Planning Department
Staffordshire Moorlands District Council
Stockwell Street
Leek
Staffordshire Moorlands
ST13 6HQ

2 May 2019

Dear Sir / Madam

LAND ADJOINING THE COMMON, DILHORNE - PRIOR NOTIFICATION OF AN AGRICULTURAL BUILDING

This letter is submitted to provide further details on the submission of a prior notification for an agricultural building on land adjoining The Common, Dilhorne, Stoke-on-Trent, ST10 2NZ.

1. **Agricultural Use** The applicant, Mr Harry Nichols, has his main farmstead at Burley Pool Farm, Stone Road, Milwich, Stafford, ST18 0EG. The farming enterprise comprises approximately 100 beef cattle, 20 sucklers and 50 sheep. The agricultural unit extends to over 140 acres. Part of that unit is based at The Common, a piece of land extending to 40 acres comprising grassland producing hay and silage.

The enterprise owns and operates a range of machinery required for the efficient operation of the farm. The inputs to the land include seed, fertilisers and chemicals all requiring secure storage. Produce from the land at The Common requires dry and secure storage so that it can be sold at the optimum time in the year.

Currently all machinery, inputs and produce have to be transported 10 miles by road between the main farm and the outlying block of land, a round trip can take upwards of 1hr 20minutes with a tractor and trailer. This creates significant inefficiencies in lost time and materials spoilt by inclement weather, placing a significant burden on the farm business.

To address the inefficiencies it is proposed to erect an agricultural building on the land at the Common. The notification building will deliver a number of benefits:

- It will provide permanent indoor secure storage for tractors and machinery to negate the need for frequent journeys by tractor with associated machinery. This will save time and running costs as well as enable the applicant to respond faster to changing weather conditions.

- It will provide indoor storage for inputs so that they can be stored safely on site prior to use and protected from the weather. This enables the applicant to take advantage of short periods of favourable weather conditions when spreading fertiliser or spraying as the facilities and materials will be available on site.

- Indoor secure storage for produce from the land will speed up hay making with the storage available immediately on site rather than a 1hr 20minute round trip with every single trailer load.

- Produce can be sold in bulk from the notification building which will reduce transport costs and allow it to be delivered straight to the end user and avoid double handling within the unit.

- Produce can be stored in the notification building allowing the applicant to sell it at optimum prices throughout the year. Without the notification building, the hay has to be transported back to Burley Pool Farm for storage or sold directly from the field soon after production. Selling the hay directly from the field reduces the income potential from the hay because it would need to be sold when the supply is at its peak.

The proposed building is portal framed with box profile cladding walls, under a grey fibre cement roof. The building has a floor area of 510sqm a ridge height of 6m and eaves height of 4m.

2. **Reasonably necessary**. The enterprises require a variety of equipment for different agricultural purposes throughout the year. The quantity of produce and inputs that require storage also varies throughout the year and will at times occupy most of the shed. At other times the shed will house a greater proportion of the machinery.

The building is required to meet the varying demands of the farm throughout the year. The land qualifies for agricultural permitted development rights which allow a building of up to 1,000sqm on an agricultural unit of 5 hectares. The proposed building roughly half the total allowed under the GPDO on a unit more than ten times the minimum size.

It was confirmed in *Clarke v Secretary of State for Environment* [1992] EWCA that a building does not have to be reasonably necessary for the particular agricultural activity or enterprise being undertaken on the unit at that time. They simply have to be reasonably necessary for and designed for the purposes of any agriculture within that unit. The conclusion of the case highlights the distinction of the test *"not are the buildings absolutely necessary but are they reasonably necessary."* It is considered that it is impossible to state that a building of 510 sqm floor area is not reasonably necessary for an agricultural holding of 140 acres.

3. **The principle of development.** The agricultural unit extends to over 5 hectares, with the total land within the holding amounting to 56 hectares. The parcel of land where the building is to be sited is over 1ha. The agricultural unit, therefore, meets the area qualifications for General Permitted Development Order 2015 (as amended) Schedule 2, Part 6, Class A.

4. **Judicial Precedent.** In his judgement on the Appeal of *Murrell v Secretary of State* [2010] EWCA Civ 1367, Lord Justice Richards highlighted that where land meets the criteria of the GPDO the principle of development could not be contested. He also stated that the prior approval process should be: *"simple to operate and does not need to be accompanied by anything more than a written description of the proposed development and of the materials to be used and a plan indicating the site, together with the required fee".* Where the area requirements of the GPDO are satisfied, qualifications of building size and reasonable necessity can be considered.

5. **Criteria and conditions for the Order.** The criteria for the permitted development rights are detailed in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 6. Appendix 1 details the relevant criteria and confirms how the proposal complies which each criterion.

6. **Conclusion.** The land is being used for agriculture for a trade or business and is considered to benefit from agricultural permitted development rights. The holding extends to 56 hectares. The building is designed for the purpose of agriculture, and it is considered to be reasonably necessary for any agricultural activity on the holding meeting the criteria of the order. It is respectfully requested that prior approval is not required and Mr Nichols is able to construct the building to continue his farming operations in an efficient and safe manner.

Yours faithfully

Ben Wharfe BSc(Hons) MRICS
CHARTERED SURVEYOR | PLANNING CONSULTANT

APPENDIX 1

Class A Paragraph 1 states:

A.1 *Development is not permitted by Class A if—*

PARA	THE ORDER	COMPLIANCE
A.1(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 application site exceeds 1 hectare.
A.1(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 Schedule 2 of the Order has been undertaken on the unit.
A.1(c)	*it would consist of, or include, the erection, extension or alteration of a dwelling;*	The notification building is an agricultural building.

A.1(d)	*it would involve the provision of a building, structure or works not designed for agricultural purposes;*	The notification building is a typical agricultural building with box profile cladding.
A.1(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 ground area covered by the notification building is 510sqm. No other buildings have been constructed on the agricultural unit or within 90m of the prior notification building in the last two years.
A.1(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;*	There is not an aerodrome within 3km of the building.
A.1(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;*	No part of the building would exceed 12 metres in height.

A.1(h)	*any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;*	No part of the development is within 25m of a trunk road or classified road as shown on the location plan.
A.1(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 building is designed and intended for use as a general-purpose agricultural storage building.
A.1(j)	*it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or*	No excavations or engineering operations are proposed on article 2(4) land connected with fish farming.
A.1(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 building is not for storing fuel or waste from a biomass boiler or an anaerobic digestion system