on land or a building that is, or is within the curtilage of a scheduled monument.

4.15 As discussed within the preceding sections of this Planning Statement, the development is to be carried out on a parcel of land which is not less than 0.4 hectares in area. No conflict with criterion B.1(a) will therefore arise.

4.16 The works do not involve alterations to the external appearance of a building, and therefore no conflict with criterion B.1(b) will arise.

4.17 No part of the proposed development will lie within 25 metres of a metalled part of a trunk road or classified road. We draw attention in this regard to the extract of the FindMyStreet website shown in Figure 2 below which confirms that Tenford Lane is not a classified road. No conflict with criterion B.1(c) will therefore arise.

Figure 2 – Extract of FindMyStreet.co.uk Website



- 4.18 The proposed development does not involve the erection of a building, and thus no conflict with criterion B.1(d) will arise.
- 4.19 The proposed development does not relate to fish farming, and thus no conflict with criterion B.1(e) will arise.
- 4.20 The proposed development does not involve the erection of a building for storing fuel or waste from a biomass boiler, and thus no conflict with criterion B.1(f) will arise.
- 4.21 The proposed development does not involve the extension of a building, and thus no conflict with criterion B.1(g) will arise.
- 4.22 In addition to the above criteria, Class B.5(2) of the Order dictates that development consisting of the provision, rearrangement or replacement of a private way on Article 2(4) land is permitted subject to the developer first applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to siting and means of construction of the private way.
- 4.23 The land to which this proposal relates does not comprise of Article 2(4) Land which is defined by the Order as comprising land within a National Park, The Broads or land within certain prescribed parishes that lie outside of the boundaries of a National Park. None of those are relevant to this site so no conflict with Class B.5(2) will arise, and prior approval is not required.
- 4.24 The proposed formation of a means of access to connect the private way with the highway also constitutes permitted development pursuant to the provisions of Schedule 2, Part 2, Class B, as Tenford Lane does not comprise of a classified road (paragraph 4.5 of this Statement refers).

5 Conclusion

- 5.1 Having regard to the considerations set out within the Planning Assessment above it is concluded that the proposed agricultural access and track amounts to Permitted Development that is consistent with the provisions of Schedule 2, Part 2, Class B, and Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). Consequently, the proposed works are concluded to be lawful.
- 5.2 The Local Authority is respectfully requested to issue a Lawful Development Certificate confirming the same.