
PROPOSAL:	Prior Notification for Farm-related Building Works (Non-residential)
LOCATION:	Allanton Farm A71 From U6 Newlands to U4 Ladybrow Darvel East Ayrshire KA17 0LY
REFERENCE:	26/0171/PN
RECOMMENDATION:	Approve - Prior Approval Not Required

SITE AND PROPOSED DEVELOPMENT DESCRIPTION

The applicant proposes to erect an agricultural building on land at Allanton Farm, Darvel utilising Class 18 of the Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020. The proposed agricultural building (cattle shed with slurry tank under) will consist of a replacement straw bedded cattle shed which would be sited alongside an existing cattle shed.

The proposed shed will measure 42.672 metres long and 8.432 metres deep, with a total area of 359.81 square metres. The cattle shed with slurry tank under will have a dual-pitched roof (profile 6, fibre cement cladding) and will measure 3.45 metres high to its eaves and 5.5 metres high to its ridge. The cattle shed will feature directional feed barrier above the precast concrete wall panel and steadmans side cladding (juniper green).

CONSULTATION RESPONSES

East Ayrshire Council Environmental Health Service – advise that if any unsuspected contamination is encountered during construction, works on the affected area shall immediately cease and shall be reported to the Planning Authority in writing within one week. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and any required remedial measures shall be submitted to and approved by the Planning Authority prior to the recommencement of works in the affected areas.

PERMITTED DEVELOPMENT CLASS COMPLIANCE

The proposal falls into Class 18 of Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO). Class 18 refers to;

- (1) The carrying out on agricultural land comprised in an agricultural unit of-
 - (a) works for the erection, extension or alteration of a building;
 - (b) the formation, alteration or maintenance of private ways; or
 - (c) any excavation or engineering operations, requisite for the purposes of agriculture within that unit.

As the proposal is for the erection of an agricultural cattle shed with slurry tank below, Class 18(1)(a) would be applicable. Following a site visit, it is clear that the farm is an operating agricultural unit. The site is surrounded by fields in agricultural use and would be sited alongside an existing cattle shed which is located to the west of the main cluster of farm buildings present on site.

Given the above, it is considered that Allanton Farm is associated with an operating agricultural unit entitled to development under Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by the Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020.

(1A) Development is not permitted by this class if, in the case of any development referred to in sub-paragraph (1)(a), the land is within a historic battlefield;

Not applicable. None of the land is within a historic battlefield.

(2) [Subject to paragraph (4) development] 2 is not permitted by this class if-

(a) the development would be carried out on agricultural land less than 0.4 hectare in area;

The agricultural land associated with the application site is significantly larger than 0.4 hectares in area.

(b) it would consist of or include the erection, extension or alteration of a dwelling;

The proposal is for the erection of an agricultural building and not a dwelling.

(c) a building, structure or works not designed for the purposes of agriculture would be provided on the land;

The building will be used as a cattle shed with slurry tank below.

(d) the ground area to be covered by any building erected or any building as extended or altered by virtue of this class—

(i) is situated in a designated area and would exceed 465 square metres, calculated as described in sub-paragraph (5), or

Not applicable. The proposed site is not within a designated area.

(ii) is situated elsewhere and would exceed 1,000 square metres, calculated as described in sub-paragraph (5),

The building extends to 359.81 square metres which is within the permissible limits outlined above.

(e) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

Not applicable. The building is not within 3 kilometres of an aerodrome.

(f) the height of any part of the building, structure or works outwith 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

Not applicable. The maximum height of the proposed building will be 5.5 metres which is below the 12 metre threshold detailed above.

(g) any part of the development would be within 25 metres of the metalled portion of a trunk or classified road; or

The proposed development would not be within 25 metres of the metalled portion of a trunk or classified road.

(h) it would consist of or include the erection or construction of, or the carrying out of any works to, a building, structure or erection used or to be used for housing pigs, poultry, rabbits or animals bred for their skin or fur or for the storage of slurry or sewage sludge, and the building, structure or works is or would be within 400 metres of the curtilage of any protected building.

Not applicable. The building will be used as a cattle shed with slurry tank below and is not within 400 metres of a protected building.

