



Acland
Bracewell

Supporting Statement

Prior Notification

Agricultural Storage Building

Land at

Top House Farm

Boundary Lane

Kirkby

L33 3AL

December 2025

Report Details:

Document	Supporting Statement (Prior Notification)
Site Address	Land at Top House Farm, Boundary Lane, Kirkby, L33 3AL
Client	RE. & S. Baldwin Ltd
Reference	X792.157.007

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1. Introduction

- 1.1 This Statement has been prepared by Acland Bracewell (the 'Agent') on behalf of RE. & S. Baldwin Limited (the 'Applicant') in support of a Prior Notification of Agricultural Development submission at Land at Top House Farm, Boundary Lane, Kirkby, Liverpool, L33 3AL (the 'Site').
- 1.2 This Prior Notification is submitted pursuant to the Town and Country Planning (General Permitted Development) (Order) 1995, as amended, Schedule 2, Part 6, Class A (the 'GPDO').
- 1.3 The proposed development is compliant with all relevant criteria of the GPDO.
- 1.4 The Applicant farms an agricultural holding extending to 809.37ha (2,000acres), or thereabouts, throughout West Lancashire, Merseyside and Wigan. The proposed agricultural building is required in conjunction with this existing agricultural enterprise located closer to the specific holding surrounding Kirkby.
- 1.5 There is a genuine business need for the proposed agricultural storage building being the storage of cereals, pulses and other arable products along with the storage of agricultural machinery (drier), due to the current distance required to travel the produce for storage.
- 1.6 This Supporting Statement has been submitted to assist the Local Planning Authority in determining whether Prior Approval is required.

2. Applicants Agricultural Enterprise

2.1 Land at Top House Farm & Surrounding Land

- 2.1.1 The site is within the freehold ownership of the Applicant who farms the land.
- 2.1.2 The Applicant farms in total 809.37ha (2,000 acres) or thereabouts throughout West Lancashire, Merseyside and Wigan across a number of different Holdings/Agricultural Units.
- 2.1.3 The Agricultural Holding on which the proposal will serve at the Site comprises of 25.6ha (63.3 acres), or thereabouts of high-quality arable land located at Top House Farm, Boundary Lane, Kirkby.

2.2 The Applicant's Agricultural Holding

- 2.2.1 The site extends to 25.6ha (63.3 acres) or thereabouts, situated in West Lancashire, comprising raised bog peat soils identified as Grade I Agricultural Land under the Land Classification map, provided by Natural England. The land is suitable for a variety of crops, including cereals, pulses, oils seed and root crops which the applicant seeks to utilise under rotation.
- 2.2.2 The agricultural land which the proposed agricultural storage building is to serve, equates to 25.6ha (63.3 ac). This land is farmed under rotation, generally being Winter Wheat, Winter Barley, Oil Seed Rape, Environmental Scheme, Spring Field Beans. The rotation does vary from year to year, dependant on weather patterns. however using the above, a calculation can be provided as to provide the justification of the proposal, being the volume required for the grains stored, along with any other agricultural products, such as straw.
- 2.2.3 Using Winter Wheat, which is the highest yielding in terms of volume generated per acre, we can calculate the following:

Winter Wheat:

Yield (tonne/acre):	4.300
Acres Cropped:	63.300
Tonne Harvested:	272.190
Av. Kg/hl	76
M³/tonne	1.30
Cubic Meters Required:	353.85m ³

