

NFU Planning Seminar

The do's and don'ts of submitting a rural planning application

Nat Belderson, Roy Little, Natalie Fellows

Planning Link Officers



Structure of presentation

- What is development?
- Permitted development (with a focus on agricultural PD)
- What to submit with an application
- Potential pitfalls
- Additional considerations within the National Park
- On receiving Planning Consent...



Four Planning Regimes

What is development?

Development (building, engineering and mining operations; and a material change of use of buildings/land)

Advertisements

Listed Buildings (including Conservation Areas)

Natural Environment (Tree Preservation Order Consents and all trees in Conservation Areas)



Legislation

Secretary of State (SoS) grants planning permission for different types of *minor* development in specified circumstances.

TOWN AND COUNTRY PLANNING, ENGLAND

- > The Town and Country Planning (General **Permitted Development**) (England) Order 2015
- > The Town and Country Planning (**Use Classes**) (Amendment) (England) Order 2015
- > The Town and Country Plan (**Control of Advisements**) (England) Regulation 2007



TOWN AND COUNTRY PLANNING, ENGLAND

> The Town and Country Planning (General **Permitted Development**) (England) Order 2015

Permissions granted by this order are commonly known as
‘Permitted Development Rights’

Why? Government is seeking to support growth in the economy...

- Make best use of business premises, support film and television industries, allow home and business extensions, support sustainability through the reuse of buildings, increased solar panels on commercial buildings, sewerage undertakers

- These permissions are usually subject to certain **limitations** and **conditions**
e.g. National Parks, AONBs, Conservation Areas, SSSIs

- Not Permitted if it is;

Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (**Environment Impact Assessment**) Regulations 2011



TOWN AND COUNTRY PLANNING, ENGLAND

> The Town and Country Planning (General Permitted Development) (England) Order 2015



Part 6: Agricultural and Forestry

Class A:

Agricultural Unit of **5 Hectares or more**

Size of Holding

Class B:

Agricultural Unit of **less 5 Hectares (but greater than 0.4ha)**

- a) Works for the erection, extension or alteration of a building or;
- b) Any excavation or engineering operations

Which are **reasonably necessary** for the purposes for agriculture within that unit

- a) Works for the **extension or alteration** of an agricultural building
- b) The installation of additional or replacement of 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 hard surface
- f) The deposit of waste; or
- g) Certain operations in connection with fish farming;

Which are **reasonably necessary** for the purposes for agriculture within the unit

Subject to limitations and or/conditions
Prior Notification may be required

Examples of when **planning permission will be required** include:

- Development **not reasonably necessary** for the purposes of agriculture/forestry on the holding (the keeping or rearing of horses, unless for working the land, is not agriculture)
- Development on land which is not currently used in connection with an **agricultural business**, for example, hobby farming
- Development not **designed** for the purposes of agriculture, for example, railway carriages or lorry containers
- Development on an agricultural holding of less than **0.4 hectares**
- The cubic content of the building would be increased by **more than 10%**
- Development carried out would be **within 5 metres of any boundary of the unit**
- Any part of the building would be more than 30 metres from the original building



Examples of when **planning permission will be required** include:

- Development within **25 metres** of the **metalled part of a trunk or classified road**
- Development on *separate parcels* of land of less than: 1 hectare on units of 5 hectares or more; or 0.4 hectares on units of less than 5 hectares
- Agricultural buildings of more than **465 square metres floor area** (calculated to include all other development within *90 metres of the site* which has been carried out within the preceding **2 years**)
- Agricultural development more than **12 metres** in height or the height of the building would be increased
- Buildings or excavations for livestock or slurry storage within **400 metres** of a protected building (most non-agricultural buildings)
- Excavations or engineering operations connected with fish farming



Applications for Prior Notification of Proposed Agricultural or Forestry development are required for:

- Erection, extension or alteration of a building
- Proposed road
- Excavation or deposit of waste material
- Proposed fish tank (cage)

Following receipt of a prior notification, the local planning authority may determine that prior approval is required for certain details.

Planning Assessment: “siting, design and external appearance of the building or, the siting and means of construction of the private way”



- Prior Notification process can't be applied/used **retrospectively**
- Where the Local Planning Authority determine that prior approval is required (or if full permission is required), it is worth seeking advice prior to submitting details. Considerations could include:
 - Green is not always good (in the case of a new building);
 - Consider the landscape setting and how buildings will be viewed (eg against skyline or from higher ground);
 - Generally it is best to group buildings with existing buildings. Where this is not possible, explain operational requirements
 - For the siting and means of construction of a track, use appropriate material for a rural location and permeable, not black top.
 - Planning Constraints



What to submit with an application.....

