



Acland
Bracewell

Planning Supporting Statement

J. A. Jones and Sons
(Churchtown) Limited:
2D Gravel Lane, Banks

May 2022

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1. Introduction

- 1.1 This application is for Prior Notification of Agricultural Development under the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6, Class A ('GPDO') in connection with the proposed erection of a Poly tunnel at 2D Gravel Lane, Banks, Southport ("the Site").
- 1.2 This application has been prepared on behalf of J. A. Jones and Sons (Churchtown) Limited ('the Applicant').
- 1.3 The Proposal meets all the relevant criteria within Part 6 Class A of the GPDO.
- 1.4 The Applicant's agricultural Holding has been subject to a number of planning applications for agricultural development, which the Local Planning Authority has supported over many years.
- 1.5 There is a genuine business need for the proposed agricultural building.
- 1.6 The Applicant's General Permitted Rights have been used previously this year, but only using 219.45m² of the 1000m² permitted by the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6, Class A
- 1.7 This Supporting Statement has been submitted to assist the Local Planning Authority in determining as to whether prior approval is required for the agricultural building.

2. Applicant's Agricultural Enterprise

2.1 Agricultural Holding

- 2.1.1 Established in 1900, The Applicant is now a leading UK wholesale nursery business, based in Southport and specialises in growing over 90,000 field grown trees, of 200 type ranging in size from transplants to, and including, multi-stems and semi-matures.
- 2.1.2 The Applicant also produces over 800,000 container grown plants covering 600 species, ranging in size from 2 litres to specimens 200 litres plus, with 10 and 25 litres per speciality.
- 2.1.3 To complement the stock, the Applicant has developed strong trading links with independent growers throughout the UK and Europe, enabling the Applicant to supply the complete range of stock required by their customers, creating a 'one stop shop' scenario.
- 2.1.4 The Applicant's customer base includes landscape architects, landscape contractors, housing developers, universities, private developers, council's and golf courses.
- 2.1.5 The Applicant employs 87 full and part time staff and had a turnover of £9.3 million in 2019.
- 2.1.6 All plants are provided in accordance with the latest industry standards and the plant handling is in accordance with CPSE Guidelines. By meeting the strict plant health requirements, laid down by DEFRA, the Applicant is able to regularly export plants throughout Europe and beyond.
- 2.1.7 The Applicant's EC plant passport number is UK/EW/10337 RP EC Quality.

2.2 The Applicant's Agricultural Holding

- 2.2.1 The Applicant operates from five sites, all located within West Lancashire, extending to 50.48ha (124.74 acres) or thereabouts ('the Holding').

No.	Site (Holding Ref.)	Description	Ha (acreage)
1.	2D Gravel Lane, Banks	Main dispatch, tree production and growing on for stock	10.10 (24.96)
2.	144 Southport New Road, Tarleton	Production	1.53 (3.77)
3.	41 Blackgate Lane, Tarleton	Production	1.62 (4.0)
4.	Blundells Lane, Churchtown	Field grown tree production	36.83 (91.0)
5.	99 Bankfield Lane, Churchtown	Production	0.40 (1.0)
	TOTAL		50.48 (124.74)

2.2.2 The Holding is predominantly classified as Grade 1 on the Agricultural Land Classification Plan for England and Wales (Provisional) and is highly productive agricultural land. With the land being so inherently fertile, excellent fibrous root systems are naturally provided.

2.3 The Site

2.3.1 The Site extends to 10.10ha (24.96 acres) and facilitates the Applicant's main dispatch area, together with tree production and facility for the growing on for stock. The Site comprises glasshouses and poly-tunnels of varying age and condition, general timber buildings, lagoon, together with associated hardstanding.

