CASE OFFICER'S REPORT

Application Reference:	PL/2023/09443
Application Type:	Prior notification: Excavation/waste material
Site Inspection:	
Consultation ends:	31 October 2023
Case officer:	Lucy Rutter-Dowd

Site Address:	Manor Farm, Broad Hinton, Swindon, wilts, SN4 9PN
Proposal:	Proposed separation of clean and dirty water from yard by renewing four areas of concreting and installing sediment traps, underground drainage pipework and swales
Recommendation:	Prior Approval Not Required

Planning Policy

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which refers to agricultural buildings and operations on units of more than 5 hectares. Before development can be carried out under Class A, the developer must submit a Prior Notification to determine if 'Prior Approval' of the Local Planning Authority is required.

The application is determined against the criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) therefore the policies of the adopted development plan are not applicable.

Description of Site

The application site forms part of the 650 hectare agricultural unit at Manor Farm, Broad Hinton (as confirmed in the submitted application form). The application site relates to a portion of the farm and yard, predominantly to the east of the majority of farm buildings on site and north of the village of Broad Hinton. There are a number of ponds on site. The site is accessed by an existing track from Yew Tree Lane and is washed over by the North Wessex Downs Area of Outstanding Natural Beauty.

Proposal

The proposal is to separate clean and dirty water from the yard by renewing four areas of concreting and installing sediment traps, underground drainage pipework and swales. Funding is in place to improve water quality by reducing foul drainages, run-off and risk of water pollution.

Consultations

None received.

Public Observations

Not Applicable.

Relevant Planning History

None relevant.

Assessment

Part 6, Class A of Schedule 2 of the General Permitted Development Order 2015 (GPDO) relates to agricultural buildings and operations on units of more than 5 hectares. This part of the legislation states that development is permitted for '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' subject to compliance with a number of specific criteria.

The applicant has confirmed that the total area of Manor Farm is 650 hectares within the submitted application form and therefore Part 6 Class A applies. The criteria A.1 (a)-(k) of Part 6 of the GPDO will be considered in turn to establish whether the structure would be permitted development as set out below.

(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;

- The parcel of land the proposal relates to is more than 1 hectare as confirmed within the application form and submitted plans.

(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;

- No such development has been undertaken.

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

- No such development is being proposed.

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

- No such development is being proposed.

(e) the ground area which would be covered by —

(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or extended or altered by virtue of Class A,

would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

- No such development is being proposed. The ground area covered by the works would be less than 1000 square metres.

(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;

- The development would not be sited 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;

- The development would have a maximum height of 0.3m as the works would be kept at ground floor level and below.

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

- No such development is being proposed.

(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;

- - No such development is been proposed. The proposed works affect the drainage of the site and are not for storage purposes.

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

- No such development is been proposed.

(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.

- No such development is being proposed.

For a development to be permitted by Part 6 it must be demonstrated that the proposed works are reasonably necessary for the purposes of agriculture within the unit. The proposed works aim to separate clean and dirty water from the dairy yard and thus are considered necessary for the agricultural use of the overall site.

The proposed development is therefore considered to be Permitted Development.

Conditions

Part 6, Class A sets out a number of conditions to be met in order to comply with Part 6 Class A. In submitting a Prior Approval application, it is for the Local Planning Authority to determine whether prior approval will be required 'as to the siting, of the excavation or deposit;.

The application site is situated within the open countryside and is located within the protected North Wessex Downs National Landscape. This type of new development is somewhat undesirable in an isolated area of the countryside. However in this instance, it would be within, and well associated with, the existing farm yard and buildings. By virtue of this and due to its minimal height (ensuring it is not significantly prominent in the wider views), the siting, design and appearance are, on balance, acceptable. It is therefore considered that prior approval is not required in this instance.

RECOMMENDATION:
Prior Approval 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(1) (b) - where the development involves -

(i) the extraction of any mineral from the land (including removal from any disused

railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit,

the mineral is not moved off the unit

(c) - waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

A.2(2) (v) - the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(bb)where prior approval is not required, in accordance with the details submitted with the application; and

(vi)the development must 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;

(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.