

PLAPPLICATION FOR PRIOR NOTIFICATION - AGRICULTURAL CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/03692
APPLICATION TYPE:	Prior notification: Excavation/waste material
SITE ADDRESS:	Home Farm, 7 Hartham, Corsham, SN13 0PZ
DEVELOPMENT DESCRIPTION:	Excavation of agricultural land to create earth banked slurry lagoon
RECOMMENDATION:	Prior Approval Not Required

SITE DESCRIPTION/CONTEXT

Home Farm is a specialist dairy and beef unit based on an owner occupied area of approximately 275 acres, with a further 50 rented acres. A herd of 160 dairy cows are milked and cubicle housed for 6 winter months on straw. 50 heifers are cubicle-housed, along with young replacement stock and beef animals bedded on straw. This holding does not fall within a Nitrate Vulnerable Zone (NVZ) at present. Presently, excreted slurry, dairy/parlour washings and fouled yard run off are spread on land on a frequent basis.

PROPOSAL

The application is made under the provisions of Part 6, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ('the GPDO'). The proposal is for the excavation of an earth-banked slurry lagoon which would measure 81m x 59m at the top of the banks. The average depth of excavation would be 2.5m, and the earth banks would have an average height of 1.85m. The excavated material will be retained on site and used to level the site and form the earth banks alongside other material from other areas of the farm.

RELEVANT PLANNING HISTORY

Proposal / Summary
N/98/02749/FUL - Full planning permission Decision - Unknown Date: 8/3/1999 – CHANGE OF USE AND CONVERSION OF BARN TO 2 HOLIDAY UNITS
N/98/01320/AGN - Agricultural & Forestry - Detailed matters Decision - Unknown Date: 25/6/1998 – EXTENSION TO AGRICULTURAL BUILDING EXTENSION TO AGRICULTURAL BLDG
N/98/02750/LBC - Listed building consent Decision - Unknown Date: 8/3/1999 – CONVERSION AND ALTERATIONS TO BARN TO FORM 2 HOLIDAY UNITS
N/99/01146/LBC - Listed building consent Decision - Unknown Date: 13/7/1999 – INTERNAL AND EXTERNAL ALTERATIONS TO BARN - CONVERSION TO HOLIDAY ACCOMMODATION (ALTERATION TO N.98.2750.LB)
N/09/00522/FUL - Full planning permission Decision - Approve with Conditions Date: 29/7/2009 – Erection of Agricultural Building to House Dairy Herd
N/09/00970/FUL - Full planning permission Decision - Approve with Conditions Date: 29/7/2009 – Erection of Agricultural Building to House Livestock

N/07/02109/AGN - Agricultural & Forestry - Detailed matters Decision - Approved Date: 24/8/2007 – Erection of Agricultural Building for Hay/Straw, Machinery and Equipment
20/09466/FUL - Full planning permission Decision - Approve with Conditions Date: 23/2/2021 – Erection of new farmworker's dwelling
20/03597/FUL - Full planning permission Decision - Approve with Conditions Date: 7/7/2020 – Erection of new cattle building

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 of the excavation or deposit;

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 of the excavation.

Is Prior Approval Required?

Full details of the appearance and form of the proposal in this instance has been included, with the details being shown on both site plan and section drawings. The appearance is typical of a slurry storage facility.

The proposal in this instance has the appearance of a typical slurry lagoon found on many farms. In terms of appearance the proposal is considered to be appropriate in the wider agricultural context. The proposal does not have unnecessary bulk or urban features. The use of earth banking allows for a clear reading as an ancillary agricultural element.

The location of the excavation to form the slurry lagoon is located about 480m from the nearest residential property. It is also located in area without ecological or flooding constraints.

The scale of the slurry lagoon while large, is to be constructed with earth banking which ensures that the proposal relates well to the wider character of the area. The resulting appearance is considered to be acceptable and typical of an agricultural element. There are no public rights of way near the site. Shelterbelts lie to the north, west and south of the site. The nearest highway is some 800m east of the site, with intervening trees, hedges and buildings. As such the proposal would not be prominently visible from any public viewpoints.

The submitted information outlines the processes for construction and confirms that the area has a low permeability and is suitable for this form of development. The submitted details are full and complete and appropriate.

CONCLUSION

Prior Approval not 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 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.

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

*** Note:** The Grade II* listed Sticke Court lies approximately 380m from the proposed lagoon. It should be noted that "protected building" for the purposes of Part 6 of the GPDO is a specific defined term and is not synonymous with a listed building. The assessment above has considered the proposal against the GPDO definition of a protected building.