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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | BT | **Date:** | 11/6/24 | **Manager:** | **LH** | **Date:** | **11/6/24** |
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| **Application Ref:** | 3/2024/0367 |  |
| **Date Inspected:** | 16/4/24 |
| **Officer:** | BT |
| **DELEGATED ITEM FILE REPORT:**  | **Decision** | **REFUSAL** |
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| **Development Description:** | Prior notification for agricultural building for livestock, machinery and feed 22.8m long, 16.76m wide, 6.78m high to ridge and 3.2m high to eaves. |
| **Site Address/Location:** | Land off Back Lane, Chipping, PR3 2QA. |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| N/A |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| N/A |
| **CONSULTATIONS:**  | **Additional Representations.** |
| N/A |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 and (Amendment) Order 2018. |
| **Relevant Planning History:**None. |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to an agricultural land parcel located on the Southern outskirts of Chipping. Access to the land parcel is from the North-western side of Longridge Road approximately 120 metres North-east of the junction with Hesketh Lane. Numerous residential properties lie to the South of the application site on Hesketh Lane with Meadow Top Farm and Banks House lying further away to the North-east. The surrounding area comprises a mixture of agricultural land and open countryside with the application lying within the Forest Of Bowland National Landscape. |
| **Proposed Development for which consent is sought:**The application seeks a determination as to whether the prior approval of the local planning authority is required for the construction of a steel portal framed building to house livestock, machinery and feed. The proposed building would be sited within the South-eastern corner of plot 2 of the applicant’s holding. |
| **Whether or not permitted development**The scheme must satisfy a number of criteria as set out under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended 2018). The first of those requirements is that the development must be ‘carried out on an agricultural unit of 5 hectares or more’ and be ‘reasonably necessary for the purposes of agriculture within that unit’. The agricultural holding is 13.3 hectares in area. The application’s supporting information states that the proposed agricultural building is required for the purposes of lambing, with the applicant’s livestock numbers stated to be 65 sheep and 85 lambs. The applicant states that they require a building for lambing as their livestock would otherwise have to lamb in the cold and wet which in turn would result in deaths. The application’s supporting information further states that it is preferable for livestock to be fed within the confines of a building during the winter months in order maintain livestock health. It is understood that the applicant currently rents a building in Chipping to lamb their sheep due to there being no buildings currently available for such purposes within the application site. As such, the applicant seeks to erect a building for lambing and shelter during the winter period within the application site. Notwithstanding the above, no confirmation has been provided with respect to exactly how many of the applicant’s 65 sheep are to be lambed however it is not unreasonable to assume that not all of the applicant’s lambs would be put to the tup. In addition, the proposed agricultural building would in this instance comprise a sizeable footprint (275m2) however no supporting information has been provided to equate the proposed area of building floorspace with the numbers of sheep that would be lambing. Whilst the Council is sympathetic to any livestock needing to be held indoors on medical grounds, this would typically be short term and it is therefore not considered that the acceptability of the building footprint proposed should be solely based on the needs of this as a livestock shelter.Furthermore, the application form submitted in support of the application states that the building is required for ‘machinery, feed and shelter’ however the application’s agricultural information form only makes reference to the building as being required for ‘lambing sheep, housing sheep and storing hay and straw’, with no reference made to the building being required for the purposes of storing machinery. As such, some ambiguity exists with respect to the proposed end use of the building and, in turn, exactly how much of the building’s floorspace would be allocated for lambing and machinery storage respectively. In any case, even if the proposed building was to be partially utilised for the storage of farm machinery (the application’s agricultural information form lists the applicant’s farm machinery as a tractor, quad bike and excavator), vehicle access to the proposed building would be via the building’s North-western elevation which comprises an entrance height of 3.2 metres however the total height of the proposed building would be 6.7 metres in this instance. As such, it remains unclear as to why a building of almost 7 metres in height would be required to house lambs and machinery of significantly smaller height. In addition, the application’s supporting information states that the land parcel in question has been in use for the purposes of agriculture for a period in excess of 15 years however recent Google Street imagery and case officer site visit photos do not appear to show livestock numbers commensurate with those stated in the application’s supporting information within the confines of the application site.Taking account of all of the above, it is considered that the applicant has failed to provide sufficient information to demonstrate that a building of the size proposed for use within the application site would in this instance be reasonably necessary for the purposes of agriculture.Notwithstanding the above assessment, if a proposal is deemed to meet the criteria in Class A it must also meet certain conditions:Having regard to criteria a) – k), development is not permitted by Class A if –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 proposed agricultural building would be located on a 3.6 hectare land parcel which forms part of the applicant’s agricultural unit**(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;**Development under Class Q or S of Part 3 (changes of use) has not been carried out within the last 10 years.