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Joanne Marshall
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County Hall
Beverley
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HU17 9BA

2nd November 2023
Ref: L003/4446LE

Dear Joanne,

PRIOR NOTIFICATION UNDER SCHEDULE 2, PART 6, CLASS A OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) FOR THE ERECTION OF 2 AGRICULTURAL BUILDINGS ON LAND NORTHEAST OF HENLEY'S NURSERIES, HOLME ROAD, MARKET WEIGHTON

Introduction

We write to you on behalf of the applicant, Mr A. Metcalfe (the 'Applicant'), to give Prior Notification pursuant to Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('Prior Notification') for the proposed erection of 2 agricultural buildings (hereby referred to as 'Building B and Building E') (the 'Proposed Development') on land northeast of Henley's Nurseries, Holme Road, Market Weighton (the 'Site').

This letter sets out the details of the Proposed Development and demonstrates its compliance with the provision for permitted development as set out in Class A of the Town and Country Planning (General Permitted Development) (England) (As amended) Order 2015.

This Prior Notification is a resubmission of the Prior Notification application 23/02935/AGNOT which was submitted on September 28th 2023 and refused by East Riding of Yorkshire Council on October 23rd 2023.

The submission package contains the following information, in accordance with the provisions of Class A:

- Site Location Plan;
- Proposed Site Plan;
- Proposed Floor Plans and Elevations of Buildings B;
- Proposed Floor Plans and Elevations of and Building E; and
- Photo and Sketch Plan of the Existing Building E (to be relocated to the Site)

Site Description and Planning History

The wider agricultural holding of which the Site forms part of is approximately 20.24 ha in size and is currently in agricultural use.

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The Site lies south of Holme Road/Market Weighton Road and is situated approximately 1.95km southwest of the centre of the settlement of Market Weighton. Agricultural uses bound the Site in all directions.



Figure 1 – Aerial Photo of the Site with Approximate Red Line Boundary

The Site has been subject to three previous relevant planning applications which are summarised in **Table 1** below.

Table 1 – Relevant Planning History of the Site

Application Reference	Date	Description of Development	Map/Location	Status
10/04921/ STPLF	25 Nov 2010	Outline application for the erection of replacement farmstead (access, appearance, layout and scale to be considered) and full application for cattle/general purpose agricultural building		Approved
12/01233/ STREM	12 Mar 2012	Erection of replacement farm dwelling and combined garage/storage building following approval of hybrid application 10/04921/STPLF (appearance and landscaping to be considered)		Approved
23/02935/ AGNOT	23 Oct 2023	Prior Notification for the erection of a general-purpose agricultural building and erection of a grain store		Not Granted Prior Approval

As indicated above, a hybrid application was submitted in November 2010 and sought outline permission for the erection of replacement farmstead (access, appearance, layout and scale to be considered) and full permission for cattle/general purpose agricultural building. That application was granted on the 15th June 2012.

Under the hybrid permission, a layout plan formed part of the approved plans list which is shown in **Figure 2** below. Building A was sought in full, whilst the remainder of the buildings were sought in outline.

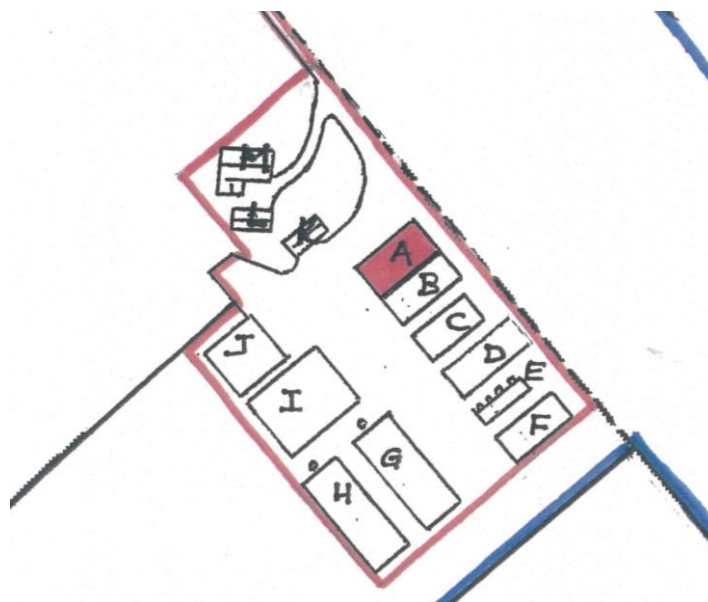


Figure 2 – Approved Site Layout of 10/04921/STPLF

We understand that the full permission concerning Building A was not lawfully commenced due to the fact that some pre-development conditions were not discharged. As such, the Applicant intends to submit a further full planning application for the erection of Building A with a further full planning application to follow seeking permission to erect the remaining buildings (Building C and Building D) shown on the accompanying proposed site plan (See **Figure 3**).

