

Proposed Agricultural Permitted Development - Assessment

Application Ref: 25/01168/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 is an application for a new access track and hardstanding. The agricultural unit comprises an area of 35.60 hectares and has operated for agricultural purposes for a period of 100 years.

The business operates a suckler cow, beef finishing enterprise. Calves are bred on farm with cows served by a Pedigree South Devon Bull. Youngstock graze land at Market Bosworth in summer months. Sheep are grazed on land at Market Bosworth through the summer, autumn and winter months before returning to Mancetter for indoor lambing in the spring. They are fed home produced forage in the form of haylage. 3.5 Pigs are currently reared at Mancetter Marine however the intention is to move them to within woodland at Back Lane, Market Bosworth utilising the pigs to clear an area of woodland.

The proposed track would have a width of 4.00 meters for 120.50 meters and the proposed hardstanding would have a width of 17.00 meters for 27.50 meters, constructed out of 3/4" as type one MOT.

The justification provided by the applicant is that the proposed track would allow the applicant to tend to livestock alongside dropping off and collecting children together with land owned adjoining Barton Playing Fields, hence the location away from the main holding. The applicant currently utilises an existing gateway off Back Lane to enter the fields. Access to the field is not made up and there is currently no facility to store machinery / equipment and forage at the site. There is also no area to load livestock from, with the aforementioned all leading to poaching and erosion to the land and preventing year round use.

The track/hardstanding has been deliberately located, in part, on the footings / remnants of a historic brick range so as to reuse the material. The hardstanding is located away from public footpaths S69 and S70 to aide security at the site. The hardstanding would be used for the storage of wrapped silage and haylage, machinery and equipment and to provided wider access to the fields at Back Lane.

From review of Google Earth imagery there is a clear historic agricultural use at the site.

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:	<i>The development will not be carried out on a separate parcel of land of less than 1 hectare.</i>	
(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:	<i>No such development under Class Q or S has been carried out.</i>	
(c)	It would consist of, or include the erection, extension or alteration of a dwelling	

Comment:	<i>The development does not consist of or include the erection of, or extensions or alterations to a dwelling house.</i>	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	<i>Whilst limited information has been submitted, the information sets out the proposed track would allow the applicant to tend to livestock alongside dropping off and collecting children together with land owned adjoining Barton Playing Fields, a narrow single-track lane and there is nothing to suggest it would not be used for agriculture.</i>	
(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:	<i>The application is not for livestock and does not involve the construction of a building.</i>	
(f)	The height of any part of any building, structure or works within 3 kilometers of the perimeter of an aerodrome would exceed 3 metres	
Comment:	<i>The proposed development is not within 3 kilometres of an aerodrome.</i>	
(g)	The height of any part of any building, structure or works not within 3 kilometers of the perimeter of an aerodrome would exceed 12 metres	
Comment:	<i>No part of the development would exceed 12 metres in height.</i>	
(h)	Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road	
Comment:	<i>The proposed development is not located within 25 metres of a metalled part of a trunk road or classified road.</i>	
(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:	<i>The proposal is not for a building which would be used for the accommodation of livestock or for the storage of slurry or sewage sludge.</i>	
(j)	It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	
Comment:	<i>The proposed development does not involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming.</i>	
(k)	any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system- - 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 - is or would be within 400 metres of the curtilage of a protected building.	
Comment:	<i>The proposal does not relate to any development which will be used for storing fuel or waste from a biomass boiler or an anaerobic digestion system</i>	
(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:	<i>The land/building is not on or within the curtilage of, a scheduled monument.</i>	
	Has another agricultural building been constructed within the last two years? (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).	
Comment:	<i>No agricultural buildings have been constructed within the last two years.</i>	

The proposal meets the criteria of Schedule 2, Part 6, Class A. The proposed track/hardstanding is considered acceptable and justified within the site. In terms of design, external appearance and siting of the proposed extension, it is considered acceptable and therefore prior approval is not required in this case.

The views to the track/hardstanding from the highway would be limited from the immediately adjacent highway, Back Lane, an adopted un-classified road. Views would predominantly be present from the adjacent public footpaths (S69 and S70), nonetheless, the proposed track/hardstanding is not considered to result in

any harm upon the character of the area.

It is therefore considered that while the track/hardstanding will be visible particularly to the public footpaths (S69 and S70), it is considered to be satisfactory insofar as siting and means of construction are appropriate for the setting.

Whilst it could be argued that the location of the track/hardstanding is not satisfactory located insofar of the agricultural units in these site specific circumstances due to the vast unlinked collection of parcels of land used by the applicant for agricultural purposes and the minor nature of the proposal there is not considered to be a great deal of harm arise.

Prior approval is not required.

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