

APPLICATION FOR PRIOR NOTIFICATION - AGRICULTURAL CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/03584
APPLICATION TYPE:	Prior notification: Building
SITE ADDRESS:	Cobb Farm, Corsley, Warminster, BA12 7QA
DEVELOPMENT DESCRIPTION:	An extension to an existing agricultural building on site following in design and construction
RECOMMENDATION:	Prior Approval Not Required

SITE DESCRIPTION/CONTEXT

The application seeks consent for the erection of an extension to an existing agricultural building for the storage of livestock, animal fodder and machinery. The extension would be retaining the existing ridge height at 5.9m high, with height to eaves of 4.5m, would be 12.19m in length and 9.14m wide.

It would have a shallow-pitched roof with the elevations consisting of Yorkshire boarding, and a PCC panel wall. With a fibre cement roof. 3m high concrete panels to the lower section and 3m high olive-green section aluminium sheets to the top section. The east elevation would be left open for access with two gated areas.

PROPOSAL

The application relates to an existing agricultural building that sits within the built envelope of Cobb Farm, that lies to the south of the village of Chapmanslade, accessed off Huntenhull Lane that leads from the village. To the north, east, south and west lie open fields. The proposal seeks to erect the extension over an area close to an existing right of way to the west (CHAP8).

RELEVANT PLANNING HISTORY

Proposal / Summary
PL/2021/11265 - Full planning permission Decision - Approve with Conditions Date: 15/3/2022 – Stationing of temporary agricultural workers dwelling
PL/2021/11266 - Full planning permission Decision - Approve with Conditions Date: 15/3/2022 – Erection of agricultural building
W/03/01855/AGD - Agricultural & Forestry - Detailed matters Decision - Approved Date: 17/11/2003 – Storage barn
W/96/09009/AGD - Agricultural & Forestry - Detailed matters Decision - Approved Date: 22/4/1996 – Agricultural building
W/09/03262/AGD - Agricultural & Forestry - Detailed matters Decision - Approved Date: 8/12/2009 – Barn storage shed
20/11607/FUL - Full planning permission Decision - Approve with Conditions Date: 9/4/2021 – Erection of agricultural building
ENQ/2026/00509 - Pre-Application enquiry – Erection of 1no. dwelling house with agricultural occupancy condition for farm worker at Cobb Farm, to replace the existing static caravan
PL/2026/03584 - Prior notification: Building – An extension to an existing agricultural building on site following in design and construction

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 qualifies as permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the assessment may now proceed to consider the siting, design, and external appearance of the development as required by the GPDO.

Is Prior Approval Required?

The site is set within open countryside, and the extension would be sited within the existing agricultural land and would not appear out of context with the immediate environment. An unclassified road lies to the south however the building would be set back from the public highway and would not adversely affect any long-range views. The siting is therefore considered acceptable.

With regard to the design and external appearance, the barn is of a typical functional agricultural barn design with acceptable materials in the rural context. The proposal would not adversely impact the character of the wider rural setting. It is therefore considered that prior approval of matters of siting, design and external appearance are not required.

The proposal seeks to erect the extension over an area close to an existing right of way to the west (CHAP8). Whilst planning permission can be granted, before any works to extend the barn can commence an application must be approved to divert the public footpath.

The Council's Public Rights of Way officer has commented '*from the looks of it on the ground the used route and Definitive line of the path appear to be different, it is however the Definitive line which is the legal*

line. If the applicant wishes to discuss the diversion process then I would suggest that they email Wiltshire Councils definitive map team on definitivemap@wiltshire.gov.uk

The proposed development would obstruct the definitive (legal) line of footpath CHAP8. The path should be available on its legal line. The council has a statutory duty to protect the definitive line of rights of way and Rights of way circular 1/09 says that they are a material consideration in planning applications. We must therefore object to the application and recommend that it should be refused as it currently stands. In order to overcome this objection, we require the developer to either:

- a) submit a revised plan showing how the definitive line would be accommodated, or*
- b) confirm that the developer intends to apply to extinguish the right of way / divert the right of way, in which case they will have to submit a revised plan showing this diversion*

Where it is necessary to divert or extinguish a public footpath, bridleway or restricted byway to enable a development, an application must be submitted to Wiltshire Council at the earliest opportunity under section 257 of the Town and Country Planning Act 1990. It is advised that an application to divert or extinguish is made concurrently with the application for planning permission. This is because if objections to the order are received and it has to be referred to the Planning Inspectorate, it can take up to 18 months before a decision is reached'

In the event of any permission being granted for this Prior Notification application then an informative would be added to ensure that no authorisation has been given to divert or obstruct or any stop up any right of way.

CONCLUSION

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 information, and the findings of this report, it is concluded that the proposal complies with the criteria for permitted development, and therefore falls within the scope of Class A. As such, the local planning authority has considered whether prior approval is required in relation to the siting, design, and external appearance of the development. In this case, it is concluded that prior approval is not required, and the development may proceed in accordance with the submitted details.

RECOMMENDATION:

That Prior Approval is NOT required.

Informative

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer at definitivemap@wiltshire.gov.uk. The right of way must be kept open at all times until an order has been confirmed and the alternative, if applicable, has been certified by Wiltshire Council.

Where it is necessary to divert or extinguish a public footpath, bridleway or restricted byway to enable a development, an application must be submitted to Wiltshire Council at the earliest opportunity under section 257 of the Town and Country Planning Act 1990. It is advised that an application to divert or extinguish is made concurrently with the application for planning permission. This is because if objections to the order

are received and it has to be referred to the Planning Inspectorate, it can take up to 18 months before a decision is reached

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species (http://www.naturalengland.org.uk/Images/ProtectedSpeciesLists_tcm6-25123.pdf), or to damage or disturb their habitat or resting place. This consent does not override the statutory protection afforded to any such species.

Avoidance and mitigation measures contained within the preliminary ecological appraisal should be adhered to and, in the event that your proposals could potentially affect a protected species, you should seek the advice of a suitably qualified and experienced ecologist (<http://www.ieem.net/members-directory>).

Please see Natural England's website for further information on protected species (<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/default.aspx>)

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?	Yes
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?	No
(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?	No
(c)	Would the development consist of, or include, the erection, extension, or alteration of a dwelling?	No
(d)	Would it involve the provision of a building, structure or works not designed for agricultural purposes?	No
(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?	No
(e)(ii)	Would the ground area of any building erected, extended, or altered under Class A exceed 1,500 square metres?	No
(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?	No

(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?	No
(h)	Would any part of the development be within 25 metres of a metalled part of a trunk road or classified road?	No
(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?	No
(j)	Would the development involve excavations or engineering operations on or over article 2(4) land that are connected with fish farming?	No
(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?	No
(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?	No
(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?	No