

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0798-26 **Applicant:** Glen Pastures

Proposal: Siting of 2 containers - one for storage of agricultural machinery, the other for agricultural workers welfare facilities

Location: Glen Pastures Bourne Road Guthram Gowt

Terminal Date: 25th September 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework August 2026

Representations:

	Object	Support	No Obj.	Comments
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks to establish if prior approval is required for two containers. One of the containers is for the storage of agricultural machinery and the other is for welfare facilities for agricultural workers.

According to the application form, the agricultural unit comprises 5.28 hectares. Permitted development rights for agricultural development on units 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).

Relevant Planning History

H14-0546-91: (Full Application) Provision of two 8 metre accesses - approved 16th July 1991

H14-0062-92: (Outline Application) Creation of country park including two warden's dwellings and visitor centre - refused 30th June 1992

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) and conditions which are set out under Section A.2 parts (1) to (7).

It is not considered that the two proposed containers comprise an excavation or engineering operation. Containers can either be regarded as buildings or chattels and as such, it is necessary to consider if the containers in this case can be regarded as buildings in order to qualify under part b as outlined above. It is also necessary to consider if the containers are reasonably necessary.

In terms of whether the containers can be considered as buildings, the term 'building' is defined within section 336(1) of the 1990 Act to include "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building". The Courts have held that in assessing whether or not an object is a building, regard must be had to size, permanence and physical attachment with none of these factors being decisive. Therefore, whilst containers can be regarded as either buildings or chattels, the individual circumstances of the proposal need to be taken into account.

In this case, the containers measure 10m in length, 3m in width and 2.5 in height. This is considered to be large enough to be entered into in the same manner as a building; however, the containers are not proposed to be installed on concrete pads or permanent foundations and instead, the containers are proposed to be sited on wooden sleepers. This reduces their degree of permanence to an extent.

Shipping containers are designed so as to be filled, moved and emptied with relative ease when using specialist equipment; however, in this case the containers are not likely to be moved once situated within the site. Whilst the containers would not be bolted or physically attached to the ground, the Courts have held that such a unit can, simply by its own weight, be fixed to the ground. Notwithstanding this, the containers would be sited on wooden sleepers, meaning that they could be moved more easily than if they were attached to the ground in another way such as with bolts or a concrete foundation. The applicant has described the containers as a temporary and moveable storage solution. Therefore, in this case it is considered that the containers would be regarded as chattels rather than as buildings and as such, the proposal is not considered to be eligible for the Class A permitted development right as this applies to buildings rather than chattels.

Notwithstanding this, in the interests of completeness, it has also been considered whether the containers are reasonably necessary for the agricultural unit. The applicant has provided additional information during the determination of the application as initially it was unclear what type of agricultural unit was being served. As set out previously, the agricultural unit covers 5.28 hectares and currently 15 sheep are kept on the land for grazing and breeding. The applicant has set out that 3 people are currently involved in working and managing the land.

The proposal is described as follows within the application form:

"Installation of two containers for agricultural use, to provide secure storage for agricultural machinery and tools, equipment and materials, together with ancillary welfare facilities for agricultural workers including a canteen, rest area and hand washing facilities, the containers are required in connection with the operations of agricultural holding at Glen Pastures"

It was unclear why a canteen and welfare facilities would be required for a relatively small agricultural holding given that there are currently only 15 sheep grazing the land. The applicant has set out that they intend to increase the flock and to grow crops; however, currently the flock of sheep grazing the land is relatively small.

The applicant has since clarified that the containers will both be used for storage rather than one being used primarily for welfare purposes for agricultural workers. Within the first container, it is proposed to store items such as electric fencing posts and wire, animal feed and smaller agricultural tools and equipment. Within the second container, it is proposed to store items such as a small tractor, trailer, topper, flail and quad. Whilst the containers could be used as a place to have a drink, some food or a rest and there could be an ancillary welfare function, the containers are largely proposed for agricultural storage and overall it is considered that they would be reasonably necessary.

According to the applicant, one of the containers has already been installed within the site. As one of the containers has already been installed, the proposal is also not eligible under Class A as one of the conditions of Class A is for the developer to apply to the Local Planning Authority (LPA) to confirm if prior approval is required or not. The developer must then wait for a decision from the LPA or wait for the relevant period to expire. Therefore, the proposal does not accord with one of the conditions of Class A (part 2).

Furthermore, the containers would be located approximately 15m from Bourne Road (the A151) which is a classified road. One of the restrictions of Class A is set out below:

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

The 'metalled' part of the road refers to a hard durable surface such as cement, concrete or tar. As the containers would be less than 25m from the metalled part of the A151, the proposal would not comply with the above referenced restriction.

The applicant has provided an amended site plan showing the containers in an alternative location which would be more than 25m from the A151. Whilst this has been considered, as set out previously, the containers are not considered to be eligible for the Class A permitted development right as the containers are considered to comprise chattels rather than buildings.

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.

In light of the above, the proposal fails to comply with the requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). As such, the proposal is not permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, the recommendation is that the proposal is refused under delegated authority.

Recommendation

The proposal is not permitted development.