

Supporting statement for agricultural permitted development application submitted under the, Class A, of Part 6 of Schedule 2. Submitted by Jester Farm Services Limited at Bolney Park Farm.

The application seeks confirmation from the Local Planning Authority (LPA), that the proposed works comprise permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Class A, of Part 6 of Schedule 2.

Consideration relates purely to the principle of development and whether the proposed works comply with The Town and Country Planning (General Permitted Development) (England) Order 2015. Development Plan policies do not apply to the determination of such applications, which turn on matters of fact and the law. As such consideration cannot be given to the merits or otherwise of the application on planning grounds.

Three principal steps are taken in determining whether this proposal would be permitted development:

- 1. Any previous planning permissions are checked for planning conditions preventing the proposal;*
- 2. Any Article 4 directions covering the site are checked; and*
- 3. Compliance with Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015.*

This document provides further information about the proposed development, the agricultural justification for the development and assess the development against Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Introduction:

This application is submitted for development works at Bolney Park Farm. The application comprises a revised scheme which has been relocated in order to overcome the LPA's objections to previous application Ref: DM/26/0536;

The reasons for the Council's decision are:-

- 1. The proposed development is not considered to constitute permitted development as defined under Class A, Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the proposed works are within 400 metres of protected buildings and are for the purposes of the storage of slurry. Planning permission is therefore required for the proposal.*

The decision notice for DM/26/0536 has been submitted with this application.

All aspects and component parts of development proposed under this application are a direct replacement for those previously accepted by the LPA as compliant with Class A, of Part 6 of Schedule 2 of the GDPO. The only amendment to this application is the revised location to overcome the non compliance with A.1(i) of the GDPO. The requirements of the farm to store and manage their manure and slurry in a responsible, compliant manner in line with current regulations has not changed.

Site and surroundings:

Bolney Park Farm is a 49 hectare working farm that grows several crops, including wheat rye grass and maize and also has a stud breeding program. Bolney Park farm is located close to settlements of Bolney, Cruckfield and Haywards Heath. The site of the proposed development is located entirely within the Bolney Park Farm boundary some 358 meters East of the A23, 729 meters from Broxmead Lane and over 400 meters from the nearest protected building as defined in Para D.1(1) and D1(2) of the GDPO;

“protected building” means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

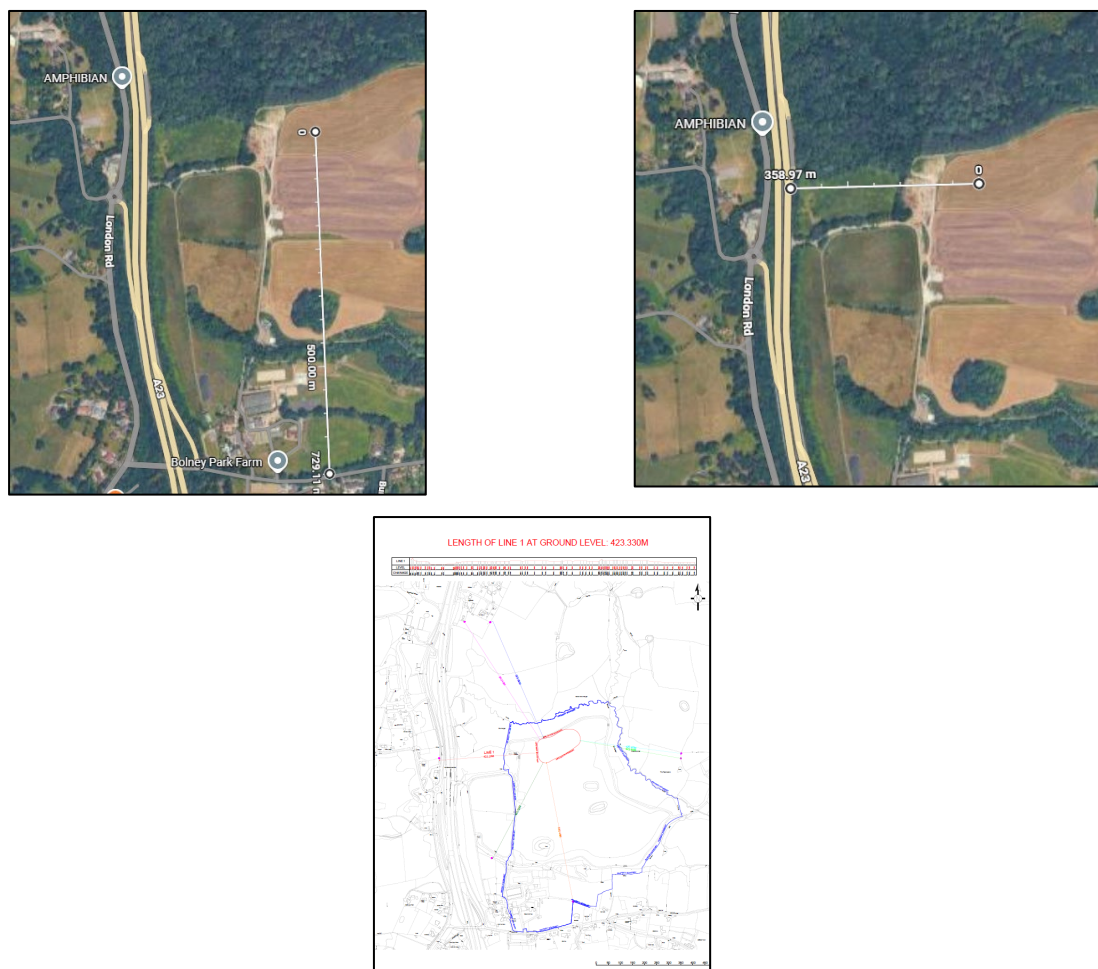
(a) a building within the agricultural unit; or

