

# EDGARS

Planning Services  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

Date: 21<sup>st</sup> July 2022

Ref: 903/3190

Dear Sir/Madam,

**RE: APPLICATION FOR PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT COMPRISING THE ERECTION OF A BARN AT NEW FARM, DAYLESFORD, GL56 0YG.**

I am contacting you on behalf of my clients, Daylesford Organic Farms Ltd, with regard to an application for prior notification in respect of the development as described above. The application fee shall be arranged separately by the client.

Please accept this letter as an application for prior approval made under Schedule 2 (permitted development rights), Part 6 (agricultural and forestry), Class A (agricultural development on units of 5 hectares or more) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – henceforth referred to as the GPDO 2015 (as amended).

This letter establishes the site context, planning history and planning legislation in respect of permitted development. In accordance with the requirements of the GPDO 2015 (as amended), this letter provides a description of the development (including its materials palette) and demonstrates the proposal's compliance with the permitted development criteria of Class A. In addition to this letter, the following documents have been submitted in support of this application:

- Site Location Plan (ref: 2002\_200\_01);
- Block Plan (ref: 2002\_200\_003);
- Proposed Floor Plans and Elevations (ref: 2002\_200\_003); and
- Application Form.

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## Site Context

The proposed development site comprises an area of 0.4 hectares (excluding existing access). The location of the proposed site is illustrated at **Figure 1**, below. The following paragraphs describe the site context, having regard to the provisions of permitted development.



**Figure 1:** The proposed location of the agricultural barn (outlined in red).

The location of the proposed agricultural building, within New Farm, is situated to the south of Daylesford farm complex, at the edge of the main farm complex, the site is accessed via a bridleway track to the south of the proposed location. Daylesford farm is 19.54 hectares, with access provided off the A436 and Daylesford Road. To the north of the site is Daylesford Organic and to the east of the site is the market garden.

The site is surrounded by agricultural land and agricultural uses, with agricultural barns located to the northwest of the proposed site.

The site and the surrounding area fall within the Cotswolds Area of Outstanding Natural Beauty (AONB) and as such comprises article 2(3) land for the purpose of this prior notification application. However, this designation does not limit the provisions of GPDO 2015 (as amended), Schedule 2, Part 6, Class A.

## **Planning History**

The planning records of relevance to this application including those relating to nearby agricultural buildings, which were permitted (as according to the GPDO regulations and therefore not requiring prior approval) under Schedule 2, Part 6, Class A of the GPDO 2015:

19/01484/AGFO: Cotswolds District Council determined that the notification for the *erection of an agricultural building* (an American Barn) at New Farm, Daylesford did not require prior approval. The decision was made on the 21<sup>st</sup> May 2019.

16/02755/AGFO: Cotswold District Council determined that the notification for the proposed new agricultural storage building at New Farm Daylesford did not require prior approval. The decision was made on the 5<sup>th</sup> July 2016.

## **Proposed Development**

The proposal is for the erection of an agricultural barn for the storage of hay, located within the farm. The use of a sheltered hay storage facility is required to protect the crop against atmospheric conditions, which would otherwise be spoiled.

In terms of the design the agricultural building is approximately 49m long by 16m wide with a total footprint of 784sqm. It features an eaves level of 5.5m with a ridge level of 7.8m. With regard to materials, it is proposed that the barn walling is formed of Yorkshire boarding over concrete panel walls, with the roof to be covered by profile 6 sheeting: coloured grey. The materials are indicated on the submitted plans. Having regards to the above, the proposed barn is of a scale similar to other buildings within the farm.

## **Prior Notification Process and Compliance**

Section A (of Schedule 2, Part 6, Class A of the GPDO 2015 (as amended)) permits the erection of a building on agricultural land where the agricultural unit comprises 5 hectares or more, subject to the provisions and conditions of Class A sections A.1 and A.2.

This section sets out the relevant provisions and conditions of these sections (left column below) and demonstrates the proposal's compliance with each (right column below).

Requirements	Does the site meet the requirements?
(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;	No, the development would not be carried out on a separate parcel of land 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;	Not applicable.
(c) It would consist of, or include, the erection, extension or alteration of a dwelling;	No, the proposed development is solely for agricultural purpose.
(d) It would involve the provision of a building, structure or works not designed for agricultural purposes;	No, please see elevation plans attached, the design of the building is for agricultural purpose.
<p>(e) The ground area which would be covered by—</p> <p>(i) Any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or</p> <p>(ii) Any building erected or extended or altered by virtue of Class A,</p> <p>Would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;</p>	<p>No, the storage of hay will remain the prime use for the agricultural building proposed.</p> <p>No, as stated in the drawings attached the size of the proposed agricultural building is 784sqm.</p>
The height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;	No, there is no aerodrome within 3 kilometres of the site.
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;	No, there is no aerodrome within 3 kilometres of the site.

