

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00022/AGR	Nick Brookman	14 February 2025

Address: Top O The Meadow Farm, Meadow Head Lane, Rochdale, OL11 5UL

Proposal: Prior approval for the erection of an agricultural building comprising the demolition of two existing buildings and erection of a general purpose 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/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: TH DATE: 24.02.2025

SITE

The application site relates to Top O The Meadow Farm located off Meadow Head Lane via Edenfield Road.

Top O The Meadow Farm benefits from a large plot comprising of a residential dwelling, barns and ancillary outbuildings/stables and riding areas. A large expanse of countryside and fields lie to the south of the application site.

The submitted application form alleges that total area of the entire agricultural unit is 11.5 hectares.

It was noted that Special Branch Tree Surgeons also appear to operate from the application site and utilise an existing barn and yard area immediately adjacent to the application site.



PROPOSAL

The application proposes the demolition of the former now dilapidated poultry building as shown in the above photograph and the erection of a general purpose agricultural building in their place. The proposed building would measure 25m in length and 12m in width. It would have a pitched roof with an eaves height of 4.8m and a ridge height of 6.1m.

The proposed materials consists of a steel portal frame clad with green polyester coated box profile sheets with grey cement fibre roof sheets.

No elevations have been provided of the proposed building and the above information has been submitted on the application form only.

RELEVANT PLANNING POLICY

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

RELEVANT SITE HISTORY

15/00930/FUL – Installation of biomass boiler with associated flue and storage container (retrospective) – Approved with conditions 07.06.2018

07/D49228 - Determination Of Prior Approval For The Erection Of One Agricultural Building (General Purpose Barn) – Approved 06.06.2007

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

Not applicable.

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 application is accompanied by supporting information in the form of:

- ☐ An application form
- ☐ A location plan showing the proposed development site
- ☐ A justification statement
- ☐ An example 3D image of the proposed building

The applicant has submitted a justification letter setting out reasons for why the new barn is required and each justification is set out below.

Hay

The applicants have set out that they currently have storage for around 300 bales of hay whilst production of hay is around 2500 bales. This means having to have the bulk of hay wrapped in polythene and left outside and the result of this is birds pecking holes in the polythene letting air and moisture in and destroying the contents. A new barn would give the applicants the capacity to store all perishable products indoors and remove the need to wrap the hay in plastic, reducing the effect on the environment and increasing profitability.

Officer Response

Whilst it is recognised hay bales may be stored elsewhere on site, owing to the benefit of a site visit on the 13th February 2025, there was no evidence on site to suggest that any hay bales were currently being stored on site within the application site or adjacent to the existing stable buildings or ancillary buildings.

In addition, no detailed site plan for the proposed building has been provided, showing where the storage for the items referred to above would be within the building, and additionally no details have been provided in respect of where existing or current storage is located in existing buildings or land across the site overall. In the absence of this information, we are unable to provide a judgement as to whether the proposed building is reasonably necessary for agricultural uses in this respect.

Straw

The applicants have set out that they currently have no storage space for straw, shavings and sawdust. This means that there are many vehicle journeys to collect weekly supplies of these items and a new barn would mean they could get a delivery of these products every 3 months removing the need to collect weekly in vehicles thereby reducing carbon footprint and reducing wear and tear on roads.

Officer Response

Linking in with the storage of hay bales, no detailed site plan for the proposed building has been provided, showing where the storage for the items referred to above would be within the building, and additionally no details have been provided in respect of where existing or current storage is located in existing buildings or land across the site overall. In the absence of this information, we are unable to provide a judgement as to whether the proposed building is reasonably necessary for agricultural uses in this respect.

Horse Feed

The applicants have stated that they currently have no storage space for animal feed. This means that there are many car journeys to collect the week's requirements. A new barn would mean they could get a delivery of these products every 3 months removing the need to collect weekly in vehicles.

