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Model Determination Form

Introduction

1. This Technical Advice Note (Wales)(TAN) should be read in conjunction with "Planning Guidance (Wales): Planning Policy". Planning Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the National Assembly for Wales (the Assembly) and its Inspectors in the determination of called-in planning applications and appeals.
2. Documents listed in the Reference column in the margin provide information which should be read in conjunction with the TAN.

Agricultural Considerations

3. When preparing development plans and considering planning applications, local planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse affects on the environment.
4. Local planning authorities should bear in mind that, once land is built on, the restoration of semi-natural and natural habitats and landscape features is rarely possible and usually expensive, and archaeological and historic features cannot be replaced. Also, once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable.

Agricultural Land Quality

5. The Ministry of Agriculture, Fisheries and Food and the National Assembly for Wales Agriculture Department classify agricultural land by grades according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use for food production. There are 5 grades of land numbered 1 to 5, with grade 3 divided into two sub-grades. The best and most versatile land falls into grades 1, 2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs.
6. The Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The map is not suitable for use in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade.

*Planning Guidance
(Wales): Planning Policy
First Revision 1999*

*Planning Guidance
(Wales): Planning Policy
First Revision 1999,
paragraph 5.2.1*

*The ALC map of Wales and
the publication
"Agricultural Land
Classification of England
and Wales" can be
purchased from MAFF
Publications, Deptford,
London, SE99 7TP. ALC
maps for specific areas at
larger scales may also be
available from the Farming
and Rural Conservation
Agency, Yr Hen Ysgol
Gymraeg, Ffordd
Alexandra, Aberystwyth,
SY23 1LD.*

Other factors

7. *The location of development in relation to farms* - The nature of other development and its proximity to farms can influence the type of farming and the extent to which inherent land quality can be exploited. Certain locations may have agricultural advantages such as accessibility to markets, processing plant and certain industries associated with agriculture. Farms with development close to them tend to suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings. It may be possible to reduce any detrimental effects of development by locating compatible uses adjacent to farm land, by landscaping or by detailed provision in the layout of residential development.

8. *Farm size and structure* - Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.

9. *Buildings and other fixed equipment* - The efficiency of farms can be affected by the condition and extent of buildings and other fixed equipment. The full use of these assets could be impaired by the loss of specific sites to development and there may be proposals to improve buildings and equipment which are tied to investment decisions already taken. The effect on the capital investment of a farm should, therefore, be taken into account as part of the consideration of the agricultural case.

10. *Irrigation* - Where irrigation is practised and water supplies are adequate and reliable, the productive capacity of agricultural land and its importance relative to non-irrigated land of the same grade will often be significantly increased.

11. *Other effects of development on agriculture* - Developments may have further consequences for agriculture. For example, it may be necessary to redesign land drainage systems disturbed by development and, where major development is involved, the drainage of surface water may require water courses to be re-aligned or improved to accept the increased flow. Freshwater and marine fisheries may be affected by discharges from industrial and other forms of development.

Re-use/Adaptation of Rural Buildings

12. When assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes (although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration). In circumstances where planning authorities have reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights, with the intention of early conversion to another use, it will be appropriate to investigate the history of the building to establish whether it was ever used for the purpose for which it was claimed to have been built.

Visual Amenity

13. Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out. If a planning application is submitted for the re-use of a building which the local planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.

*Planning Guidance
(Wales): Planning Policy
First Revision 1999,
paragraphs 10.5.1 and
10.5.2*

*Article 30 of the Treaty of
Rome*

Size and Cumulative Impact

14. Local planning authorities should consider setting out in development plans their approach to proposals for the re-use of complexes of buildings with a large aggregate floor area, and of individual buildings which are especially large. The economic and social needs of the area, and environmental and traffic considerations may be particularly relevant to such proposals. Beyond a certain point, the cumulative impact of the re-use of a series of buildings in close proximity to one another may raise similar issues.

Agricultural buildings

15. Local planning authorities should examine particularly carefully applications for re-use of buildings erected under agricultural permitted development rights. This should alert them to the possibility that the building was in breach of planning control when it was substantially completed, because there was no genuine agricultural justification.

16. Where there are sound planning reasons for wishing to control the replacement of old farm buildings by new ones, a local planning authority may wish to consider attaching, to the grant of planning permission for the use of agricultural buildings for non-agricultural purposes, a condition withdrawing permitted development rights for new farm buildings in respect of that particular agricultural unit or holding. This course will generally only be appropriate where a proliferation of farm buildings could have a seriously detrimental effect on the landscape. Such a condition should be used with great care, and must fairly and reasonably relate to the proposed development. Whilst a restriction on additions to a particular group of farm buildings without specific permission might be reasonable, a restriction which sought to cover the whole of a large holding in connection with the re-use of a single building might well be unreasonable.

17. If re-use is associated with farm diversification, a local planning authority may wish to seek a planning obligation to tie the building to the land, so as to discourage the subsequent fragmentation of the agricultural unit by separate sale of the building.

Registers of Rural Buildings

18. Local planning authorities may wish to compile and promote registers of rural buildings with unimplemented planning permission for business re-use in cooperation with local bodies. The conversion of buildings which are currently in industrial or commercial use to dwellings may have an adverse impact on local economic activity.

Residential Conversions

19. Where residential conversion is part of a scheme for the re-use of a building or complex of buildings for employment purposes, local planning authorities should consider whether to impose a condition requiring the works necessary for the establishment of the enterprise to have been completed before the dwelling is occupied, so as to ensure that the scheme materialises. This may be particularly appropriate in the open countryside. They may also wish to consider whether to impose a condition to tie occupation of the dwelling to the operation of the enterprise, in order to prevent it being sold separately without further application to the authority. Alternatively, they may seek a planning obligation to tie the dwelling to the rest of the building re-use.

