

SOUTH NORTHAMPTONSHIRE COUNCIL – DELEGATED REPORT

Application for Prior notification for Agricultural Development Under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Application No.	S/2019/1645/AGD	Case Officer:	Ashley Bidwell
Statutory Expiry Date:	17 September 2019	Consultation Expiry Date:	Consults date: Re-consults date:
Site:	Manor Farm Manor Farm Passenham Road Passenham MK19 6DQ		
Proposal:	Determination as to whether prior approval is required (under Class A of Part 6 of the above Order) for the erection of an agricultural storage building in respect of: the siting, design and external appearance of the building		

RECOMMENDATION

Planning Permission is required because;

The proposed building does not comply with all the relevant provisions of Class A or B of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In particular 'Criteria of both Class A and Class B' and so the proposed development does not benefit from permitted development rights and planning permission is required for the proposed development.

APPLICATION SITE

The application site is located off of Passenham Road to the north side. The proposed area is already a pre-existing farm access, the rest of the agricultural buildings are located on the south side of the road and further along to the south-east of the application site.

CONSTRAINTS

- Adjacent to Passenham conservation area
- Near three sites of possible archaeological interest
- Within 2km of three local wildlife sites
- Within 1km of two quarry sites

PROPOSAL

The proposal is to construct an agricultural building to store farm machinery, equipment and hay. The building will be 42 by 23.2m with a height of 7.4m.

RELEVANT PLANNING HISTORY

- S/2017/0522/FUL – Manor Farm, Passenham - Conversion of existing farm buildings to create four residential units – Appeal Dismissed
- S/2016/1761/MAF – Land West of Manor Farm - Relocation of farmyard and new access – Withdrawn
- S/2016/1663/FUL – Manor Farm, Passenham - Conversion of existing farm buildings into 4 dwellings – Withdrawn

COUNCIL CORPORATE PRIORITIES

South Northamptonshire Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is "Protected, Green & Clean", is a place which supports "Thriving Communities & Wellbeing", and is a District of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) delivery innovative and effective housing schemes; and (9) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals on a case by case basis.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

KEY ISSUES

- Whether the works are permitted development
- Whether prior approval is required for the siting, design and external appearance of the building

CONSULTATION RESPONSES

Officer note: whilst 'Determination as to whether prior approval is required' applications do not publicly advertise, by way of site notice and/or neighbour letters, as the application is just an assessment against permitted development rights (see tables below), the comments below are still welcomed and will be reviewed.

Old Stratford Parish Council: Objection

Whilst the application complies with Class A of Part 6 T&CP GPD) Order 2015 We question whether the proposal should be deal with as permitted development without a requirement for a Full application for the following reasons; Whether the works are reasonably necessary for the purposes of agriculture given the previous history of Manor Farm. It is said to be required for the storage of hay and farm machinery. There are ample facilities for the storage of farm machinery in the existing farm buildings and the storage of hay, given modern farm practices does not make sense. This is an incongruous and very large building in open countryside, visible from Old Stratford and the A422 and affecting the current setting of the Passenham Conservation Area. Its isolated position is also a concern

The Old Rectory: Comments

The Covering Letter that accompanies the application states that the building will be used only to store machinery. If this is so, then there is no requirement for the building to be in an isolated area.

A better and more sensible location for a machinery and equipment store would be within the existing farmyard, properly located, carefully planned and sympathetically designed using appropriate materials, such a store would not be incompatible with any future housing development. In addition, if the store is located in the farmyard then there would be a reduced risk of vandalism or equipment being stolen.

34 Horsefair Green, Stony Stratford: objection

I should like to object for several reasons; The design and size of the barn will cause an adverse impact open the open rural and historic character of the unique hamlet of Passenham. The proposed building is not reasonably necessary, the existing buildings on Manor Farm are being used and could continue to be used. The Parks Trust land is farmed by Mr Stacey at Castlethorpe, it would make more common and practical sense to put a building up on his farm, rather than on the extreme edge of the Parks Trusts land holdings. The land at Passenham was acquired to protect it and not to develop it. The proposed barn for storage of machinery will be vulnerable from theft and vandalism. The land surrounding Passenham is an historic landscape enclosed in 1590, but has features going back to the Iron Age.

11 Little London, Deanshanger: Objection

I am involved in the village of Passenham – although I do not live there. Passenham Village is a conservation Village – consisting of historic buildings, all being on the south-east side of the road but with views across the open fields used as grazing land by the parks trust.

It is an isolated building 7 metres high, covering an area almost 1000sqm and surrounded by open countryside with low fences and hedges. It will be located close to the historically important hamlet of Passenham with Grade 1 and 2 Listed buildings.

