

DELEGATED DECISION REPORT

DET/2023/0008
Valid 03/04/2023

LAND OFF BRIERLOW BAR
BRIERLOW ROAD
HARPUR HILL
BUXTON

PORTAL FRAMED GENERAL
PURPOSE AGRICULTURAL
BUILDING ON LIVESTOCK
HOLDING

(AGRICULTURAL/FORESTRY
DETERMINATION)

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards to the Siting, Design, and Appearance of the proposed development

DESCRIPTION OF SITE

The application site comprises a parcel of land that sits between the A515 that runs to the north of the site in a south-east, north-west direction, and Brierlow Road, which runs to the south of the site in a similar direction.

The Location Plan shows the site (red edge) to have an area of 1ha with the wider parcel of land within the ownership of the applicant extending north-westwards covering a total area of approximately 6ha. A Tree Plantation sits immediately to the west of the site.

The site lies in a prominent and relatively isolated location approximately 2km south east of Buxton in the open countryside within the 'Plateau Pastures' Landscape Character Area (LCA) as defined within the Landscape Character Assessment SPD (2006).

PROPOSAL

This Prior Notification application has been submitted under Schedule 2, Part 6 of the Town and Country General Permitted Development (England) Order 2015 as amended for a purpose built portal framed agricultural building.

The Proposed Site Plan shows the proposed building to be situated equidistant from both public highways that border the site, having a simple rectangular form orientated with gables facing east and westwards, with a dual pitched roof.

The building is shown to have a width of some 18.5m and depth of 9.2m, equating to a total floor area of 170m². The building reaches an eaves height of 3.6m and overall ridge of 4.75m.

The layout of the building shows provision for the storage of hay and fodder, plant and machinery and lambing/bonding pens. A feed barrier is also shown with a small canopy extending over this area. The building would be constructed from profile metal sheeting and fibre cement.

At the request of Officers, a Supporting Statement has been submitted which sets out the justification and need for the proposed agricultural building.

OFFICER COMMENTS

1. Whether the proposed development complies with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Class A permits 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.

The site as shown by the red edge on the Location Plan covers an area of 1 hectare, which forms part of a wider agricultural unit (Agricultural Holding No. 09/131/0190) which extends to 6 hectares. As such, a new agricultural building is permitted on this site, subject to demonstrating that such a building is “*reasonably necessary for the purposes of agriculture within that unit.*”

The Application Form contains a brief justification for the building which states the following:

“There are no other buildings on the holding land and a building is required to provide temporary shelter and secure holding of both bovine and ovine farmed stock in the circumstances described in D.1(3) (a) and (b) of Part A to Schedule 2 of the General Permitted Development Order 2015 and for the weather protective and secure storage of farm vehicles, equipment, and dry fodder/feedstuffs. The holding land is capable of providing a protective enclosure in the form of a bovine tb secure unit in the event of need.

Note: The holding is registered with DEFRA under CPH No: 09/131/0190 and is associated with the applicant’s larger holding situated at Hollington, Staffordshire.”

Given the rather vague nature of the above justification, the applicant was requested to submit further details, which have duly been received. The statements made within are summarised as follows below:

- *The building is designed and needed for use in connection with commercial livestock farming*
- *It will be the only building on the land and can be deemed reasonably required for agriculture*
- *It is not feasible to farm this land without a supporting building so as to offer shelter for grazing animals in inclement weather and for veterinary treatment with both being essential for animal welfare reasons*
- *The applicant have required acquired the land at auction and have erected fencing so as to prevent livestock straying from the land.*
- *The land comprises a separate agricultural holding in its own right and is shown on the site location plan comprising of two connecting fields and two tree plantations*
- *The land can be utilised as a bovine tuberculosis (btb) isolation unit (i.e. a secure building, with grazing, gathering grazing cattle for regular testing and providing shelter in inclement weather, as well as a weather store for dry feedstuffs and some farm equipment*
- *The btb unit comprises the land as a whole in that it can be treated as such because there are no cattle grazing on adjacent land, which is surrounded by roads and tree plantation. Such parcels of land are rare on the market and the applicant was quick to secure it when it became available*
- *The applicant has a large holding at Hollington in the Staffordshire Moorlands where they rear beef cattle to slaughter weight and like other farmers, are subject to vigorous btb eradication measures which involves regular testing and movement restrictions being applied if any animals in the herd test positive. The herd is currently under restriction because just one reactor was found a couple of weeks ago. This means no cattle can leave the herd, unless directly to slaughter, until 2no. clear tests are carried out over the next six months*
- *Stock can be moved however to a tb isolation unit such as the application site, and allowed to grow on before returning to the main herd when restrictions are lifted, thereby diluting the cost burden on the main holding*
- *When not being utilised as a tb isolation unit, the land is ideal for sheep grazing (current use) but a building is still required for gathering periodic medication, and for lambing and general sorting*
- *Another use of the land will be for small baled hay production. This product is in short supply and sells at a premium but is absolutely essential that it stored under cover for use when needed in the winter period (made in summer).*