Holiday conversions

20. Whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use.

*Planning Guidance
(Wales): Planning Policy
First Revision 1999,
paragraphs 10.4.3 and
10.4.4*

*Welsh Office Circular
35/95, 'The Use of
Conditions in Planning
Permissions'*

*Town and Country
Planning Act 1990, section
106 Welsh Office Circular
13/97, 'Planning
Obligations'*

Development Related to Farm Diversification

Farm shops

21. It is normally assumed that, if a farm shop is used only for the sale of unprocessed goods produced on that farm, with a minimal quantity of other goods, that is a use which is ancillary to the use as a farm and therefore does not require specific planning permission. However, use as a farm shop selling a significant amount of produce from elsewhere is a separate use and therefore requires planning permission.

22. The local authority, in considering applications for planning permission for use as a farm shop, may wish to consider the scope for using planning conditions to limit the broad types of produce sold so as to enable permission to be given. For example, in individual cases where the development of an unrestricted retail use on a farm would be likely to result in a significant adverse effect on a nearby village shop.

Farm workshops

23. Use of a building on an agricultural holding as a workshop for the central maintenance of agricultural equipment does not require planning permission where it serves the needs of that farm business. When that building is used to carry out a significant amount of work for other farms, this constitutes a separate use which requires planning permission.

Farm plans

24. Farms plans may usefully support applications relating to farm diversification proposals, although they should not be made a requirement of applicants. They can demonstrate how a proposal fits into the wider farming picture and set out its environmental consequences.

Small farm-based or related operations

25. Small on-farm operations such as food and timber processing and food packing, together with services (eg workshop facilities, equipment hire and maintenance) to other farms, sports and recreation services, and the production of non-food crops and renewable energy, should be encouraged. Local planning authorities should, however, consider the nature and scale of activity that would be appropriate. To help ensure the long-term sustainability of small woodlands, markets for woodland produce should be maintained and developed, and woodland-based enterprise that adds to rural diversification should be encouraged.

Development Related to Agriculture and Forestry

Permitted Development Rights for Agricultural Holdings

26. Permitted development rights are granted for a range of agricultural buildings and operations. Rights to erect, extend or alter such buildings, and for excavations and engineering operations, are available to agricultural units of at least 5 hectares under Class A of GPDO. More limited rights, including extensions and alterations adding not more than 10% to the content of the original building, are available to smaller units of not less than 0.4 hectare under Class B of GPDO (for details see Annex A).

*Welsh Office Circular
35/95, 'The Use of
Conditions in Planning
Permissions'*

*The Town and Country
Planning (General
Permitted Development)
Order 1995 (GPDO) SI No
1995/418, Schedule 2, Part
6.*

*A Farmers Guide to the
Planning System, DoE,
Welsh Office and MAFF,
1992*

Permitted Development Rights for Forestry

27. Permitted development rights are granted to erect, extend or alter a forestry building, to form, alter or maintain private ways, and for other operations (excluding engineering and mining). Development is not permitted for dwellings, or development exceeding 3 metres in height within 3 kilometres of an aerodrome, or within 25 metres of a trunk or classified road.

GPDO, Schedule 2, Part 7

The Determination Procedure

28. In certain cases, permitted development rights for development associated with agricultural uses of land, on units of 5 hectares or more, and forestry uses of land cannot be exercised unless the farmer or other developer has applied to the local planning authority for a determination as to whether prior approval will be required for certain details (for details of this procedure, which can, in more limited circumstances, also apply to smaller agriculture units of not less than 0.4 hectare, see Annex B).

GPDO, Schedule 2, Parts 6 and 7

Livestock Units and Slurry

29. Generally, permitted development rights do not extend to buildings to be used for the accommodation of livestock, or to associated structures such as slurry tanks and lagoons, when these are to be built within 400 metres of the curtilage of a 'protected building'. This restriction applies to new buildings and structures, to those created by the conversion of other farm buildings and structures erected under Part 6 of the GPDO since 2 January 1992, and to those extended or altered under Class B.

30. The term protected building includes most residential and other permanent buildings such as schools, hospitals and offices that are normally occupied by people. It excludes any building on the same agricultural unit, any farm dwelling or other farm building on another agricultural unit. The 400 metres will usually be measured from the boundary of the land on which the protected building stands, for example, from the end of the garden of a house.

31. To minimise the potential for future conflict between neighbouring land uses, local planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for local planning authorities to keep incompatible development away from other polluting or potentially polluting uses.

Welsh Office Circular 17/76, 'Control of Smells from the Animal Waste Processing Industry'

32. Regulations set minimum standards for new, substantially reconstructed or enlarged silage, slurry or fuel oil facilities. The Environment Agency is empowered to serve notice requiring action to improve existing installations when it considers that there is a significant risk of pollution. These Regulations form an important part of the Assembly's commitment to reduce agricultural pollution of rivers. Local planning authorities are therefore encouraged to consider sympathetically development proposals aimed at meeting the requirements of these Regulations.

The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, SI No 1991/324, as amended

Central Grain Stores

33. In view of their potentially obtrusive appearance, central grain stores should be designed and located to minimise their effect on the landscape. In considering applications for stores, local planning authorities should have regard to the advantages of such stores and the demands placed on farmers of changing technology, the extent to which they blend with their surroundings, and to traffic and other relevant planning considerations. In some instances it may be possible to locate new central grain stores in industrial areas on the edge of settlements rather than in open countryside.

Glasshouse construction

34. Commercial glasshouses normally exceed the area for which permitted development rights are available. Glasshouses can have a significant environmental impact and, wherever practicable, new ones should be sited adjacent or close to existing ones. It is important however that the horticultural industry is not held back by over-restrictive approaches to developments which could be sited without detriment to the surrounding area.

