



Hinckley & Bosworth
Borough Council

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: 26/00534/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:

The application seeks confirmation as to whether prior approval is required for the construction of hardstanding within an existing agricultural yard, including the infilling of a redundant slurry lagoon. This would be carried out under Class A (b) of Part 6 of the GDPO.

The proposal represents a beneficial reuse of a redundant agricultural structure and will support the continued operation of the 161-hectare holding, which has been farmed by the applicant since 2000 and owned in full since 2017. Following the cessation of dairy operations in 2021, the enterprise now operates as a predominantly arable farm.

The development is reasonably necessary for agricultural purposes, providing additional operational space for the storage and handling of agricultural products, materials and equipment. It will create a level, durable and accessible year-round working area, improving the functionality and efficiency of the farmstead.

The hardstanding will extend to approximately 1,226 sq.m and will be constructed through the infilling of the lagoon with circa 2,700m³ of inert, uncontaminated material, finished with a hardcore surface, in accordance with the submitted details.

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:	<i>The development would not be carried out on a separate parcel under 1 hectare in</i>	

	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:	<i>The proposal is not for the erection or extension of a building and so any previous development under Class Q or S of part 3 is not relevant.</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 works are 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 proposal does not involve any works or structure for accommodating livestock or any plant or machinery arising from engineering operations, nor does it involve a building.</i>	
(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:	<i>The proposed development is not within 3 kilometres of an aerodrome.</i>	
(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:	<i>No part of the development 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 proposal does not involve a building, structure or excavation for accommodation of livestock or for storage of slurry or sewage.</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 development is not for storing fuel or waste from a biomass boiler or an anaerobic digestion system and is not within 400m of the curtilage of a protected building.</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 scheduled 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? <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:	<i>The definition of ground area in Part 6, Paragraph D.1(2)(a) is linked to A.1(e) of Class A which relates to buildings, works or structures for the purpose of accommodating livestock, or any plant or machinery. Paragraph D.1(2)(a) also clarifies that this calculation of ground area only applies where buildings, structures or works are within 90 metres of the proposed development. The proposed development is for hardstanding which is not captured by A.1(e) as noted previously within this report. Furthermore, the proposed development is not within 90 metres of an agricultural building permitted within the last two years.</i>	

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 development site is located well within the site and significant distance from the nearest public highway. The site is well screened with boundary trees and buildings as the proposal is for hardstanding area, it not easily visible from public vantage points.

Given the above, the proposal is considered to be permitted development which in this instance does not require prior approval.

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.

Recommendation: **Permitted Development - Prior Approval Not required.**