DELEGATED REPORT

Recommendation Made: 15 September 2011

Reference:- 11/00608/GDO **Parish:- Twycross Parish Council**

Applicant:- Mr Brian Greefield
Harris Bridge Farm
Burton Road
Sibson
Nuneaton

Location:- Harris Bridge Farm Burton Road Sibson Nuneaton Leicestershire

Proposal:- EXCAVATION OF GENERAL PURPOSE AGRICULTURAL LAGOON.

Introduction:-

This is an application using the prior notification procedure under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 6 for the formation of a dirty water storage lagoon at Harris Bridge Farm, Burton Road, Sibson. An area of 644 square metres will be excavated to the required depth of 1.5 metres. The dirty water store is required to comply with 'Nitrate Vulnerable Zones' regulations that come into force on 1 January 2012. These require that five months slurry storage is available within the unit to accommodate an enforced 'no spread' period.

The total land holding extends to approximately 4.07 hectares. Access to the farm complex is from Gibbet Lane. The farm complex comprises of a farmhouse and range of agricultural barns of varying size and scale together with silage clamps.

History:-

No relevant history

Consultations:-

At the time of writing this report no comments have been received from Ward Members.

Development Plan Policies:-

Town and Country Planning (General Permitted Development) Order 1995
Schedule 2, Part 6, Class B 'Agricultural Buildings and Operations'.

Appraisal:-

The main consideration in respect of this application is whether the proposed dirty water storage lagoon meets the criteria for permitted development under the provisions of Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) Order 1995. This relates the carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development consisting of:-

a) the extension or alteration of an agricultural building;
b) the installation of additional or replacement plant or machinery;
c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
d) the provision, rearrangement or replacement of a private way;
e) the provision of a hard surface;
f) the deposit of waste; or
g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment of flow meter and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit.

It is considered that the excavation of land to form an agricultural lagoon doesn't constitute works that are contained with the provisions of Class B of the GPDO 1995, therefore this proposed development is not permitted by Part 6, Class B and planning permission is subsequently required.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons :-

1 From the information that has been provided, you are hereby notified on behalf of Hinckley and Bosworth Borough Council, acting as Local Planning Authority, that planning permission is needed for the proposal as it would not be classed as permitted development as defined within the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6, Class B, Paragraph B, Sections a-g.

You are advised that should a planning application be submitted. In order to proceed with processing a planning application, additional details will be required to be submitted in line with National and Local Requirements which can be found on the website at www.hinckley-bosworth.gov.uk

Notes to Applicant:-

Contact Officer:- Scott Jackson Ext 5929