

APPLICATION FOR PRIOR NOTIFICATION - AGRICULTURAL CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01389
APPLICATION TYPE:	Prior notification: Building
SITE ADDRESS:	Lower Colham Mill, Castle Combe, Chippenham, SN14 7HZ
DEVELOPMENT DESCRIPTION:	Agricultural building for storage of farm equipment, plant, produce and farm office
RECOMMENDATION:	REFUSE

SITE DESCRIPTION & PROPOSAL

The application seeks prior approval for the erection of an agricultural building for storage of farm equipment, plant, produce and farm office at Lower Colham Mill, Castle Combe.

The proposed building measures 30 metres in length and 8 metres in breadth, with a total height of 3.7 metres to the eaves and 5.7 metres to the ridge. The external walls will comprise black powder-coated corrugated steel, with black aluminium double-glazed casement windows. The building will also include timber-boarded double doors and metal roller shutter doors for access. The roof will consist of black powder-coated corrugated steel, incorporating solar PV panels, with powder-coated aluminium gutters and soffits. The external colour finish throughout will be black.

Directly north of the application site is Lower Colham Mill which is a Grade II listed 17th-century dwelling. The site lies within the Castle Combe Conservation Area and the Cotswold National Landscape (formerly AONB). There is a public right of way (CCOM7) to the east. The site is within the 2km zone of a core maternity bat roost. The Rack Hill SSSI is approximately 65m to the east. There are two designations of ancient woodland in close proximity to the north west and south. There is a main river approximately 52m to the east.

RELEVANT PLANNING HISTORY

Proposal / Summary
N/89/01243/FUL - Full planning permission Decision - Approved Date: 27/7/1989 – ALTERATIONS TO DWELLING
20/03559/FUL - Full planning permission Decision - Approve with Conditions Date: 6/7/2020 – Erection of garage building
21/00635/FUL - Full planning permission Decision - Approve with Conditions Date: 31/3/2021 – Erection of Garage Building (Revised Scheme to Incorporate Solar Panels Following Planning Permission 20/03559/FUL).
20/11023/FUL - Full planning permission Decision - Approve with Conditions Date: 16/2/2021 – Alterations to dwelling to replace door and window with a single set of French doors
21/00216/LBC - Listed building consent Decision - Approve with Conditions Date: 16/2/2021 – Alterations to dwelling to replace door and window with a single set of French doors

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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain types of agricultural development may be permitted, including:

- The erection, extension, or alteration of a building;
- The formation or alteration of a private way;
- Excavations or the deposit of waste material (where the relevant area exceeds 0.5 hectares);
- The placing or assembly of a tank in any waters.

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;
- The siting of the excavation or deposit;
- The siting and appearance of the tank.

ASSESSMENT

Does the Proposal Qualify as Permitted Development?

Having completed the detailed assessment checklist at Appendix 1 of this report, it is concluded that the proposed development does not qualify as permitted development, and therefore planning permission would be required for the proposed works.

In this case, the land is understood to have historically formed part of the wider Castle Combe Estate. The application site comprises land now in the applicant's ownership which adjoins their dwelling. However, based on the information submitted and discussions held during the site visit, the Local Planning Authority is not satisfied that the land currently forms part of an established agricultural unit in active agricultural use, as required for development under Part 6 of the GPDO.

Furthermore, whilst the applicant has indicated an intention to establish an agricultural enterprise, limited evidence has been provided to demonstrate that agriculture is presently taking place on the land, or that the proposed building is reasonably necessary to support an existing agricultural operation. Activities such as grass cutting and general land maintenance do not, in themselves, constitute agriculture for the purposes of the GPDO.

As such, it has not been demonstrated that the proposal involves works which are reasonably necessary for the purposes of agriculture on an agricultural unit of 5 hectares or more. The Local Planning Authority therefore concludes that the development does not fall within the scope of permitted development under Schedule 2, Part 6, Class A of the GPDO, and express planning permission would be required.

CONCLUSION

That planning permission is required.

The proposed development has been assessed against the provisions, limitations, and conditions set out in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the submitted plans, supporting documentation, and the findings of this report the proposal does not comply with the criteria for permitted development under Class A, and therefore planning permission is required for the proposed works and the application is refused.

In the event that a planning application is submitted, the Local Planning Authority would expect clear evidence of the agricultural use of the land and the functional need for any proposed building. Due to the sensitive location of the site, including its designation within the Castle Combe Conservation Area and Cotswold National Landscape, proximity to a listed building, SSSI, ancient woodland, bat roost zone, public right of way, and main river, appropriate ecological and landscape assessments are likely to be required to support any such application.

RECOMMENDATION:

That prior approval be REFUSED.

APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST

	Permitted Development	Yes / No
A	Does the proposal involve the carrying out, on agricultural land forming part of an agricultural unit of 5 hectares or more, of either: (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?	No.
Criteria (A.1) – Development not permitted by Class A:		
(a)	Is the development proposed to be carried out on a separate parcel of land forming part of the agricultural unit that is less than 1 hectare in area?	N/A
(b)	Would the development consist of the erection or extension of any agricultural building on an established agricultural unit where development under Class Q or Class S of Part 3 (changes of use) has been carried out within the last 10 years?	N/A
(c)	Would the development consist of, or include, the erection, extension, or alteration of a dwelling?	N/A
(d)	Would it involve the provision of a building, structure or works not designed for agricultural purposes?	N/A
(e)(i)	Would the ground area covered by any works or structures (excluding fences) for accommodating livestock or plant/machinery arising from engineering operations exceed 1,000 square metres?	N/A
(e)(ii)	Would the ground area of any building erected, extended, or altered under Class A exceed 1,500 square metres?	N/A
(f)	Is any part of the proposed building, structure, or works within 3 kilometres of the perimeter of an aerodrome and would exceed 3 metres in height?	N/A

(g)	Is any part of the proposed building, structure, or works not within 3 kilometres of an aerodrome and would exceed 12 metres in height?	N/A
(h)	Would any part of the development be within 25 metres of a metalled part of a trunk road or classified road?	N/A
(i)	Would the development consist of, or include, the erection or construction of, or works to, a building, structure, or excavation used or intended for the accommodation of livestock or storage of slurry/sewage sludge, and be within 400 metres of the curtilage of a protected building?	N/A
(j)	Would the development involve excavations or engineering operations on or over article 2(4) land that are connected with fish farming?	N/A
(k)(i)	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 and be within 400 metres of the curtilage of a protected building?	N/A
(k)(ii)	Would any building for storing fuel for or waste from a biomass boiler or anaerobic digestion system and be within 400 metres of the curtilage of a protected building?	N/A
(l)	Would the erection or extension of a building be carried out on land or a building that is, or is within the curtilage of, a scheduled monument?	N/A