

CASE OFFICER'S REPORT

Application Reference:	PL/2026/03488
Application Type:	Prior Notification – Building
Site Address:	Down Dairy Farm, Hindon, Salisbury, SP3 6FB
Proposal:	Erection of farm building to cover open yard area
Recommendation:	Refuse

PROPOSAL POLICIES:

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

ISSUES:

The issues for consideration within this application are the Permitted Development Criteria and if the development would constitute permitted development; and then whether the proposed siting, design and external appearance of the proposed farm building, are acceptable and do not need prior approval from the Local Planning Authority.

SITE AND ITS SURROUNDINGS:

The site is situated to the southwest of the village of Hindon, which is defined as a Large Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP27 (Tisbury Community Area). The site is however outside of the defined settlement boundary of the village and is therefore in designated countryside. The site is surrounded on all sides by fields, the farmyard perimeter is surrounded on the north, south and west by mature trees, and is in an undulating dip in the landscape. A Right of Way (ref: HIND22) restricted byway on higher ground, is approximately 200 metres away to the north of the site. A footpath (ref: FGIF6) is to the south of the site.

The site is located within the Cranborne Chase National Landscape, the catchment of the River Avon Special Area for Conservation (SAC), and within both the Chilmark Bat SAC Barbastelle 6 km parcel buffer and the GHS 4 km SAC parcel buffer.

The application site forms part of a wider agricultural unit of 285 hectares (Ha). The proposed development is located within an established farmyard known as Down Dairy Farm. The farmyard contains a range of existing agricultural buildings, including open-sided pole barns and dairy buildings, together with areas of hardstanding. Part of this hardstanding would be utilised to accommodate the proposed development. Access to the site is via a long private drive, which extends from the main road to the west and leads into the farmyard.

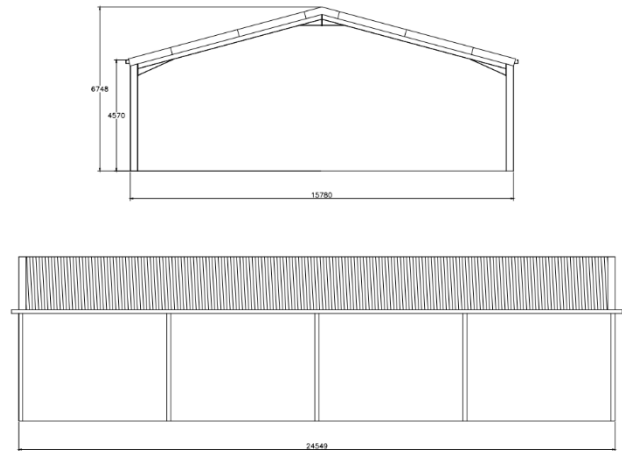
An agricultural worker's dwelling, granted planning permission in 2016 under application reference 16/05432/FUL, lies immediately to the north-east of the site, positioned adjacent to the farmyard.

THE PROPOSAL:

This is an application seeking to notify the Local Planning Authority (LPA) about a proposed agricultural building that is to be erected on the site.

The proposed building would comprise an open-sided steel portal frame, measuring approximately 24.5 metres in length and 15.8 metres in width, with an eaves height of 4.6 metres and a ridge height of 6.7 metres, resulting in a footprint of approximately 387

square metres. The roof would be finished in grey fibre cement profile sheeting.



ASSESSMENT:

Need:

The proposed building would be located within an established farmyard forming part of a wider agricultural unit extending to 285 ha, with the site having been in continuous agricultural use for over 100 years.

The proposed building is required to improve the operation and environmental performance of the existing dairy enterprise. The structure would cover an existing collection yard used for holding cattle prior to milking and for feeding during periods when ground conditions are too wet for grazing. By roofing this area, the development will reduce the volume of rainwater entering the yard and mixing with contaminated runoff, thereby limiting the amount of slurry generated and helping to manage waste more efficiently. This approach is supported through DEFRA Capital Grant funding aimed at reducing diffuse water pollution in accordance with the Water Framework Directive Regulations.

The LPA is satisfied that the building is reasonably necessary and will be used for agricultural purposes.

