DELEGATED DECISION REPORT

DET/2022/0014 **Valid 14/02/2022**	**PARK HOUSE ASHBOURNE ROAD BOTTOMHOUSE LEEK**	**APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR A PROPOSED DEMOLITION OF TIMBER POLE BARN - FORMER AGRICULTURAL BUILDING** **(DEMOLITION DETERMINATION)**

MAIN ISSUES

Whether or not the proposal can be determined under a Part 6 Class A - Agricultural Development on Units of 5 Hectares or more Prior Notification application

DESCRIPTION OF SITE

The site lies within the open countryside between Bradnop to the north-west and Bottomhouses to the south-east and comprises part of a farm on the north-side of the A523. Within the site is part of two adjoining livestock buildings on the northern edge of the farm building complex and which also includes part of the yard to the east of the buildings. The group of farm buildings is surrounded by open fields and is accessed via a farm access road connected to the main road to the south. There is a second access which leaves the yard towards the east connected to a longer farm access road.

PROPOSAL

The applicants seek prior approval to remove a timber pole building.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015

Part 11 Class B – Demolition of buildings

SITE HISTORY

SMD/2011/0875	New agricultural building for loose housing of stock (building 1).	26/10/2011 approved
SMD/2011/0876	New agricultural building for loose housing of stock (building 2)	26/10/2011 approved
DET/2021/0046	Change of Use of Part of Existing Agricultural Buildings to Commercial Use (B8)	07/02/2022 approved

CONSULTATIONS

Publicity

Site Notice expiry date: 10/03/22
Neighbour consultation period ends: 8/03/22

Public Comments None

Town / Parish Comments None

OFFICER COMMENTS

In order for a building to benefit from agricultural Prior Approval, there are several criteria that must be met. In this case, these are:-

(a)the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;

The timber framework at the time of visit was rotten and in disrepair as noted in the application form.

(b)the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(**2**); or

The demolition does not relate to an unlisted building in a conservation area.

(c)the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

The proposed demolition does not relate to a specified building rather a timber pole barn. Works are intended to commence following approval of the prior approval.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a)where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;]

(b)where the demolition does not fall within paragraph (a) and is not excluded demolition—

(i)the developer must, before beginning the development—

(aa)in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site; and

(bb)in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;

The building does not relate to a community asset nor used for a purpose falling within Class A4.

(iii)a request described in paragraph (b)(i)(bb) must include the address of the building, the developer's contact address and, if the developer is content to receive communications electronically, the developer's email address;

(iv)subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

This has been met.

(v)where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

This has been met.

(vi)where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

Not applicable.

(vii)subject to paragraph (b)(x), the development must not begin before the occurrence of one of the following—

(aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb)where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc)the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii)the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa)where prior approval is required, in accordance with the details approved;

(bb)where prior approval is not required, in accordance with the details submitted with the application;

(ix)subject to paragraph (b)(x), the development must be carried out—

(aa)where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

(x)where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request.

CONCLUSION / PLANNING BALANCE

The application meets all the required criteria under Part 11 Class B.

OFFICER RECOMMENDATION : Prior Approval is not required.

Case Officer: Lisa Li
Recommendation Date: 11/03/22

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council