

Proposed Agricultural Permitted Development - Assessment

Application Ref: 23/00702/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 new steel-portal-framed building for the purpose of agricultural storage at Denbar Lodge, Hillside, Markfield.

The proposed building measures 6.1m in breadth x 13.7m in length, with a roof ridge height of 5.5m, and an eaves height of 4.6m. The development utilises grey concrete panels with green roller shutter doors, and grey fibre cement roofing.

The application site is located to the west of, partially within, the identified settlement boundary of Markfield. Hill Nature Reserve is to the north of the site, and there are residential properties to the east of the site within Markfield's settlement boundary. There is a farm to the south of the site, and beyond this is open agricultural fields. There are further open agricultural fields to the west of the site beyond Hill Lane. The application site is 12 hectares in size and the Applicant states that it has been utilised for agricultural purposes for over 100 years.

This application is a resubmission of the previously refused application, 23/00272/AGDO, for a steel-portal-framed building within the site. Since the previous scheme, the proposed structure has been reduced by 6.1m in breadth, 4.6m in length, and 0.7m in roof ridge height, but the eaves height of the building has remained the same. It is noted that the Applicant has also suggested within their Application Form that the size of the application site has increased from 7 hectares to 12 hectares and the number of years that the site has been utilised for agricultural purposes has increased from 45 years to 100 years since their previous 2023 application. Ultimately, the development was refused because the structure was not considered reasonably necessary for the purposes of agriculture within the site in these site-specific circumstances.

Since the previous application, the Planning Officer attended a site meeting with the Applicant on 06 June 2023 to discuss the development. At this meeting, the Planning Officer explained that further agricultural justification for the development would be required for the scheme to be acceptable via this form of application. Alternatively, a full planning application would be required. However, it was noted by the Planning Officer upon conducting a site visit that the site is not utilised solely for agricultural purposes, and that agriculture is not the main activity taking place within it. This is supported by the large number of vehicles that are shown to occupy the site within aerial images.

The Planning Officer attempted to contact the Planning Agent by phone, but they were unavailable on each occasion. The Planning Officer then contacted the Planning Agent by email on 21 July 2023 to explain that further agricultural justification for the development was required.

The Applicant's Planning Agent responded on 07 August 2023 and confirmed that the Applicant has approximately 25 acres of permanent pasture and there are no other agricultural buildings associated within the holding that can be used to provide waterproof storage of agricultural produce and stores.

It is noted that there is a discrepancy between the amount of land within the Applicant's ownership between the Planning Agent's response on 07 August 2023, the Applicant's Application Form, and the Applicant's

previously refused planning Application Form, 23/00272/AGDO. Based upon the Planning Officer's site visit, it was noted that there is an existing agricultural building within the site that was permitted via planning application 04/01199/FUL, and no justification has been provided on site or within this application that demonstrates that this structure is not suitable to accommodate the agricultural requirements of the Applicant. Furthermore, the Planning Officer noted that there was very limited livestock within the application site.

To summarise, it is considered that the Applicant has provided insufficient evidence to demonstrate that the proposed development is justifiable within these site-specific circumstances. This is supported by the discrepancies within the information that was provided, and the presence of an existing agricultural building within the site. Following a site visit, it is noted that the application site is not utilised solely for agricultural purposes and agriculture is not the main activity taking place within it. Furthermore, given the fact that the land within the ownership of the Applicant is largely pastoral, there was very limited livestock within the site and, ultimately, it is not considered that the size, scale, and massing of this proposed structure is justifiable or reasonably necessary for the purposes of agriculture within these site-specific circumstances.

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:	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:	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 not located within 25 metres of a metalled part of a trunk road or classified road. The location of the proposed development was within 25 metres of Peckleton Common, a classified road but this has now been re-located to more than 25 metres away.	
(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.	

Whilst the proposal meets the requirements of the criteria a) to k) of Class A of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is not considered that the application site is utilised for agricultural purposes, and consequently, the size, scale, and massing of the proposed development is not considered justifiable in these site-specific circumstances, or that the building is reasonably necessary for the purposes of agricultural within the site. Therefore, prior approval is refused.

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.