

# Development Management Delegated Decision Report

B/24/0078



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/24/0078		
<b>Application Type</b>	Prior Notification of Agricultural Development		
<b>Proposal</b>	Application under Schedule 2, Part 6, Class A/B/E of the Town and Country Planning (General Permitted Development)(England) Order 2015 to determine if prior approval is required for the erection of a new steel framed grain store building		
<b>Location</b>	Bannisters Yard Ralphs Lane, Frampton, Boston PE20 1QU		
<b>Applicant</b>	Pengethley Potatos Ltd		
<b>Agent</b>	Mr Shaun Dennington, S Dennington Const Ltd		
<b>Received Date:</b>	26-Feb-2024	<b>Consultation / Publicity Expiry Date:</b>	21-Mar-2024
<b>Valid Date:</b>	26-Feb-2024	<b>Statutory Expiry Date:</b>	<b>25-Mar-2024</b>
<b>Date of Site Visit:</b>	29-Feb-2024	<b>Extension of Time Date:</b>	<b>16-Apr-2024</b>
<b>Objections received?</b>	Yes		
<b>Recommendation</b>	Prior Approval REQUIRED and Given		
<b>Report by:</b>	Megan Epton		
<b>Date:</b>	15-Apr-2024		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site is located on the southern side of Ralphs Lane, Frampton and is an area within an open field, directly to the east of the existing agricultural yard of 'Bannisters Farm'. The site forms part of a 750ha agricultural holding.

### 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 1no. steel framed grain storage building requires prior approval.



The building will measure 42m (L) by 24m (W) with an eaves height of 7m and ridge height of 10.2m. The proposed materials are a 'goosewing grey' box profile tin and a natural grey profile cement.

#### **RELEVANT SITE HISTORY:**

- **B/00/0301 – FULL** – Construction of covered loading area for loading and storage of vegetables – **APPROVED**.
- **B/01/0608 – FULL** – Extend existing buildings to provide additional vegetable stores – **APPROVED**.
- **B/04/0228 – FULL** – Construction of extension to existing cold store for vegetable grading and trimming and extension to existing concrete road – **APPROVED**.
- **B/11/0408 – FULL** – Installation of solar photovoltaic panels on an agricultural buildings roof – **APPROVED**.
- **B/13/0265 – FULL** – Erection of 75kW ground mounted solar PV array consisting of 300 panels- **APPROVED**.

#### **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:**

Black Sluice Internal Drainage Board were consulted and raised no objections but their comments are attached as informatives to the decision notice.

Cadent Gas responded to consultation with no objections.

Environmental Health were consulted and raised initial concerns, which were later resolved by the submission of further information.

Frampton Parish Council were consulted and commented on the potential impact upon the 'local heritage area'.

Lincolnshire County Council were consulted and raised no objections.

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

No third party representations have been received.

#### **EVALUATION:**

An application to determine whether prior approval is required for a development is not a planning application in the normal sense, in that the planning merits and assessment against the Development Plan are not relevant. Essentially the process for each type of prior approval application starts with the assessment of the proposals against the relevant Permitted Development Rights legislation to ensure that what is proposed falls under 'permitted development'. The second step then requires an assessment of the proposals

against the individual considerations for that type of development- this detail is set out within the legislation.

For the case of applications to determine if prior approval is required under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, following on from the assessment against the permitted development rights, it is a requirement to consider whether or not prior approval is required for the siting, design and appearance (only) of the proposed development.

The following sets out the details of Schedule 2, Part 6, Class A- *Class A – agricultural development on units of 5 hectares or more*, and the parameters for permitted development:

**“Permitted development-**

A. 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.

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;		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;		
(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—		X
	(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;		
(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;		<b>X</b>
(j)	it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or		<b>X</b>
(k)	any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—		<b>X</b>
	(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.		

From the above, it is clear the proposal does not breach any criteria set out in Class A and can therefore be considered to be permitted development subject to meeting the conditions set out in A.2 of the Permitted Development Rights, and this prior approval application.

This application to determine if prior approval is required for the proposed agricultural grain storage building has been received (26-Feb-2024) and a considerable level of information pertaining has been provided, in full accordance with sub-paragraphs A.2(2)(a-d).

#### Local Planning Authority Responsibilities and Background

The Local Planning Authority has a number of responsibilities in the prior approval application process. In line with the requirements of the legislation, a site visit was carried out on 29-Feb-2024 with photos taken of the area and surrounding context; a site notice was erected on a nearby utility pole near to the entrance of the site with an expiry date for consultation responses clearly displayed as 21-Mar-2024. The notice was displayed as close as practicable to the site outlined in red on the submitted 'Proposed Site Plan' and demonstrated a number of methods of how to view more details of the application and/or contact a member of the planning team.\*

5no. Consultation responses were received, 1no of which was an objection to the proposal relating to the siting of the building and any associated plant and its potential impact on residential neighbours, and 1no. related to concerns over the impact on the surrounding 'local heritage area'. Their concerns will be discussed below in the assessment of the siting and design.