(b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

(b) a reference to 400 metres in paragraphs A.1(i) and (k), A.2(1)(a), B.1(d) and B.5(1) of this Part is a reference to distance measured along the ground.

The development site location has been selected due to its central location and its close proximity to the arable areas of the holding where the manure and slurry will be used as fertiliser.

Fig 1.



Proposed development:

The proposed development includes excavations and engineering work associated with the installation of essential farming infrastructure. The proposed infrastructure consists of an up to date, legislation compliant, bespoke manure and slurry storage system. The development includes the construction of a 30 meter x 30 meter manure store capable of compliantly storing the manure currently stored on the farm in temporary field maxims. The new manure store consists of an impermeable concrete base surrounded by impermeable earth banks. The impermeable concrete base and earth banks enable the containment and capture of all manure leachate and surface water run off which will then be directed using underground drainage to the new 60 meter x 30 meter slurry lagoon which has a working storage volume of 2673 cubic meters and includes 750mm of freeboard required to satisfy regulations imposed by DEFRA and the Environment Agency.

Works would commence by excavating the existing topsoil from the footprint of the site, this topsoil will be stockpiled on site and used for final landscaping. Cut and fill operations will be carried out to create the new formation level for the new 30x30 meter manure store and begin forming the new slurry lagoon. Additional materials will be imported and used to make up the deficit in materials available on site. Underground pipework will be installed to link the new storage facilities. Once groundworks have been completed, the previously stockpiled topsoil will then be re used to landscape the lagoon into the surrounding area. Works on site will be limited to 8am till 5pm Monday to Friday and 8am and 1pm on Saturdays, no works will take place on Sundays or public holidays. Additional material will be sourced locally. All materials brought onto site will be tested and certified recycled aggregates and locally sourced CL:aire DoWCoP suitable, excavated non waste mineral material in accordance with Environment Agency Regulatory Position Statement (RPS91, use of clay in slurry lagoons).

Agricultural justification:

Formed in 2002 by the Rawlins family Jester Farm Services Ltd has been successfully farming Bolney Park farm producing a mix of arable crops sold locally as winter cattle feed and hay and haylage. Their commitment to the use of natural fertilisers means they need to store a certain amount of manure and slurry to be spread on the land. With winters becoming increasingly wetter making a lot of the land inaccessible the use of temporary field maxims is no longer a viable or practical option. In order for the farming business at Bolney Park Farm to continue operations it's necessary to construct a purpose built centralised storage facility to ensure compliance with constantly evolving regulation and legislation. The new storage facility has been designed to comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (SSAFO) (<https://www.gov.uk/guidance/storing-silage->

[slurry-and-agricultural-fuel-oil](#)) and ensure that every effort has been made to avoid any potential pollution or harm being caused to the environment by any of the unavoidable, coincidental pollutants which are generated by agricultural businesses. Once complete, Bolney Park Farm will be well equipped with a bespoke manure and slurry storage system which will allow them to continue their operations in the most sustainable and Environmentally friendly manner possible.

In conclusion, Bolney Park Farm has a legal requirement to control and manage manure and slurry stored on the unit which is used as part of their agricultural business. The proposed development has been designed specifically to meet those requirements and is therefore considered both designed for the purpose of agriculture and reasonably necessary for the purposes of agriculture and essential to enable Bolney Park Farm to comply with those legal requirements.

Assessment against GDPO:

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) (England) Order 2015 (as amended) pertains to;

*A. 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 proposed engineering works would constitute development; however, the works would benefit from permitted development rights.

The permitted development rights set out in Class A of Part 6 of the GPDO are subject to a number of limitations, as detailed in A.1. Each of these are now considered in turn below.

A.1(a) Development is not permitted if it 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 is on a parcel of land larger than 1 hectare.](#)

A.1(b) Development is not permitted if it would consist of the erection or extension of an 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 Class Q or S changes of use have taken place within the last 10 years and no part of the development relates to the erection or extension of a building.

