

DELEGATED DECISION REPORT

DET/2024/0057
Valid 17/12/2024

**LAND AJACENT TO
HEATHERVIEW
WASHERWALL LANE
WERRINGTON**

**PROPOSED PORTAL FRAME
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 within 1km to the north of Werrington village. It comprises a dwelling with a long and narrow parcel of open grassland stretching westwards of the dwelling, contained by boundary trees and hedge. It measures approx. 250 x 40 metres, just over a 1.0 hectare. The site is reached via a gravelly farm lane connected to the end of Washerwall Lane a short distance to the east. The land to the north, part of Wetley Moor Common, is within a SSSI. The site is surrounded by open land although a residential property lies directly to the east, with the dwelling about 100m from the site. The application site is in the Green Belt. According to the applicant, the site is part of an agricultural landholding of over 11 hectares and has been farmed for around 30 years.

PROPOSAL

The application is a "Notification of Prior Approval" application for a typical agricultural portal-framed storage building of approx. 24 x 12 metres and a max height of 5.3m. It would have green metal cladding above a concrete block base and would be placed a short distance to the west of the dwelling, adjacent to the southern boundary of the field.

This application follows the recent refusal of another Notification of Prior Approval application in December 2024 (Ref: DET 2024 0049) for the following reason:

1. There is insufficient information provided to demonstrate the proposed building is required for agricultural purposes on an agricultural unit of at least 5.0 hectares. It has therefore not been demonstrated that the proposed development can be constructed under permitted development under Part 6 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

This new resubmitted application includes an expanded Planning Statement and further information in support of the justification of need for the proposed building and includes a plan of the other landholdings forming the agricultural unit. This is shown on page 12 and comprises areas of land either side of Brookhouse Lane within half a mile to the west of the application site and belonging to Brookhouse Lane Farm. A list of the rural land registration numbers for all of the parcels of land forming the unit has also been provided. The details of the scheme included in the Statement at paragraphs 4.1 are as follows:

It will be used for the storage of farm machinery and equipment, and haylage, silage, livestock bedding and animal feed. It will allow for the machinery to be driven into the building, for bales to be stacked and unloaded and for practical access around the stored items.

The farm benefits from no storage of its own, and presently this is left outside in a number of scattered fields or in borrowed space from others. This is not a satisfactory solution as the outside machinery and equipment is vulnerable to crime and tampering, and being exposed to the elements it also suffers from deterioration and depreciation.

It is difficult to keep the bales sufficiently dry, and they suffer from damp and rot meaning they cannot be used. Furthermore, the storage space provided by others is not permanent or guaranteed in the long-term, and the applicant has recently taken on additional land as part of the farm. The need for a storage building is essential.

Page 15 provides a table of items to be stored in the proposed building:

Machinery Storage

Trailer

4.2 x 1.93 (8.0sqm)

Slurry vacuum Tank

4.6 x 2.6 (12.0sqm)

Tractor with Bale Spikes

5.9 x 2.0 (12.0sqm)

Tractor with Hedge cutter

4.9 x 2.7 (13.0 sqm)

Tractor

3.35 x 1.75 (6.0sqm)

Mower

5.6 x 2.6 (15.0sqm)

Round Baler

3.4 x 2.2 (7.5sqm)

Square Baler

4.1 x 2.1 (9.0sqm)

Muck spreader

4.6 x 2.6 (12.0sqm)

Roller

4.6 x 2.6 (12.0sqm)

Teli Handler

6.36 x 2.4 (15.0sqm)

TOTAL STORAGE SPACE REQUIRED FOR MACHINERY:121.5sqm

Other Storage

54 Round Bales

26.0sqm

500 Small Bales

72.0sqm

Animal Feed

10.0sqm

TOTAL STORAGE SPACE REQUIRED FOR BALES AND ANIMAL FEED:

108.0sqm

Total Area including 30% for circulation (other storage space and machinery storage): 298.35sqm

This is not an exhaustive list. Farm machinery may vary over time, and the storage required for haylage, silage, livestock bedding and animal feed will change depending on crop yield and the number of livestock. The number of bales shown above is based on typical yields from the farm.

The Statement also includes photographs of the application site including some of the machinery listed above and also an aerial shot of the site with a number of hay bales clustered in the west part of the site.

Also included in the application, following its submission, is a letter clarifying that the total area of the unit is in fact 9.06ha and not 11ha.

Also included is a letter from the owner of Brookhouse Lane Farm, Mr Dale, stating that the applicant is renting the land shown as belonging to the farm, forming the agricultural unit, as part of an agreement between himself and the applicant. This letter is dated 2.1.25.

Also included is an email from the agent regarding current agricultural operations at the unit, as follows:

“Haylage and silage so far, hence we could give the accurate info on how many bales they are creating from the land. He has not got any cattle yet.” However, this appears to conflict with paragraph 1.1 of the planning statement where it is stated that. *The land is used for grazing cattle beef, and the production of haylage and silage for sale.*

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, 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/2024/0049: Previous Prior Approval under Part 6 of the GPDO application for the same building which was refused on the 13th December 2024.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

Public Comments

Two letters have been received from local residents who claim to own areas of land listed under the rural land registration numbers put forward and request their removal from the application. One of the writers is Mr Dale the owner of Brookhouse Lane Farm (who states that the rest of the land is being rented from him). The letters were received in December 2024, before the applicant's agent revised the list via a letter dated 3rd Jan 2025, removing three areas of land and reducing the size of the unit from around 11ha to 9.06ha.

A further letter has been received from a local resident pointing out that as the applicant does not own all of the land it is contrary to criteria 5.1 of the legislation and that the dwelling on the application site is not a farmhouse.

Town / Parish Comments

None received.

OFFICER COMMENTS

Whilst further information has been put forward, including a plan of the land proposed to be farmed which shows that it is over 5.0 hectares in size, there is still considered to be insufficient justification of an agricultural need for the building. The land other than the application site is owned by the farmer at Brookhouse Lane Farm. No formal agreements between the farmer and the applicant have been provided with the application to demonstrate the land will be used by the applicant for agricultural purposes and to justify the need for an additional storage building. For example, a tenancy agreements, including length of time between the parties has not been provided. Moreover, no evidence has been provided to demonstrate that the land supports a trade of business. It is also considered there is insufficient evidence of actual farming taking place currently on the land by the applicant or for example any paperwork to show the applicant is a farmer. As noted above, there is

a conflict between what was initially set out in the planning statement, by confirming the land is used of the grazing of cattle, which was subsequently amended to say that the applicant doesn't have any cattle. As such it is wholly unclear to the Local Planning Authority what the land is actually used for. It is also questionable where all the equipment and machinery to be stored in the building is currently being stored and who owns it.

CONCLUSION

There remains insufficient evidence and justification of an agricultural need for the proposed building and therefore it is not considered that the tests in Part 6 Class A.1 of the GPDO have been passed and therefore on the basis of the information provided the proposal is not permitted development under Part 6 of the GPDO and that a full planning application would need to be submitted for the proposed development.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 14.1.25

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council