

**Parish: Well**  
Ward: Tanfield  
**8**

Committee Date : 10 June 2021  
Officer dealing : Mr Nathan Puckering  
Target Date: 7 June 2021  
Date of extension of time (if agreed): 11 June 2021

**21/01219/APN**

**Application to determine if prior approval is required for the proposed construction of a steel portal framed agricultural building for the housing of livestock.  
At: Mowbray Hill Farm Well Bedale North Yorkshire  
For: Mr S Webster.**

**This Prior Notification is referred to the Planning Committee due to the applicant being a relation of a Member of the Council.**

- 1.0 Site context and proposal
  - 1.1 The site is a livestock farm located approximately 0.7km south west of Well. It is served by two accesses - one from Phlashedts Lane to the east, which is a private access that serves the farmhouse, and a shorter access from the B6267 to the south which is used by the vehicles associated with the farming operation. The unit comprises the farmhouse on the eastern extent (grade II listed), some historic brick built agricultural outbuildings directly to the west of this (also grade II listed) and then an array of typical modern agricultural buildings to the north west of this.
  - 1.2 There are currently four such agricultural buildings which are sited at staggered intervals along the southern boundary of the built complex. This prior notification concerns the construction of a fifth building within this line, although it will be sited perpendicular to the other four. It is will be used to house livestock.
  - 1.3 The building will measure approximately 313sqm in area and will have a maximum height of 6.10m at the ridge. It will be constructed using Yorkshire boarding to walls and fibre cement sheeting for the roof.
- 2.0 Relevant Planning History
  - 2.1 19/00420/APN - Application for prior notification for the construction of a fertilizer storage tank. - Prior Approval Not Required
- 3.0 Relevant Planning Policies
  - 3.1 This matter is a test of the development against relevant legislation rather than the Development Plan.
- 4.0 Consultations
  - 4.1 Not Applicable
- 5.0 Analysis
  - 5.1 This Notification is effectively a test against the relevant legislation and a question as to whether or not the prior approval of the Local Planning Authority is necessary. This does not allow a direct test against the Local Development Framework to be carried out.
  - 5.2 Paragraph A. of Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for 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; which is reasonably necessary for the purposes of agriculture within that unit.

- 5.3 In order for the development to be permitted development, there are certain criteria it must fulfil which are set out within the GPDO. It is considered that the proposal in this instance is permitted development for the following reasons:
- (a) the development will not be carried out on a separate parcel of land
  - (b) no development has been carried out on the unit under Class Q or S of the GPDO within the last 10 years
  - (c) it does not consist of the erection, extension, of alteration of a dwelling
  - (d) the building is designed for agricultural purposes, i.e. the housing of livestock on a large, established livestock farm
  - (e) the ground area covered by the building will be 313sqm, which along with the 529sqm built under prior notification 19/00420/APN is below the 1000sqm threshold permitted to be constructed under Part 6, Class A of the GPDO within 2 years of one another
  - (f) the site is not within 3km of an aerodrome
  - (g) no part of the structure will exceed 12m in height
  - (h) no part of the development will be within 25m of a metalled part of a trunk road or classified road
  - (i) the structure will not be within 400m of a 'protected building', as defined in the GPDO
  - (j) the site is not on Article 2(4) land and the building is not for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system
- 5.4 As part of the prior notification process, the GPDO requires the Local Planning Authority to determine whether the prior approval of the LPA will be required as to the siting, design, and external appearance of the building/structure.
- 5.5 The proposed building will have the appearance of a typical modern agricultural building and will utilise appropriate materials. Its siting within the confines of the built form of the existing unit means that it will not appear as an isolated building within the landscape but instead as part of the large, long-established unit. Indeed, due to dense landscaping to the south, the building will only become visible as one turns onto the access track to the south and as such it will have a negligible landscape impact. Overall, it is recommended that prior approval is not required.

#### Summary

- 5.6 The development in this instance is in line with the requirements of Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore, it has been determined that the prior approval of the Local Planning Authority is not required with regard to the siting, design and external appearance of the building.
- 6.0 Recommendation
- 6.1 That subject to any outstanding consultations the application be permitted

**PRIOR APPROVAL NOT REQUIRED**