

Development Management
Planning and Sustainable Development
Service

OFFICER REPORT – DELEGATED

Application number: PA21/00061	Expiry date: 31 January 2021
Received on: 4 January 2021	Neighbour expiry date: NONE CONSULTED
UPRN: 010090881858	Consultation expiry date:
Legal agreement: N	Site notice posted:
Departure: N	Site notice expiry:
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr James Baker
Site Address:	Family Nest Rescue & Livery North Tamerton Holsworthy Cornwall EX22 6SF
Proposal:	Application to determine if Prior approval is required to build a barn to house livestock
Application Type:	Agricultural/Forestry prior notification

Consultee representations:

Please Choose The Relevant Parish Council NONE

Constraints and designations:

Area of Great Landscape Value Name: Upper Tamar. Source: Cornwall Local Plan - 2016. Former Reference: ENV1

Area of Special Advertisement Control Name: Cornwall. Notes: This information is derived from the former District and Borough Councils. Date Approved: 09.11.1981

Area Susceptible to Ground Water Flood Flood Type: Superficial Deposits Flooding

Area Susceptible to Surface Water Flood Band: Less

Area Susceptible to Surface Water Flood Band: Intermediate

Area Susceptible to Surface Water Flood Band: Intermediate

Area Susceptible to Surface Water Flood Band: Less

Community Infrastructure Levy Parish: North Tamerton. Band: Band 1. Sub Zone: Designated Rural Areas/AONB

Designated Rural Areas Housing Order 1981: Designated rural areas

Parish Name: North Tamerton

SSSI Impact Risk Zones All Consultations:

Infrastructure: Airports, helipads and other aviation proposals.

Wind and Solar Energy:

Minerals Oils Gas Extraction:

Rural Non Residential:

Residential:

Rural Residential:

Air Pollution: Livestock & poultry units with floorspace > 500m², slurry lagoons > 4000m².

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste:

Composting:

Discharges:

Water Supply:

Wind Turbine Safeguarding Zone Classification: Any wind turbine 11metres to blade tip or taller, or has a rotor diameter of 2 metres or more. Consult: Ministry of Defence. Site: Cornwall

Wind Turbine Safeguarding Zone Classification: All wind turbine development. Consult: NATS. Site: UK and Northern Ireland

Relevant policies, SPGs and Government guidance:

Appraisal/key issues and conclusion:

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 grants permitted development rights for a range of agricultural buildings and any excavation or engineering operations.

In respect of these rights, the proposed development must be on agricultural land, in use for agricultural purposes for a trade or business and must be reasonably necessary for the purpose of agriculture within the unit. In this case, the land would need to be in use in association with an existing established agricultural trade/business. Agricultural permitted development rights set out within Class A do not extend to land being used for non agricultural purposes including use for any

equine use, livery or stables and would only apply to an animal rescue centre/animal shelter where the livestock is kept for the production of food/wool etc.

The submitted application forms seeks to confirm whether prior approval is required for an agricultural barn to store animals and food to run a business on land at Family Nest Rescue and Livery, North Tamerton, Holsworthy.

The covering letter for this application suggests that the farm is community based, will create local jobs and give schools the opportunity to provide an outdoor based educational learning experience. The Business Plan sets out the goals and objectives of the farm to provide fresh farm produce. The Business Plan suggests that the business is a proposed new business, opposed to being a current agricultural business. The business website address provided was not operational at the time of checking (21st Jan 2021) and the Facebook page for Family Nest Rescue and Livery is reflective of the business name in as much as photographs indicate pictures of ponies and rescued animals.

It is apparent from the information available to the Local Planning Authority that the land would appear to be in a mixed use for agricultural purposes, equine use and as an animal rescue centre, where the use of the land to provide fresh farm produce as set out within the submitted business plan appears to be a proposed new business, opposed to an established agricultural trade/business. Consequently, it is not considered the site benefits from agricultural permitted development rights on the basis that the site does not comprise agricultural land, in use for agricultural purposes for a trade or business.

In light of the above, planning permission is required.

Recommendation:

Planning permission is required.

The proposed development is not considered to constitute permitted development as defined in Class A of Part 6, Paragraph A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 on the basis that the information available to the Local Planning Authority indicates that land is in a mixed use for agricultural purposes and as an equine and animal rescue centre. Consequently, the site does not comprise agricultural land that is in use for agricultural purposes for a trade or business.

PPRQD

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan LOCATION PLAN received 04/01/21

Copies of decision notices and documents associated with the decision making process, where relevant, for the above applications can be found in the Council's on-

line planning register using the following link and by entering the reference of the application you are interested in.

Link: <http://planning.cornwall.gov.uk/online-applications/>