

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)
Part 6 - Agricultural and Forestry Class: A: Agricultural Development on units of 5 hectares or more

Proposed Agricultural Permitted Development - Assessment

Application Ref: 23/00272/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 a new steel-portal-framed building for the purpose of general store at Denbar Lodge, Hillside Markfield.

The proposed building measure 12.2 metres in breadth x 18.3 metres in length, with a roof ridge height of 6.2 metres, and an eaves height of 4.6 metres. Materials comprise of green plastic-coated box profile sheeting, galvanised steel roller shutter doors and natural grey, Big 6 profile fibre cement roof sheeting. The proposed building is of typical design and material usage as other agricultural buildings in the local vicinity.

The site is located to the west of, and partially within, the settlement boundary of Markfield. Hill Hole Nature Reserve is to the north of the site, residential properties are to the east of the site, a farm is to the south of the site and to the west is open agricultural fields. The application site is 7 hectares in size and the applicant states that it has been used for agricultural purposes for over 45 years.

However, upon conducting a site visit, and reviewing the application site from aerial images, the Planning Officer has concerns that the application site is not utilised solely for agricultural purposes and that a agriculture is not the main activity taking place. This is supported by the lack of agricultural vehicles evident within site, the presence of lorry containers in relation to quarrying and the large number of vehicles that are shown to occupy the site. Given the land under the ownership of the Applicant is largely pastoral, it is not considered that 12.2 metre x 18.3 metre steel building with a height of 6.2 metres is justifiable within these site-specific circumstances and is reasonably necessary for the purposes of agriculture within the site.

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:	The development will not be carried out on a separate parcel of land of more than 1 hectare.	
(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:	No such development under Class Q or S has been carried out.	
(c)	It would consist of, or include, the erection, extension or alteration of a dwelling	
Comment:	The development does not consist of or include the erection of, or extensions or alterations to a dwelling house.	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	The proposed building is designed for the purposes of agriculture.	
(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; or - any building erected or extended or altered by virtue of Class A, would exceed 1000 square metres, calculated as described in paragraph D.2	
Comment:	The proposed building would not exceed 1000 square metres and would not accommodate livestock	
(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	
Comment:	The proposed development is not within 3 kilometres of an aerodrome.	
(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	
Comment:	No part of the development would exceed 12 metres in height.	
(h)	Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road	
Comment:	The proposed development is not located within 25 metres of a metalled part of a trunk road or classified road.	
(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:	The proposed building would not be used for the accommodation of livestock or for the storage of slurry or sewage sludge.	
(j)	It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	
Comment:	The proposed development does not involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming.	
(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:	The proposed building will not be used for storing fuel or waste from a biomass boiler or an anaerobic digestion system	
	Has another agricultural building been constructed within the last two years? <i>(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).</i>	
Comment:	There is no record of any other agricultural buildings being erected in the last two years. This is in accordance with the guidance which states that applications for GDO buildings shall not be made within two years of one another.	

Whilst the proposal meets the requirements of the criteria a) to k) for Schedule 2, Part 6, Class A, it is not considered that the application site is utilised for agricultural purposes, and the size, scale, and massing of the proposed development is not considered justifiable in these site-specific circumstances or that the building is reasonably necessary for purposes of agriculture within the site. Therefore, prior approval is refused.

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.