
**Prior notification for erection of a new agricultural building
and installation of a new access track**

**Report Item No
A2**

Land At Coleorton Lane Packington

**Application Reference
20/00677/AGP**

**Grid Reference (E) 436277
Grid Reference (N) 314994**

**Date Registered:
8 April 2020**

**Applicant:
Mr Eaton**

**Consultation Expiry:
29 May 2020**

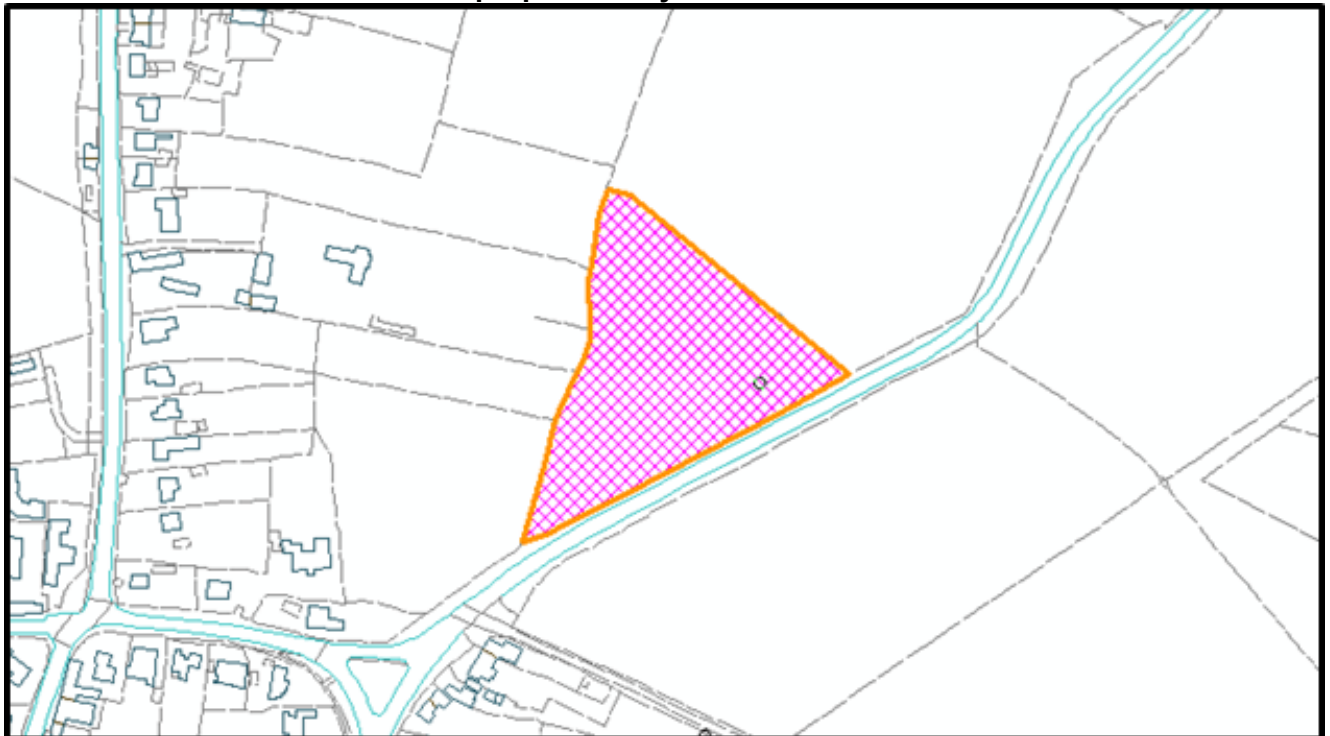
**Case Officer:
Sarah Booth**

**8 Week Date:
6 May 2020**

**Extension of Time:
3 June 2020**

**Recommendation:
No objection**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt, the application is recommended for approval and objections have been received.

Proposal

This is an application for prior notification under Part 6, Class A of Schedule 2 of the Town and Country Planning General Permitted Development Order (GPDO) 2015 (as amended) for the erection of a new agricultural building and installation of a new access track on Land at Coleorton Lane, Packington.

The General Permitted Development Order 2015 grants permitted development rights to allow for certain types of development without the need for planning permission. However, in cases such as this, it is necessary to seek prior approval from the Local Planning Authority as to whether specific elements of the development are acceptable before work can proceed. The assessment criteria for prior notification applications are strictly limited to those defined in the General Permitted Development Order 2015; the specifics of which have been identified in the detailed report.

Consultations

Members will see from the main report below that there is one letter of representation received from the Parish Council objecting to the scheme. There are no other objections raised from statutory consultees.