Officer Response

Owing to the benefit of a site visit on the 13th February 2025, it was evident that the site stables a number of horses and there appeared to be areas of equestrian grazing and riding land on site.

The Town and Country Planning Act 1990 defines "agriculture" as including 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 the land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

The Courts have held that the "breeding and keeping of livestock" does not apply to the breeding and keeping of horses, unless the purpose of breeding and keeping the horses is for their use in the farming of the land.

If the horses are purely kept on the land for grazing purposes and for working the land as part of the alleged agricultural unit, then this would typically meet the definition of agriculture. However, no evidence has been provided to that effect and if the horses are kept for recreational riding and are fed by alternative sources of food brought onto site for example, then this would fall under an entirely different equestrian use that would not benefit from permitted development rights. Either way,

no details or evidence have been provided to substantially provide evidence as to the exact nature of the use of the horses on the land.

No detail has also been provided to show how the storage of such items currently exists across the site or how going forward the use of the site will facilitate the proposed agricultural storage uses only, and how the hay would be separate to the equestrian use. Officers consider that it is a reasonable prospect that some of the hay could be used for horses, which would not be considered an agricultural use.

Furthermore, linking in with the storage of hay bales and other items, no detailed site plan for the proposed building has been provided, showing where the storage for the items referred to above would be within the building, and additionally no details have been provided in respect of where existing or current storage is located in existing buildings or land across the site overall. In the absence of this information, we are unable to provide a judgement as to whether the proposed building is reasonably necessary for agricultural uses in this respect.

Fencing

The applicants have suggested that they currently have nowhere to store their fencing which has to be maintained regularly and this is currently being stored outside on the ground.

Officer Response

No detailed site plan for the proposed building has been provided, showing where the storage for the of the fencing referred to above would be within the building, and additionally no details have been provided in respect of where existing or current storage is located in existing buildings or land across the site overall. In the absence of this information, we are unable to provide a judgement as to whether the proposed building is reasonably necessary for agricultural uses in this respect.

Plant and Equipment

The applicants have stated that their tractor and various trailers, agricultural machinery, implements and equipment used as part of their agricultural operations have to be kept outside. This results in rusting and unsightly machinery requiring more maintenance than would be necessary.

Officer Response

Owing to the benefit of a site visit on the 13th February 2025 there was no evidence of any tractors or trailers, or large agricultural machinery on site that would require internal storage. It is appreciated that such machinery may have been elsewhere on the site at the time of the officer's site visit but again, no detailed site plan for the proposed building has been provided showing where the storage/parking for the items referred to above would be within the building, and additionally, no details have been provided in respect of where existing storage of such items is located in existing buildings across the site overall. In the absence of this information, we are unable to provide a judgement as to whether the proposed building is reasonably necessary for agricultural uses in this respect.

Summary

A very limited amount of detail has been provided on the operation of the agricultural unit and there was no evidence that other than horses, any livestock is kept on the

land and there are a number of assertions in the submitted information which have not been supported with sufficient evidence as set out above.

The site also appears to commercially operate a tree logging/felling business from the site as shown by the photograph below.



It is not an unreasonable prospect to assume that the proposed building will be used to store machinery, items and other equipment associated with this tree felling business which would not fall under the lawful use of agriculture.

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 not been provided to demonstrate this.

- 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 designed 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 300 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 development is required for storage of horse feed, straw, fencing, plant/machinery and hay bales. The proposed development would comply with the above.

- 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. Whilst no proposed elevations have been provided, a 3D image and a list of the proposed materials to be used has been. The proposed design of the building would be considered to be in keeping with the context and character of the application site and its overall design and scale would be acceptable in this location.

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 submitted information:

- ☐ Application Form dated 12th January 2025
- ☐ Justification Letter dated 22nd January 2025
- ☐ 3D image and list of materials supplied on the 27th January 2025
- ☐ Location Plan

Report Author Nicholas Brookman