

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	05/01/24
Planning Manager / Team Leader authorisation:	ML	05/01/2024
Planning Technician final checks and despatch:	ER	05/01/24

Application: 23/01800/AGRIC **Town / Parish:** Ardleigh Parish Council

Applicant: Mr James Blyth

Address: Wick Farm Wick Lane Ardleigh

Development: Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) for a new general purpose agricultural store.

1. Town / Parish Council

Not required

2. Consultation Responses

Not required

3. Planning History

91/00300/FUL	Retention of access (for agricultural use) in variance of condition 15 of permission TEN/247/85	Determination	09.09.1991
94/00511/FUL	Replacement of existing cattle shed	Approved	03.11.1994
03/00666/AGRIC	Enlarged hardstanding and new general purpose agricultural store	Determination	19.06.2003
03/01570/AGRIC	Erection of building	Determination	08.09.2003
04/02244/CMTR	Winning and working of minerals, removal of surplus soils and the erection of a low profile processing plant, concrete batching plant and ancillary buildings (including a workshop). Interim restoration to lakes and subsequent construction of a public water storage reservoir as an extension to the Ardleigh Reservoir with landscaping and an area of public open space.(ESS/57/04/TEN)	Determination	25.03.2010
05/01382/FUL	Change of use to B1 / B2	Refused	30.05.2006

06/02036/AGRIC	Erection of agricultural building.	Determination	19.12.2006
85/00247/LBC	Construction of reservoir for agricultural purposes with extraction of minerals via a temporary access onto old ipswich road	Approved	25.07.1986
09/01283/LBC	Conversion of redundant listed agricultural barn to form 1 no. residential dwelling including internal and external alterations, as amended by drawing nos. A/52092/3F and A/52092/6F received on 2 February 2010.	Approved	05.02.2010
09/01288/FUL	Conversion of redundant listed agricultural barn to form 1 no. residential dwelling; including internal and external alterations and alterations to existing vehicular access, as amended by drawing nos. A/52092/3F and A/52092/6F received on 2 February 2010, and agents e-mail dated 8 January 2010 timed at 12:04.	Approved	09.02.2010
10/00710/CMTR	Changes to the plant and operations area to incorporate improved visual screening and increase areas for stockpiling. (ESS/57/04/TEN - 04/02244/CMTR).	Determination	18.08.2010
10/00718/CMTR	Condition No: 2, 7, 9, 10, 15, 16, 18, 20, 22, 23, 25, 27, 31, 36, 39, 40 and 43. Details relating to: Working Scheme/Plan (2), Road Design (7), Road Signs (9), Footpath Diversion (10), Noise Monitoring Locations (15), Reversing Alarms (16), Lighting (18), Advanced Planting (20), Protection to retained trees and hedgerow (22), Soil Movements (23), Bund Construction (25), Machine Movements (27), Archaeology (31), Ecology (36), Plant (39), Dust (40), and Habitat Compliant Water (43).	Determination	12.11.2010
11/01032/FUL	Retention of dwelling unit.	Refused	21.10.2011

11/01033/FUL	Retention of shooting lodge.	Approved	16.04.2012
12/01306/FUL	Conversion of redundant listed agricultural barn to form 1 no. residential dwelling; including internal & external alterations & alterations to existing vehicular access, as amended by drawing Nos A/52092/3F & A/52093/6F received on 2 February 2012 & Agents email dated 8 January 2012 timed at 12:04. (Extension of time on previously approved 09/01288/FUL).	Approved	14.01.2013
12/01311/LBC	Conversion of redundant listed agricultural barn to form 1 no. residential dwelling including internal and external alterations, as amended by drawing nos. A/52092/3F and A/52092/6F received on 2 February 2010.(Extension of time on previously approved 09/01283/LBC).	Approved	14.01.2013
14/01528/AGRIC	Construction of agricultural irrigation reservoir.	Determination	10.11.2014
16/01166/FUL	Conversion of listed agricultural barn to form 2 No. residential units including internal and external alterations and ancillary works including alterations to existing vehicular access.	Approved	30.09.2016
16/01167/LBC	Conversion of listed agricultural barn to form 2 No. residential units including internal and external alterations and ancillary works including alterations to existing vehicular access.	Approved	30.09.2016
17/00524/CMTR	Ground water monitoring.	Determination	04.04.2017
20/01582/AGRIC	Proposed agricultural irrigation reservoir.	Determination	24.11.2020
23/01800/AGRIC	Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England)	Current	

order 2015 (as amended) for a new general purpose agricultural store.

4. Relevant Policies / Government Guidance

Not required

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises of a farm and associated buildings located to the east of Wick Farm.

The site benefits from a large hardstanding and small number of existing buildings varying in size and design.

Proposal

This is a 'prior notification' under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The applicant is seeking the Council's determination as to whether 'prior approval' is required for the erection of an agricultural building.

The proposal is for the construction of an agricultural storage building, measuring 30 metres in length, 12.2 metres in depth, with an overall height of 7.5 metres. The building will be constructed from green plastic coated tin sheets. The area of the building would be approximately 366 square metres.