National requirements

- Plans and drawings (to scale, and watch out for copyrighted material)
- Ownership Certificate and Agricultural Land Declaration
- Design and Access Statement (for some planning applications)
- Appropriate fee!



What to submit with an application.....

Local requirements

Vary between authorities, but some examples include:

- Landscape and Visual Impact Assessment
- Research constraints (historic environment, ecology, trees & hedgerows)
- Details of access, hardstandings, traffic movements
- External lighting,
- Community Infrastructure Levy - is it chargeable?



Helpful additional information

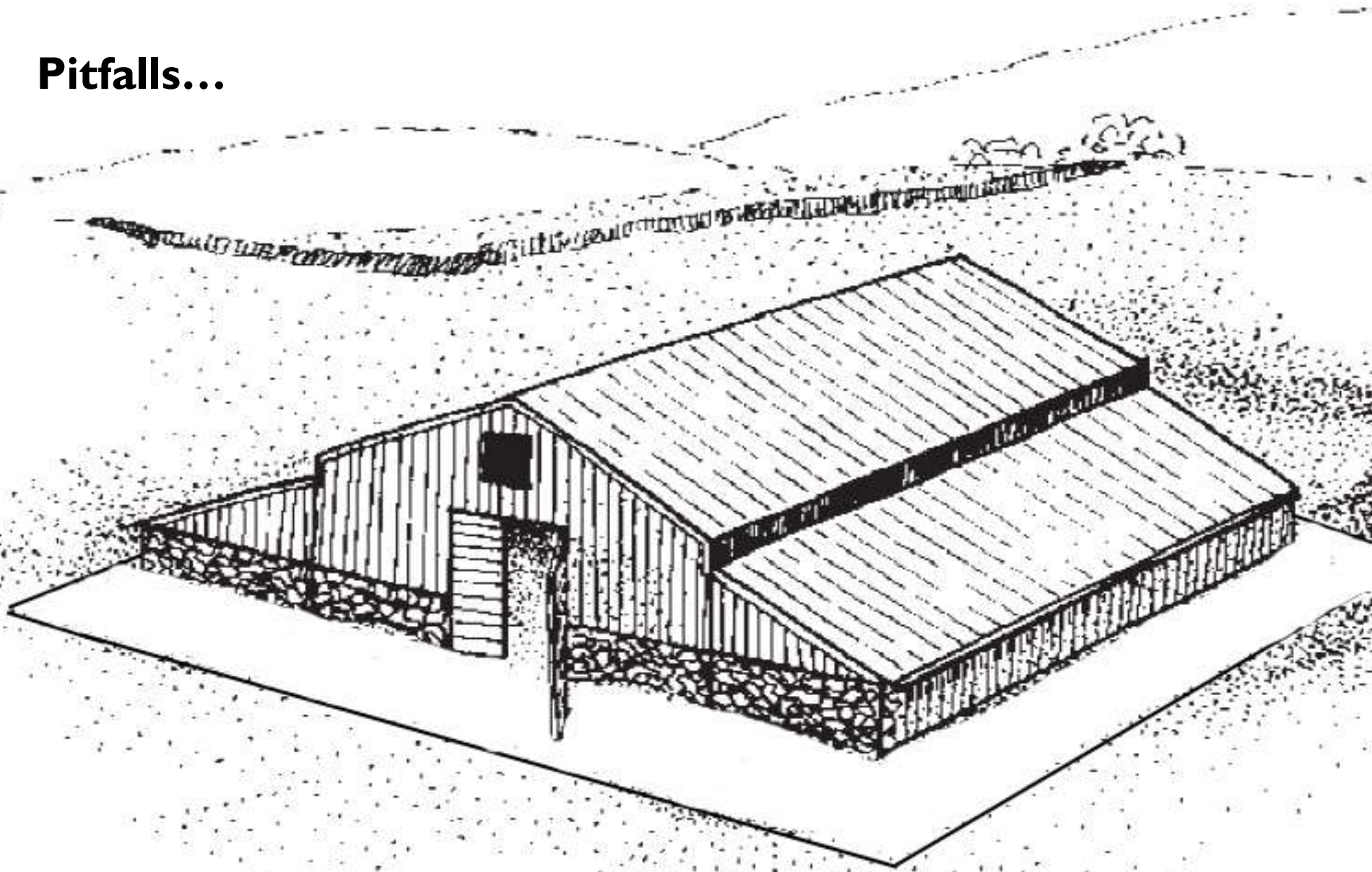
- Photographs
- Written statement explaining the background of the proposals, what the justification for it is
- Research Local Development Plan/Neighbourhood Development Plan policies, Village Design Statements, Parish Plans and other Community Plans

