



PLANNING REF: 2455/23/AGR

DESCRIPTION: Application to determine if prior approval is required for a proposed extension for a general purpose agricultural building measuring 41.1m (L) x 24.3m (B) x 7.5m height to ridge

ADDRESS: Land at SX 800 396 Kellaton

2nd August 2023

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society is **objecting** to this planning application.

The Society continue to be concerned to see the increasing numbers of large agricultural buildings being constructed under the umbrella of permitted development legislation in sensitive landscapes. We note that to date, 20 applications have been submitted for AGR development within the South Hams so far this year.

It is not obvious to the Society that the proposed development complies with the rules of permitted development as set out by Part 6, Class A of the GPDO.

The area of the proposed barn extension is recorded as 41.1m (L) x 24.3m (B), a total area of 998.73 m².

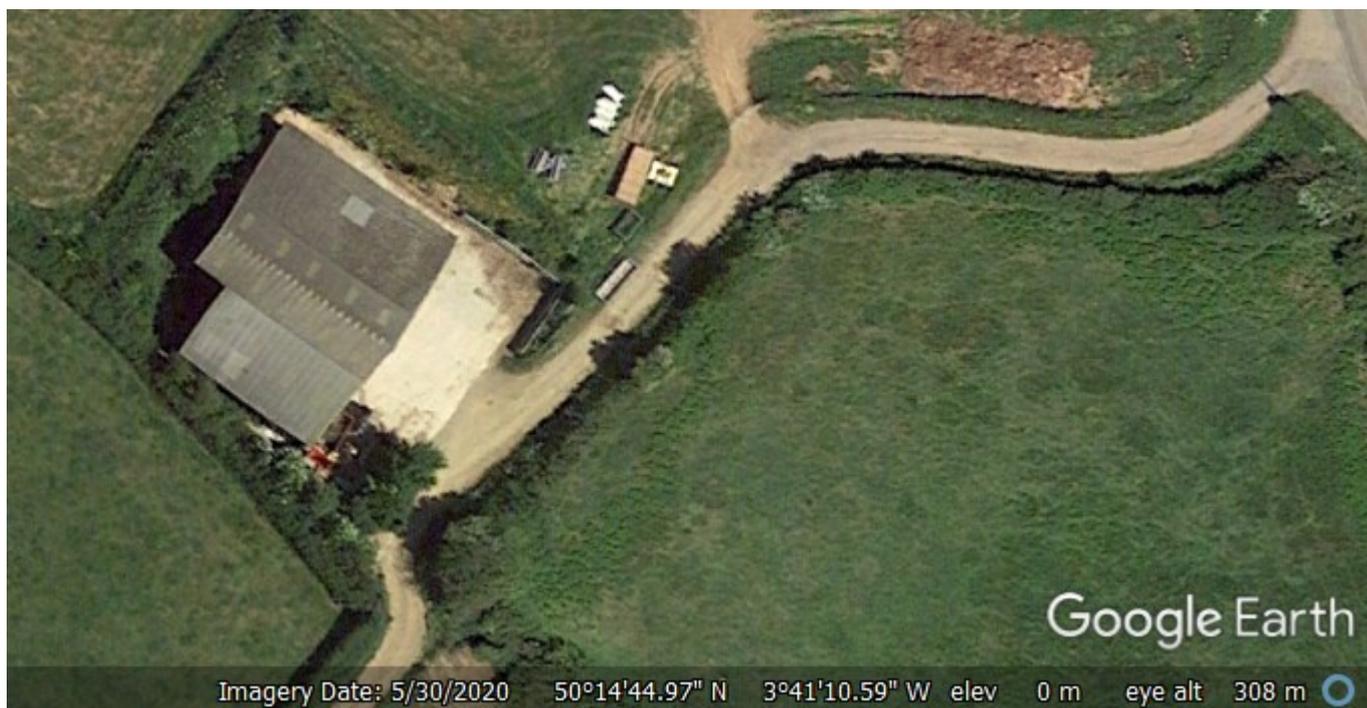
It is the second change to the existing building originally permitted by planning application 53/1482/05/AG.

The Society cannot locate a planning application for the recent changes to the original building.

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Google Image of the original barn with the recorded date 30th May 2020



The Google image below is recorded as June 2022 which shows a very recent alterations and extension.



We ask the Case Officer to check the LPAs records to ascertain if any application was submitted for this development.

