

NOTICE OF PRIOR APPROVAL DETERMINATION

Town and Country Planning Act 1990

To:

Mr Mark Lord
Arthur Lane Nurseries
1 Arthur Lane
Ainsworth
Bolton
BL2 5PW

PART 1 - Particulars of Application

Application Number: 69840

Date of Registration: 30/06/2023

Proposal:

Agricultural Notification for proposed
agricultural building

Location:

Arthur Lane Nurseries, 1 Arthur Lane,
Radcliffe, Bolton, BL2 5PW

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby determine that prior approval of the local planning authority is **NOT REQUIRED** for the development in Part 1 of this decision notice.

- 1 The development must be carried out within a period of 5 years from the date on which the Council received your Application for Determination which was .

Reason: In accordance with Part 6 of the Town and Country Planning General Permitted Development Order 2015 (as amended).

- 2 The applicant's attention is drawn to the condition in Schedule 2, Part 6, Class A, Condition A.2, Paragraph (2) (v) (bb) of the Town and Country Planning (General Permitted Development) (England) Order 2015 which requires that the development must be carried out in accordance with the details submitted with the application. The details submitted were:

Location Plan @ Scale 1:2500 @ A4 showing the extent of the agricultural holding;
Land Registry Plan for Nursery;
Land Registry Plan for Farm land;
Proposed Site Plan by ReQuestaPlan, date produced: 28 June 2023; and,
Floor Plan and Elevations, received 03 July 2023

Reason: For the avoidance of doubt and to ensure the development accords with Schedule 2, Part 6, Class A, Condition A.2, Paragraph (2) (v) (bb) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 3 The building hereby permitted shall be used for agricultural purposes only (as defined in Section 336(1) of the Town and Country Planning Act 1990); in

conjunction with the remainder of the holding as identified in the supporting information submitted with the application. It shall be removed and the site reinstated to its original condition by a scheme to be agreed with the Local Planning Authority if at any time it ceases to be used for this purpose.

Reason: To ensure that the building is used solely for agricultural purposes connected with the working of the holding, and in accordance with Part 6 of the Town and Country (General Permitted Development Order) 2015 (as amended).

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

NOTES TO APPLICANT

1. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:
 - 'horticulture, fruit growing, seed growing, dairy farming;
 - the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);
 - the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and
 - the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'
3. As required by Schedule 2, Part 6, Condition A.2-(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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.

2. It is a requirement under Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment) Order 2015 for the developer to notify the Local Planning Authority, in writing within 7 days of the date on which the development was substantially completed. It is, therefore, requested that you write to the Council or email planning@development.control.gov.uk with the relevant information.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written over a dotted line.

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On behalf of the Council

Date of Decision: 26/07/2023