

Proposed Agricultural Permitted Development - Assessment

Application Ref: 23/00566/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 an agricultural portal framed building to provide storage for crops and machinery equipment. The development is located within an agricultural unit that comprises an area of 182 hectares and has operated for agricultural purposes for 100 years.

The proposed building would measure approximately 30.5 metres in length, 30.5 metres in breadth, with an eaves height of 8 metres and a ridge height of 12 metres. Materials comprise dark box profile and green concrete panels and grey fibre cement roof panels.

The proposal is situated adjacent to existing agricultural buildings and would be similar in size to these existing buildings. The development is over 314 metres from the public highway, which is bordered by very low-lying hedgerow. The site is agricultural in nature and surrounded by agricultural fields, outside of any identified settlement boundary.

This application is a resubmission of 23/00348/AGDO, which was refused on the grounds that the proposal would involve the provision of a building that is not considered reasonably necessary for the purposes of agricultural at Hoo Hills Farm.

Within the previous application, Sheepy Parish Council stated that the site is also utilised for non-agricultural uses and requested that the proposed building was only utilised for agricultural or forestry use like the Applicant has stated. The Parish Council have repeated the same concerns under this application.

Following the determination of 23/00348/AGDO, the Planning Officer spoke to the Agent on the phone on 22 May 2023 and stated that a new Agricultural Permitted Development application could be acceptable, subject to further agricultural justification for the development.

Within this application, the Applicant has stated that the Applicant purchased an additional 236 acres of land at Appleby Magna. The Applicant states that there are no agricultural structures within the Appleby Magna site. As a result of this, the Applicant's other agricultural holding at Newton Burgoland, Little Oaks Farm, does not have sufficient capacity to deal with the increased produced of both sites. As Hoo Hills Farm is the largest of the three agricultural holdings, the Applicant believes that it is economically sensible to provide any additional crop storage at this site and it is easier to transport crops to and from the new agricultural unit to Hoo Hills Farm in comparison to Little Oaks Farm. The Applicant claims that the limited buildings on site at present restrict the ability of the farm to operate efficiently and to protect the Applicant's crops and machines.

It is noted that a further 900sqm agricultural building was approved via 20/00922/AGDO at Hoo Hills Farm. However, the Local Planning Authority stated within 21/00340/AGDO that only one of the two buildings, either the development within the 2020 permission or the 2021 permission, could be implemented as Permitted Development and, consequently, only one has been constructed.

Nevertheless, planning application 19/00492/FUL received planning permission to convert the existing farm buildings at Hoo Hills Farm to commercial office and storage use. This application was approved in

comparison to the previously refused scheme of the same design, 18/00796/FUL, due to the Applicant's justification for the loss of the agricultural buildings. This justification was based on the fact that, in the context of the pressures of modern farming, it was more efficient to run machinery and storage from one central location and to travel to each of the farms operated by the Applicant.

This central location was stated to be at Little Oaks Farm in Newton Burgoland. Due to the new 678sqm at the agricultural site at Newton Burgoland, the Applicant stated that the existing agricultural buildings at Hoo Hills Farm were no longer required for the existing farm and were considered to be redundant. There is no evidence of an Agricultural Permitted Development application for a new agricultural building at Little Oaks Farm in Newton Burgoland, but an agricultural building was erected between 2015 and 2016 at the site. An additional agricultural building was also constructed at Little Oaks Farm between 2000 and 2006.

The Planning Officer conducted a site visit to Hoo Hills Farm on 26 June 2023, and it was noted that the site is utilised for a demolition firm to the north of the site, a carpentry company to the west of the site, residential properties within the ownership of the Applicant to the east of the site, and one agricultural structure to the south of the site. The Applicant explained that they produced a range of different crops between the three site, which all have different storage standards in line with National Guidance.

Class A of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the provision of agricultural buildings via Permitted Development Rights, provided that the development is reasonably necessary for the purposes of agriculture within that unit.

Given the additional agricultural land that the Applicant has purchased, and the need to store crops and machinery, the development is considered reasonably necessary for the purposes of agriculture within Hoo Hills Farm.

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:	The development will 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:	The development is exactly 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.	

Given the above, the proposal meets 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 position of the proposal within the site is well screened from the public realm by virtue of its distance from the highway. In terms of design, external appearance, and siting of the proposal it is acceptable and therefore planning permission is not required.

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.