



## 22/00944/GDOAGR - Land south of Cross Roads Farm, Scalford, Eastwell

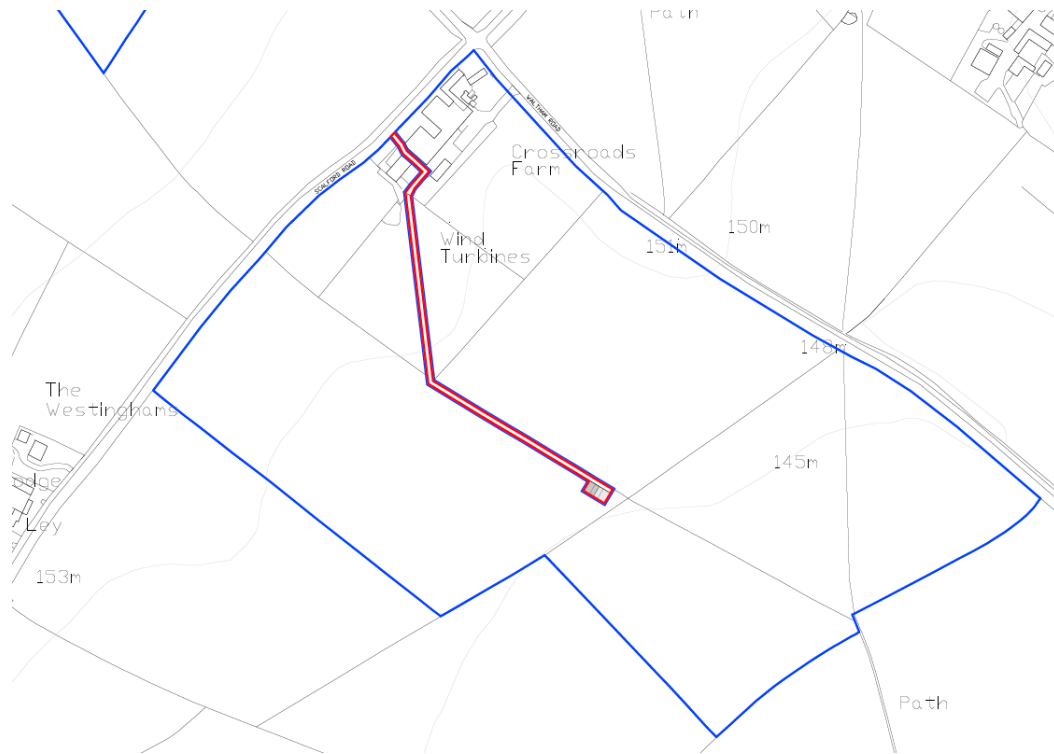
**Proposal: Notification under Part 6, Class A of the Planning (General Permitted Development) Order 2015 (as amended) for the erection of an agricultural building for livestock.**

**Applicant: Mr A Hewson.**

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr Alan Hewson (Croxton Kerrial)
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 This report addresses a 'Prior Notification' for the erection of an agricultural building for livestock. It is not a planning application as such, the legal basis for the Notification and the Council's responsibilities in this connection are explained below.
- 1.2 The Notification is required to be considered by the Committee because it is submitted by a Member of the Council, Councillor Hewson.



### RECOMMENDATION(S)

1. It is recommended that no prior approval of the matters listed in Part 6, Class 6 are required (see section 7 below)

## 2 Reason for Recommendations

2.1 The proposed development accords with all of the criteria set by Part 6, Class A of the Planning (General Permitted Development) Order 2015 (as amended) and the matters subject of conditions specified by part A.2 of this legislation are not applicable to the circumstances of the case.

## 3 Key Factors

### 3.1 Reason for Committee Determination

3.2 The Notification is required to be considered by the Committee because it is submitted by a Member of the Council, Councillor Hewson.

### 3.3 Relevant Policies

3.3.1 The Council's role in the consideration of the Prior Notification is to establish whether all of the qualifying criteria have been met, and whether grounds exist to require a prior approval. It is a matter of fact whether it is permitted development and do not require a full planning application considering the legislation under Part 6, Class A of the GPDO 2015 (as amended) as explored below.

3.3.2 Therefore no local policy is considered with prior approvals.

3.3.3 The prior-approval relates to agricultural developments on units of 5 hectares or more (the site is a total of 310 hectares in size as detailed within the email with additional supporting

information) and therefore falls under Class A of Part 6. Each point is responded to in **bold**.

