

Buildings and structures for agriculture

Part 11. Guide to regulations and sources of information

Committees responsible for this British Standard

The preparation of this British Standard was entrusted by the Farm and Horticultural Buildings Standards Policy Committee (FHB/-) to Technical Committee FHB/1, upon which the following bodies were represented:

AFRC Institute of Engineering Research
Aggregate Concrete Block Association
Brick Development Association
British Cement Association
British Commercial Glasshouse Manufacturers' Association
British Constructional Steelwork Association Ltd.
British Poultry Federation Limited
British Precast Concrete Federation Ltd.
British Veterinary Association
British Wood Preserving Association
British Woodworking Federation
Cold Rolled Sections Association
Department of Agriculture and Fisheries for Scotland
Department of Agriculture Northern Ireland
Electricity Supply Industry in England and Wales
Farm and Rural Buildings Centre
Farm Buildings Association
Fibre Cement Manufacturers' Association Limited
Health and Safety Executive
Institution of Civil Engineers
Local Authority Organizations
Ministry of Agriculture, Fisheries and Food
National Farmers' Union
Royal Institution of British Architects
Royal Institution of Chartered Surveyors
Steel Construction Institute
Timber Research and Development Association

This British Standard, having been prepared under the direction of the Farm and Horticultural Buildings Standards Policy Committee, was published under the authority of the Board of BSI and comes into effect on 31 October 1990

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The following BSI references relate to the work on this standard:
Committee reference FHB 1
Draft for comment 88/11941 DC

ISBN 0 580 18527 3

Amendments issued since publication

Amd. No.	Date	Text affected

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Foreword

This Part of BS 5502 has been prepared under the direction of the Farm and Horticultural Buildings Standards Policy Committee and comprises a revision of BS 5502 : Sections 3.1 and 3.12, which are withdrawn.

While BS 5502 is being revised and added to, the opportunity is being taken to restructure the standard into the following broad subject areas:

Part 0	Introduction and consolidated index
Parts 10 to 19	Reference information and legislation
Parts 20 to 39	General design
Parts 40 to 59	Livestock buildings
Parts 60 to 79	Crop buildings
Parts 80 to 99	Ancillary buildings

More specifically, the reference information and legislation series will comprise:

Part 10	Glossary of terms
Part 11	Guide to regulations and sources of information

A more detailed description of the new structure of BS 5502 is given in Part 0¹⁾.

The object of introducing the new structure is to allow subject areas to be broadly characterized, and related subject matter, whether in the form of recommendations, guidance or supporting data, to be rationalized and brought together. It will also allow sufficient flexibility to enable BS 5502 to be expanded and developed in a logical way in the future.

¹⁾ In preparation.

Guide

1 Scope

This Part of BS 5502 identifies the statutory instruments and regulations which apply to buildings and structures used for agricultural purposes. This guide is not intended to provide an interpretation of the regulations, which is a matter for the appropriate government department or local authority.

Organizations which are able to provide information on various aspects in support of this standard are given in appendix A.

NOTE. The titles of the publications referred to in this standard are listed on the inside back cover.

2 Definitions

For the purposes of this Part of BS 5502, the definitions given in BS 6100 apply.

NOTE. Work has commenced on a further Part of BS 5502 (Part 10) which will be a glossary of terms for buildings and structures for agriculture.

3 Planning

3.1 England and Wales

The Town and Country Planning (General Development) Order 1988 requires the submission of details to and approval of the Local Planning Authority before commencing development on certain agricultural buildings and agricultural operations.

Exemption from the need to apply for planning permission is allowed by the Order for the erection, extension or alteration of an agricultural building to be built on agricultural land comprised in an agricultural unit, provided that

- (a) the development does not include the erection, extension or alteration of a dwelling;
- (b) the gross floor area of any building does not exceed 465 m² and provided it is not less than 90 m away from any other building built within the preceding 2 years;
- (c) the building is not higher than 12 m, or 3 m if within 3 km of the perimeter of an aerodrome;
- (d) the building is more than 25 m from a trunk or classified road;
- (e) the development is not to be used for the accommodation of livestock or for the storage of slurry or sewage sludge, if the building is within 400 m of the curtilage of any protected building, i.e. a dwelling other than a dwelling within the agricultural unit or a dwelling or other building on another agricultural unit.

These exemptions may not apply in areas subject to an Article 4 Direction imposing planning control on buildings (made under the Town and Country Planning (General Development) Order 1988) or in certain areas in National Parks and in areas adjoining certain National Parks.

Failure by the Local Planning Authority to give a decision within 8 weeks enables the applicant for planning permission to appeal to the Secretary of State for the Environment for a decision. There is a right of appeal to the Secretary of State against refusals of planning permission or the imposition of conditions by the Local Planning Authority, such an appeal being dealt with by either a public enquiry, informal hearing or written representations procedures.

