

APPLICATION FOR PRIOR NOTIFICATION – EXCAVATION/WASTE MATERIAL

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/03221
APPLICATION TYPE:	Prior notification: Excavation/waste material
SITE ADDRESS:	Whitelands Farm Kington Langley Chippenham SN15 5PD
DEVELOPMENT DESCRIPTION:	Construct an earth-banked slurry lagoon
RECOMMENDATION:	Prior approval required and approved

PROPOSAL

Prior approval is sought under Part 6, Schedule 2 to the Town and Country Planning (General Permitted development) Order 2015 (as amended) for the construction of a slurry storage lagoon.

The proposal comprises the construction of an earth-banked slurry lagoon and associated access track within an agricultural field. The lagoon would provide approximately 14,035m³ of slurry storage capacity and would be formed through excavation and regrading of the existing landform.

Additional information submitted during the course of the application confirms that the lagoon would be excavated into the existing slope of the field, with the base of the lagoon approximately 2 metres below the site's level datum. Excavated material would be retained and reused within the site to form the surrounding landform and facilitate the construction of the lagoon and associated access track.

The submitted topographical information demonstrates that the existing field levels vary across the site. Whilst the proposed finished level around the lagoon is generally shown at approximately 5.5 metres, the extent of land raising above existing ground levels varies depending on location within the site. The proposal therefore involves both excavation and land regrading in order to accommodate the lagoon within the natural slope of the field.

Access would be provided by a new agricultural track constructed from materials sourced within the farm holding. The track would follow the proposed regraded landform and provide access for agricultural vehicles associated with the operation and maintenance of the lagoon.

Excavation and Material Balance

The applicant has advised that all excavated material arising from the lagoon construction will be retained on site and reused within the immediate field. The primary use of this material will be to form the lagoon embankment; however, rather than creating a pronounced raised bund above existing ground levels, the material will be carefully graded and distributed to achieve a “*gentle landform*”. The intention is to integrate the excavated soils into the surrounding field through low-level landscaping, raising adjacent ground levels where necessary to accommodate the volume of material, and avoiding the creation of a visually prominent or engineered bund.

No material will be exported from the site, and no importation from off-site is anticipated. Any

additional material required would be sourced from elsewhere on the farm holding.

The application form states that the proposed development is reasonably necessary for the purposes of agriculture as the scale of the dairy operation (approximately 600 head of cattle) generates significant volumes of slurry, which must be managed in a safe and compliant manner.

The application form further advises that increased herd numbers, due to Bovine Tuberculosis (TB) restrictions limiting livestock sales, have further intensified the need for adequate storage.

The slurry lagoon will provide sufficient capacity for at least six months' storage, enabling compliance with environmental regulations, reducing disease risk through extended storage, and allowing slurry to be applied at appropriate times or exported to nearby rented land. Slurry Wizard calculations have been carried out to ensure the lagoon provides sufficient capacity for the farm's slurry production, confirming that the design meets the operational needs of the business and supports its long-term sustainability.

A new access track is also necessary to ensure safe and practical operation of the lagoon. In their email of 11.06.2026 the agent has advised that the proposed access track will be constructed using crushed limestone sourced from elsewhere on the farm. Construction will involve excavating a trench at least 2.4 metres wide and a minimum of 150mm deep (or down to a naturally occurring firm surface where appropriate). The excavated edges will be profiled using the removed soil.

The track will then be formed by placing and compacting aggregate (hardcore) to a depth of at least 150mm. The surface will be finished with a finer material (18mm to dust) to a depth of approximately 25–50mm, compacted to form a convex camber to aid drainage.

Surface water runoff will be directed to a ditch or other suitable drainage outlet, or diverted onto adjacent grassland. No imported material is required, as all materials will be sourced from within the farm.