Temporary structures

35. The Courts have held that some temporary structures used for agriculture are not buildings in planning terms but are a use of land and so outside the general scope of planning control. Temporary accommodation for livestock, such as 'pig arks' and moveable poultry shelters, may not therefore be buildings for planning purposes. The status of particular structures is ultimately a matter for the Courts to decide on the facts of each case. A structure placed on foundations, secured to the ground and with, for example, facilities such as an integral water supply, may constitute a building, while a structure without such features may constitute a use of land. In case of doubt, an application may be made to the local planning authority for a certificate of lawfulness of either an existing or proposed use or development.

Reservoirs on farms

36. Permitted development rights extend to structures and excavations which are reasonably necessary for the purposes of agriculture, within an agricultural unit of 5 hectares or more. A reservoir for irrigating farmland would generally be regarded as reasonably necessary for this purpose. The classification of an on-farm reservoir as an 'excavation' or a 'building, structure or works' will reflect the physical form of the development.

37. Where a planning application is required, local planning authorities should consider proposals for on-farm reservoirs positively.

38. To help consideration of such proposals, local planning authorities in areas where there is high demand for water resources may wish to set out in supplementary guidance the information which should accompany applications for farm reservoirs and the criteria on which such applications will be assessed.

Crown Development

39. Development by the Forestry Commission (including Forestry Enterprise) is Crown development. In carrying out developments the Commission and other Crown developers will follow the procedure for notifying local planning authorities.

Agricultural and Forestry Dwellings

40. One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live at or close to their place of work. Whether this is essential in any particular case will depend on the needs of the farm or forestry enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new agricultural or forestry dwellings should be scrutinised by the local planning authority with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings in the countryside.

*Town and Country
Planning Act 1990,
Sections 191 or 192*

GPDO, Schedule 2, Part 6

*Welsh Office Circular
37/84, 'Crown Land and
Crown Development', Part
IV*

*Planning Guidance
(Wales): Planning Policy
First Revision 1999,
paragraphs 10.6.1 - 10.6.4*

Permanent agricultural dwellings

41. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (a) there is a clearly established *existing* functional need;
- (b) the need relates to a *full-time* worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement;
- (c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (d) the functional need could not be fulfilled by another dwelling already on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (e) other normal planning requirements, for example, on siting and access, are satisfied.

42. A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- in case animals or agricultural processes require essential care at short notice;
- to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

43. In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

44. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for an agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling.

45. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

46. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.

47. Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not normally be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate to a particular holding.

GPDO, Schedule 2, Part 1

***Annex to Welsh Office
Circular 35/95, 'The Use of
Conditions in Planning
Permissions', paragraphs
86-90***

48. There will be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, the local planning authority may wish to consider making permission subject to a condition removing some of the permitted development rights for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class.

49. Care should be taken to choose a site which is suitably located to meet the identified functional need and well-related to existing farm buildings or other dwellings. Local planning authorities are able where necessary to control the siting of agricultural buildings erected under permitted development rights (see Annex B). When they are considering the siting of such buildings, the possible need for an agricultural dwelling in connection with them is capable of being a material consideration.

Temporary agricultural dwellings

50. If it is considered that a new dwelling will be essential to support a new farming activity, whether on a newly-created agricultural unit or an established one but the case is not completely proven, it should normally for the first three years be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (a) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (b) functional need;
- (c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (e) other normal planning requirements, for example on siting and access, are satisfied.

51. If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 41 are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. It will be unsatisfactory to grant successive extensions to a temporary permission over a period of more than three years.

Forestry dwellings

52. Local planning authorities should apply the same criteria to applications for forestry dwellings as to agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional modern methods of forestry management, which use a largely peripatetic workforce, a new forestry dwelling is unlikely to be justified except perhaps to service intensive nursery production of trees.

Occupancy conditions

53. Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition.

***Annex to Welsh Office
Circular 35/95, 'The Use of
Conditions in Planning
Permissions', paragraphs
102-104.***

54. It should not be necessary to tie occupation of the dwelling to workers engaged in one specific farm or forestry business even though the needs of that business justified the provision of the dwelling. An occupancy condition will, however, ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside.

55. When granting permission for a new agricultural dwelling, local planning authorities should be aware of the scope for imposing an occupancy condition not only on the dwelling itself but also on any existing dwellings on the unit which are under the control of the applicant, do not have occupancy conditions and need at the time of the application to be used in connection with the farm. This should help to protect the countryside against the risk of pressure for new houses. The Courts have confirmed the scope for imposing such a condition (*Macklin and others v Secretary of State for the Environment and Basingstoke and Deane Borough Council*, 27 September 1995). In appropriate circumstances, authorities may use planning obligations to tie a farmhouse to adjacent farm buildings or to the agricultural land of the unit, to prevent them being sold separately without further application to the authority.

56. Changes in the scale and character of farming and forestry in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an *area* as a whole and not just on the particular holding that is relevant.

*Welsh Office Circular
13/97, 'Planning
Obligations'*

*Annex to Welsh Office
Circular 35/95, 'The Use of
Conditions in Planning
Permissions', paragraph
105*

Information and Appraisals

57. Planning authorities should be able to determine most applications for agricultural and forestry dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.

58. Some local planning authorities ask for applications for dwellings to be supported by a technical appraisal commissioned by the applicant. Such authorities may wish to prepare a select list of consultants likely to provide independent and unbiased advice, to state the criteria for inclusion in it, and to make it available to applicants.

Development Involving Horses

59. The definition of agriculture includes "the breeding and keeping of livestock" and "the use of land as grazing land". "Livestock" has been held to relate only to livestock bred or kept for agricultural purposes. Land can be said to be used for "grazing" if horses are turned on to it with a view to feeding them from it, but not if they are kept on it for some other purpose (such as exercise or recreation), when grazing is seen as completely incidental and inevitable. A planning application is normally required for the use of land for keeping horses and for equestrian activities, unless they are kept as "livestock" or the land is used for "grazing".

