

AGRI/2008/0
116 Erection of an agricultural
 building

Planning
Permission
Needed

6th Jan 2009

Principal Planning Constraints

Open Countryside

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
The Town and Country Planning (GPD) Order	Schedule 2, Part 6, Class A – Agricultural Buildings & Operations	1995	

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location & Description of Development

The application site relates to Ackley Farm, located within the Community Council area of Forden with Leighton and Trelystan. The site is located outside of any settlement development boundary, and as a result for the purpose of this application is considered to be located within the open countryside, as defined by the adopted Powys Local Development Plan (2011-2026). The site itself is situated to the immediate east of the existing farm complex at Ackley Farm, and is otherwise thereafter bound by agricultural land. The site is located approximately 550 metres west of the County boundary with Shropshire.

Under Schedule 2, Part 6, Class A of The Town and Country Planning (General

Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the Local Planning Authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the proposal. In addition, the Local Planning Authority is required to determine whether the proposal would not be permitted development, and as such would require full planning permission.

This prior notification is sought for the erection of a general-purpose agricultural building for the storage of bulk fodder and farm implements. The proposed building would measure approximately 24.4 metres in length and 18.6 metres in width; with a resultant floor area of approximately 454 sq. metres. The building would have a mono-pitch roof with an eaves height of approximately 4.9 metres and a ridge height of approximately 9.4 metres above ground-level. The building would be finished with dark grey cladding above concrete walls, with a grey fibre cement sheet roof.

Principle of Development

The application has been made under the procedures set out within Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, to construct a general-purpose agricultural building for the storage of fodder and implements. Part 6, Class A allows works for the erection of an agricultural building, when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more.

In assessing such applications, and prior to the consideration of the specific criteria set out under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, it is necessary to first evaluate whether the land benefits from agricultural permitted development rights.

In section 336 of the Town and Country Planning Act 1990, it is stated that agriculture *“includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be constructed accordingly”*.

Thus, in order for agricultural permitted development rights to apply on the land, the following five tests need to be considered:

- *“there has to be agricultural use subsisting at the time the building or works are constructed;*
- *any agricultural use has to be operated as a trade or business;*
- *any agricultural use has to fall within the ambit of sec.336;*
- *any agricultural building to be constructed using PD rights has to be reasonably necessary for the purposes of agriculture;*

- *and buildings or works have to be designed for agricultural purposes”.*

Given the application site relates to land adjacent to the existing farm complex at Ackley Farm, it is clear that the land would benefit from the above permitted development rights, and the farm holding is run as a legitimate agricultural enterprise. Furthermore, it is accepted that the proposed building would be designed for an agricultural purpose, being of a typical agricultural design. As such, it is considered that the land would benefit from permitted development rights as outlined within Schedule 2, Part 6, Class A of the GPDO.

The proposed agricultural building would be located within an agricultural unit of approximately 80.9 hectares, and would have a total floor area of approximately 454 sq. metres. It would not be located within 3km of an aerodrome and is under 12 metres in height. The building is to be used for the storage of fodder and implements, and as stated above, is deemed to be necessary for the purposes of agriculture. Furthermore, it would be of a typical agricultural appearance, and has been designed for agricultural purposes. The building would not be used to house livestock or to store slurry or sewage sludge. The site of the proposed building would be more than 25 metres from a classified highway and the proposal as a whole is deemed to meet all of the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Consequently, the development is considered to constitute Permitted Development.

With regard to the siting, design and external appearance of the building proposed, it is noted that it would be located adjacent to the existing farm complex at Ackley, and as a result would be read in conjunction with the existing agricultural buildings when viewed from within the surrounding area. The building would be of typical agricultural appearance and would assimilate well into its agricultural context. Due to its appropriate siting in close proximity to existing agricultural buildings and acceptable design, officers consider the building as proposed would not adversely impact upon the surrounding landscape, and thus prior approval of the details of siting, design and external appearance would not be required.

Conclusion

In light of the above assessment, the proposed development is considered by officers to comply with the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and would be permitted development. In addition, officers consider that prior approval of details of siting and design and external appearance are not required for the development proposal.

RECOMMENDATION – Prior Approval Not Required

The submitted notification is in accordance with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) – Agricultural Buildings and Operations on Units of 5 Hectares or More.

The development must be carried out in accordance with the notification submitted to Powys County Council **within five years of the date of permission.**