**DELEGATED REPORT**

**Recommendation Made: 5 September 2011**

**Reference:- 11/00660/GDO** **Parish:- Osbaston Parish Council**

**Applicant:- Mr John Faux**
**Oak Tree Farm**
**Goatham Lane**
**Osbaston**
**Nuneaton**

**Location:- Oaktree Farm Goatham Lane Osbaston Nuneaton Leicestershire**

**Proposal:- EXCAVATION OF GENERAL PURPOSE AGRICULTURAL DIRTY WATER LAGOON**

**Introduction:-**

This is an application using the prior notification procedure under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 6 for the formation of a dirty water storage lagoon at Oaktree Farm, Goatham Lane, Osbaston. The area approximately 25 metres x 25 metres will be excavated to the required depth of 3 metres and the earth spoil used to create earth retaining banks. The dirty water store is required to comply with 'Nitrate Vulnerable Zones' regulations that come into force on 1 January 2012. These require that five months slurry storage is available within the unit to accommodate an enforced 'no spread' period.

The total land holding extends to approximately 40 hectares. Access to the farm complex is from Goatham Lane Osbaston. The farm complex comprises of a farmhouse and range of agricultural barns of varying size and scale together with silage clamps.

**History:-**

08/01026/FUL Erection of Two Agricultural Buildings Approved 11.12.2008

**Consultations:-**

None - GDO application

**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 design and siting and whether the proposed dirty water storage lagoon meets the criteria for permitted development under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. This relates to agricultural buildings and operations on units of 5 hectares or more and permits the carrying out on agricultural land of any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit subject to a number of criteria being satisfied.

The applicable criteria for permitted development are:-

a) The proposed dirty water storage lagoon is not within a separate parcel of land of less than 1 hectare.
b) The application does not consist of, or include, the erection, extension or alteration of a dwelling.
c) The application does not involve the provision of a building, structure or works not designed for agricultural purposes. The dirty water storage lagoon is reasonably necessary for agricultural purposes and is specifically designed for the storage of slurry associated with the keeping of dairy cattle.

d) The ground area would not be covered by:-
(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations or
(ii) any building erected or extended or altered by virtue of Class A, exceeding 465 square metres. The works will result in a dirty water storage lagoon not a building.

e & f) The proposed operations will not exceed 3 metres in height from the existing ground levels.

g) No part of the development is within 25 metres of a trunk road or classified road

h) The proposed slurry storage lagoon would not be within 400 metres of the curtilage of a protected building.

i) The proposal does not involve excavations or engineering operations on or over article 1 (6) land which is connected with fish farming

There is no record of any other agricultural buildings being erected in the last two years and being within 90 metres of the proposed development and no other structure of sufficient capacity available for use by the applicant within the holding for the purposes required.

Design and Siting

The proposed dirty water storage lagoon is well related to the existing farm complex and in a low lying area not currently under cultivation. The proposed dirty water storage lagoon is to be excavated and constructed using the earth spoil to provide earth retaining structures and will not be prominent within the landscape. It is therefore considered that the design and siting of the structure are acceptable.

Conclusion

The proposals are considered to meet the criteria for permitted development under the provisions of the Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 and are acceptable in terms of design and siting.

**Reason:-**

1 From the information that has been submitted and a recent visit to the site, you are hereby notified on behalf of Hinckley and Bosworth Borough Council, acting as local planning authority, that the proposed dirty water storage lagoon meets the criteria for permitted development under the provisions of the Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 and the design and siting of the proposal is considered to be satisfactory insofar as the structure would not appear unduly prominent within the rural landscape and is well related to the existing farm complex. Therefore, I hereby notify you on behalf of the local planning authority that prior approval of the proposed development is not required.

**Contact Officer:- Richard Wright Ext 5894**