

Proposed Agricultural Permitted Development - Assessment

Application Ref: 25/00007/AGDO

Permitted development

The carrying out on agricultural land comprised 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.

Officer Statement on Class A eligibility and agricultural justification:

This application for the construction of a general purpose agricultural building at Mythe Farm, Pinwall Lane, Pinwall, Atherstone. The agricultural unit at Mythe Farm totals 27 hectares and as per information provided by the applicant has been in operation for over 50 years.

The proposed building is to be sited in the west of the land comprising the Mythe Farm holding but adjacent the eastern fence line of the paddock it is to be located within. It is proposed to be located approximately 25 metres south of an existing general use agricultural building of an identical ground area and a comparable height.

The proposed building has dimensions of 36 metres in length and 27 metres in width, with a ground area totalling 972 square metres. It has an eaves height of 6 metres and a ridge height of 7.8 metres. The building is to be clad in corrugated sheet metal on the walls and roof, with the walls finished in green and the roof in natural grey.

The stated purpose of the building is to store agricultural machinery as well as hay and straw for winter feeding. This is comparable to the stated purpose of the existing agricultural building to the north, which was proposed to store agricultural machinery, seed and fertiliser, and harvested crops including hay and straw.

The existing building to the north was permitted under 20/00826/AGDO in September 2020. In May 2023, the most up-to-date aerial imagery accessible at the time of assessment, the building had not yet been constructed. At a site inspection conducted in January 2025 the building had been constructed. It is therefore determined that the building was constructed within the past two years, no earlier than May 2023.

Taken together, the proposed building and the existing building have a combined ground area totalling 1,944 square metres.

It is noted based on the site visit undertaken in January 2025 and the application history for the site, that the wider agricultural unit is not utilised solely for agricultural purposes. The site is otherwise utilised for indoor and outdoor events, including buildings and spaces for general events and also specifically for weddings, as well as a bed and breakfast and caravan parking. There is also a fenced off go-kart track on site, though it appeared to be grown over at the time of the site inspection. The high number of vehicles parked at the site on aerial images clearly demonstrate this broader use of the Mythe Farm site.

The planning statement provided with the application states that this building is required for agricultural purposes but provides no further clarification to justify the need. The statement also does not address the need for 972 square metres of additional general agricultural storage within two years of 972 square metres of general agricultural storage being constructed immediately to the north of the development site. There is not considered to be any sufficient justification provided to address the need to significantly increase storage within this timeframe, on an agricultural unit that has otherwise been operating successfully for over 50 years.

Though not all paddocks within the agricultural holding were walked during the site inspection, no livestock was seen during the visit. It is therefore not considered likely that the levels of livestock on the site are significant, so as to require larger sized buildings for the storage of winter feed.

In summary, it is not considered that the applicant has provided sufficient evidence that the proposed building is reasonably necessary for agricultural purposes within the unit. There has also been no demonstration that the existing building, constructed within the past two years, is insufficient to accommodate the agricultural requirements of the site. Furthermore, given the agricultural unit comprises 27 hectares and is not exclusively utilised for agricultural purposes, it is not considered that the size and scale of an additional agricultural building as proposed could otherwise be considered reasonably necessary.

Development is not permitted by Class A if:

(tick if triggered)

✓

(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	
Comment:	The development would not be carried out on a separate parcel of land under 1 hectare in area.	
(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;	
Comment:	There has been no development under Class Q or S of Part 3 undertaken within the past 10 years on the agricultural unit.	
(c)	It would consist of, or include, the erection, extension or alteration of a dwelling	
Comment:	The development does not involve the erection, extension or alteration of a dwelling.	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	The building is designed for agricultural purposes.	
(e)	The ground area which would be covered by:- - any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or - any building erected or extended or altered by virtue of Class A, would exceed 1000 square metres, calculated as described in paragraph D.2	✓
Comment:	The proposed building does not accommodate livestock. It is considered that pursuant to the guidance that accompanies Part 6, the existing agricultural building to the north must be included in the calculation of the ground area. This is based on the interpretation of the word "provided" in D.1(2) of the Interpretation of Classes A to C being synonymous with the construction of the building, rather than the date of permission being granted. It is considered that the existing building was constructed sometime after May 2023 and before January 2025, as per aerial imagery and inspection of the site, and therefore has been provided within the past two years. It follows then that the calculation of ground area covered by the buildings must be taken together. The ground area therefore totals 1,944 square metres, comprising 972 square metres of the existing building and 972 square metres of the proposed building. The ground area therefore exceeds the parameters of Class A (e).	
(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	
Comment:	The proposed development is not within 3 kilometres of an aerodrome.	
(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	
Comment:	The building would not exceed 12 metres in height.	
(h)	Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road	

Comment:	The development is sited over 25 metres from both Atherstone Road and Pinwall Lane.	
(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;	
Comment:	The proposed building is not for the accommodation of livestock nor the storage of slurry or sewerage sludge, and it is not within 400m of the curtilage of a protected building.	
(j)	It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	
Comment:	The proposal does not involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming.	
(k)	Any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system- 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.	
Comment:	The proposed building is not for storage of waste and is not within 400m of the curtilage of a protected building.	
(l)	The erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.	
Comment:	The proposed building is not on land of or within the curtilage of a scheduled monument.	
	Has another agricultural building been constructed within the last two years? <i>(The guidance that accompanies Part 6 indicates that the calculation of the ground area should include other buildings constructed within the preceding two years. In considering the other building constructed, the development still falls within the 1000 square metre threshold).</i>	
Comment:	There is record of another agricultural building permitted to the north of the proposed agricultural building under 20/00826/AGDO which was permitted in September 2020. As at May 2023, the most recent site aerial image available, the building had not been constructed. The building was seen on site, having been constructed, during a site inspection undertaken in January 2025. It is therefore reasonably concluded that the building was built sometime after May 2023 and before January 2025 and thus constructed within the last two years. For this reason, it has been included in the ground area calculation in Class A (e) above as per the guidance accompanying Part 6.	

The proposal is not considered to meet the criteria of Class A of Part 6 of Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as it exceeds the ground area threshold for agricultural buildings including those constructed within the last two years, and it has not been demonstrated to be reasonably necessary for the purposes of agriculture on the site.

Equality Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equalities Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.