
Appeal Decision

Site visit made on 15 March 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal Ref: APP/E2001/W/21/3284442

Wood Farm, North Moor Lane South, Cottingham HU16 4JN

- 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 GPDO).
 - The appeal is made by Mr David Medley against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/04174/AGNOT, dated 11 December 2020, was refused by notice dated 11 May 2021.
 - The development proposed is a general-purpose agricultural building.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a general purpose agricultural building at Wood Farm, North Moor Lane South, Cottingham HU16 4JN, in accordance with the details submitted pursuant to Schedule 2, Part 6, Class A, paragraph A.2.(2) of the GPDO via application Ref 20/04174/AGNOT, dated 11 December 2020 and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.(2).

Preliminary Matters

2. In the banner heading and decision above, I have used the description of development taken from the Council's decision notice as this more concisely describes the appeal proposal.
3. Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (GPDO) permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit.
4. Paragraph A.2(2)(i) states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.

5. Therefore, the question of whether the proposal is permitted development needs to be dealt with before the question of the prior approval matters is addressed.

Main Issues

6. The main issues are whether the proposal would be permitted development, having particular regard to whether the building would be reasonably necessary for the purposes of agriculture. If so, the second main issue is the effect of the siting of the proposal on the character and appearance of the area.

Reasons

Whether Permitted Development

7. This section of the agricultural unit measures 1.5 hectares (ha) while a larger field located off Dunswell Lane to the northeast is approximately 18ha. The proposal seeks to erect a building within this smaller parcel of land which is intended to store machinery and associated implements, alongside feed and fertiliser while also allowing said machinery to be worked on during inclement weather. I note that a smaller building was approved¹ for the storage of hay, straw and other agricultural inputs. There is also a smaller building with a roller shutter on the site.
8. The Council has concerns that the building is not 'reasonably necessary' for the purposes of agriculture given that the business itself has not expanded. However, the appellant has purchased additional machinery, including tractors, for the cultivating of grass and hay, rather than having to use a contractor for this. On this site visit, I did observe 2 tractors with trailers and other implements currently stored within the yard area. This aligns with the aims included within the appeal statement which advises the appellant is looking to improve yields and soil quality along with signing up to stewardship programs. These could all improve and expand their business, and there is nothing within the GPDO to dictate that a business must have expanded to justify a proposal such as this.
9. My attention is drawn to correspondence with the Council's in-house Assistant Principal Surveyor (Rural) which casts doubt on the necessity of a new building for this purpose. However, whether the building is 'reasonably necessary' does not carry with it any connotation of profit or business viability. Although I understand that another building has been erected adjacent the appeal site in the recent past, I observed this was full of bailed hay and other equipment and did not appear to have additional space for further storage. Moreover, the proposed building is not overly large in the context of the allowable limits of 1000m².
10. The appeal site is some distance from the larger field off Dunswell Lane which appears to be the productive element of the farming business and is used for growing hay and grass. However, I accept the reasoning behind this decision to site the building at the appeal location rather than the larger field. The appeal statement advises, among other things, that the appeal site has available service provision such as electricity and water to connect, while there is also existing vehicular access while the yard is enclosed. The Council also accepts

¹ 19/03606/AGNOT

that the appeal site forms part of the agricultural unit and as such, there is no requirement for the building to be located where it is more likely to be needed.

11. The test is not whether the development is essential but rather whether it falls within reasonable bounds. A building to store machinery, fertiliser and other equipment to facilitate a more efficient and profitable running of an established arable farming business would fall into that category. Based on the foregoing, I have no reason to doubt that the building would be reasonably necessary for the purposes of agriculture. Taking these considerations into account, I conclude that the proposal would be reasonably necessary for the purposes of agriculture within that unit under paragraph A. of Schedule 2, Part 6, Class A of the GPDO.

Character and Appearance

12. The proposed building would be located in an enclosed yard area adjacent the existing buildings and a grassed area of Wood Farm. North Moor Lane includes a mix of industrial and agricultural businesses, many of which include large buildings and machinery. The site is located on the outskirts of Hull.
13. From my observations on the site visit, the proposed location of the building would be close to the aforementioned existing structures towards the rear of the parcel of land. While it would be slightly larger than other buildings of Wood Farm, it would be smaller than many other buildings along North Moor Lane and would be set well back from the road. Its design and appearance is typical of modern agricultural buildings and its siting close to other buildings would mean the structure would relate well to existing built form.
14. The erection of the building would not involve the loss of the grass adjacent given it would be contained within the gated yard, while it would also utilise the existing vehicular access. Although the Council state the building would be 12m high, the elevation plans clearly show the maximum height is 5.7m, with a 12m width.
15. Although the Council describes the wider area as sensitive, there is nothing before me to explain why this is the case. From my observations, despite some open field systems to the east, the area is transitional in character rather than open countryside, sitting on the edge of a large city and being of mixed agricultural and industrial uses. As such, the inclusion of a reasonably scaled building of typical design would not be harmful to the character and appearance of the area.

Conditions

16. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for agricultural development on units of 5 hectares or more in paragraphs A.2.(2)(v) and (vi). These specify that the development must be carried out in accordance with the approved details submitted with the application and within 5 years of the date of this approval.
17. I have considered the conditions proposed by the Council. Although it is suggested conditions to ensure the land is returned to its former state should the intended use cease within 10 years, and that the developer must inform the Council within 7 days of the development being substantially completed, these matters are addressed by paragraphs A.2(5)(a) and (7) respectively.

18. Moreover, the Council states the proposed building is within 400m of a protected building. As such, an additional condition to ensure the building is not used for the accommodation of livestock, slurry or sewage sludge is suggested. However, were this to occur this use would be contrary to paragraph A.1(i). As such, development which is not constructed in accordance with the terms or conditions of a permission would be at risk of enforcement action should it be used for a purpose or in a manner not provided for by the relevant parts of the GPDO. As such, there is no reason to impose these additional conditions suggested by the Council.

Conclusion

19. For the reasons given, I conclude that the proposal would be permitted development and would be acceptable with respect to the character and appearance of the area resulting from the siting, design and external appearance of the proposed building. The appeal should therefore be allowed, and prior approval is granted.

C McDonagh

INSPECTOR