



PLANNING STATEMENT

Application:	Certificate of Lawfulness (proposed) for Excavation to create Lagoon – Sch 2, Part 6, Class A, GDPO
Property:	Land at Boreham, Marlborough, forming part of Stowell Farms.
Client:	Lady Rothschild (1997) Discretionary Settlement
Date:	November 2025
Agent:	Chris Cary MRICS FAAV Associate Partner - Rural Surveyor & Planner



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Policies

National and Local Policies are not applicable to this type of application.

The applicant seeks a Lawful Development Certificate for proposed works pursuant to Section 192 of the 1990 Act. This Section states that:

*(1) If any person wishes to ascertain whether—
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning
authority specifying the land and describing the use or operations in question.*

This application is put forward in this context. The application contends that the operations that are to be carried out on the land are lawful and do not require planning permission because they comply with the provisions of Class A of Part 6 of Schedule 2 of the GPDO. This is detailed below.

The development presented is under 0.5ha and therefore the applicant is not required to submit an application to Wiltshire for determination as to whether prior approval is required.

Proposal

The client would like to excavate a lagoon measuring 80m x 35m to provide 5,000 cubic metres of storage pursuant to Schedule 2, Part 6 Class A of the General Permitted Development Order 2015 (as amended).

With regards to construction, the internal walls will slope down at a gradient of 1 to 2.5m, to a total depth of 4m resulting in an internal floor area of 60m x 15m. The lagoon will be lined with a purpose made 3 layer MDPE membrane liner or equivalent with cover and leak detection system. 750mm freeboard has been factored into the design. Cross sectional drawings have been provided.

The CIRIA guide Livestock Manure & Silage Storage Infrastructure for Agriculture is a 2 part guidance document produced by CIRIA (C759). This guidance underpins regulatory position and best practice construction methods. This guidance has been considered within the design of the proposed lagoon.

The land upon which the lagoon is proposed forms part of the wider holding of Stowell Farm. Stowell Farm is a progressive agricultural holding extending to approximately 3500 acres of which circa 500 acres is rented. The proposed lagoon is intended to serve as a satellite or field lagoon to improve the efficiency of slurry management and spreading operations.

Farming in the UK is currently facing significant economic pressures, with rising input costs, tighter environmental regulations, and the progressive withdrawal of traditional agricultural subsidies all placing strain on farm budgets. In this context, the ability to manage slurry in a cost-effective and environmentally responsible way is increasingly important.

The proposed lagoon is therefore considered to be reasonably necessary for the purposes of agriculture within the holding, providing practical and operational benefits that support the ongoing viability and sustainability of the farm business.

Schedule 2 Part 6 Class A GDPO

Permitted development.

A. 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 matter of reasonable necessity is addressed above under 'proposal'.

In addition, the willingness of the farming business to invest in the construction of the lagoon demonstrates that it arises from a genuine agricultural need, directly connected to the operational requirements of the holding. The lagoon is not speculative development but an agricultural engineering operation that supports the efficient and compliant management of slurry on the unit.

The GPDO test is whether the works are 'reasonably necessary' for agriculture, not absolutely essential. In this case, the lagoon plainly meets that threshold, providing clear operational and environmental benefits to the holding.

Development Not Permitted

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 not** be permitted where:

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;*

(Agent responses in blue) 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) It would not consist of the erection of an agricultural building where development under Class Q or S of Part 3 has been carried out within a period of 10 years ending with the date on which development under Class A begins;

No development under Class Q or S of Part 3 has been carried out upon the holding within a period of 10 years;

C) It would consist of, or include the erection, extension or alteration of a dwelling;

It would not consist of any alteration of a dwelling;

D) It would involve the provision of a building, structure or works not designed for agricultural purposes;

As set out above there is an agricultural need for the development. It is of standard agricultural construction.

- (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 (**F1** would exceed 1,000 square metres); or
 - (ii) any building erected or extended or altered by virtue of Class A (**F2** would exceed 1,500 square metres),
- F3**... calculated as described in paragraph D.1(2)(a) of this Part;

i. N/A, it is not for accommodating livestock or any plant or machinery.

ii. N/A, the development is not a building. This point is not applicable.

D.1(2)(a) – “*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*”;

There have not been other buildings or excavations or structures granted in the last two years. This criterion is therefore met.

- F) The height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

N/A, not a building. The development will not exceed 3m in height.

- G) The height of any part of the building, structure or works not within 3 kilometres of an aerodrome would exceed 12 metres;

N/A, not a building. The height of the proposed structure would not exceed 12 metres in height;

- H) Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

The proposed development would not be within 25 metres of a trunk or classified road. See location / block plan

- 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;

The proposed excavation is not within 400m of the curtilage of a protected building. The below red circle shows a 400m buffer;



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

The proposal is not connected with fish farming;

- 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.

The proposal is not for a building.

Storage will be for waste produced upon the holding only.

It is not within 400m of a protected building.

- I) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

The proposal is not for a building and there are no scheduled monuments in the locality.

Conditions A.2

- (1) Development is permitted by Class A subject to the following conditions—
- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

The nearest protected building is approximately 700m away. This condition is met.

- (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;

None of the excavations / minerals will be moved off the unit. This condition is met.

- (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.

No waste materials will be brought onto the land. This condition is met.

- (2) Subject to sub-paragraph (3), development consisting of—

- (a) the erection, extension or alteration of a building;
- (b) the formation or alteration of a private way;
- (c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or
- (d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

- (i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

- (ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

The development is lesser than 0.5ha and therefore falls below the threshold set out in (2)(c) above and as such the requirement for the applicant to submit an application to the council for prior approval determination does not exist.

Conclusion

The proposed lagoon constitutes permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal fully meets all relevant limitations and conditions of Class A. The development does not trigger the requirement for determination from the local planning authority as to whether the prior approval of the authority is required, as the area of excavation is below 0.5 hectares.

Accordingly, the operations described are lawful and do not require express planning permission, satisfying the requirements of Section 192 of the Town and Country Planning Act 1990. A Lawful Development Certificate should therefore be granted on this basis.