

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0906-24 **Applicant:** Hay Farming Ltd
Proposal: Proposed steel framed building
Location: Adj New Buildings Eastern Road Holbeach St Matthews
Terminal Date: 28th November 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks to establish if prior approval is required for a proposed agricultural building. The proposed building would be located on land to the north-east of 'New Buildings', which is located on Eastern Road, between Holbeach St Matthews and Holbeach.

Permitted development rights for agricultural development on units of 5 hectares or more are set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

The proposed building would feature a steel frame and metal cladding. The building would measure 50.31m by 34.11m. The building is proposed to measure 67.3m up to the eaves, and 11.39m

Relevant Planning History

No applications have been submitted within the site. The following application was submitted on land to the south-west of the site:

H09-0531-00: Erect one potato store - approved 19 June 2000

Consultation

As the application is a prior notification application, there is no requirement for formal consultation.

Planning Assessment

The application is a prior notification application submitted under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).

Class A states that development consisting of the following 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."

This is subject to restrictions which are set out under paragraphs a) to l). The proposed building does not exceed any of these limitations, as set out below:

"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"

According to the application form, the agricultural unit comprises approximately 1,100ha. The parcel of land where the development is located is over 1ha which accords with the requirements of part a.

"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 proposed development would not consist of the erection or extension of any agricultural building on an established agricultural unit where development under Class Q or S (Part 3, Schedule 2) 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"

The proposed development would 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 proposed development is for agricultural purposes. According to the application form, the proposed building will be used to store onions.

"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 ,
F3... calculated as described in paragraph D.1(2)(a) of this Part"

The proposed development would not exceed 1,500sqm. The proposed building would feature approximately 1,403 sqm.

"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"

There are no aerodromes within 3km of the site.

"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"

There are no aerodromes within 3km of the site. Furthermore, the proposed building would measure 11.39m up to the ridgeline and as such would not exceed 12m in height.

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

The proposed development is not 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 proposed development does not relate to the accommodation of livestock or for the storage of slurry or sewage sludge.

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

The site does not comprise article 2(4) land.

"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 proposed development is not for the storing of fuel or waste from a biomass boiler.

"(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"

The site does not feature a scheduled monument.

The proposed building measures 50.3m by 34.1m, and 11.39m up to the roof ridgeline. The building is proposed for agricultural storage purposes, for storing produce such as onions and potatoes.

The site is located on Eastern Road approximately halfway between Holbeach Hurn to the south, and Holbeach St Marks to the north. The site comprises land to the north-east of existing agricultural buildings and New Buildings Cottage. The proposed building will therefore be partially screened by existing buildings and would not protrude significantly into the countryside. The surrounding area includes mostly agricultural fields.

The application form sets out that the building is needed for storing onions and potatoes. The building would introduce built form within an undeveloped site, however, the building is allowed under permitted development rights and the scale of the building is not uncommon for agricultural storage purposes. The proposed materials include box profile insulated composite panels in Moorland Green and Goosewing Grey. The materials would be similar to the materials that feature on the agricultural building which is located to the south of the site.

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.