- 2.2.4 As indicated above, using an above average crop of Winter wheat for the area, approximately 353.85m³ is required for the storage of the winter wheat produced on the Agricultural Holding surrounding the Proposed building.
- 2.2.5 The size of the proposed building allows for the crop to be stored on a long-term basis, using pedestal fans whilst also providing enough room to separate crop types along with crops of different moisture levels and quality.
- 2.2.6 The applicant has the benefit of a 30ton batch mobile dryer, which is crucial in recent years. The building has been designed so that the batch drier can be sited within the building, whilst also providing sufficient space to allow for safe agricultural operations and grain handling.
- 2.2.7 In consideration of the previous application at this Site (2025/0026/PNP), whilst accepting an agricultural need was demonstrated, the Officer's Report did raise some queries in relation to the size of the building required. The above calculation relates to a single yield of Winter Wheat only. There may be, as required, more than one grain stored at a time, for example from first and second yields off the field. As set out, the building will provide the Applicant with the ability to store dried grains and sell when market conditions are most favourable. This means that some grains may be stored for an extended period and the proposed building has been designed to be suitable for this purpose, as is now common in modern farming practices.
- 2.2.8 The proposed building is larger than that previously submitted under the Prior Notification Application Ref: 2025/0026/PNP. This is due to changes in the Applicant's needs following further consideration of their requirements. This includes internal circulation and capacity to subdivide the building into storage for different types of grains.

- 2.2.9 The 30-ton batch mobile dryer is a significant and large piece of equipment, at just under 7m in height. The proposed eaves height, 7.3m is to allow sufficient height for the mobile drier to enter and exit the building, and inevitably therefore impacts the overall height and volume of the building.
- 2.2.10 Internally there needs to be sufficient circulation and separation space for the Applicant to store the drier, dry grains and store grains, this increasing the floor area requirements. There is of course also the requirement for machinery and tractors to be able to operate within the building for loading / off-loading, including the ability to tip grain.
- 2.2.11 The location of the proposed building also allows for the holding to reduce the amount of transportation required for the produce. Currently all produce is carted to the Applicant's farm at Bryn Hall Farm, Bryn Gates Lane, Wigan which is unsuitable during busy harvesting periods, and also increases the carbon footprint of the crops produced. Most of the crops produced on the holding are sold within the Merseyside/Lancashire area and the Proposal seeks to reduce the amount of transport required for the grains, to be both stored and sold to the wider markets.
- 2.2.12 Ultimately, the building has been designed to meet the Applicant's current needs on this Holding. The total building, including hardstanding, extends to 1,440sqm concrete apron. This has been identified as the required area for the Applicant to serve this particular Holding. Notwithstanding, the Permitted Development right allows for up to 1,500sqm of development every two years.

3. The Proposal

3.1 This submission is a Prior Notification of Agricultural Development for the erection of a steel portal framed agricultural building for the storage of agricultural produce and machinery.

3.2 The proposed agricultural storage building will have the following scale parameters:

Length (m):	60.000
Width (m):	24.000
Eaves Height (m):	7.292
Ridge Height (m):	10.018
Gross External Area (m²):	1,440.00

3.3 The building has been specifically designed in conjunction with Wareing Building, specialists in agricultural building fabrication and construction and will comprise of 10.bays at 6m centres. The building will be galvanised steel frame, clad in anti-condensation box profile metal sheeting plastisol coated in Juniper Green to elevations and roof, which will also benefit from GRP roof lights. PVC coated metal flashings and trims to the elevations and roof will also be in Juniper Green colour. The rainwater goods will be black uPVC.

3.4 It is proposed that the building will be closed to all sides with 180mm Prestressed Concrete Panels up to 3.6m, with 1.no roller shutter door and 1.no personnel door provided to the east elevation. The roller shutter door will allow for agricultural machinery to access the building, with enough height to allow for safe tipping of grain trailers whilst also providing a weather and waterproof barrier into the proposed building. The personnel door provides for a safe access via foot.

3.5 The siting of the proposed building has been changed following the previous application. Agricultural development is appropriate development in the Green Belt and therefore, by virtue of its appropriateness, there is no visual impact arising from agricultural development on the openness of the Green Belt. Notwithstanding, the proposed new location of the agricultural development is considered to ensure there is no negative effect on the landscape character and residential amenity whilst reducing the need for additional hardstanding areas. It is considered the proposed siting is appropriate in terms of the LPA's

consideration towards 'siting' under Part 6, Class A(a) of the General Permitted Development Order 2015 (as amended).

