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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Thomas Howe.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                                    | APPLICATION SITE                                                      |
|--------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 25/00774/LDCP            | Erection of mobile structure for housing<br>poultry (moved every 3 months during<br>flock season) on agricultural land | Elmdene Farm<br>Bedford Road<br>Ickleford<br>Hertfordshire<br>SG5 3RS |

**Submitted Plan Nos**

Location plan JW / 2390 / 0325 - 200\_01 Block plan

**1.0 Policies**

## 2.0 **Site History**

2.1 No relevant site history.

## 3.0 **Representations**

3.1 None.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 The application site comprises a parcel of land forming part of a wider agricultural holding to the east of Bedford Road, north of Hitchin and close to Holwell. The site is presently left to grow but is also used for the grazing of sheep.

### 4.2 **Proposal**

4.2.1 This application seeks a certificate of lawfulness for the use and siting of a mobile structure for the housing of poultry moved every 3 months as part of a flock season cycle on existing agricultural land. The supporting information details whether the proposed building would be anchored down and advises that it would benefit from some degree of permanence due to its siting within the field for an extended period but would benefit from a temporary nature due to it being moved frequently throughout the holding on a regular basis.

### 4.3 **Key Issues**

4.3.1 The key issues in the determination of this application are; whether the proposal constitutes development for the purposes of Section 55 of the Town and Country Planning Act 1990 (as amended); if the proposal is development, whether or not that development has been deemed planning permission by virtue of a development order (in this case, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and whether or not previous conditions or legal agreements prohibit the proposal.

#### Development

4.3.2 “Development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Building, engineering or other operations in, on, over or under land, is often referred to as operational development.

- 4.3.3 The application is supported by a statement including case law. These determinations both by Local Planning Authorities, and by the planning inspectorate concluded that such structures constituted a temporary structure and did not require the formal grant of planning permission to be erected and sited, subject to these units being moved on a frequent basis without an anchor in the ground.
- 4.3.4 *R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council [2012] EWHC 2161 (Admin)* comprises a determination by the Planning Inspectorate that concluded that such structures would not constitute a temporary structure. In this instance, the structures were situated on concrete pads and were not being moved the requisite number of times per years, with some instances being >6 months at a time. It appears that this would differ to this case due to the proposal before me being for a single unit, with no concrete pads and moved on a frequent basis. It appears that case law supports the temporary nature being only in instances where the units are moved frequently, on a 3-4 time per year basis, or approximately every 3 months.
- 4.3.4 The applicant has advised that the units would be movable, being built on skids to be dragged to their new location where necessary, and where feed hoppers could be picked up and moved by a forklift. There is no evidence put forth that the mobile unit would be fixed to the ground other than by its own weight. In the circumstances that the proposal would not be fixed to the ground other than by its own weight, then it can be considered mobile.
- 4.3.8 In terms of constituting a building, combining the considerations of size, permanence and fixings to the ground, it is considered, on balance, that the mobile nature of the proposal, against its size and permanence, would not constitute operational development.
- 4.3.9 The proposal would not, as a matter of fact, involve a material change of use of the land due to the existing and proposed agricultural uses associated with the proposal.

#### 4.4 **Conclusion**

- 4.4.1 The siting of the mobile poultry unit, by reason of its construction, size, fixings to the ground and permanence in the planning context, would not be development for the purposes of Section 55 of the Town and Country Planning Act 1990. A material change of use of the land would not occur due to the agricultural nature of the business before and after the units.

#### 4.5 **Alternative Options**

- 4.5.1 None applicable.

#### 4.6 **Pre-Commencement Conditions**

- 4.6.1 None applicable.

#### 5.0 **Recommendation**

- 5.1 That a certificate of lawful use be **ISSUED** subject to the following conditions:

1. The siting of a mobile poultry unit, by reason of the mobility, construction, size, lack of physical attachment to the ground and lack of permanence in the planning context, constitute development for the purposes of Section 55 of the Town and Country Planning Act 1990. The use of the land as for poultry would not constitute development under Section 55 of the Town and Country Planning Act 1990.

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| <p>Signed</p> <p></p> <p>Anne McDonald</p> <p>Determining Officer</p> | <p>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</p> |
| <p><b>Date:</b> 22 May 2025</p>                                                                                                                        |                                                                                                                                                 |