Planning Policy

It is considered that the development would accord with Town and Country Planning (General Permitted Development) (England) Order 2015 and the National Planning Practice Guidance.

Conclusion

The submission has been assessed against the criteria set out under Part 6, Class A of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The location of the development and the materials proposed are considered to be appropriate and the scheme does not give rise to any significant material impacts upon the designs of the building or the wider appearance of the countryside. Accordingly it is therefore recommended that prior approval be granted.

RECOMMENDATION - NO OBJECTIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an application for prior notification under Part 6, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the erection of a new agricultural building for the storage of hay and machinery and installation of a new access track on Land at Coleorton Lane, Packington.

The General Permitted Development (England) Order 2015 (as amended) grants permitted development rights to allow for certain types of development without the need for planning permission. However, in cases such as this it is necessary to seek prior approval from the Local Planning Authority as to whether specified elements of the development are acceptable before work can proceed. The assessment criteria for agricultural prior notification applications under Part 6, Class A are strictly limited to the siting, design and external appearance of the development.

The planning agent has provided additional information during the course of the application with regard to some of the matters raised by the Parish Council.

Planning History

There is no recent planning history for the application site. However there is an application on an adjacent site in the applicant's ownership that is relevant to the application:

16/00279/FUL - Erection of two stables, tack room, tractor shed and Dutch barn and formation of driveway/hardsurfaced area (Permitted 28.06.2016).

2. Publicity

11 Neighbours have been notified.
Site Notice displayed 10 April 2020.

3. Summary of Consultations and Representations Received

Packington Parish Council - has raised objections which are listed as follows:

- Concerns that development has commenced and full planning permission is required.
- Construction waste has been imported to the site.
- No drawings have been provided of the proposed building.
- Details should be provided for design and external appearance of the building and construction of private way.
- The site is prominent and unspoilt.
- Landscaping is required.
- The hard standing would be over 1000 square metres.
- The building is not reasonably necessary for the purposes or agriculture.
- Concerns with surface water and pollution or effluent entering a tributary to the River Mease.
- Overall impacts on River Mease.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

No other letters of representation have been received during the course of the application

4. Relevant Planning Policy

Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) relates to permitted development rights for agricultural operations. The proposal would be located on agricultural land and so is considered under Class A (as the agricultural holding is over five hectares). Development is not permitted under this part of the GPDO if it does not comply with all the criteria set out under Part 6, Class A.

There are no policies in the adopted North West Leicestershire Local Plan (2017) relating directly to Prior Notifications of agricultural and forestry operations which constitute permitted development.

The National Planning Practice Guidance sets out guidance in respect of permitted development rights.

5. Assessment

Principle

This development is for the erection of a new agricultural building and installation of a new access track on Land at Coleorton Lane. This type of application is a prior notification with specific regard to Part 6, Class A, Schedule 2 of the General Permitted Development Order (GPDO) 2015 (as amended). For such applications the principle of development is not a matter for consideration and the only assessments relate to whether the development is compliant with all of the relevant parts of the GPDO.

The GPDO makes it clear that, where a development falls under Part 6, Class A of Schedule 2 of the Order, the Local Planning Authority can only determine whether prior approval will be required in relation to siting, design and external appearance of the development.

Validity of the application

Packington Parish Council have raised concerns that the proposed development has already commenced on site and in that instance the proposal would not accord with the criteria of the GPDO and full planning permission would be required. These concerns have been considered and an Officer site visit has taken place to assess the works on site.

There is an existing hard standing area and track that goes into the field approximately 50m along the hedgerow and ditch, as indicated on the site location plan. The planning agent has advised that the field has recently come into the applicant's sole control and it is the applicant's intention to bring the land into good agricultural condition. The agent has confirmed that the works to the existing area of hard standing consisted of repairs and maintenance of the existing

hard surfacing. The GPDO 2015 (as amended), Schedule 2, Part 9, Class E allows for such works and, therefore, planning permission would not have been required for these maintenance works on site.

Some site clearance works to remove vegetation have also taken place along the site's western boundary in preparation for the proposed new track, should permission be forthcoming. Notwithstanding these works they are not considered to constitute commencement of development and therefore it is recommended that the application should continue to be determined as an agricultural prior notification.

