

DELEGATED DECISION REPORT

DET/2024/0039
Valid 12/09/2024

LITTLE LYMFORD FARM
TUNSTALL ROAD
BOSLEY

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
FARM STORAGE BUILDING
EXTENSION

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

Whether or not the proposed agricultural/horticultural 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 lies in the countryside within 1 mile to the south-west of Bosley village and comprises the yard area of an adjacent large farm building which lies to the west. It is 200m to the west of Tunstall Road which also provides the access to the building via a typical farm access lane. The land slopes downwards from south to north. The building and yard are surrounded by open land. The farm has a size of 34 ha and the land has been farmed for nearly ten years.

PROPOSAL

The application is a "Notification of Prior Approval" application for an extension to the adjacent farm storage building. The extension would have a footprint of 22 x 23m and the same eaves and ridge height as the existing building. It would also have the same width and materials. It would read as the elongated enlargement or continuation of the existing building.

A Planning Statement has been submitted which states the following:

The land and buildings were acquired by the owner/applicant in September 2014. The owner already has an existing farming business in Belgium and over 20 years' experience in farming. Over the past 8-9 years the applicant has invested substantial funds in improving the main range of buildings at Little Lymford Farm to provide good quality livestock and storage facilities. There is a need however for additional storage space to primarily house farm machinery, tools and general farm produce.

Another storage shed was approved under application DET/2023/0029 for a building to the north of the main range. This building is primarily required for produce storage

and there will still be machinery and vehicles open to the elements that would be better stored under cover.

*The total floor area of the building would amount to approximately 510 sq.m
The floor area of the building plus the floor area of the building approved under
DET/2023/0029 does not exceed 1500m2, which meets GPDO guidelines.*

Under Part 6 Class A of the GPDO, a full planning application is not required for new agricultural or horticultural buildings on farms of over 5.0 hectares or extensions of any size, subject to the proposal meeting all the other criteria set out in Class A.1 of that part (in the case of farms of over 5 hectares). 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.

This new application is a resubmission of a Prior Approval application (under the same Part 6 legislation) earlier this year (DET/2024/0027) which was refused on 2nd August 2024 for the following reason:

The proposed extension would result in a building exceeding 1500m2 of floorspace and so would not comply with Part 6 Class A1 (e) (ii) of Schedule 2 of the Town and County Planning (General Permitted Development Order) (England) 2015 (as amended). The proposed development is therefore not compliant with the Town and County Planning (General Permitted Development Order) (England) 2015 Schedule 2, Part 6 due to the overall floor area of the extension and existing building.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

There have been a number of approvals for farm buildings at the property including a farm building under Part 6 of the GPDO (DET 2023 0029) to the north of the site.

The most recent before then was a Prior Approval (under Part 6) for an extension at the west end of the main building on site on 30.9.20 (DET 2020 0046).

The reference number of the original refused application for this new extension proposal was DET/2024/0027.

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. However, A.1(e) states the development would not be permitted development under Part 6 Class A if any building extended under Class A.1 would exceed a floorspace of 1500 sq.m.

The previous application was refused as it was calculated that the main building on site, together with the proposed extension would have a footprint in excess of 2300 sq.m and therefore it was deemed to not comply with this criteria/tests in Part 6 Class A.1 required for it to be built under permitted development under Part 6 of the GPDO.

However, this part of the legislation also states that the calculation should be done in accordance with Part 6 para D.1 (2) (a) which states the area to be calculated:

“Comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development.”

The current main building is entirely within 90m of the proposed extension.

This new application includes a revised Planning Statement which provides evidence that all parts of the main building to be extended, were built more than 2 years ago, with the most recent addition, a western end extension, being provided under an approval given on 30.9.20. Appendix E of the Planning Statement includes a letter (dated 29.8.24) from the builders to the Planning Case Officer confirming deliveries were provided in September and October 2020 and enclosing the email correspondence between the site owner and the builders. The letter also states a photo was taken of the fully erected frame on 22.10.20 and provides the dated photo.

Google ariel photos also show the western extension to the main building completed although no actual date is given of the ariel image capture.

I consider that on the balance of probabilities, the most recent part of the main building (to be further extended under this new application), was built over two years ago.

There has been one approval granted for an agricultural extension or building since the west extension to the main building approval. This was for a detached building within 90 metres of the proposed new extension under DET 2023 0029. This has not been built but even if work commenced on this before the new proposed extension to the main building, the combined floorspace of the 2023 approval together with the floorspace of the new proposed extension, would not exceed 1500 sq.m. The approved building has a floorspace of 980 sq.m, whereas the extension would have 506 sq.m, equating to 1486 sq.m in total.

I am therefore satisfied that due to the new information provided with this resubmitted application, all the tests of Part 6 Class A.1 have now been passed.

Therefore it now needs to be decided if , in accordance with Class A.2, Prior Approval should be required of the siting, design and external appearance of the proposed extension.

It is considered that due to the size and height of the extension, Prior Approval is required. Although the building is well screened from Tunstall Road by vegetation, the building is potentially visible from longer range views, particularly from hills to the south where there are public footpaths and also including from "The Cloud" hill which is publicly accessible. From the south, the extension, at the east end of the longest elevation, would be visible and would result in a notable enlargement or elongation of an already very large agricultural building of 8.5m in height.

CONCLUSION

The proposed extension passes the tests in Part 6 Class A.1 and therefore can be built under permitted development (not requiring full planning permission) via a Prior Approval application. The proposal, due to its size and siting, does have a potential impact on the appearance of the area including the landscape and therefore Prior Approval of the siting, design and appearance of the proposed extension is required.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED

Case Officer: Chris Johnston

Recommendation Date: 10.10.24

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council