
Appeal Decision

Site visit made on 26 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/F2360/W/17/3171268

Land between Willow Tree Farm and Chestnut Farm, Wham Lane, Little Hoole, Preston, Lancashire, PR4 4SY

- 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 Kevin Wright against the decision of South Ribble Borough Council.
 - The application Ref 07/2016/0604/ADE, dated 20 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is a new agricultural storage building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal constitutes permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reasons

3. Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of (a) works for the erection of a building or any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit.
 4. The main area of dispute is whether the building is "reasonably necessary for the purposes of agriculture within that unit."
 5. The unit is currently being used for the production of grain and salad crops. The appellant says that the building is required because there are no existing buildings serving the site and that the building would be used for the storage of agricultural produce and to house associated machinery. However, I have no information about what machinery is used for the agricultural unit or what the storage requirements might be. For example, I do not know if the farmer uses his own machinery, neither do I know if the crops actually need to be stored before they are sent away for processing. I simply have insufficient information about the farming practices of the unit. Without that information, I cannot conclude that the building is "reasonably necessary".
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6. I note the appellant's reference to Jones v Stockport MBC [1984] JPL 274 CA. However, this judgement does not mean that the applicant or appellant should not be expected to demonstrate need by reference to their intentions about the use of the building, and I have insufficient evidence about the intentions of the farmer. In essence, I cannot be satisfied from the evidence before me, that the building is reasonably necessary for any agricultural use at all, let alone any current agricultural use pertaining to the land in question.
7. The appellant has also referred to Clarke v Secretary of State for the Environment [1993] JPL 32 which found that the building simply has to be reasonably necessary for, and designed for, the purposes of agriculture within that unit. As I have little detail about the agricultural practices I find no conflict between my findings on this appeal and that judgement.
8. For the above reasons, I conclude that the proposal does not constitute permitted development under Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015

Other Matters

9. The appellant alleges that he was not notified of the decision within the statutory period. However, as I have determined that the development is not permitted under the Order, this factor is not relevant as Prior Approval cannot be granted, by any means, for a proposal that is not permitted development.

Conclusion

10. I conclude that the proposal does not constitute permitted development and the appeal is dismissed.

Siobhan Watson

INSPECTOR