*Town and Country
Planning Act 1990, Section
336*

Reference

60. Buildings used for housing horses used in farming qualify as agricultural permitted development, and so benefit from permitted development rights. Stables or loose boxes erected within the curtilage of a dwelling house (ie in a large garden but not a separate paddock) for horses kept as "pet animals..... for the domestic needs or personal enjoyment of the dwelling house" also enjoy permitted development rights. Unless they qualify as permitted development, a planning application is normally required for buildings to house horses.

GPDO, Schedule 2, Part 6

GPDO, Schedule 2, Part 1

Cancellations

61. Technical Advice Note (Wales) 6, 'Development Involving Agricultural Land', November 1996, and Annexes B, C, D, E and F and the Appendix to Planning Policy Guidance Note 7, 'The Countryside and the Rural Economy', January 1992, are cancelled.

ANNEX A

SUMMARY OF PERMITTED DEVELOPMENT RIGHTS: PART 6 OF SCHEDULE 2 TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (GPDO)

A1. Class A rights are not available on separate parcels of land of less than 1 hectare, while Class B rights are not available on separate parcels of less than 0.4 hectare. Parcels may be separated from the rest of the unit by, for example, land in different ownership or a public road. The rights are subject to various other limitations and conditions, the most important of which are:

a. Under both Classes, development:

- must be on agricultural land, which means land in use for agriculture for the purposes of a trade or business, and excludes any dwelling-house or garden;
- must be reasonably necessary for the purposes of agriculture within the unit. This condition does not require that a new building should necessarily accommodate an agricultural use already existing in the unit. Agricultural developments which are entirely self-contained and have no direct relationship with the rest of the unit may thus benefit from permitted development rights;
- must not give rise to, or alter or extend, a dwelling;
- must not be within 25 metres of the metalled part of a trunk or classified road.

b. Under Class A:

- development giving rise to buildings, structures or works not designed for agricultural purposes is not permitted. The Courts have held that this condition relates to the physical appearance and layout of a building, not its function;
- buildings, structures or works must not exceed 12 metres in height, or 3 metres within 3 kilometres of the perimeter of an aerodrome;
- the ground area of any works or structure (other than a fence) for accommodating livestock or any plant and machinery arising from engineering operations, or of any building erected or extended under this Class, must not exceed 465 square metres. The relevant calculation is: (i) the ground area of the proposed development; plus (ii) the ground area of any building (other than a dwelling), structure, works, plant, machinery, ponds or tanks which is (a) within the same agricultural unit, (b) less than 2 years old, and (c) within 90 metres of the proposed development. Hardstandings should be included in (i) only if they are for accommodating livestock, but in (ii) whether or not they are so used;
- there are restrictions on livestock units and stores for slurry and sewage sludge located near protected buildings;
- development consisting of the significant extension or significant alteration of a building may be carried out only once. Any extension or alteration where the cubic content of the original building would be exceeded by more than 10%, or the height of the original building would be exceeded, is defined as significant;
- local planning authorities may require their prior approval to be obtained for details of new buildings, significant extensions and alterations (or in National Parks, and some areas adjoining the Snowdonia National Park which are known in the GPDO as Article 1(6) land, all extensions and alterations), farm roads, and certain excavations and waste deposits.

c. Class B rights are subject to the limitation that the external appearance of the premises must not be materially affected. There are similar limitations on developments for livestock and slurry/sewage sludge to those under Class A. Extensions and alterations to agricultural buildings:

- must not increase the height of the building;
- must not increase the cubic content of the original building by more than 10%;
- must not bring the ground area of the building to more than 465 square metres;
- on Article 1(6) land are subject to the same conditions concerning prior approval of details as extensions and alterations under Class A.

A2. If a building or extension erected under specified agricultural permitted development rights on or after 1 April 1997 permanently ceases to be used for agriculture within ten years of its substantial completion, and planning permission has not been granted authorising development for purposes other than agriculture within three years of the permanent cessation of its agricultural use, and there is no outstanding appeal, the building or extension must be removed unless the local planning authority has otherwise agreed. Local planning authorities should determine re-use applications promptly.

The requirements do not apply to buildings or extensions in respect of which planning permission has been granted or deemed to be granted under Part III of the Town and Country Planning Act 1990.

A3. Rights are also available under Class B for certain development in connection with private ways, for apparatus such as sewers and cables, for certain waste deposits, and, subject to limitations on area, for additional or replacement plant or machinery and for hard surfaces. The details of private ways are subject to the prior approval conditions on Article 1(6) land. Any plant or machinery must not exceed 12 metres in height (or 3 metres within 3 kilometres of the perimeter of an aerodrome), and in any case replacement plant and machinery must not exceed the height of what it replaces. Waste deposits must not materially increase the height of the land.

A4. Fish Farming for food can benefit from the permitted development rights available under Classes A and B. However, under Class A:

- on Article 1(6) land no rights are available for excavations or engineering operations connected with fish farming;
- elsewhere the placing or assembly of a fish tank (defined to include a cage or other structure for use in fish farming) in any waters is permitted subject to the prior approval conditions;

and under Class B:

- certain rights specific to fish farming are available in connection with repair and maintenance and installing equipment;
- development is not permitted if it involves the placing or assembly of a fish tank on land or in any waters, the construction of a fish pond, or an increase in the size of a fish tank or pond (except by removing silt).

A5. The definition of livestock in Classes A and B includes fish. Fish farm excavations which exceed 0.5 hectare, when added to other excavations and waste deposits on the unit, are subject to the prior approval conditions under Class A.

