

DELEGATED DECISION REPORT

DET/2024/0032
Valid 12/08/2024

WASSAIL FARM EAVES
LANE
ARMSHEAD

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
MODERN PORTAL FRAME
AGRICULTURAL STORAGE
BUILDING. PROPOSED
ACCESS TRACK FROM
EXISTING GATED FIELD
ACCESS. POROUS CRUSHED
MOT WITH CENTRAL GRASS
STRIP TO MATCH EXISTING
ROADWAY . BUILDING SITED
IN A LOW LEVEL POSITION
BELOW THE LEVEL OF THE
UN-ADOPTED ROADWAY
MINIMALLY VISIBLE TO THE
PUBLIC.**

**(AGRICULTURAL/FORESTRY
DETERMINATION)**

MAIN ISSUES

Whether the proposed agricultural building is permitted by Part 6 of the GPDO.
Whether or not Prior Approval is required for the siting, design and external appearance of the proposed building and if the submitted application is sufficiently detailed, can the prior approval be granted
There are two stages to the process. The question of whether the proposal is permitted development needs to be dealt with before the question of the prior approval matters is addressed.

DESCRIPTION OF SITE

The site is in the countryside about a mile to the north of Werrington and has an L-shape comprising open fields with no buildings, on the north-east side of a long dead-end narrow country lane which joins the junction of Eaves Lane and Jack Haye Lane to the north. The lane is not a “classified road”. The area is known as Kerry Hill with Wetley Moor to the south. There are no buildings or structures on the site. The nearest building is a dwelling called Little Greenfields House in the gap between the lane and the site and there is also a small patch of woodland in the gap between the house and the site access further to the south-east of the house. The site is fairly

flat like much of the surrounding area characterised by large fields separated by lines of trees or hedgerows. The site has size of 5.3 hectares.

PROPOSAL

The application is a "Notification of Prior Approval" application for a detached farm building to be used for agricultural storage purposes as explained in the application forms:

I have owned the holding for nearly 4 years in which time it has been used for hay production and sheep grazing and currently pedigree pigs . I have also planted some fruit trees, hazel for a coppice and willow for basket work and production of plant mulch. • On site storage and work area is required for the following : The storage of livestock feed which I need to buy in bulk and associated equipment & tools The processing of produce grown on the land (willow/ hazel/flax/cereal crops) The storage of straw for livestock bedding and species rich hay in small bales .The barn will provide safe dry secure storage of equipment used in working the land :tractor, cutter, topper, harrow & roller, baler, hand tools and materials for use on the land.

I have a tractor currently sat outside with a tarp over it which is detrimental, I've a good, rebuilt topper which cost me £800 to repair last autumn due to finally rusting through again sat in the open. The holding genuinely needs under cover storage for equipment. I've various other bits and bobs, a trailer, harrow and a big old roller, baler, binder and a cutter, rotavator and sundry tools and equipment for growing food (for humans and pigs) all need some cover. I have 4 rare breed pigs with several more arriving this autumn which require somewhere for me to store their food + bales of straw bedding plus associated equipment - they live outdoors all year round in movable arks but their stuff need proper cover. Winter 2023 I sold my first £40 of willow withies for basket work and planted another 500 plants which next year I expect will produce £300 to 400+ worth of product, this I can process out in the field as I did this winter but it is a cold miserable job better done under some cover. The willow when harvested then needs drying out and storing until sold. Finally further to requirements above I need somewhere to make/repair things as and when, associated with growing produce on the land if they break or need maintenance or repair .The proposed field barn has been designed and will be built exclusively for modern farming practices.

The building applied for would be in the form of a modern portal-framed agricultural storage building with a footprint of 15 x 10 metres, an eaves height of 4.2m and a ridge height of 5.5m. It would have timber boarding above a 1.0m high concrete walls and a metal sheeted roof and a large vehicular entrance door opening. It would be placed close to the southern edge of the site where the lane runs and also close to the site access.