2.3.2 The grid reference for the property are as follows:

Easting: 338545

Northing: 420053

2.3.3 A location plan of the Site is produced at **Appendix 1**.

2.4 Planning History

2.4.1 According to the West Lancashire Borough Council's records, the site benefits from the following planning permissions:

2D Gravel Lane, Banks

Application No.	Description	Status
2022/0313/PNP	Application for Determination as to whether Prior Approval is Required for Details - Erection of a canopy to existing agricultural building both used for agricultural storage.	Prior Notification not required
2022/0312/FUL	Retrospective approval for the erection of a canopy extension to the back of an existing agricultural storage building on site.	Approved
2021/1460/FUL	Part retrospective application for creation of a new access, erection of a pump house and water tank and laying of crushed hardcore for hardening of shrubs.	Under Consideration
2021/0964/FUL	Retrospective application for the erection of shade tunnels to be used for horticultural purposes.	Granted
2021/0180/PNP	Application for Determination as to Whether Prior Approval is Required for Details - Erection of portal framed agricultural storage building.	Prior Notification not required
2017/0385/FUL	Erection of single story detached building for use as a drying room, part-time office and canteen.	Granted
2015/0837/PNP	Application for Determination as to whether Prior Approval is Required for Details - Replacement agricultural building for storage of agricultural machinery and equipment.	Prior Notification not required
2008/1243/FUL	Retention of portacabin for storage of paperwork.	Granted
2008/0283/FUL	Erection of polytunnel (phase 1).	Granted
2008/0284/FUL	Erection of polytunnel (phase 2).	Granted
2004/0729	Application for Determination as to whether Prior Approval is required for Details - Erection of Agricultural storage building.	Prior Notification not required
1190/1067	Siting of residential caravan and septic tank.	Granted

2.4.2 The Applicant's planning history demonstrates that they have received full support from the LPA in relation to their previous applications for agricultural development, and expansion of their agricultural enterprise and the Holding has been subject to a Prior Notification Application within the last 2 years, as at the date of submission the applicant has used **307.48m²** of the 1000m² eligible under the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6, Class A.

3. Proposal

- 3.1 This application is for the erection of two poly tunnels on the site, to be situated over existing hardstanding used to harden plants and stock.
- 3.2 The proposal seeks to reduce the amount of damaged crop, which is produced every year, on which the applicant is unable to sell due to the low quality.
- 3.3 Certain plants such as Magnolia, Japanese Maple, Acer palmatum and bamboo are susceptible to damage from both intense sunlight and wind. As the site is fairly exposed to prevailing winds from the mere, a substantial percentage of crop is damaged and unfit for sale. This creates unwanted waste and loss of income for the business.
- 3.4 The proposal seeks to erect a double span of 8m wide tunnels, 31.7m in length to be covered in polythene sheeting.
- 3.5 The proposed tunnel dimensions are set out below as follows:

Poly Tunnel:

Length:	31.70m
Height to Eaves:	2.20m
Height to Ridge:	4.00m
Breadth:	8.00m (16.0m total)
Gross External Area:	507.20m²

- 3.6 The building will comprise of No. 13 bay steel construction hoops, fully covered with the Visqueen "Lumisol Clear" polythene to the roof and elevations. The polythene is clear blue in colour and has minimal visual impact to the surroundings due to the presence of existing similar structures within the site and throughout west Lancashire .
- 3.7 Access to the building will be via a 2.4m x 2.2m opening to the front and rear elevation fitted with a double sliding door, to be spilt vertically to allow the ease of passage for Dutch trollies and personnel.
- 3.8 For more information on the construction, measurements and appearance of the building, please refer to Drawing No. X348/157/004 Rev B shown on the Plan Elevation Drawing at **Appendix 2**.
- 3.9 The scale of the building is not disproportionate to its surrounding context and is contiguous with the existing agricultural buildings located adjacent to the east of the proposed development. The established landscaping surrounding the site will effectively screen the building to mitigate any potential impact on the openness of the surrounding countryside.

- 3.10 The building is designed in accordance with modern horticultural requirements and its siting is insular in the context of the site and is not disproportionate in scale.
- 3.11 The building is not situated within 3 kilometres of an aerodrome and does not exceed the maximum permitted height of buildings under the GPDO (12m).
- 3.12 As the proposal will not affect the surface water runoff, due to the siting of the proposed poly tunnels being on existing permeable hardstanding, the water will be collected via gutters and drained via infiltration.
- 3.13 The Applicant has considered other locations within their holding for the proposed development. However, in the Applicant's opinion and having taken professional advice, it has been established that the proposed siting of the building is the most suitable for the following reasons:
- i. The site is within the Applicant's Freehold Ownership, meaning that it is more economically effective as there would be no restraints from a landlord.
 - ii. The site is where the Applicant currently stores the plants which are being damaged by the sun and wind.
 - iii. The site is sheltered from view from the North, West and South by the Applicant's mature stock of trees and boundary hedges.
 - iv. The Site is well situated for the Applicant's Agricultural Enterprise.

