

APPLICATION FOR PRIOR NOTIFICATION - AGRICULTURAL CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09996
APPLICATION TYPE:	Prior notification: Building
SITE ADDRESS:	Land South West of 21 Silver Street Lane, Chittoe, Chippenham, SN15 2EN
DEVELOPMENT DESCRIPTION:	A steel portal frame building for forestry use. Including a workshop, timber store and an amenity area for staff.
RECOMMENDATION:	Prior Approval Required & Refused.

SITE DESCRIPTION/CONTEXT

The application site relates to the parcel of land of deciduous woodland (Priority Habitat) of broadleaved and coniferous type. The application site is approximately 3.2 hectares.

There is an access track from Silver Street Lane, an unclassified road to the north.

The site lies adjacent to the neighbouring property, 21 Silver Street, which is a Grade II listed building under the name, 'The Old Cottage'. There is another Grade II listed building approximately 75 metres to the northwest of the site, 1 Silver Street, listed under the name 'Church View'. Another Grade II listed building, Former Church of Saint Mary, lies approximately 310 metres to the east of the site.

There are a number of Public Rights of Way routes in the vicinity of the site, including the Bridleway BROM59 to the east and the Footpath BOM68 running from west to the south of the site.

The site is within Flood Zone 1 and at negligible risk of surface water flooding. There is a risk of groundwater flooding to surface and subsurface assets.

The site is not within any other heritage or landscape designated sites.

PROPOSAL

This is an application seeking for the prior approval for the erection of a steel portal frame building for forestry use. The proposed building includes a workshop, timber store and an amenity area for staff.

The proposed building would have the height of eaves measuring 6.5m and height to ridge measuring 13.5m. The proposed footprint would measure 635.5 square metres, consisting of an irregular shape.

Further to queries raised by officers, it has been confirmed in writing that the applicant misinterpreted the questions on the submitted application form relating to the total area of the agricultural unit and the area of the parcel of land on which the development is proposed. The stated

figure of 640 sqm refers solely to the total footprint of the building, and the indication of 'less than 0.4' likewise relates to the building footprint. The applicant has now clarified that they do not own any land beyond that identified within the submitted location plan.

RELEVANT PLANNING HISTORY

Proposal / Summary
K/21254 - Full planning permission Decision - Approve with Conditions Date: 17/3/1994 – RETAIN PRIVATE WAY

RELEVANT LEGISLATION, POLICY AND GUIDANCE

This application is assessed under Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which grants planning permission for certain types of development described in Schedule 2 of the Order. The grant of permission is subject to the limitations, conditions, and provisions set out within the relevant Classes of permitted development.

Under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain types of agricultural development may be permitted, including:

- works for the erection, extension or alteration of a building;
- the formation, alteration or maintenance of private ways;
- operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;
- other operations (not including engineering or mining operations).

Where such development is proposed, the developer is required to apply to the local planning authority for a determination as to whether prior approval is needed. This prior approval process is limited in scope and relates only to the following matters:

- The siting, design, and external appearance of the building;
- The siting and means of construction of the private way.

ASSESSMENT

Does the Proposal Qualify as Permitted Development?

Having completed the detailed assessment checklist at Appendix 1 of this report, it is found that whilst the proposed development qualifies as far as it is proposed for forestry purposes, as is discussed further below, the LPA has concerns that there is a lack of justification for any building on this site of the scale and nature being proposed. Development under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) only applies to development which is reasonably necessary which is not determined at this stage.

Is Prior Approval Required?

Prior approval is required under Schedule 2, Part 6, Class E, E.2(1)(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015, in respect of siting, design and external appearance of the proposed building are considered to be substantial within the context of the site.

The application site is accessed via an unmade track, and insufficient information has been submitted to enable the Local Planning Authority to adequately assess the impacts associated with construction and operational traffic, including the delivery and movement of materials, plant and equipment. In the absence of a detailed access strategy or construction methodology, the implications of the development for the safe and suitable use of the access cannot be properly evaluated.

Furthermore, the submission fails to provide sufficient information to assess the likely impact of the development on existing trees and woodland habitat, including potential harm to root protection areas arising from excavation works, vehicle movements and construction activity. Given the wooded nature of the site, this absence of arboricultural detail prevents the Local Planning Authority from concluding that the proposal would avoid unacceptable harm to retained trees and the wider woodland setting.

Concerns also arise in respect of the scale, form and external appearance of the proposed building. By reason of its substantial footprint, height and massing, the development would appear disproportionate and visually intrusive within the forested context. The form and appearance of the building raise doubt as to whether it would be an appropriate form of development within the scope of use of the land, as envisaged by Class E. In addition, the extent of land available to accommodate a building of this scale without resulting in adverse impacts has not been clearly demonstrated.

CONCLUSION

As a result of these deficiencies, the Local Planning Authority is unable to be satisfied that the proposal would comply with the limitations and requirements of Schedule 2, Part 6, Class E of the General Permitted Development Order. The submitted details are insufficient to demonstrate that the building is reasonably necessary and that the siting, design and external appearance of the development would be acceptable, and prior approval is therefore refused.

RECOMMENDATION:

Prior Approval Required and refused.

Reason for refusal

1. Prior approval is refused under Schedule 2, Part 6, Class E, paragraph E.2(1)(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), because the scale and massing of the proposed building are excessive and disproportionate in relation to the size, character and operational context of the site. The proposed development, by

virtue of its footprint, height and overall form, would appear over-dominant within the forested landscape and has not been demonstrated to be reasonably necessary for the purposes of forestry on the land. As such, the proposal would exceed the limited and functional nature of development envisaged under Class E and would result in an inappropriate form of development for the site. Prior approval is therefore refused.

2. Prior approval is refused under Schedule 2, Part 6, Class E, paragraph E.2(1)(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in respect of the siting, insufficient information has been submitted to enable the Local Planning Authority to properly assess the impact of the proposal on existing trees and woodland habitat, including potential impacts on root protection areas arising from construction activity, vehicle movements and associated works, and the effects on ecological interests associated with the wooded site. In the absence of adequate arboricultural and ecological detail, the Local Planning Authority cannot be satisfied that the development would avoid unacceptable harm. The requirements of Class E are therefore not met, and prior approval is refused.

APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST

	Permitted Development	Yes / No
A	Does the proposal involve the carrying out, on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of - (a) works for the erection, extension or alteration of a building; (b) the formation, alteration or maintenance of private ways; (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways; (d) other operations (not including engineering or mining operations).	Yes
Criteria (E.1) – Development not permitted by Class E:		
(a)	Would the development consist of or include the provision or alteration of a dwelling.	No.
(b)	Is any part of the proposed building, structure, or works not within 3 kilometres of an aerodrome and would exceed 3 metres in height?	No – the proposed location is not within 3 km of an aerodrome.
(c)	Would any part of the development be within 25 metres of a metalled part of a trunk road or classified road?	No, the proposed building is sited at least 40 metres from a classified road.
(f)	Would any building for storing fuel for or waste from a biomass boiler or anaerobic digestion system be used for storing waste not produced by that system or fuel not produced on land within the unit?	No, the submitted application form confirms the proposed building would be used for the processing of dead and poor quality trees from the site.