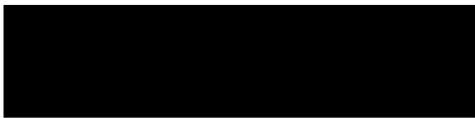




Context Planning Ltd
Cambridge House
Henry Street
Bath
BA1 1BT



21 February 2024

Dear Sirs

Re Prior Approval application for the erection of an agricultural barn at Foxholes Farm, New Mills Lane, Alderley, GL12 7RR

Context Planning have been appointed to provide a statement in support of a Prior Approval Notification for a new barn at Foxholes Farm, New Mills Lane, Alderley. This statement should be read in conjunction with the Design and Access Statement and Statement of Agricultural Need, which also accompany the application. This should provide the Local Planning Authority with the information necessary to conclude that prior approval is not required.

Schedule 2, Part 6, Class A of the GPDO allows for the erection of buildings reasonably necessary for the purposes of agriculture within an agricultural unit of five hectares or more.

Section 336 of the Town and Country Planning Act 1990 defines agriculture as the following:

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

As such, the application site must be considered as agricultural land occupied as a unit for the purposes of agriculture.

In relation to whether the development proposed is 'reasonably necessary' up to the maximum permitted footprint allowed under the Class, the McKay & Walker v SSE & South Cambridgeshire DC [1989] JPL 59018 judgment held that building size was irrelevant in deciding whether a building was reasonably necessary. As such, in line with the approach set out by McKay & Walker, there is no obligation to consider whether a

smaller barn than that proposed would suffice, in assessing whether the proposed building would be reasonably necessary for the purposes of agriculture.

The table below sets out the criteria from Schedule 2 Part 6 with commentary against each to demonstrate compliance.

GPDO Schedule 2 PART 6 - Agricultural and forestry Permitted Development.

Class A – agricultural development units of 5 hectares or more	
A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—	<i>The landholding is 7.85 hectares</i>
(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.	<i>The proposed barn is necessary for hay storage and lamb See separate statement of Agricultural need.</i>
A.1 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;	<i>The barn is not site separate parcel of land. relevant field is 2.64 hectares in area.</i>
(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;	<i>No Class Q or Class S development has been carried out in the past.</i>

<p>(c) it would consist of, or include, the erection, extension or alteration of a dwelling;</p>	<p><i>There is no dwelling involved</i></p>
<p>(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;</p>	<p><i>The proposal is for an agricultural barn.</i></p>
<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 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part;</p>	<p><i>The proposed building measures 122 sqm (Gross external area). 224 sq m if ti concrete yard is included</i></p>
<p>(f) the height of any part of any building, structure or works within kilometres of the perimeter of an aerodrome would exceed 3 metres;</p>	<p><i>There is no aerodrome wii 3km</i></p>
<p>(g) the height of any part of any building, structure or works not within 3 kilometres of the perimete of an aerodrome would exceed 12 metres;</p>	<p><i>Max height at ridge is 6.7m</i></p>
<p>(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;</p>	<p><i>The nearest metalled ro public highway is approximately 325m from the site</i></p>
<p>(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 excavator used or to be used for the</p>	

<p>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;</p>	<p><i>The building is within 400m of a Protected Building and would be used for Livestock – see Paragraph D.2 (1) below</i></p>
<p>(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or</p>	<p><i>There is no fish farming</i></p>
<p>(k) 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 metre of the curtilage of a protected building.</p>	<p><i>The proposals do not include storage of fuel or biomass boiler waste or an anaerobic digestion system</i></p>
<p>Conditions</p>	
<p>A.2—(1) Development is permitted by Class A subject to the following conditions—</p>	
<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</p>	<p><i>The proposed barn is within 400m of a Protected Building .</i></p> <p><i>Part of the purpose of the barn is for use for Livestock. Paragraph D.1 (3) below</i></p>

<p>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><i>No slurry, sewage sludge, anaerobic digestion or fuel any sort is proposed. No hydro turbine proposed.</i></p>
<p>Paragraph D.1 (3)</p>	
<p>(3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—</p> <p>(a) that no other suitable building or structure, 400 metres or more from curtilage of a protected building, is available to accommodate the livestock; and</p> <p>(b)(i) that the need to accommodate livestock arises from quarantine requirements, or an emergency and another building or structure in which livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or</p> <p>(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to shelter against extreme weather conditions.</p>	<p><i>There are no buildings within the land ownership which 400m or more from Protected Buildings.</i></p> <p><i>It is possible that from time to time quarantining of livestock may be required.</i></p> <p><i>The barn will be used for lambing in the spring. This is temporary accommodation, a limited timeframe within each year. The development therefore complies with this criteria.</i></p>

Under Schedule 2, Part 6, Class A, Condition A.2-(2)(i) of the GPDO, it is recognised that there is the ability to assess factors including the siting, design and external appearance of the proposed barn building.

The submitted Design and Access Statement fully considers these issues. Sufficient information is submitted within this application for the above assessment to be made. It is therefore evident that the proposal is permitted development and further details should not be required.

Your sincerely