A subsequent reserved matters submission was submitted to the Council in March 2012 for the erection of a replacement farm dwelling and combined garage/storage building following approval of the hybrid permission. The reserved matters submission was approved on the 15th June 2012 under application with reference **12/01233/STREM**.

The farmhouse (permitted under permission **12/01233/STREM**) has, in our view, been implemented as the dwelling is substantially complete, as can be seen in the aerial image of the Site contained at **Figure 1** and has been so for a considerable period of time.

The recent application (ref. **23/02935/AGNOT**) was not granted Prior Approval for the erection of a general-purpose agricultural building and erection of a grain store on the grounds that:

“The proposed buildings would be sited on a parcel of land less than 1 hectare in size and it has not been demonstrated that proposed Building E has been designed for agricultural purposes due to its scale. This would be contrary to condition A.1 (a) and (d) of Schedule 2 Part 6 Class A and therefore cannot constitute permitted development.”

The Officer’s report provides further details and states, at Paragraph 7.3, that the parcel of land on which the proposed buildings will be sited is less than 0.4ha in area conflicting with condition A.1 (a) of Schedule 2 Part 6 Class A. In addition, the report then goes on to state at Paragraph 7.6 that:

“the proposal is stated as being for agricultural purposes storage of grain and agricultural store). However, the scale of Building (E) is reflective in size of the existing domestic garage on site with no clear use stated within the application form. It is unclear how this building would be utilised for agricultural storage given its scale.”

Therefore justifying why it was considered that the proposals would be in conflict with condition A.1 (d) of Schedule 2 Part 6 Class A.

This resolution was made despite the fact that it was made clear in the application that the parcel of land of which the Site forms part of which is approximately 20.24 ha in size and therefore well in excess of the 1 hectare in size threshold. Additionally, the Council is fully aware that the Applicant operates an existing farm and it is the Council’s own policy that the farm should be relocated to allow for residential development to come forward on the ‘MW-B’ housing allocation. Indeed, the implementation of live planning application ref. **23/01953/STPLF** on land north of Holme Road (consisting of the proposed erection of 196 dwellings) relies on the relocation of this farm.

These matters will be discussed below in greater detail in the ‘Background’, ‘Proposed Development’ and ‘Assessment of Proposed Development’ sections respectively.

Background

The Applicant currently operates a pig farm on land north of Holme Road which forms part of the ‘MW-B’ housing allocation. Criterion C of Policy MW-B of the East Riding Local Plan Allocations Document (adopted July 2016) (the ‘ERAD’) stipulates that as part of any development coming forward on the allocation that, *“the existing pig unit and all associated buildings and structures must be removed”*.

Persimmon Homes (Yorkshire) and JG Hatcliffe Property & Planning have submitted a full planning application (ref. **23/01953/STPLF**) for the erection of 196 dwellings on part of MW-B which is currently under consideration by the Council. Whilst the existing farmhouses on the allocation will be retained (as this does not fall within the definition of ‘the pig farm and associated structures’), the existing agricultural buildings are to be demolished and/or relocated in different phases (as described above) to the Site, in order to comply with the policy.

DPP are acting as agents for Persimmon Homes in respect of the proposed residential development on MW-B and, as indicated above, DPP are acting as agents for the further two full planning applications that the Applicant intends to submit to the Council.

Proposed Development

This Prior Notification submission seeks confirmation as to whether Prior Approval is needed for the erection of 2 agricultural buildings (buildings B and Building E) on the Site in line with Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 6.

As shown on the accompanying Proposed Site Layout drawing, submitted with the application and also depicted in **Figure 3** below, the Proposed Development seeks the development of 2 agricultural buildings (Buildings B and Building E only) and will be situated to the south of the existing dwelling and directly to the west of the existing foundations of Building A.

The Proposed Development comprises the following elements:

- The erection of Building B (up to a maximum height of 7.2 metres in height and a floorspace of 587.6 sqm) which will serve as a grain store; and

- The erection of Building E (up to a maximum height of 4.7 metres in height and a floorspace of 99 sqm) which will serve as a general-purpose agricultural building.

