

Proposed Agricultural Permitted Development - Assessment

Application Ref: 25/00065/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 the construction of an agricultural building for the purpose of hay and fodder storage at Stoke Fields Farm, Hinckley Road, Stoke Golding.

The proposed building measures 15.09 metres in width and 30.19 metres in length, with an eaves height of 5 metres and a roof ridge height of 7.1 metres. The building is to be clad in profiled steel cladding on the walls on three sides, with the eastern gable end open for access. The roof is to be clad in fibre cement panels.

The application site is located on the eastern edge of the village of Stoke Golding, outside of the settlement boundary. The surrounding locality is predominantly residential with dwellings to the north and west. St Martin's Catholic Voluntary Academy is to the east. To the south is open countryside between Stoke Golding and Hinckley.

The application site is 5.3 hectares in size. The statement provided in association with the application comments that the current owners have held the site for 5 years, and that it was derelict for 3 years prior to their ownership. It is also stated in the application details that the owners of the land have another farm where hay is cut and baled and then transported back to Stoke Fields Farm, however the size of that holding has not been clarified.

The statement accompanying the application states that the land is down to grass for hay which is then sold from the farm. It is further stated that hay is cut and baled at the other farm within the ownership of the applicant, and then transported to Stoke Fields Farm for sale. The statement also outlines an intention to expand the farm business later this year by introducing sheep and cattle to graze the site for eventual sale as meat. The number of sheep and cattle is not stated.

The history of the site includes permission for application 22/00045/FUL which was for the proposed demolition of existing single storey extensions, barn, garages, stables and storage buildings and erection of new extensions to the farmhouse with reconstruction of a hayloft barn to form kitchen/family room and the erection of a new games room, as well as conversion of an existing Dutch barn to form stables/store and double garage, with sustainable timber cladding enhancement works to replace poor quality façade materials and re-roofing of the farmhouse with traditional tile materials.

The planning statement provided for 22/00045/FUL posited that the loss of agricultural buildings on the site, as part of that application, and their replacement with a residential use in the form of extensions, was supportable given that the site was not in agricultural use. The officer report accompanying 22/00045/FUL further described the buildings on the site as former agricultural buildings and considered them vacant. The planning statement very clearly described the site as "a family residence with its own private equestrian facilities" and went on to directly state that "it is no longer a working farm".

It is considered relevant and significant that 22/00045/FUL involved conversion of a building previously used for hay storage to a residential use, in the form of expanding the kitchen and living areas. Furthermore,

22/00045/FUL clearly identified new hay storage areas for the site beside the horse box parking area, and therefore evidently demonstrated consideration of the likely need for hay storage associated with the private equestrian use. The justification for the extensions, including removal of the existing hay storage barn, was very clearly predicated on the site having no need for significant hay storage in the future due to the site no longer being a working farm.

The Planning Officer undertook a site inspection for this application on 13 February 2025. The private equestrian use and general non-livestock keeping of animals on the site was evident in the two horses and two donkeys on the land. The site has two distinct paddock areas. The larger paddock housed the horses and donkeys and is estimated to have an area of around 1.8 hectares. The smaller paddock to the front of the site has an estimated size of 1.2 hectares. It was down to grass and could potentially be the field intended for the hay cutting. The remainder of the application site contains the dwelling, the internal driveway, the existing outbuildings/agricultural buildings, and the outdoor arena space.

The existing buildings on the site not converted under 22/00045/FUL and originally constructed as agricultural buildings, appeared in regular and good use. The storage of tractors in one of these buildings was evident. A twin rotor rake was also parked outside of the largest barn. There was a stack of bundled hay seen stored outside, totalling perhaps 20 bundles, which was covered in plastic wrapping for preservation.

It is considered that there are discrepancies within this application and between this application and the development permitted under 22/00045/FUL. The information provided with this application implying an agricultural use on the site is contrary to the very clear statements made in the documentation for 22/00045/FUL that the site no longer operated as a farm. The statement provided with this application is also not considered to address any insufficiency of existing buildings, nor how a site of this size could accommodate hay production, and both sheep and cattle for meat production, while also maintaining the private equestrian use plus keeping of pet donkeys. It therefore is not considered that the proposed building has been demonstrated to be reasonably necessary for the purposes of agriculture.

Further it has not been demonstrated that the site lies on an agricultural unit of more than 5 hectares.

In summary, it is considered that the applicant has provided insufficient evidence to demonstrate that the proposed development is justifiable in the site-specific circumstances. This is supported by the perceived lack of viability and detail in the information provided and in the discrepancies between this application and 22/00045/FUL. The site has been recently understood not to be used for agricultural purposes. Following a site visit, the only matters that could be confirmed were the keeping of horses and donkeys for private enjoyment, and some storage of hay and parking of agricultural machinery. It is therefore not considered that the agricultural use of the site has been sufficiently demonstrated nor that the need for the proposed building has been sufficiently justified.

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 would not be carried out on a separate parcel of land under 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:	There has been no development under Class Q or S of Part 3 undertaken within the past 10 years.	
(c)	It would consist of, or include, the erection, extension or alteration of a dwelling	
Comment:	The development does not involve the erection, extension or alteration of a dwelling.	
(d)	It would involve the provision of a building, structure or works not designed for agricultural purposes	
Comment:	The building is designed for agricultural purposes.	
(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 kilometres 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 kilometres of the perimeter of an aerodrome would exceed 12 metres	
Comment:	The building would not 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 development is sited over 25 metres from both Hinckley Road and Stoke Road.	
(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 for the accommodation of livestock nor the storage of slurry or sewerage sludge, and it is not within 400m 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; or	
Comment:	The proposal 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 is not for storage of waste and is not within 400m 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 is within the curtilage of, a scheduled monument.	
Comment:	The proposed building is not on land of or 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 metre threshold).</i>	
Comment:	There is no record of any other agricultural buildings being erected in the last two years.	

The proposal is not considered to 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) as it is not considered that the application site is utilised for agricultural purposes and consequently that the proposed development is not considered justifiable in these site-specific circumstances, and that the building has not been demonstrated to be reasonably necessary for the purposes of agriculture 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.