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# Appeal Decision

Site visit made on 24 March 2022

**by O S Woodward BA(Hons.) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> April 2022**

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**Appeal Ref: APP/P2114/W/21/3273625**

**Oakdene Nurseries, Packsfield Lane, Wootton Bridge, Isle of Wight, PO33 4QZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Mr Jonathan Walker against the decision of Isle of Wight Council.
  - The application Ref 20/01959/6PA, dated 6 November 2020, was refused by notice dated 8 December 2020.
  - The development proposed is a new agricultural barn.
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## Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A, Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 Order) for a new agricultural barn at Oakdene Nurseries, Packsfield Lane, Wootton Bridge, Isle of Wight, PO33 4QZ, in accordance with the application Ref 20/01959/6PA, dated 6 November 2020, and the details submitted with it, and subject to the conditions set out at Schedule 2, Part 6, Class A, Paragraph A.2 of the 2015 Order.

## Preliminary Matters

2. Schedule 2, Part 6 of the 2015 Order relates to agricultural and forestry works. The proposed barn would be in connection with horticultural works on the appeal site. The 2015 Order does not define 'agriculture' but The Town and Country Planning Act 1990 (as amended) defines 'agriculture', at s336(1), as including a range of mostly self-explanatory activities, including horticulture. The proposal therefore falls within Part 6 of the 2015 Order.
3. Class A of Part 6 relates to agricultural development on agricultural units of 5 hectares (ha) or more. The appeal site is 5.9ha and it is uncontested between the main parties that it comprises an agricultural unit. The proposal therefore falls within Class A. Class A states that an erection of a building on agricultural land which is reasonably necessary for the purposes of agriculture within that unit is considered to be 'permitted development', but subject to a number of criteria, which are set out in Paragraph A.1.
4. The criteria include a number of factors in relation to the proposed building. In particular, that it would be no larger than 1,000 square metres, no taller than 12 metres, and not sited within 25 metres of a classified road. The proposed barn, at 375 square metres, 4.5 metres tall, and significantly distant from a classified road, would fall comfortably within all of these criteria. One of the

criteria is also that the proposed building be designed for agricultural purposes. The proposed building is indicated as being of a typical agricultural appearance, to be finished in traditional materials including boarding and a fibre cement roof. It is stated that it would be used for the storage of materials and in connection with horticultural use of the surrounding land. It is therefore common ground, and I agree, that the proposed barn would meet all of these criteria.

5. The criteria also include a number of considerations in relation to the land. In particular, that it would be on a parcel of land larger than 1ha, that there has been no change of use of a building on the land to a house or school, and that there be no fish farming. These are also all complied with.
6. Paragraph A.2(2)(a)(i) of the 2015 Order confirms that a proposal for a new building requires 'prior approval' as to the siting, design and external appearance of the building. The main parties agree that the proposed barn would be acceptable in these regards. This is because the proposed barn would be set away from the entrance and borders to the site and surrounding properties, would be of traditional appearance, and would be well screened by existing hedging and vegetation. I agree with these conclusions.

### **Main Issue**

7. Given the above, the main issue is whether or not the proposed barn is reasonably necessary for the purposes of agriculture within the appeal site, which is a requirement of Clause A(a) of the 2015 Order. This is distinct from the consideration of whether or not the proposed barn would be designed for agricultural purposes, which it is agreed it would be, for the reasons set out above. This is because the proposed barn, whilst being designed for agricultural purposes, would not necessarily be for the purpose of agriculture in the context of the appeal site.

### **Reasons**

8. The appeal site is partially mostly open land, with some existing clumps of bramble and limited tree growth, and partially a fairly heavily wooded area. The site is self-contained, with both the open element and the wooded element bordered by significant hedgerows and tree. The appeal site is accessed, both by vehicle and by foot, from the north along Packsfield Lane, through one existing gate. There is also foot access only from the southern end of Packsfield Lane. Overall, I am satisfied that it constitutes one agricultural unit.
9. The wooded element of the site has some tracks and more open areas and has the appearance and feel of a semi-managed area of woodland. The open area of the site contains no buildings or structures, but is clearly managed, with fairly closely mown grass, and controlled areas of bramble growth. There is a sign at the entrance to the site announcing that it is Oakdene Nurseries. However, as it stands, there are no obvious horticultural practices taking place on the site. Nor are there any other obvious active agricultural practices taking place, nor has evidence been provided of such practices, despite the managed nature of parts of the site.
10. The appellant has stated that they are trying to establish the nursery and that the proposed barn would be required as part of creating the nursery. There is therefore an element of 'chicken and egg' to the situation. Also, without a

better understanding of the scale and detailed nature of the proposed nursery operation, it is difficult to fully understand what size of barn would be 'reasonably necessary' in association with the proposed nursery use.

11. However, it is common ground that the land is an agricultural holding, even if it is not actively being used as such at present. It is also common ground that horticulture and a nursery use fall within this definition. Taking a step back, the purpose of the 'prior approval' process falling within Schedule 2, Part 6 of the 2015 Order is to facilitate development that would support such uses. There is a likelihood that the barn would enable a new agricultural business to be created. I do not see it as the role of the planning system to frustrate such activities, nor do I see the 'prior approval' process as being a means to micro-analyse the precise nature of the proposed use. Ultimately, a barn is being proposed on agricultural land. Its size appears reasonable in the context of the size of the surrounding agricultural land and the nature of the proposed use.
12. The proposal therefore falls within both the spirit and the letter of the 2015 Order and would be reasonably necessary for the purposes of agriculture within the agricultural unit, and complies with Schedule 2, Part 6 of the 2015 Order.

### **Other Matters**

13. A number of objections have been submitted by neighbours regarding access to the proposed barn and the appeal site along Packsfield Lane, the northern part of which also provides access to a number of homes. The specific objections are in relation to the effect the proposal would have on highway safety and traffic congestion due to traffic generation, particularly in the context of the narrowness of the lane and its poor condition. However, highway safety and traffic congestion are not matters before me in the prior approval process under Schedule 2, Part 6 of the 2015 Order. I have not, therefore, considered these matters further. Similarly, maintenance and upkeep of the lane is not a matter for this appeal.

### **Conclusion**

14. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*O S Woodward*

INSPECTOR