

Proposed Agricultural Permitted Development - Assessment

Application Ref: 26/00034/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 erection of a covered yard between two existing buildings at Elm View Farm, Dadlington Lane, Stapleton. The agricultural unit comprises an area of 40.00 hectares and is said to have operated for agricultural purposes for a period of 101 years.

The application site is situated on land to the south-west of Dadlington Lane, with the land under the Applicants ownership extending over to the parcels of land to the north-west. The proposed covered yard would be sited between two existing buildings at the site and would have dimensions of 32.85 metres in length and 10.50 metres in width and a total ground area of 344.92 square meters. It would have an eaves height of 5.48 metres and a ridge height of 6.70 metres with a fibre cement roof. The Applicant has stated that the agricultural need for the cover arises due to the increased need for agricultural machinery storage.

A site visit was conducted by the Case Officer on the 5th March 2026. Whilst there was a clear agricultural use to the south-west of the site, the area proposed to accommodate the covered yard was being used for the storage of a considerable number of building materials. Building materials were also present to the area forward of the proposal alongside a vast number of HGV's. Supporting photographs are included below:



Following the site visit, the Applicant was given opportunity to provide further evidence to justify the agricultural use of the site and the agricultural need for the covered yard on the 11th March 2026 and again on the 7th April, however the Applicant has failed to demonstrate that the application site benefits from an established agricultural use, nor that that the development would be reasonably necessary solely for the purposes of agriculture.

In summary, whilst it is considered that the site has an established agricultural use to part of the site, the same cannot be said for the land indicated within the red line based on historic imagery and the site inspection of the Case Officer. The Applicant has failed to demonstrate that the application site is utilised for agricultural uses in association with an established agricultural business, nor that the development would be reasonably necessary for the purposes of agriculture within this unit in these site-specific circumstances. As a result, the proposal would not be considered to benefit from Permitted Development Rights under Class A of Part 6 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and it is recommended that prior approval is refused.

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>No such development under Class Q or S has been carried out.</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 proposed building is not considered to be designed for agricultural purposes. The south west part of the site is clearly used for agricultural purposes, whereas the proposed location of the covered yard is being used for commercial storage.</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 operation would exceed 1000 square meters; 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 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 is not for a building which would be used for the accommodation of livestock or for the storage of slurry or sewage sludge.</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 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>No agricultural buildings have been constructed within the last two years.</i>	

By virtue of the use of the application site based on historic imagery and the site inspection of the Case Officer, the Applicant has failed to demonstrate that the application site is utilised for agricultural uses in association with an established agricultural business, nor that the development would be reasonably necessary for the purposes of agriculture within this unit in these site-specific circumstances. As a result, the proposal would not benefit from Permitted Development Rights under Class A of Part 6 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval is refused and an application for planning permission is required.

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:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 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