

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00298/AGR

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 05.05.2025 **EXT OF TIME** N/A

Address: Land Lying To The Sw Of Ashworth Road, Rochdale. Lancashire OL11 5UN

Proposal: Prior approval for agricultural building for machinery and hay storage

PUBLICITY	Weekly list expired?	Y	Site notice expired?	NA
	Neighbour letters expired?	NA	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	NA
	Neighbour comments received?	NA

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	NA
	Pre-commencement conditions agreed (or notification period expired)?	NA

RECOMMENDATION	REFUSED
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CHECKED AND SIGNED OFF BY: TH **DATE:** 01.05.2025

SITE

The application site relates to land south of Ashworth Road, Rochdale. The site is approximately 600m south of the adopted highway, and accessed off a track road.

The submitted application form alleges the total area of the entire unit is 6.2 hectares, however no map or details of the size of the entire unit was submitted. Taking the application form at face value, the LPA will consider the proposal as submitted under Part 6 Class A accordingly.

PROPOSAL

The application proposed the erection of a new agricultural building. The building would measure 24.4m in length, 12.2m in width and would have a pitched roof with an eaves height of 4.9m and a ridge height of 6.69m.

The blue edge of the site location plan received 07/04/2025 suggests the land owned by the applicant is 3.9ha in size however the application site outlined in red is less than 1ha in size.

The proposed materials consist of Yorkshire Boarding, Concrete panels and fibre cement roof with integrated roof lights.

RELEVANT PLANNING POLICY

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Part 6, Class A of Schedule 2 relates to units of 5ha or more, and Class B relates to units of less than 5 hectares.

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

There is no statutory requirement for the publicity of prior approval applications relating to agricultural development undertaken pursuant to Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the application has not been publicised by the Local Planning Authority.

ANALYSIS

The application is for prior notification for the erection of an agricultural building under Schedule 2 Part 6 Class A (Agricultural Development on Units of 5 Hectares or more) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Compliance under Part 6 Class A of the GPDO

Development is permitted under Class A for 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.

In order to benefit from prior notification process under Part 6 Class A, the proposed development must be carried out on agricultural land comprising an agricultural unit of 5 hectares or more in area, and must be reasonably necessary for purposes of agriculture.

The application is supported by a supporting statement, proposed elevations, floor plans, site plans and a location plan. The location plan does not show the full extent of the red line, therefore not showing the whole site required for the development. The supporting statement does not provide details of the agricultural smallholding number, nor any details of a map showing the agricultural unit. The supporting statement and application form do not specify the exact size of the parcel of land where the development is to be located, other than this is to be one or more hectares.

The agricultural holding is stated to be 6.2ha in size. No details have been submitted to support this and the blue edge indicated on the location plan indicates an area which measures slightly less than 5ha.

Nonetheless for the sake of completeness the proposal is considered against the rest of the criteria of Class A.

“Agriculture” is defined within the 1990 Act as follows:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, 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 construed accordingly;

‘Agricultural land’ is defined in the GPDO as

“land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden”

In regards to the agricultural business, the supporting statement states the building is to be used for weatherproof storage of agricultural produce and machinery, however only limited details are provided regarding the agricultural produce taken from the land or the nature of the agricultural trade or business.

It was noted during the site visit the existing building to the north of the location of the proposed building, which appears dilapidated and does not appear to be in active use for agricultural purposes. From the circumstances observed upon the site visit it was not clear that the land that the application relates to is in active agricultural use.

As such, it is unclear that the proposed building would be reasonably necessary for the purposes of agriculture within the unit. As such, it has not been possible to conclude that the proposal would comprise permitted development under Schedule 2 Part 6.

In any case, to comprise permitted development under Schedule 2, Part 6, Class A, the proposal would also need to comply with the requirements of paragraph A.1.

Development is *not* permitted 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 size;*

The parcel of land appears to be more than 1 hectare in size.

- 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;*

No part of the immediate curtilage has been subject to any such documented change of use under the above legislation over 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;*

The application does not propose the erection, extension or alteration of a dwelling.

- d. *it would involve the provision of a building, structure, or works not designated for agricultural purposes.*

The building does appear to be designated for agricultural purposes, however as set out above it is unclear from the lack of information submitted and from the circumstances on-site whether it would be reasonable necessary for an agricultural purpose.

