

Development Management Delegated Decision Report

B/24/0124



SUMMARY OF APPLICATION			
Application Reference	B/24/0124		
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 the erection of a steel frame farm building		
Location	P Ulyatt, Main Road, Fosdyke, Boston, PE20 2BH		
Applicant	Mr J Ulyatt, J. P. & S. Ulyatt and Son		
Agent	Mr Darren Pope, B. Pope & Sons Ltd		
Received Date:	22-Mar-2024	Consultation / Publicity Expiry Date:	17-Apr-2024
Valid Date:	22-Mar-2024	Statutory Expiry Date:	19-Apr-2024
Date of Site Visit:	27-Mar-2024	Extension of Time Date:	N/A
Objections received?	None.		
Recommendation	Prior Approval NOT REQUIRED.		
Report by:	Megan Epton		
Date:	18-Apr-2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site is located within the north western corner of the existing agricultural yard of P Ulyatt & Son, Main Road, Fosdyke. The red line site is small, but the wider yard is spacious and currently houses various farming machinery and forms part of a larger 120ha 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 agricultural building requires prior approval.



The building will measure 15.24 (L) by 24.38m (W) with an eaves height of 5.79m and ridge height of 9.09m. The proposed materials are a 'juniper green' plastic coated steel profile sheets for both the external walls and roof.

RELEVANT SITE HISTORY:

- **B/01/0222 – FULL** – Extension to existing storage building to use for storage of trailers – **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:

Environmental Health were consulted and raised no objections to the proposals.

The Environment Agency were consulted and had no comments.

Lincolnshire County Council were consulted and raised no objections.

Welland and Deepings Internal Drainage Board responded to consultation and raised no objections, but did have a number of comments which have been added as informatives.

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

4no. Consultation responses have been received, none of which were objections to the proposal.

*A site notice photograph has 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 of these proposals, the building is proposed in the north western corner of the existing farm yard, 10m from the bordering drain to the west. The highway of Main

Road, Fosydke is approximately 70m away from the proposed building's location, with the nearest dwelling positioned approximately 55m away, directly to the south west of the site. The proposal consists of an agricultural storage building for farm machinery, measuring 15.24 (L) by 24.38m (W) with a height to ridge of 9.09m set adequately away from the highway as an expansion of the existing yard.

Character of Area and Design – The proposal would be located within the boundary of the existing established agricultural yard which is home to existing large agricultural buildings. The proposed size and materials are acceptable and suit the existing character of buildings within the yard and the surrounding countryside environment.

Highways – The proposed building is located a significant distance away from 'Main Road' as it is positioned in the north western corner of the existing yard, with the entrance onto the highway located at the south eastern corner. Lincolnshire County Council were consulted on the application and raised no concerns or objections. Based on this the proposal is not considered to have adverse impacts upon highway safety.

Historic Environment – 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. Based on the above assessment of the siting, design and external appearance, it is considered that prior approval is not required.

RECOMMENDATION:

Prior approval is not required.

CONDITIONS / REASONS	
1	<p>The development hereby permitted shall be begun before the expiration of five years from the date of this approval.</p> <p>Reason: 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).</p>
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">▪ Application Form – received 22-Mar-2024;▪ Location Plan – received 22-Mar-2024; and▪ PSC694/1 Floor Plans and Elevations – received 22-Mar-2024. <p>Reason: To ensure the development is undertaken in accordance with the approved plans</p>

	and to comply with Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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INFORMATIVES / NOTES

TO BE INCLUDED ON/WITH DECISION NOTICE

Welland and Deepings IDB Informatives

“The Board's Five Towns Drain bounds the site to the west and is afforded the protection of a nine metre byelaw distance which prevents anything new being placed within this distance without the prior written consent of the Board. I am pleased to see that the current proposal is sited ten metres away from Five Towns Drain at its closest distance. However, if this should change at any point in the future then the Board would request to be reconsulted at the time.

Surface water provisions for the proposed agricultural building should be confirmed to the Board once decided upon.

If at any point a foul water provision becomes a necessary feature for the proposed building then this would also need to be confirmed to the Board if/when it became relevant.”

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.