

Agricultural Justification Statement

Proposal: Erection of General Purpose Agricultural Building on land adjacent to Knott Inn, Rushton Spencer

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Mr R Bailey ▶ 10/17/2018

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INTRODUCTION

This statement is submitted in support of a prior notification application for the construction of a multi purpose agricultural building on behalf of Mr R Bailey on land adjacent to the Knott Inn, Rushton Spencer.

This statement analyses the site and the context in which the application is made demonstrating that the holding unit is of sufficient size to qualify for permitted development rights under Part 6 Class A of the Town & Country Planning (General Permitted Development) (England) Order, 2015 and that the proposed development is required to meet a real and genuine agricultural need. Thereafter this document assesses the proposed development against the relevant criteria for the erection of agricultural buildings on agricultural units of 5 hectares or more and concludes that the proposal amounts to permitted development. Finally the statement provides an assessment of the siting, design and external appearance of the proposed development as required by the aforementioned legislation before

concluding that the prior approval of the Local Planning Authority should not be required.

APPLICATION SITE & ITS SETTING

The site comprises part of an established agricultural holding which is carried out from Hall House Farm, Askerbank Lane, Rushton Spencer which lies a short distance to the south west.

The application site comprises of an irregular shaped parcel of land. A prior notification for a portal framed building to the north of the application site was approved in 2008 under reference number SMD/2008/0664. This building was subsequently erected and is currently present on the site. A separate planning application which seeks consent for the demolition of that agricultural building and its redevelopment for residential purposes is currently being considered under outline planning application reference SMD/2018/0570.

Essentially this application seeks consent to replace the building which would be lost should approval of planning permission SMD/2018/0570 be granted.

An existing agricultural access and track currently provides access to the fields. The proposed agricultural building would be served by the existing access and the existing track continued.

THE PROPOSED DEVELOPMENT

This is a prior notification application which seeks consent for the erection of a dual pitched roof portal framed agricultural building. The proposed building which would be constructed from a steel portal frame would measure 18.288m long x 9.1444m wide with an eaves height of 4.737m and an overall ridge height of 5.8144m. The elevations would be constructed from treated vertically clad Yorkshire boarding with a 2m high concrete panel below under a powder coated box profiled plastisol sheeted roof. The proposed building is shown on the submitted drawings numbered 3601-01; 3601-02 and 3601-03.

KEY PLANNING ISSUES

This is a prior notification application for the erection of an agricultural building under Class A Part 6 Schedule 2 of the Town & Country General Permitted Development Order, 2015. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of the aforementioned legislation which permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more, works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit subject to certain criteria being met.

In order to benefit from the above permitted development allowances two fundamental requirements must be met. Firstly the agricultural

unit must be more than 5 hectares in size and secondly the building must be reasonably necessary for the purposes of agriculture within that unit. Both of these requirements are discussed below:-

Size of the Holding & Agricultural Justification

The application site has been in the applicants family for over 45 years and the applicant is the third generation of the family to farm the site. The site forms part of a much larger holding which extends to some 66 hectares of land. The family run business focuses on beef cattle rearing and at the current time there are approximately 80 head of Wagyu beef cattle. At present the only building on the land is that proposed as part of the redevelopment of the adjacent site for residential purposes. It is important to note that that building was considered as a prior notification application under Part 6 of the General Permitted Development Order and as there have been no changes to the regulations in terms of agricultural justification and the requirement for a building to be reasonably necessary for the purposes of agriculture it is not considered that any objections to a replacement building could reasonably be held.

The proposed building would be located close to the existing built development on the adjacent sites. In addition its located close to the physical natural boundaries of the site and would be mitigated to a large extent by existing mature landscaping. Furthermore, the overall size and scale of the proposed building has been kept to that reasonably required to meet the identified needs of the holding.

Design and External Appearance

The proposed building is commensurate in size and scale with the needs of the agricultural unit. The proposed building has been specifically designed for the purposes for which it is intended and utilises standard construction techniques and materials. The use of colour coated cladding and treated Yorkshire boarding will also ensure that its visual appearance is reduced.

It is clear from the information provided above that the existing enterprise is an established agricultural holding that the proposed building is reasonably necessary for the purposes of agriculture to ensure that the applicant can continue to farm the land in an appropriate and sensitive manner whilst conserving and respecting the environment.

In order to show that the above scheme complies with the permitted development requirements each criterion is assessed against the proposal below. Development is not permitted by Class A if:-

(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 area of land upon which the building is proposed extends to more than 1 hectare (as evidenced by the submitted maps) and therefore clearly meets this requirement.

(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;**

- No development under Class Q or S of Part 3 of this Schedule has been undertaken on the unit. The proposal therefore complies with this requirement.

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

- The proposed development is clearly for the erection of a general purpose agricultural building which is reflected in its form, design and materials. It does not consist of or include the erection, extension or alteration of a dwelling and therefore clearly meets this requirement.

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

- The size, scale, form, design and materials of the proposed building as described in this statement and shown on the accompanying plans has clearly been designed for agricultural purposes. The proposed development therefore meets this requirement.

(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; or

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

- The floor area of the proposed building would equate to circa 167 sq metres which is considerably less than the 1000 square metres permitted. This criteria is therefore complied with.

(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 proposed development would not be within 3 kilometres of an

aerodrome so this criteria does not apply.

(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 agricultural building would have a resultant ridge height considerably less than the 12 metres permitted. This criteria is therefore complied with.

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

- The proposed agricultural building would be located significantly more than 25m from the adjacent highway and therefore clearly meets this criteria.

(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;

- The proposed building is designed to be a multipurpose agricultural

building primarily for the storage of straw, hay, feedstuffs and machinery. It will not be used for the housing of livestock or for the storage of slurry or sewage sludge. The development therefore complies with this criteria.

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

- The land is not article 2(4) land neither is the development connected with fish farming. The development therefore complies with this criteria.

(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.

- The proposed building is not for the storing of fuel for or waste from a biomass boiler or an anaerobic digestion system. It is a multipurpose agricultural building

and as such complies with this criteria.

As a consequence of the above considerations it is submitted that the proposed development accords with all of the relevant provisions of Class A Part 6 Schedule 2 of the General Permitted Development England Order, 2015. In accordance with the Order we request that a determination as to whether the prior approval of the Local Planning Authority is required for the siting, design and external appearance of the building as required under paragraph A.2(a)(i) of the aforementioned act.

7.0 CONCLUSION

Having regard to the aforementioned information it is considered that the proposal as submitted constitutes permitted development as it would fully accord with the provisions of Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015. The Local Planning Authority is therefore respectfully invited to confirm that their prior approval is not required in this instance.