4. Permitted Rights

4.1 (Part 6 Class A (19) of the General Permitted Development Order)

4.1.1 Part 6 Class A (A) of the GDPO, permits the carrying out on agricultural land comprised in an agricultural use of 5 hectares or more in area of –

“Works for the: Erection, extension or alteration of a building; or any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.”

4.1.2 S.336(1) of the Town and Country Planning Act 1990, defines agriculture as:

*“Agriculture includes **horticulture**, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly.”*

4.1.3 Part 6 Class A (A.1) of the GDPO states that 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, or include, the erection, extension or alteration of a dwelling;*

(c) *It would involve the provision of a building, structure or works not designed for agricultural purposes;*

(d) *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. (Amended GPDO 2018)*

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

(f) *Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;*

(g) *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; or*

(h) *It would involve excavations or engineering operations on or over article 1(6) land which are connected with fish farming.*

4.1.4 Part 6, Class A, A2 (1) of the GDPO permit development, subject to the following conditions—

(a) Where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below or for the storage of slurry or sewage sludge;

(b) Where the development involves—

(i) The extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) The removal of any mineral from a mineral-working deposit, the mineral shall not be moved off the unit;

(c) Waste materials shall not be brought onto the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface, and any materials so brought shall be incorporated forthwith into the building or works in question.

4.1.5 Part 6, Class A (A.2) (2) of the GDPO states that the erection, extension or alteration of a building is permitted subject to the following conditions -

The developer shall, 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 to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(a) The application shall be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(b) the development shall not be begun before the occurrence of one of the following:

(i) The receipt by the Applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(ii) Where the local planning authority give the Applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval; or

(iii) The expiry of 28 days following the date on which the application was received by the local planning authority without the local

planning authority making any determination as to whether such approval is required or notifying the Applicant of their determination;

(c) (i) Where the local planning authority give the Applicant notice that such prior approval is required the Applicant shall display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the Applicant;

- (ii) *Where the site notice is, without any fault or intention of the Applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph(aa) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;*
- (d) The development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—

 - (i) Where prior approval is required, in accordance with the details approved;
 - (ii) Where prior approval is not required, in accordance with the details submitted with the application;
- (e) The development shall be carried out—

 - (i) Where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;
 - (ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (d)(ii).

4.2 Assessment

- 4.2.1 The application forms part of an agricultural holding of more than 5 hectares and is considered reasonably necessary for the purposes of agriculture. The proposal accords with all of the above criteria.
- 4.2.2 In terms of siting, design and appearance, the size and scale of the proposed building is consistent with the existing agricultural buildings on the Holding, and its appearance is also consistent.
- 4.2.3 The location of the building will not result in any encroachment into open land and is the most viable and logical location for the poly tunnel, taking into consideration alternative possible locations on the Holding, as it will reside within the existing cluster of plants and existing polytunnels and will be contiguous with the other buildings. On this basis, the proposal will not have a detrimental impact upon the visual amenity and openness of the surrounding area.
- 4.2.4 The applicant has previously used the Permitted Development Rights over the holding, the previous application used 307.48m² within the past two years, of the 1,000m² available under General Permitted Development rights, and that this application of 507.20m² is within the 1,000m² of permitted development.

5. Conclusion

- 5.1 There is a clear requirement for a poly tunnel at the Site to enable the Applicant to reduce the losses of agricultural produce.
- 5.2 The Applicant's Agricultural Holding is over 5ha in area and the location of the proposed agricultural building is greater than 1ha.
- 5.3 The proposed building has been specifically designed for agricultural purposes and its design and appearance are typical to agricultural buildings in the locality of Lancashire.
- 5.4 The proposed building does not involve any alteration to the dwelling and the siting is more than 25m from a metalled part of a trunk or classified road.
- 5.5 The proposed building is not for the purpose of housing livestock or for the storage of slurry or sewage sludge.
- 5.6 The proposed building meets all the relevant criteria within Part 6 Class A of the General Permitted Development Order and therefore, we respectfully ask that the local planning authority determine that prior approval is not required in respect of this application.