



Appeal Decision

Site visit made on 17 September 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector, appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/H1515/W/19/3228806

Tan House Farm, Tan House Lane, Navestock CM14 5SN

- 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) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Richard Hoyle of Hoyles Farm against the decision of Brentwood Borough Council.
 - The application Ref 19/00157/AGR, dated 1 February 2019, was refused by notice dated 1 March 2019.
 - The development proposed is a honey barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would amount to being a permitted development under Schedule 2 Part 6, Class A (a); and if so
 - Whether prior approval is needed for its siting, design and external appearance.

Reasons

3. Part 6, Class A of the GPDO permits the carrying out on agricultural land comprised in an agricultural unit of 5 areas or more in area of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.
4. In order to determine whether the works would be permitted development it is necessary for me to consider whether the use would be agricultural and if it is, what the agricultural unit is. The Town and Country Planning Act 1990 states that agriculture includes 'the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land)'.
5. The proposed building would comprise a workshop, stores, extract, labelling and jarring areas, warming rooms and welfare facilities, and would enable the appellant to centralise operations which are carried out at Princes Gate Farm, Lashes Farm and at Tan House. The building would be used for the collection of honey on the site of Tan House and as a base serving other farms where hives

are located. Queen bee eggs would be converted to embryos in the building and then placed back into the hives where they would hatch to become live queen bees. The building would therefore be used for the breeding of creatures for the production of food, though I agree it would not be used for the keeping of livestock.

6. Although the breeding of queen bees could be considered an agricultural use, the processing and jarring of honey would, in my view, be a manufacturing process. The area to be used within the building as a workshop would not be insignificant and would involve the repair or replacement of hives or other equipment. I am not persuaded that this would be an agricultural use, nor am I persuaded that it would be ancillary to an agricultural use given its scale and the area from which the hives could be drawn from.
7. The application form identifies the total area of the existing agricultural unit as 7.3ha. I am advised that other colonies are located on some 2500ha, although it is stated that a further 246ha is directly associated with the agricultural operation. Consequently, most queen bee embryos created within the building would be likely to be placed into hives outside of the agricultural unit. Furthermore, most of the honey which would be extracted would be likely to derive from hives outside of the agricultural unit. Accordingly, even if I was persuaded that the proposed use of the building was agricultural, the building would not be reasonably necessary for the purposes of agriculture within that unit.
8. The appellant has drawn my attention to a decision made in relation to a barn at Princess Gate Farm, reference 18/01999/AGR, which considered the same 246 hectares as the appeal site. However, I have not been provided with substantive details and am therefore not able to conclude that this is comparable to the appeal scheme before me. Furthermore, I am obliged to consider the appeal on its own merits. Thus, for the reasons given above, I conclude that the proposed building would not be a permitted development under Schedule 2 Part 6, Class A (a) of the GPDO.
9. Since I have found that the proposed building would not amount to being a permitted development under Schedule 2 Part 6, Class A (a) it is not necessary for me to determine whether or not the development has commenced or whether the proposed development would be acceptable in siting, design and appearance terms or its acceptability in regard to the setting of the listed building.

Conclusion

10. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 6, Class A of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance, and cannot be addressed through prior approval provisions set out under paragraph A.2(1) of the GPDO.
11. The appeal is, therefore, dismissed.

M Savage

INSPECTOR