- 3.6 The proposed building has been designed specifically for its proposed agricultural use in conjunction with following guidance provided by the Red Tractor Farm Assurance Scheme and Agricultural Horticultural Development Board.
- 3.7 The scale of the building is not disproportionate to its surrounding context and is contiguous with the existing agricultural buildings located at local farmsteads and across the Borough.
- 3.8 The proposed agricultural building has been re-sited closer to existing buildings at adjacent properties (not within the applicant's ownership), which reduce the overall spread and impact of the development.
- 3.9 Notwithstanding, the development is for an agricultural building, within a rural agricultural area and therefore the visual impact of the building is harmonious and synonymous with the setting.
- 3.10 The building has been designed in accordance with modern agricultural requirements and it's siting is insular in the context of the site and is not disproportionate in scale. The Applicant seeks to utilise the Permitted Development Rights contained within the Town and Country (General Permitted Development) (Order) 2015, Schedule 2, Part 6, Class A, which allows for up to 1,500m² of agricultural floorspace to be developed in any two-year period. This Holding has not been subject to an approved agricultural building under this provision. The building proposed extends to a GEA of 1,440m². This is sufficient to meet the Applicant's needs whilst not exceeding the floorspace available under Permitted Development.
- 3.11 The Applicant has considered other locations within their land ownership for the proposed building; however, this is considered the most suitable for the following reasons:
- i. The Site is within the Applicants Agricultural Holding and central to wider land within the specified holding.
 - ii. The site is the most suited for the safety of agricultural operations, with easy and safe access to the building, even via reversing.
 - iii. The sites' location is within closer proximity to local grain/oilseeds/pulses markets, (Liverpool Docks, SWLF, For Farmers, etc.) than the applicants wider agricultural holding, it is both financially and environmentally viable that grains produced locally are stored and sold locally.

- iv. The siting of the proposals is in relative proximity to an adjacent farmstead and therefore reduces any potential impact on the landscape character.
- v. The total area of the proposed Agricultural Building equates to 1,400m² which complies with the Permitted Development Right.
- vi. The Site is well situated for the Applicant's Agricultural Enterprise to remain competitive.

4. Planning History

- 4.1 On 15th January 2025 a Prior Notification of agricultural development was submitted to West Lancashire Borough Council. The Application Reference was: 2025/0026/PNP.
- 4.2 On 6th February 2025, the Local Planning Authority determined that Prior Approval was required and would be considered.
- 4.3 On 4th June 2025 WLBC refused the details for which prior approval was required.
- 4.4 The General Permitted Development Order (GPDO) is a legal document in the UK that grants automatic planning permission for certain types of development. Development compliant with the GPDO (and thus granted automatic planning permission through it) is known as 'permitted development'.
- 4.5 Permitted Development's can be carried out without the need to apply for planning permission from the Local Planning Authority.
- 4.6 Schedule 2, Part 6, Class A of the GPDO confirms that the erection of an agricultural building on a unit of 5ha or greater is permitted development. The GPDO grants permission for the erection of a building on such land where it is reasonably necessary for the purposes of agriculture within that unit.
- 4.7 In order to benefit from the permitted development right, certain conditions must be met.
- 4.8 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. Matters relating to siting, design and external appearance of the building are the only matters which can be considered when assessing an application under this Prior Approval route. In summary, it is only matters relating to siting of the building, design of the building and external appearance of the building that can be 'approved' or 'refused'.
- 4.9 This firm has previously obtained Legal Advice regarding the correct way to deal with applications made under the Prior Notification / Approval route in relation to agricultural buildings. That Legal Advice states as follows:

In dealing with an application under the Prior Notification procedures the Council had three lawful options:

- i. Confirm to the applicant that prior approval of siting, design or external appearance is not required by the council;*
- ii. Confirm to the applicant that prior approval of siting, design or external appearance is required by the council; or*
- iii. Fail to respond to the Prior Notification within the prescribed time limit in which case the application can proceed as if i. has occurred. (GPDO Schedule 2, Part 6, A.2(2)(iii))*

4.10 In the case of 2025/0026/PNP, in dealing with the Prior Notification, WLBC confirmed to the Applicant that prior approval of siting, design or external appearance of the building is required by the council.

