

**Application No:** W 12 / 1169

**Registration Date:** 17/09/12

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 12/11/12

**Case Officer:** Emma Spandley  
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**Fieldgate Farm, Haseley Knob, Haseley, Warwick, CV35 7NJ**

Application for a Certificate of Lawfulness for the proposed erection of steel framed agricultural building for the storage of crops and agricultural machinery  
FOR Mr D Lewis

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This application is being presented to Committee as it raises issues such that in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.

**RECOMMENDATION**

Planning Committee are recommended to grant the Lawful Development Certificate.

**DETAILS OF THE DEVELOPMENT**

The application is for a Lawful Development Certificate for a proposed agricultural building. The building will be a metal framed and clad agricultural barn.

**THE SITE AND ITS LOCATION**

The application site comprises an agricultural land holding known as Fieldgate, which adjoins the applicants dwelling, also known as Fieldgate. The land fronts the village of Haseley Knob with residential properties adjoining the site, Clattyands Barn to the North and Holly Hill to the South.

**PLANNING HISTORY**

W/10/1565 - Erection of replacement dwelling after demolition of existing; granted 1st April 2011.

W/11/0547 - Application for lawful development certificate for a new portal framed agricultural building to consist of a dry fodder store and secure agricultural equipment store; refused 6th June 2011.

W/11/0652/AG - Erection of agricultural barn; refused 7th June 2011.

W/11/1092/AG - Erection of an agricultural building; refused 22nd September 2011.

**RELEVANT POLICIES**

- Not applicable

## **SUMMARY OF REPRESENTATIONS**

**Beausale Haseley Honiley & Wroxall Parish Council** - Object due to the barn not being reasonably necessary for the size of the unit.

### **Public Responses -**

5 responses have been received objecting to the size of the proposed building and it not being reasonably necessary for the size of the holding.

1 response has been received in support of the application which states the building is reasonably necessary for the size of the holding and supporting information has been submitted.

## **ASSESSMENT**

The lawfulness of the proposal has to be assessed against Part 6, Class A of the 1995 Order relating to agricultural buildings and operations. Annex E of PPG7 which remains extant gives guidance on its application and states that the principle of development will not be relevant providing the Order conditions are satisfied. The relevant parts of the Order are outlined below:-

The Order conditions require that the development:

- must be on agricultural land, for the purposes of a trade or business, and excludes any dwelling house or garden;
- must be reasonably necessary for the purpose of agriculture within the unit. This does not require that a new building should necessarily accommodate an agricultural use which already exists on the unit;
- must not give rise to, or alter or extend, a dwelling;
- must not be within 25 metres of the metalled part of a trunk or classified road.

Class A rights of the Order would apply to this proposal as the agricultural unit is at least 5 hectares, and the building is not on a separate parcel of land. Under Class A:

- buildings should be designed for agricultural purposes
- buildings should not exceed 12 metres in height
- the ground area of any building should not exceed 465 square metres.

The proposed building covers an area of 297 square metres. The building has an eaves height of 4.88 metres and is 7.5 metres in height. It is proposed to be constructed of a standard metal frame with metal cladding and is positioned on agricultural land. The appearance of the building will not give rise to a dwelling and is not located within 25 metres of any road.

The main consideration therefore is whether the proposed building is reasonably necessary for the purpose of agriculture within the unit. This condition does not require that a new building is required to be essential.

There have been a number of previous applications relating to the erection of an agriculture building on this site, W/11/0547 & W/11/0652/AG related to a larger building. W/11/1092/AG relates to a similar sized building but in a different location. In assessing these applications, an Agricultural Consultant was employed by the Council to assess whether the building was reasonably necessary for the purpose of agriculture on the holding. In support of this

application, the applicant has also commissioned an Independent Agricultural Consultant who has submitted an agricultural report.

Since the previous applications were submitted, the original plan to grow potatoes on part of the holding has been changed due to the high level of wireworm in the soil, and this use of the land is not currently possible. The applicant therefore now proposes to grow hay and oats on the holding, with 2 blocks of 8.25 acres growing a rotation of 2 years grass ley for hay production, followed by 2 years of oats for combining and straw production.

The agricultural report submitted by the applicant in support of the application sets out the floorspace requirements for storage of produce from the holding. This equates to 140 sq.m in total and is considered reasonable for the size of holding. The report also lists a number of machinery items required to serve the holding, equating to a floor area of circa 150 sq.m (including space for access and circulation). These two areas together therefore amount to the 290 sq.m proposed by the applicant. However, the consultant employed by the Council on the previous applications considered that not all the machinery was required for the proposed activities on the holding and that less space would be required for access/circulation. Based on their previous assessments, a floor area of circa 90 sq.m might be deemed to be necessary, which would suggest the building is some 60 sq.m larger than is reasonably necessary.

However, as stated in *Clarke v SOS. & Melton*, consideration should be given to other suggested and practicably possible alternative farming activities at the unit concerned, given its size and nature, for which buildings could be viably used. Therefore to test whether a building is reasonably necessary, it is appropriate to consider what general agricultural purposes the land might reasonably be used for rather than the current or proposed use. In particular, it is important that any building is designed to provide sufficient flexibility for operations both in terms of space for additional storage and/or different machinery serving different agricultural activities.

Taking all the above into account, and the distinction between what is reasonably necessary and essential, it is considered that the proposed building is reasonably necessary for the purpose of agriculture on the holding.

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