SCHEDULE 2

PART 6

AGRICULTURAL BUILDINGS AND OPERATIONS

Class C Mineral working for agricultural purposes

C Permitted development

C. 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.

C.1 Development not permitted

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

C.2 Condition

C.2 Development is permitted by Class C 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.

D.1 Interpretation of Part 6

D.1 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;

"agricultural unit" means agricultural land which is occupied as a unit for the purposes of agriculture, including—

- (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;
- "fish farming" means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);
- "livestock" includes fish or shellfish which are farmed;
- "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; or
- (ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

"significant extension" and "significant alteration" mean any extension or alteration of the building where the cubic content of the original building would be exceeded by more than 10%

or the height of the building as extended or altered would exceed the height of the original building;

"slurry" means animal faeces and urine (whether or not water has been added for handling); and "tank" includes any cage and any other structure for use in fish farming.

D.2 For the purposes of Part 6—

- (a) an area calculated as described in this paragraph comprises 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, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;
- (b) 400 metres is to be measured along the ground.
- **D.3** The circumstances referred to in paragraphs A.2(1)(a) and B.5 are—
 - (a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and
 - (b) (i) that the need to accommodate the livestock arises from—
 - (aa) quarantine requirements; or
 - (bb) an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or
 - (ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure—
 - (aa) because they are sick or giving birth or newly born; or
 - (bb) to provide shelter against extreme weather conditions.
- **D.4** For the purposes of paragraph A.2(2)(c), the relevant area is the area of the proposed excavation or the area on which it is proposed to deposit waste together with the aggregate of the areas of all other excavations within the unit which have not been filled and of all other parts of the unit on or under which waste has been deposited and has not been removed.
 - **D.5** In paragraph A.2(2)(iv), "site notice" means a notice containing—
 - (a) the name of the applicant,
 - (b) the address or location of the proposed development,
 - (c) a description of the proposed development and of the materials to be used,
 - (d) a statement that the prior approval of the authority will be required 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,
 - (e) the name and address of the local planning authority,

and which is signed and dated by or on behalf of the applicant.

- **D.6** For the purposes of Class B—
 - (a) the erection of any additional building within the curtilage of another building is to be treated as the extension of that building and the additional building is not to be treated as an original building;
 - (b) where two or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement in connection with the extension or alteration of either of them.

Status: This is the original version (as it was originally made).

D.7 In Class C, "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.