

DELEGATED DECISION REPORT

DET/2023/0042 Valid 30/11/2023	MOORSIDE FARM CLAMGOOSE LANE KINGSLEY	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR - REPLACEMENT AGRICULTURAL BUILDING TO STORE FODDER CROPS AND IMPLEMENTS (AGRICULTURAL/FORESTRY DETERMINATION)
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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

Whether the LPA wishes to approve details of siting design and external appearance.

DESCRIPTION OF SITE

The application site relates to a farm south west of Kingsley. The site contains a number of agricultural buildings accessed via a long vehicular access from Clamgoose Lane. To the west, the land comprises of fields/open countryside. To the east, to which the vehicular access also serves, there are two cottages: main farmhouse and agricultural workers dwelling.

PROPOSAL

The applicants seek prior approval to replace two agricultural buildings for a larger agricultural building. The replacement building will provide a safe storage area for the equipment and dry covered area for harvested crops.

The proposed building will have a footprint of 358.4m². It will have a width of 19 metres and a length of 19 metres, a height to the eaves of 4.5 metres and an overall height of 7.1 metres.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015
Part 6 Class A - Agricultural Development on Units of 5 Hectares or more

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/0029 Erection of a replacement dwelling. Refused.

00/01028/NOT_AG Agricultural stock/storage building ‘B’.

00/01027/NOT_AG Agricultural stock/storage building.

SMD/2019/0521 Replacement Dwelling. Refused and dismissed at appeal.

SMD/2020 Replacement Dwelling. Approved

OFFICER COMMENTS

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

Part 6 Class A is made up of two parts. The first part is to consider whether the proposal is considered permitted development and the second part is the subsequent conditions, that determines against siting, design and external appearance of the building. The report is divided under Part A and Part B.

In this case, as the site is greater than 5 hectares in size, these criteria are set out in Part 6 Class A (a).

These are:-

- 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.

The proposal is for the erection of a building

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 storage building sits within a parcel of land that is more than 1 hectare in area (24 hectares).

- 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;

The land has not been subject to a Class Q development.

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

The proposal does not include the erection, extension or alteration of a dwelling.

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

It does not involve the provision of a building, structure or works not designed for agricultural purposes. The design and access statement states that it will be used for storage area for the equipment and dry covered area for harvested crops. The design of the building does not raise concerns as it is a typical steel agricultural building.

- 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 1000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

The ground area to be covered does not exceed 1000m². The footprint is 358.4m².

- 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 building is not to be located within 3 kilometres of the perimeter of an aerodrome.

- 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 (the highest point is 7.1 metres).

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

It is not to be sited within 25 metres of a metalled part of a trunk road or classified road. The nearest main road is 150m south of the site.

- 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 will not be used for the accommodation of livestock.

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

Not applicable

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 will not be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system

Siting, design and External Appearance

The application meets all the required criteria under Part 6 Class A.

For this reason, the “Notification of Prior Approval” process can be used to determine if the building can be permitted. As it meets Class A.2, the building will be permitted development that can be carried out without needing full planning permission. The conditions set out under class A2 state that 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.

Full details of siting, design and external appearance have already been provided with the application.

It is considered that as the building is made of steel sheeting and concrete panels with roller shutters, the design and appearance of the building would appear to serve the purpose for agriculture as described. The replacement building would have a footprint of 361m² whereas the two buildings combined have a footprint of 180m² (largest is 149.5 and the smaller is 31.5m²). While this makes a difference 149.5m², I do not consider the building to be excessive or unreasonable because the proposed building will be positioned on the same siting as the buildings that are to be replaced on brownfield land. The new building will have similar impact and presence to the existing buildings given that it sits in a rural and open location, next to agricultural buildings and screened by hedgerows to the north and west of the site. The building will also be away from a significant roadside so not be appear prominent feature from public vantage point.

The site sits outside of the newts impact risk zones and ancient woodlands. As such, there are no specific biodiversity allocations or constraints on the land.

The farm complex is located in a relatively isolated position and no neighbouring dwellings would be adversely affected.

CONCLUSION / PLANNING BALANCE

The proposal meets the criteria in the under Class A for Part 6. The submitted details of siting design and external appearance are satisfactory and no further details are required. Therefore a recommendation of prior approval not required is made.

A further informative will be added reminding the applicant that the agricultural building must be used for the purpose set out in the application. Any other use will be contrary to the permission granted and is liable for enforcement action

OFFICER RECOMMENDATION : **Prior approval not required**

Case Officer: Lisa Li

Recommendation Date: 5/12/23

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council