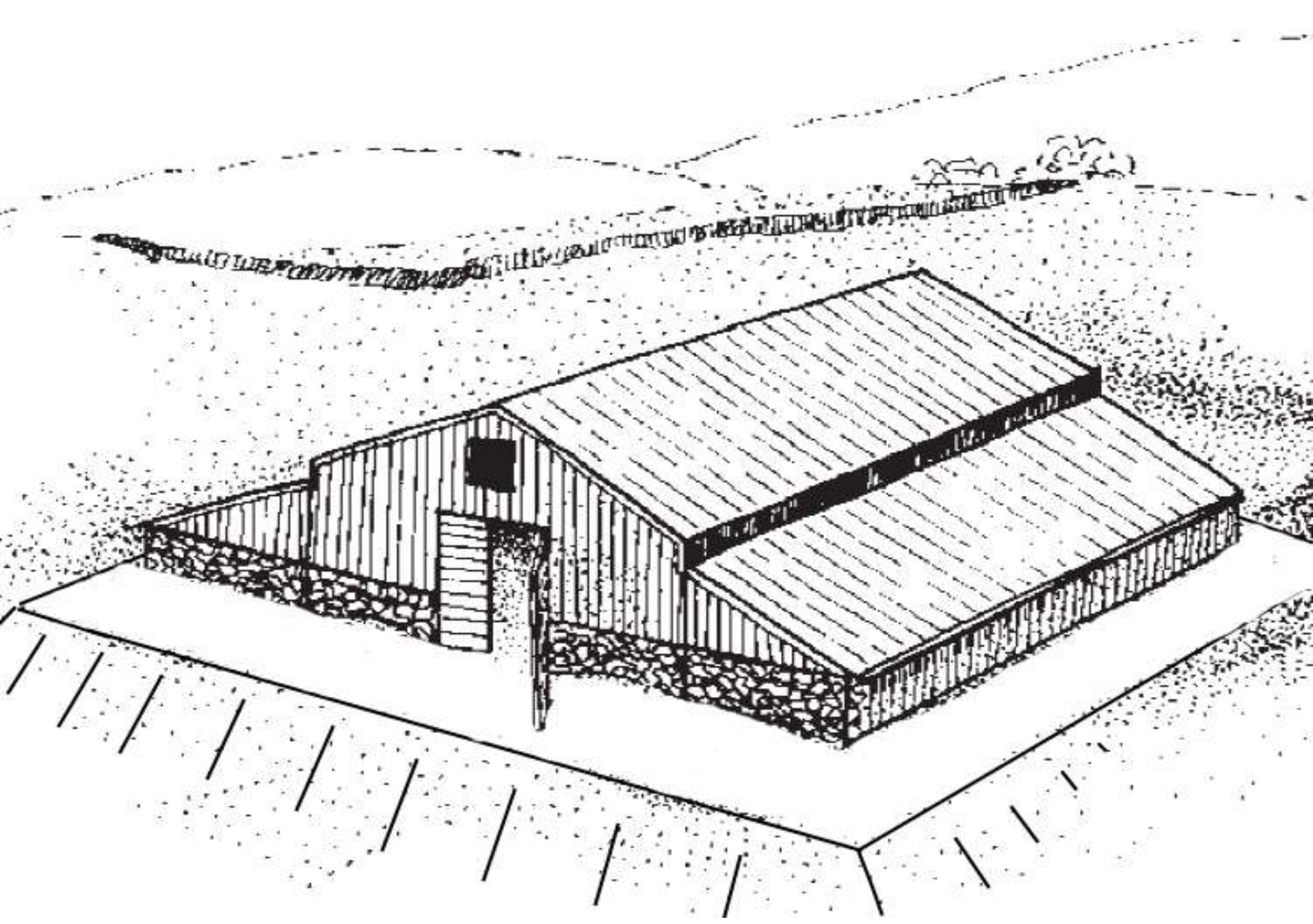
Engagement

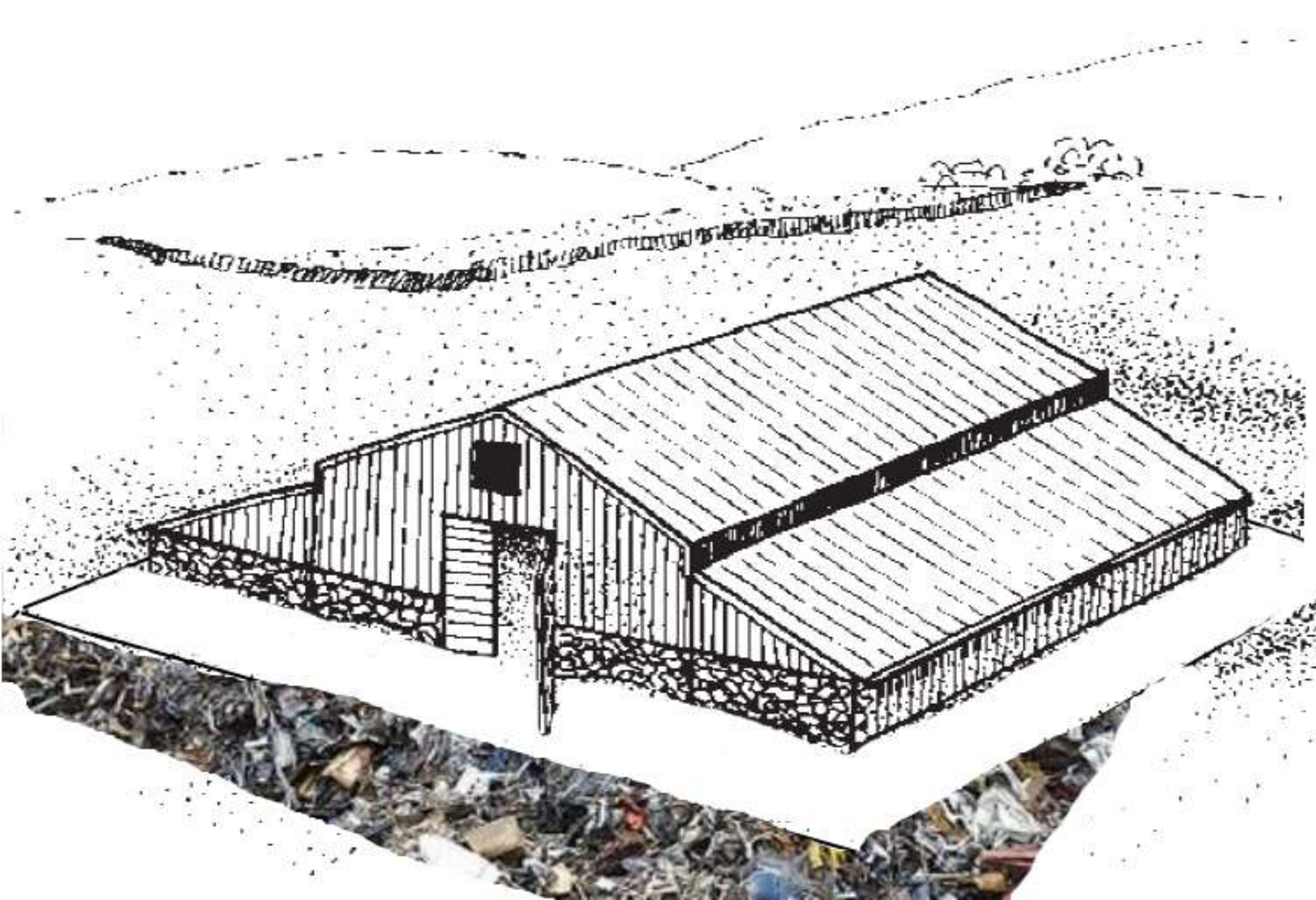
- Seek Pre-application advice
- Speak to residents,/neighbouring landowners, parish,

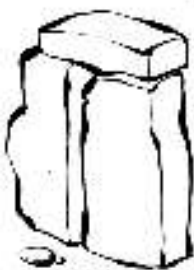


Pitfalls...









Some examples of potential pitfalls include:

- Not including details of hardstanding required in connection with a new barn within floorspace calculations
- Not allowing for and/or including groundworks/levels for new buildings
- Using materials for groundworks that could constitute a waste operation.
- Is the proposed development located on protected land or sites e.g. SSSI, SINCS/SNCIs, SAMs, PRow, protected trees or hedgerows etc.