Also included in the application is a short access track from the site access to the proposed building, comprising crushed aggregate with a green strip along the middle.

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

DET 2022 0039: Part 6 Prior Approval application for an agricultural building. Refused as this was for a livestock building within 400m of the nearest dwelling and also due to the design.

DET 2023 0025: Part 6 Prior Approval application for an agricultural storage building. Refused on design grounds.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

Public Comments

One letter of objection has been received from a nearby farmer who does not consider the particular farming of the site would be sustainable in the long term and that the new building would be harmful to the character and appearance of the area and a nearby SSSI.

Town / Parish Comments

None.

OFFICER COMMENTS

There have been two previous DET applications for farm buildings on this land. The first was for a livestock building with dimensions of 12.5 x 7.5m and was refused as it did not pass the tests in Class A(1) which require that, amongst other things, a livestock building should not be within 400m of a 'protected building'. There was a standard dwelling (unconnected to

agriculture) within 400m to the north of the siting. It was also refused on not being reasonably necessary for agriculture owing to its design. The most recent one (DET 2023 0025) was for a farm storage building on the same siting as the one now proposed but with the same footprint as the previous livestock building, which is smaller than the one now proposed which has a footprint of 15 x 10m but is in a similar siting. DET/2023/0025 was also refused because it did not appear to be reasonably necessary for the purpose of agriculture. This was for a sandstone barn with steep pitched roof and the solid and permanent form was considered to be inappropriate in appearance terms for its intended purpose of low key storage.

Class A of Schedule 2 Part 6 to the GPDO provides for works for the erection, extension or alteration of a building provided the works are on agricultural land comprised in an agricultural unit of 5 ha or more where such works are reasonably necessary for the purposes of agriculture within that unit. Class A1 sets out a number of criteria which must then be satisfied. If both A and A1 are satisfied then the applicant must seek the prior approval of the LPA to determine whether prior approval is required as to the siting, design and external appearance of the development.

The Interpretation Section (D.1) for Part 6 Classes A to C confirms that

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden;

“agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture, including—

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
- (b) any dwelling on that land occupied by a farmworker;

In this particular it has not been clearly demonstrated that the building will be on land in use for agriculture and which is so used for the purposes of a trade or business or that the building is reasonably necessary for the purposes of agriculture within that unit

The applicants says in terms of the use of the land that,

‘...it has been used for hay production and sheep grazing and currently pedigree pigs . I have also planted some fruit trees, hazel for a coppice and willow for basket work and production of plant mulch’

The applicants business/trade is unclear. It is not said if sheep are still kept on the land, if the sheep are owned by the applicant or if they merely grazed on the land under some form of tenancy agreement with a local farmer. There is reference to having 4 pedigree pigs with ‘more to arrive in the Autumn’ but no indication of how many, what the storage requirements for feed may be relative to the size of building being proposed. It is said that the pigs will live outside in arks. It is assumed that as a keeper of pigs and sheep the applicant has a CPH number but this evidence is not provided. It is also unclear where all items of equipment and tools are currently kept, what they are used for on the land or why they are needed for a site of 5.3 hectares. Again it not clear how much hay the land produces, whether this is for the applicant’s use on the land, if it was offered to another farmer.

There are also some inconsistencies between the current submission and what has been advanced in two previous DET’s (see history above) in terms of what the need for the building really is – storage or livestock or both? There has previously reference to ducks and sheep but not pigs. The constant does appear to be the tree planting but no evidence that this how this justifies a building of this size or more importantly that it amounts to a trade or business on the agricultural use of the land noting the definition of Agriculture in the 1990 Act as follows:-

" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

For all of these reasons it is concluded that the provisions of Class A are not satisfied. Having reached this conclusion, it is not necessary to consider whether to grant prior approval for the siting, design, and external appearance of the proposal

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 9.9.24

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council