

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0793-24 **Applicant:** J D Mawby & Son
Proposal: Proposed Agricultural Store
Location: Field Adjacent To Hurdletree Bank Farm Hurdletree Bank Holbeach
Terminal Date: 18th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Application to determine if prior approval is required for a proposed 'agricultural storage'. The barn proposed (as shown on the plans and described within the application form) is dual pitched and has a footprint of 18.3m x 9.15m and stands at 3.66m to the eaves and 4.71m to the ridge. The applicant states that the proposes material is a mix of York boards, stained and profile metal sheeting with an exterior colour grey.

The proposal is the same building as proposed on a recently withdrawn agricultural approval application. This application was withdrawn as the proposal in part was to house livestock, the applicant was informed that the building was within 400m of a protected building and so not PD. This proposal is now just for agricultural storage and determined on that basis.

Site Description

The application site is associated with Hurdletree Bank Farm. The application site is located outside of any defined settlement boundary and within the countryside for policy purposes. The applicant has stated that the entire agricultural unit is 167.5 Hectares and that the parcel of land the barn is to be located on is 1 ha or more.

The building is located approximately 70m north of Hurdle Tree Ban Farm, which is the closest building.

History

H09-0730-24 - Proposed shed for animal breeding. Withdrawn

Consultation Responses

None-requested.

Planning Considerations

This application is to determine if prior approval is required for a proposed 'Agricultural storage'. The applicant has stated within the application form that the total area of the entire agricultural unit is 167.5 ha. and the parcel of land is greater than 1 hectare.

Assessment is therefore made against Class A of Part 6, Schedule 2.

Permitted development

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 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;

(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;

(c) it would 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;

(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 would exceed 1,000 square metres; or

(ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 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;

(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;

(h) any part of the development would be 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;

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

(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.

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

(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; or

(l) the erection or extension of a building would be carried out on land or a building that is, or is

within the curtilage of, a scheduled monument.

Assessment

The applicant has filled out an application form and provided plans, which include, elevation plans, location plan and block plan. The proposal would meet with the requirements for permitted development set out above.

the siting, design and external appearance of the building

Before the beginning of the development the developer must apply to the local planning authority to see if prior approval is required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be.

The proposal is for a storage shed, with no means of access (private way) shown or required. The barn which is dual pitched and has a footprint of 18.3m x 9.15m and stands at 3.66m to the eaves and 4.71m to the ridge is proposed to be made up of a mix of York boards, stained and profile metal sheeting with an exterior colour grey. It is sited close to the applicant boundary, but well within the field (away from Hurdle Tree Bank).

It is considered given its scale, siting and appearance which are considered acceptable in this countryside location then prior approval is not required.

Conclusion

Having assessed the proposal against Class A of Part 6 Schedule 2 the proposal would represent permitted development and in addition, the proposal would not require prior approval the siting, design and external appearance of the building.

Recommendation

Prior Approval 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.