

Development Management Delegated Decision Report

B/21/0395



SUMMARY OF APPLICATION

Application Reference				B/21/0395			
Application Type				Prior Notification of Agricultural Development			
Proposal				Prior notification for the erection of a straw and machinery storage building			
Location				Two Hundreds Farmhouse, Kirton Drove, Holland Fen, Boston, PE20 3SZ			
Applicant				Mr Tom Oldfield, DJ & JD Oldfield			
Agent				Mr Sam Harrison, Ian Pick Associates Ltd			
Received Date:		26-Aug-2021		Consultation Expiry Date:		23-Sep-2021	
Valid Date:		26-Aug-2021		Statutory Expiry Date:		23-Sep-2021	
Date of Site Visit:		20-Sep-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:				Simon Eldred			
Date:				23 rd September 2021			

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is part of an agricultural yard, has existing agricultural buildings to its south and east, and agricultural land to its north and west. Several dwellings are located within 400m of the application site (all to its 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 erection of a building for the storage of straw and machinery requires prior approval.

The building will measure 36.5m x 12.1m in plan with an eaves height of 4.5m and a ridge height of 6.1m.

RELEVANT HISTORY:

No recent, relevant history.



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 have been received.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

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

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) identifies that *“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 excavations or engineering operations,*

which are reasonably necessary for the purposes of agriculture within that unit” is permitted development.

The following table sets out the parameters for permitted development.

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;		X
(b)	It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in part X of Part 3 of this Schedule) where development under Class Q or S 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;		X
(c)	It would consist of, or include, the erection, extension or alteration of a dwelling		X
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes;		X
(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		X

	(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		
(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;		X
(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;		X
(h)	Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;		X
(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;		X
(j)	It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;		X
(k)	Any building for storing fuel or waste from a biomass boiler or anaerobic digestion system – (i) would be used for storing waste not produced by tat 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.		X

Turning to the conditions set out in A.2, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

- (1) Part 1(a) applies. The building is within 400m of a protected building (nearby dwellings) and should not be used for livestock. Therefore, the following condition should be applied to the decision notice – “The building shall not be used for the accommodation of livestock, except in the circumstances described in paragraph D.1(3) of Part 6;
- (2) Prior approval has been sought and a considerable level of information pertaining to the proposal has been provided. This has enabled a formal assessment to be undertaken. A site notice was erected which expired on 23rd September 2021, and no representations were received. It is concluded that prior approval is not required relating to the siting and design of the building. 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 the application. This should be added as an informative;
- (3) N/A;
- (4) N/A;
- (5) This condition applies;
- (6) N/A;
- (7) This condition applies.

RECOMMENDATION:

From the above, it is clear that 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
<p><u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>
<p>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) (England) Order 2015 (as amended). Most notably, the development must be carried out within five years of the date of this notice.</p>