

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2182/0N1
2.	<b>Proposed Development:</b>	PRIOR NOTIFICATION APPLICATION FOR CONCRETING OF YARD AND INSTALLATION OF RAINWATER COLLECTING TANK
3.	<b>Location:</b>	SPRINGBANK FARM, HIGH WALTON, EGREMONT
4.	<b>Parish:</b>	St. Bees
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	None required.
7.	<b>Report:</b>  <b>Site and Location:</b> <p>This application site relates to Spring Bank Farm, located within High Walton, Egremont. The site comprises of a collection of small agricultural farm buildings.</p> <b>Proposal:</b> <p>This application comprises an application to determine if prior approval is required for the proposed concreting of yard and installation of rainwater collecting tank to maintain clean water run-off into existing drains for agricultural use under the provisions of Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The proposal comprises the concrete surfacing of part of the existing farmyard and installation of a rainwater collecting tank.</p> <p>The total area of the proposed surface will be 41.7 cubic metres and it will be constructed out of bulk ballast, sand/gravel and ready mix concrete.</p>	

### **Relevant Legislation**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).

### **Assessment:**

The provision of Schedule 2, Part 6, Class A of the GPDO 2015 sets out that the following works are permitted development

*The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*

*(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 of agriculture within that unit.*

permit applicants to determine whether are considered in turn below:

This is subject to a series of conditions including under subsection 2 the following:-

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

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

(iii) the development must not begin before the occurrence of one of the following—

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

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

(cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

	<b>Conclusion</b> <p>The development was commenced before the prior approval application was submitted and therefore does not fall within the definition of permitted development as set out under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consequently, the works which have been undertaken require planning permission.</p>	
8.	<b>Recommendation:</b> <p>Prior Approval is Required and REFUSED</p>	
<b>Case Officer: Demi Crawford</b>		<b>Date : 17/06/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 17/06/2024</b>
<b>Dedicated responses to:- N/A</b>		