Concerns have also been raised by the Parish Council that waste has been imported onto the site. The planning agent has advised that the applicant has moved some topsoil from an adjacent field located off Ashby Road (which also in the applicant's ownership) to the application site. The fields are connected internally within the applicants ring fenced holding and constitute one holding only. Due to poor conditions in the winter and livestock being kept on the application site at Coleorton Lane, there was significant damage to the southern corner of the application site where the access is. The topsoil has been spread to help repair the ruts in the ground and has now been reseeded. The soil was transported on the road so as to not cause further damage to the fields. On that basis the topsoil arising from the adjacent field is not considered to be waste as it remains within the overall site that it was produced. Nor as a matter of fact and degree does the alleged importation of soil constitute development pursuant to section 57 of the Town and Country Planning Act 1990 (as amended).

Compliance with the GPDO

The Parish Council do not consider that the development is reasonably necessary for the purposes of agriculture, which is a criteria for consideration under Part 6, Class A of the GPDO. The planning agent has therefore provided an additional supporting statement to justify the proposal.

The building would be used to store hay, straw and agricultural machinery. The applicant's holding spans an area of 34 acres (13.8 hectares) in one block to the north of Packington. The farm income is primarily derived from the sale of hay and haylage. Following haymaking season the land is then grazed by a local farmer's flock of sheep.

The applicant has use of one other agricultural building, which is outside of the application site. This other building is situated within one of the applicant's other fields on land adjacent to Ashby Road in Packington and was approved under application 16/00279/FUL. The submitted supporting statement advises that the new and existing buildings are both required to accommodate the amount of hay that is produced and to adequately store it in accordance with their best practice guidance.

The Parish Council have stated that the development would be over the maximum floor area limit of 1000 square metres as defined under Part 6 Class A of the GPDO. The proposed new building would have a floor area of approximately 250 square metres. Additionally, the maximum height of the building is proposed as 7.3 metres, which would also be below the maximum limit of 12 metres specified under Part 6, Class A of the GPDO. Therefore this proposal would be compliant with the GPDO.

For the avoidance of doubt, even if the floor area of the existing building on the adjacent field (approved under application 16/00279/FUL) was to be included in the cumulative floor area for

all existing and proposed development this would still fall below the 1000 square metre floor area requirement.

The size limitation applies only to the floor area of a building and there are no restrictions to the amount of area that can be created for a new track. Therefore this development would be compliant with the size criteria of the GPDO.

The Parish Council commented that no detailed drawings had been provided for the application. Whilst this is not usually a requirement for agricultural prior notification applications the agent has now provided elevation drawings to assist with the determination of the application. The plans show that the walls would be constructed of prefabricated concrete panels with fibre cement corrugated sheeting, and the roof would also be clad in the same materials. The eastern elevation would remain open. It is also proposed to use crushed stone materials for the access track. This design and the proposed materials are consistent with the appearance of typical agricultural development and therefore this is considered to be acceptable.

The Parish Council have asked for additional landscaping to be considered, however this is not something that can be requested under this type of prior notification application.

With regard to siting of the proposed building and track, whilst they would be visible from some surrounding views it would be set back at least 80 metres from Coleorton Lane and would be partly screened by boundary hedgerows. Furthermore the development would be sited adjacent to the western boundary minimising it's prominence. As such it is considered the building would not be detrimental to the present character of the site or the surrounding countryside.

In view of the above, it is considered that the proposed building is reasonable and necessary for the purpose of agriculture and would comply with all requirements of Part 6, Class A of the GPDO. The details in relation to the siting and external appearance of the development are also considered to be acceptable and therefore no objections are raised.

River Mease

The site lies within the catchment area for the River Mease Special Area of Conservation. The Parish Council have raised matters relating to the impact of the development on the River Mease, particularly the impacts of drainage and pollution.

For the assessment of agricultural prior notifications the impact of the building on the SAC cannot be taken into account when determining this submission. There is a subsequent separate application process under section 77 of the Conservation of Habitats and Species Regulations 2017 specifically for the assessment of impacts on the River Mease. A note to applicant should therefore be imposed advising the applicant of this matter.

Highways

The Parish Council have also objected to the application on the grounds of highway safety matters. For the assessment of this prior notification application highway safety is not a matter that can be taken into consideration. Notwithstanding this, the application site would still be used for hay making with or without the proposed building and as the building would only be used for storage it is not envisaged that the use of the new building would intensify the use of the access beyond its existing agricultural use.

Conclusion

The submission has been assessed against the criteria set out under Part 6, Class A of the General Permitted Development (England) Order 2015 and has been found to comply with them all. The location is considered to be appropriate and the scheme does not give rise to any significant material impacts upon the character or appearance of the site or the surrounding area. Accordingly it is therefore recommended that prior approval be granted.

RECOMMENDATION - NO OBJECTIONS.

No conditions are recommended for this application.