

# Development Management Delegated Decision Report

B/24/0057



| SUMMARY OF APPLICATION     |  |                                       |                |
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|                            |  |                                       |                |
| Application Reference      | B/24/0057  |                                       |                |
| Application Type           | Prior Notification of Agricultural Development   |                                       |                |
| Proposal                   | Application under Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development)(England) Order 2015 to determine if prior approval is required for a proposed cold storage |                                       |                |
| Location                   | Vegan Vegetables Limited, Hubberts Bridge Road, Kirton, Boston, PE20 1TW   |                                       |                |
|                            |  |                                       |                |
| Applicant                  | Mr M Nundy, Vegan Vegetables Limited   |                                       |                |
| Agent                      | Mr Nick Overton, NiCAD Consultancy Services Ltd  |                                       |                |
|                            |  |                                       |                |
| Received Date:             | 05-Feb-2024  | Consultation / Publicity Expiry Date: | 07-Mar-2024    |
| Valid Date:                | 05-Feb-2024  | Statutory Expiry Date:                | 04-Mar-2024    |
| Date of Site Visit:        | 15-Feb-2024  | Extension of Time Date:               | 15-Mar-2024    |
|                            |  |                                       |                |
| Objections received?       | None   |                                       |                |
| 5 day notification record: |  |                                       |                |
| Councillors notified       | Date   | Response received – date              | Ok to continue |
|                            |  |                                       |                |
|                            |  |                                       |                |
| Recommendation             | Prior Approval is not required   |                                       |                |
|                            |  |                                       |                |
| Report by:                 | Emma Turvey  |                                       |                |
| Date:                      | 8 <sup>th</sup> March 2024   |                                       |                |
|                            |  |                                       |                |

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located within countryside on Station Road between Hubberts Bridge and Kirton Holme and forms part of an agricultural unit of 40.5 hectares. The agricultural unit includes open farmland, a farmyard and a number of agricultural buildings set back from the highway to the rear of residential properties on Station Road.

### DETAILS OF PROPOSAL:

It is proposed to extend an existing cold store building to create an additional a cold store for the storage of vegetables. The building will measure 48m (L) by 20m (B) with a height of 7.6m to eaves and 8.7m to ridge. The building will be constructed of grey profile steel cladding.



### **RELEVANT HISTORY:**

The site has had many applications over recent years. The only relevant being: B/18/0468 - Application for prior approval for the erection of a cold store – PA Given.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

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

### **CONSULTATION RESPONSES:**

Environmental Health have no objections to make.

Environment Agency have no comments to make.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) does not wish to object however have requested that informatives be added for the attention of the applicant.

### **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.

“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.”

| 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 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; |     | X  |

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| (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—<br>(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or<br>(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 the building will be 960 sqm.</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;   |  | 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 for or waste from a biomass boiler or an anaerobic digestion system—<br>(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<br>(ii) is or would be within 400 metres of the curtilage of a protected building.  |  | X                                      |

The proposed extension to the existing storage building will be constructed in grey profile steel cladding to the walls and roof which will match the existing storage buildings. The front elevation will include a loading canopy and a 4m by 5m insulated shutter door.

The proposed development complies with the criteria set out in Class A and can be permitted development subject to the following conditions:

| A.2 - Conditions   |                                |
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| (1) Development is permitted by Class A subject to the following conditions— | This condition does not apply. |

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| <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 Point 1(a) applies- the proposed agricultural building would be within 400 metres of a residential dwelling. 4 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>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 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</p> | <p>This application to determine if prior approval is required for a proposed agricultural building, has been received and a considerable level of information pertaining has been provided. This has enabled a formal assessment to be undertaken.</p> <p>A site note was erected which expired on <b>07/03/2024</b> no representations have been received as a result.</p> <hr/> <p><b>Siting, Design &amp; External Appearance Prior Approval Required?</b></p> <p>An vegetable storage building for agricultural purposes that would measure 48m (L) by 20m (B) with a height of 7.6m to eaves and 8.7m to ridge. The building will be constructed of grey profile steel cladding walls and roof.</p> <hr/> <p>The site consists of an existing agricultural unit where other agricultural storage buildings are present. A new agricultural</p> |

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| <p>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 referred to in paragraph (d)(ii).</p> | <p>building would therefore not be uncharacteristic of the area. Based on the above, it is considered that prior approval for the siting of the building is not required.</p> <hr/> <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> |
| <p>(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.</p>   | <p>This condition does not apply.</p>  |
| <p>(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>  | <p>This condition does not apply.</p>  |
| <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>This condition applies.</p>   |

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| (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 |                                  |
| (6) Where an appeal has been made, under the Act, in relation to an application for development described in subparagraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.  | Not relevant to this application |
| (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           |

### **CONCLUSION:**

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.

### **RECOMMENDATION:**

**Prior approval is not required.**

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| <b>INFORMATIVES / NOTES<br/>TO BE INCLUDED ON/WITH DECISION NOTICE</b>  |
| <b><u>STATEMENT OF PROACTIVE WORKING:</u></b><br>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough. |