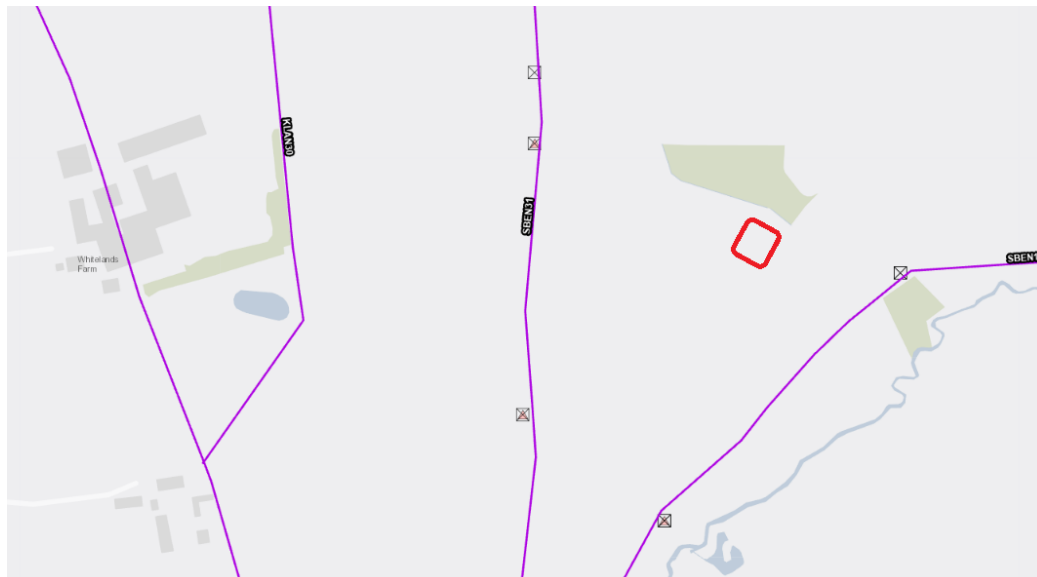
Overall, the applicant advises that the development is essential to support the efficient, sustainable, and compliant running of the farm, and an assessment of essential need has been submitted with the application to support this.

SITE DESCRIPTION/CONTEXT

The application site is Whitelands Farm, situated to the east of Day's Lane, Kington Langley. Specifically, the lagoon is proposed on the eastern side of a field about 350m east of the main farmyard. The site of the proposal is indicated by the red square on the submitted location plan, below:



The site is not located within any landscape or conservation or ecological designations. The site is in Flood Zone 1 and the Council's SFRA advises there is negligible risk of flooding from groundwater emergence and surface water flooding. Footpath SBEN31 passes c.180m to the west of the site, and SBEN14 to the east, indicated by the purple line on the plan below:



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) (GPDO), which grants planning permission for certain types of development described in Schedule 2 of the Order, subject to the limitations, conditions, and provisions set out in the relevant Classes of permitted development.

The development proposed falls under Part 6, Class A of Schedule 2, which permits certain types of agricultural development, including:

- The erection, extension, or alteration of a building used for agriculture;
- The formation or alteration of a private way;
- Excavations or the deposit of waste material exceeding 0.5 hectares;
- The placing or assembly of a tank in any waters.

Where such development is proposed, the developer must apply to the local planning authority for a prior approval determination. The scope of prior approval is limited and depends on the type of development:

- Buildings: siting, design, and external appearance;
- Private ways: siting and means of construction;
- Excavations or deposits of waste material: siting;
- Tanks: siting and appearance.

ASSESSMENT

Does the Proposal Qualify as Permitted Development?

Having completed the detailed assessment checklist at Appendix 1 (below) 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 as prescribed by the GPDO.

Conditions

Part 6, Class A sets out a number of conditions to be met in order to comply with Part 6 Class A:

