

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

WHEREAS the Council of the District of East Hampshire are satisfied that it is expedient that development of the descriptions set out in the Schedule hereto should not be carried out on the land at Clanfield being the land shown edged red on the plan annexed hereto unless permission therefore is granted on application made under the Town and Country Planning General Development Order 1988-----

NOW THEREFORE the said Council in pursuance of the powers conferred upon them by article 4 of the Town and Country Planning General Development Order 1988 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the descriptions set out in the Schedule hereto-----

SCHEDULE

Part 6

Class A

A. The carrying out on agricultural land comprised in an agricultural unit of-----

- (a) works for the erection, extension or alteration of a building, or
- (b) any excavation or engineering operations, reasonably necessary for the purposes of agriculture within the unit-----

~~A.1 Development is not permitted by Class A if-----~~

- ~~(a) the development would be carried out on an agricultural land less than 0.4 hectare in area-----~~
- ~~(b) it would consist of or include the erection, extension or alteration of a dwelling-----~~
- ~~(c) a building, structure or works not designed for the purposes of agriculture would be provided on the land-----~~
- ~~(d) the ground area to be covered by-----~~
 - ~~(i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or-----~~
 - ~~(ii) any building erected or any building as extended or altered by virtue of this Class-----~~
- ~~would exceed 465 square metres, calculated as described in paragraph A.3-----~~
- ~~(e) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres-----~~
- ~~(f) the height of any part of the building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres-----~~

- ~~(g) any part of the development would be within 25 metres of the
metalled portion of a trunk or classified road~~
- ~~(h) it would consist of engineering operations of a kind described
in Class C below; or~~
- ~~(j) it would consist of or include the erection or construction of,
or the carrying out of any works, to a building, structure or
excavation used or to be used for the accommodation of livestock
or for the storage of slurry or sewage sludge, and the building,
structure or works is or would be within 400 metres of the
curtilage of any protected building~~
- 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 shall not be
used for the accommodation of livestock or the storage of slurry
or sewage sludge within a period of five years from the carrying
out of those operations
- (b) where the development involves
- (i) the extraction of any mineral from the land or from any
disused railway embankment on the land, or
- (ii) the removal of any mineral from a mineral-working deposit
on the land
- the mineral shall not be moved off the land, unless planning
permission for the winning and working of that mineral has been
granted on an application made under Part III of the Act
- (c) in the case of development which involves the deposit of waste
materials on or under the land, no waste materials shall be
brought onto the land from elsewhere except for development of
the kind described in Class A(a) or the creation of a hard
surface, where the materials are incorporated into the building
or works forthwith
- (2) In the case of any article 1(6) land, development consisting of
the erection, extension or alteration of a building or the
formation or alteration of a private way is permitted by Class A
subject to the following conditions
- (a) the developer shall, before beginning the development give the
local planning authority a written description of the proposed
development, the materials to be used and a plan indicating the
site, and shall not begin the development until a period of 28
days has elapsed from their receipt by the authority
- (b) if within 28 days of receiving that description and plan the
local planning authority give the developer notice in writing to
that effect, the development shall not be begun without the
prior approval of that authority to the siting, design and
external appearance of the building and the siting and means of
construction of the private way
- (c) the development shall, except to the extent that the local
planning authority have agreed otherwise in writing, be carried
out in accordance with
- (i) any details approved by that authority in accordance with
sub paragraph (b) above, or
- (ii) the description and indication of siting given to them
under sub paragraph (a) above
- (d) the development shall be carried out
- (i) where approval has been given by the local planning
authority, within a period of five years from the date on
which approval was given



~~(ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in subparagraph (a)~~

~~A.3(1) For the purposes of Class A~~

~~(a) the area of 0.4 hectares shall be calculated without taking into account any separate parcels of land~~

~~(b) the ground area referred to in paragraph A.1(d) is 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 or machinery within the same unit which is being provided or has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development~~

