
Appeal Decision

Site visit made on 26 June 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 18th July 2017

Appeal Ref: APP/R0660/W/17/3172221

Yeowood Farm, Ettiley Heath, Sandbach CW11 3NE

- 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 of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr T Bunn against the decision of Cheshire East Council.
 - The application Ref 16/5759C, dated 24 November 2016, was refused by notice dated 31 January 2017.
 - The development proposed is a road.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for a road at Yeowood Farm, Ettiley Heath, Sandbach CW11 3NE in accordance with the details submitted pursuant to Schedule 2, Part 6 of the GPDO and the drawings submitted with it.

Preliminary matters

2. The appellant seeks prior approval for the construction of a road under the provisions of Schedule 2, Part 6, Class A of the GPDO.
3. A prior approval application was made, dated 24 November 2016 and was subsequently determined by the Council, giving notice to the appellant that prior approval was refused for the following reason:

'It has not been demonstrated that the proposal development is for agricultural purposes and therefore the development does not comply with Part 6 of the Town and Country Planning (General Permitted Development) Order 2016 (as amended).'

4. The relevant sections of the application form regarding the agricultural use of the site and development were left blank. There is no evidence before me that the Council sought this information from the appellant during their consideration of the application. Nevertheless, I have determined the appeal based on an assessment of the evidence before me and my own observations made on site.

Main Issue

5. The main issue is whether the proposed road would be for agricultural purposes.

Reasons

6. The road would be constructed of compacted hardcore and would lead off the existing farmyard, cross a large field and run alongside the Trent and Mersey Canal. The road would only provide access to the fields and would stop abruptly at the southern-most field.
7. The farmyard comprises a number of outbuildings which contain various agricultural machinery, animal feed, and house cattle. The surrounding fields are planted with various crops and have cattle grazing on them. At the time of my site visit, the field through which the track would be located was planted with maize. It is clearly evident that the appeal site is an established working farm.
8. The appellant contends that the road is required as access to the south and south western end of the farm is problematic. Whilst it is not explicitly clear why this is so, from the observations I made on site, there is currently no access road serving these fields and access to them, particularly in inclement weather, would likely be difficult. I am satisfied that the road would enable more efficient farming practices.
9. The site clearly forms part of the working farm. The road would be of a typical agricultural track construction and would only provide access to fields that form part of the farm. I find therefore that there is no evidence that the road would be used for anything else other than in association with the existing farm.

Conclusion

10. I therefore conclude that in relation to Schedule 2, Part 6, Class A of the GPDO sufficient information is available to enable me to allow the appeal.
11. For the reasons given above, I find that the proposed change of use is permitted development under Schedule 2, Part 6, Class A and as such, having considered all matters raised, the appeal is allowed and approval granted, subject to the standard conditions included in the GPDO.

Alexander Walker

INSPECTOR