A2. (2)a is permitted by Class A subject to the following conditions—

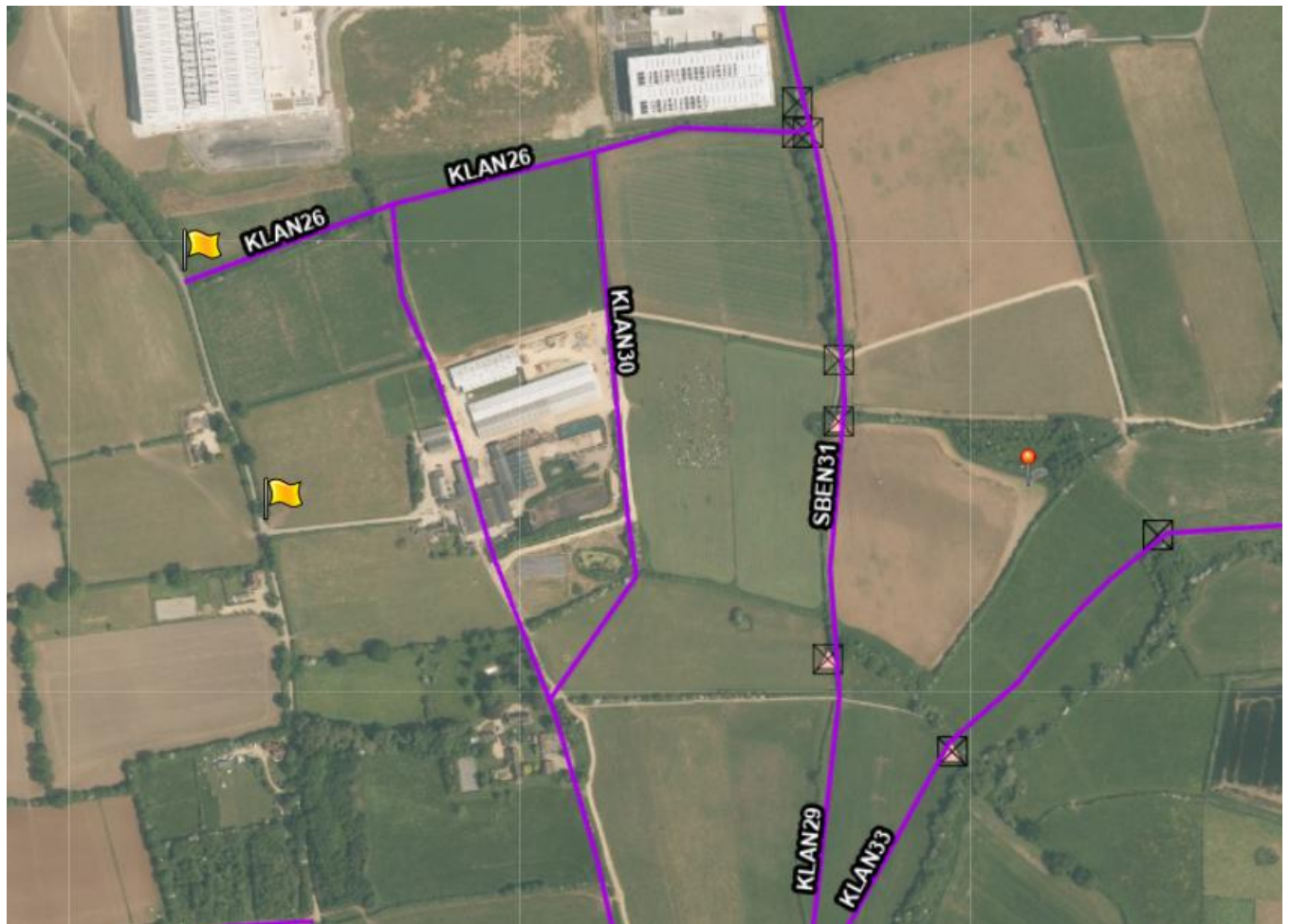
(i)the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be; (ii)the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

In this instance, the proposal relates to excavation and associated engineering operations for the purposes of slurry storage, together with the formation of an agricultural access track. As such, the Local

Planning Authority's consideration is limited to the siting of the excavation/deposit works and, insofar as it relates to the access track, the siting and means of construction of the private way.

Having regard to the nature and scale of the proposed works, it was considered that prior approval was required under Schedule 2, Part 6, Class A of the GPDO. The proposal comprises excavation and associated engineering operations reasonably necessary for the purposes of agriculture, together with an associated agricultural access track. However, given the extent of land regrading required to accommodate the lagoon within the existing slope of the field, it was considered necessary to assess the siting of the excavation/deposit works and the siting and means of construction of the private way.

A site visit was undertaken, including an assessment of views from the nearby public rights of way, and two site notices were displayed in order to allow representations to be made in respect of the proposal. Site notices were placed at the entrance to Whitelands farm and the entrance to footpath KLAN26, marked with yellow flags on the plan below. No representations have been received after a 3 week consultation period.



Siting

The proposed lagoon would be located within an existing agricultural field in the open countryside, where agricultural activity and associated infrastructure are an established and expected feature of the landscape. The siting of the lagoon is centrally located within the wider landholding and is well separated from the main farmstead and other built development.

The photograph below shows the area of the field where the lagoon is proposed to be sited. The

copse curves around the edge of this field ensuring views from outside of the immediate area would be limited.



The photograph below was taken facing the other way, and shows the land rising up from east to west. Whilst SBEN31 runs across the top of this field it is considered that the change in levels would ensure the lagoon is not prominently visible from the PROW.



