

# Development Management Delegated Decision Report

B/21/0167



## SUMMARY OF APPLICATION

Application Reference	B/21/0167		
Application Type	Prior Notification of Agricultural Development		
Proposal	Prior notification for the erection of grain storage building		
Location	Midgate House, Midgate Lane, Old Leake, Boston PE22 9RP		
Applicant	Mr Andrew Blythe		
Agent			
Received Date:	12-Apr-2021	Consultation Expiry Date:	13-May-2021
Valid Date:	16-Apr-2021	Statutory Expiry Date:	14-May-2021
Date of Site Visit:	22-Apr-2021	Extension of Time Date:	---
Objections received?	N/A		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Prior Approval is Not Required		
Report by:	Emma Dennis		
Date:	11/05/2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

A dwelling sits on the front of the site with farm buildings behind. The farm has a separate access. The proposed barn is to be erected behind the dwelling within the group of other store buildings and the site is relatively screened by hedging. There is one dwelling opposite which is also screened by hedging.

### 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 erection of one grain storage building requires prior approval.

The building will measure 24.6m(L) by 18.5m(W) with a eaves height of 6m and ridge height 9.5m.

### RELEVANT HISTORY:



B/04/0097 – Agricultural machinery store  
Granted – 26/03/2004

B/08/0169 – Agricultural machinery store  
Granted – 17/04/2004

B/16/0063 - Application for prior notification of an agricultural building to store grain  
PA Not required – 14/03/2016

B/20/0162 Prior notification for the erection of machinery store building  
PA Not required – 10/06/2020

### **RELEVANT POLICY**

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **CONSULTATION RESPONSES:**

No consultation responses were received.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations were received.

### **EVALUATION:**

The main consideration is whether the proposals are permitted development and whether or not prior approval is required for the siting, design and appearance of the proposed development.

The carrying out on agricultural land comprising 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.

The following table sets out the parameters for permitted development;

Class A.1	Development is not permitted by Class A if—		
		YES	NO
(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>X</b>
(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;		<b>X</b>
(c)	it would consist of, or include, the erection, extension or alteration of a dwelling		<b>X</b>

(d)	it would involve the provision of a building, structure or works not designed for agricultural purposes		<b>X</b>
(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 D.1(2)(a) of this Part;		<b>X</b>
(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;		<b>X</b>
(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;		<b>X</b>
(h)	any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;		<b>X</b>
(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;		<b>X</b>
(j)	it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming		<b>X</b>
(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.		<b>X</b>

<b>A.2 – Conditions</b>	<b>Relevant to this proposal? To be added to decision notice?</b>
<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</p>	<p>Prior approval has been sought and a considerable level of information pertaining to the proposed building has</p>

<p>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 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>been provided. This has enabled a formal assessment to be undertaken.</p> <p>A site note was erected which expired on 13/05/21, 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.</p> <p>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).	
<p>(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—</p> <p>(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</p> <p>(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,</p> <p>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.</p>	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.

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
<b><u>STATEMENT OF PROACTIVE WORKING:</u></b>

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.