

Pigs Direct
The Moon and Sixpence
Midgham
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Hampshire
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13/02/2024

Dear Sir/Madam

RE: TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 1995 (AS AMENDED)-APPLICATION FOR DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED FOR AN AGRICULTURAL BUILDING PURSUANT TO SCHEDULE 2, PART 6, CLASS A - LAND ADJACENT TO 1 NEW COTTAGES, BICKTON LANE, BICKTON, FORDINGBRIDGE SP6 2EZ

I attach a completed application for prior approval in respect of the above. The proposal is for an agricultural storage building to enable the storage of agricultural machinery and the hay crop taken from the land. The plans also illustrate a proposed area of hard standing around the building. This is required to facilitate an external loading and maneuvering space to serve the agricultural store, although it is not considered that this element requires prior approval as it constitutes an engineering operation that is permitted by virtue of class A. It is shown nevertheless for the sake of completeness.

I own 405 acres (163 hectares) of land See "LandOwnershipV2.pdf". The land in question is split by The River Avon with approximately 80 acres to the East of the river and the remainder within the floodplain 225 acres and woodland 100 acres. Traditionally there were 2 separate farms Bickton and Midgham the latter being sold in 1983. Prior to the cessation of weed cutting and the arrival of global warming we used to be able to take machinery across the ford but that is no longer possible as the river level is so high for much of the year. The total size of land suitable for hay making is 220 acres.

Presently the hay crop is stored in plastic-wrapped bales on the land and transported by road to where it is needed. Not only is this unsightly but we wish to avoid the use of plastic for environmental reasons. There is also a need to store agricultural machinery and equipment in the dry, and therefore a purpose-built agricultural barn represents the best solution. Due to the increased frequency of flooding it is not feasible to site an agricultural barn in the floodplain and the most suitable location is East of the River Avon out of the flood plain.

I intend to make a variety of the best quality hay East of the River and meadow hay West of the River in a similar way to <https://www.highclerecastlehorsefeeds.co.uk/hay> and have recently taken control of all of the land as the current tenant has not renewed their lease and the last tenant will be leaving within 12 months who occupies 4 acres.

The proposed building is a simple shallow-pitched, six-bay barn with a primarily open frontage. The end 4 bays are enclosed but open to the other bays internally. The building would be clad in black-stained timber on the West elevation and green profiled steel cladding on the others and set under a green profiled steel roof covering. Its appearance would therefore be typical of a conventional

agricultural building and similar to the building adjacent. In terms of size it is considered to be proportionate to the overall holding and is no larger than is needed for reasonable agricultural purposes. See plan "LOCATION_PLANV2.pdf" and notice that I own all of the land within the red line and that includes the whole access track from the Bickton Village road that leads to the A338.

The location of the proposed building has been chosen for two reasons. Firstly, it would reuse a brown field site where an agricultural barn used to be sited including the concrete base that still exists and is next to other agricultural buildings situated at Bickton Farm thus keeping the development from becoming spread out. It is considered best practice to group agricultural buildings in reasonable proximity to each other rather than to locate them in isolation, as this generally minimises their visual impact.

Part 6 Class A relates to agricultural units that occupy 5 hectares or more. In this instance, as detailed above, the applicant operates an agricultural unit of more than 5 hectares.

Class A states that the following is 'permitted development':

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,

The present proposals are reasonably necessary for the purposes of agriculture within the unit, in that the existing buildings on the land are small and are not suitable for the storage of what is a large hay crop - this is evidenced by the current arrangement of storing bales in plastic on the site. Furthermore, we have a reasonable need to store a tractor and associated attachments within a dry space, hence there is considered to be a perfectly reasonable need for the building.

However, it should be noted that there is no 'test' within the prior approval process as to whether a development is 'reasonably necessary' for agriculture. It is established planning law that this process simply extends to whether or not the LPA wishes to require the prior approval of details of the siting, design or external appearance of the building proposed. If it transpires that the building was not reasonably necessary for the purposes of agriculture then the building is liable to enforcement action by the LPA in the normal way. That said, it is clear in this case that there is a reasonable need for the building to fulfil genuine agricultural purposes related to the operation of the agricultural unit.

Class A.1 then states that the following development is not permitted by Class A:

(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 building would not be on a separate parcel of less than 1 hectare;

(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; no development under class Q or S has been carried out within the agricultural unit;

(c) it would consist of, or include, the erection, extension or alteration of a dwelling; it would not;

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

(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; neither of these considerations apply in this case; the building proposed would not be used to accommodate livestock and would not exceed the threshold of 1000 square metres.

(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 is not within 3km of an aerodrome;

(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 building would not exceed this height limitation;

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road; the building is not within this distance to any such road- Bickton Lane (the main road from the A338 trunk road to Bickton village) is unclassified, and the track that leads past the application site is a private way serving very few properties;

(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; the building would not be used for livestock or for the storage of slurry or sewage sludge;

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; it would not;

(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; again, the building is not proposed for such use.

Class A.2 then states that development is 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; this condition is noted;

(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; this is not proposed but again the condition is noted;

(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; again the condition is noted.

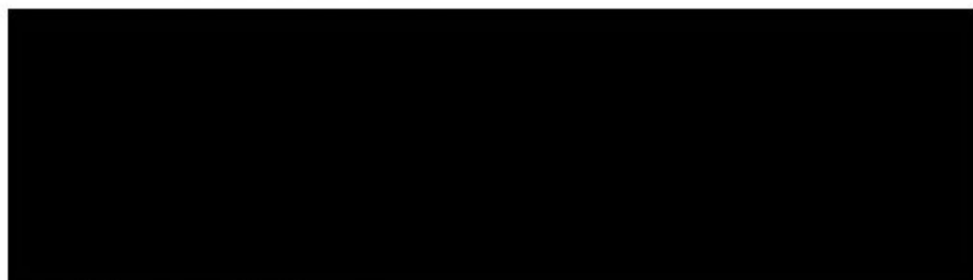
Class A.2 then continues that, subject to sub-paragraph (3) (below), where development consists of (inter alia) the erection, extension or alteration of a building then the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

The development cannot begin until the LPA, within 28 days from receipt of the prior approval application, has confirmed that prior approval is not required or that it is required and is approved. In this case, the application is accompanied by drawings that clearly indicate the siting, design and external appearance of the building proposed. Set out above, and although not strictly required, is an explanation of the need for the building. These details are considered to be sufficient to demonstrate that the building is both reasonably necessary and that its siting, design and external appearance are all acceptable.

The proposed building is modest by agricultural standards and represents the space that the applicants need and no more. In particular, the building would be located where it would be seen as part of a larger group of buildings and would not be isolated. The building would be of conventional agricultural appearance and would use material is that are appropriate to the site itself and to the wider rural landscape.

In light of the above, and the attached information, I would be grateful if you would confirm that prior approval is not required.

Yours sincerely



Henry Sykes