

Proposed Agricultural Permitted Development - Assessment

Application Ref: 24/01049/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 general-purpose agricultural building at the Land off Peckleton Lane, Desford for the storage of machinery, seeds, grain, and other agricultural sundries. The application site is an 8.7-hectare arable field that is to the south of the Desford in the designated open countryside immediately to the southwest of the Caterpillar and Neovia Logistics employment site.

The proposed building is a steel portal framed structure that measures 36.6 metres in length by 12.2 metres in breadth and features a pitched roof with a ridge height of 7.4 metres and an eaves height of 6 metres. The scheme is constructed with concrete grey panels to a height of 2 metres with juniper green profiled metal sheeting above this to the eaves of the building, and grey fibre cement roof sheeting panels.

This application is a resubmission of prior approval application 24/00781/AGDO, which was refused as the Applicant failed to demonstrate that the development was reasonably necessary for the purposes of agriculture. Within this application, the Applicant has submitted a Covering Letter, a Site Plan, a Site Location, and a Holding Plan to justify their development.

The Applicant states that the development is associated with the tenant farmer agricultural business operating at Hoefields Farm, Thurlaston, Leicester. Hoefields Farm features a variety of agricultural buildings. The Applicant sets out that the agricultural business is part of an agricultural unit that comprises an area of 180 hectares and has operated for agricultural purposes including arable and cattle farming for over 100 years. As a tenant farmer, the Applicant does not own any agricultural buildings of their own and has stated that they require the proposed agricultural building in order to diversify their business by increasing the livestock element of the business near the existing livestock buildings at Hoefields Farm to ensure its future security.

Whilst the agricultural unit may comprise 180 hectares, it is noted that only the 8.7-hectare application site is within the ownership of the Applicant, which is an arable field 3.6 kilometres from the main agricultural holding at Hoefields Farm.

Although the Applicant may intend to concentrate their livestock holding within the existing buildings at Hoefields Farm, this intention fails to demonstrate that the provision of a new building, nor one of this size and scale, is reasonably necessary for the purposes of agriculture in this specific location.

The Covering Letter confirms that there is no intention to expand the agricultural unit in the immediate future. The Applicant justifies their development by referring to Blaby District Council's approval of the production of Thurlaston Solar Farm via application 18/0242/FUL, which reduced the extent of the agricultural unit by 150 hectares. For clarity, 18/0242/FUL only granted permission for the loss of 80 hectares of the agricultural unit.

Nevertheless, this still represents a 44.4% reduction of the agricultural unit, and this significantly reduces its capacity and ultimately the reasonable necessity for a new building within this site for agricultural purposes six years after the solar farm was permitted. Due to this significant reduction in operating agricultural land, the Applicant's intention to increase the livestock element of the agricultural business within the existing tenanted farmland area fails to demonstrate why a new building that is 36.6 metres in length within the Applicant's own land is reasonably necessary for the purposes of agriculture, nor for the accommodation of seeds, grain, and various agricultural sundries.

Whilst the Local Planning Authority appreciates the Applicant's aspirations to ensure the future security of their business, the Committee Report for 18/0242/FUL clearly states that the agricultural land associated with Hoefields Farm has been farmed by a tenant farmer since 1947. Given the duration of the occupancy of the tenanted agricultural land and the time since the determination of 18/0242/FUL, it is not considered that the future security of the agricultural business is currently so threatened that it requires a new general-purpose agricultural building within this application site.

In light of the above, the development is not considered to be reasonably necessary for the purposes of agriculture and is therefore not eligible for consideration 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)

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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 not be carried out on a separate parcel of land forming part of the agricultural unit that is less than 1 hectare in area.	
(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.	
(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 would exceed 1,000 square metres; or - any building erected or extended or altered by virtue of Class A, would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part	
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 31.2 metres north of the classified 'C' road Peckleton Lane to the south.	
(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 is not within 400 metres of the curtilage of a protected building.	
(j)	It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming	
Comment:	The proposed development does not involve excavations or engineering operations on or over article 2(4) land, nor is the proposal 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; or	
Comment:	The proposal is not used for storing waste, nor is it within 400 metres of the curtilage of a protected building.	
(l)	The erection or extension of a building would be carried out on land or a building that is, or within the curtilage of, a scheduled monument	
Comment:	The proposal is not on, nor within the curtilage of, a scheduled monument.	
	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 metres 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.	

The proposal does not meet the criteria of 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) because the Applicant has failed to demonstrate that the development is reasonably necessary for the purposes of agriculture.

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; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (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.