

## SCHEDULE 2

### PART 6

#### AGRICULTURAL BUILDINGS AND OPERATIONS

##### Class A

##### Permitted development

###### A. The carrying out on agricultural land comprised in an agricultural unit of—

- (a) works for the erection, extension or alteration of a building, or
- (b) any excavation or engineering operations,

reasonably necessary for the purposes of agriculture within that unit.

##### Development not permitted

###### A.1 Development is not permitted by Class A if—

- (a) the development would be carried out on agricultural land less than 0.4 hectare in area;
- (b) it would consist of or include the erection, extension or alteration of a dwelling;
- (c) a building, structure or works not designed for the purposes of agriculture would be provided on the land;
- (d) the ground area to be covered by—
  - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
  - (ii) any building erected or any building as extended or altered by virtue of this Class, would exceed 465 square metres, calculated as described in paragraph A.3.
- (e) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (f) the height of any part of the building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (g) any part of the development would be within 25 metres of the metalled portion of a trunk or classified road;
- (h) it would consist of engineering operations of a kind described in Class C below; or
- (j) it would consist of or include the erection or construction of, or the carrying out of any works to, a building, structure or excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge, and the building, structure or works is or would be within 400 metres of the curtilage of any protected building.

##### Conditions

###### A.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 shall not be used for the accommodation of livestock or the storage of slurry or sewage sludge within a period of five years from the carrying out of those operations;

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- (b) where the development involves—
    - (i) the extraction of any mineral from the land or from any disused railway embankment on the land, or
    - (ii) the removal of any mineral from a mineral-working deposit on the land, the mineral shall not be moved off the land, unless planning permission for the winning and working of that mineral has been granted on an application made under Part III of the Act;
  - (c) in the case of development which involves the deposit of waste materials on or under the land, no waste materials shall be brought onto the land from elsewhere except for development of the kind described in Class A(a) or the creation of a hard surface, where the materials are incorporated into the building or works forthwith.
- (2) In the case of any article 1(6) land, development consisting of the erection, extension or alteration of a building is permitted by Class A subject to the following conditions—
- (a) the developer shall, before beginning the development give the local planning authority a written description of the proposed development, the materials to be used and a plan indicating the site, and shall not begin the development until a period of 28 days has elapsed from their receipt by the authority;
  - (b) if within 28 days of receiving that description and plan the local planning authority give the developer notice in writing to that effect, the development shall not be begun without the prior approval of that authority to the siting, design and external appearance of the building;
  - (c) the development shall, except to the extent that the local planning authority have agreed otherwise in writing, be carried out in accordance with—
    - (i) any details approved by that authority in accordance with subparagraph (b) above, or
    - (ii) the description and indication of siting given to them under subparagraph (a) above;
  - (d) the development shall be carried out—
    - (i) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given,
    - (ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in subparagraph (a).

## **Interpretation of Class A**

### **A.3**

- (1) For the purposes of Class A—
- (a) the area of 0.4 hectares shall be calculated without taking into account any separate parcels of land;
  - (b) the ground area referred to in paragraph A.1(d) is the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant or machinery within the same unit which is being provided or has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;
  - (c) 400 metres is to be measured along the ground.
- (2) For the purposes of this class—
- “agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture, including—

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- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
  - (b) any dwelling on that land occupied by a farmworker;
- “building” does not include anything resulting from engineering operations;
- “protected building” means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include—
- (i) a building within the agricultural unit,
  - (ii) a building used for a purpose referred to in classes B3 to B7 (special industrial uses) of the Schedule to the Use Classes Order, or
  - (iii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.

## **Class B**

### **Permitted development**

**B. The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.**

### **Development not permitted**

**B.1** Development is not permitted by Class B if any excavation would be made within 25 metres of the metalled portion of a trunk or classified road.

### **Condition**

**B.2** Development is permitted by Class B subject to the condition that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

### **Interpretation of Class B**

**B.3** For the purposes of Class B the expression “the purposes of agriculture” includes fertilising land used for the purposes of agriculture, and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.

## **Class C**

### **Permitted development**

**C. The carrying out on agricultural land used for the purposes of any registered business of fish farming or of shellfish farming of—**

- (a) operations for the construction of fishponds, or
- (b) other engineering operations for the purposes of that business.

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the area of the site within which the operations would be carried out exceeds 2 hectares;

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- (b) any part of the operation would be carried out within 25 metres of the metalled portion of a trunk or classified road;
- (c) in a case where the operations would involve the winning or workings of minerals—
  - (i) any excavation would exceed a depth of 2.5 metres; or
  - (ii) the area of any excavation, taken together with any other excavations carried out on the land within the preceding two years, would exceed 0.2 hectares.

### **Interpretation of Class C**

**C.2** For the purposes of Class C—

“construction of fishponds” includes the excavation of land and the winning and working of minerals for that purpose;

“fishpond” means a pond, tank, reservoir, stew or other structure used for the keeping of live fish or the cultivation or propagation of shellfish;

“registered business of fish farming or shellfish farming” means such a business registered in a register kept by the Minister of Agriculture Fisheries and Food or the Secretary of State (as the case may be) for the purposes of an order made under section 7 of the Diseases of Fish Act 1983(1).

### **Interpretation of Part 6**

**D. For the purposes of Part 6,**

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden.

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(1) 1983 c. 30.