Access onto a narrow lane which barely permits two cars to pass each other and use of it by transporters carrying the farm machinery would cause great difficulty to the general traffic using the road.

The site is within an area that provides views from Passenham across to Old Stratford and Stony Stratford. These views would be curtailed by such a building and I believe it would have a detrimental affect on the setting of the conservation area of Passenham.

The Friends of St. Guthlacs Church, Passenham: Objection

Passenham Village, half a mile from the proposed site, is a conservation area, consisting of mostly historic buildings, all on the South-East side of the Passenham Road but with views across the open fields used as grazing land by the Parks Trust. These fields with their ridge and furrow markings and the surrounding hedges have remained relatively unchanged since their enclosure in 1590. Passenham itself is a unique hamlet in an intact historic landscape and the church is part of this historic setting.

The Friends of St. Guthlacs are engaged in trying to raise the local and national profile of the church and the village, in order to generate the funds needed for the church's conservation and maintenance. This involves encouraging walkers, rambles, and other visitors to cross the fields from Old Stratford and Stony Stratford,

or use the country road from Deanshanger. The unspoiled nature of its means of access is an important part of the appeal of the church.

The proposed building would utterly spoil this appeal. It would dominate the view for walkers on fields or road and could also create a hazard for drivers because of the narrowness of the bend that it is adjacent to. It would completely change the character of the approach to Passenham from the north and east

We draw your attention to The South Northamptonshire: Passenham Conservation Area management plan 2016 p.27:

‘The surrounding landscape also has an impact on the setting of the conservation area. The extraction of sand and gravel from the adjacent river valley has previously impacted some views out of the conservation area. Large scale permanent alterations and modern interventions to the surrounding landscape can have a detrimental effect on the setting of a rural hamlet such as Passenham.’

We believe Local Planning Authorities should have regard for the potential of a proposed building to cause an adverse impact on the open rural character of the countryside around existing dwellings by virtue of its siting, design and external appearance. This consideration has, in the past, been sufficient grounds for refusing an application.

APPRAISAL

Whether the works are permitted development

Part 6 of the GPDO permits agricultural development under either Class A or B. As such the first test is to work out whether the proposed development falls under Class A or B.

Whether the development is permitted under Class A or B	Y or N
<p>Class A The agricultural unit exceeds 5ha or more in area and the works are for either:</p> <ul style="list-style-type: none"> (a) the erection, extension or alteration of a building; or (b) any excavation or engineering operations (which includes the formation or alteration of a private way) <p>(if yes, assess the proposal under Class A)</p>	Y
<p><i>The application form states that the size of the agricultural unit is 400ha and the works proposed are the erection of a building and therefore fall within Class A.</i></p>	

If any of the following statements apply then the development is not permitted development:

Class A.1	Y or N
(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	N
<p><i>The parcel of land where the development is taking place is larger than 1ha</i></p>	

(b)	<p>The works consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3)* where development under Class Q or S has been carried out within a period of 10 years ending with the date on which development under Class A(a)** begins.</p> <p>*Para X states that ““established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—</p> <ul style="list-style-type: none"> (i) for the purposes of Class R, on or before 3rd July 2012 or for ten years before the date the development begins; or (ii) for the purposes of Class Q or S, on or before 20th March 2013 or for ten years before the date the development begins;”. <p>** (Class A(a) is works for the erection, extension or alteration of a building.</p>	N
<i>There has been no development carried out under either Class Q or S.</i>		
(c)	The works include, the erection, extension or alteration of a dwelling	N
(d)	The building, structure or works are not designed for agricultural purposes	N
<i>The building uses concrete panels and Yorkshire boarding above with a Grey Profiled Metal Roof.</i>		
(e)	<p>The ground area which would be covered by</p> <ul style="list-style-type: none"> (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; <p>would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a)</p> <p>(D.1(2) (a) sets out : an area “calculated as described in paragraph D.1(2)(a)” comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;</p>	N
<i>The ground area of the building is 939sqm and there have been no buildings built in the last 2 years within 90m</i>		
(f)	The height of any part of any building, structure or works within 3km of the perimeter of an aerodrome* would exceed 3 metres	N
<i>There are no aerodromes within 3km of any part of the development</i>		
(g)	The height of any part of any building, structure or works not within 3km of the perimeter of an aerodrome would exceed 12 metres	N
<i>The height of the building is 7.4m</i>		

