Application for a Lawful Development Certificate for a Proposed use or development. Town and Country Planning Act 1990: Section 192, as amended by section 10 of the Planning and Compensation act 1991. Town and Country Planning (General Development Procedure) Order 1995

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: Mr | First name: Brian | Surname: Mason

Company name:

Street address: Parkside Cottage
Shefield Road
Hoyland
Town/City: Barnsley
County:
Country:
Postcode: S74 0EA

	Country Code	National Number	Extension Number
Telephone number:			
Mobile number:			
Fax number:			

Email address:

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title: Mr | First Name: Philip | Surname: Errington

Company name:

Street address: 21
Staincross Common
Staincross
Town/City: Barnsley
County:
Country:
Postcode: S75 6JD

	Country Code	National Number	Extension Number
Telephone number:		01226 384241	
Mobile number:			
Fax number:			

Email address: gperrington@blueyonder.co.uk

3. Site Address Details

Full postal address of the site (including full postcode where available)

House:	
Suffix:	
House name:	PARKSIDE COTTAGE
Street address:	SHEFFIELD ROAD
	HOYLAND
Town/City:	BARNSLEY
County:	
Postcode:	S74 0EA

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:	436083
Northing:	399415

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ○ Yes ◉ No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land: ◉ a) Owner ○ b) Lessee ○ c) Occupier ○ d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you? ○ Yes ◉ No

7. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful:

The building lies on a farm holding, has been used for the rearing of turkeys, and was granted planning permission for that purpose.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application:

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

Is the proposed operation or use: (•) Permanent ( ) Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Lawful Use Certificate for the use of an existing agricultural building for the preparation and sale of meat, from livestock reared on Parkside Cottage Farm.
1. This farm holding comprises 4.8ha adjacent to Parkside Cottage, and a further 40ha at Hood Green. Turkeys have been raised and sold from the holding since 1985. The farm has been producing turkeys for the Christmas period from a small building shown in red on the submitted plan since 2002. This building was approved in 2001 (ref B/01/1520/WO – "erection of poultry shed on smallholding"). Sheep are presently reared on the remainder of the land. The agricultural holding number is 47/734/9001, and the farm has a registered herd number for beef cattle, and a flock number for sheep (document 1). Recently a large building for the production of free range turkeys and chickens has been erected (Planning Consent 2009/1155), adjacent to Parkside Cottage and is now in use. It is also proposed to rear pigs on the holding. Since 2002 turkeys have been slaughtered in small room at the south east end of the building coloured in red on the submitted plan, carcases wrapped and then stored in the building coloured in green, and subsequently sold direct to the public from the building coloured red.
2. It is proposed to carry out internal alterations to the L shaped building coloured red on the submitted drawing, to meet Building Regulations and Environmental Health requirements. Part will then be used as a shop for farm sales, the remainder used for the slaughter and preparation of poultry for sale, and the preparation of pig, lamb and beef for sale. Lambs, cattle and pigs would be reared on farm, sent to an abattoir for slaughter, and returned here. No wrapping up of meat would be involved, only butchering and sausage production.
3. It is submitted that the uses of the existing farm building as a farm shop, selling produce from animals reared on the farm, would constitute an ancillary operation to the farming use. Development Control Practice page, 138-000, refers to paragraph 6 of Appendix C to A Farmer's Guide to the Planning System, issued jointly by ODPM and Defra in 2002. This points out that "It is normally assumed that the use of a farm shop only for the sale of unprocessed goods produced on that farm is a use which is ancillary to the use as a farm, and therefore does not require specific planning permission." Development Control Practice goes on to state that "This advice is supported by court decisions such as Williams v MHLG & another 1967. As demonstrated in (Bournemouth 13/7/84), the "ancillary principle" applies regardless of the scale of the operation." In this current case the retail use would be small in scale and directly linked to the activities of Parkside Cottage Farm.
4. In addition, the limited processing of the animals now proposed would also be an ancillary operation. This is supported by the Court of Appeal case Millington v S.O.S. and Another – 25/6/99, which has shown that where farm processing is not on a large scale it could be considered ancillary to agriculture. From this it follows that the sale of "adapted" farm produce in a related farm shop does not detract from the "ancillary to agriculture" status of the shop.
5. This approach is further supported by an appeal case from Caerphilly, reported in Development Control Practice page 138-005, where it was decided that the sale of produce from animals reared on the holding was lawful. For the reasons set out in paragraphs 3, 4 and 5 it is therefore submitted that no material change of use would be involved in the activities proposed.
Though the history of the activities on the farm are set out in paragraph 1, this application is not made on the basis that an existing material change of use has been in operation for 10 years, but that there would be no material change of use if these activities now went ahead.

8. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations? ( ) Yes (•) No

Does the proposal consist of, or include, a change of use of the land or building(s)? (•) Yes ( ) No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out:

Sale and processing of animals and poultry reared on the farm.

If Yes, fully describe the existing or the last known use, with the date when this use ceased:

Agriculture

Has the proposal been started? ( ) Yes (•) No

9. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ( ) Yes (•) No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

( ) The agent (•) The applicant ( ) Other person

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. ☒ Date: 17/10/2010

Warning:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.