

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 Mr C Davies and New House 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.

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 development is located on a parcel of land which is over 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.

The development does not relate to the erection or extension of an agricultural building

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

The 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 development has been specifically designed for the purpose of storing agricultural silage.

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 development is not for the accommodation of livestock. The 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 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 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 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 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 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 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 development site is located within 400m of the curtilage of a 'protected building' as defined in Section D.1 of the GPDO. However, the 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 development does involve mineral extraction, any material excavated during the development will be utilised 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 importation or 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).

Conclusion:

As is set out above, the development accords with all conditions and criterion set out in the GPDO legislation and is therefore considered Permitted Development, does not require prior approval and can therefore be carried out in accordance with the submitted plans and 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 GDPO.