(h)	Any part of the development would be within 25m from a metalled part of a trunk road or classified road	N
<i>The development is over 25m away from the nearest road</i>		
(i)	<p>The works 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 400m from the curtilage of a protected building**</p> <p>*(the definition of livestock under para D1 of Part 6 includes fish or shellfish which are farmed)</p> <p>** (the definition of protected building under para D1 of Part 6 means any permanent building which is normally occupied by people or would be so occupied if it were in use for purposes for which it is designed; but does not include:</p> <ul style="list-style-type: none"> (a) a building within the agricultural unit; or (b) a dwelling or other building on another agricultural unit which is used for in connection with agriculture) 	N
<i>The cover letter indicates the development is not proposed to be used for accommodating livestock or slurry or sludge, however the plans for the building appear unsuitable for machinery with large openings and numerous internal subdivisions and an isolation area.</i>		
(j)	The works would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming	N
<i>There is no article 2(4) land in South Northamptonshire</i>		
(k)	The building would be used for storing fuel or waste from a biomass boiler or anaerobic digestion system, and would be used to store fuel or waste not produced within the unit, or would be within 400 metres of the curtilage of a protected building	N

In addition to the above criteria, the proposed development also needs to pass the tests below in order to benefit from permitted development rights:

Criteria of both Class A and Class B	Y or N
<p>Are the proposed works are on agricultural land?</p> <p>(land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business and excludes any dwellinghouse or garden)</p>	Y
<i>The building is proposed to be constructed on agricultural land which is in connection with an agricultural business</i>	
The works are reasonably necessary for the purposes of agriculture within that unit	N

The definition of reasonably necessary for the purposes of agriculture includes extensions, structures and buildings etc for biomass and anaerobic digesters – see D8 – D9	

The proposal does not meet all the criteria of Class A and therefore is not permitted development and requires the benefit of planning permission.

The applicant has provided insufficient information to enable the authority to establish whether the proposed development complies with the criteria of Class A, notably information on the following matters needed to be included:

- The total number of buildings on the agricultural unit and their overall floorspace.
- The use of the existing buildings on the agricultural unit and why they are not suitable to store machinery etc.
- The details of the machinery that is needed to be stored in the building.
- The justification for the overall requirement for the building be 974 square metres.

Further areas of concern

In addition to the above reasons stating why the proposal is not considered permitted development and needs planning permission, the reasons below highlight other areas of concern over the current proposal.

Siting

The proposed building is separate from the existing cluster of agricultural buildings. It is proposed to be on the opposite side of Passenham Road where there are no other surrounding buildings, this side of the road currently just features open farmland. It is unclear as to why the existing buildings cannot be extended or a new building erected on the South side of the road closer to the existing buildings.

Furthermore, the existing farm land has a history of cattle and other livestock farming, in the form of grazing etc. There is limited evidence of the farms, especially the one where this building is proposed, being used for crop growth. Therefore, it stands to reason that the extent of large machinery including large tractors, ploughs and combine harvesters is limited as these are not common/needed in livestock agriculture. There is limited evidence of hay use and storage in this area, meaning the need to store hay is also limited.

There are also concerns over the use of the existing access, if large machinery is used then the existing access may be too small in scale and its orientation to the road may cause issues in local traffic. This has been expressed by numerous residents or parties in the area.

In addition to the above reasons, whilst it meets the criteria, the building is large and will possibly have a detrimental impact on the view and character of this sensitive landscape from the road.

Furthermore, the site lies adjacent to the village conservation and would also be easily viewed from the nearby listed church and the Council has concerns over the impact of the development on local heritage assets

Design

Point (j) above states that the agricultural building if used for livestock cannot be within 400m of a protected building, the proposed building is within 400m of a protected building. Whilst the cover letter and description state the building will be for machine or hay storage the design appears unsuitable and more akin to livestock storage for the following reasons:

Firstly, the building doesn't appear to have the security a building with expensive machinery would have. The sides/gates are not full height but rather partially open, a storage building would feature full height doors to ensure no vandalism of expensive machinery. Secondly, the building features an isolation area within the building, a large storage building would not need isolation areas and would rather be one large squared structure without sub-division of the floor space. On that note the internal arrangement of the consisting of the multiple gates appears more suitable for livestock and not fit for purpose to store large machinery.

CONCLUSION

I do not consider that the proposed building complies with all the relevant criteria for Class A of Part 6. In particular whether *'the works are reasonably necessary for the purposes of agriculture within that unit'* and so I do not consider that it benefits from permitted development rights and planning permission is required for the proposed development.

HUMAN RIGHTS AND EQUALITIES

Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.

There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Case Officer Signature	Ashley Bidwell
Date	13/09/2019

Authorising Officer signature	Andrew Longbottom
Date	13/09/2019