

DELEGATED DECISION REPORT

DET/2024/0054
Valid 29/11/2024

GORSTHEAD MILL FARM
GORSTHEAD MILL LANE
BRADNOP

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
A NEW GENERAL PURPOSE
AGRICULTURAL BUILDING**

**(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 about a mile to the south-east of Bradnop village and about 100m to the south of the A523 main road which provides the access to the site via a farm track. It comprise a farmhouse, outbuildings and a field to the side of the farmhouse to the east. It is next to a railway which the access lane crosses over before reaching the site. The site is surrounded by open land and fields. The site has a total area of about 1 hectare.

PROPOSAL

The application is a "Notification of Prior Approval" application for a typical portal-framed agricultural storage building with a footprint of 18.3 x 9.1m and a max height to the roof ridge of 4.3m. It would have a 2.0m high concrete base walls with timber boarding above. It would be placed next to the north-east boundary of the site adjacent to the railway and a hardcore drive would be provided up to the access lane which is also close to the proposed building.

An Agricultural Justification Report / Design & Access Statement has been submitted.

It is the same proposal as the one recently refused under DET 2024 0046. The difference with this application is that the applicants are now claiming that the other area of land farmed a few miles away, forming the agricultural unit, has a size of 4.0ha and not 4.5ha, so that the total area of land farmed together with the application site is reduced from 5.5ha to 4.5ha. The previous application was under

Part 6 Class A which relates to units 5.0ha or over. The new application is therefore applied for under Part 6 Class B which relates to units of under 5.0ha.

Under Part 6 Class B of the GPDO, a full planning application is not required for new agricultural buildings on farms ("agricultural units") of under 5.0 hectares subject to the proposal meeting all the other criteria set out in Class B.1 of that part. However, the same part of the GPDO requires that where a proposed development meets all the tests in Class B.1, a "Notification of Prior Approval" application is submitted 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 2024 0046: Application under Part 6 Class A for a detached agricultural building. Refused.

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

The previous Part 6 Prior Approval application (under Class A of Part 6) was refused because the parcel of land in which the building was to be placed was less than 1.0 hectare in size. The new application puts forward the same building in the same siting but is applied for under Part 6 Class B which relates to farms (agricultural units) of less than 5.0 hectares with the applicant now claiming that the other parcel of land is in fact 4.0 hectares and not 4.5ha, and together with the application site of 0.8ha, would lead the unit to now be less than 5.0 hectares.

However, Part 6 Class B does not allow detached buildings to be provided under permitted development via the Prior Approval process. It only permits extensions and alterations to existing buildings.

Therefore, also, the issue of whether or not the proposal has an acceptable design, siting and appearance, the tests in Class B.2 is irrelevant.

As the development does not meet Part 6 Class B due to the building being detached, it is not permitted development under Part 6 of the GPDO and cannot be applied for under the "Prior Approval" process. Therefore a full planning application is required for the development.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston

Recommendation Date: 20.12.24

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council