ANNEX B

THE DETERMINATION PROCEDURE: PARTS 6 AND 7 OF SCHEDULE 2 TO THE GPDO

Introduction

B1. The local planning authority has 28 days for initial consideration of the proposed development. Within this period it may decide whether or not it is necessary for it to give its prior approval to those details of development involving new agricultural and forestry buildings, significant extensions and alterations, agricultural and forestry roads, certain excavations or waste deposits, and the placing or assembly of fish tanks in any waters. On Article 1(6) land, *all* extensions and alterations to buildings are subject to this procedure and the placing or assembly of fish tanks in any waters requires a specific planning application to be made to the local authority.

B2. The types of development on smaller agricultural units of less than 5 hectares (but no smaller than 0.4 hectare) for which the GPDO also grants planning permission are not subject to the determination procedure, except on Article 1(6) land, where the procedure applies to extensions and alterations of buildings and the provision, re-arrangement or replacement of roads.

B3. The determination procedure provides planning authorities with a means of regulating, where necessary, important aspects of agricultural and forestry development for which full planning permission is not required by virtue of the GPDO. They should also use it to verify that the intended development does benefit from permitted development rights, and does not require a planning application. There is no scope to extend the 28 day determination procedure, nor should the discretionary second stage concerning the approval of certain details be triggered for irrelevant reasons. A local planning authority will therefore need to take a view during the initial stage as to whether Part 6 rights apply.

B4. Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration. Only in cases where the authority considers that a specific proposal is likely to have a significant impact on its surroundings would the Assembly consider it necessary for the authority to require the formal submission of details for approval. By no means all the development proposals notified to authorities under the GPDO will have such an impact.

B5. In operating these controls, local authorities should always have full regard to the operational needs of the agricultural and forestry industries; to the need to avoid imposing any unnecessary or excessively costly requirements; and to the normal considerations of reasonableness. However, they will also need to consider the effect of the development on the landscape in terms of visual amenity and the desirability of preserving ancient monuments and their settings, archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value. They should weigh these two sets of considerations. Long term conservation objectives will often be served best by ensuring that the rural economy, including farming and forestry which are prominent in the rural landscape, is able to function successfully.

Handling

B6. The 28 day determination period runs from the date of receipt of the written description of the proposed development by the local planning authority. If the local planning authority gives notice that prior approval is required, it will then have the normal 8 week period from the receipt of the submitted details to issue its decision, or such longer period as may be agreed in writing (see Article 21 of the GDPO). Development undertaken in breach of the conditions imposed by the GPDO or by the local planning authority may be the subject of enforcement action.

B7. The Assembly attaches great importance to the prompt and efficient handling of applications for determination and of any subsequent submissions of details for approval under the provisions of the GPDO. Undue delays can have serious consequences for agricultural and forestry businesses, which are more dependent than most on seasonal and market considerations. The procedures adopted by authorities should be straightforward, simple, and easily understood. Delegation of decisions to officers will help to achieve prompt and efficient handling, and should be extended as far as possible. Authorities should use their discretion over consulting community councils and other groups about particular proposals, having regard to the need to reach decisions within the required timescales. Requests for more time from consultees should not be used as a reason for requiring the submission of details.

B8. Authorities should prepare forms which developers can use to apply for determination, along the lines of the example in the Appendix. This will help to minimise the number of cases in which submission of details may be necessary. Authorities should acknowledge the receipt of the written description, giving the date of receipt. Where the authority does not propose to require the submission of details, it would be helpful and courteous to inform the developer as soon as possible, to avoid any unnecessary delay or uncertainty.

B9. There will often be scope for informal negotiations with the developer, as an alternative or preliminary to requiring a formal submission of details. Developers for their part may find it useful to provide more than the minimum information required by the GPDO when informing authorities of their proposals, if this is readily available. For example, a sketch showing the proposed elevation of a building may clarify the effect of the proposal. If, as a result of discussions, the developer's original proposal is modified by agreement, he or she is not required to re-submit it formally to the authority in order to comply with the terms of the GPDO condition, but the authority should give its written approval to the modification to make it clear that the developer has authority to proceed with the modified proposals.

B10. Planning authorities should generally be able to deal with applications on the basis of their experience and the information provided. Where authorities do not have the necessary expertise to consider the operational requirements of the agricultural or forestry enterprise, they may need to seek a technical appraisal. Where this is necessary they should aim to do this within the 28 day period, and not simply call for details on a precautionary basis. Extending the decision period may hamper business operations unreasonably.

Scope of controls

B11. The arrangements do not impose full planning controls over the developments to which they apply; those developments remain permitted development under the GPDO. The principle of development and other planning issues will not be relevant providing the GPDO conditions are satisfied. When details are submitted for approval under the terms of the GPDO, the objective should be to consider the effect of the development upon the landscape in terms of visual amenity, as well as the desirability of preserving ancient monuments and their settings, archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value. Details should be regarded in much the same light as applications for approval of reserved matters following the grant of outline planning permission. Subject to the normal criteria governing the use of conditions in planning permission, conditions may be imposed when approval is given. Developers required to submit details for approval will have the right of appeal to the Assembly if approval is refused or is granted subject to conditions with which they disagree, or if notice of a decision on the details submitted is not given within the period for a decision (normally 8 weeks). There is no right of appeal against the decision of a local planning authority to require approval of details. No compensation is payable under Section 108 of the Town and Country Planning Act 1990 if approval of submitted details is withheld by the planning authority.

B12. Special considerations apply to forestry roads. Usually a new road will be to assist new planting or timber harvesting, which in nearly all cases are the subject of a Woodland Grant Scheme or felling licence application to the Forestry Commission. These applications are subject to consultation with local authorities and other bodies, in accordance with revised procedures that came into effect in August 1996. The Forestry Commission will be pleased to advise further. Applicants should set out any road proposals in their application. If there is an objection from a local authority which cannot be resolved, the Forestry Commission will not approve an application without reference to the Assembly Secretary with responsibility for Forestry. Landowners have an obligation to undertake environmental assessments of potentially damaging operations, and the Forestry Commission can require an Environmental Statement. These procedures ensure that the environmental acceptability of new roads and the siting and landscaping of the woodland are considered together. The Forestry Commission will produce guidance on the design of forest roads. Local planning authorities should not exercise their right to call for full details of roads which had been included in a Plan of Operations approved by the Forestry Commission after consultation with the authority. Appeals against refusal of permission for details in such circumstances are likely to be allowed.

