



Agricultural and Horticultural Buildings

Whether you are planning for a new dairy unit, beef enterprise, pack house or a simple Dutch barn, there are a number of obstacles to cross and many pieces of legislation that you need to be aware of and in a lot of cases address.

PLANNING

You do not always need planning permission for agricultural or horticultural buildings. The Town and Country Planning (General Permitted Development) Order 1995 allows development on holdings of 5 hectares or more provided that:

- The development is on agricultural land (as defined) and the building is reasonably necessary for the purposes of agriculture.
- Work is not carried out on a separate parcel of land less than 1 hectare.
- Development does not exceed 465m².
- The building is not higher than 12m (or 3m if located within 3km of an aerodrome).
- Development is more than 25m from a classified road.
- The building is for housing livestock, silage or slurry, it is not sited within 400m of the curtilage of a 'protected building' - this is normally any building not involved in agriculture.





(85,000 broilers or 60,000 layers) and pig buildings (3,000 fattening pigs or 900 sows). The Acorus Factsheet 9 provides further information in respect of EIAs.

BUILDING REGULATIONS

Agricultural buildings are generally exempt from the Building Regulations unless they are:-

- used for retailing, packing or exhibiting; or
- sited within 1½ times their own height from a building containing sleeping accommodation.

If your building contains an office, mess room, toilet facilities or any other area regularly occupied by people you will need to meet the requirements of the Building Regulations.

If you are in any doubt you should check with the Local Authority Building Control department.

HEALTH AND SAFETY

All design and construction work must be carried out with health and safety in mind. There are specific duties under the Construction (Design and Management) Regulations 2007 that must be addressed. Please refer to Acorus factsheet 7 for our separate Guide to CDM 2007.



Even if your building complies with the above criteria, you are still required to notify the Planning Authority of your intent to build. The notification must include a description and location of the building and on successful registration, the Planning Authority must decide within 28 days whether they need further information i.e. is prior approval required? This can then take a further period of normally eight weeks to decide, if the Local Authority do not reply within the 28 days, you are permitted to build as notified.

There are separate 'rules' for holdings of less than 5 hectares.

Please refer to Acorus Factsheet 1 for further information on the details to be submitted with a planning application and Factsheet 2 which provides information on Appeals if your application is turned down.

ENVIRONMENTAL IMPACT ASSESSMENT - EIA

EIA is a formal procedure under statute to ensure that potential effects on the environment of certain developments are fully considered. EIAs are not normally required for small scale developments but the Planning Authority can request one if they consider the proposal to be a high risk. EIAs are definitely required for intensive poultry buildings

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