DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0399-25**	**Applicant:**	**Mr M Scotney**
Proposal:	Proposed Agricultural Storage Building		
Location:	Off Mill Green Road Pinchbeck Spalding		
Terminal Date:	23rd May 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework December 2024**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks to establish if prior approval is required for a proposed agricultural building on land off Mill Green Road, Pinchbeck. According to the submission, the building is proposed for agricultural storage.

According to the application form, the agricultural unit comprises 6.5ha. 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 measure 36.9m in length and 18.7m in width. The building is proposed to measure 4.6m up to the eaves, and 6.8m up to the ridgeline.

Relevant Planning History

H14-0869-20: (Full Application) Proposed managers accommodation, construction of new access track and use of land for vehicle storage - approved 03 December 2020

H14-0812-21: (Full Application) Proposed Manager's accommodation and access track (to replace that approved under planning permission H14-0869-20), two storey office building, new storage building and stationing of 30 self-store containers - approved 15 October 2021

H14-0295-22: (S73 Application) Proposed Manager's accommodation and access track (to replace that approved under planning permission (H14-0869-20), two storey office building, new storage

building and stationing of 30 self-store containers - approved under H14-0812-21. Modification of wording relating to Condition 16. (to clarify implementation of managers accommodation). - approved 12 May 2022

H14-0065-24: (S73 Application) Proposed Manager's accommodation and access track (to replace that approved under planning permission (H14-0869-20), two storey office building, new storage building and stationing of 30 self-store containers - approved under H14-0295-22 Modification of wording of Condition 3 relating to scheme to deal with contamination of land or pollution of controlled waters - approved 26 April 2024

H14-0790-24: (Full Application) Proposed Additional Self-Store Containers, Vehicle Storage, Enhanced Landscaped Earth Bund, Grounds Maintenance Building, Biodiversity Net Gain Planting and Relocation of Approved (Not Yet Erected) Radio Antenna - approved 19 December 2024

Consultation

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

Planning Assessment

Whether the proposal is permitted development

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 Section A.1 parts (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;"

The parcel of land where the development is located is surrounded by land within the applicant's ownership which exceeds 1ha. As such the proposals would not be within a separate parcel of land which is less than 1ha.

"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 local planning authority is not aware of any other development that has taken place under Class Q or S within the agricultural unit.

"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;"

According to the application form, the proposed building will be used for agricultural storage, specifically to store hay bales. As such, the proposed development is 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 ; or
(ii) any building erected or extended or altered by virtue of Class A ,
... calculated as described in paragraph D.1(2)(a) of this Part;"

The proposed building is not intended to accommodate livestock or plant and machinery. Furthermore, the proposed building would feature approximately 690sqm and would therefore not exceed 1,500sqm.

"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;"

The proposed building would measure 6.8m 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 systemÃ¢??
(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 therefore accords with Class A and is considered to comprise permitted development.

Whether the proposal meets the conditions of Class A

Section A.2 set out the conditions that must be met for development to be permitted under Class A. Some of the conditions are not relevant to the current proposals, however, the proposed building meets the relevant conditions set out in parts (1) to (7). For example, the current application has been submitted to establish if prior approval is required which is required under part (2).

Summary

To summarise, the proposed building would measure 36.9m in length and 18.7m in width. The

building is proposed to measure 4.6m up to the eaves, and 6.8m up to the ridgeline. The building is proposed for agricultural storage purposes, for storing hay bales and machinery.

The site is located to the east of Mill Green Road, on the southern edge of Pinchbeck. The proposed building would be located to the south of a storage container business and Anglia UK Ltd Anglian Fleet Services, which is a commercial business. There are agricultural fields to the south-west, south and east of the site. Consent has been granted for a dwelling on land to the south-west of the site.

The building would be positioned close to the northern edge of an existing field, approximately 280m from Mill Green Road. There is a hedgerow along Mill Green Road and various structures and buildings to the north which provide some screening of the site. The proposed siting of the building is considered to be appropriate in this case as it would not encroach significantly into the open field. Furthermore, the scale of the proposed building is not uncommon for agricultural storage purposes.

The proposed materials include green profile metal sheets for the walls and light grey metal sheets for the roof. The proposed materials are typical for an agricultural building and as such are considered to be acceptable.

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.

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 is not required.