DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0931-24**	**Applicant:**	**Mr P Brighton**
Proposal:	Proposed Agricultural Store		
Location:	Pyewipe Farm North Drove Spalding		
Terminal Date:	9th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- Schedule 2, Part 6, Class A
- Schedule 2, Part 6, Class B

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application comprises a determination as to whether prior approval is sought for a proposed agricultural store at Pyewipe Farm, North Drove. This is under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Pyewipe Farm is over 1000m outside of the Spalding Settlement and has large open farm fields surrounding the site with some other residential properties nearby.

History

H16-0449-87 - Extension to form utility room - Approved

H14-1235-95 - Agricultural machinery store - Approved

H14-0655-20 - The provision of a twin mobile home (not operational development) within the garden of the residential property for use as additional accommodation by one household (not a material change of use) - Approved

Planning Considerations

Schedule 2, Part 6, Class A - Details

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), seeks to permit "agricultural development on units of 5 hectares or more".

Class A details that the following is 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".

Schedule 2, Part 6, Class B - Details

Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), seeks to permit "agricultural development on units of less than 5 hectares".

Class B details that the following is permitted development:
"B. The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of -
(a) the extension or alteration of an agricultural building;
(b) the installation of additional or replacement plant or machinery;
(c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
(d) the provision, rearrangement or replacement of a private way;
(e) the provision of a hard surface;
(f) the deposit of waste; or
(g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets, where the development is reasonably necessary for the purposes of agriculture within the unit".

Schedule 2, Part 6, Class A and Class B - Assessment

Schedule 2, Part 6, Class A is clear that the erection of an agricultural building is only considered 'Permitted Development' where it complies with specific criteria and would be carried out "on agricultural land comprised in an agricultural unit of 5 hectares or more in area".

In addition to this, A.1 (a) details that 'development is not permitted' 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".

Likewise, Schedule 2, Part 6, Class B is clear that the erection of an agricultural building is only considered 'Permitted Development' where it would be carried out "on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area".

In addition to this, B.1 (a) details that 'development is not permitted' if "(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area".

The application form states that the total area of the entire agricultural unit is 168 square metres, which equates to 0.0168 hectares. The area of the parcel of land where the development is to be located is less than 0.4 hectares.

It is therefore considered that the application fails to comply with the requirements of Class A, as the agricultural development is not on units of 5 hectares or more. Furthermore, the application fails to comply with the requirements of Class B, as the agricultural development is on a unit of less than 5

hectares but is less than 0.4 hectares.

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.

Conclusion

In light of the above, the proposal fails to comply with the requirements of Schedule 2, Part 6, Class A or Class B 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 or Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The recommendation is therefore that the proposal is refused under delegated authority.