Siting, design and appearance

B13. Local planning authorities may concern themselves with:

- the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings;
- the siting and means of construction of roads;
- the siting of those excavations or waste deposits which individually or collectively exceed 0.5 hectare within the unit; and
- the siting and appearance of fish tanks (cages).

To ensure consistency of decision taking, and to help applicants, local planning authorities should consider producing guidelines on the principles they would take into account when details of design, materials and siting are being prepared for such buildings. The guidelines should identify where possible situations or circumstances in which authorities would normally require the submission of details. They should allow a flexible approach, and note that the combination of siting, design and colour can particularly influence the degree of intrusion.

B14. In preparing guidelines, authorities should consult those with an interest, for example local farming and conservation interests and the National Assembly Agriculture Department. Continuing liaison with building designers and contractors will be important. Planning authorities' attention is drawn to British Standard BS 5502 'Buildings and Structures for Agriculture', Part 20 Code of Practice for general design considerations, 1990, which gives information on matters referred to in this guidance, together with reference to choice of colours and their use.

Siting

B15. The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. However, new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Sites on skylines should be avoided. To reduce visual impact, buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

B16. A well sited building or road may benefit from some additional screening, but the visual impact of a poorly sited building cannot easily be reduced. In some cases minor repositioning or realignment can considerably improve proposals. In others, a different site might be preferable if this can be achieved without imposing undue operational or constructional difficulties. The options for siting of agricultural buildings and private ways will be influenced by their functional relationship to other buildings and services, so that alternatives may be limited. Where constructional problems emerge *after* proposals have been notified or approved, authorities should be flexible in their response to requests for approval of departures from the original proposals.

B17. The siting of new agricultural or forestry buildings adjacent (but not too close) to existing woods may help to assimilate them into the landscape. Suitable woodland management is required to maintain this effect. Elsewhere judicious tree planting and external works may enhance new buildings. The aim should not be to hide a building from sight, but rather to soften a hard outline, break up a prominent silhouette, and help anchor a new building to the surrounding landscape. Any new planting should reflect the existing vegetation type, or be part of an approved Woodland Grant Scheme application.

Design and appearance

B18. The choice of design¹ and materials, and the relationships of texture and colour to existing development, local traditions, and the landscape, can be important considerations for both agricultural/forestry buildings and roads.

B19. The colours chosen should be compatible with the rural setting, not to camouflage the building but to allow it to relate to existing buildings. Careful choice of colour reduces the apparent scale of a large agricultural building (for example, if the roof of a building is coloured darker than the walls, its visual impact on its surroundings is reduced). The use of reflective materials should be avoided.

B20. Guidelines may include information on local building design. Traditional building styles may be important in devising local design criteria for modern buildings. It will normally be appropriate to use traditional or sympathetic materials for developments taking place in the setting of a listed building or in a conservation area.

B21. Alterations and extensions should not pose as much difficulty as new buildings, but similar considerations concerning design and appearance should be taken into account. Materials similar to the original should normally be used.

B22. Although choices of design and materials may be constrained by operational needs, the standardisation of modern agricultural buildings and economic considerations, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

¹See Technical Advice Note (Wales) 12, 'Design' (1997)

ANNEX C

PROCEDURAL ARRANGEMENTS FOR CONSULTATION WITH NATIONAL ASSEMBLY FOR WALES AGRICULTURE DEPARTMENT AND FORESTRY COMMISSION

Consultation on development plans

C1. Local planning authorities preparing development plans should consult the National Assembly for Wales Planning Division who will consult the National Assembly for Wales Agriculture Department for guidance on the agricultural issues involved. The National Assembly for Wales Agriculture Department will offer comments on the preparation of plans, advise local planning authorities on the relative quality of agricultural land in the plan area and identify the best and most versatile agricultural land.

Consultation with National Assembly for Wales Agriculture Department: planning applications for non-agricultural development

C2. There may be proposals for development for non-agricultural purposes requiring significant amounts of higher quality agricultural land. In such cases, the National Assembly for Wales Agriculture Department has the statutory right to be consulted, so that local planning authorities are made fully aware of the agricultural implications. Article 10(1), paragraph (w) of the Table to the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) (SI No 1995/419), requires local planning authorities to consult the Assembly before granting any planning permission which is not in accordance with the development plan, and would involve the loss of 20 hectares or more of grades 1, 2 or 3a agricultural land or a loss which is less than 20 hectares but is likely to lead to further losses amounting cumulatively to 20 hectares or more. If the local planning authority is uncertain whether the land involved is grades 1, 2 or 3a they may seek advice from the National Assembly for Wales Agriculture Department on its classification.

C3. Under Schedule 5 of the Town and Country Planning Act 1990 (as amended), the National Assembly for Wales Agriculture Department will be consulted, irrespective of the size of the site or the land quality, on aftercare conditions where land is to be returned to agricultural use following planning permission involving mineral working, the depositing of mineral waste or the depositing of any type of refuse or waste material. The statutory requirement to consult the National Assembly for Wales Agriculture Department on agricultural aftercare does not apply to planning conditions governing the restoration of the land by the use of soil materials. However, it is clear that the achievement of good standards in the aftercare period must, in part, depend on appropriate (and enforced) planning conditions covering, for example, the stripping and movement of soils and their restoration on appropriate contoured ground after minerals extraction. The National Assembly for Wales Agriculture Department will therefore continue to comment or advise on restoration conditions. Local planning authorities will need to receive such comments concurrently with the advice under the statutory requirement.

