

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0214-24 **Applicant:** Ms H MacDonald
Proposal: Proposed agricultural hay storage barn
Location: Barling Deer Farm Bardlings Drove Sutton St James
Terminal Date: 17th April 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 6, Schedule 2, Class B.

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Application to determine if prior approval is required for a proposed 'Agricultural hay storage barn'. The barn proposed is dual pitched and has a footprint of 18m x 10 and stands at almost 6m to the eaves.

Site Description

The application site is associated with Barling Deer Farm, Sutton St James. The application site is located outside of any defined settlement boundary and within the countryside for policy purposes. The applicant has stated that the entire agricultural unit is 810sq metres.

History

H20-0420-94 - Determination that Prior Approval for Agricultural Building Not Required - Erect Steel Portal Framed Building to store hay - Approved 18 May 1994.

H20-0856-94 (Outline) - Erection of a house and garage. Condition 4 related to an agricultural occupancy condition. Approved 25 April 1995.

H20-0037-98 (Reserved Matters). Erection of house and garage. Approved 17 April 1998.

H20-0658-98 - (Full) - Erection of house and garage. Approved 22 October 1998. Condition 2 of that approval states: "The occupation of the dwelling shall be limited to a person solely or mainly employed, locally in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 or a dependent of such a person residing with him, or a widow or widower of such a person."

H20-0768-23 - Erection of dwelling (Class C3) without compliance to the approved permission H20-0658-98. Lawful 30th October 2023

Consultation Responses

IDB- I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS) , therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Planning Considerations

This application is to determine if prior approval is required for a proposed 'Agricultural hay storage barn'. The applicant has stated within the application form that the total area of the entire agricultural unit is 810sq m. and the parcel of land is less than 1 hectare but at least 0.4 hectares. There is clearly a discrepancy in the mathematics applied when filling out the application form as 810sqm is 0.081 hectares. Notwithstanding this the reference to 0.4 hectares is applicable to Schedule 2, Part 6 B, therefore on the basis of the information supplied the application will be assessed against the allowances and limitations set out by this class, when considering the location plan this dimension would appear more accurate.

Permitted Development

Class B agricultural development on units of less than 5 hectares Permitted development

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.

Assessment

The applicant seeks to erect a detached hay storage barn, stated to be 'a new building'. Class B (of Sch, 2 Part 6) does not make allowances for the erection of buildings only the extension of or alteration to existing buildings. The proposal then which is for the erection of a standalone storage barn would not represent permitted development set out by this class and would require planning permission. Furthermore there is some conflict in the dimensions given. If it is true that the entire agricultural unit is 810sqm, part b would not apply in any case.

Conclusion

Planning permission is required for the erection of an agricultural building on a holding of this size.

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.