4.11 The Decision Notice issued by the LPA in respect of 2025/0016/PNP includes a single reason for refusal which reads as follows:

1. The proposed agricultural building would be located in an open and isolated position, and the siting of the building would unduly detract from the openness and visual amenity of the surrounding landscape. On that basis the development would conflict with the requirements of Policy GN3 in the West Lancashire Local Plan 2012-2027 DPD and the National Planning Policy Framework.

4.12 Neither the design nor the external appearance of the building is referenced within the reason for refusal.

4.13 The Officer's Report stated as follows:

5.11 *The building would be situated within a sparsely vegetated and isolated area which is open in all directions and bounded with a small drainage ditch that runs parallel alongside the access road. The proposed building will not be within or close to an existing cluster of built form (approx. 270m away from the former farmstead – Top House Farm). The siting of the building in the proposed location would result in significant encroachment into open land, impacting the openness of the surrounding landscape. Furthermore, there is no current hardstanding to justify the proposed siting. The siting and scale of the building is such that it would be highly visible when traveling in a northerly or southerly direction along Perimeter Road. In my opinion, the proposal has not been located in the least obtrusive position on the*

site to ensure that it would not have a detrimental impact upon the openness and visual amenity of the area.

5.12 Overall, I consider that, given the height and overall size of the building, the development would not comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 DPD and the NPPF

- 4.14 Whilst paragraph 5.12 references the height and size of the building as being non-compliant and of concern, it is clear from the wider Officer Report and the actual reason for refusal as states on the Decision Notice that the issue is the ‘siting of the building’.
- 4.15 It is therefore concluded that matters relating to design and external appearance were acceptable to the Local Planning Authority as they are not referenced as reasons for refusal. As the proposed building subject to this current application remains identical in design and external appearance, it is again concluded that these matters are acceptable to the Local Planning Authority.
- 4.16 It is submitted that the sole reason for refusal of 2025/0026/PNP was in relation to the siting of the building, specifically, the conflict of siting with Policy GN3 of the West Lancashire Local Plan and the NPPF, as is explicitly stated in the Decision Notice.
- 4.17 The Town and Country Planning Act 1990 allows planning permission to be granted in a number of different ways. Including by development order and local planning authorities on application. Some grants of permission by development order are conditional on an application for “prior approval”. The statutory scheme treats prior approval applications separately from applications for planning permission.
- 4.18 Applications for planning permission - *not* prior approval – must be taken in accordance with the statutory development plan and material considerations (see section 70(2) of the TCPA, and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 4.19 In the case of prior approval application, the permission has already been granted through the GPDO. A prior approval application is effectively an application to discharge conditions pertaining to that permitted development right – it is not necessary to go back to s.38(6) or s.70. The scope of issues material to a prior approval application is fixed and fixed *exclusively* by the terms of the order. There is no free-standing requirement to think about the development plan, or other material considerations more generally. This

includes the NPPF, unless of course the order specifically requires consideration to the NPPF. For example, the PD Right under Part 20 (for the construction of new dwellinghouses) specifically requires the Prior Approval determination to “...have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [July 2021], so far as relevant to the subject matter of the prior approval, as if the application were a planning application...”. For the PD Right under Part 6, there is no specific requirement for consideration to the NPPF or other planning policy.

