HUNTINGDONSHIRE DISTRICT COUNCIL

25/00730/AGDET

OFFICER REPORT

Case No: **25/00730/AGDET** **Agricultural Determination**

Proposal: **Construction of additional agricultural water storage reservoir.**

Location: **Land West Of Pointers Wistow Toll Wistow**

Applicant: **R W Blackhurst**

Grid Ref: **528531 280792**

DESCRIPTION OF SITE AND APPLICATION

The application is for the construction of an additional water storage reservoir for agricultural purposes.

This application seeks determination as to whether prior approval of the Local Planning Authority is required for the construction of an agricultural storage reservoir measuring 2.25ha with total storage capacity of 37560m3 under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Whilst it is noted that a similar installation was completed within 90m of the development (ref 1200749AGDET) and D.1(2)(a) of Part 6 details that the calculation of certain works should include works, plant machinery, ponds or tanks within the same unit which are being or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development this is not applicable in this instance for two reasons:

*As detailed in the proceeding sections of this report, this calculation would only apply if the works related to a scale of development restricted under Schedule 2, Part 6, Class A(e) which is not the case here.

*The earlier AGDET was in 2012. In order to have complied with time limits the previous reservoir would have needed to have been provided earlier than the preceding two years (current legislation requires the development to be carried out within 5 years of approval from the LPA or within 5 years of the LPA being notified of the development where it is considered that prior approval is not required). As such it is reasonable to consider that given the passage of time the development has not been competed within the preceding two years.

The application is assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 6, Class A.

NATIONAL GUIDANCE

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 6, Class A.

For full details visit the government website: https://www.gov.uk

RELEVANT PLANNING HISTORY

1200749AGDET - Erection of agricultural storage reservoir (Details not required)

CONSULTATIONS

N/A

REPRESENTATIONS

N/A

SUMMARY OF ISSUES

Class A, Part 6 of the GPDO relates to agricultural development on units of 5 hectares or more, whereby it allows for the carrying out on agricultural land for the erection of a building or any excavation or engineering operations which are reasonably necessary for the purpose of agriculture on that unit.

Officer note: Compliant. The application form details that the unit is in excess of 5ha and Officers are satisfied that the development falls within the above category.

Having regard to the interpretation of Class A, under D.1 (1) of Part 6, 'agricultural land' is defined as land which is in use for agriculture, and which is so used for the purposes of trade or business.

Officer note: Compliant. The application form details that the land has been in use for agricultural purposes for over 100 years. The site is within the countryside and a site visit confirms the agricultural character of the area.

It is also necessary to demonstrate that the development is reasonably necessary for the purposes of agriculture within that unit.

Officer note: Compliant. The application form details that the reservoir will provide a secure and licensed water supply for spray irrigation of crops.

Development not permitted within the remits of Class A, Part 6 The Town and Country Planning (General Permitted Development) Order 2015 (as amended), are assessed below:

A.1 Development is not permitted by Class A if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

Officer note: Compliant. The parcel of land on which the proposed building would be sited is more than 1 ha.

(b) it would consist of the erection or extension of any 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;

Officer note: Compliant -the planning history for the site does not indicate that any such development has been undertaken and this application does not relate to a building.

(c) it would consist of, or include the erection, extension or alteration of a dwelling;

Officer note: Compliant.

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

Officer note: Compliant.

(e) 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 1500 square metres.

Officer note: Compliant - as detailed in the preceding sections of this report, whilst the proposed development exceeds this limit it does not fall into the above categories.

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

Officer note: Compliant.

(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

Officer note: Compliant.

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

Officer note: Compliant.

(i) 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 400 metres of the curtilage of a protected building;

Officer note: Compliant.

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;

Officer note: Compliant - there is no indication that the site is in use for such purposes. A site visit confirms the agricultural character and the use of land for crops.

(k) any building for storing fuel for 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 storing fuel not produced on land within the unit; or

(ii) is or would be within 400 metres of the curtilage of a protected building.

Officer note: Compliant.

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

Officer note: Compliant.

The relevant conditions set out in A.2 states that development consisting of (b) any excavation or engineering operations is permitted by Class A subject to the following condition—

(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 of the excavation or deposit.

Officer note: The proposed reservoir would be set at depth within the agricultural unit adjacent to a similar installation considered under the 2012 application. It is set away from the village and, given the topography of the landscape will not be prominent. In any event, it would not appear out of character with the surrounding land uses or cause harm to the character or appearance of the area. Therefore, prior approval is not required from the Local Planning Authority.

Conclusion

The Local Planning Authority considers that the development would constitute permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the siting, is considered acceptable and does not require the prior approval of the LPA.

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CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**