

## AGRICULTURAL PERMITTED DEVELOPMENT RIGHTS

The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) grants general planning permission (known as permitted development rights) for certain types of development. This means that specific planning application/consent is not needed if the project falls within one of the categories set out in the GPDO and meets all the conditions laid down. However, in some cases application may need to be made to the Planning Authority for a "determination" as to whether prior approval is needed for details such as siting, design and external appearance.

In respect of agriculture, permitted development rights depend on the size of the agricultural unit, i.e. whether or not the holding is smaller or greater than five hectares (12.35 acres).

### Units of 5 Hectares or More

On agricultural units of five hectares or more, specific planning permission is **not** needed for building, excavation or engineering operations designed for agricultural purposes which are reasonably necessary for the purposes of agriculture within the unit provided that:

- the development is not carried out on a separate parcel of land less than one hectare in area,
- the ground area of any building, structure or works does not exceed 465 m<sup>2</sup> (this is a cumulative total with all development within the last two years and within 90 metres of the proposal counted towards this),
- the building/structural works is not higher than 12 metres or 3 metres if within 3 kilometres of an aerodrome,
- the development is more than 25 metres from a classified road,

- the development does not involve the erection, extension or alteration of a dwelling,
- if the building structure or excavation is within 400 metres of the curtilage of a "protected building" it is not to be used for the accommodation of livestock (including farmed fish) or for the storage of slurry or sewage sludge ("protected building" means a permanent building normally occupied by people but does not include buildings within the agricultural unit in question or any dwelling or building in agricultural use on any other agricultural unit),
- if the building is to be extended or altered provided there has not been a previous "significant" extension or alteration to it (significant means where the cubic content of the original will be exceeded by more than 10% or the height of the original building would be increased).

However, note if the proposal involves the erection of a new building, forming a private way, carrying out excavations or placing or assembling a tank in any waters an application seeking prior notification will need to be submitted to the Local Planning Authority (see later).

Any queries concerning waste or minerals should be passed on for specific officer comment.

### Units Not Less Than 0.4 but Less Than 5 Hectares

Certain limited types of development on agricultural land in a unit of not less than 0.4 but less than 5 hectares (including extension or alteration of an agricultural building, installation of additional or replacement plant or machinery, rearrangement or replacement of a sewer main pipe cable or private way, creation of a hard surface and certain repair and installation operations connected with fish farming (which are reasonably necessary for the purposes of agriculture do not require planning permission provided:

- the development is not carried out on separate parcel of land less than 0.4 hectare in area,
- does not materially affect the external appearance of the premises,
- the development is not within 25 metres of a classified road,
- in the case of an extension or alteration of an agricultural building
  - no parts of new building is more than 30 metres from the existing building
  - height of the building is not increased
  - the cubic content of the building is not increased by more than 10%
  - the work does not involve the extension, alteration or provision of a dwelling
  - the ground area of any building extended does not exceed 465 m<sup>2</sup>
  - no part of the development is carried out within five metres of any boundary of the unit.
- if it involves the carrying out of works to a building or structure used or to be used for the accommodation of livestock (including farmed fish and shellfish) or the storage of slurry or sewage sludge and that the building is not within 400 metres of the curtilage of a protected building,
- does not relate to the placing or assembly of fish farming tank on land or in any waters, the construction of a fish pond or the increase in the size of a tank or pond,

- the ground area of any hardstanding does not exceed 465 m<sup>2</sup> (if it is within 90 metres of any building structural works provided within preceding two years),
- no additional or replacement plant or machinery is higher than 12 metres (3 metres if within 3 kilometres of an aerodrome),
- no replacement plant or machinery is higher than that which it replaces, the ground area of any additional or replacement plant or machinery does not exceed 465 m<sup>2</sup> (less if it is within 90 metres of any building structure or works provided within the preceding two years).

### Forestry Buildings and Operations

The erection, extension or alterations of buildings (except dwellings) or the formation, alteration or maintenance of private ways where reasonably necessary for forestry purposes provided the height of any buildings or works within 3 kilometres of an aerodrome do not exceed 3 metres and provided the development does not take place within 25 metres of a classified road. These forestry permitted development rights are subject to the determination procedure as outlined for agricultural units over 5 hectares.

### The Determination Procedure

Under the determination procedure set out in the GPDO the Local Planning Authority has twenty-eight days to decide whether its prior approval will be required for

- the siting, design and external appearance of agricultural authority buildings,
- the siting and means of construction of a private way,
- the siting and appearance of fish tanks.

Where this procedure applies such applications should be made on the appropriate notification form. The Local Planning Authority has twenty-eight days in which to decide whether or not its prior approval is required. If it advises that prior approval is not required the developer may go ahead in accordance with the details submitted.

If in those cases where the Local Planning Authority consider a prior approval is required, within one week of receiving such a notice the developer is required to put up a site notice in the prescribed form which must stay up for at least three weeks.

If approval is refused or is granted subject to conditions which the developer disagrees with, or the decision is not taken within eight weeks, there is a right of appeal to the Secretary of State. There is, however, no right of appeal against the decision of the Authority to require approval of details.



# DEVELOPMENT CONTROL

## ADVISORY NOTE DC12

# A GUIDE TO AGRICULTURAL PERMITTED DEVELOPMENT RIGHTS



## PLANNING SERVICES

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