DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0102-24**	**Applicant:**	**Walter Smith (Gosberton) Ltd**
Proposal:	Proposed Agricultural Machinery Store		
Location:	Cressy Farm Cawood Lane Gosberton		
Terminal Date:	6th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application relates to a prior notification, under Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal is for the erection of an agricultural machinery store building, located on Cawood Lane, Gosberton. The building would measure 30.33 meters by 11.93 meters and would have an eaves height of 4.57 metres and a ridge height of 6.49 metres.

The proposed materials of construction consist of juniper green PVC box profile and concrete pane walls with fibre cement sheet roofing in natural grey.

Site Description

The application site lies to the northern side of Cawood Lane within, Gosberton. Cressy Hall a Grade II* List Building is located to the east of the application site with the Cressy Hall Barns located within the holding of the proposed application site.

The application site lies outside of the defined settlement limits and is therefore designated as being located in the countryside. The surrounding area is predominately rural and is characterised by agricultural buildings of varying ages and designs.

History

H08-0453-07 - Listed Building Consent - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging - approved 11.06.2007

H08-0452-07 - Full - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging - Approved 29.05.2007

H08-0064-10 - Permission Renewal - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging (renewal of H08-0452-07) - Approved 09.04.2010

H08-0065-10 - Permission Renewal - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging (renewal of Listed Building Consent H08-0453-07) - Approved 09.04.2010

H08-0073-13 - Permission Renewal - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging - renewal of H08-0064-10 - Approved 18.06.2013

H08-0120-13 - Permission Renewal - Proposed change of use of existing barns to form 2 residential units, re-instatement of former farm buildings for residential use and erection of garaging (renewal of LBC H08-0065-10) - Approved 18.06.2013

H08-0339-16 - Full - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging - Approved 16.06.2016

H08-0371-16 - Listed Building Consent - Proposed change of use of existing barns to form two residential units, reinstatement of former farm buildings for residential use and erection of garaging - Approved 16.06.2016

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland District Council website, can be summarised as follows:

Welland & Deeping Internal Drainage Board

Surface water provisions for the proposed machinery storage building should be confirmed to the Board.

Planning Considerations

Compliance with the General Permitted Development Order

Development) Order, 2015 (as amended) provides that development as described below is permitted:

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of -

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

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 unit of land in which the building is to be located, is 170 hectares in size.

(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this 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 development under Class A(a) begins;

The building is for agricultural purposes for the storage of machinery. The building would not be within a unit where a change of use has been carried out.

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

The building works do not consist of or include the erection, extension or alteration of a dwelling.

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

The building is for agricultural purposes for the storage of machinery.

(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 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

The building does not exceed 1000 square metres in size, being 361.83 square metres.

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

The site is not within 3km of an aerodrome.

(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

The proposed ridge height would measure 6.49 metres.

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

No part of the building is within 25 metres of a metalled part of a trunk road or classified road.

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

The building is not for livestock or anaerobic digester/biomass boiler systems. The building is within 400 metres of a protected building, however, as previously stated the building is solely for an agricultural machinery store.

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

The site is not connected to fish farming.

(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a

protected building.

The building would not involve anaerobic digestion or biomass production. The building is within 400 metres of a protected building, however, as previously stated the building is solely for an agricultural machinery store.

Furthermore, the Class A also states that development would be permitted subject to the condition that the developer applies to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting, design, and external appearance of the building.

The details submitted therefore comply with Class A of Part 6 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The prior approval of siting, design and external appearance is not therefore required in this instance.

Conclusion

The details submitted comply with Class A of Part 6 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) so further planning consent is not required.

Additional Considerations

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.

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.