

Supporting statement for agricultural permitted development application submitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, Class A, of Part 6 of Schedule 2. Submitted on behalf of The Heaselands Estate at Holmbush 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.

Site and surroundings:

Holmbush Farm is a 350 hectare agricultural unit situated on Isaac's Lane between the towns of Burgess Hill and Bolnore village and is surrounded by open farmland and scattered dwellings. The development site is an area of land adjoining the main farmyard area, the site is set back from the main road some 420m and bounded on all sides by thick mature hedgerow. Over its 100 year history the farm has served a number of different uses inc arable and beef cattle, the unit is now one of the few remaining working dairy farms in Sussex and home to 500 dairy cows producing over 6 million litres of milk per year as well as raising its own young stock to be sold at local beef markets.

Proposed engineering works:

Works would commence by excavating the existing topsoil from the footprint of the site, this material will be stockpiled on site to be used for final landscaping. Cut and fill operations will be carried out to begin forming the lagoon, key trenches will be dug at the perimeter of the lagoon before the earth banks are engineered in compacted layers, additional material will be imported and incorporated into these layers to make up the deficit in materials available on site. Underground pipework will be installed to link the new storage facility with the existing system. Once full compaction and final levels have been achieved, the previously stockpiled topsoil will then be re used to landscape the lagoon into the surrounding area. Development works will be limited to 8am till 5pm Monday to Friday and 8am and 3pm on Saturdays, no works will take place on Sundays or public holidays. All materials brought onto site will be tested and certified recycled aggregates and locally sourced CL:aire DoWCoP suitable naturally occurring non waste mineral material. Materials will be delivered to site by way of lorry using the existing entrance and farm service road from Isaacs Lane.

Agricultural justification:

Livestock farms can use large amounts of water, with one study by Adas suggesting that dairy farms spend £31-£100 per cow per year on water. The unit currently uses approximately 50 cubic meters of water per day, around 18 million litres per year. At present, the unit only has a storage capacity of approximately 11 to 12 million litres meaning the unit must revert to using mains water during the increasingly dry summer periods. The additional 6,000 cubic meters or 6 million litres storage capacity would help towards reducing this defecate and enable the unit to become less reliant on mains water and in turn reduce the stress on local infrastructure.

In summary, once completed, this additional storage capacity will not only help the agricultural unit become more sustainable but also provide benefits to the community and local infrastructure.

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 works relate to a 9.2 hectare parcel of land which is attached to the 350 hectare unit.

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.

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 for the storage of clean water to be used within 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.

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 proposed development does not include any building, structure or excavation intended for the accommodation of livestock, or for the storage of slurry or sewage sludge.

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, fuel, or waste from either a biomass boiler or an anaerobic digestion system.

Works that are permitted under Class A of Part 6 of the GPDO are 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 application site is located within 400m of the curtilage of a 'protected building' as defined in Section D.1 of the GPDO. However, the proposed development does not comprise a building, structure, excavation or works which would be used for the accommodation of livestock, or for the storage of slurry, or sewage sludge, or for housing a biomass boiler, or an anaerobic digestion system, or for the storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

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 involve excavations. Materials excavated during the development are to be used within the development and therefore will not be moved off the unit.

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 deposit of waste, any materials to be used as part of 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 therefore 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 for approval.

(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;

(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:

As is set out above, it has been demonstrated that the proposed development accords with all conditions and criterion set out in the GPDO legislation and therefore is considered Permitted Development, does not require prior approval from the LPA and is therefore able to be carried out.

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 GDPO.