



**PLANNING REF: 0502/23/AGR**

**DESCRIPTION:** Application to determine if prior approval is required for an agricultural storage building for storing grain, seed and fertilisers 32m x 18.28m x 9.06m height to ridge

**ADDRESS:** Rickham Farm East Portlemouth Salcombe TQ8 8PQ

22<sup>nd</sup> July 2023

## **LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

### **The South Hams Society interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society is **objecting** to this planning application.

The Society believes this proposed development fails to comply with the description of permitted development as set out by Schedule 2, Part 6, Class A of the GPDO.

The proposal does not include a suitable plan of the whole site. However the area of the proposed barn is recorded as 32m x 18.28m, or just under 585 m<sup>2</sup>.

Although not mentioned by the applicant, a new track and hardstanding will clearly be required – the site plan leads us to that conclusion.

We have measured the area from the site plan and we consider the total area of the development will be in excess of 1800 m<sup>2</sup>.

To support the Society's opinion we refer the local planning authority to the Planning Inspectorate appeal Ref: APP/X1925/W/20/3256050.

Charity No 263985

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[www.southhamsociety.org](http://www.southhamsociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)



## Appeal Decision

Site visit made on 27 January 2021

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

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**Appeal Ref: APP/X1925/W/20/3256050**

**Millbury Farm, Mill End, Sandon, Buntingford SG9 0RN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr J Sapsed against the decision of North Hertfordshire District Council.
  - The application Ref 20/01078/AG, dated 22 May 2020, was refused by notice dated 18 June 2020.
  - The development proposed is an agricultural building for housing cattle, storage of machinery and feed.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would comply with the provisions of Schedule 2, Part 6, Class A of the GPDO with specific regard to the amount of new development.

### Reasons

3. The appeal scheme proposes the erection of a new agricultural building, a hardstanding apron in front of it and a three metre wide access track running to it from an existing access adjacent to Mill End.
4. Part 6 of the GPDO defines permitted development under its provisions as the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more (as is the unit subject of the appeal) in area of a) works for the erection, extension or alteration of a building; or b) any excavation or engineering operations. It seems sufficiently clear from this that such works could be either a building or excavation or engineering operations. It could also conceivably be both as there is nothing explicit in the provision of Part 6 that says it could not be.
5. Indeed, Part 6 goes on to say that development is not permitted if 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, calculated as described in

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<https://www.gov.uk/planning-inspectorate>

paragraph D.1(2)(a). Paragraph D.1(2)(a) defines ground area as that which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development.

6. For me, this is explicit that permitted development can be both a building and works and sufficiently implicit, based on the fact it is defined as to what can make up the 1000 square metres, that it should be concerned with a sum total of a given proposal. Or indeed any such that has been carried out within the preceding two years and be within 90 metres of the given proposal. By fault or design, I feel this is sufficiently clear by a common sense understanding of the wording of Part 6.
7. The ground area of the building proposed as part of this submission for prior approval would fall well below the 1000 square metre allowance. However, the scheme also includes the provision of a three metre wide access track of substantial length. Such that it would take the combined total over the permitted 1000 square metres. The provision of an access track could be described as works for the purposes of paragraph D.1(2)(a) and indeed an engineering operation for the purposes of Class A.
8. I note the appellant's comments regarding the allowances for works and engineering operations (hardstanding in this case) in the relevant section of Part 6 concerning units under 5 hectares. However, the submission before me concerns Class A. It has been accordingly considered under its specific provisions.

