DELEGATED REPORT

Recommendation Made: 30 June 2011

Reference:- 11/00444/GDO **Parish:- Barwell Parish Council**

Applicant:- Mr Thomas Ward
The Brockey Farm
Kirkby Road
Barwell
Leicester

Location:- The Brockey Farm Kirkby Road Barwell Leicester Leicestershire

Proposal:- ERECTION OF AN AGRICULTURAL BUILDING.

Introduction:-

This is an application for prior notification under the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 6 for the erection of a general purpose agricultural building at The Brockey Farm, Barwell.

The agricultural holding comprises an area of over 50 hectares and has been in operation in excess of 80 years. The proposed building will measure 18.3m in length, by 12.2m in width, and will have a maximum height of 6.5m. The proposed building is to be sited away from the existing farm buildings. The farm yard has a large joint shared access which is situated to the west of the site. The building will be used to store grain and straw.

The external walls of the building are to be constructed from concrete panels with a grey fibre cement roof.

Relevant Planning History: -

74/00632/4 - Retention of Residential Caravan - Planning Permission - 29.10.1974
89/00690/4 - Cattle Rearing Building - Planning Permission - 28.06.1989
04/01238/COU - Conversion of Farm Buildings to Two Residential Dwellings and Erection of Detached Garage - Planning Permission - 13.12.2004
05/01089/COU - Conversion of Barn into Three Dwellings and Alterations to Access - Planning Permission - 06.12.2005
10/00068/GDO - Erection of an Agricultural Building - General Development Order - 24.02.2010

Consultations:-

No Consultations.

Development Plan Policies:-

Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 6 'Agricultural Buildings and Operations'

Appraisal:-

The main considerations in respect of this application are whether the proposed agricultural building meets the criteria for permitted development of Schedule 2, Part 6, of the Town and Country Planning (General Permitted Development) Order 1995, which relates to agricultural buildings and operations and the design and siting of the proposed structure.

Town and Country Planning (General Permitted Development) Order 1995

The agricultural unit is approximately 50 hectares and the building is required for the purposes for the storage

of agricultural grain and straw. Schedule 2, Part 6, Class A relates to development on agricultural units of over 5 hectares and allows for the erection of a building which is reasonably necessary for the purposes of agriculture within that unit subject to satisfying a number of other criteria.

The applicable criteria are as follow:-

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 - The development will be carried out on a separate parcel of land which is less than 1 hectare in size.
b) It would consist of, include, the erection, extension or alteration of a dwelling - It does not consist of or include, the erection or extensions and alterations of a dwelling house.
c) It would involve the provision of a building, structure or works not designed for agricultural purposes -The proposed building is required for the purposes of agriculture.
d) The ground area would be covered by: -

(i) any works or structure (other than a fence) for accommodating livestock or any plant machinery arising from engineering operations - The proposed building will not be used to house livestock; or

(ii) any building erected or extended or altered by virtue of Class A, would exceed 465 square metres. - The building being erected, altered or extended is by virtue of Class A would not exceed 465 square metres.

e) The height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would not exceed 3 meters - The building is not within 3 kilometres of an aerodrome.
f) The height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would not exceed 12 meters - No part of the building exceeds 12 metres in height.
g) Any part of the development would be within 25 meters of a metalled part of a trunk road or classified road - The proposed development is not located within 25 metres of a metalled part of a trunk road or classifies road.
h) 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 - The building is not located within 400 metres of a protected building.
i) It would involve excavations or engineering operations on or over article 1 (6) land which is connected with fish farming. - The application does not involve any excavations or engineering operations which would be connected with fish farming.

Paragraph D.2 of Part 6 provides that the calculation of ground area for the purpose of determining permitted development rights in relation to the erection of agricultural buildings includes the ground area of a building which is being provided or has been provided within the preceding 2 years and any part of which would be within 90 of the proposed development.

In this case, permitted development rights were accepted for an agricultural building in 2010 and is located within 90 metres of the proposed development and therefore permitted development rights cannot be claimed.

Conclusion.

Given the information submitted and the proposed use of the building, it is considered that the proposal cannot be considered to be permitted development under the provisions of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 and will require full planning permission.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons :-

1 From the information that has been provided, and following a visit to the site, you are hereby notified on behalf of Hinckley and Bosworth Borough Council, acting as Local Planning Authority, that planning permission is needed for the proposal as it would not be classed as permitted development as defined within the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6 because approval has been given by the local planning authority within the preceding two years for a

building currently being provided within 90 metres of the proposed development and the proposed development would be carried out on a separate parcel of land less than 1 hectare in area..

Notes to Applicant:-

Contact Officer:- Joanne Orton Ext 5666