- 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 square 1000 metres, calculated as described in paragraph D.1(2)(a) of Part 6.*

There is an area of hardstanding proposed to provide access to the building. There are no other works or structures to accommodate livestock, plant or machinery arising from engineering operations.

The proposed ground area covered by the development would be 297 square metres and no further authorised development has been undertaken at the site as described in paragraph D.1(2)(a) within the last 2 years. The area of the building therefore falls below the maximum permitted 1000 square metres.

- 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 building would not be within 3 kilometres of an aerodrome.

- 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 building would not be within 3 kilometres of an aerodrome. Nonetheless, the height of the building would not 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;*

The development would not be within 25 metres of a metalled road. The building is sited over 570m from Ashworth Road.

- i. it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, or 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 submitted information outlines that the building is used for agricultural purposes comprising storage of bales of hay/grass and associated machinery, and is not for the accommodation of livestock or storage of slurry or sewage sludge. The proposal therefore complies in this regard.

- j. It would involve excavation 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 and is not connected with fish farming.

- 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 does not include provision for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.

In summary, the development would comply with the limitations set out in paragraph A.1. Nonetheless as set out above it is not considered that the building would be reasonably necessary for the purposes of agriculture in the unit.

Siting and Design

Where development is considered to comprise permitted development under Part 6 Class A, the developer must apply to the LPA for a determination as to whether the prior approval of the LPA will be required for the siting, design and external appearance of the building.

As the proposal is not considered to comprise permitted development in this instance, in this instance is not essential for the LPA to undertake this assessment, however for completeness this assessment is undertaken below.

In assessing the siting, design and external appearance, Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that

developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The proposed siting of the agricultural building would be to the south of the existing agricultural property, sited just beyond the existing structure; which does not appear to be in any current agricultural use. It is questioned what the current use of this building is and why it cannot be reused for the purpose of the proposed development.

The building would be at the end of the track lane from Ashworth Road and approximately 200m south of the nearest properties. The land of the site drops to the rear however given the woodland and the rural setting it is unlikely the proposal would be visible to anyone from an adopted highway or adjacent property. The public right of way HeyFp172, HeyFp34 and HeyFp26 are the closest public rights of way located near the site, however it is not considered the proposed building would be out of place in its location. On that basis it is accepted that the chosen location, is suitable for the development.

The elevations of the proposed building would be constructed using Yorkshire Boarding, Concrete Panels and fibre cement sheeting with rooflights and a personnel door and a vehicle door. The existing track will be used to access the building from Ashworth Road. The design of the proposed building is of a standard design and materiality that is commonly used for agricultural buildings throughout the borough and the country. As such, the building would be clearly visible as an agricultural building. Considering the location of the proposed building, it is considered to be acceptable in this location.

In light of the above, in the event that the proposal comprised permitted development, it would be considered acceptable in terms of its siting, design and external appearance.

REFUSED – not permitted development

1. The proposal would not comprise permitted development under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the following reasons:
 - i) In order to benefit from prior approval under Part 6 Class A, the proposed development must be carried out on agricultural land comprising an agricultural unit of 5 hectares or more in area. Insufficient information has been submitted to clearly demonstrate the extent of the agricultural unit. Accordingly, the application fails to demonstrate that the land on which the building would be erected constitutes agricultural land or comprises part of an agricultural unit of 5 hectares or more, and fails to provide sufficient evidence to demonstrate compliance with Part 6, Class A, Paragraph A.1(a) of the GPDO.
 - ii) Part 6, Class A of the GPDO requires any building erected to be reasonably necessary for the purposes of agriculture within that unit. The application has failed to demonstrate through the submission of appropriate evidence that the development is reasonably necessary for the purposes of agriculture, and that the proposed use of the building is an agricultural use.

Notes for Applicant:

INFORMATIVE:

For the avoidance of doubt, this Decision Notice relates to the following plans:

- ☐ Application Form dated 24/03/2025
- ☐ Supporting Report dated 19th March 2025
- ☐ Site Location Plan dated 7th April 2025
- ☐ Proposed Plan Rev A - received 07/04/2025

Report Author Rosalind Gralton