Turf Stripping

C4. Local planning authorities may wish to consult the National Assembly for Wales Agriculture Department about commercial cutting or stripping of turf from agricultural land, where this is judged to be a non-agricultural activity requiring planning permission. Most turf stripping is carried out on sites below the 20 hectare threshold at which the National Assembly for Wales Agriculture Department must be consulted (see paragraph C2 above). The long-term agricultural potential of land may however be significantly reduced if substantial amounts of soil are removed. The National Assembly for Wales Agriculture Department can advise on appropriate technical conditions.

Non-statutory consultation with the National Assembly for Wales Agriculture Department: planning applications for non-agricultural development

C5. There may be other planning applications with significant agricultural implications which come to the attention of the National Assembly for Wales Agriculture Department but which are not subject to the statutory requirements described in paragraphs C2 and C3 above. The National Assembly for Wales Agriculture Department may on occasion wish to take the initiative in commenting to the local planning authority on applications of this type.

C6. In circumstances which do not require the specific consultations with the National Assembly for Wales Agriculture Department outlined in paragraph C2 above, it is expected that local planning authorities should be able normally to determine applications for development on agricultural land in the light of evidence before them. Where they do not feel able to determine the application satisfactorily, it is open to them to seek more information or technical advice (eg on agricultural land quality implications) either from the National Assembly for Wales Agriculture Department or from other agricultural consultants. Such consultations should be confined to matters of

technical detail and not relate to the merits or otherwise of the application, on which it is for the local planning authority to take a view.

C7. When a planning application is submitted for hard¹ development on former agricultural land grades 1, 2 or 3a, which has previously been developed for a use which would allow the land to be returned to agriculture, the local planning authority should consult the National Assembly for Wales Agriculture Department about the proposals.

Refusal of permission or imposition of planning conditions for agricultural reasons

C8. When any views expressed by the National Assembly for Wales Agriculture Department are material to the refusal of planning permission, or to the imposition of conditions on a permission granted, it will be necessary for the local planning authority to refer to them in their notice of decision in accordance with Article 22(1)(b) of the GDPO. Where, apart from any views expressed by the Assembly, agricultural considerations are a reason for refusal of planning permission this should be stated in the notice of decision in the usual way.

C9. The Assembly or, in cases decided by its Inspectors, the Inspector, may ask the National Assembly for Wales Agriculture Department to provide a technical assessment, if this is considered necessary, to ensure that the agricultural issues raised are properly dealt with in the course of an appeal. Such an assessment would be made available to the parties on the same basis as if it had been requested by the local planning authority at the application stage.

Appeals

C10. Where an application is called-in for the Assembly's determination or goes to appeal, and a local inquiry is to be held, the Town and Country Planning (Inquiries Procedure) Rules 1992 (SI No 1992/2038) apply. These provide that, where the National Assembly for Wales Agriculture Department has expressed to the local planning authority a view that permission should not be granted, either wholly or in part, or should only be granted subject to conditions:

- the National Assembly for Wales Agriculture Department will be informed by the authority of the inquiry and should, unless it has already done so, give a written statement of the reasons for its view;
- the authority must include the terms of the National Assembly for Wales Agriculture Department's expression of view in its pre-inquiry statement of case; and
- the applicant/appellant will be able to require the National Assembly for Wales Agriculture Department to provide a representative at the inquiry.

These arrangements apply whether or not the consultation with the National Assembly for Wales Agriculture Department has been carried out under statutory arrangements. The authority may wish to ask the National Assembly for Wales Agriculture Department to be represented at an inquiry.

Non - Statutory consultations with Forestry Commission: planning applications.

C11. Local planning authorities are advised² to consult the Forestry Commission on all development proposals which affect ancient semi-natural woodlands or ancient replanted woodlands as recorded in the Countryside Council for Wales' Provisional Inventory of Ancient Woodland.

¹Irreversible development which will prevent the return of the land to agricultural use

²Welsh Office circular letter of 15 March 1999 which amends Table 2 in Appendix B of Welsh Office circular 29/95

APPENDIX

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995, SCHEDULE 2, PARTS 6 AND 7

Model determination form

- **Notes for Guidance**

[NB: Some provisions vary according to whether proposed development is on Article 1(6) land. Local planning authorities may wish to reflect their own situations]

1. Anyone proposing to carry out certain agricultural and forestry developments permitted under Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order (the GPDO) must apply to the local planning authority in advance for a 'determination' as to whether the authority's prior approval of certain details of the development is required. A form for this purpose is available from the local planning authority.

2. Part 6 of Schedule 2 to the GPDO grants permitted development rights for a range of agricultural buildings and operations. Rights for erecting, extending or altering a building, and for excavations and engineering operations, are available to larger agricultural units, of at least 5 hectares. More limited rights, including extensions and alterations adding not more than 10% to the content of the original building, are available to smaller units of at least 0.4 hectares.

3. Rights for larger units are not available on separate parcels of land of less than one hectare, while rights for smaller units are not available on separate parcels of less than 0.4 hectare. Parcels may be separated from the rest of the unit by, for example, land in different ownership or a public road. The rights are subject to various other conditions.

4. Anyone proposing to carry out certain permitted development must inform the local planning authority in advance, so that it can if necessary control certain details (the details concerned are the siting of the development, as well as design and external appearance in the case of buildings, means of construction in the case of private ways, and appearance in the case of fish tanks (cages)). This condition applies on larger agricultural units to:

- the erection, extension or alteration of a building (but see note 6 below);
- the formation or alteration of a private way;
- the carrying out of certain excavations and waste deposits (see note 7 below);
- the placing or assembly of a tank or cage for use in fish farming in any waters;

and on smaller agricultural units in National Parks and some adjoining areas ('Article 1(6) land') to:

- the extension or alteration of a building; and
- the provision, rearrangement or replacement of a private way.