~~(c) 400 metres is to be measured along the ground~~

~~(2) For the purposes of this class "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~~

~~"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 apt; but does not include~~

~~(i) a building within the agricultural unit~~

~~(ii) a building used for a purpose referred to in classes B3 to B7 (special industrial uses) of the Schedule to the Use Classes Order, or~~

~~(iii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture~~

Class C

~~C. The carrying out on agricultural land used for the purposes of any registered business of fish farming or of shellfish farming of~~

~~(a) operations for the construction of fishponds, or~~

~~(b) other engineering operations for the purposes of that business~~

~~C.1 Development is not permitted by Class C if~~

~~(a) the area of the site within which the operations would be carried out exceeds 2 hectares~~

~~(b) any part of the operation would be carried out within 25 metres of the metalled portion of a trunk or classified road~~

~~(c) in a case where the operations would involve the winning or workings of minerals~~

~~(i) any excavation would exceed a depth of 2.5 metres; or~~

~~(ii) the area of any excavation, taken together with any other excavations carried out on the land within the preceding two years, would exceed 0.2 hectares~~

~~C.2 For the purposes of Class C~~

~~"construction of fishponds" includes the excavation of land and the winning and working of minerals for that purpose~~

~~"fishpond" means a pond, tank, or reservoir, stew or other structure used for the keeping of live fish or the cultivation or propagation of shellfish~~

~~"registered business of fish farming or shellfish farming" means such a business registered in a register kept by the Minister of Agriculture, Fisheries and Food or the Secretary of State (as the case may be) for the purposes of an Order made under Section 7 of the Diseases of Fish Act 1983~~

- D. For the purposes of Part 6
- "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

Part 7

Class A

- A. 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)
- A.1 Development is not permitted by this Class 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, or
 - (c) any part of the development would be within 25 metres of the metalled portion of a trunk or classified road
- A.2 In the case of any article 1(6) land, development consisting of the erection, extension or alteration of a building or the formation or alteration of a private way is permitted by this class subject to the following conditions
- (a) the developer shall before beginning the development, give the local planning authority a written description of the proposed development and the materials to be used and a plan indicating the site, and shall not begin the development until a period of 28 days has elapsed from their receipt by the authority
 - (b) if within 28 days of receiving that description and plan the local authority give the developer notice in writing to that effect, the development shall not be begun without the prior approval of that authority to the siting, design and external appearance of the building and the siting and means of construction of the private way
 - (c) the development shall, except to the extent that the local planning authority have agreed otherwise in writing, be carried out in accordance with
 - (i) any details approved by that authority in accordance with sub-paragraph (b), or
 - (ii) the description and indication of siting given to them under sub paragraph (a)

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~~(d) the development shall be carried out~~
~~(i) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given~~
~~(ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub paragraph (a)~~

being development comprised within Classes A and C of Part 6 and ~~Class A of Part 7~~ referred to in Schedule 2 to the said Order and not being development comprised within any other Classes-----

Given under the COMMON SEAL of the)
EAST HAMPSHIRE DISTRICT COUNCIL)
This 27th day of February 1991)

THE COMMON SEAL of EAST HAMPSHIRE)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:-----)



102114

R. E. H.
Chief Executive

The Secretary of State for the Environment hereby approves the foregoing direction subject to the modifications shown in red ink thereon.

J. A. Bridges

Signed by authority of the Secretary of State A Regional Controller in the Department of the Environment

EAST HAMPSHIRE DISTRICT COUNCIL

Planning Department

Town & Country Planning Act 1988

GENERAL DEVELOPMENT ORDER

Article 4

NOTATION

site referred to



LAND AT HORNDEAN CLANFIELD WINDMILL &
Location CHALTON DOWNS

Owner/Occupier M J BUDDEN

Scale 1 : 10 000 Map ref. SU 71

Date 12.2.91 Application F 4700700

Drawing 6
Officer ref EI
SJ Olivant
Head of Development Services
Penns Place
Petersfield