A.1(c) Development is not permitted if it would consist of, or include the erection, extension or alteration of a dwelling.

The proposed development does not relate to the erection, extension or alteration of a dwelling.

A.1(d) Development is not permitted if it would involve the provision of a building, structure or works not designed for agricultural purposes.

The proposed development is designed specifically to enable the operations of the agricultural unit.

A.1(e) Development is not permitted if 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 1,500m², calculated as described in paragraph D.1(2)(a) of this Part.

The proposed development is not for the accommodation of livestock. The proposed development is not for the installation of any plant or machinery.

A.1(f) Development is not permitted if the height of any part of any building, structure or works within 3km of the perimeter of any aerodrome would exceed 3m.

The proposed development is not within 3km of an aerodrome.

A.1(g) Development is not permitted if the height of any part of the building or structure or works, not within 3km of the perimeter of an aerodrome would exceed 12m.

The proposed development does not exceed 12m in height.

A.1(h) Development is not permitted if any part of the development would be within 25m of a metalled part of a trunk road or classified road.

The proposed development is not within 25m of the metalled part of a trunk or classified road.

A.1(i) Development is not permitted if 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 400m of the curtilage of a protected building.

The development does include the storage of slurry. The site however, is not within 400m of the curtilage of a protected building.

A.1(j) Development is not permitted if it would involve excavations or engineering operations on or over Article 2(4) land which are connected with fish farming.

No part of the proposed development relates to fish farming.

A.1(k) Development is not permitted for any building for storing fuel 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 the storing of fuel not produced on land within that unit; or (ii) is or would be within 400m of the curtilage of a protected building.

The proposed development does not relate to a building for storing fuel or waste from either a biomass boiler or an anaerobic digestion system.

Development that is permitted under Class A of Part 6 of the GPDO is also subject to a number of conditions as set out in paragraph A.2. Considerations in relation to these conditions are set out below.

A.2(1)(a) Where development is carried out within 400m of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry, or sewage sludge, for housing a biomass boiler, or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

The proposed development is not within 400m of the curtilage of a protected building.

A.2(1)(b) Where the development involves (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit.

The proposed development does any mineral extractions

A.2(1)(c) Waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated into the building or works in question.

The proposed development does not involve the importation or deposit of waste, all materials to be used in the development will be used for works described in Class A(a) and will be certified non waste materials. DEFRA has published guidance on the legal definition of waste. This sets out the definition of waste and is embedded in the 2008 Waste Framework Directive (Directive 2008/98/EC), and is

"Any substance or object which the holder discards or intends or is required to discard ..."

The use of materials in the development would be carried out under the CL:AIRE DoWCoP protocol, using the direct transfer scenario. The material used, will be from development sites in the local area who commit to generating 'non-waste' material allowing it to be transferred directly to development projects including agricultural infrastructure and development works using the direct transfer scenario. It is confirmed, therefore, that any materials used within the development would be fully in accordance with the CL:AIRE DoWCoP, declared by an independent Qualified Person, with the requisite full audit trail protocols established with the Environment Agency. This provides demonstrable confirmation that the material would not constitute waste.

In summary, the development is in accordance with the requirements of paragraph A.2(1)(c).

Paragraph A.2(2) notes that certain, specific forms of development, permitted by Class A, are subject to a number of conditions. The proposed development accords with A.2(2)(c) so is therefore assessed against these conditions below.

(2) Subject to sub-paragraph (3), development consisting of—

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

*(d) the placing or assembly of a tank in any waters,
is permitted by Class A subject to the following conditions—*

(i) the developer must, before beginning the development, apply to the local planning authority for a

determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

The proposed development relates to engineering works and excavations which exceed 0.5 hectares; therefore, this application is submitted to the LPA.

(ii)the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

A written description of the proposed development and the materials to be used is contained in both this statement and the application form itself. A site location plan has been submitted, and the required fee has been paid.

(iii)the development must not begin before the occurrence of one of the following—

(aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb)where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc)the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

The development has not yet begun so is in accordance with the above.

(iv)where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(aa)display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb)where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

Should prior approval or additional information be required then the above steps shall be taken.

(v)the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa)where prior approval is required, in accordance with the details approved;

(bb)where prior approval is not required, in accordance with the details submitted with the application; and

(vi)the development must be carried out—

(aa)where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii)

Conclusion:

It has been demonstrated that the proposed development accords with all conditions and criterion set out in the GPDO legislation and that the LPA's previous objection has been addressed and overcome and should therefore be considered Permitted Development and can be carried out in accordance with the submitted details.

Should the LPA find that prior approval is required, additional information should be requested along with the issue of a site notice to be displayed on or near the land as set out in Para A2(2) (iv) of the GPDO.