Other relevant parts of GPDO 2015;

Within your estate or farm holding;

Part 1 - Development within the curtilage of a dwelling house

Part 4 – Temporary Buildings and Uses (28 days*)

Part 5 – Caravan Sites and Recreational Campsites

Part 11 – Heritage and Demolition

Part 14 - Renewable Energy



The full text of the Part 6 legislation can be found at:

http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf.

Other guidance can be found on the Planning Portal at:

http://www.planningportal.gov.uk/uploads/1app/guidance/guidance_note-prior_notification_proposed_agricultural_or_forestry_development.pdf



Additional considerations within the National Park

National Park Purposes

Purposes:

1. Conserve and enhance the natural beauty, wildlife and cultural heritage of the area
2. Promote opportunities for the understanding and enjoyment of the park's special qualities by the public

Authority Duty:

- To seek to foster the economic and social well-being of the communities within the National Park

Sandford Principle
S62 Duty



Dark Skies

Light pollution & Sky glow

Can you see the Milky Way?

Designated International Dark Sky Reserve (IDSR) 2016



Threatens ecological sensitive habitats and reduces astronomical opportunities

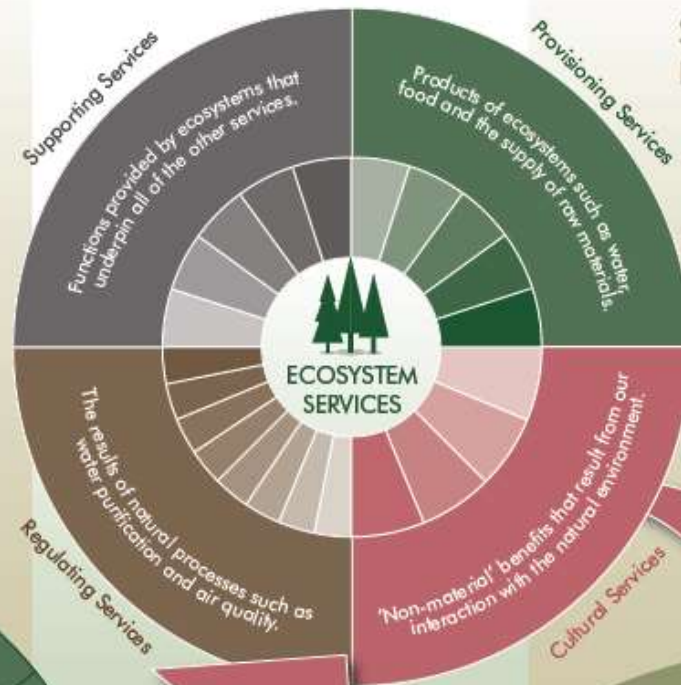
Guidance - Institute of Lighting Professionals

WHOLE ESTATE PLANS

SOUTH DOWNS NATIONAL PARK



ASSET AUDIT



ANALYSIS



If in doubt, talk it through. You can contact the SDNPA area Planning Link Officer for an informal discussion and general guidance.

Natalie Fellows – Winchester, East Hampshire
Natalie.fellows@southdowns.gov.uk

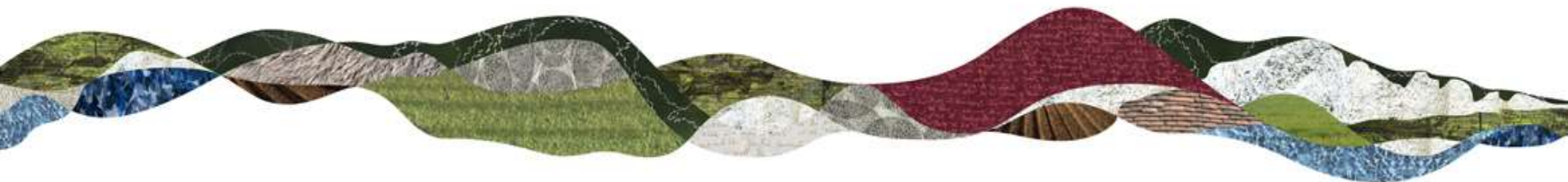
Nat Belderson – Chichester, [Arun] nat.belderson@southdowns.gov.uk

Roy Little – Adur, Worthing, Horsham, Lewes, Mid Sussex [Brighton & Hove, Eastbourne, Wealden] roy.little@southdowns.gov.uk

South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH
01730 814810

Legend

 South Downs National Park



Once permission has been granted...

- Check for conditions (including pre-commencement)
- Make sure builder is working to the approved plans
- Submit samples of materials if requested

