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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | LW | | | | **Date:** | | 14/10/24 | | **Manager:** | | **LH** | | **Date:** | **15/10/24** |
|  | | | | | | | | | | | | | | | |
| **Application Ref:** | | | 3/2024/0713 | | | | | | | |  | | | | |
| **Date Inspected:** | | | N/A | | | | **Site Notice:** | | N/A | |
| **Officer:** | | | LW | | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **Decision** | | **PERMISSION REQUIRED** | | |
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| **Development Description:** | | | | | Prior Notification for concreting over yard (700 m sq). | | | | | | | | | | |
| **Site Address/Location:** | | | | | Hesketh End, Judd Holmes Lane, Chipping, PR3 2TJ | | | | | | | | | | |
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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:** 3/2021/1097: Agricultural machinery store 45.40m long, 21.80m wide, 5.40m high to eaves, 7.80m high to ridge (Permission not required).3/2021/0550: Prior notification for a proposed agricultural machinery store (Withdrawn).3/2018/0726: Replacement access track from Hesketh Lane 400m long, 3.5m wide (Approved).3/2018/0592: Replacement access track from Hesketh Lane 400m long, 3.5m wide (Permission required). | | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an established agricultural holding known as Hesketh End comprising numerous existing agricultural buildings, as well as a Grade I Listed farmhouse and adjoined Grade II Listed barn. The site to which the proposal relates is located with the Forest of Bowland National Landscape, approximately 2km south of the defined settlement area of Chipping. | | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks a determination as to whether the Council’s prior approval is required for a proposed new area of concrete hardstanding, measuring 700 square metres in area. | | | | | | | | | | | | | | | |
| **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 101 hectares in area and the proposal is for the concreting over the yard area. The supporting information submitted with the application states that the proposal would allow the area to be cleaned sufficiently and prevent pollution risk from dirty water run-off. Accordingly, the proposed development is considered to be reasonably necessary for the purposes of agriculture in this instance.**  Having regard to criteria a) – k), 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 submitted application form states that the area of the parcel of land where the development is to be located is less than 1 hectare. However, the proposal would be sited on the main parcel of land associated with the holding which has an area greater than 1 hectare.**  (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 development under Class Q or S has been carried out in the last 10 years.**  (c) it would consist of, or include, the erection, extension or alteration of a dwelling;  **The proposal does not consist of the erection, extension or alterations of a dwelling.**  (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;  **The proposal comprises an area of concrete hardstanding which would facilitate 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 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 proposed works would not include any of the above.**  (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 building is not within 3km 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 proposal is for a flat track and as such, would not exceed 12m in height.**  (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;  **The proposed 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;  **The proposal would not 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.**  (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or  **The proposal would not involve 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 proposal would not involve the construction of a building to be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.**  **The proposal satisfies criteria a) – k) and is therefore defined as permitted development.**  **Whether or not prior approval is needed**  In accordance with condition A2 (2) (i) the Local Authority must determine whether prior approval is required as to the siting and means of construction of the proposal.  **Siting and Means of Construction**  The proposed hardstanding would be sited within close proximity to the Grade II Listed Barn; however, insufficient information has been provided to be able to fully assess the impact on the significance of the designated heritage asset and therefore prior approval is deemed to be required in respect to the siting and means of construction.  The applicant was notified that prior approval is required via a letter dated 20th September 2024, with further information on the above matter also being requested. A site notice to be erected at the site within 7 days of the date of the letter was also enclosed in accordance with condition E.2(d).  However, no additional information has been submitted, nor has any evidence been provided to demonstrate that the site notice has been displayed within the required timeframe. As such, the procedure within the General Permitted Development Order is not considered to have been followed and a definitive assessment as to the impact of the proposal upon the Grade II Listed Barn cannot be made.  **As such, prior approval is required and refused in terms of siting and means of construction.** | | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  The proposal complies with all the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 and is therefore defined as permitted development. However, prior approval is required and refused in regard to the siting and means of construction of the hard surfacing as insufficient information has been provided to be able to assess its impact on the Grade II Listed Barn. Furthermore, the procedure within the General Permitted Development Order is not considered to have been followed with respect to condition E.2(d). | | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | | Prior Approval Required and Refused. | | | | | | | | | | | |