3.2 Scotland

The Town and Country Planning (Scotland) Act 1972 provides that anyone proposing to develop land, i.e. to carry out any building, engineering, mining or other operations on it, should first obtain planning permission. This usually means that an application for planning permission should be made to the planning authority. In the case of most agricultural buildings, however, planning permission is deemed to be granted under the provisions of the Town and Country Planning (General Development) (Scotland) Order 1981 and express planning permission is not therefore required. The main exclusions from the scope of this deemed consent are:

- (a) dwellings;
- (b) buildings exceeding 3 m in height within 3 km of the perimeter of an aerodrome;
- (c) buildings within 25 m of the metalled portion of a trunk or classified road; and
- (d) buildings over 12 m high in National Scenic Areas.

Under the Town and Country Planning (General Development) (Scotland) Amendment Order 1988, intensive livestock units are brought within planning control, and a definition of 'slurry' is inserted into Article 2 of the 1981 order.

NOTE. The amendment order is available from HMSO as Statutory Instrument 1988 No. 977(S.94).

Express planning permission may also be required for the construction of buildings in areas which are the subject of direction under Article 4 of the 1981 Order restricting the scope of the deemed consent granted by the Order.

Failure by a planning authority to give a decision within 2 months of an application for express planning permission constitutes a deemed refusal against which the applicant has a right of appeal to the Secretary of State. There is also a right of appeal against a refusal of express planning permission or the imposition of conditions by the planning authority.

Activities and developments which do not require planning permission may still require to be notified to the Nature Conservancy Council (NCC) if they are within a Site of Special Scientific Interest (SSSI) designated under the Wildlife and Countryside

Act 1981 and are listed as Potentially Damaging Operations. The landowner and occupier will be notified by the NCC of any land designated as an SSSI, and may in certain circumstances enter into management agreements to protect nature conservation interests.

3.3 Northern Ireland

Under the Planning (General Development) Order (Northern Ireland) 1973 the control of farm building development on agricultural land of more than 0.5 ha depends on the size of the building development and the distance from the nearest part of a group of principal farm buildings as follows.

(a) *Building development within 75 m distance*

Farm building development is exempt from planning control except:

- (1) where the building is over 12 m in height; or
- (2) where the building is over 3 m in height within 3 km of the perimeter of an aerodrome; or
- (3) where the building is within 24 m from the nearest part of a special road, i.e. motorway or certain major trunk roads; or
- (4) where the building is within 24 m from the middle of a trunk road or first or second class road; or
- (5) where the building is within 9 m from the middle of an unclassified road; or
- (6) where the building is within 75 m of a dwelling house which is not the dwelling house of the farmer or a person working on the farm, and is in conjunction with any other building less than 75 m away erected within the last 2 years and over 300 m² in ground area.

(b) *Building development at greater than 75 m distance*

Farm building development is subject to planning control:

- (1) where the building is over 300 m² in ground area; or
- (2) where the circumstances listed in items (1) to (5) of (a) apply.

3.4 Environment

Particular attention should be paid to the legislative requirements covering environmentally sensitive areas, historic monuments, areas of outstanding natural beauty and areas of special scientific interest, some of which may impose restrictions on farm buildings. Apart from any regulatory requirement it is desirable in any environmentally designated area, e.g. areas of outstanding natural beauty, to ensure that the building is in keeping with the countryside.

3.5 Historic buildings and archaeological remains

Local authorities have the statutory function to hold lists of buildings of special architectural and historical interest as well as lists of scheduled archaeological remains.

It is an offence to demolish a listed building or to alter or extend it in any manner which would affect its character, or to build on scheduled remains, without consent of the local authority.

The majority of buildings erected before 1840 are listed together with a significant number erected between 1840 and 1914, and some of later origin, hence all buildings and sites should be checked.

The three categories of listing, in order of importance, are grade I, II and III.

It is generally considered desirable by local authorities and conservation bodies that historic farm buildings remain in agricultural use.

Changes to non-agricultural use are usually deemed to alter the character to a greater degree.

When extending or altering existing farm buildings care should be taken to use matching traditional materials or new materials of a similar colour and texture.

4 Building regulations

4.1 England and Wales

The Building Regulations 1985 do not apply to buildings listed in Schedule 3 of the regulations. Class III buildings include greenhouses and agricultural buildings, namely:

- (a) a building used as a greenhouse unless the main purpose for which it is used is for retailing, packing or exhibiting;
- (b) a building used for agriculture which is
 - (1) sited at a distance not less than one and a half times its height from any building containing sleeping accommodation; and
 - (2) provided with an exit which may be used in case of fire which is not more than 30 m from any point within the building;unless the main purpose for which it is used is retailing, packing or exhibiting.

4.2 Scotland

In Scotland, buildings erected on agricultural land are in most cases exempt from complying with the Building Standards (Scotland) Regulations 1988.

4.3 Northern Ireland

Buildings used for the purposes of agriculture, other than dwelling houses, are exempt from the Building Regulations where they are constructed more than 1½ times their overall height from the nearest part of a road (including footpaths, hard