DELEGATED REPORT

Application Reference:	PL/2023/09756
Application Type:	Prior notification: Building/Extension
Site Address:	Court Farm, Gastard Lane, Gastard, Corsham, SN13 9QP
Proposal:	The building is a steel portal framed building, clad with concrete panels and Yorkshire boarding to serve as additional youngstock housing
Recommendation:	Prior Approval is required and **REFUSED**

SITE AND PROPOSAL

The application relates to Court Farm which is described in the submitted Planning Statement is a well-established dairy farm, with around 490 cows in the milking herd. It is a family business, B & M J Richards which operates across two sites, the main holding at Court Farm, Gastard and another farm site in Broughton Gifford, and farm a total of almost 500 acres of mixed grassland and arable land that is largely used to support the dairy herd and provide forage for their cows. Around 300 of these acres are owned, and the remainder is rented in a mix of Farm Business and Grass Keep Tenancies.

It is explained that due to the bovine TB status of the farm preventing any animals to be sold at open market there is a need to keep all youngstock at the farm. In order to accommodate the additional cattle and to quarantine them so that they are not exposed to threat of TB from wildlife or spread from other cattle, the applicant proposes to extend the existing livestock shed.

The building extension is to adjoin the existing cattle housing which lies to the southern end of the farmyard. The extension measures approximately 24m x 24m with a maximum height of 5.75m at the ridgeline. It is to be constructed with concrete panels and timber cladding above to the eaves. A cement sheet roof covering is proposed.

LEGISLATION AND GUIDANCE

Part 6, Class A of the Town and Country Planning General Permitted Development Order 2015 (GPDO)

ASSESSMENT

Part 6 rights only apply to land used for agriculture for trade or business purposes Part 6 of the GPDO Class A refers to agricultural development on units of 5 hectares or more and specifically 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.

The proposal is considered on the basis of the information provided within the application form which states that the building is required for the purposes of agriculture associated with the farming business of Court Farm.

The Planning Statement comments that the proposal would meet the requirements contained within Part 6 Class A, Section A.1 (a-k) of the GPDO. However, the LPA disagrees that the proposal meets the criteria of A.1 (i) as it is within 400m of a protected building. It is relevant to note that the conditions which apply to buildings/extensions which are permitted under Class 6 can be used to house livestock under certain circumstances (including for quarantine and temporary emergency housing), the LPA does not consider that this condition is meant to be read as an exception to the first qualifying criteria of Part 6 A.1. A new building/extension is not permitted to be erected where is it to be used for the accomodation of livestock within 400m of a protected building.

Based on the information provided to the LPA at this time, the proposal does not meet the criteria to be classed as permitted development under the terms of Part 6, Class A of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015.

Prior Approval

It should be noted that the above view is not determinative on the matter. The limited purpose of the prior approval application process is to enable the local LPA to determine whether “prior approval” would be required for those specified details relating to the siting, design and external appearance of the proposed building (Section A.2(2)). The LPA is not empowered to decide whether or not the proposed development comes within the description of the relevant class in the GPDO when deciding a prior approval application.

Notwithstanding the above view that the proposal is not permitted development, the prior approval matters have been considered below.

The design, scale and materials of the proposed are typical of other agricultural buildings within the rural landscape. The building is sited within a complex of existing farm buildings and is not likely to appear incongruous in wider landscape views. The character and appearance of the area would be unharmed.

The building is positioned within 400m of a number of residential properties. The application contains insufficient information in relation to the control of noise and odour to demonstrate that there would be no unacceptable or significant adverse impact on residential amenities. Therefore, it is considered that the Prior Approval of matters relating to the siting of the building is required, and on the basis on information included in this application, Prior Approval cannot be granted.

CONCLUSION

The LPA does not believe that the proposal meets the provision of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) such that the proposal constitutes permitted

development. **The LPA's determination on the specified Prior Approval matters is immaterial to this position.**

Notwithstanding the view that the proposal is not Permitted Development under Part 6, Class A, the LPA has considered the Prior Approval matters which is the limited purpose of this application process (at Part 6, Class A, Section A.2(2)). Given that the proposed extension is required to accommodate livestock the LPA considers that Prior Approval would be required as to the siting of the building in order to protect the amenity of nearby residents. The application does not address how noise and odour associated with use of the building in this location will be managed to an acceptable level, therefore Prior Approval in respect of the siting of the building extension cannot be granted.

RECOMMENDATION

That Prior Approval is required and **REFUSED** for the following reason:

Due to the proximity of protected residential properties and given that the proposed building extension is required to accommodate livestock, the LPA considers that Prior Approval is required as to the siting of the building in order to protect the amenity of nearby residents. The application does not address how noise and odour associated with use of the building in this location will be managed to an acceptable level, therefore Prior Approval in respect of the siting of the building extension cannot be granted.