

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01293/AGR	Jake Powell	02/11/2022

Address: Brown Hill Farm, Rooley Moor Road, Rochdale, OL12 6BN

Proposal: Application for prior notification for the erection of a steel framed 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	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?	N
	Neighbour comments received?	N

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

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RK

DATE: 07/11/2022

SITE

The site relates to a site on Brown Hill Farm, Rooley Moor Rd, Rochdale. The site is surrounded by several parcels of open land. A public right of way runs west immediately south of the site.

PROPOSAL

The application proposes the erection of a 25m (L) x 15m (W) concrete and timber structure with a height to eaves of 4m and maximum height of 7m. It is to be constructed with concrete panels to 2m with vertical timber boarding above and a cement fibre roof.

RELEVANT PLANNING POLICY

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

RELEVANT SITE HISTORY

00/D37535	Change Of Use Of Agricultural Buildings And Farmland To Horse Stabling And Grazing Facility With All Weather Exercise Area And Associated Parking And Camping Field For Overnight Horse Trekkers. Approved.
18/00901/FUL	Erection of detached single storey agricultural storage building (part retrospective). Refused.
19/00201/FUL	Erection of detached single storey agricultural storage building (part retrospective) - Resubmission of 18/00901/FUL. Approved.
22/00992/AGR	Application for prior notification for the erection of an agricultural storage building. Refused.

The reason for refusal for the recent application ref. 22/00992/AGR is:

- ❑ 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 affects land which is at least in part not agricultural land and the applicant has failed to demonstrate through the submission of appropriate evidence that the development is reasonably necessary for the purposes of agriculture. Furthermore, the application has failed to provide evidence that would satisfactorily conclude that the proposed building would be sited on a defined land parcel of less than 1 hectare.

No conditions are imposed on any of the above granted applications that would remove permitted development rights on the application site.

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

N/A

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

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 applicant has been accompanied by supporting information in the form of:

- ☐ A letter from a veterinary practice who has had business with the farm since 1997 caring for sheep and cattle.
- ☐ A letter from an accountant who has done business with the farm, and who states the farm houses over 300 sheep on the land at any time. The evidence also states that the liver stables were added 18 years ago and comprise only a small portion of land.
- ☐ A letter from an auctioneers, who states the farm is a commercial working farm predominantly breeding sheep with part diversification into horse livery.
- ☐ A letter from a chartered surveyors regarding a 2018 BPS application form to the Rural Payments Agency.

The applicant has also supported the application with a Rural Land Register Map which indicates a total agricultural holding of the farm of 40.64 ha. Whilst it is noted that the applicant has provided some information to support the claim that the site and building would be used for agricultural purposes, there is insufficient information to precisely demonstrate that the proposed building is reasonably necessary for agriculture.

The application form states that the proposed building would be used to house farm machinery and hay bales. There is no detail on what the hay is to be used for, and considering the site benefits from use for equestrian activities, it is a reasonable prospect, that it could be used for horses, which would not be considered agricultural.

Furthermore, in 2019, consent was given for the construction of a storage building (19/00201/FUL). In the description of the report, the officer notes a number of tractors/machinery which were to be stored within this building, yet similar requirements are cited within this application.

Finally, limited detail has been provided on the operation of the farm. The evidence provided suggests a varying number of sheep on the farm, ranging from 100-300 and this evidence has been provided in the form of letters from outside parties. In addition, there are a number of assertions in the submitted information which have not been supported with sufficient evidence. For example, the application form makes note to the requirement for storage of farm machinery off site as there is limited space onsite, however no evidence has been provided on this.

Overall, in light of the information provided, Officers are unsatisfied that the application has provided sufficient evidence to indicate that the proposed development would be reasonably necessary for purposes of agriculture.

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. 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;

Evidence has been provided to demonstrate that the size of the agricultural holding is 40.6 ha. The proposed development would be set across two separate parcels of land identified as no 1354 and 2358 on the submitted agricultural holding plan. Combined, the parcels have an area of 1.1ha

- 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 development would be 375 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 465 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.

- 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 machinery and hay bales; 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.

In light of the above, the current proposal cannot be considered Permitted Development as defined under Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Insufficient evidence has been submitted to satisfactorily conclude that the development would comply with the legislation in this regard. In addition, based on the information provided, it is not considered that the applicant has sufficiently demonstrated the agricultural need for the development. The application would therefore not comply with Schedule 2, Part 6, Class A of the GPDO and cannot benefit from the prior notification procedure.

Prior Approval Matters

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. Similarly, the proposed building would be sited next to Brown Hill Farm, which is a Non Designated Heritage Asset, and next to the Catley Lane Head Conservation Area. As such, the applicant is required to submit a heritage statement prior to determination, and prior approval would be required.

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

Informative

For the avoidance of doubt, this decision relates to the following list of plans:

2175.02	Proposed Floor Plan & Elevations
2175.04	Existing & Proposed Site Plans

Report Author Jake Powell