



Appeal Decision

Site visit made on 23 June 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/E2001/W/20/3245724

Land at the Outgang, Brantingham, Nr Brough, 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 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 Michael Glover against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/04277/AGNOT, dated 16 December 2019, was refused by notice dated 13 January 2020.
 - The development proposed is the erection of an 'antivandal 9.7536m x 3.048m office / kitchen / toilet container'.
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Decision

1. The appeal is allowed and prior approval is granted for the erection of an antivandal 9.7536m x 3.048m office / kitchen / toilet container on land south of the Outgang, Brantingham, nr Brough, East Riding of Yorkshire in accordance with the terms of the application Ref 19/04277/AGNOT, dated 16 December 2019, subject to the Schedule of Conditions attached to this decision.

Main Issue

2. The main issue is whether the proposal would constitute a building designed for agricultural purposes under Schedule 2 Part 6, Class A (A.1 (d)) of the General Permitted Development Order 2015 (GPDO).

Reasons

3. In order to satisfy Permitted Development rights for a new agricultural building under Part 6 Class A paragraph A.1 (d) the land has to be a unit exceeding 5 hectares in size and be in agricultural use and the said building must be reasonably necessary for the agricultural operation on that unit and be designed for agricultural purposes.
4. The proposed development would be sited in a semi-enclosed farmyard on land about 300 metres to the south of a road called The Outgang, near Brantingham. The farmyard is accessed from The Outgang via a compacted track. The farmyard covers an area approximately that of a tennis court. Immediately to the east is a large open steel barn with a large enclosed steel barn to the north. Adjacent to this barn are 2 former shipping containers. On the western edge of the farmyard is a very extensive area of glass housing. The southern boundary is open and provides views over a field towards more glass houses and steel barns in the distance.

5. The development comprises the installation of a former steel profile shipping container repurposed to provide what is described as a welfare unit for farm workers and an office. It would measure around 10 metres in length, 3 metres in width and nearly 3 metres in height and would be painted dark green. It would be mounted on former railway sleepers. According to the plans it would be positioned in the south-west quadrant of the farmyard on a north-south alignment. An underground sewage treatment plant would be installed immediately north of the welfare / office unit.
6. According to the Appellant the farm unit extends to nearly 40 hectares. There is no dispute between the parties that the building would be reasonably necessary for the operation of the agricultural unit. To help determine whether the proposed welfare / office building can be said to have been designed for agricultural purposes I have been referred to 2 court cases and a planning appeal decision. However, in the absence of full judgments for the court cases I have had to rely upon case summaries.
7. In *Belmont Farm Ltd v Minister of Housing & Local Government* [1962] 13 P&CR 417 it was held that 'design' relates to both physical appearance and layout. In *Chichester DC v FSS & Simon Green* [2006] the Court held that a structure that looked like a domestic dwelling could not be said to have been designed for agriculture even though it was contended that it could be used for such purposes.
8. These cases establish core principles concerning design and layout which are relevant to this appeal. As was noted at paragraph 20 of an appeal decision against the service of an enforcement notice in *Swithland, Leicestershire* "...the layout of most agricultural buildings, both modern and older ones, tends to be essentially simple and functional, responding for the most part, to the prevailing agricultural practices and technology so that the building is easy and convenient to use"¹.
9. The former shipping container would be purchased in its repurposed form from a company specialising in such undertakings. Thus, whilst the original steel unit was designed and intended for use as a storage facility for the transportation of goods around the world by ship, train and lorry it has been given a second lease of life following its repurposing for a welfare / office use.
10. Such a facility, with its emphasis on simple practicality, convenience and function, can be utilised in a variety of settings including agriculture and would not look obtrusive or out of place in the proposed location. The fact that 90% of those repurposed containers provided by the supplier are used in contexts other than agriculture serves to underline the simplicity and adaptability of the structure
11. That process of repurposing an empty metal unit for use as a welfare / office facility will involve an element of intellectual design, physical labour (such as through making new openings for a door and windows) and new materials (such as the fitting of appropriate insulation). It is this stage in the lifecycle of the former shipping container – and not its birth – that is the relevant one for considering whether the structure is 'designed' for the purposes of agriculture rather than for some other purpose such as a residential dwelling. Based upon

¹ Appeal APP/X2410/C/09/2093440

the above, the proposed welfare / office facility has been designed for agriculture.

12. Thus, since the welfare / office facility would be necessary for the functional operation of a farm unit that exceeds 5 hectares in size and since it has been designed for agricultural purposes it does meet the requirements of Schedule 2 Part 6, Class A (A.1 (d)) of the Order.

Conclusion and Conditions

13. For the reasons given above the appeal against the refusal of prior approval should be allowed. Standard conditions are set out in paragraph A.2 of Schedule 2 Part 6 Class A the GDPO. In addition, for clarity, I have imposed a condition requiring that the development shall be constructed in accordance with the approved plans and accompanying illustrations and, to ensure that the development is visually unobtrusive, I have imposed a condition requiring that it be painted dark green and kept as such thereafter.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The developer shall implement the prior approved development in accordance with: 'Plan RLE1 (7 May 2019)'; 'Siting Plan (Trinity Field, off The Outgang, Brantingham, East Yorkshire)'; 'Illustration of a typical 32ft x 10ft container'; and 'Clearwater 6 Person Sewage Treatment System Gravity Discharge'.
2. The prior approved development shall be painted a dark green colour, the details of which shall be submitted to and approved in writing by the local planning authority and maintained as such thereafter.

END