

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-1123-21 **Applicant:** D E Brand & Sons
Proposal: Extension of road and hardstanding
Location: D E Brand And Son Birds Drove Surfleet
Terminal Date: 1st December 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application is for a determination as to whether prior approval is sought for the extension of a road and the provision of a hardstanding under Class A of Part 6 in Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The prior approval submission is supported by a description of the site and Agricultural Justification in the form of a covering letter dated 3 Nov 2021.

Site Description

The farm extends to approximately 402 hectares (993 acres) comprising 399.57 hectares (987.34 acres) of agricultural land. There are a large number of agricultural buildings at the site. The site is built around a sizeable area of glasshouses at the south-east of the site. There are associated packhouses, cold stores and offices, all of which service the farm.

The land has been farmed by the applicant and his family for many years, with farming operations primarily comprising arable and horticultural farming, alongside glasshouse growing and packing activities. The land is all classified as Grade 1 on the former Ministry of Agricultural Land Classification Series.

History

N/A

Consultation Responses

N/A

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended 2018 Part 6 Class A

Part 6 Class A allows for:

The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in an 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 It has been demonstrated above that the proposal is reasonably necessary (and arguably essential) for the purposes of agriculture on the agricultural unit. The proposal fully complies with the criteria set out within Part 6 Class A, as set out below.

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;

Response: The parcel of land within the unit subject of the proposal exceeds 1 hectare.

(b) it would consist of the erection or extension of any building on an established agricultural unit (as defined in paragraph X Part 3) 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;

Response: No such permitted development rights have been implemented within the unit.

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

Response: The proposal does not 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;

Response: The access track has been designed for agricultural purposes.

(e) the ground area 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

Response: The proposed square metreage of the access track and associated hardstanding is 1,141.8 square metres.

(f) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

Response: N/A

(g) the height of any part of the building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

Response: N/A

(h) any part of the development would be within 25 metres of a metalled part of a trunk 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 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, or would be, within 400 metres of the curtilage of a protected building;

Response: The proposal does not fall within 25 metres of a metalled part of a trunk or classified road. The track will meet the existing, established point of access, which is already set back sufficient distance into the site.

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

Response: The proposal does not 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 or waste from a biomass boiler or an aerobic digestion system (i) would be used for storing waste not produced by that boiler system or for storing fuel not produced on land within the unit, or (ii) is or would be within 400m of the curtilage of a protected building.

Response: The proposal does not involve the storing fuel or waste from a biomass boiler or an aerobic digestion system

Conclusion

Prior approval is not required in this case.

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.