

Proposed Agricultural Permitted Development - Assessment

Application Ref: 25/00348/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 application is for the creation of a liquid storage lagoon for the storage of liquid organic fertiliser at New Hall Farm, Main Road, Sheepy Magna. The agricultural unit totals 200 hectares and according to the information provided has been in operation for over 60 years. The land parcel upon which the lagoon is proposed to be sited has a total area of 25 hectares.

The proposed liquid storage lagoon is to be sited to the west of the existing internal access road. The existing agricultural buildings on the site are clustered along the eastern side of this access road, to the east and north-east of the development site.

The proposed liquid storage lagoon would have a total surface area of 990 square metres and a total storage volume of 2,000 cubic metres. The lagoon is to be bound by earth banks with a finished surface height of 1.5 metres. The seal trench surrounding the lagoon is to be excavated to 4 metres deep and 4 metres wide. Both the seal trench and earth banks are to be constructed of compacted clay dug from the site. The topsoil set aside prior to excavation will then be spread over the outer banks and sown with grass and wild flower seed mix.

The proposed liquid storage lagoon is stated to be for the purpose of storing inert organic fertiliser on the site as well as providing surplus storage for livestock slurry during wet weather. The fertiliser is intended to improve access to nutrients for grass productions for the dairy herd and to reduce the farm's reliance on purchasing artificial fertiliser.

The evident agricultural use of the site and its existing buildings to the east of the internal access road were noted at a site visit undertaken in April 2025. A herd of cattle were seen present on the site. The site did not appear to benefit from any existing liquid storage lagoon.

In summary, it is considered that the site has an established agricultural use and forms part of an agricultural unit that currently does not contain a storage lagoon for liquid fertiliser. It is therefore considered that the proposal can be considered reasonably necessary for the purposes of agriculture.

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 house.</i>	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	<i>The proposed lagoon is designed for agricultural purposes.</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 lagoon does not exceed a ground area of 1,000 square metres.</i>	
(f)	The height of any part of any building, structure or works within 3 kilometres 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 kilometres 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 proposed lagoon would be used for the storage of slurry and it is located within 400 metres of the curtilage of protected buildings.</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 lagoon would be used for the storage of organic waste from an anaerobic digestion system that would be located within 400 metres of the curtilage of protected buildings.</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 schedule 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 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>The application history and historic aerial imagery for the site suggest that no agricultural buildings have been constructed on site within the last two years.</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). The development involves the storage of slurry and waste derived from an anaerobic digestion system within 400 metres of the curtilage of protected buildings. Therefore, the proposal is not permitted development.

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.