\*Site notice photographs have been included below for reference.



### Siting, Design & External Appearance

Once determining if the proposals meet permitted development requirements, **the Local Planning Authority then must assess the proposals' siting and appearance** to ensure that the siting, design and external appearance of the proposed building **would not have negative impacts upon** the use of **public highways** and the character and appearance of **the area or historic environment**. Developments will be permitted provided that their proposed visual impact on the surrounding area would be minimised, so far as practicable.

In the case of these proposals, the building is proposed on an open field adjacent to the existing yard on Ralphs Lane, Frampton. It is located >100m from nearby residential neighbours, to the east, with closer neighbours to the north west screened by existing agricultural buildings. The proposal consists of an agricultural grain storage building, measuring 42m (L) by 24m (W) with a height to ridge of 10.2m set back from the highway as an expansion of the existing yard.

Environmental Health were consulted on the application and raised; outlining that there was not sufficient detail in the received information to determine whether the impact of the building was acceptable in terms of its appearance and siting, in relation to nearby residential properties, due to its size and proposed fixed plant. They requested that further information be submitted, in the form of a professional noise impact assessment and elevational drawings, to properly assess the impact of the building. Based on the need for further/updated information on the impact on the highway, Prior Approval is required.

### Prior Approval Required

An extension of time was secured until 16-Apr-2024 in line with the requirements of the legislation, to ensure enough time was allowed for updated information to be received and re-consultation. The applicant's submitted revised drawings demonstrating the proposal's external appearance and the location of the fixed plant, as well as a professional noise impact assessment.

**Character of Area and Design** – The proposal would be located adjacent to the existing agricultural yard which is established with various other agricultural buildings and a solar array to the rear. The proposed size and materials are acceptable and suit the existing character of buildings within the yard.



The further details provided ('GS/172/02 Proposed Elevations' and 'BS4142:2014 Noise Assessment') show the fixed plant located to the rear (south) of the building, creating distance between the noise source and nearby residential neighbours. Environmental Health were re-consulted on the new information and commented the following:

*"The applicant has provided a professional noise assessment which indicates from a noise perspective the new plant should not impact the nearest residential neighbour. As such I have no further concerns."*

Therefore, the previous concerns relating to impact on the character and appearance of the area are overcome, and the proposal is considered acceptable with regards to this aspect.

**Highways** – The proposed building is located a significant distance away from 'Ralphs Lane', set back within the field closer to the rear of the existing yard. Lincolnshire County Council were consulted on the initial detail and raised no concerns or objections. Based on this and the officer's assessment of the subsequent detail, the proposal is not considered to have adverse impacts upon highway safety.

**Historic Environment** – Whilst the Parish Council raised concerns to the potential impact upon the surrounding 'local heritage area', it is noted that the application site is not within, nor affects the setting of a Listed Building or Conservation Area. Therefore, the proposal is not considered to cause detrimental harm to the setting or character of any designated heritage asset or nearby historic environment.

## **CONCLUSION:**

In all, it is considered that the proposed building will not harm the character and appearance of their surroundings or the amenity of neighbouring land users. It is considered that prior approval is required based on the need for additional information, but that approval is given based on the information provided within the application.

## **RECOMMENDATION:**

Prior approval is required and given.

CONDITIONS / REASONS	
1	The development hereby permitted shall be begun before the expiration of five years from the date of this approval.



	<b>Reason:</b> Required to be imposed pursuant to Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plans and documents:</p> <ul style="list-style-type: none"> <li>▪ Proposed Site Plan - received 26-Feb-2024;</li> <li>▪ GS/172/02 Proposed Elevations- received 04-Apr-2024; and</li> <li>▪ BS4142:2014 Noise Assessment – received 02-Apr-2024.</li> </ul> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the approved plans and to comply with Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>

## **INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE**

### **Black Sluice IDB Informative**

#### ***“Rainfall Runoff***

*Due to the nature of the application, a method of surface water disposal has not been indicated.*

*If the applicant intends to discharge surface water via soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval.*

*Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site.*

*Discharge to any watercourse within the Black Sluice IDB district will require prior written consent from the Board (a relaxation of IDB Byelaw No.3).*

#### ***Site Ground Levels***

*The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or property.”*

### **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 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.