

Proposed Agricultural Permitted Development - Assessment

Application Ref: 26/00628/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 proposed earth banked slurry lagoon, located on Land to the South of Willow Farm, Thornton Lane, Stanton Under Bardon. The agricultural unit totals 204 hectares, and has operated for agricultural purposes for a period of 100 years.

The proposed slurry lagoon would include the excavation of land with a depth of 2.5 metres, and the embankments created from the excavated materials shall create banks no higher than 3.5 metres in height. The proposal for the lagoon measures 40 metres in width, and 60 metres in length, totalling an area of 2,400 square metres. The proposal also includes a 1.2m post and rail perimeter fence to ensure public safety. The site has an existing access point from Stanton Lane.

The applicant has provided clear justification for the need for the proposed slurry lagoon, confirming within the Application Form, that the storage of slurry is required as the conditions for spreading such materials within the agricultural holding are not continuous, dependent on the seasons and weather conditions, and the regulatory limits to the amount that can be spread, linked to Nitrate Sensitive Zones. It is also justified through the use of natural materials and fertilizer as opposed to artificial fertilizers, providing healthier soils and less impact on water catchment areas.

Whilst the slurry lagoon is relatively isolated and located in the open countryside, due to the nature of the proposal, alongside the visual appearance being minimal, and well screened from public vantage points, it is considered that the proposal is justified and that the design, location and scale of the development is acceptable and synonymous with the rural vernacular of the site.

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 will not be carried out on a separate parcel of land of less than 1 hectare.</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 house.</i>	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	

Comment:	<i>The proposal is designed for agricultural purposes, but does not include a building or structure; the works are for an earth banked slurry lagoon.</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; or - any building erected or extended or altered by virtue of Class A, would exceed 1500 square metres, calculated as described in paragraph D.2	
Comment:	<i>The application is not for livestock or any plant or machinery arising from engineering operations and the building would not exceed 1500 square metres.</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 whilst including excavation of land, to accommodate slurry, this would not be within 400 metres of the curtilage of a protected building.</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 proposal does not relate to any development which will 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 scheduled monument.	
Comment:	<i>The land/building is not, nor is it 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 application site, nor the farmstead at Willow Farm, have benefited from permissions for agricultural buildings within the last two years.</i>	

In summary, it is considered that the site has an established agricultural use and forms part of an agricultural unit and the agricultural need for the building has been demonstrated. Furthermore, 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).

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