Permitted Development Criteria:

The applicant has confirmed that the agricultural unit within which the proposed building is to be located is a unit of 285 Ha in size. Therefore, the proposed development needs to be checked against the criteria of Class A of Part 6 of the GDPO, which allows for the erection, extension or alteration of buildings that are reasonably necessary for the purposes of agriculture within agricultural units of 5 Ha or more, subject to the following criteria:

Development would not be permitted under the following criteria:

- (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;***

The development would be carried out within the established agricultural unit of 285 Ha, and positioned within the existing farmyard with direct access from the existing farm track. The siting is considered logical in relation to the operation of the holding. The site does not constitute a separate parcel of land and is an integral part of the agricultural unit. This

criterion is therefore satisfied.

- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;***

The agricultural unit has not been subject to any development under Class Q or S of Part 3 of the GPDO in the past 10 years. This criterion is therefore satisfied.

- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;***

The proposals involve the erection of a new agricultural building which has been found to be necessary for the purposes of agriculture. The proposals do not involve the provision of, or works to a dwelling. This criterion is therefore satisfied.

- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;***

The application form states the building is for agricultural purposes and elevations of the proposed building have been provided. These show a building clearly designed for agricultural purposes. It is to be of an appropriate size, and is to be finished in materials that are suitable to meet agricultural needs. The proposals are also therefore considered to satisfy the requirements of this criterion.

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

The structure would have a floor area of approximately 387 square metres. This criterion is therefore satisfied.

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

The building height does exceed 3m but is not to be positioned within 3 kilometres of an aerodrome. This criterion is therefore satisfied.

- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;***

The proposed building is to extend to a maximum height of 6.7 metres and will therefore comply with the height restriction identified in this criterion.

- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;***

As is seen on the map below the area of the proposed development is at the end of a

private access track within the agricultural unit. The site is 345 metres from the nearest classified road, the Class C road connecting Hindon to Newtown. This criterion is therefore met.

- (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;**

As set out within the application and supporting information, the proposed building will be used in connection with an existing dairy cattle enterprise. Whilst it is not described as a building for overnight livestock housing, it will function as a covered holding and feeding area, where cattle will be kept while awaiting milking and during winter feeding when ground conditions are unsuitable for grazing.

The agent has argued that the proposal should be understood as operational and environmental infrastructure rather than livestock accommodation, on the basis that the cattle will only be present for feeding, loafing and short-term handling as part of normal dairy operations. The agent has also referred to the DEFRA grant restrictions, which identify the relevant works as roofing for a livestock gathering area rather than livestock housing. The Local Planning Authority has carefully considered this argument but does not agree with the interpretation advanced. The dictionary definition of “accommodate” is not limited to permanent or overnight housing. It includes providing space for, or meeting the needs of, someone or something. On that basis, a building which is specifically designed and intended to provide covered space for cattle to stand, feed, shelter and remain within for operational purposes is capable of accommodating livestock, even if the livestock are not housed there overnight or for long periods of time.

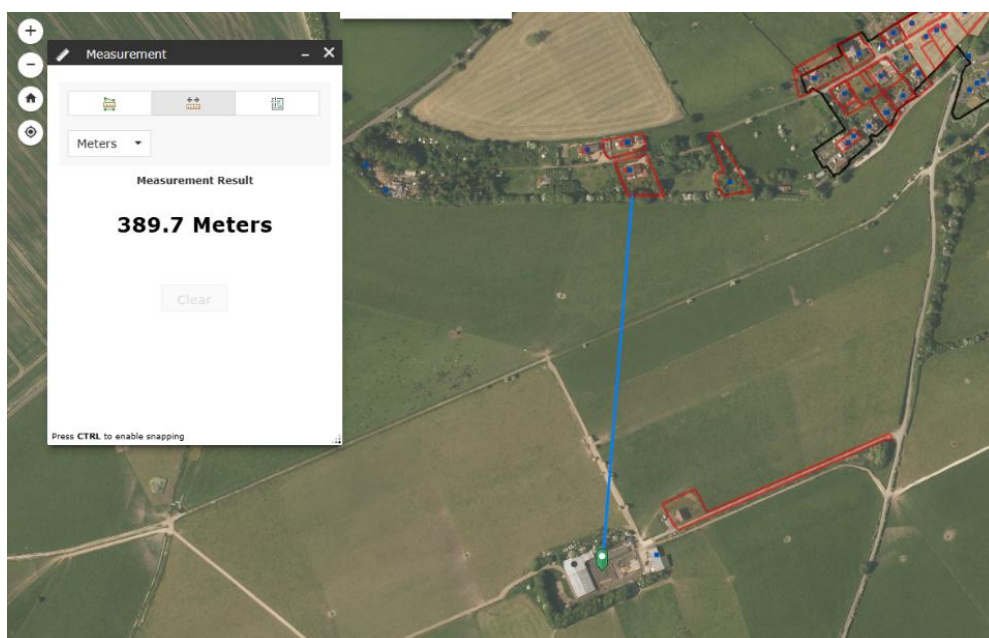
The submitted information makes clear that the building is not merely a structure through which cattle may pass, or where their presence will be incidental. Its stated purpose is to cover an existing yard used as a collection area for dairy cattle prior to milking and as a feeding area during winter when ground conditions are unsuitable for grazing. The fact that this use may be intermittent, or for limited periods during the day, does not alter the functional purpose of the building as a place where cattle are accommodated as part of the dairy operation. The cattle will be stationary under the shelter for hours at a time waiting to be milked or feeding during the winter, as was confirmed by the farmer during the Officer Site Visit. As per the submitted documents the building has only one purpose, this being to accommodate livestock. It is not described as having any other potential use. The LPA therefore considers that the proposal will involve the accommodation of livestock for the purposes of Class A.1(i) of Part 6 of Schedule 2 of the GPDO.

