

**Proposed Agricultural Permitted Development - Assessment**

**Application Ref: 25/00502/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 is for the construction of an agricultural building for general agricultural storage at land off Peckleton Lane, Desford. The field within which the application site sits is approximately 8.7 hectares in size and is separated from the primary agricultural holding by over 3 kilometres. The information provided states that the entire agricultural unit has an area of 180 hectares and has been in operation for over 100 years.

The proposed agricultural building is to be sited in the south-east of an existing field that contains no other agricultural buildings. The application site is located west of two residential plots with access from Peckleton Lane.

The proposed agricultural building has dimensions of 12.19 metres by 9.14 metres and has an eaves height of 6 metres and a ridge height of 7.35 metres. The ground area of the proposed agricultural building totals 111.4 square metres.

The proposed agricultural building is to be of steel portal frame construction with concrete panels to 2 metres in height and profiled metal sheeting from 2 metres to the eaves, and fibre cement roof sheeting. The concrete and roof sheeting finishes are to be in grey with the profiled wall cladding in green.

The application is a re-submission of two previous prior approval applications 24/01049/AGDO and 24/00781/AGDO both of which were refused based on the failure to demonstrate that the development was reasonably necessary for the purposes of agriculture. For this application, the Applicant has submitted a Covering Letter, a Site Plan, a Site Location Plan, and a Holding Plan to justify the development.

In previous applications it has been established that the application site is associated with a tenant farmer agricultural business operating at Hoefields Farm, Thurlaston. Hoefields Farm contains a variety of agricultural buildings and previous details provided set out that the agricultural unit is associated with cattle farming. The Applicant has previously stated that due to the tenancy they own no other agricultural buildings of their own, and have sought the proposed agricultural building to diversify their business by increasing the number of livestock at Hoefields Farm.

It was also established within previous applications that the capacity of the agricultural unit was to be impacted by the approval of Thurlaston Solar Farm which was approved by Blaby District Council under application 18/0242/FUL. The reduction in area to the agricultural unit has been established as being 150 acres (incorrectly quoted as 150 hectares in the previous application) which is approximately 60 hectares, however it is noted that the description of 18/0242/FUL establishes the affected area at 80 hectares.

The Applicant has provided a further statement with this application with intent to clarify the matters dealt with in the previous applications. The statement clarified that the agricultural holding has been farmed under tenancy since 1947 with succession rights for up to two generations. The Applicant is a third-generation tenant farmer not benefiting from further succession rights to the wider agricultural unit. The statement refers to the farming position of the tenant farmer as more precarious than seems at first glance.

Furthermore, to address previously raised concerns about the size of the building proposed, this proposal has a reduced ground area as compared to previous iterations. The reduction in ground floor area between 24/01049/AGDO and this application is 335.1 square metres. There has been no reduction in proposed height between this application and 24/01049/AGDO.

The Applicant's indication that livestock operations are to be expanded at Hoefields Farm to the point of requiring an additional building is not considered to fully address the impact of the solar farm to ongoing farm operations. The solar farm has been confirmed to reduce the capacity of the agricultural unit by at least 60 and up to 80 hectares. It must be reasonably expected then that the capacity to expand these operations will be impacted by the loss of land to the solar farm, and that this cannot account for a need for additional buildings. This is acknowledged within the Applicant's Covering Letter which refers to the land reduction as "a significant loss of capacity".

Furthermore, notwithstanding the intent to expand livestock operations at Hoefields Farm, the proposal still fails to demonstrate the need for a new agricultural building within the specific field that contains the application site. The justification provided in this and previous applications relies heavily on activities and intensification on land surrounding the existing buildings at Hoefields Farm, which is physically separated from the application site.

The Covering Letter also refers to the tenancy situation within the agricultural unit as precarious. It notes that the current tenant farmer is afforded no further succession rights to the tenanted land within the agricultural unit. It is acknowledged that the Applicant aspires to construct an agricultural building on the application site due to their direct ownership of the field within which it is located. However, all justification as to the need for the agricultural building has been focussed on the tenanted land at Hoefields Farm, which casts further doubt on the necessity of an agricultural building on the application site itself.

Given the separation from the application site and the main farm buildings at Hoefields Farm it is not considered that an agricultural building on the application site can be considered to be reasonably necessary for the purposes of agriculture with the agricultural unit, which is the test set out in legislation.

At a site visit undertaken on 10 June 2025 no agricultural machinery was observed within the field within which the application site is located.

Considering the above, it is considered that it has not been sufficiently demonstrated that the proposed agricultural building is reasonably necessary for the purposes of agriculture within the unit and therefore cannot be considered permitted development under Class A of Part 6 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**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                                                                                                                                                                                                                                            |  |
| <b>Comment:</b> | <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; |  |
| <b>Comment:</b> | <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                                                                                                                                                                                                                                                                                        |  |
| <b>Comment:</b> | <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                                                                                                                                                                                                                                                                    |  |
| <b>Comment:</b> | <i>The proposed building is designed for agricultural purposes.</i>                                                                                                                                                                                                                                                                                                        |  |
| (e)             | The ground area which would be covered by:-<br>• any works or structure (other than a fence) for accommodating livestock or any                                                                                                                                                                                                                                            |  |

|                 |                                                                                                                                                                                                                                                                                                                                                                                    |   |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
|                 | <p>plant or machinery arising from engineering operations would exceed 1,000 square metres; or</p> <ul style="list-style-type: none"> <li>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;</li> </ul>                                                               |   |
| <b>Comment:</b> | <i>The proposed extension does not exceed 1,000 square metres and would not accommodate livestock.</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                                                                                                                                                                                                                                              |   |
| <b>Comment:</b> | <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                                                                                                                                                                                                                                         |   |
| <b>Comment:</b> | <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                                                                                                                                                                                                                                                                        |   |
| <b>Comment:</b> | <i>The proposed building is located within 25 metres of the metalled part of Peckleton Lane, a classified 'C' 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;         |   |
| <b>Comment:</b> | <i>The proposed building is not for the accommodation of livestock or the storage of slurry or sewage sludge.</i>                                                                                                                                                                                                                                                                  |   |
| (j)             | It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or                                                                                                                                                                                                                                                      |   |
| <b>Comment:</b> | <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- <ul style="list-style-type: none"> <li>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</li> <li>ii) is or would be within 400 metres of the curtilage of a protected building.</li> </ul> |   |
| <b>Comment:</b> | <i>The proposed building will not be used for storing fuel or waste from a biomass boiler or an anaerobic digestion system.</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.                                                                                                                                                                                                                                   |   |
| <b>Comment:</b> | <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?<br>(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).            |   |
| <b>Comment:</b> | <i>There have been no other agricultural buildings 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 construction of a building located within 25 metres of the metalled part of a classified road. The Applicant has also failed to demonstrate that the development is reasonably necessary for the purposes of agriculture. 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.