



## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 22/1459/AGR

**Grid Ref:** E: 318339  
N: 298901

**Community Council:** Berriew Community

**Valid Date:** 07.09.2022

**Applicant:** R A Jones

**Location:** Pied House, Garthmyl, Montgomery, SY15 6SQ,

**Proposal:** Erection of agricultural storage building and all associated works

**Application Type:** Agricultural Notification

### The reason for Committee determination

The applicant is a Powys County Councillor

### Consultee Responses

Due to the type of application, consultation is not statutorily required, and was therefore not carried out. As a consequence, no comments have been received at the time of writing this report.

### Public Responses

Due to the type of application, consultation with members of the public is not statutorily required, and was therefore not carried out. As a consequence, no public representations have been received at the time of writing this report.

### Planning History

App Ref	Description	Decision	Date
P/2009/0073	Erection of an agricultural building	Conditional Consent	17th Mar 2009
P/2015/0687	Erection of an agricultural building	Conditional Consent	26 <sup>th</sup> August 2015

### Principal Planning Constraints

Listed Building – Pied House Grade II Listed Building

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
The Town & Country Planning (GPD) Order	Schedule 2, Part 6 – Agricultural Buildings and Operations	1995 (as amended for Wales)	

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
Equality Act 2010  
Planning (Wales) Act 2015 (Welsh language)  
Wellbeing of Future Generations (Wales) Act 2015  
Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the Community Council area of Berriew and is situated within the open countryside as defined by the adopted Powys Local Development Plan (2018).

The application site is accessed via the U2631 unclassified highway to the south with agricultural land to the north and west, an existing building to the east and the farm complex and house to the south. The proposed site is adjacent to existing agricultural buildings and will be located adjoining an existing agricultural building. Pied House is located approximately 2 kilometres directly to the south of Berriew.

Under class A (2) of part 6 of The Town and Country Planning (General Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the planning authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the building. In addition, the planning authority is required to determine whether the proposal would not be permitted development and as such would require full planning permission.

This prior notification is sought for the erection of agricultural storage building and all associated works. The proposed building will measure approximately 36.3 metres in

length, 12.8 metres in width, 4.27 metres in height to the eaves and 6.5 metres in height to the highest point. The proposed building is to be of standard agricultural construction with steel portal frame, steel sheet walls in red and fibre cement roof sheeting grey in colour. The building is to be used for storage purposes for hay and animal feed.

### Principle of Development

The application has been made under the procedures set out in Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, to construct an agricultural storage building. Part 6, Class A allows works for the erection of an agricultural building, when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more. It should be noted that in this instance the agricultural unit extends to approximately 100 hectares in area.

In assessing such applications, and prior to the consideration of the specific criteria set out under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, it is necessary to first evaluate whether the land benefits from agricultural permitted development rights.

In section 336 of the Town and Country Planning Act 1990, it is stated that agriculture *“includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of farming of the land), the use of land as grazing land, meadowland, 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 constructed accordingly”*.

Thus, in order for agricultural permitted development rights to apply on the land, the following five tests need to be considered:

- *“there has to be agricultural use subsisting at the time the building or works are constructed;*
- *any agricultural use has to be operated as a trade or business;*
- *any agricultural use has to fall within the ambit of sec.336;*
- *any agricultural building to be constructed using PD rights has to be reasonably necessary for the purposes of agriculture;*
- *and buildings or works have to be designed for agricultural purposes”*.

In terms of whether the building is reasonably necessary for the purposes of agriculture and therefore whether Part 6 rights apply, the notification form states that the building will be used as an extension to an existing agricultural building. The form also states that the holding extends to approximately 100 hectares and has been in use for agriculture as a trade or business for over 100 years.

Taking all of this information into account, it is concluded that the proposed development can be considered under the permitted development rights set out in Part 6 of the GPDO.

The proposed building is to measure 36.3 metres in length, 12.8 metres in width, 4.27 metres in height to the eaves and 6.5 metres in height to the highest point. The building is to be of standard agricultural construction with steel portal frame, steel sheet walls in red and fibre cement roof sheeting grey in colour. The building is to be used for storage purposes of hay and animal feed.

As stated above, the proposed agricultural building would be located within an agricultural unit of approximately 100 hectares, within a parcel of land within the unit of more than 1 hectare in area, and would have a total floor area of approximately 464 sq. metres. The building is not located within 3km of an aerodrome.

The site of the proposed building would be more than 25 metres from a classified or trunk road and no other building has been constructed within 90 metres of the site within the preceding two years of this application being made. As a result, the proposal is deemed to meet all of the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. It is therefore considered that the proposal would constitute permitted development.

With regard to the proposed building's design, siting and external appearance, given that it would be constructed within the existing complex of agricultural buildings on-site and would be finished with materials typical for such an agricultural context, it is considered that it would not result in any unacceptable visual impact, and any views of the building from the surrounding area would be read in conjunction with the existing built development within the wider agricultural complex.

### Built Heritage

It is acknowledged that Pied House is a grade II listed building approximately 170 metres from the application site. Having considered the distance between the listed building and the application site and the intervening-built development and screening in the form of modern existing agricultural buildings, it is not considered the proposed development is visible from the listed building. It is therefore considered that the proposed development will not harm the setting of the listed building.

### Conclusion

In light of the above assessment, the proposed development is deemed to comply with the criteria as set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales). In addition, it is considered that prior approval of details of siting, design and external

appearance are not required, nor are any further details required regarding phosphate inputs.

As a result, the proposal would be permitted development.

**RECOMMENDATION - Planning Permission Not Required**

Confirmation that prior approval of the proposed agricultural building will not be required from Powys County Council.

The development must be carried out in accordance with the notification submitted to Powys County Council **within five years of the date of this decision.**

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