

Development Management Delegated Decision Report

B/21/0142



SUMMARY OF APPLICATION

Application Reference	B/21/0142		
Application Type	Prior Notification of Agricultural Development		
Proposal	Prior Notification for the Extension of 1No. Agricultural Store (Building One) to an Existing Shed and the Erection of 1No. Agricultural Store (Building Two)		
Location	Moulton Lodge, Wyberton West Road, Boston PE21 7LE		
Applicant	Mr Paul Cash		
Agent	Mr Jack Lawrence		
Received Date:	25-Mar-2021	Consultation Expiry Date:	22-Apr-2021
Valid Date:	25-Mar-2021	Statutory Expiry Date:	22-Apr-2021
Date of Site Visit:		Extension of Time Date:	26-Apr-2021
Objections received?	No		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	APPROVE		
Report by:	Grant Fixter		
Date:	26/04/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located within the countryside and comprises an agricultural holding. The site consists of a number of cattle pens, storage areas and storage sheds, with agricultural land to the north, east, south and west and some sporadic residential development to the south.

DETAILS OF PROPOSAL:

This application has been submitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6, to determine whether the extension of one agricultural store and the erection of a further agricultural store require prior approval.

The extension will replicate the dimensions of the host storage building and will measure 21.3m by 36.5m, 4.8m to the eaves and 6.68m to the ridge. This equates to a floor space of 777.45m².



The second storage building will measure 21.3m by 10.4m, 6m to the eaves and 7.88m to the ridge. This equates to a floor space of 221.52m².

RELEVANT HISTORY:

- B/10/0119 - Erection of a steel framed building to house cattle – Approved on 18/05/2010.

RELEVANT LEGISLATION

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The main issues are:		
Whether the proposed works are permitted development by virtue of Schedule 2, Part 6, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended		
Class A - Agricultural development on units of 5 hectares or more		
	Yes / No	PD?
Is the proposal one of the types of development that is classed as Permitted Development under Class A?	Y	Y
Which type of development under Class A?		
Is the proposal on agricultural land?	Y	Y
Is the agricultural unit more than 5 hectares?	Y	Y
Is the proposal reasonably necessary for the purposes of agriculture?	Y	Y
A1 Development 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 hectares in area;	N	Y
(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit(as defined in Para 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	Y
(c) it would consist of, or include, the erection, extension or alteration of a dwelling;	N	Y
(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;	N	Y
(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; or (ii) any building erected or extended or altered by virtue of Class A, would exceed 1,000 square metres calculated as described in Paragraph	N	Y

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;	N	Y
(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	Y
(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	N	Y
(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	Y
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	N	Y
(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	Y

A.2 – Conditions	Relevant to this proposal? To be added to decision notice?
<p>(1) Development is permitted by Class A subject to the following conditions—</p> <p>(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;</p> <p>(b) where the development involves—</p> <p>(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or</p> <p>(ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;</p> <p>(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.</p>	<p>Part 1(a) applies. The building is within 400m of a protected building (adjacent residential property) and should not be used for livestock. Therefore the following condition should be applied to the decision notice:</p> <p>The building shall not be used for the accommodation of livestock, except in the circumstances described in paragraph D.1(3) of Part 6.</p>
<p>(2) Subject to sub-paragraph (3), development consisting of—</p> <p>(a) the erection, extension or alteration of a building;</p> <p>(b) the formation or alteration of a private way;</p> <p>(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</p> <p>(d) the placing or assembly of a tank in any waters, is</p>	<p>Prior approval has been sought and a considerable level of information pertaining to the proposed building has been provided. This has enabled a formal assessment to be undertaken.</p> <p>A site note was erected which</p>

<p>permitted by Class A subject to the following conditions—</p> <p>(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;</p> <p>(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;</p> <p>(iii) the development must not begin before the occurrence of one of the following—</p> <p>(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;</p> <p>(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</p> <p>(cc) the expiry of 28 days following the date on which the application under sub- paragraph (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;</p> <p>(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—</p> <p>(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</p> <p>(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;</p> <p>(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—</p> <p>(aa) where prior approval is required, in accordance with the details approved;</p> <p>(bb) where prior approval is not required, in accordance with the details submitted with the application; and</p> <p>(vi) the development must be carried out—</p> <p>(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;</p> <p>(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information</p>	<p>expired on 22/04/21, no representations were received.</p> <p>In this case, it is concluded that prior approval is not required relating to the siting and design of the building.</p> <p>As prior approval is not required, the development must be carried out within 5 years of the date of receipt of this application and in accordance with the details supplied with this application. This should be added as an informative.</p>
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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.	
(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).	No previous prior approvals exist.
(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.	This class applies.
(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.	This condition applies

RECOMMENDATION:

From the above, it is clear the proposed development complies with all the required criteria.

The Council is satisfied that the proposed development is permitted development under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6.

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

The works must be undertaken in accordance with the details submitted as part of this notification and in compliance with the requirements set out within Class A of Part 6 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended). Most notably the development must be carried out within five years of the date of this notice.