

Proposed Agricultural Permitted Development - Assessment

Application Ref: 25/00639/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 construction of an agricultural building for the storage of fodder and agricultural machinery at Upper Pullins Farm, Stoke Lane, Higham on the Hill. The agricultural unit totals 6 hectares and according to the information provided has been in operation for 40 years.

The proposed agricultural building is to be sited to the rear of an existing building which recently received planning permission for the change of use of an agricultural building to a dwelling (24/00087/FUL). Both buildings sit adjacent to the northern boundary of the site.

The proposed agricultural building has dimensions of 36.5 metres in length and 5.2 metres in width and a total ground area of 189.8 square metres. It has an eaves height of 6 metres and a ridge height of 7.5 metres. The proposed materials comprise of a grey corrugated roof and green metal cladding to the walls.

The LPA informed the Applicant that Prior Approval was required within the 28-day period following validation. Applicant has clarified that the agricultural need for the building arises from the need for a new agricultural building as the existing building is to be converted to a dwelling. The applicant has explained that the farm runs a breeding flock of Suffolk ewes and lambs producing around 80 lambs per year that graze over the 6 hectares, with aims to expand in the future. The farm also produces hay and straw, however in recent years there has been a necessity to purchase straw, and it must be kept dry and indoors.

In relation to the size of the building, the applicant explains that around 200 tons of straw were purchased last year, which would take up around 70% of the proposed building. Currently this straw is having to be stored outside and 15% of this was lost last year due to weather damage. The remaining 30% of the building would be used for farm machinery.

A site visit was undertaken in February 2024 by the Planning Officer during assessment of 24/00087/FUL and again on 30th September 2025. The evident agricultural use of the site was observed, along with the construction of the proposed building as part of this application.

During the determination period, the LPA sought further clarity regarding the extent of the agricultural use and further justification for the scale of the proposed building. During this time, the Applicant advised that the proposed building had already been built. The Applicant has therefore failed to demonstrate that the development is reasonably necessary for the purposes of agriculture. Therefore, the proposal is not permitted development.

Development is not permitted by Class A if:

(tick if triggered)

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(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.</i>	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	<i>The proposed building 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 proposed building is not for the accommodation of livestock or any plant or machinery arising from engineering operations and does not exceed a ground area of 1,500 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 building 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 building 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 building would not be used for the accommodation of livestock or for 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	
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 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 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 Applicant has confirmed that the building has already been constructed before any decision has been issued by the LPA. No calculation has been made as Prior Approval is refused in this case.</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 Local Planning Authority had requested further evidence and justification regarding the agricultural activity on this site (and other sites within the Applicant's ownership) and the scale of the proposed building. It has been confirmed by the Applicant (and witnessed during a site visit) that development has been constructed before the Local Planning Authority has issued a decision. The Applicant has therefore 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:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 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.