<p>Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;</p>	<p>No.</p>
<p>It would consist of, or include, the erection or construction of, or the carrying out of any works to,</p> <p>a building, structure or an excavation used or to be used for the accommodation of livestock or</p> <p>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;</p>	<p>No, the proposed use is for the storage of hay.</p>
<p>It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or</p>	<p>Not applicable.</p>
<p>Any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—</p> <p>(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</p> <p>(ii) Is or would be within 400 metres of the curtilage of a protected building.</p>	<p>No, the proposed use is for the storage of hay.</p>

## Conditions

### A.2— (1) Development is permitted by Class A subject to the following conditions—

Requirements	Does the site meet the requirements?
<p>(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 are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;</p>	<p>No, the site is does not fall within the proximity of any of these allocations.</p>
<p>(b) where the development involves—</p> <p>(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or</p> <p>(ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;</p>	<p>Not applicable.</p>
<p>(c) waste materials are not brought on to 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 are incorporated forthwith into the building or works in question.</p>	<p>Not applicable.</p>
<p>(2) Subject to sub-paragraph (3), development consisting of—</p> <p>(a) the erection, extension or alteration of a building;</p> <p>(b) the formation or alteration of a private way;</p> <p>(c) the carrying out of excavations or the deposit of waste material (where the relevant area, or</p> <p>(d) the placing or assembly of a tank in any waters,</p>	<p>Yes, in order to meet condition i) of sub-paragraph 3, the prior approval letter submitted is a requirement of this condition. This includes a description of the barn and its materials.</p>

<p>is permitted by Class A subject to the following conditions—</p> <p>(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, 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;</p> <p>(ii) the application must 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;</p>	
<p>(iii) the development must not begin before the occurrence of one of the following—</p> <p>(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;</p> <p>(bb) Where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination</p> <p>That such prior approval is required, the giving of such approval; or</p> <p>(cc) the expiry of 28 days following the date on which the application under subparagraph</p> <p>(2)(ii) Was received by the local planning authority without the local</p> <p>planning authority making any determination as to whether such approval is</p>	<p>Yes, instructions for development will not be issued until further confirmation from the Local Authority.</p>

<p>required or notifying the applicant of their determination;</p>	
<p>(iv) Where the local planning authority give the applicant notice that such prior approval is required, the applicant must—</p> <p>(aa) 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; and</p> <p>(bb) 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 (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;</p>	<p>Yes, the conditions stated will be satisfied in order to meet the requirements.</p>
<p>(v) The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—</p> <p>(aa) Where prior approval is required, in accordance with the details approved;</p> <p>(bb) Where prior approval is not required, in accordance with the details submitted with the application; and</p>	<p>Yes. This is noted.</p>
<p>(vi) The development must be carried out—</p> <p>(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;</p>	<p>Yes. This is noted.</p>



<p>(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).</p>	
<p>(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.</p>	<p>Not on article 2 (4) land; not an extension or alteration.</p>
<p>(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).</p>	<p>The development is not for restoration or alteration.</p>
<p>(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—</p> <p>(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and</p> <p>(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.</p>	<p>Yes, this is applicable, and is noted.</p>

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

In order to benefit from this permitted development, section A.2(2)(i) requires the developer to apply to the local planning authority for a determination as to whether prior approval will be required as to the siting, design and external appearance of the building.

As stated above, the proposal aligns with the requirements of Section A (of Schedule 2, Part 6, Class A of the GPDO 2015 (as amended)). The development is constructed for exclusive use of agricultural purposes. In this capacity, the proposal is of a proportionate scale to its use and context and the selection of appropriate design materials.

In addition, section A.2(2)(ii) requires that the application be accompanied by a written description of the proposed development including its materials palette, a plan indicating the site and the application fee.

The written description of the proposal (including its materials palette) has been set out in the proposed development section above. Furthermore, the site and the proposed development are illustrated in the plans accompanying this submission. In this capacity, the proposal complies with the conditions of section A.2(2)(ii).

**Conclusion**

This letter demonstrates that the proposed *erection of a barn* at New Farm, Daylesford, GL56 0YG (for the purposes of storing hay) complies with the above-identified provisions and conditions of Schedule 2, Part 6, Class A of the GPDO 2015 (as amended).

I trust this application for prior approval is in order and meets the criteria of the General Permitted Development Order. Should you have any queries regarding the above or require any further information, please do not hesitate to contact me.

Yours faithfully,

Charlie Bowyer

Edgars Limited