DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0386-24**	**Applicant:**	**H MacDonald**
Proposal:	Proposed agricultural hay storage barn - resubmission of H20-0214-24		
Location:	Barling Deer Farm Bardlings Drove Sutton St James		
Terminal Date:	27th May 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). Schedule 2, Part 6, Class A.

Representations:

	Object	Support	No Obj.	Comments

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 ridge. The applicant states that the proposes material is 'boxed steel' finished in olive green.

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 9.2 Hectares and that the parcel of land the barn is to be located on is less than 1 ha (but greater than 0.4ha).

The applicant states within the form that *The storage building will to be used for the storage of hay for animal feed and welfare, the hay needs to be kept in dry conditions. The barn will be sited to allow loading during harvest season and access from the farm yard when it is needed primarily through the winter months.*

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

H20-0214-24 - Proposed agricultural hay storage barn. Not PD 16.04.24

Consultation Responses
None requested

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 9.2 ha. and the parcel of land is less than 1 hectare but at least 0.4 hectares.

Assessment is therefore made against Class A of Part 6, Schedule 2.

Permitted development

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 not permitted

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;

(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 465 square metres 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.

(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.

Assessment

The applicant seeks to erect a detached hay storage barn. Class A (of Sch, 2 Part 6) makes allowances for the erection of agricultural buildings. A.1 sets out under paragraphs a-l development that it not permitted.
The applicant has filled out the application form (as well as provided plans)that show the proposal would not conflict with these limitations. And therefore the proposal is considered to represent permitted development.

Prior Approval

The developer is required under A.2 (i) to conform to the following:

the developer must, before beginning the development, apply 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 siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be

design and external appearance of the building

The applicant has shown on plan that the building will be located close to the cluster of building that form Barling Deer Farm and this is an appropriate approach. The building itself is of an appropriate scale and massing and finished in a colour and material that is appropriate for its function and its countryside location.

the siting and means of construction of the private way

The storage barn will be accessed from the existing farm yard (as described within the application form) and therefore the siting of the private way is considered acceptable. The existing access arrangement onto Barling Drove would remain unaltered.

Conclusion

Having assessed the proposal against Class A of Part 6 Schedule 2 the barn would appear to represent permitted development. The design and siting of the barn are also acceptable and therefore Prior Approval 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.