

## DELEGATED DECISION REPORT

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**DET/2024/0001**  
**Valid 02/01/2024**

**LAND OFF BROAD LANE**  
**BROWN EDGE**

**APPLICATION TO DETERMINE  
IF PRIOR APPROVAL IS  
REQUIRED FOR A PROPOSED  
CATTLE SHED TO HOUSE  
CATTLE THAT LIVE THERE**

**(AGRICULTURAL/FORESTRY  
DETERMINATION)**

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### MAIN ISSUES

Whether or not the proposed agricultural building can be built under a Notification of Prior Approval application under Part 6 of the GPDO rather than a full planning application.

If so, whether or not Prior Approval is required for the siting, design and external appearance of the proposed building.

### DESCRIPTION OF SITE

The site is in the open countryside a short distance to the east of Brown Edge village and comprises an approx. 0.6ha of land on the east side of Broad Lane, a country lane. The site is enclosed by the road to the west, low fencing to the north and south and trees to the east. There is an access off the lane through metal field gates. The site is surrounded by open land. Streetview images dated April 2023 show a number of HGV trailers occupying the front part of the site. The site is in the Green Belt. It is claimed that the site is part of an agricultural holding of 40 hectares and the land has been farmed for over 20 years.

### PROPOSAL

The application is a "Notification of Prior Approval" application for a new agricultural cattle building which the application forms claim will have a footprint of 100 x 40m, an eaves height of 15m and a total height of 20m. It would have green concrete and timber boarding for the walls and a green fibre cement roof. The forms state the building is required as the livestock need a safe handling system for housing and tb testing and is important for health and safety.

Under Part 6 Class A of the GPDO, a full planning application is not required for new agricultural buildings on farms of over 5.0 hectares, subject to the proposal meeting all the other criteria set out in Class A.1 of that part. However, the same part of the GPDO requires the submission of a "Notification of Prior Approval" application and the Council must determine whether or not Prior Approval is required for the siting, design and external appearance of the building and if necessary request further

information in which to determine the proposal, or whether or not on the basis of the information submitted, the application should be refused.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

N/A

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

None relevant.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

### **Public Comments**

None.

### **Town / Parish Comments**

None.

## **OFFICER COMMENTS**

For agricultural-related development to be provided under the Prior Approval process without needing a full planning application, the proposal would need to meet the criteria/tests listed under Part 6 Class A.1 of the GPDO.

On the basis of the information provided, which includes the application form and a location plan with the site boundaries, but no site plan or elevations, some of the tests would not be complied with and there are doubts over compliance with other tests due to insufficient information to fully determine if Class A.1 has been fully complied with.

Criterion (e) restricts the footprint of the building to 1000sq.m and so the proposed building with 4000sq.m would breach this.

Criterion (g) restricts the height to 12 metres. However the forms state the height would be 20m and so this would be breached.

Criterion (i) does not allow livestock buildings within 400m of a "protected building" which in this case means any dwelling which is not a farmhouse/agricultural dwelling. There are two dwellings a short distance to south and south-east which are easily within 400m from any part of the site and which do not appear to be farm dwellings. It would therefore appear that this criterion has also been breached.

Criterion (a) does not allow Part 6 development on separate parcels of land (to the agricultural holding) which are less than 1.0 hectare. It cannot be established if this is the case, as there are no plans to show the land associated with the agricultural holding.

It would appear to comply with all the other criteria including (h) which does not allow development within 25m of a "classified road" but Broad Lane is not a classified road.

The proposed agricultural building does not comply with Part 6 Class A(1) and therefore cannot be provided under permitted development under Part 6 of the GPDO and therefore the tests in Class A(2) regarding siting and appearance are irrelevant.

## **CONCLUSION**

The proposed development does not meet the tests in Part 6 Class A.1 and therefore cannot be provided under permitted development in accordance with the GPDO. Therefore a full planning application is required for the proposal and not a "Prior Approval" application under Part 6 of the GPDO.

**OFFICER RECOMMENDATION : REFUSE**

**Case Officer: Chris Johnston**

**Recommendation Date: 26.1.24**

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**