

APPLICATION FOR PRIOR NOTIFICATION - AGRICULTURAL DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/02189
APPLICATION TYPE:	Agricultural prior approval
SITE ADDRESS:	Barn Farm, Foxham Road, Foxham, Chippenham, SN15 4NE
DEVELOPMENT DESCRIPTION:	Proposed Agricultural Building
RECOMMENDATION:	REFUSE

SITE DESCRIPTION & PROPOSAL

The application seeks prior approval for the erection of an agricultural building for the storage of agricultural equipment associated with the production of apples from the orchard as well as storage of equipment associated with the keeping of sheep.

The proposed agricultural storage building is located to the north-east of Barn Farm Farmhouse. The agricultural holding is understood to extend to 28 acres/ 11.34 hectares. A full land ownership plan has not been submitted with the application.

The site is not located within any designated settlement and is in the open countryside. There is a Grade I listed building Church of All Saints approximately 650m to the north. The Public Right of Way BREM18 (footpath) is situated to the west and north. The site is within flood zone 1 and not shown to be at any risk of groundwater flooding, and it is just outside of a surface water flooding area.

RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2025/04904 - Demolition of the Remains of an Existing Dwelling and Replacement with 1 Self Build Dwelling, Solar Panels, Electric Charging Point and Associated Works – Refused. Appeal Pending
14/00261/FUL - Conversion of Existing Building to Residential Use (Resubmission of 13/00765/FUL) - Refused
N/13/00765/FUL - Conversion of Existing Building to Residential Use - Withdrawn
N/11/00252/FUL - Conversion of Cow Byre to Provide Ancillary Accommodation for Existing Dwelling – Approved with Conditions
N/07/02295/FUL - Ground floor and first floor extensions to remains of cottage to form habitable dwelling - Refused
N/04/03579/FUL - ERECTION OF REPLACEMENT BUILDING TO FORM TWO HOLIDAY FLATS – Disposed/undetermined
N/04/00750/FUL - TWO SELF CONTAINED UNITS TO BE USED FOR HOLIDAY ACCOMMODATION - Withdrawn
N/04/00749/COU - CONVERSION OF BYRE TO TWO HOLIDAY LET UNITS – Approved with Conditions

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.

The proposal is for the erection of an agricultural building for the storage of agricultural equipment associated with the production of apples from the orchard as well as storage of equipment associated with the keeping of sheep.

Having regard to the information submitted and the site inspection, it has not been demonstrated that the proposed building is reasonably necessary for the purposes of agriculture on the unit, as required by Schedule 2, Part 6, Class A of the GPDO.

In particular, the orchard appears to comprise very young trees which would not be expected to produce a meaningful commercial harvest for a number of years. The scale and specification of the proposed building, including facilities for apple washing, sorting, pressing, juice storage and bottling, would significantly exceed what could reasonably be required at this stage of production.

Furthermore, insufficient detail has been provided in relation to the agricultural operation on the site, including the scale of apple production, the number of livestock kept, or the functional requirement for new built storage. In such a context neither has any justification has been provided to demonstrate why existing buildings on the holding could not meet the stated needs, particularly in relation to the keeping of sheep.

While the submission states that the agricultural holding extends to approximately 28 acres (11.34 hectares), a full blue land ownership plan has not been provided, rendering it difficult to fully understand the holding. As such, aside from the young orchard, the extent of the agricultural unit and the overall presence, scale and nature of agricultural operations cannot be verified. Furthermore, there is no recent planning history suggesting active agricultural operations at the site.

It is also noted that the former cow byre was given permission for conversion to ancillary accommodation in 2011, further suggesting that agricultural activities have long ceased and, at best, only recently restarted.

CONCLUSION

Due to the lack of information provided and the facts on the ground as observed during the site visit, it is concluded that the application fails to meet the requirement that the development be reasonably necessary for the purposes of agriculture on an established agricultural unit. Accordingly, it is considered that the development does not benefit from permitted development rights under Schedule 2, Part 6, Class A of the GPDO. The Local Planning Authority therefore concludes that the development does not fall within the scope of permitted development, and planning permission would be required.

RECOMMENDATION: That prior approval be REFUSED for the following reason:

Insufficient information has been provided to whether the development is reasonably necessary for the purposes of agriculture on an established agricultural unit. Accordingly, it is considered that the proposal does not benefit from permitted development rights under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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. The proposal has not been demonstrated to be reasonably necessary for the purposes of agriculture.
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