- 4.20 In the case of this Site, it is allocated as lying within an Area of Landscape Character, being Area 3: Upland Type Mosses.
- 4.21 The relevant Local Plan policy for sites within an allocated Area of Landscape Character is Policy EN2(f). Non-compliance with this policy is not a matter raised within either the Reason for Refusal, or the Officer’s Report and it is therefore considered that the development was deemed compliant with this policy (notwithstanding that the Development Plan Policies are not relevant considerations in the determination process).
- 4.22 Notwithstanding, the Upland Type Mosses acknowledge the open and agricultural character of this area. It states that in order to seek to protect the character, the design and materials of new buildings should be in keeping with historical architectural characteristics. It does not explicitly seek to prevent new developments.
- 4.23 The building proposed has been designed to be appropriate for its intended use, and it synonymous with other agricultural buildings in the immediate area and wider Borough. It is an agricultural building, of agricultural design, within an area of agricultural character. As a result of this position, the development is therefore also compliant with the relevant parts of Policy GN3.
- 4.24 Notwithstanding, Local and National planning policy is irrelevant to the determination, but even if it was relevant, the proposed development would be compliant with both local and national planning policy.
- 4.25 Even if there was a requirement to have consideration to the NPPF, Paragraph 154(a) is clear that building for agriculture are acceptable forms of development in the Green Belt. Furthermore, there is no requirement under this exemption to give any consideration or weight to impact on setting, openness or other visual impact, as agricultural development is appropriate development in the Green Belt and by virtue of its appropriateness, there is no visual impact on the openness of the Green Belt.

- 4.26 For Prior Approval of Agricultural Development, there is no requirement in the order to consider Local Plan policies or the NPPF. As such, non-compliance with a Local Plan policy or the NPPF is not a sufficiently robust, or defensible, reason for refusal of prior approval in the case of 2025/0026/PNP.
- 4.27 Furthermore, in terms of siting of the building, ultimately, it is sought to site an agricultural building within a largely agricultural setting.
- 4.28 Attention is drawn to Appeal Reference APP/L3245/W/20/3248989 where it was found that whilst the agricultural building would be visible from a number of viewpoints, it would be “viewed in what is a prevailing agricultural character” and its prominence behind a number of residential dwellings would be “mitigated by the intervening vegetation and the separation distance from the dwellings, such that it would not appear incongruous or overbearing for occupants of the dwellings.” In this case, the Inspector found that the agricultural building would not harm the character and appearance of the area or harm the living conditions of neighbouring occupants.
- 4.29 In another Appeal (Reference: APP/J1860/W/22/3291979) in relation to the construction of an agricultural track, the Inspector noted that there was no requirement for them to have regard to the development plan, but regardless, found the development plan supportive of the agricultural development. The local plan in that case sought to ensure that development would take account of and integrate with the character of the landscape setting and conserve primary characteristics. The Inspector did accept that the proposal would be a significant and artificial intervention in the landscape but concluded it would neither affect woodland elements nor hedgerows, key components of local landscape character and found that the landscape in the area was subject to no formal protection relevant to landscape character described as one with a somewhat functional farmed appearance. The Inspector considered the development would be neither discordant or obtrusive and confirmed the setting to be acceptable.
- 4.30 Whilst discussing the previous application it is prudent to make reference to the consultation responses received, within which it was alleged that the land associated with the application is “not now involved in farming but haulage”. We would like to reiterate that this is factually incorrect.
- 4.31 The Applicant is RE & S Baldwin (Company Number: 08814897). The company is registered with the SIC Code 01500: Mixed Farming. In short, the Application is made for and on behalf of an agricultural business.