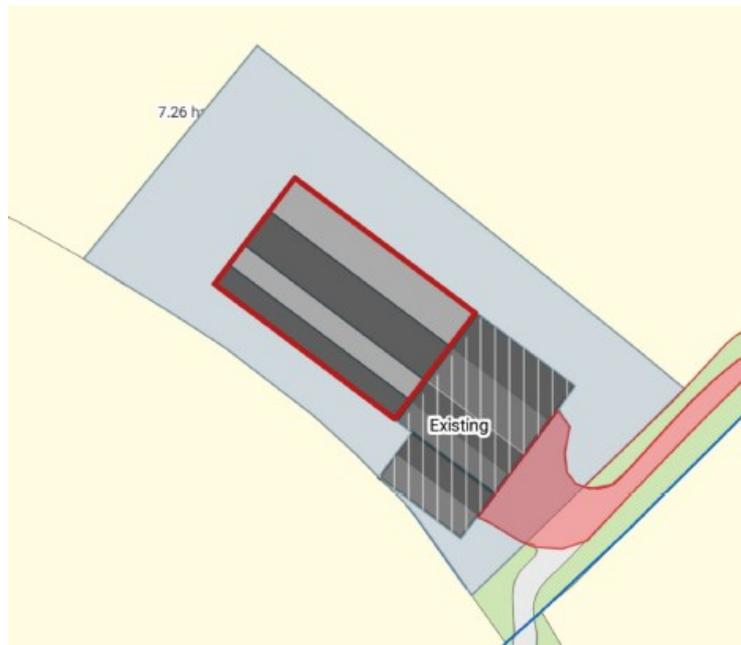
The agricultural building has been checked against the stated size.



LT Foale & Son Higher Kellaton Farm
TQ7 2ES



But, the area around the development is considerably larger and therefore exceeds the ground covered GPDO 1000 m² threshold by a considerable margin.



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The Society turns to the current legislation and highlight in bold what we consider to be the relevant paragraphs A. 1 (i) and (ii).

Class A – agricultural development on units of 5 hectares or more

Permitted development

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.

Development not permitted

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;

(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;

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

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

(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; or

(ii) any building erected or extended or altered by virtue of Class A, would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

(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;

(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;

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

(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;

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

Paragraph D.1 (2) (a)

(2) For the purposes of Classes A, B and C—

(a) an area “calculated as described in paragraph D.1 (2) (a)” comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;

The interpretation of this legislation has been explained by a Planning Inspector in the Planning Appeal Ref: APP/X1925/W/20/3256050 which we include.

This proposal has been complicated by the recent development that has occurred for which we have failed to find any planning application. Were it to be found not to have been applied for with a prior notice application then the current application could not now be considered as permitted development.

However, even ignoring this issue, the Society is of the opinion that this scheme would not comply with the description of permitted development as it is set out by Schedule 2, Part 6, Class A of the GPDO and therefore this application is not permitted development.



Appeal Decision

Site visit made on 27 January 2021

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/X1925/W/20/3256050

Millbury Farm, Mill End, Sandon, Buntingford SG9 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Sapsed against the decision of North Hertfordshire District Council.
 - The application Ref 20/01078/AG, dated 22 May 2020, was refused by notice dated 18 June 2020.
 - The development proposed is an agricultural building for housing cattle, storage of machinery and feed.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with the provisions of Schedule 2, Part 6, Class A of the GPDO with specific regard to the amount of new development.

Reasons

3. The appeal scheme proposes the erection of a new agricultural building, a hardstanding apron in front of it and a three metre wide access track running to it from an existing access adjacent to Mill End.
4. Part 6 of the GPDO defines permitted development under its provisions as the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more (as is the unit subject of the appeal) in area of a) works for the erection, extension or alteration of a building; or b) any excavation or engineering operations. It seems sufficiently clear from this that such works could be either a building or excavation or engineering operations. It could also conceivably be both as there is nothing explicit in the provision of Part 6 that says it could not be.
5. Indeed, Part 6 goes on to say that 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; or (ii) any building erected or extended or altered by virtue of Class A, would exceed 1000 square metres, calculated as described in

<https://www.gov.uk/planning-inspectorate>

paragraph D.1(2)(a). Paragraph D.1(2)(a) defines ground area as that which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development.

6. For me, this is explicit that permitted development can be both a building and works and sufficiently implicit, based on the fact it is defined as to what can make up the 1000 square metres, that it should be concerned with a sum total of a given proposal. Or indeed any such that has been carried out within the preceding two years and be within 90 metres of the given proposal. By fault or design, I feel this is sufficiently clear by a common sense understanding of the wording of Part 6.
7. The ground area of the building proposed as part of this submission for prior approval would fall well below the 1000 square metre allowance. However, the scheme also includes the provision of a three metre wide access track of substantial length. Such that it would take the combined total over the permitted 1000 square metres. The provision of an access track could be described as works for the purposes of paragraph D.1(2)(a) and indeed an engineering operation for the purposes of Class A.
8. I note the appellant's comments regarding the allowances for works and engineering operations (hardstanding in this case) in the relevant section of Part 6 concerning units under 5 hectares. However, the submission before me concerns Class A. It has been accordingly considered under its specific provisions.

Conclusion

9. Taking the above into account, it seems sufficiently clear to me that the appeal scheme would not comply with the description of permitted development as it is set out by Schedule 2, Part 6, Class A of the GPDO. The appeal is therefore dismissed.

John Morrison

INSPECTOR

The Society consider that this application should be refused and a full planning application is required.

For and on behalf of the South Hams Society

Richard Howell

Chairman.

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