DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0757-23**	**Applicant:**	**Mrs J Bates**
Proposal:	Proposed Agricultural Shed		
Location:	Rear Of Mulberry House Northgate West Pinchbeck		
Terminal Date:	22nd September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application is for a determination as to whether prior approval is sought for an agricultural storage building on the land to the rear of Mulberry House. 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 building would measure 7 metres (length) by 5.65 metres (width) and would feature a dual pitch roof. The storage building would have a ridge height of 3.9 metres, with a height of 2.9 metres to the eaves. The building would be constructed of brown brick, with red pantiles.

Site Description

The site is located 250 metres east of Northgate village, along North Gate Road. The structure would be located to the rear of Mulberry House and Labyrinth Cottage on the northern side of the road. The area is characterised by open agricultural land, with sparse residences interspersed.

Relevant History

No relevant history

Consultation Responses

No responses received.

Planning Considerations

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 General Permitted Development Order, 2015, states that, within an agricultural unit of 5 hectares or more in area, 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 are permitted, as long as the relevant criteria is met.

It is considered that the proposal is reasonably necessary for the purpose 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 10.52 hectares and is not separate.

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"

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;"

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, 1000sqm, calculated as described in paragraph D.1(2)(a) of this Part;"

The structure would not be used to accommodate livestock and would measure 39.55sqm.

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 3.9 metres.

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

The proposal is located approximately 60 metres from the nearest 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 site is over 1km from the nearest listed building

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

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 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.

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.