- 4.32 Furthermore, the land edged blue on the Location Plan is clearly, and has always clearly, been used for agricultural purposes. Indeed, crops can be seen growing in the fields in ariel imagery, and tractor tracks are also visible. Notably, there is absolutely no evidence of use of the land for haulage.
- 4.33 Notwithstanding that the Application is made for and on behalf of an agricultural business; in order to assist the LPA, reference is again made to the previous Legal Advice obtained by this firm which discussed the restriction of the Permitted Development right to a parcel of land for the purpose of a trade or business.
- 4.34 The Legal Advice confirms that Rights under Part 6 do not apply where the use is purely recreational, and also that there is no direct authority bearing on the meaning of 'trade or business' in the Order. However, in *South Oxfordshire DC v SoSE* (1988) 56 P&CR 112 the court found some assistance in the decision of Gibson J in *Customs and Excise Cossrs v Fisher* (Lord) [1981] 2 ALL ER 147. The Fisher case related to the meaning of 'business, trade, profession and vocation' in the Finance Act 1972 in relation to a 'shoot'. Gibson J considered:

"It is clear, and there is much authority to support it, that 'business' is or may be in particular contexts a word of very wide meaning. Nevertheless, the ordinary meaning of the word 'business' in the context of this Act excludes, in my judgment, any activity which is no more than an activity for pleasure and social enjoyment.

The primary meaning of all these words, 'business, trade, profession and vocation' is an occupation by which a person earns a living. It is clear that all ordinary businesses, trades, professions and vocations can be carried on with differences from this standard and norm in regularity or seriousness of application, in the pursuit or disregard of profit or earnings, and in the use or neglect of ordinary commercial principles of organisation...

Many people, however, carry on activities which are clearly 'business' but which have little to do with ordinary businesses or trades; thus a man may be a professional sportsman or make a business of his hobby, or make a trade of domestic hospitality. In this area, as it seems to me, the essential difference between what is 'business' or 'trade' and what is an activity for pleasure and social enjoyment may on occasions be difficult to discern or to prove, but no man, I believe, has any doubt that that essential difference is a real difference..."

- 4.35 In *McKay v Secretary of State for the Environment* [1989] 1 P.L.R. 7, the court held that profitability was not the test of whether an agricultural use was a trade or business.

- 4.36 Therefore, it is not relevant in considering a Prior Notification / Approval for agricultural development whether an Applicant has a different primary business, nor is it relevant, within the spectrum discussed by Gibson J, that a business venture is marginal or with a disregard to profit. Indeed, it is often the case that farmers carry on their business on a marginal basis earning below the minimum wage. That is within the nature of much of modern agriculture.
- 4.37 Finally, the legal advice confirms that it is not a requirement of the GPDO that the agricultural use for which the proposed building is required must be in operation before the commencement of the building operation. Such view is a misstatement of the law and wrong. The agricultural use and operation of the unit must be in place, but that agriculture does not need to be the same as that for which the proposed building is required (see the Court of Appeal in *Jones v Metropolitan Borough of Stockport* (1985) 50 P. & C.R. 299)
- 4.38 It is noted that the Officer's Report for the Application Reference 2025/0026/PNP confirms that the building is accepted as being proposed for the purposes of agriculture and that there is no evidence of a haulage use at the Site.

5. Permitted Development Rights

5.1 Part 6, Class A of the General Permitted Development Order

- 5.1.1 Part 6, Class A(a) of the General Permitted Development Order ('GPDO') 2015, permits the carrying out on agricultural land comprised in an agricultural use of 5 hectares or more in area of –

“Works for the: Erection, extension or alternation of a building; or any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.”

- 5.1.2 S.336(1) of the Town and Country Planning Act 1990, defines agriculture as:

“Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly.”

- 5.1.3 The proposed building is for a use that meets the definition of agriculture, being seed growing. In addition, the storage of machinery used in conjunction with this operation is agricultural.

5.2 Assessment

A.1 Development Not Permitted

- 5.2.1 Development is not permitted by Class A if:

(a) The development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area:

The proposed development will be carried out on the Agricultural Holding of RE. & S. Baldwin, which extends to 25.6ha (63.3ac) or thereabouts within the immediate area. The applicant also farms a total of 809.37ha (2,000acres) within the northwest region.

- (b) *It would consist of the erection or extension of any agricultural building on an established agriculture unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;*

Not relevant – The proposed development does not seek to extend an existing building and no development under Class Q or S of Part 3 of this schedule has ever been carried out on this site.

