CASE OFFICER'S REPORT

Application Reference:	PL/2023/09511
Application Type:	Prior notification: Building
Site Inspection:	
Consultation ends:	03 November 2023
Case officer:	Meredith Baker

Site Address:	Seven Acres, Curnicks Lane, Sells Green, Seend, Wilts, SN12 6RL
Proposal:	Proposed relocation of barn 2
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 6.3 hectare agricultural unit at ‘Seven Acres’ (as confirmed in the submitted application form). The application site relates to parcel of land that lies to the north west of the Public Right of Way Bridleway - SEEN55. Planning permission has recently been granted under a prior approval application and a full application for a dwelling on site, though this is not yet implemented.

Proposal

The application seeks the erection of an agricultural building for storage of hay, fodder and machinery. The proposed building would be 12m in width and 18m in depth with an eaves height of 4.2m with a ridge height of 5.9m. The proposed materials would comprise concrete panels and timber board cladding walls and an asbestos roof.
It has been outlined that this is a re-location of an existing agricultural building on site (as this has been granted permission for its removal and a new dwelling). Although may be a re-siting, it is a re-build and thus is being considered a new building.

Consultations

None received.

Public Observations

Not Applicable.

Relevant Planning History

PL/2023/02712 - Demolition of one building (which has an approved residential use) and replacement with one purpose built residential dwelling (resubmission of PL/2023/02712) – Granted 23.08.2023

20/04042/PNCOU - Notification for prior approval under Class Q for a proposed change of use of agricultural barn to a dwellinghouse (Use Class C3) and for associated operational development – Prior Approval allowed on appeal 08.02.2021

19/11604/PNCOU - Application for determination of whether prior approval is required for a proposed change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development. – Prior Approval Refused 30.01.2020

17/03312/PNCOU - Notification for Prior Approval Under Class Q - Proposed change of use of existing agricultural buildings to form 2 dwellings and associated operational development – Prior Approval Refused 02.05.2017

E/10/0870/AGD – Erection of Hay/Straw Barn (detailed matters) – Prior Approval approved 04.08.2010

K/56790/FRM - Open fronted four bay agricultural barn (detailed matters) – Prior Approval approved 05.07.2007

K/55536/FRM – Open fronted four bay agricultural barn – Prior Approval refused – 04.12.2006

K/52904/F – Erection of barn – Granted 31.10.2005

K/36832 – Erection of four bay barn – Granted 03.03.1999

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 Seven Acres is 6.3 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 received on 23th November 2023.

(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;

- As outlined within the relevant planning history there is a prior approval granted on site under Class Q. Although this prior approval has been granted (through appeal) it has not been implemented to date. Furthermore, full planning permission has been granted for a new dwelling on site (due to the material fall-back position of the prior approval scheme). On the basis of the information submitted before the Local Planning Authority, as the Class Q has not been carried out the proposal would accord with this part of the Order. If however the Class Q scheme is carried out then the proposal would be unacceptable under this criterion.

(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. The building would be used for storage of hay, fodder and machinery.

(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 building would be 216 square metres. Under paragraph D.1(2)(a) it outlines that the area ‘comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development.’ In this regard, although noted that development has been permitted on site, the relevant history shows the other agricultural barns were permitted over 2 years ago. This definition excludes a dwelling and thus the proposal accords with this criterion.

(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 be not be sited within 3 kilometres of an aerodrome. Keevil airfield is over 5km away.

(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 maximum heights of 5.9 metres.

(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 building has been confirmed not to be use for livestock not storage of slurry/sewage sludge.

(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 building is reasonably necessary for the purposes of agriculture within the unit. The proposed building is outlined to be for storage of hay, fodder and machinery for the agricultural use. On this basis the proposed development is considered necessary for the agricultural use of the overall site.

The proposed development is therefore considered to be Permitted Development
As is contrary to Criterion (i) of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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, design and external appearance of the building'.

In this regard the application site is situated within the open countryside, although is not a ‘protected countryside’ such as being located within the AONB. The building would be a re-siting of an existing building which has permission to be replaced with a dwelling. It would remain in context with the existing small collection of buildings and would not be isolated in nature from the buildings on site. The siting is therefore acceptable.

With regard to the design and external appearance, the barn is of a typical functional agricultural barn design and is a re-positioning of an existing building on site. Therefore, it is considered that this

proposal would not adversely impact the character of the wider rural setting. It is therefore considered that prior approval of matters of siting, design and external appearance are not required.

It is acknowledged that the roof material has been stated to be asbestos under the submitted application form. There are strong concerns over this however, in terms of its visual impact as the building is a re-positioning of an existing barn there is no planning objection. The asbestos roofing must accord with health and safety regulations which is outside of the planning remit.

RECOMMENDATION:

Prior Approval Not Required.

Informatives: (2)

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

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.

2 Any removal and/or laying of asbestos sheets must be undertaken in accordance with the requisite health and safety legislation.