

Officer Report

Case Reference: PL/2026/0403
Location: TOP O TH HILL FARM, HAUGH FOLD, NEWHEY,
MILNROW, NEWHEY, OL16 3SZ
Proposal: Certificate of lawfulness for proposed replacement concrete
base on an existing working farm
Recommendation: Approve
Officer: Bob Melling

SITE

The application relates to part of the existing concreted yard located on Top O Th Hill Farm, Haugh Fold, Newhey. The site is part of a working farm on a holding which exceeds 5 hectares and is accessed via Haugh Fold. The site is located to the southeast of Newhey within the Green Belt.

PROPOSAL

A certificate of lawfulness is sought for the renewal of an existing concrete yard measuring 186 sqm. The yard services several barns and connects these structures with the primary access road. The existing yard comprises a 150mm concrete slab which is degraded, and the current application proposes to replace this with a like-for-like 150mm concrete slab with a 150mm MOT Type 1 subbase. The existing ground level would not change.

RELEVANT LEGISLATION AND POLICY

National Legislation

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

Part 6, Class A of Schedule 2 relates to units of more than 5 hectares.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

CONSULTATION RESPONSES

N/A

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. No representations have been received.

ANALYSIS

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 of not less than 5 hectares and the second test is that the operations must be reasonably necessary for purposes of agriculture.

The Town and Country Planning Act 1990 (as amended) states that 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'.

The application site is part of a farm holding which covers an area more than 5 hectares and the farm has a CPH number, which is a unique reference used by the UK government to identify land where livestock are kept. The supporting letter states that the proposal is reasonably required for the purposes of cattle sorting and machinery use and is being funded by the Rural Payments Agency (RPA) under the RP15: Concrete yard renewal environmental scheme.

Based on the above it is considered that the proposed works would consist of engineering works and would be reasonably necessary for the purpose of agriculture.

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 area;

The development would not be carried out on a separate parcel of land forming part of the unit which is less than 1ha in area.

(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;

The proposal does not consist of the erection or extension of an agricultural building. Additionally, there is no planning evidence available that suggests an application for the change of use has been made under the above legislation within 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 designed for agricultural purposes;

The application proposes to lay new hardstanding which would consist of replacing the existing concrete slab floor by the existing barns. It is accepted that the engineering works are reasonably designed for agricultural purposes.

(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 would exceed 1,000 square metres; or

(ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres,

calculated as described in paragraph D.1(2)(a) of this Part;

The area covered by the proposed works would cover an area of approximately 186 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 proposal does not propose the erection or extension of a building. Additionally, the site is not 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 application does not propose the erection or extension of a building. The proposal would consist of engineering works. As such, there will be no structures with a height exceeding 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 part of a trunk road or classified road.

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, 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;

Whilst the applicant refers to cattle sorting, the site forms part of an existing farmyard and the works comprise the replacement of degraded hardstanding used for general agricultural purposes including machinery movement and circulation. The occasional handling of livestock within such a space is considered incidental to its primary function as a general yard area. As such, the development is more appropriately characterised as an engineering operation reasonably necessary for the purposes of agriculture under Class A(b), rather than as works for the accommodation of livestock.

(j) it would involve excavations 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; or

The application proposes to lay a new concrete slab floor. The proposal therefore complies in this regard.

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

The application does not propose the erection or extension of a building that is within the curtilage of a scheduled monument.

Sitting and Design

As the proposals do not comprise and development specified under paragraph A.2(2), prior approval is not relevant to this decision.

RECOMMENDATION

Prior Approval Not Required.

Recommendation: Approve

Approval Reason(s) (1)

- 1 The development comprises permitted development by virtue of compliance with the criteria set out under Class A of Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives (1)

- 1 For the avoidance of doubt, this Decision Notice relates to the following plans and documents:
 - 'Supporting Statement' by Creative Forge Ltd
 - Block Plan. Dwg no. 1001
 - Existing + Proposed Yard Build-Up. Dwg no. 1002
 - Submitted photography