DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-1012-24**	**Applicant:**	**R J Wright Limited**
Proposal:	Proposed Grain Store		
Location:	Fendyke House New Fen Dyke Sutton St James		
Terminal Date:	31st December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework 2023**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks to establish if prior approval is required for a proposed agricultural building (a grain store in this case). The proposed building would be located on land at Fendyke House, Sutton St James.

According to the application form, the agricultural unit comprises 240ha. Permitted development rights for agricultural development on units of 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).

The proposed building would measure 48.76m by 18.28m. The building is proposed to measure 7.55m up to the eaves, and 9.98m up to the ridgeline.

Relevant Planning History

No applications have been submitted within the site.

Consultation

As the application is a prior notification application, there is no requirement for formal consultation.

Planning Assessment

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 ofâ??
(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 paragraphs a) to l). The proposed building does not exceed any of these limitations, as set out below.

"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"

According to the application form, the agricultural unit comprises approximately 240ha. The parcel of land where the development is located is over 1ha which accords with the requirements of part a.

"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 proposed development would not consist of the erection or extension of any agricultural building on an established agricultural unit where development under Class Q or S (Part 3, Schedule 2) 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"

The proposed development would 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"

The proposed development is for agricultural purposes. According to the application form, the proposed building will be used to store grain.

"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 ,
F3... calculated as described in paragraph D.1(2)(a) of this Part"

The proposed building is not intended to accommodate livestock or plant and machinery. The proposed building would not exceed 1,500sqm. The proposed building would feature approximately 891 sqm.

"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"

There are no aerodromes within 3km of the site. The nearest airfield is Fenland Airfield ECGL which is located approximately 3.3km to the west of the site.

"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 building would measure 9.98m up to the ridgeline and as such would not exceed 12m in height.

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

The proposed development is not 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"

The proposed development does not relate to the accommodation of livestock or for the storage of slurry or sewage sludge.

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

The site does not comprise article 2(4) land.

"k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion systemâ??
(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 proposed development is not for the storing of fuel or waste from a biomass boiler.

"(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument"

The site does not feature a scheduled monument.

The proposed building measures 48.76m by 18.28m, and 9.98m up to the roof ridgeline. The building is proposed for agricultural storage purposes, for storing grain.

The site is located to the east of New Fen Dike and Lutton Gate Road. There are existing agricultural buildings within the site which are relatively large. There is also a dwelling to the south-east of the site.

The application form sets out that the building is needed for storing grain. The building would introduce built form within an undeveloped site which is relatively flat and would be visible from the surrounding area. The building is however allowed under permitted development rights and the scale of the building is not uncommon for agricultural storage purposes. There is some existing vegetation to the west of the site to provide some screening. Furthermore, as there are already existing large scale agricultural buildings within the site, the proposed building would not be significantly out of keeping with the area.

The proposed materials include precast concrete plank / panel and timber weatherboard. This would differ from the existing buildings within the site as the existing buildings feature mostly dark green metal cladding on their facades. The proposed materials are however not uncommon for an agricultural building. As such, the materials are acceptable.

The submitted ground floor layout plan (103 P02) shows a concrete apron area in front of the proposed building comprising approximately 488sqm. Class A also allows for "any excavation or engineering operations". The proposed concrete surfaced area is therefore also considered to comprise permitted development.

Having assessed the proposal against Class A of Part 6 Schedule 2, the proposal would represent permitted development and in addition, the proposal would not require prior approval the siting, design and external appearance of the building.

Recommendation

Prior Approval 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.