

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-1055-22 **Applicant:** Crossroads Nurseries Ltd

Proposal: General Purpose Agricultural Building

Location: Sarahgate Lane Quadring Spalding

Terminal Date: 28th November 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application relates to a prior notification, under Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal is for the erection of a general purpose agricultural building, located on Sarahgate Lane, Quadring. The building would measure 9.6 metres in width by 46 metres in depth, would have an eaves height of 4 metres and a ridge height of 4.65 metres.

The proposed materials of construction consist of juniper green plastisol coated trapezoidal steel, with goosewing grey coloured plastisol coated trapezoidal steel roofing.

Site Description

The application site lies to the eastern side of Sarahgate Lane, within Quadring and comprises a field, forming a wider agricultural holding.

The application site lies outside of the defined settlement limits and is therefore designated as being located in the countryside. The surrounding area is predominately rural and is characterised by agricultural buildings of varying ages and designs.

History

None relevant.

Consultation Responses

Welland & Deeping Internal Drainage Board - Confirms an informal discussion was held with the agent who explained surface water will either be stored or discharged to soakaways. Welland & Deeping Internal Drainage Board have requested to be reconsulted if in the future a surface water discharge is proposed to any watercourse.

Planning Considerations

Compliance with the General Permitted Development Order

Development) Order, 2015 (as amended) provides that development as described below 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.

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;

(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;

(c) it would 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;

(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 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

(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;

(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;

(h) any part of the development would be 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;

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

(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.

Furthermore, the Class A also states that development would be permitted subject to the condition that the developer applies to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting, design, and external appearance of the building.

The proposal is considered to comply with Class A of Part 6, as:

- The unit of land in which the building is to be located, is larger than 1 hectare in size.
- The building is for agricultural purposes - storage of machinery and crops.
- The building does not exceed 1000 square metres in size, being 441.6 square metres.
- The building is not within 3 miles of an aerodrome.
- No part of the building exceeds 12 metres in height, comprising a maximum height of 4.6 metres.
- No part of the building is within 25 metres of a metalled part of a trunk road or classified road.
- The building is not for livestock or anaerobic digester/biomass boiler systems within 400 metres of a protected building.
- The building is not sited on Article 4 land.

The details submitted therefore comply with Class A of Part 6 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The prior approval of siting, design and external appearance is not therefore required in this instance.

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.