- (c) *It would consist of, or include, the erection, extension or alteration of a dwelling;*

Not relevant – the proposed development does not relate to a dwelling.

- (d) *It would involve the provision of a building, structure or works not designated for agricultural purposes;*

The proposed building is for the sole purpose of agriculture and has been designed for such purposes.

- (e) *The ground area which would be covered by –*

- (i) *Any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square meters; or*
- (ii) *Any building erected or extended or altered by virtue of Class A, would exceed 1,500 square meters, calculated as described in paragraph D.1(2)(a) of this Part;*

The proposed building will extend to 1,440m².

- (f) *The height if any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 meters;*

Not relevant – There are no aerodromes within 3km of the site.

- (g) *The height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;*

The proposed building is 10.018m to the ridge.

- (h) *any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;*

The development is not within 25m of a metalled part of a trunk road or classified road.

- (i) *it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;*

Not relevant – the building is proposed for storage of agricultural produce and machinery.

- (j) *it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;*

Not relevant – the proposal does not relate to fish farming.

- (k) *any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—*
(i) *would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or*
(ii) *is or would be within 400 metres of the curtilage of a protected building; or*

Not relevant – the building is not for the storage of fuel or waste from a biomass boiler or an anaerobic digestion system.

A.2 Conditions

5.2.2 (1) Development is permitted by Class A subject to the following conditions –

- (a) *Where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;*

Not relevant – development is not for the housing of livestock, storage of slurry/sewerage sludge, or housing of a biomass boiler or anaerobic digester.

- (b) *Where development involves –*

- (i) *the extraction of any mineral from the land (including removal from any disused railway embankment); or*
(ii) *the removal of any mineral from a mineral-working deposit,*

the mineral is not moved off the unit.

Not relevant – development does not involve mineral removal or extraction.

- (c) *Waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.*

Not relevant – no waste materials are required.

5.2.3 (2) Subject to sub-paragraph (3), development consisting of –

- (a) *The erection, extension or alteration of a building;*
 - (b) *The formation or alteration of a private way*
 - (c) *The carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or*
 - (d) *The placing or assembly of a tank in any waters,*
- Is permitted by Class A, subject to the following conditions:*

The proposal is for (a) the erection of a building.

- (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;*

Submission of this Prior Notification demonstrates compliance with this part.

- (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;*

Submission of this Prior Notification demonstrates compliance with this part. This Statement provides a written description of the proposed development and materials at Section 3.

- (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;*

The Applicant understands the above conditions.

- (iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—*
 - (aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and*
 - (bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;*

Not relevant at this stage. Should the LPA give notice that Prior Approval is required, the above conditions will be met.

- (v) the development must, except to the extent that the local 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; and*

The Applicant understands the above conditions.

- (vi) the development must be carried out—*

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

The Applicant understands the above conditions.

6. Conclusion

- 6.1 There is a clear requirement for an agricultural building for the storage of crops grown on the Applicant's Agricultural Holding along with the safe storage of agricultural machinery.
- 6.2 It has been established that this is an existing agricultural unit and the Applicant's Agricultural Holding at Land at Top House Farm exceeds the minimum required 5ha in area and the location of the proposed agricultural building is greater than 1ha.
- 6.3 The proposed building has been specifically designed for the purposes of agriculture and specifically to meet the Applicant's agricultural needs.
- 6.4 The proposed building is commensurate in design and appearance of typical agricultural buildings within the locality of West Lancashire Borough Council and neighbouring authorities.
- 6.5 The proposed development does not involve any alteration to a dwelling, and it is sited more than 25m from a metalled part of a trunk or classified road.
- 6.6 The proposed building is not for the purpose of livestock or for the storage of slurry or sewage sludge.
- 6.7 The proposed building meets all the relevant criteria within Part 6, Class A of the General Permitted Development Order and therefore, we respectfully ask that the Local Planning Authority determine that prior approval is not required in respect of this development.