

Agricultural & Horticultural Buildings

Whether you are planning for a new dairy unit, beef enterprise, free range poultry enterprise, or a simple Dutch barn, there are a number of obstacles to cross and various aspects of legislation that you need to be aware of.

You may not always need full planning permission for agricultural or horticultural buildings, but at the very least you will need to notify the Council of the proposal and await the prescribed 28 day period. As detailed in the Town and Country Planning (General Permitted Development) Order 2015, Part 6, Class A, allows Agricultural 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 1,000m²;
- 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, being used for storing fuel for or waste from a biomass boiler or AD System and it is not sited within 400m of the curtilage of a 'protected building' - this is normally any building not involved in agriculture.

Within the 28 day period the Council will either determine the application, or request further information - from which the application effectively then becomes a full application.

If the Council do not respond within the 28 days from having received the application you are permitted to progress with building as per the details submitted.

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

Please note that there are instances where an agricultural holding does not have the benefit of Permitted Development rights when certain other Permitted Development rights have been used on the holding. Such matters will be specific to the holding and the dates when developments were undertaken.

Where the development proposal is beyond the scope of permitted development, a full planning application will need to be submitted. The details for



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EAST & SOUTH EAST

Old Market Office
10 Risbygate Street
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Tel: 01284 753271

SOUTH WEST

Addlepool Business Centre
Woodbury Road
Clyst St George
Exeter, Devon
EX3 0NR
Tel: 01392 873900

NORTH

Tel: 01524 793900

SOUTH EAST MIDLANDS

Tel: 01954 267418

YORKSHIRE

Tel: 0113 347 0430

ask@acorus.co.uk



submission with the application will depend on the scale and siting of the development, but additional information could include some of the following: topographical survey, landscape assessment & landscaping scheme, drainage scheme, ecology survey etc.

Agricultural buildings are generally exempt from 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 the 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.

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 2015 that must be addressed. See Acorus Information Sheet 7 for our separate guide to CDM 2015.

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