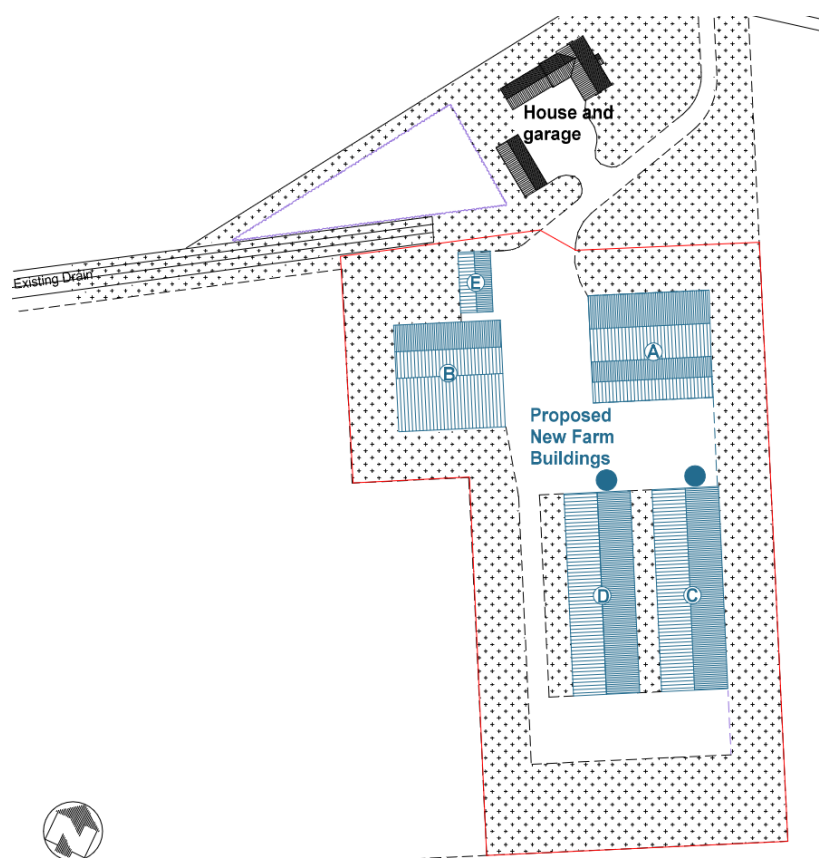


Figure 3 – Proposed Site Layout (including the Proposed Development)

For clarity, this Prior Notification letter only concerns the proposed erection of Buildings B and Building E and the remaining elements will be brought forward through separate applications at a later date.

It was questioned in the refused application whether Building E would be used for agricultural purposes as it is suggested that it was of a similar scale to a domestic garage. As depicted in **Figure 4** below, Building E is an existing building currently sited on land north of Holme Road that is simply proposed to be relocated to the Site. As is indicated in the below photo and sketch plan, it is currently used for storing a flat 4.8m trailer, a livestock tractor, bagged creep feed and a skid-steer loader along with an area used to store farm tools.

