

Appeal Decision

Site visit made on 25 April 2017

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 May 2017

Appeal Ref: APP/E2001/W/17/3167439

land west of Eastgate Farm, Towthorpe Lane, Shiptonthorpe, East Riding of Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr Michael Moore against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/02968/AGNOT/WESTWW, dated 23 October 2016, was refused by notice dated 18 November 2016.
 - The development proposed is the erection of a general purpose agricultural building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken both the development description and the site address from the Council's decision notice, noting that the appellant has subsequently adopted both in their appeal submissions. I consider both the development description and the site address to accurately reflect what is proposed, and where, and I have adopted these in my consideration of the appeal.
 3. The Council refer to the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (the Order) in their decision to refuse the application, which was taken on 18 November 2016. However, the provisions of the Order were revoked on 15 April 2015 with the coming into force of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO) and it was the 2015 GPDO that was in force at the time the Council determined the application.
 4. I note that the Council have not disputed the appellant's assumption that it would be reasonable to assume that references to the Order should be read as reference to the 2015 GPDO. I have also considered the appeal on that basis.
 5. The 2015 GPDO enables certain types of development to take place without the need for a specific planning permission, provided certain criteria are met. Provisions exist under Schedule 2, Part 6, Class A of the 2015 GPDO for the erection of agricultural buildings subject to certain limitations. The application was refused as it was considered that the proposal was not '*reasonably necessary for the purposes of agriculture within that unit*'.
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Main Issue

6. The main issue is whether or not the proposed development would constitute permitted development in respect of Schedule 2, Part 6, Class A of the 2015 GPDO.

Reasons

7. The appeal site is described by the appellant as grazing land comprising high quality grassland used for the production of hay. Whilst there were a number of round bales on the land at the time of my visit to the site, it was also clearly evident that the land was used for other purposes. In addition to a storage container, a pre-fabricated building and roof joists that were positioned close to the entrance to the site from Towthorpe Lane, I was also able to observe from the adjacent public right of way a substantial area of the site towards its northern boundary that was being used for the purposes of the storage of vehicles, machinery and equipment and general detritus.
8. The parcel of land to which the appeal relates has an area of approximately 3 hectares. Although it is stated that the appellant farms a total of 16 hectares the quoted yield figures for hay from the appellant's agricultural enterprise seem to be based on an enterprise amounting to 12 hectares. It is not clear therefore whether the totality of the appeal site (3 hectares) and its hay yield is included within the yield from the 12 hectares or whether it is in addition to it. Either way, it does not equate to the 16 hectares that it is submitted that the appellant farms. Moreover, and significantly, no indication has been given as to the location of the remaining land area of the appellant's enterprise, and the details and circumstances of how that land is farmed are vague.
9. I accept that the Council's estimate of the building volume required to store the baled yield of up to 70 tonnes did not appear to take account of the logistics associated with their storage nor, it appears, the storage of machinery. Conversely, the machinery list submitted by the appellant as requiring covered storage seems to me to be extremely generous and for which, in the absence of the type of detail set out above, it has not been demonstrated that it is reasonably necessary for the purposes of agriculture within the unit.
10. The appellant has not disputed the Council's view that the parcel of land upon which the building is proposed is of insufficient size to justify a building of the scale proposed. Furthermore, it is not clear where the remainder of the appellant's holding is located, the basis upon which that land is farmed or indeed whether there are any buildings on it. On the balance of the available evidence therefore, it has not been satisfactorily demonstrated that the proposed building is reasonably necessary for the purposes of agriculture within the unit.

Conclusion

11. As I have concluded that the proposal cannot constitute permitted development for the purposes of the 2015 GPDO, I have not considered further matters relating to the siting, design and external appearance of the building as set out in the 2015 GPDO. For the reasons set out therefore and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie INSPECTOR