

APPLICATION NUMBER: 23/00678/AGR

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00678/AGR	Aimee Bovaird	11 July 2023

Address: Harefield Hall Farm Chadwick Lane Heywood Rochdale OL10 1QL

Proposal: Prior approval for the erection of an agricultural building

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

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

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA DATE: 21.07.23

SITE

The site is accessed via an unadopted road off Chadwick Lane. The farm consists of a derelict farmhouse and sheds constructed in stone. Either side of the private access are residential houses. To the south and east of the site are open fields. There is also cattle being housed at this site. The holding is 20 hectares.

This is in the Defined Urban Area. The proposed agricultural building is not within the green belt, the wider holding falls within the greenbelt.

PROPOSAL

The application seeks prior approval for the erection of an agricultural building for the storage of hay, feed, farm machinery and equipment.

The agricultural building will be 6.4m to the eaves on the north elevation and the land dips at the rear, it will be 7.05m to the eaves in the south elevation. The building will be 30.3m long and 15.15m in width.

The building will be finished in a natural stone plinth to match stonewalls of courtyard buildings and timber cladding. The timber will be dark stained.

The roof will be finished on a green profiled cement cladding.

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 5ha.

RELEVANT SITE HISTORY

02/D40872 – Outline application for residential development including the demolition of 39 Chadwick Lane. Refused and dismissed on appeal.

12/56115 – Erection of 4 dwellings and conversion of agricultural buildings to form 10 dwellings. Application withdrawn.

13/00247/FUL - Erection of 4 dwellings and the conversion of agricultural buildings to form 10 dwellings including the demolition of two existing structures - resubmission of 12/56115/FUL- Approved

23/00501/ARG - Prior approval for the erection of an agricultural building for the storage of hay, feed, farm machinery and equipment – Refused.

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

Not applicable

ANALYSIS

This application is for prior approval for the erection of an agricultural building for the storage of hay, feed, farm machinery and equipment under Schedule 2, Part 6, Class A (agricultural development on units 5 hectares or more) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which allows 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.

Compliance under Part 6 of the GPDO

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.

In light of the previous application failing to provide satisfactory evidence to conclude that the proposed building is for reasonably necessary for agricultural purposes, the applicant has provided details of invoices of cattle they have purchased. This does not demonstrate that an agricultural building is needed or why they need an additional building of this size. The applicant has not provided any supporting statement alongside this information to show the proposed building is reasonably necessary for the purpose of agriculture as is required in order for the LPA to conclude that the PD right is applicable.

Officers note in 2013 permission was granted for the 'Erection of 4 dwellings and the conversion of agricultural buildings to form 10 dwellings including the demolition of two existing structures' (13/00247/FUL). The application was supported by a design and access statement which confirmed that the previous dairy farm operation had ceased in 2008. This application has not been accompanied by information to demonstrate when and to what extent the dairy farm (or any other agricultural use) was reinstated, and indeed if it did come back into use, the need for a building of this size is not provided.

Under an appeal, reference APP/P4225/W/20/3252924, for a similar application at New Birtle Farm, a site circa 600m northwest of the application site, the inspector dismissed an appeal against the decision of the LPA to refuse an application for prior notification for an agricultural building where the LPA was not satisfied that the site was in use as agricultural land and formed an agricultural unit on the basis that they had not "been provided any detailed evidence of such current activities that would constitute an existing trade or business."

To benefit from permitted development under Schedule 2, Part 6, Class A, there should also be an assurance that the development complies with the requirements of paragraph A.1. These are addressed in full 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 size;

Evidence has been provided the size of the land is more than 1 hectare.

- 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.

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

The application does not propose any of the above.

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

As outlined above, insufficient evidence has been provided to demonstrate that the building is reasonably necessary for the purposes of agriculture.

- 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.

The proposed ground area covered by the building would not exceed 1000m

- 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.

- 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 extension is required for storage of hay, feed, farm machinery and equipment. The proposed development 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.

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.

Sitting and Design

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. Nonetheless, as this application is not a valid submission under the prior notification process it is not considered appropriate to consider siting and design at this time.

RECOMMENDATION

REFUSE for the following reason

The proposal does not benefit from permitted development rights under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as 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.

Notes for Applicant:

INFORMATIVE:

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

Location Plan
Proposed Site Plan – 201
Proposed Elevations 1 – 202
Proposed Elevations 2 – 203

Report Author Aimee Bovaird

