DELEGATED DECISION REPORT

DET/2020/0051 **Valid 19/10/2020**	**EAST VIEW** **CLOUDSIDE** **CONGLETON**	**PROPOSED NEW AGRICULTURAL SHED** **(AGRICULTURAL/FORESTRY DETERMINATION)**

MAIN ISSUES

- Whether or not the prior approval of the LPA is required as set out under GPDO Schedule 2 Part 6 Class A – namely as to the:
- Siting
- Design
- External appearance

- Whether or not the proposal is eligible for prior notice determination under GPDO Schedule 2 Part 6 Class A

DESCRIPTION OF SITE
Embanked rural field with wooded fringe and scattered trees. Adjacent to the adopted road known as Cloudside listed as D1073 unclassified. The location is within enclosed fields on the perimeter lower slopes of the hill known as The Cloud which is owned by the National Trust and open to public access.

PROPOSAL
Steel framed, dual pitch steel roof, Yorkshire boarded walls. Plan area c.9m x 6m to height c.4m eaves and c.4.5m ridge.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

SS1 Development Principles
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019
Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):
- Space About Dwellings SPG
- Design Principles SPG

Core Strategy Supporting Evidence Documents:
- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
None

CONSULTATIONS

N/A at this prior notice stage

OFFICER COMMENTS

Principle of Development

The application is made under the Permitted Development procedure for agricultural buildings contained at GPDO (2015) Schedule 2, Part 6 Class A.

Class A of Schedule 2 Part 6 to the GPDO provides for an agricultural building to be erected as Permitted Development subject to a prior notification to the LPA, with subsequent assessment, and subject to the land being within an agricultural unit of 5 hectares or more.

The prior notification requirement is an opportunity for the LPA to determine whether prior approval should be required as to the siting, design and external appearance.

To qualify for the Permitted Development route the proposed works must be "reasonably necessary for the purposes of agriculture within that unit". The agricultural use of the land must be "for the purposes of a trade or business" and the unit must be "occupied as a unit for the purposes of agriculture", all as set out in the Interpretation Section (D.1) for Part 6 Classes A to C.

The total land area defined in the submitted application plan measures to c.0.8ha. The PD opportunity is not available under Class A where the land parcel is less than 1ha and furthermore to be eligible this measured area cannot take into account or include the land area of any dwelling house or garden both of which occupy a significant part of the area identified in this case. The application fails on this 1ha size threshold point alone.

The submitted application form however states the land holding to amount to 3.6ha and states that the parcel of land where the development is to be located is 1ha or more (box 5 in the form). The LPA has spoken with the applicant and invited clarification but none has been forthcoming. Even if the applicant has land

elsewhere taking the total holding size overall to 3.6ha this won't be sufficient to meet the 5ha minimum holding size necessary to qualify for part 6 Class A PD.

CONCLUSION / PLANNING BALANCE

For the avoidance of doubt a decision notice should be issued to say that the LPA would wish to consider the siting, design and external appearance and therefore prior approval will be required. At the same time the decision needs to refer to the LPA's assessment that the submission is not eligible as PD in any event.

OFFICER RECOMMENDATION : Prior approval required

Case Officer: Arne Swithenbank

Recommendation Date: 16th November 2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council