

SCHEDULE 2

Permitted development rights

PART 6

Agricultural and forestry

Class A – agricultural development on units of 5 hectares or more

Permitted development

A. *The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*

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

which are 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 a separate parcel of land forming part of the unit which is less than 1 hectare in area;
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural 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;
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;
- (d) it would involve the provision of a building, structure or works not designed for agricultural 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; or
 - (ii) any building erected or extended or altered by virtue of Class A, would exceed 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part;
- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (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;
- (h) any part of the development would be within 25 metres 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;

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

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 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;
- (b) where the 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;
- (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.

(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—

- (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;
- (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;
- (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;
 - (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;
 - (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
 - (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).
- (3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.
- (4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).
- (5) Where development consists of works for the erection, significant extension or significant alteration of a building and—
 - (a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and
 - (b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.
- (6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

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(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Class B – agricultural development on units of less than 5 hectares

Permitted development

B. *The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—*

- (a) *the extension or alteration of an agricultural building;*
- (b) *the installation of additional or replacement plant or machinery;*
- (c) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;*
- (d) *the provision, rearrangement or replacement of a private way;*
- (e) *the provision of a hard surface;*
- (f) *the deposit of waste; or*
- (g) *the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,*

where the development is reasonably necessary for the purposes of agriculture within the unit.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area;
- (b) the external appearance of the premises would be materially affected;
- (c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- (d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building;
- (e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept; or
- (f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.

B.2 Development is not permitted by Class B(a) if—

- (a) the height of any building would be increased;
- (b) the cubic content of the original building would be increased by more than 10%;
- (c) any part of any new building would be more than 30 metres from the original building;

- (d) it would consist of the extension or provision of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 (changes of use) 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 B(a) begins;
- (e) the development would involve the extension, alteration or provision of a dwelling;
- (f) any part of the development would be carried out within 5 metres of any boundary of the unit; or
- (g) the ground area of any building extended by virtue of Class B(a) would exceed 465 square metres.

B.3 Development is not permitted by Class B(b) if—

- (a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (b) the height of any additional plant or machinery not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or
- (d) the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.1(2)(a) of this Part.

B.4 Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.1(2)(a) of this Part.

Conditions

B.5.—(1) Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, is 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.

(2) Development consisting of the extension or alteration of a building situated on article 2(4) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—

- (a) the condition that 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 as extended or altered or the siting and means of construction of the private way; and
- (b) the conditions set out in paragraphs A.2(2)(ii) to (vi) of this Part.

(3) Development is permitted by Class B(f) subject to the following conditions—

- (a) that waste materials are not brought on to the land from elsewhere for deposit unless they are for use in works described in Class B(a), (d) or (e) and are incorporated forthwith into the building or works in question; and
- (b) that the height of the surface of the land will not be materially increased by the deposit.

(4) Development is permitted by Class B(a) subject to the following conditions—

- (a) where development consists of works for the significant extension or significant alteration of a building and—

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- (i) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and
- (ii) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the extension, in the case of development consisting of an extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer;

- (b) where an appeal has been made, under the Act, in relation to an application for development described in paragraph (a)(ii), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(5) Where development is permitted by Class B(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Class C – mineral working for agricultural purposes

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.

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.

Condition

C.2 Development is permitted by Class C subject to the condition that no mineral extracted during the course of the operation is 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 Classes A to C

D.1.—(1) For the purposes of Classes A, B and C—

“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 designed; but does not include—

- (a) a building within the agricultural unit; or
- (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

“significant extension” or “significant alteration” means any extension or alteration, as the case may be, 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;

“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 as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,
 - (e) the name and address of the local planning authority,
- and which is signed and dated by or on behalf of the applicant;

“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.

- (2) For the purposes of Classes A, B and C—
 - (a) an area “calculated as described in paragraph D.1(2)(a)” 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 2 years and any part of which would be within 90 metres of the proposed development;
 - (b) a reference to 400 metres in paragraphs A.1(i) and (k), A.2(1)(a), B.1(d) and B.5(1) of this Part is a reference to distance measured along the ground.
- (3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part 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 quarantine requirements, or 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 because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.
- (4) For the purposes of paragraph A.2(2)(c) of this Part, 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

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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.

(5) 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 2 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.

(6) 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.

(7) In Class A(a), “reasonably necessary for the purposes of agriculture” includes, in relation to the erection, extension or alteration of a building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

(8) In Class B(a), “reasonably necessary for the purposes of agriculture” includes, in relation to the extension or alteration of an agricultural building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

Class E – forestry developments

Permitted development

E. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—

- (a) *works for the erection, extension or alteration of a building;*
- (b) *the formation, alteration or maintenance of private ways;*
- (c) *operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;*
- (d) *other operations (not including engineering or mining operations).*

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) it would consist of or include the provision or alteration of a dwelling;
- (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;
- (c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or
- (d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

Conditions

E.2.—(1) Subject to sub-paragraph (3), development consisting of the erection of a building or the extension or alteration of a building or the formation or alteration of a private way is permitted by Class E subject to the following conditions—

- (a) 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 or, as the case may be, the siting and means of construction of the private way;
- (b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;
- (c) the development must not begin before the occurrence of one of the following—
 - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (ii) 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;
 - (iii) the expiry of 28 days following the date on which the application under sub-paragraph (1)(b) 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;
- (d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—
 - (i) 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;
 - (ii) 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 paragraph (d)(i) 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;
- (e) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application; and
- (f) the development must be carried out—
 - (i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,
 - (ii) 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 (b).

(2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.

(3) Sub-paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

Interpretation of Class E

E.3.—(1) For the purposes of Class E—

“significant extension” or “significant alteration” means any extension or alteration, as the case may be, 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; and

“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 as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,
 - (e) the name and address of the local planning authority,
- and which is signed and dated by or on behalf of the applicant.

(2) For the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.