- *The building is of an appropriate scale for the 6 hectare (15 acres) site in which it is situated*
- *The building is situated close to the tree plantation in the smaller of the two parcels which mitigates possible landscape impact due to the shielding effect of the trees when the site is approached from the north and the back drop effect when viewed from the south*

Having considered all submitted evidence, Officers accept that the proposed building would serve a specific agricultural need that would supplement an existing large agricultural unit in a neighbouring County, and thus is considered to meet the test of being “reasonably necessary for the purposes 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 site forms part of a joined up parcel of land that forms the agricultural unit that extends to an area of 6 hectares, and as such the application complies with Paragraph A.1(a).

- (b) It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined by paragraph X of Part 3 of this Schedule) where development under Class Q or 2 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 land in question has not been subject to any planning application for the change of use of an agricultural building under Schedule 2, Part 3, Class Q or S of the GPDO and as such the application is compliant with Paragraph A.1(b).

- (c) It would consist of, or include the erection, extension or alteration of a dwelling**

The building proposed is for agricultural purposes and would not consist of or include the erection, extension or alteration of a dwelling. The application is thus subject to Paragraph A.1(c).

- (d) It would involve the provision of a building, structure or works not designed for agricultural purposes**

The Floor Plans clearly show that the layout of the building makes provision for various activities and functions that are associated with the keeping of livestock which sits within the definition of agriculture under Section 336 of the Town and Country Planning Act 1990. As such, it is considered that the building is designed for agricultural purposes, in line with Paragraph A.1(d).

- (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 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part

The Floor Plans shows that the proposed building has an approximate floor area 170m² and thus complies with Paragraph A.1(e).

(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

There are no aerodromes within 3km of this site and therefore the application is compliant with Paragraph A.1(f).

(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 Elevation Plans, supported by the Application Form shows that the overall ridge height of the building reaches 4.5m and thus demonstrates compliance with Paragraph A.1(g).

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road

Both the A515, which runs to the north of the site, and Brierlow Road, which runs to the south of the site, are classified. The building is shown to be located approximately 30m north of Brierlow Road, and 27m south of the A515. As such, the development is compliant with Paragraph A.1(h).

(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 application is located in a relatively isolated location with the nearest residential property not associated with an agricultural unit (i.e. protected building) situated some 650m to the north west of the proposed building. The application is thus compliant with Paragraph A.1(j).

(j) It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming

N/A

- (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**

N/A

2. Whether Prior Approval is required with regards to the Siting, Design, and Appearance of the proposed development

Having established that the proposed agricultural building relates to an existing agricultural unit, is reasonably necessary for the purposes of agriculture, and that the proposal complies with relevant paragraphs under Schedule 2, Part 6, Class A, Paragraph A.1 of the GPDO, it is found that the proposed agricultural building is permitted, subject to consideration as to whether Prior Approval is required, with regards to the siting, design and appearance, having regard to conditions under Paragraph A.2(2).

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports agricultural development which helps sustain existing agricultural enterprises including new buildings, that maintain landscape quality and character of the countryside.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

The site lies in a prominent and isolated location in the open countryside, in the Plateau Pastures LCA. The site depicts many of the characteristics of this LCA which includes fields bounded by dry stone walls, and small shelter blocks of woodland. Larger buildings are guided towards small plantations.

Whilst the scale and massing of the building is considered to be commensurate with the scale of the holding and the proposed use, Officers are of the view that further consideration needs to be given to the appropriate siting of the building and choice of materials, given the high sensitivity of the site.

In light of the above, and having regard to the relevant local and national planning policy considerations including relevant Supplementary Planning Guidance, it is recommended that Prior Approval is required.

OFFICER RECOMMENDATION : Prior Approval Required

Case Officer: James Stannard

Recommendation Date: 26th April 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council