APPLICATION NUMBER: 21/00013/AGR

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00013/AGR	Ryan Killeen	27 January 2021

Address: Copped Hill Farm Ashworth Road Heywood OL11 5UN

Proposal: Application of 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/A
	Neighbour comments received?	N/A

EIA	**Screening opinion completed and saved to Onbase?**	N

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**REFUSE**

CHECKED AND SIGNED OFF BY: EH **DATE: 27 January 2021**

SITE

This application relates to an area of land immediately north of The Old Shippon, a former barn converted into a dwelling which is sited approximately 2.5 miles north of Heywood Town Centre at the top of the Ashworth Valley. The site lies just outside of the domestic curtilage and is accessed via an unadopted track 300m northeast of Ashworth Road and is surrounded by several parcels of open land. No details are provided as to the current use of the land, but aerial imagery indicates the storage of caravans.

PROPOSAL

The application proposes the erection of a 14m x 14m streel framed structure with a height to eaves of 4.6m and maximum height of 6.5m. It is to be constructed with concrete panels to 1.8m with Yorkshire boarding above and a cement fibre roof

RELEVANT PLANNING LEGISLATION

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

RELEVANT SITE HISTORY

N/A

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 application is not accompanied by any supporting information however it is stated within the application form that the proposed structure would be for the storage of straw and hay for the purposes incidental to the keeping of cattle and sheep. However, no suitably detailed information has been provided as to what agricultural activities are claimed to be taking place on site, and the requirement for the building to facilitate such activity.

Under a recent appeal, reference APP/P4225/W/20/3252924, for a similar application at New Birtle Farm, a site 0.8 miles southwest 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 were 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:

Under Part 6, Class A paragraph A.1, development is not permitted by class A 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 application form states that the area of the entire agricultural unit as 20.4 hectares with the parcel of land marked for development exceeding 1 hectare, however insufficient evidence has been submitted to the LPA to establish that this would be the case.

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;

    Notwithstanding the lack of clarity in respect of the extent of the claimed agricultural unit, 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 extension would be 196 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.

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 agricultural machinery and equipment storage; 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). The application form states that the parcel of land where the development will be located is '1 or more' hectares in area. However, 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 therefor not comply with Schedule 2, Part 6, Class A of the GPDO and cannot benefit from the prior notification procedure.

Siting 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. 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 1 or more hectares.

Report Author Ryan Killeen