The application form states that the building will be for general purpose agricultural storage, it is therefore considered to be an agricultural building and needs to be assessed under the following criteria:

Appraisal

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343 and which came into force on 6th April 2018 allows for the erection, extension or alteration of a building or any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within an agricultural unit of 5 hectares or more providing that a number of criteria are met, which are related to the location, size and use of the building.

The key change of the 2018 amendment to the Order is that it increased the ground area which would be covered by, in this case, any building erected by virtue of Class A from 465 square metres to 1000 square metres. As the area of the agricultural holding is in excess of 5 hectares (some 526 hectares) the proposed building falls to be considered under Class A. In order to comply with the permitted development criteria of Class A, details must be submitted to the Local Planning Authority for a determination as to whether the proposal would comply with the criteria set out in Class A and whether the prior approval of the authority will be required to the siting, design and external appearance of the building, as stated in Condition A.2 (2) of Part 6,

Class A.

The proposed agricultural building is not permitted development if the criteria set out in Part 6 (Class A) cannot be met. This criterion is set out and addressed 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. A separate parcel of land is defined as being separated by land in different ownership, or for example by a public highway.

The development is not located within a separate parcel of land which is less than 1 hectare in area.

The proposal complies.

(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:

Class Q of Part 3 of the GPDO is concerned with agricultural buildings changing to dwellinghouses. Class S of Part 3 of the GPDO is concerned with agricultural buildings changing to a school or nursery. No development under Class Q or Class 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 therefore the proposal complies.

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

The proposal does not involve the erection, extension or alteration of a dwelling. Therefore the proposal complies.

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes:

The proposal does not involve the provision of a building, structure or works not designed for agricultural purposes as outlined previously. Therefore, the proposal complies.

(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 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

The proposal does not involve any works or structure for accommodating livestock or any plant machinery arising from engineering operations and does not exceed 1000 square metres. Therefore, the proposal complies.

(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:

The agricultural building is not within 3 kilometres of the perimeter of an aerodrome. Therefore, the proposal complies.

(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 agricultural building is not within 3 kilometres of the perimeter of an aerodrome and does not exceed 12 metres in height. Therefore, the proposal complies

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

Wick Lane is an unclassified road. The proposal complies.

(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;

Class A Part 6 of the GPDO defines a protected building as: any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include— (a) a building within the agricultural unit; or (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

The proposed building is within 400m of protected buildings to the south east of the site known as "Wick Farm House " however, will not be used for the accommodation of livestock or storage or slurry or sewage. The proposal complies.

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

The land is not part of a National Park or any other form of Article 2(4) land nor is the proposal connected to fish farming. Therefore, the proposal complies

(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.

The proposal is within 400 metres of a protected building; however the proposed building is not for the use of storing fuel for or waste from a biomass boiler or an anaerobic digestion system. Therefore, the proposal complies.

Conditions

Conditions: Development is permitted by Class A subject to the following conditions— (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro turbine;

N/A

(b) where the development involves (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;

N/A

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

N/A

(2) Subject to sub-paragraph (3), development consisting of— (a) the erection, extension or alteration of a building; (b) the formation or alteration of a private way; (c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or (d) the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions: (i) 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; (ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

Complied with.

Post Determination

(iii) the development must not begin before the occurrence of one of the following:

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under sub-paragraph (iv) where the Local Planning Authority give the applicant notice that such prior approval is required, the applicant must:

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out:

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out:

(aa) where approval has been given by the Local Planning Authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the Local Planning Authority were given the information referred to in paragraph (d)(ii).

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and;

(a) the use of the building or extension for the purposes of agriculture within the unit

permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the Local Planning Authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the Local Planning Authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Assessment of the siting, design and external appearance

Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character and appearance.

Siting, Design and External Appearance

The proposed building is to be located to the eastern side of Wick Farm and close to other existing buildings at the site. The site itself comprises of a mixture of other agricultural buildings which vary in terms of design and scale.

The new agricultural building will be of a scale appropriate to the holding and its surroundings with materials to complement the existing barns whilst staying individual, the roof will be finished in grey plastic-coated tin panels and the walls will be finished a mixture of green and grey tin and concrete panels similar to other buildings already in situ.

The building is of a typical agricultural design, using similar materials to other buildings at the site and is considered to integrate well within its surroundings and it is not considered to have a detrimental impact upon the surrounding rural area. The site contains other buildings of a similar agricultural design and scale, is set well back from any highway and in the context of this rural farming area, the proposal will assimilate well within the existing surroundings and not appear significantly harmful to the areas existing character. Furthermore, the building will largely be seen in the context of the wider agricultural holding from longer range views and will not instead be seen as an isolated building, which further reduces its impact to the rural landscape.

Conclusion

The proposed agricultural building complies with Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 6 Agricultural and Forestry Permitted Development, of the above-mentioned order (as amended), and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

6. Recommendation

Determination prior approval not required.

7. Conditions

- 1 The development complies with the provisions of Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) (as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343. The erection of the building for the purposes of agriculture are acceptable subject to the following conditions:

1. The development must not begin before the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.
2. The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out where prior approval is not required, in accordance with the details submitted with the application.
3. The development must be carried out where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given.

8. **Informatives**

Not required

9. **Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include 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* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral