CASE OFFICER'S REPORT

Application Reference:	PL/2023/11065
Application Type:	Prior notification: Building
Site Inspection:	
Consultation ends:	20 December 2023
Case officer:	Hilary Baldwin

Site Address:	Land parcel off A429, located (north) of Waitrose, Malmesbury
Proposal:	Agricultural building for the storage of hay and machinery.
Recommendation:	Prior Approval Refused

Site Description & Proposal

The application seeks to construct an agricultural barn on a parcel of land which is stated is part of a larger fam holding within the wider area of Wiltshire.

The barn would measure 20m long by 10m wide. Height to eaves, 4.5m and ridge height 5.64m. The structure would have a steel portal frame with pre-cast concrete base panels with profiled metal sheeting elevations and roof panels, plastic coated in dark green. A roller shutter door and personnel door would be located on the eastern end.

The new building would be on a parcel of land adjacent to the elevated Malmesbury by-pass and to the north of a site occupied by a food retailer. The site extends to just under 2Ha with the lower part of the site within Flood Zone 2 and 3.

The application

The application is for prior notification for the erection of an agricultural building under Part 6, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Policy Considerations

The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), Schedule 2, Part 6, Class A.

Planning History

From the planning history held by the Local Planning Authority, it is evident that there has been a series of applications for development of engineering operations and other forms of development on the site. The following reference does not form a complete or comprehensive site history but is considered the pertinent.

PL/2021/04555 - Construction of a 2m high gabion wall as an enclosure
Refused. 28 July 2021
Appeal Dismissed 01 March 2023

Assessment

Class A permits the carrying out on agricultural land comprising of an agricultural unit of 5 hectares or more or any excavation or engineering operation which is reasonably necessary for the purposes of agriculture within that unit. The land subject of this proposal extends to just under 2 Hectares and, it is stated, is farmed in conjunction with 17 hectares on land near Bradford on Avon. In this instance, and for the purposes of the GPDO, the distance between the two sites and their relative size are not deemed close enough to be considered as one agricultural unit. Whilst it is not unusual for landowners and farmers to have parcels of land in differing locations, their disparate nature is generally commensurate with the overall holding size and nature of agricultural use.

As such, whilst the relevant agricultural unit is claimed to be more that 5 hectares in total this is not supported by evidence, so it is unclear whether the land benefits from Part 6, Class A development rights and in this particular instance, the need for the building has not been fully substantiated and is therefore not deemed reasonably necessary for the purposes of agriculture to meet Part 6 Class A.

Notwithstanding this position, whilst it may not be necessary to consider the subsequent requirements and conditions of the Part 6 Class A, their full consideration will be undertaken.

The conditions to Class A include that such development comprising the erection of a building for the purposes of agriculture or any excavation, or engineering operation, are permitted by Class A subject to meeting all the criteria and as to whether the prior approval for the siting, design and external appearance is required. To allow the local authority to consider this the applicant must provide a written description of the proposed development and materials to be used and a site plan.

The development is not on a separate parcel of land forming part of the unit which is less than 1 hectare and is therefore not contrary to **A.1 (a).**

The agricultural unit has not benefitted from development under Class Q or S of Part 3 (change of use) of the Schedule and is therefore not contrary to **A.1 (b).**

The development does not consist of or include the erection, extension or alteration of a dwelling and is therefore not contrary to **A.1 (c).**

It is stated that the structure has been designed for the purposes of agriculture. The submitted plans indicate an agricultural building typical of its type with storage for agricultural machinery and hay shown on the supporting statement.

In this particular case, there is considered sufficient doubt as to the extent of the site and its use falling into agricultural use and on the balance of probability, there is considered sufficient doubt that the buildings are reasonably necessary for the purposes of agriculture within the unit. It is therefore considered that the application fails in relation to **A.1 (d).**

The structure would be situated on a parcel of land that exceeds 1 hectare and the works would fall below the criteria of 1000m2 under **A.1 (e)(i).**

The height of the structure does exceed 3m but is not within 3km of the perimeter of an aerodrome and is therefore not contrary to **A.1 (f).**

The height of the works does not exceed 12m and is therefore not contrary to **A.1 (g)**.

No part of the development would be within 25m of the metalled part of a trunk or classified road and is therefore not contrary to **A.1 (h).**

The proposal is not for the purposes of livestock accommodation or for the storage of slurry of sewage. The proposal is therefore not contrary to **A.1 (i).**

It does not involve an excavation or engineering operation on or over article 2(4) land in connection with fish farming and is therefore not contrary to **A.1 (j).**

The proposal is not for the storing of fuel or waste from a biomass boiler of anaerobic digestion system and is therefore not contrary to **A.1 (k).**

Design, External Appearance and Siting
Albeit considered that there is insufficient evidence that the structure is reasonably necessary for agricultural purposes under Schedule 2, Part 6, Class A and A.1 (d), it is considered reasonable for the Local Planning Authority to continue to assess whether its prior approval is required as to the design, external appearance and siting of the proposed works.

On consideration of the submitted details, it is deemed that the siting, design, scale and materials of the proposed building is typical of other agricultural buildings within the rural landscape. The building is positioned so that there would be limited adverse impact on residential amenities or the character and appearance of the area. There would be some views across the river from residential occupiers, but the structure would be seen against the backdrop of the rising land and tree lined boundaries.

Accordingly, it is not considered that further details or assessment of the proposal would be required.

Conclusion
On the basis of the above, it is considered that the development conflicts with the criteria as set out within **Schedule 2, Part 6, Class A and Class A.1 (d)** of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal is considered to be carried out on an agricultural unit of less than 5 hectares and it is not considered that there is sufficient information to determine that the structure is reasonably necessary for the purposes of agriculture.

Refusal Reason(s): (1)

1 On the basis of the above, it is considered that the development conflicts with the criteria as set out within **Schedule 2, Part 6, Class A and Class A.1 (d)** of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal is considered to be carried out on an agricultural unit of less than 5 hectares and it is not considered that there is sufficient information to determine that the structure is reasonably necessary for the purposes of agriculture.