

South Derbyshire District Council
Planning Department
Civic Offices
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Swadlincote
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Our ref: .6.1015401.1.BM.CMB

26 September 2019

By Post and E-mail: Planning@south-derbys.gov.uk

Dear Planning,

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

Statutory Instrument 2015 No. 596

**APPLICATION UNDER PART 6, CLASS A PRIOR APPROVAL FOR ERECTION OF 2NO.
AGRICULTURAL BUILDINGS WITH ASSOCIATED OPERATIONAL DEVELOPMENT**

On land at Shades Farm, Bretby, Burton-on-Trent DE15 0RD

1. We write on behalf of Mr Dean Willshee ("the applicant") and are pleased to submit an application to South Derbyshire District Council ("the Council") for the prior approval of the Local Planning Authority for the erection of 2No. agricultural storage buildings, for the storage of machinery and straw, under Part 6, Class A of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 ("the Order").
2. This application is a resubmission of prior approval applications 9/2019/0321 and 9/2019/0322, which were considered invalid by the Council on the 11th April 2019. The Council considered that the proposed applications would exceed the 1,000sq.m threshold for agricultural buildings under prior approval, as identified under Schedule 2 Part 6 D1 (2) (a) of the act, and that the site plan submitted with the applications required amending. Since the issuing of the non-validation letter by the Council, the two year period required under Schedule 2 Part 6 D1 (2) (a) of the Order has passed and the required changes to the site plan have been undertaken.
3. The application submissions are supported by the following drawings prepared by Marrons Planning:
 - Location Plan and Proposed Site Plan

4. The submission has been made electronically by e-mail and one hard copy of this letter with a cheque for the amount of £96.00 made payable to the Council is enclosed, together with the £25.00 administration fee.
5. This letter reiterates the background which has given rise to the planning application and site description. The letter then describes the proposal, before assessing it against the relevant criteria set out in Part 6, Class A of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 Statutory Instrument 2015 No. 596.

Background

6. The site is designated as countryside in the Local Plan Part 1. The extent of the application site is indicated on the attached Location Plan and Proposed Site Plan, prepared by Marrons Planning. The proposed developments relationship to the previously approved agricultural barn (LPA ref. 9/2017/0448) is also shown on this attached plan.
7. The proposed storage barn will further improve agricultural operations associated with the applicant's beef rearing enterprise on-site. The proposed development will result in two modern agricultural buildings that will be fit for purpose for the applicant's present and future agricultural needs, allowing for greater operational efficiency.

Site Description

8. The site lies to the north of the rural village of Bretby, on the border of the South Derbyshire District and East Staffordshire District. Access to the site is currently taken from an unmarked lane and this access is regularly used by the applicant to access the main farmhouse of Shades Farm. This access has good levels of visibility and benefits from suitable visibility splays. The application site is not subject to any formal designations.

The Proposed Development

9. The proposed development is for the erection for 2No. agricultural buildings. The larger of the two buildings will become a straw barn, with a length of 30m and a width of 27.5m. The height of the barn will be 7m. The total area of the floor plate of the barn will be 825sqm.
10. The proposed machinery store has a length of 20m and a width of 8m. The height of this building is also 7m. The floorplate of this building will be 160sqm.
11. The materials to be used for both barns are concrete panel walls 2m above ground floor level. The remainder of the wall will be covered in Brown York Timber Cladding. The roof will be comprised of natural grey fibre cement. The steel frame of the buildings, and the roller shutter doors will be painted green, with rainwater goods to be black uPVC. These materials reflect the pallet of materials used on the previously approved cattle barn (LPA ref: 9/2017/0448) and other materials used within the immediate vicinity of Shades Farm.
12. The floor of both buildings will be an impermeable concrete floorplate. The roof pitch of both buildings will be 15 degrees, mirroring the closest nearby existing agricultural buildings. The floorplate of both buildings combined will be 985sqm, below the 1,000sqm threshold as stipulated under Part 6, Class A, Section A.1 (e) of the Order.

Part 6, Class A Assessment

13. Having regard to Part 6 Class A of the Order, permitted development consists of:
- A. The carrying out on agricultural and 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 purpose of agriculture within that unit.

Part 6, Class A Section A.1 Assessment

14. It is considered that the development, for the erection of no. 1 agricultural building forms Part 6, Class A development. South Derbyshire District Council, as the Local Planning Authority (“the Council”) should give a determination as to whether prior approval is warranted for the proposed development having regard to the following factors:
- a. The development will be carried out on an agricultural unit extending well in excess of 1 hectare. The area of land is not a parcel of land less than 1 hectare in area, in accordance with the requirements of Section A.1(a).
 - b. The proposed 2no. agricultural barns will be new, independent structures and it is not proposed that any existing agricultural barns are extended. The applicant secured full planning permission for the erection of the previous agricultural barn on-site 09 August 2017.
 - c. The proposed development is for the erection of 2no. agricultural barns and does not involve works for the extension, erection or alterations of a dwelling in accordance with Section A.1(c).
 - d. The proposed 2no. agricultural barns (a straw Storage Building and an machinery Storage Building) have been designed solely for agricultural purposes in accordance with the requirements of Section A.1(d).
 - e. The ground area to be covered by the proposed 2no. agricultural barns is 985sqm. This is below the 1,000sqm threshold as set out within paragraph 12 of the April 2018 amendment to the Order, Statutory Instrument 2018 no. 343, in accordance with Section A.1 (e). As detailed at paragraph 2 of this letter, the 2 year time limit as stipulated under Schedule 2 Part 6 D1 (2) (a) of the Order has passed.
 - f. The proposed 2no. agricultural barns are in excess of 3 miles from the nearest aerodrome in accordance with Section A.1(f).
 - g. The proposed height of the buildings at the ridge is a maximum on 7m, not exceeding 12m in height in accordance with Section A.1(g).

- h. There are no adopted highways within 2.5m of the application site and there are no metalled trunk or classified roads within 25m proximity, in accordance with Section A.1(h).
- i. The proposed 2no. agricultural buildings are evidently not designed for the storage of livestock or for the storage of slurry or sewage sludge and will be used solely for the storage of agricultural machinery and animal foodstuffs, in accordance with Section A.1(i).
- j. The proposed works will not involve excavations or engineering operation on or over article 2(4) and which is connected with fish farming, in accordance with Section A.1(j).
- k. The proposed 2no. agricultural buildings will not be used for the storing of fuel or waste from a biomass boiler, or an anaerobic digestion system in accordance with Section A.1 (k).

Conclusions

- 13. In light of the foregoing, it is considered that the proposals accord with Part 6, Class A of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 ("the Order") and the planning permission should be granted.
- 14. If you require any clarification on the submissions, please do not hesitate to contact Brian Mullin or Matthew Roe at the Leicester Colton Square Office.

Yours sincerely

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Partner
Marrons Planning

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