

Proposed Agricultural Permitted Development - Assessment

Application Ref: 25/01003/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 is for the construction of an agricultural building for the storage of harvested crop, fertilizers, machinery and farm vehicles, at Elms Farn, Atherstone Road, Appleby Magna. The agricultural unit totals 110 hectares. The information provided at submission states that the agricultural unit has been in operation since the mid 19th century (circa 1850.)

The proposed building is to be sited adjacent to the existing Elms Business Park, west of Atherstone Road. The farmstead utilises the existing access through the business park from the A444. No additional access points are proposed to facilitate the development.

The proposed building has dimensions of 40 metres by 25 metres and therefore has a ground area totalling 1000 square metres. It has an eaves height of 8 metres and a ridge height of 11 metres. The building is to be clad in plastisol coated metal sheeting in grey on the walls and grey plastisol coated metal sheeting on the roof.

The Applicant has stated that the purpose of the building is to facilitate the storage of harvested crops, fertilisers, machinery and vehicles. The building would provide a degree of security for the Applicant, reducing the risk of crime caused by leaving vehicles in open areas of the site. The building would also reduce the need for vehicle movements from wider holdings to the site, when needing to storage crops and use fertilisers.

The building itself is located within close proximity to the neighbouring units of the business park, which would reduce visual impact of the development.

In summary, it is considered that the site has an established agricultural use and forms part of an agricultural unit of sufficient size to justify the need for an agricultural building, given the site currently does not benefit from unit space. As such, it is considered that the agricultural building can be considered reasonably necessary for the purposes of agriculture.

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

	<i>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 building is designed for agricultural purposes. Whilst non agricultural uses exist in the wider area following review of the site and submitted information officers are satisfied with the agricultural nature of the building. Should it not be used for agricultural purposes it would not be lawful.</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 building does not exceed 1,000 square metres and does not accommodate livestock.</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 development would not be within 25 metres of a metalled 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 proposed building would not 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 proposed building will not 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 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? (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 applicant has stated that there have been no agricultural buildings constructed on site within the last two years. The site application history and aerial imagery confirm this to be accurate.</i>	

The proposal meets 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). The development site is well screened from Atherstone Road.

The scale of the proposed agricultural building is reasonable for its purpose. The siting of the building beyond the existing business park does interrupt impact the existing clustered buildings.

In summary, it is considered that the design, scale and material finish of the building are consistent with those of the buildings within the Business Park, and would not be out of character with the rural nature of the site. The siting of the building is considered acceptable, when reviewing the access and wider site. The building will not be highly visible and is considered to be appropriate to its setting.

It is therefore considered that in terms of design, siting, and external appearance the proposal is acceptable. Prior approval is required and granted.

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.