(3) Development is permitted by this class subject to the following conditions-

- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, erection or works resulting from the development shall not be used for housing pigs, poultry, rabbits or animals bred for their skin or fur or for the storage of slurry or sewage sludge;
- (b) where the development involves-
 - (i) the extraction of any mineral from the land or from any disused railway embankment on the land; or
 - (ii) the removal of any mineral from a mineral-working deposit on the land, the mineral shall not be moved off the land, unless planning permission for the winning and working of that mineral has been granted on an application made under Part III of the Act;
- (c) in the case of development which involves the deposit of waste materials on or under the land, no waste materials shall be brought onto the land from elsewhere except for development of the kind described in sub-paragraph (1)(a) or the creation of a hard surface, where the materials are incorporated into the building or works forthwith.

Not applicable.

(4)

(a) Development consisting of the erection of a building or the significant extension or significant alteration of a building is permitted by this class subject to the following conditions:-

(i) the developer shall, before beginning the development, apply to the planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building;

(ii) the application shall be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development shall not be begun before the occurrence of one of the following:-

(aa) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the planning authority gives the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval;

(cc) the expiry of 28 days following the date on which the application was received by the planning authority without the planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) the development shall, except to the extent that the planning authority otherwise agree in writing, be carried out-

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application;

(v) the development shall be carried out-

(aa) where approval has been given by the planning authority, within a period of five years from the date on which approval was given;

(bb) in any other case, within a period of five years from the date on which the planning authority were given the information referred to in sub-paragraph

(b) development consisting of the significant extension or the significant alteration of a building, may be carried out only once in respect of that building.

5) For the purposes of this class-

(a) the area of 0.4 hectares shall comprise one piece of land except within the areas of the following planning authorities, namely Argyll and Bute District Council, Badenoch and Strathspey District Council, Caithness District Council, Inverness District Council, Lochaber District Council, Orkney Islands Council, Ross and Cromarty District Council, Shetland Islands Council, Skye and Lochalsh District Council, Sutherland District Council and Western Isles Islands Council, where the area of 0.4 hectares may be calculated by adding together the areas of separate parcels of land;

(b) the ground area referred to in sub-paragraph (2)(d) is the sum of-

(i) the ground area which would be covered by the proposed development; and

(ii) the ground area of any building (other than a dwelling), or any structure, works, plant or machinery within the same unit which is being provided or has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;

(c) the 400 metres measurement referred to in sub-paragraphs (2) and (3) is to be measured along the ground;

(d) “protected building” means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include-

(i) a building within the agricultural unit;

(iii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.

The details above are noted.

In respect of 4(a)(i) above, the applicant has applied for determination as to whether prior approval is required in respect of the siting, design and external appearance of the building which are considered below.

ASSESSMENT OF APPLICATION

The development is permitted under Class 18 of the GPDO subject to the condition that the developer applies to the planning authority for its determination as to whether prior approval is required in respect of the siting, design and external appearance of the building. These matters are considered below:

Design and External Appearance

The building will be of a design that is typical of agricultural buildings found within the rural area. The external finishes will reflect the finish of the existing cattle shed that it will be sited alongside, which is also part of Allanton Farm and also has a typical appearance of those found in the surrounding area. within the farm site and the surrounding area. In terms of the design of the building, it would be an acceptable addition to the existing farm.

Siting

The building will be located on agricultural land is adjacent to an existing farm complex and would sit alongside an existing cattle shed. The building is not considered to impact upon the amenity of any nearby residential properties, and would be located close to the existing cluster of agricultural buildings at Allanton Farm. The siting would be adjacent to existing agricultural cattle shed and this will ensure that building integrates into the landscape and does not adversely impact upon visual amenity.

It is therefore considered that the siting, design and external appearance are acceptable and there is no need for prior approval for any of those aspects.

CONCLUSIONS

Based on the information provided, the proposed erection of an agricultural shed is compliant with Class 18 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development and Use Classes)(Scotland) Amendment Order 2020. Taking account of the siting, design and external appearance, it is considered that there is no need for prior approval. The proposal is therefore acceptable.

REASONS FOR DECISION

The proposed erection of an agricultural shed is compliant with Class 18 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development and Use Classes)(Scotland) Amendment Order 2020 and there is no need for prior approval.

Advisory note

The Council’s Environmental Health Service advise the following:

In relation to contaminated land, if any unsuspected contamination is encountered during the proposed works, works on the affected area shall immediately cease and shall be reported to the Planning Authority in writing within one week. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and any required remedial measures shall be submitted to and approved by the Planning Authority prior to the recommencement of works in the affected areas.

Case Officer – A.M. Turner

Appointed Officer – Fiona Finlay

Chief Planning Officer – Pamela Clifford