CASE OFFICER'S REPORT

Application Reference:	PL/2023/08045
Application Type:	Prior notification: Building
Site Inspection:	
Consultation ends:	19 September 2023
Case officer:	Lucy Rutter-Dowd

Site Address:	Brookes Farm, Bath Road, Seend, Melksham, Wilts, SN12 6RQ
Proposal:	Erection of shed for hay storage
Recommendation:	Prior Approval Not Required

Proposal and Site Description

This application seeks to determine whether prior approval is required under Part 6 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the construction of a steel portal framed building for the storage of hay on land at Brookes Farm, Bath Road, Seend, Melksham.

The submitted documents demonstrate an agricultural building which would measure approximately: 18.3m (L) x 9.2m (W) x 4m (H). With a gross internal area of approx. 164 sqm. The building will be built from steel and timber and will have a green external colour. The roof will be flat and made of fibre cement sheeting. The purpose of the building is for dry hay storage.

The application site comprises an established agricultural holding that has been running for approximately 100 years. The site is located in flood zone 1 with no heritage assets on site or in proximity. There are no known constraints within the site.

Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 6, Class A – Agricultural development on units of 5 hectares or more.

This application is an assessment as to whether the proposed development would fall within permitted development or whether prior approval as to siting and design would be required. Whether such a development proposal falls within the relevant permitted development rights and therefore would not need permission is a matter of fact and degree rather than planning merit assessed against the local development plan. Accordingly, this assessment relates solely to whether the proposal meets the criteria set out in the above legislation or whether it wouldn't and therefore prior approval via a planning application would be required.

Assessment

Class A of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) states that development on an agricultural unit that exceeds 5 hectares under class A will be permitted subject to the conditions as set out in section A.1. In terms of this application, the proposed agricultural building would not require full planning permission, since as the holding is over 5 hectares and would not trigger any of the required categories, in particular:

a) The development would not be carried out on a separate parcel of land forming part of the unit less than 1 hectare in area;

b) There is no record of development under Class Q or S taking place within the last 10 years at the site;

c) It does not relate to a dwelling;

d) It would involve the provision of a new building for agricultural purposes;

e) The agricultural building would not exceed 1000 square metres;

f) The building is not within 3km of an aerodrome;

g) The building would not exceed 12 metres in height;

h) The proposed development would not be within 25 metres of a trunk or classified road;

i) The proposed development is not to be used for the accommodation of livestock or for the storage of slurry or sewage sludge;

j) The proposal would not involve excavations or engineering operations on or over article 2(4) land that is connected with fish farming;

k) The proposal would not be for storing fuel or waste from a biomass boiler or anaerobic digestion system.

The conditions of Class A state that the erection of a building is only permitted subject to the developer first applying to the LPA for a determination as to whether the prior approval is required as to the siting, design and external appearance of the building. The applicant must provide a written description of the proposed development, materials to be used and a location/site plan.

A description of the building has been provided within the submitted application form, the siting of the proposed building is indicated on the submitted location plan. The proposed form and materials are considered acceptable for this rural location, and the buildings final appearance would be common for such a use. It is considered that the proposed building would not negatively impact on the surrounding countryside due to its design which relates well to the existing agricultural location. The location plan indicates a pond in close proximity to the building, upon investigation during a site visit, it was concluded that the pond is merely for surface water run off from the yard and did not appear to be of any ecological value.

The design, scale and appearance of the structure would be entirely typical of its type and purpose. It is considered that the siting and design of the proposed building would have an acceptable impact on the visual amenities of the surrounding area.

There are no concerns regarding the impact of the proposal on residential amenity as the site is located a considerable distance from any nearby residential properties.

Conclusion

The proposed development meets the terms and conditions of Class A of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and constitutes permitted development. Given the form and nature of the proposal and the site circumstances, prior approval as to siting, design and external appearance of the building is not required.

Informatives: (1)

1 The applicant's attention is drawn to the conditions imposed under A.2 of Part 6 of the Town & Country Planning (General Permitted Development) (England) 2015;

A.2(2) (vi) - the development shall be carried out -

aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given.

A.2 (5) - Where development consists of works for the erection, significant extension or significant alteration of a building an -

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the

local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as it practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and developer.