A dense hedge on the south east boundary of this field means that views from KLAN33 in the field to the east would also be limited. The photograph below shows this boundary between the

application site and the field to the east. It also illustrates the land sloping down:



The nearest residential properties are located in excess of 400m from the proposed lagoon. Public footpaths lie to the east and west of the site, but beyond boundary hedges. Given this separation distance, together with the presence of intervening landform, hedgerows, and tree belts, the siting of the lagoon would not result in unacceptable effects on nearby receptors, including users of the public footpaths.

Having regard to the above, the development would be largely contained within the existing landform and would not result in a visually intrusive or incongruous feature within the open countryside. The siting and scale of the proposal are therefore considered appropriate within this agricultural context.

CONCLUSION

The proposed development has been assessed against the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal comprises excavation and engineering operations reasonably necessary for the purposes of agriculture, specifically the construction of a slurry lagoon and associated access track within an established agricultural unit. The development would support the storage and management of slurry arising from the existing dairy enterprise and is therefore considered to be agricultural in nature.

Further information submitted during the course of the application confirms that the lagoon would be excavated into the existing slope of the field, with excavated material retained and reused on site to form the surrounding landform. The submitted topographical information demonstrates that the existing field levels vary across the site, and that the proposal would involve both excavation and land regrading to accommodate the lagoon and associated access track.

Having undertaken a site visit and assessed the proposal from nearby public rights of way, it is considered that the development would be read in the context of the existing agricultural landscape and would be substantially contained by the existing landform, field boundaries, hedgerows and woodland. Whilst the proposal would involve changes to levels, these would not result in a visually prominent or incongruous form of development within the wider landscape.

The associated access track would be constructed using materials sourced from within the agricultural holding and would follow the proposed regraded landform. Having regard to its agricultural purpose, route and means of construction, the track is considered acceptable.

Accordingly, the Local Planning Authority is satisfied that the proposed development falls within the scope of permitted development under Schedule 2, Part 6, Class A of the GPDO. Prior approval is required and is approved in respect of the siting of the excavation/deposit works and the siting and means of construction of the associated private way.

Informative:

This determination is based on the following plans and information:

- Location Plan received 19.5.26
- Site Plan received 19.5.26
- Site Plan Topographical Survey received 19.06.2026
- Site Plan Topographical Survey with Lagoon received 19.06.2026
- Proposed Plan & Section 26-0113-3 Rev A received 19.06.2026
- Assessment of essential need received 19.5.26
- Application form received 19.5.26
- Email from agent 10.06.2026 with access details
- Email from agent 19.6.2026 with topographic information and lagoon details

and takes into account the description of the development and materials proposed. The development must be carried out in accordance with the details set out in the above plans and supporting information.

RECOMMENDATION: That Prior Approval is required and approved

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. The parcel of land the proposal relates to is more than 5 hectares as confirmed within the planning statement. Total size and scale of the holding is stated on the application form as approximately 190 hectares.
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. The parcel of land the proposal relates to is more than 1 hectares as confirmed within the planning statement. The submitted location plan demonstrates that the parcel of land is not separated from the agricultural unit.
(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. This application does not relate to the erection or extension of an agricultural building.
(c)	Would the development consist of, or include, the erection, extension, or alteration of a dwelling?	No. No such development is being proposed.
(d)	Would it involve the provision of a building, structure or works not designed for agricultural purposes?	No such development is being proposed. The slurry storage lagoon would be used for agricultural purposes.
(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 such development is being proposed. No new buildings, structures or plant buildings are proposed.
(e)(ii)	Would the ground area of any building erected, extended, or altered under Class A exceed 1,500 square metres?	No such development is being proposed. No new buildings, structures or plant buildings are proposed.

(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?	The development would not be sited within 3 kilometres of an aerodrome
(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 such development is being proposed. No new buildings, structures or plant buildings are proposed.
(h)	Would any part of the development be within 25 metres of a metalled part of a trunk road or classified road?	The proposal would be sited approximately 660m from Day's Lane, the nearest highway.
(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. The site is in a rural location and there are no buildings within 400m of the site.
(j)	Would the development involve excavations or engineering operations on or over article 2(4) land that are connected with fish farming?	No. The proposed development is not connected with fish farming and the site is not article 2(4) land.
(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 such development is being proposed.
(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 such development is being proposed.
(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 such development is being proposed.