5. Part 7 of Schedule 2 to the GPDO grants permitted development rights for various forestry buildings and operations. A similar condition applies to:

- the erection, extension or alteration of a building (but see paragraph 6 below); and
- the formation or alteration of a private way.

6. On Article 1(6) land intending developers must inform the local planning authority of all proposed extensions and alterations to agricultural and forestry buildings under permitted development rights. Outside Article 1(6) land the requirement applies only to 'significant' extensions and alterations (ie, where the cubic content of the original building would be exceeded by more than 10% or the height of the original building would be increased). Significant extensions and alterations may only be carried out once under permitted development rights.

7. The determination arrangements apply to proposed excavations and deposits of waste material which exceed 0.5 hectares in area, either individually or together with the aggregate of (a) the areas of all other unfilled excavations within the agricultural unit, and (b) all other parts of the unit on or under which waste has been deposited and has not been removed.

8. What constitutes an 'alteration' or 'rearrangement' for a farm or forestry road will be a matter of fact and degree depending on the circumstances of the case. If you intend to carry out works to an existing road, you should contact the local planning authority in advance to discuss the proposal.
9. The form needs to be accompanied by the appropriate fee.

- **What you need to do**

Please provide details of the development on the attached form. Complete sections 1, 6 and 7 and whichever of sections 2, 3, 4, and 5 are appropriate. The form must be accompanied by a site plan (not less than 1:1250) showing the location of the proposed building, road or excavation/waste deposit or fish tank (cage).

It will help if you discuss your proposal beforehand by contacting an officer of the authority.

Your contact is:

The completed form (along with your fee of £xx) should be returned to:

- **What happens next**

The authority has 28 days from receipt of this form to respond. You should receive an acknowledgement informing you of the date of receipt. If the authority later indicates that it is content (or do not respond with the 28 day period) then the development can proceed exactly as notified.

If informal discussions take place with the authority and the original proposal is modified by agreement, there is no requirement to re-submit to the authority. The authority should give written approval to the modification to make it clear that the modified proposals can proceed.

If the authority indicates, within the 28 day period, that it requires the formal submission of details for approval, work cannot begin until details have been approved by the authority. Their decision should normally be issued within 8 weeks of receiving the details.

If approval is refused, or is granted subject to conditions with which you disagree, you have the right to appeal - within 6 months - to the Assembly.

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995, SCHEDULE 2, PARTS 6 & 7

Office use only
Ref:
Date rec:
Date ackn:
28 day deadline:

Model determination form

- Please detach and read the Notes for Guidance before completing this form.
- Complete sections 1, 6 and 7 and whichever of sections 2, 3, 4 and 5 are appropriate.
- Do not start work until:
 - the authority has notified you in writing that prior approval is not required; or
 - you have received approval from the authority; or
 - at least 28 days have elapsed from the date your form was received by the authority, and it has not notified you that prior approval is or is not required.

1. The site

i. Name and address of person(s) submitting this form

Telephone

ii. Name and address of farm and occupier (if different from i. above)

Telephone

iii. What is the Ordnance Survey grid reference of the proposed development?

iv. What is the area of the agricultural unit?
Agricultural unit means agricultural land which is occupied as a unit for the purposes of agriculture. hectares

v. What is the area of the parcel of land where the development is to be located? (see note 3) *1 hectare or more* *Less than 1 hectare but at least 0.4 hectare* *Less than 0.4 hectare*

vi. How long has the land on which the proposed development would be situated been in use for agriculture for the purposes of a trade or business?

vii. Is the proposed development reasonably necessary for the purposes of agriculture? *Y or N*

If *Yes*, please explain why

viii. Is the proposed development designed for the purposes of agriculture? *Y or N*

If *Yes*, please explain why

ix. Does the proposed development involve any alteration to a dwelling? *Y or N*

- x. Is your proposed development more than 25 metres from the metalled part of a trunk of classified road? Y or N
- xi. What is the height of the proposed development?
- xii. Is the proposed development within 3 kilometres of the perimeter of an aerodrome?
- xiii. Does the proposed development affect an ancient monument, archaeological site, listed building, or is it within a site of special scientific interest or a local nature reserve? Y or N

If Yes, please provide details

2. The proposed building

(Information about silage clamps and slurry tanks should be included here.)

You must enclose a site plan.

Please tick the box to indicate you have done so.

- i. Please indicate whether
 - A new building or
 - extension or
 - alteration is involved

ii. Type of building

iii. Dimensions

length metres

breadth metres

height to eaves metres

height to ridge metres

iv. Walls

materials

external colour

v. Roof

materials

external colour

vi. Has an agricultural building been constructed on this unit within the last two years?

Y or N

If Yes,

What is its overall ground area? square metres

What is the distance from the proposed new building? square metres

vii. If you intend to use the building for livestock, slurry or sludge, is the structure more than 400 metres from the curtilage of a protected building (ie any house or building occupied by people except an agricultural dwelling on your, or a neighbouring, farm)?

Y or N

3. The proposed road

You must enclose a site plan.

Please tick the box to indicate you have done so.

i. Please indicate whether A new road or alteration is involved

ii. Dimensions length metres
width metres

iii. Surface materials
colour
 hectares

4. The proposed excavation/deposit of waste material from the farm

You must enclose a site plan.

Please tick the box to indicate you have done so.

i. What is the area of the proposed works?

ii. Please provide details of the works

iii. Have previous excavations or waste deposits been carried out? (see note 7) Y or N

If *Yes*, please give the area of the previous works *hectares*

5. The proposed fish tank (cage)

You must enclose a site plan.

Please tick the box to indicate you have done so.

i. Please provide details, including dimensions, materials and appearance

6. Fee

i. Please confirm you have included your fee of £xx by ticking this box

7. Signature

Signature

Name (BLOCK CAPITALS)

Date