DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-1002-22**	**Applicant:**	**Mr H Bingham**
Proposal:	General Agricultural Implement & Crop Store		
Location:	Adj. 103 Quadring Road Donington Spalding		
Terminal Date:	2nd December 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Not applicable

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal
Erection of a general agricultural Implement & Crop Store

Site Description

The agricultural site is situated within the countryside, according to the South East Lincolnshire Local Plan, 2019.

History
H04-1316-21 - General agricultural storage building for implements and crops - granted 17 January 2022

The approval related to an L-shaped structure but of different design, shape and dimensions.

Consultation Responses

Not applicable.

Planning Considerations

The application is for a determination as to whether prior approval is sought for an agricultural storage building for the secure storage of implements and crops. This is under Class A of Part 6 in

Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The width of the structure on the north-south axis would be 6.4m wide x 13.14m. This gives a ground area of 84.16 square metres.

The width of the structure on the east-west axis would 7.3m wide x 17.54m. This gives a ground area of 128 square metres.

The total ground area is therefore: 212.16 square metres in total.

The ridge height of the section shown on the drawings would be 6.4 metres. The highest part of the gable would be 7.1 metres.

Consideration against Class A Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Class A Part 6 of the schedule cites permitted development for the carrying out on agricultural land of 5 hectares or more works for the erection, extension or alteration of a building, or any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit.

The proposal relates to the erection of an agricultural storage building for items reasonably necessary for the purposes of agriculture.

Turning to the criteria which deems development is not permitted:

A.1 Development is not permitted by Class A if

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area:

In this case the proposed building is situated on a piece of land which is 1 hectare and is not separate. Therefore this point does not apply.

(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as]described in paragraph X of part 3 of the Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which the development under Class (A)(a) begins.

In this case there are no other buildings in the vicinity and this therefore does not apply.

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

In this case the building does not consist of or include the erection, extension or alteration of a dwelling so this does not apply

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes

The building is for agricultural storage so this does not apply

(e) the ground area which would be covered by-
(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or
(ii) any building erected or extended or altered by virtue of Class A.
would exceed 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

The proposal does not relate to the accommodation of livestock, or plant or machinery relating to engineering operations.
The proposal, at 212.16 square metres in area does not exceed 465 square metres.

(g)the height of any building, structure or works not within 3km of the permimeter of an aerodrome would exceed 12m.

The maximum height of the structure is 7.1m so this criterion does not apply.

Conclusion

The proposal constitutes permitted development under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This is subject to the developer applying to the local planning authority to determine as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

Prior approval for the siting, design and external appearance is not required.

Additional Considerations

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

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