**(c) it would consist of, or include, the erection, extension or alteration of a dwelling;**The proposal would not consist of or include 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 proposed building would be used to support an existing agricultural operation** (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 1000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;**The ground floor area of the proposed agricultural building would measure 275.8 m2**(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 proposed agricultural building would not be sited within 3 Kilometres of the perimeter 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 highest part of the proposed agricultural building would be 6.7 metres**(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;**The proposed agricultural building would be located approximately 120 metres from the nearest trunk road or classified road which in this instance is Longridge 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;**The proposed agricultural building would be used for the accommodation of livestock and would be sited within 400 metres of numerous protected buildings. Paragraph D.1 (3) of this Part allows for the erection of a building to accommodate livestock within 400 metres of a protected building subject to the following exceptions:**(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and**The applicant currently has access to a building for the purposes of lambing therefore it cannot be argued that no other building or structure is available. The proposed development therefore fails to meet the requirements of criteria (a).**(b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or**The need to accommodate to livestock does not in this instance relate to any quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm. The proposed development therefore fails to meet the requirements of criteria (b) (i).**(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions**The proposed agricultural building would be temporarily used for lambing and to provide shelter during the winter however as stated above, the applicant currently has access to a building for such purposes. The proposed development therefore fails to meet the requirements of criteria (b) (ii).**(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or**The proposal does not relate to excavations or engineering operations on or over article 2(4) land which are 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 proposed agricultural building would not be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.****Whether or not prior approval is needed**In accordance with condition A2 (2) (i) the Local Authority must also determine whether prior approval is required as to the siting, design and external appearance of the proposal.**Siting**Prior approval is required because the proposed building would be located within an open and highly visible location within the Forest of Bowland National Landscape and in close proximity to numerous trees.Paragraph 135 (c) of the NPPF states:*‘Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting’.*With respect to development within National Landscapes (previously known as Areas Of Outstanding Natural Beauty) Paragraph 182 of the NPPF states:*‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.’*In this instance, the application site comprises a 3.6 hectare land parcel characterised by open fields, mature trees and a notable absence of any discernible built form, with the application site being read in the context of the distant Bowland Fells. As such, the application site, by virtue of its openness, natural features and absence of built form largely reflects the character of the surrounding open countryside which contributes to the setting of the Forest of Bowland National Landscape. The proposed agricultural building would be centrally located within the application site and would be a significantly sized structure in terms of its height, footprint and cubic volume. Furthermore, the interior of the application site is predominantly viewable within the public realm from Longridge Road and as conveyed above, there is a notable absence of any discernible built form with the application site. As such, the proposed building would read as an isolated, prominent and over dominant addition to the application site that would be at odds with the largely open and unspoilt character of the surrounding open countryside. In addition, construction of the building’s access track (approximately 120 metres in length) and associated hardstanding would involve further encroachment into the open countryside.Taking account of the above, it is considered that the proposed building would read as a largely unsympathetic addition to the application site that would be unduly harmful to the natural unspoilt character of the application site and visual amenities of the surrounding area. The proposed development is therefore considered to be in conflict with the aims and objectives set out in Paragraphs 135 (c) and 182 of the National Planning Policy Framework.Furthermore, it remains unclear as to where the proposed building would be sited within the application site (the application’s Location Plan and Proposed Site Plans depict the footprint of the building in differing locations) however analysis shows that the footprint of the proposed building (in all of the submitted plans) would be sited in close proximity to numerous trees however no tree survey has been submitted in support of the application therefore the Council is unable to assess any potential impacts upon trees.Taking account of all of the above, Prior Approval is refused with respect to the siting of the proposed development.**Design / appearance**Prior approval is required because the proposed building would be located within an open and highly visible location within the Forest of Bowland National Landscape.The proposed agricultural building would consist of a steel portal frame, pre-cast concrete panels, Yorkshire boarding and a cement fibre pitched roof, all of which are materials commonly used in the construction of modern agricultural buildings. Agricultural buildings comprising a similar materiality are also present within the locality. Notwithstanding this, and as previously conveyed, the proposed building would be a sizeable structure in terms of height and footprint and in this instance insufficient information has been provided to justify the quantity of floorspace and cubic volume allocated for the proposed building.As such Prior Approval is refused with respect to the design of the proposed development. |
| **Observations/Consideration of Matters Raised/Conclusion:**The applicant has failed to demonstrate that the proposed development would be reasonably necessary for the purposes of agriculture. In addition, the proposed development would be used for accommodating livestock and sited within 400 metres of numerous protected buildings, and would not meet any of the relevant exceptions which allow for such development. The proposal is therefore not permitted development.Furthermore, it has been assessed that prior approval is required in respect of siting and design, and the proposed development is considered to be unacceptable with respect to both matters.Accordingly, the proposed development fails to satisfy the requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 and (Amendment) Order 2018. As such, it is recommended that Prior Approval is refused. |
| **RECOMMENDATION**: | Refuse Prior Approval. |