

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/2020/0014/AGD	Case Officer:	Geraldine Hardcastle
Statutory Expiry Date:	4 February 2020	Consultation Expiry Date:	Consults date: 8 February 2020 Re-consults date:
Site:	Land North Of 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 Passenham Road on an area of pasture land to the north of the village. This location is surrounded by open countryside with flat land providing open views. There are public footpaths within close proximity of the site.

CONSTRAINTS

- Adjacent to Passenham conservation area
- Area of archaeological interest
- Within 2km of local wildlife sites
- Within 1km of quarry sites

PROPOSAL

The proposal is to construct a large agricultural building constructed of concrete panels with Yorkshire boarding above and a grey profiled metal sheet roof. The building would be 42m by 23.2m with a pitched roof to a maximum height of 7.4m. The building has been designed as two agricultural buildings facing each other with a covered area in the middle with 2m high steel gates to enclose the area as one large building. One each side there is an open section in the middle above the gates.

RELEVANT PLANNING HISTORY

- S/2019/1645/AGD 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. Planning Permission Required.

- S/2017/0522/FUL – Manor Farm, Passenheim - 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, Passenheim - 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 We support the officers decision to application S/2019/1645/AGD that a planning permission is required because it does not comply with all the relevant provisions of Class B of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular, the application fails to justify that ‘the works are reasonably necessary for the purposes of agriculture within that unit’.

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>	
<p>Class B The agricultural unit is between 0.4 and 5 hectares and the works consist of either</p> <ul style="list-style-type: none"> a) The extension or alteration of an agricultural building b) The installation of additional or replacement plant or machinery c) The provision, rearrangement or replacement of a sewer, main, pipe cable or other apparatus d) The provision, rearrangement or replacement of a private way e) The provision of a hard surface f) The deposit of waste g) The carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets <p>(if yes, assess the proposal under Class B)</p>	N

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

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

	<p>*Para X states that ““established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—</p> <p>(i) for the purposes of Class R, on or before 3rd July 2012 or for ten years before the date the development begins; or</p> <p>(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> <p>** (Class A(a) is works for the erection, extension or alteration of a building.</p>	
	<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> <p>(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or</p> <p>(ii) any building erected or extended or altered by virtue of Class A;</p> <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 974sqm 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 which is not listed as a classified 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> <p>(a) a building within the agricultural unit; or</p> <p>(b) a dwelling or other building on another agricultural unit which is used for in connection with agriculture)</p>	N
	<i>The application form and covering letter indicates that the development is not proposed for the accommodation of livestock, slurry or sludge, and is for the storage of machinery and hay. However, the building is designed with open areas and materials that provide good ventilation for livestock and is designed more as a livestock building than a secure machinery storage building.</i>	
(j)	<p>The works would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming</p> <p><i>There is no article 2(4) land in South Northamptonshire</i></p>	N
(k)	<p>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</p>	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 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

The building is proposed to be constructed on a pastural field which is clearly in agricultural use in connection with an agricultural business

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

Whilst the statement submitted with the application states that the building will be used for the storage of machinery and not for animals. livestock, the design of the building is more akin to a livestock building due it having large open sections on both sides providing ventilation for livestock as opposed to being a solid secure structure which would provide security for machinery in this isolated location. Therefore, it is the opinion of the LPA that the building is not suitable for the proposed use as a secure storage building and would not meet the requirements of being reasonably necessary for the purposes of agriculture.

If not permitted development:

The proposal does not meet all the criteria of Class and therefore is not permitted development and requires the benefit of planning permission for the following reasons;

Whilst the applicant has provided a covering letter to justify the need for the building and the location chosen, officers are of the view that the information put forward does not justify the scale and design of the building or the isolated location detached from the existing farm yard. Whilst the scheme has been amended slightly from the earlier application to remove the isolation area and internal subdivisions, these could easily be re-installed without planning permission. This 974sqm building is proposed for the storage of machinery. The application is support by limited evidence to demonstrate an arable farming enterprise and demonstrate a need for large numbers of agricultural machinery to be stored. Whilst the current application does not state whether the farm is arable or livestock, evidence has been provided in the Design and Access Statement for a previous application S/2017/0522/FUL that there is “intensive livestock use”.

The building is proposed for the storage of machinery, however, the building has been designed as a livestock building with ventilation and large areas of open sections. The applicants have provided information about the existing buildings at Manor Farm including their total floor area and details about how they are no longer fit for purpose. However, the fact that the proposed building is smaller than the existing buildings does not justify a need for a building of this scale and design purely for the storage of machinery.

This application for prior approval is therefore recommended for refusal.

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 farmstead. It is proposed to be on the opposite side of the road some distance away. There are no other surrounding buildings just open pastureland. The building due to its scale and isolated location would dominate the landscape. It has still not been clearly demonstrated why it is more financially viable to construct this new building than extend or replace the existing buildings within the existing farmyard. If the floor area of the existing buildings is 1606 sqm, a new purpose built building of 964sqm could be accommodated within the site. The proposed location is isolated from any other buildings or surveillance and would not represent a secure location for the storage of expensive machinery. The building would also be located in a pasture field with no hardstanding. A building of this size if used for the storage of machinery would no doubt require some form of hardstanding or hardcore to provide access to the building and this would create a greater visual intrusion. This would not be required if the building was to be located within the existing farmyard.

Furthermore, the existing farm land has a longstanding history of beef cattle and other livestock in the form of grazing. There is limited if any evidence provided of crop growth. The large extent of machinery proposed is therefore unjustified for a livestock farm and no evidence has been provided to show where the existing machinery is stored.

In addition to the above reasons the building is large and will have a detrimental impact on the view and character of this sensitive open landscape, particularly from adjacent public footpaths.

Furthermore, the site lies adjacent to the village conservation area 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

The building appears to have been designed as an agricultural building with ventilation and open areas rather than a solid construction that will provide security for expensive farming machinery. The sides/gates are not full height but partially open, a storage building would feature full height doors to ensure no vandalism of expensive 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 purpose 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	Geraldine Hardcastle
Date	30 th January 2020

Authorising Officer signature	Emily Shaw
Date	04.02.2020