

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)
Part 6 - Agricultural and Forestry Class: A: Agricultural Development on units of 5 hectares or more

Proposed Agricultural Permitted Development - Assessment

Application Ref: 26/00477/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:

The application site is located in open countryside and is accessed from Archers Lane.

The application states that the proposal is for new hardstanding required by the applicant to facilitate the movement of agricultural vehicles and machinery, and to provide improved access to the agricultural land during wet periods when ground conditions are poor.

The application site is partly located on an area of land falling within the approved line boundary for the secure dog walking paddock (The Oak Leaf Dog Park). Permission was granted for this use under planning application 22/01229/FUL and has been implemented.

The total area of land that the applicant has stated is in agricultural use is 5.28 hectares. However, 0.7 hectares of the land is used for the approved dog walking paddock use.

Location Plan for approved planning application 22/01229/FUL

Proposed change of use from agricultural to a secure dog walking paddock with associated fence and parking



Location Plan for this application

ON PLAN
Scale: 1:1250



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 would not be carried out on a separate parcel under 1 hectare in area.</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>There has been no development under Class Q or S of Part 3 undertaken within the past 10 years on the agricultural unit.</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.</i>	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	<i>The proposed works may be intended for agricultural purposes relating to part of the land outlined in blue. However, the proposal is not wholly located on agricultural land.</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 would exceed 1,000 square metres; or - any building erected or extended or altered by virtue of Class A, would exceed 1500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;	
Comment:	<i>The proposal does not involve any works or structure for accommodating livestock or any plant or machinery arising from engineering operations, nor does it involve 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 does not involve a building, structure or excavation for accommodation of livestock or for storage of slurry or sewage.</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- 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:	<i>The proposed development is not for storing fuel or waste from a biomass boiler or an anaerobic digestion system and is not within 400m of the curtilage of a protected building.</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 development site 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	

	<i>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:	<i>The definition of ground area in Part 6, Paragraph D.1(2)(a) is linked to A.1(e) of Class The proposal is not for buildings, works or structures for the purpose of accommodating livestock, or any plant or machinery</i>	

The proposal does not meet the criteria of Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It has not been demonstrated that the proposal is located on agricultural land. The application site is partly located on an area of land falling within the approved boundary for the secure dog walking paddock. It is therefore considered that the proposal does not constitute development permitted under the provision of Part 6 of Schedule 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

Given the above, the proposal is not considered to be permitted development and therefore requires an application for planning permission.

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.