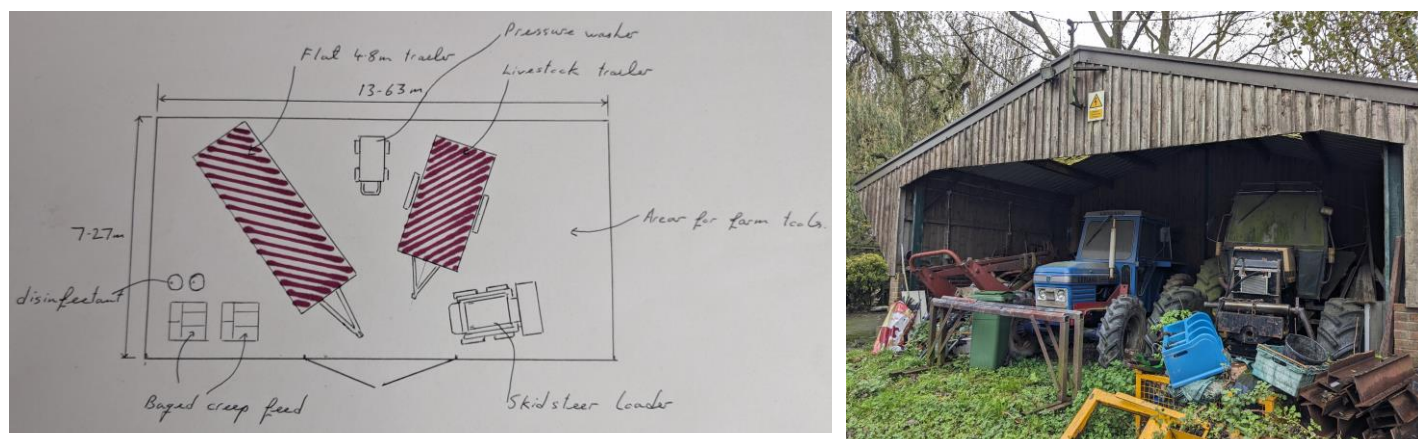


Figure 4 – Sketch Plan and Photo of Building E as existing (currently sited on land north of Holme Road)

The Applicant will continue to utilise the relocated Building E for the purposes outlined above.

The proposed elevations of the Buildings B and Building E have been submitted as part of this submission, but a summary of the materials is provided below:

- **Building B** - The elevations will consist of concrete wall panels (up to 2 metres in height) with Vandyke brown box profile steel sheets forming the remaining parts of the walls above 2 metres. The roof will be comprised of beaver brown fibre cement profiled sheets.
- **Building E** – The walls will be constructed of brick (up to 1 metre in height) and tanalised timber boarding for the walls above the bricks and the roofing will be comprised of Vandyke brown steel box profile sheets.

Assessment of Proposed Development

This section explains how the Proposed Development's complies with the conditions for permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO 2015').

Class A

Class A permits development that comprises:

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.

As shown on the accompanying Site Location Plan, the parcel of land falling under the Applicants' ownership (outlined in red) extends to 20.24 ha. The Proposed Development consists of the erection of 2 buildings which are proposed to serve as a grain store (Building B) and a general-purpose agricultural building mainly used for storage (Building E).

Further details (discussed above and further below) accompany this resubmission of the previous application to confirm that Building E is necessary to serve the purposes of agriculture.

These buildings are both vital for the running of the Applicant's agricultural business and the Proposed Development is therefore, in principle, permitted under Class A subject to any exclusion under Class A.1.

Class A.1

With the exception of criteria A.1 (a) and (d), the Council accepted that the Proposed Development complies with Class A.1 in assessing ref. **23/02935/AGNOT**. We provide further details and clarifications below as to how the proposals comply with these criteria A.1 (a) and (d), however, for completeness, we respond in turn below to each of the conditions listed in A.1.

"Development would not be permitted under 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;"

The Proposed Development will not be carried out on a separate parcel of land. The previous application listed a site area of 0.4ha., however, this simply referred to the area of land that would be developed. The original and revised location plans clearly show that the wider area of land 20.24 ha. falls under the Applicant's ownership.

The area of land to be developed is clearly well related to the wider area of land ownership and there are no features to demarcate this area of land from the wider parcel of land (for example hedgerows). Therefore, it is unclear why the previous application was considered to have been proposed to be carried out on a separate parcel of land.

Nonetheless, for the avoidance of any doubts that the Site does not form part of the wider agricultural holding of 20.24 ha., a revised Site Location Plan has been submitted along with revised application forms which clearly state that the parcel of land where the development is to be located is 20.24 ha. in area.

Paragraph A.1(a) therefore does not apply in this instance.

(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.

As is established in the section that deals with the planning history of the holding, there have been no previous developments on the Site permitted under Class Q or S of Part 3 (changes of use) of Schedule 2 within the past 10 years. A.1(b), therefore, does not apply in this instance.

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

No works to the existing dwelling are proposed as part of the Proposed Development nor is the erection of any further dwelling proposed. Paragraph A.1(c) therefore does not apply in this instance.

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

As outlined in the Proposed Development section above, the two proposed buildings will serve as a grain store and a general-purpose agricultural building respectively which both comply with A.1(d).

It is unclear what further evidence would be required of the Applicant to demonstrate that Building E will continue to serve agricultural purposes. Should any further evidence be required please do not hesitate to get in contact with us.

In any case, the Applicant confirms that the relocated Building E will continue to be used for the purposes outlined above.

Paragraph A.1(d) therefore does not apply in this instance.

(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

As described above, the purposes of the respective proposed buildings are for a grain store and a general-purpose agricultural building. There are therefore no structures proposed to accommodate livestock or any plant or machinery arising from engineering operations. Additionally, the combined areas of the proposed Buildings B and Building E is only 686.6 sqm and is therefore below the threshold which demonstrates that the Proposed Development accords with A.1(e).