Furthermore, the supporting information confirms that the building is required to reduce the amount of rainfall entering the yard and mixing with contaminated runoff. The structure will therefore facilitate the containment of slurry generated by cattle within the yard.

The nearest building to the site is the agricultural worker's dwelling immediately to the north-east of the site. However, this is not considered to be a "protected building" as defined within Schedule 2, Part 6 of the GPDO, as it is a dwelling within, and used in connection with, the agricultural unit. The nearest protected building is therefore Spring Gardens, The Dene, Hindon, Salisbury, SP3 6EE, a residential dwelling located 390 metres to the north of the site. This distance has been measured from the northern end of the proposed building to the southern edge of the curtilage of Spring Gardens. No other protected buildings are situated within 400 metres of the proposed development.

Whilst the curtilage of Spring Gardens lies approximately 390 metres from the proposed building, falling short of the 400 metre threshold set out in Class A.1(i) of Part 6 of Schedule 2 of the GPDO by around 10 metres, it is noted that neither the applicant nor their agent has advanced any argument that this shortfall should be treated as de minimis. Nevertheless, given the limited extent of the variance, the Local Planning Authority considers it appropriate to address this point. It could be suggested that a marginal difference between 390 metres and 400 metres will not materially alter any impact upon the occupants of the protected building. However, recent case law in *Horley Road Estates Limited v Secretary of State for Housing, Communities and Local Government & Anor* [2026] EWHC 602 (Admin) confirms that dimensional limitations within the GPDO must be applied strictly. Whilst that case considered extension depth limits under a different class of the GPDO, the High Court made clear that such measurements form part of the defined scope of the deemed grant of planning permission, and that there is no scope to apply a de minimis approach when interpreting those limits. This principle applies equally to separation distances set out within Class A.1(i), which operate as fixed thresholds.

The purpose and effect of Class A.1(i) is to prevent buildings used for the accommodation of livestock, or for the storage of slurry or sewage sludge, from benefiting from permitted development rights where they are within 400 metres of a protected building. This reflects the potential amenity implications commonly associated with such uses, including noise, odour and general disturbance. In this case, those matters are directly relevant because the proposed building will accommodate cattle and involve slurry within 400 metres of a protected residential dwelling.



In this context, the proposal involves the accommodation of livestock and associated slurry within 400 metres of a protected building. The development therefore fails to comply with criterion (i) of Class A.1 of Part 6 of Schedule 2 of the GPDO. As a result, the proposal does not benefit from permitted development rights and requires express planning permission.

It is of course acknowledged that the farm yard and existing collection of buildings at this site, which are equally within 400 metres of Spring Gardens, are already in use for the accommodation of livestock and associated slurry and therefore the existing uses are likely to already result in a level of odour and impact for the residential amenities of the occupiers of this protected dwelling. However there is no mechanism within this type of application to consider the merits of the scheme or the cumulative impact of the proposals and existing development. It is merely an assessment against defined criteria as to whether the proposed development can be undertaken using the use's permitted development rights or whether it instead needs planning permission. In failing the criterion, it automatically follows that the proposals do not constitute permitted development and that full planning permission is needed instead before the development can commence.

