

Proposed Agricultural Permitted Development - Assessment

Application Ref: 23/00333/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 excavation/engineering operations to create a lake to be used for horticulture purposes. The agricultural unit comprises of an area of over 5 hectares and has operated for agricultural purposes for 10 years.

The proposed lake would be 980 sq/m and would be located South of The Oaks, Main Street, Botcheston. To create the lake excavation works would be required, as well as the assembling of banks and seal trenches, changing the existing ground level.

The proposed lake is situated south of The Oaks, and is located within the countryside. The site is surrounded to the east, south and west by open countryside and existing hedgerow and is south of the properties located on Main Street, Botcheston.

The justification supplied by the applicant within the application form states that "It is making ecological use of naturally occurring surface and rain water for the production of food without impacting on the ever diminishing supply of domestic water". In addition, "This lake is reasonably necessary for the purposes of agriculture in order to capture rain water and naturally occurring surface water from that part of the land to be used to irrigate planned horticultural cropping. The attached planning app map only allows for a square to be drawn, but the other map shows that the actual design of the lake will be more considered for aesthetic purposes and will have soft curved edges. Consideration for the promotion of wildlife will be incorporated into the design with shallows to encourage planting and bird life."

From the above justification, and the application proposal provided by the applicant, is not deemed to be reasonably necessary for the purposes of agriculture within the unit and therefore not eligible for approval under Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. It is deemed not reasonably necessary due to the lack of justification in how the formation of the 980sqm lake would be reasonably necessary for the purposes of agriculture.

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.