

ABINGDON TOWN COUNCIL

Report to	Finance, Governance and Asset Management Committee
Meeting date	3 rd March 2025
Report author	Nicky Cayley
Agenda item	10

REPORT OF THE DEPUTY TOWN CLERK

1. **Purpose of the Report**

1.1 Cemetery Polytunnel

2. **Summary**

2.1 To decide on whether to apply for a certificate of lawfulness – as referred from the Environment and Amenities Committee (minute E42/24).

3. **Action required**

3.1 Members are asked to decide whether or not to apply for the certificate of lawfulness.

This will require a Proposer, seconder and vote.

4. **Link to strategic plan and objectives.**

4.1 KO3: to manage the Council's assets efficiently and effectively to meet for the needs of the community now and in the future.

5. **Key information and options**

5.1 Advice from VOWH Planning Department

The following advice has been received from a Planning Officer at VOWHDC:-

I have been asked to respond to your enquiry regarding a polytunnel at the Spring Road Cemetery.

The issue of whether a polytunnels are a 'building' and therefore operational development rests on three main factors: size, permanence and physical attachment. If the size of the structure is such that moving it is a serious undertaking or it is so large that it can only be constructed on site rather than arriving fully formed cold point to a structure being a building. Similarly, if it is intended to be there permanently and is attached the ground and services this again could point to it being a building. On the other hand, if it's a small structure which is easily moved around the site then it would not be a building. I do not know how long the tunnel you are proposing is but you have stated it would be moveable.

Even it was to be considered a building, it may be permitted by the permitted development rights that local authorities have for small ancillary structures on their land given by Class A of Part 12. The use of the polytunnel hasn't been explained but provided it is linked in some way to the cemetery, express planning permission would not be required subject to the structure having a volume of less than 200 cubic metres and its height being less than 4m.

Please note this is my informal opinion and it is not binding on the council. The only way to formally confirm that your proposals are lawful is to apply for a lawful development certificate.

The Outdoor Services Manager has confirmed that the volume of the polytunnel is less than 200 cubic metres and the height is less than 4m. The polytunnel had a link to the cemetery as some of the plants brought on in it will be used in the cemetery.

6. **Climate change/green implications**

None.

7. **Financial/budget implications**

The cost of applying for a certificate of lawfulness is £119.50 (this is half normal fees as we are a parish council).

8. **Consultation implications**

I consider that there are no matters within the report on which we should consult.

10. **Supporting papers and appendices**

None.

Nicky Cayley
Deputy Town Clerk
26 February 2025