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

The proposals do not involve works connected with a fish farm and therefore this criterion does not apply.

(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; or

The building does not involve the storage of fuel or waste from a biomass boiler or anaerobic digestion system and therefore this criterion does not apply.

(l) 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.

There are no scheduled monuments on the site. The proposed building is not to be sited within the curtilage of a scheduled monument. The criterion is met.

Summary

Having assessed the proposal against the criteria set out within Class A of Part 6 of Schedule 2 of the GPDO, it is considered that the development would comply with all relevant criteria with the exception of criterion (i). The building is considered to be reasonably necessary for the purposes of agriculture and would be appropriately sited within the established agricultural unit, with scale, height and location all falling within the permitted thresholds. However, the proposal involves the accommodation of livestock and associated slurry storage within 400 metres of a protected building. As such, the development fails to satisfy criterion (i) and therefore does not benefit from permitted development.

Siting & Design:

Whilst the proposal is not considered to constitute permitted development under Class A of Part 6 of Schedule 2 of the GPDO, the application has been submitted to determine whether prior approval is required. It is therefore appropriate for the Local Planning Authority to

assess the siting, design and external appearance of the development in accordance with Condition A.2(2)(i) of the GPDO.

The site is located adjacent to a public right of way and within the Cranborne Chase National Landscape, placing it within a sensitive landscape context. However, the farmyard is enclosed by mature trees to the north, south and west, and sits within a natural dip in the landscape, with surrounding fields on all sides.

Limited views of the proposal are possible from the main road to the south east. Whilst views directly from the east at the access track are possible, these are likely to be screened by existing agricultural buildings. In any case the proposed building would be read within the context of the established farmyard. Given its modest height of 6.7 metres and its location within the dip in the landscape, the development is unlikely to be prominent within the wider landscape/National Landscape.

The proposed structure would be of an open-sided steel portal-frame design, finished with a grey fibre cement roof to match adjacent agricultural buildings within the holding. These materials and form are typical of agricultural development, similar to that of other existing buildings within the farmyard and would not appear out of keeping in this rural context.

The proposal would therefore not appear incongruous within the landscape and is unlikely to give rise to harm to the character or appearance of the Cranborne Chase National Landscape. Taking account of the topography of the land, siting, scale, design and materials, and the degree of existing screening, the development would integrate appropriately with the existing farmyard.

In summary, if the proposals *were* to benefit from permitted development rights, the siting, design and external appearance of the building would have been considered acceptable and would not have resulted in any unacceptable adverse impact on the character or appearance of the area, including the special qualities of the National Landscape.

CONCLUSION

The proposed farm building, as described within the submitted application form and accompanying plans and documents received on 2nd June 2026, is not considered to accord with all of the criteria set out under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and therefore does not constitute permitted development.

The Local Planning Authority recognises that the proposal relates to an existing and established farmyard where cattle are already present as part of the ongoing agricultural use of the site. However, the provisions of the GPDO set out clear criteria which must be met in order for development to benefit from permitted development rights. In this case, the criteria operate in a definitive manner and do not allow for discretion in relation to the potential amenity effects arising from the accommodation of livestock. The role of the Local Planning Authority in considering this prior notification is therefore limited to assessing compliance with those criteria. As the proposal fails to meet the requirements of Class A.1(i), it cannot be considered permitted development, and any detailed assessment of amenity impacts associated with the use would need to be undertaken through the submission of a full planning application.

Notwithstanding this conclusion, the siting, scale, design and external appearance of the proposed building have been assessed and are considered to be acceptable within this rural context. The development would integrate appropriately with the existing farmyard and would not result in any unacceptable adverse impact on the character or appearance of the area, including the special qualities of the Cranborne Chase National Landscape.

It is therefore recommended that this prior notification application be refused. Should the applicant wish to proceed with the proposed development, a full planning application would be required in order for the proposal to be fully assessed against the relevant planning policies and material considerations.

RECOMMENDATION:

Refusal:

- 1) The proposed development, by virtue of its use for the accommodation of livestock and associated slurry, and by reason of its location within 400 metres of the protected building known as Spring Gardens, The Dene, Hindon, Salisbury, SP3 6EE, fails to comply with criterion (i) of Class A.1 of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal does not therefore benefit from permitted development rights and prior approval is therefore refused.