(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;

The Site does not lie within 3 kilometres of the perimeter of an aerodrome and, therefore, A.1(f) is not applicable in this instance.

(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;

The maximum height of the tallest of the two buildings (Building B) is 7.2 metres and the maximum height of Building E is 4.7 metres. The proposed development therefore satisfies A.1(g).

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

Both proposed buildings are set back at least 170 metres from Market Weighton Road/Holme Road. The Proposed Development therefore complies with A.1(h).

(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;

As described above, the proposed use of the Proposed Development does not include the accommodation of livestock or the storage of slurry or sewage sludge and, as such, A.1(i) does not apply.

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

The Site does not form part of a national park nor any article 2(4) protected land and, consequently, A.1(j) is not applicable in this instance.

(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.

Neither building is proposed to store fuel or waste from a biomass boiler or an anaerobic digestion system. As such, A.1(k) does not apply.

Based on the above conditions, the Proposed Development does not fall within the exclusions set out in Class A.1.

This was previously accepted by the Council via application ref. **23/02935/AGNOT** with the exception of criteria A.1 (a) and (d) which we have demonstrated above are both also not applicable.

Class A.2

The Council accepted that the Proposed Development fully complies with Class A.2 in assessing ref. **23/02935/AGNOT**. However, for completeness, we assess the Proposed Development in turn against the compliance conditions listed in A.2.

“Development is permitted by Class A 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 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;

As described above, neither of the buildings are proposed to accommodate livestock, to store slurry or sewage sludge, to house a biomass boiler or an anaerobic digestion system, nor store any form of fuel or waste/hydro-turbines. The proposals are therefore in compliance with A.2(1)(a).

(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 is not moved off the unit;

No mineral extraction nor mineral removal processes are proposed as part of Proposed Development and, as such, the Proposed Development is in compliance with A.2(1)(b).

(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.

No waste materials are proposed to be brought on to the Site as a result of the Proposed Development and, therefore the Proposed Development is in compliance with A.2(1)(c). A.2(2)(a)(i-ii) are both conditions that relate to the prior notification process which we will respond to in turn. This cover letter serves as a formal prior notification (*accompanying Planning Portal ref. PP-12576489*) in compliance with A.2(2)(a)(i). We await your confirmation that prior approval will not be required as to the siting, design and external appearance of the proposed buildings B and Building E.

This formal prior notification application and cover letter provides a full written description of the Proposed Development including the materials to be used and a plan indicating the layout and is accompanied by the application fee in compliance with A.2(2)(a)(ii). Clauses A.2(2)(a)(iii-vi) are compliance conditions relating to the approval procedures and implementation of any approval received from the local planning authority. The Applicant agrees to comply with these conditions as applicable.

A.2(3) and A.2(4) only relate to extensions and alterations of buildings which means they are not applicable in this instance.

A.2(5) consists of a compliance condition that requires the eventual removal of the Proposed Development and restoration of the Site to its condition before development took place should the use of the Proposed Development permanently cease within 10 years from the date on which the development was completed and if planning permission has not been granted on an application for development for purposes other than agriculture within 3 years of the Proposed Development use permanently ceasing. Whilst this is not relevant at this stage of the process, the Applicant agrees to comply with A.2(5) in the event that the proposed buildings become redundant over the time scales and in the circumstances described in A.2(5).

A.2(6) relates to appeals which means that this condition is not applicable in this case and A.2(7) is a compliance condition which will only become applicable upon approval from the Council. The Applicant agrees to notify the Council of the full implementation of the Proposed Development within 7 days of its completion in compliance with A.2(7).

Where currently applicable, the Proposed Development complies with Class A.2 and the Applicant agrees to comply with all the remaining relevant provisions of Class A.2. This was previously accepted by the Council via application ref. **23/02935/AGNOT**.

Summary

In view of the above, it is considered that the Proposed Development, falls wholly within the provision of permitted development as set out within Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Upon assessing ref. **23/02935/AGNOT** of which this application is a resubmission, the Council accepted that the Proposed Development meets all criteria of Schedule 2 Part 6 Class A excepting A.1 (a) and (d) which our above clarifications demonstrate that the proposals comply with. As such, the Proposed Development falls within the permitted development and would not require prior approval of additional details before works can proceed.

I look forward to receiving written notice of the Local Planning Authority's determination within 21 days of this application.

Yours sincerely,



Chris Wallace

Planner

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