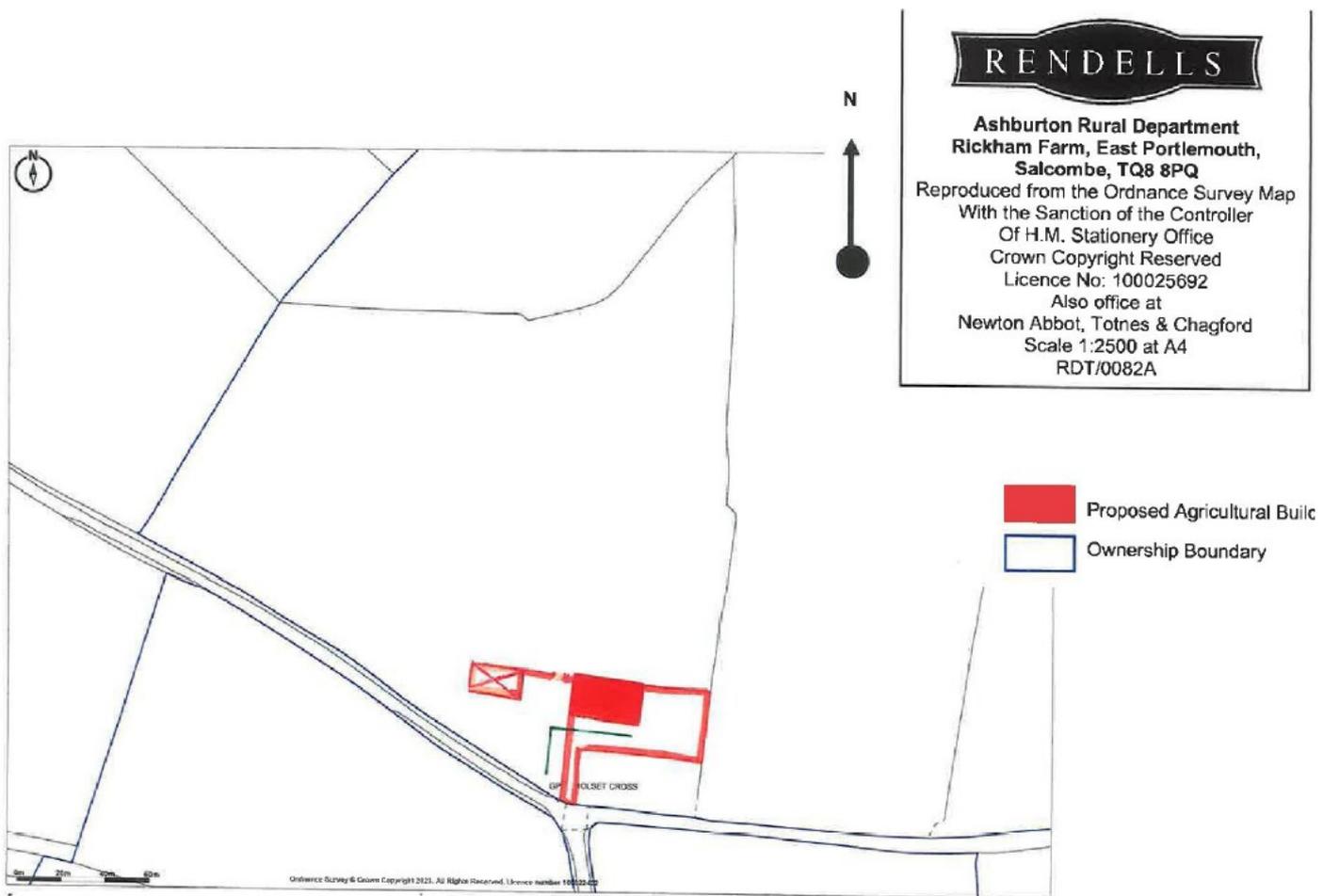
### **Conclusion**

9. Taking the above into account, it seems sufficiently clear to me that the appeal scheme would not comply with the description of permitted development as it is set out by Schedule 2, Part 6, Class A of the GPDO. The appeal is therefore dismissed.

*John Morrison*

INSPECTOR

The submitted site plan shows the boundary of the development and it is noted that ground levels are changing. We believe the access track and area surrounding the barn will be concrete and would lead to the development failing to comply with permitted development rights.



The Society is also concerned that the location chosen is at the highest point on the peninsula east of the Salcombe to Kingsbridge estuary at 134 metres. The class 'C' road network in this area to the south of the A379 is unsuitable for the intended vehicles, and such vehicles are degrading the South Devon Area of Outstanding Natural Beauty's narrow lane hedgerows.

For and on behalf of the South Hams Society  
 Richard Howell  
 Chairman.