

Appeal Decision

Site Visit made on 24 August 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/U1430/W/20/3271436

Strakes Farm Yard, Dunsters Hill Road, Three Legged Cross, Ticehurst, East Sussex TN5 7HL

- 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 (as amended).
 - The appeal is made by Mr Graham Homewood against the decision by Rother District Council.
 - The application Ref RR/2019/2632/FN, dated 21 November 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the erection of an agricultural barn.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application for determination as to whether prior approval was required for the construction of an agricultural building was made under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). Paragraph A.2(2) of the GPDO requires, amongst other things, that a determination be made as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
3. The prior approval procedure as set out under Schedule 2, Part 6, Class A of the GPDO makes no provision for any determination to be made as to whether the proposal would be permitted development. However, the Council is not convinced that there is a need for the building as proposed and therefore whether it is reasonably necessary for agriculture at the unit. As such there is the question as to whether the development benefits from the provisions of the GPDO.

Main Issues

4. The main issues are:
 - whether or not the proposed development benefits from the provisions of Schedule 2, Part 6, Class A of the GPDO
 - if so, whether the siting, design and appearance of the building is appropriate in its contexts

Reasons

5. The building proposed is approximately 31m wide by 6m deep. It would have eight bays. Under Part 6, Class A, the erection of a building can be permitted development if it is reasonably necessary for the purposes of agriculture in the unit.
6. The application form submitted states that the use of the building would be for the storage of farm machinery and also for toilet/welfare purposes for staff. Considering the size of the agricultural unit, stated to be 15ha, I would agree that a building for these functions could be reasonably necessary. The submitted floor plan also shows one of the bays for "WC and cleaning facilities", presumably for the staff. I also recognise that the proposed barn could 'tidy' the site and replace some smaller structures potentially.
7. However, this appears a particularly large barn structure, especially compared to some of the sizes of the other agricultural buildings in this yard area. Whilst I observed some farm machinery and tools on site, it was not clear that this would need anything like the remaining bays for its storage. There is little detail as to why there needs to be a barn of this scale for the reasons given to farm this unit.
8. The appellant in the final comments statement refers to the storage of hay, but this is not referred to on the application form when asked about the agricultural purposes for the proposed building. Furthermore, from the submitted plans there is already an open fronted hay store within the yard area.
9. In terms of the 80 lambs produced on this farm, the application form states that the proposed building would not be used to house livestock. It is not clear why this proposed building is necessary in relation to the production of lambs.
10. Overall, I would agree that there is a necessity for an agricultural building which could potentially be constructed under permitted development. Whilst under permitted development there could be larger agricultural buildings proposed than this barn, they would need to demonstrate that they would be reasonably necessary for agriculture in their particular circumstances. However, in this case there is insufficient detail to demonstrate that the building as proposed, particularly of this scale, is reasonably necessary for the purposes of agriculture within this unit.
11. I note the appellant's comments with regard to the design approach, its impact within the AONB, amongst other supporting points, but these do not provide sufficient demonstration as to the reasonable necessity for the barn as proposed.
12. I am therefore unable to conclude that the proposal is reasonably necessary for the purposes of agriculture within the unit and can only conclude that the proposal does not benefit from the Class A of Part 6 permitted development rights based on the evidence before me.

Prior Approval Conditions

13. Whilst I note the other reasons for refusal stated by the Council such as the visual impact of the proposed building within the High Weald AONB, given my conclusion that the proposal does not meet the qualifying provisions of Part 6, it is not necessary for me to comment further in relation to those matters.

Conclusion

14. For the reasons given above, I conclude that the proposed development does not benefit from the provisions of permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the appeal therefore fails.

Mr S Rennie

INSPECTOR