## 4 Report Detail

### 4.1 Proposal

- 4.1.1 The proposal seeks prior approval for the erection of a new agricultural building for livestock. The prior notification has been supported by a plan showing the holding and location of the new building together with a description of the materials, including its dimensions and reasoning for the prior approval.
- 4.1.2 The proposed extension would measure 25.9 metres in length with a width of 2.6 metres being 4 metres to the eaves and 6.9 metres to the ridge. The walls would be built from concrete panels and vertical timber cladding and the roof would be a dark-grey corrugated material.

### 4.2 Site

- 4.2.1 The site is considered to be on the outskirts of the village of Eastwell and is classed as open countryside.
- 4.2.2 There is an existing access serving the site which is accessed via Scalford Road. There are a number of farm buildings within the farm yard, albeit some are small brick buildings as well as portal framed buildings which are set back into the site.

### 4.3 Planning History

- 4.4 20/00786/FUL - Change of Use from agricultural to residential use. To include listed barn, ancillary buildings and courtyard as well as surrounding farm setting – PERMIT - 16.10.2020
- 4.5 20/01514/GDOCOU - Proposed change of use of agricultural buildings to 3 dwellings. – GDO APPROVAL - 05.03.2021
- 4.6 21/01204/FUL - Provision of three new dwellings, a replacement farm yard, 3 barns, a joiners workshop, a farm shop and cafe, and a building for use as a railway museum with associated parking, and landscaping (hard and soft). – PERMIT - 31.08.2022

### 4.7 Part 6 Class A Criteria

- 4.7.1 Part 6, Class A – agricultural development on units of 5 hectares or more
- 4.7.2 Permitted development
- 4.7.3 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.
- 4.7.4 **Given that the farm benefits from a small complex of agricultural buildings it is considered that the development would be reasonably necessary for the purposes of agriculture.**
- 4.7.5 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;

**The development would not be carried out on a separate parcel of land which is less than 1 hectare in area.**

- 4.7.6 (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 Class Q notification 20/01514/GDOCOU was given approval in 2021. However, following this, 21/01204/FUL has been given permission. The Proposals within the GDOCOU application have not commenced.**

**If the Class Q development was to be carried instead of the proposals within 21/01204/FUL then this development would then not fall under permitted development. However at the point in time of assessing this notification no development under Class Q has been carried out.**

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

**The development would not consist of the erection, extension or alteration of a dwelling.**

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

**The proposed development would provide an additional agricultural building for the shelter of livestock. Overall it is considered that the works would be designed for agricultural purposes.**

- 4.7.9 (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 proposed extension would measure 25.9 metres in length with a width of 12.6 metres being 4 metres to the eaves and 6.9 metres to the ridge. This would equate to 326.3sqm thus falling under the threshold of 1000 square metres.**

- 4.7.10 (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 development would not be within 3km of the perimeter of an aerodrome.**

- 4.7.11 (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 development would not exceed 7 metres in height.**

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

**The development would not be within 25 metres of a metalled part of a trunk road and has measured and confirmed accordingly.**

- 4.7.13 (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 development will be used for livestock, however it is not within 400 metres of the curtilage of a protected building. The nearest protect building (non-farming dwelling) is an estimated 550m away.**

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

**The development would not be on or over article 2(4) land.**

- 4.7.15 (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 development would not relate to any of the above.**

## 4.8 A.2 Conditions

- 4.8.1 (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;

**This current proposal is sited in an agricultural setting, the design is deemed to be of an agriculture aesthetic and therefore it is considered that the proposal would not appear unduly prominent, when viewed in the context of an agricultural setting.**

## 5 Consultation & Feedback

- 5.1 Due to the nature of a prior notification, no consultation was required.

## 6 Financial Implications

- 6.1 There are no financial implications arising from this notification.

**Financial Implications reviewed by: N/A**

## 7 Legal and Governance Implications

7.1 The Notification requires consideration by the Committee as it is submitted by a Member of the Council (Constitution Chapter 2 , Part 9, 'Planning Committee functions and procedures')

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

<b>Report Author:</b>	<b>Alex Coy</b> , Planning Officer
<b>Report Author Contact Details:</b>	01664 502566 ACoy@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Peter Baguley</b> , Assistant Director for Planning
<b>Chief Officer Contact Details:</b>	01664 502359 pbaguley@melton.gov.uk