

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-1001-24 **Applicant:** P Capps Farming
Proposal: Erection of 2 agricultural storage buildings
Location: Starborough, Far End Farm South Drove Quadring Fen
Terminal Date: 31st December 2024

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

Description of Proposal

This application is made under Part 6, Class A of the General Permitted Development Order (2015) to determine whether prior approval is required for the erection of two agricultural storage buildings at Far End Farm, South Drove.

The buildings would measure 75.15sqm and 763.2sqm. The smaller building, located to the north an existing shed, would measure 4.5m by 16.7m, with a height to the ridge of 5.2m. The larger building, on the north-west of the site, would measure 45.7m by 16.7m, with a height to the ridge of 9.7m. Both would be open buildings, clad in Yorkshire boarding.

Site Description

The site is located outside of any settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such is considered to be within the countryside. The South Forty Foot Drain is situated approx. 42m to the east of the site. The site is surrounded by open fields, with only one nearby residential property to the south of the site along South Drove.

Relevant History

H15-0309-85 - Full. Proposed piggery and liquid food storage tanks. Approved 05/06/85.

H15-0274-95 - Full. Livestock building and portakabin (office). Approved 27/12/95.

H15-0148-01 - Agricultural Determination. Erection of general purpose agricultural building.

Approved 14/03/01.

H15-0981-19 - Agricultural Determination. General purpose agricultural storage building. Approved 09/10/19.

H15-1023-22 - Agricultural Determination. Erection of 2 agricultural storage buildings. Approved 08/11/22.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

No consultation responses received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

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 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" would be permitted development.

The Order explicitly relates to a building, and the terminology throughout Part 6 is in the singular. However, the wording of Paragraph D.1(2)(a) would appear to enable the development of multiple buildings at any one time, should the requisite scale conditions be followed. As such, the same development could occur under multiple application. Therefore, for the reasons outlined above and as this proposal does not equate to the granting of planning permission and is purely a determination as to whether prior approval would be required, it would be inappropriate to resist the application purely on this technicality.

It is considered that the proposal is reasonably necessary for the purpose of agriculture, and the agricultural unit would be over 5 hectares. The scale of the development would be proportionate the size of the plot and the scale of the business as a whole. It is clear that the works would support the proper function of the farm.

Turning to the limitations outlined within the GPDO:

"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 buildings are situated within a parcel over 1 hectare.

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 buildings 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;

The building works do 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 buildings are 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 would exceed 1,000 square metres; or

(ii)any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres

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

The structures would not be used to accommodate livestock and would have a combined floor area of 838.2sqm.

Paragraph D.1(2)(a) states the following "an area "calculated as described in paragraph D.1(2)(a)" comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development"

The previous approval on the site, H15-1023-22, was issued 08/11/22, 25 months before this application. The application form has confirmed that no building was constructed within the last two years; and therefore, it must be assumed that the buildings involved within H15-1023-22 were erected over two years ago. For the sake of clarity, the relevant building from H15-1023-22 would have a floor area of 686.25sqm, taking the total floor area of development to 1524.45sqm; and therefore, if the building has been completed within two years of this application, would exceed the limits of Part 6.

"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, sitting 3.5km from the nearest airfield.

"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 heights would measure 5.2 and 9.7 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 over 25 metres from a classified or trunk road, being located approximately 190 metres from the nearest classified or metalled trunk 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 building would not be used for livestock or the storage of slurry.

"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.

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

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). Further planning consent is not required.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.