

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: EG/42/13/CLP

LOCATION: Swallowfield
Eastergate Lane
Eastergate

PROPOSAL: Application for a Lawful Development Certificate for the proposed construction of single storey, mono pitch, brick and tile building with lean-to aluminium greenhouse to serve plant breeding and tissue culture propagation and other activities to serve plant propagation and trialling.

DESCRIPTION OF APPLICATION

Single storey mono-pitch brick and tile building with lean-to aluminium greenhouse to serve plant breeding and tissue culture propagation.

DESCRIPTION OF SITE AND SURROUNDINGS

Nursery with glasshouses with polytunnels. Building for office and dwelling within the site with garden. Area to west for parking. The site is well screened by hedging on all sides.

RELEVANT SITE HISTORY

EG/73/98/	Nursery storage building.	ApproveConditionally 04-12-1998
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REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information

satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the criteria contained within The Town and Country Planning (General Permitted Development) Order 1995 in respect of Schedule 2 Part 6 Class B.

Class B The carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development consisting of:

- (a) the extension or alteration of an agricultural building;
- (b) the installation of additional or replacement plant or machinery;
- (c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
- (d) the provision, rearrangement or replacement of a private way;
- (e) the provision of a hard surface;
- (f) the deposit of waste; or
- (g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets, where the development is reasonably necessary for the purposes of agriculture within the unit.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSIONS

The total area of site is 1.74 hectares so Part 6 B applies.

The proposed single storey brick built building with attached lean-to greenhouse will be used in connection with the existing nursery for plant breeding and propagation. The buildings have a total footprint of 108.6m².

The building will be sited to the east of the existing raised beds in an area that is used for plant standing area. It will be sited approximately 28m from the front boundary which is screened by dense hedging approximately 3m in height.

The proposed building is approximately 1% of the existing area of permitted structures and will be sited more than 25m from nearest metalled road and sited more than 5m from any boundary. The existing dwelling Swallowfield will not be materially affected by the works and the structure height and materials used will match those buildings on the existing site.

The proposed building which is detached does not comply with Part 6 Class B (a) in that it is not an extension or alteration.

The building is not considered to be "Permitted Development" and an application for planning

permission will be required.

RECOMMENDATION

PP REQUIRED

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 The proposed detached building would not constitute "Permitted Development" of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) under Part 6 Class B Development on units less than 5 hectares.

Class B (a) states 'the extension or alteration of an agricultural building'.

It would fail under Section(a) as the building is detached.

Planning Permission is therefore required.