



Appeal Decision

Site visit made on 22 February 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16th May 2022

Appeal Ref: APP/A0665/W/21/3280040

Land at Three Oaks, Clive Back Lane, Winsford, Cheshire, CW7 3NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Harding of John Harding and Son against the decision of Cheshire West and Chester Council.
 - The application Ref 21/00193/FUL, dated 14 January 2021, was refused by notice dated 14 May 2021.
 - The development proposed is extension to agricultural produce and vehicle shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When the planning application subject of the appeal was made, the proposal was an extension approximately 30m x 12m. During the processing of the application the Council accepted amended plans (ref H10.02.21 Rev A) with a reduced footprint of 12m x 12m. The appellant has requested that the original scheme be considered. The Procedural Guide: Planning appeals – England (April 2022) states it is important that what is considered by the Inspector is essentially what was considered by the local planning authority. In this case, the original plans illustrate a substantially larger building than the scheme that was considered. I cannot be certain that interested parties would not be prejudiced if I was to accept the larger scheme. Therefore, I have determined the appeal on the basis of the plans that were determined by the Council.

Main Issue

3. The main issue is whether or not there is an operational need for the proposal in connection with an established agricultural enterprise in this location.

Reasons

4. The appeal site comprises approximately 1.25ha of land within the appellant's ownership and it extends from Clive Back Lane alongside the west coast mainline railway. In addition to an existing agricultural building, there is an extensive area of hardstanding and access track, 2 grass paddocks enclosed by timber post and rail fences and a large pond. The appeal site is in an area of sparsely developed open countryside.
5. Policy STRAT9 of the Cheshire West & Chester Council Local Plan Part One: Strategic Policies Adopted January 2015 (the LP1) permits certain types of development in the countryside including development that has an operational

need for a countryside location and the expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting. Policy DM6 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Document Adopted July 2019 (the LP2) supports new agricultural buildings where they accord with Policy STRAT9 and they meet additional criteria including that there is a demonstrated operational need for the development in connection with the agricultural enterprise.

6. Planning permission (ref 18/00796/FUL) was granted in 2018 for the existing agricultural building with a footprint of roughly 216sqm. It was justified on the need to store hay bales produced within the appeal site and on 20 acres of immediately adjacent rented land, associated farm vehicles and machinery, and other agricultural produce such as feed. Since then the appellant has taken on further land away from the appeal site and he currently farms over 80 ha, including the appeal site and roughly 5.25 ha of rented land at Clive Back Lane.
7. The proposed extension would be for the seasonal housing of livestock and the storage of agricultural machinery and hay, haylage and silage cropped from rented land elsewhere. The breeding and keeping of livestock and the use of land for grazing and cutting are agricultural operations. Farming businesses often comprise separate parcels of owned and rented land. Therefore, I am satisfied that a building for livestock, crop storage and machinery as part of a farming business would be an agricultural building.
8. The appeal scheme is proposed to meet the storage requirements associated with 1 to 2 cuts of haylage on roughly 3.4 ha of land at Lea Green Lane and 2 hay cuts with sheep grazing on roughly 0.58 ha of land at the B5074 Cross Lane. The ongoing tenancy agreements for both areas of land were entered into in June 2021, after the planning application was determined. No earlier agreements or correspondence from landowners confirming previous verbal agreements have been provided.
9. The business model is described as a simple one based on farming the land, keeping and grazing livestock and selling surplus hay and haylage crops to farmers who do not have enough land to produce their own hay and silage. However, although the business has operated in previous years, there is little detail in relation to livestock, grazing and cropping patterns, yields, volume and timing of sales, financial accounts or business plan.
10. There were some ewes and lambs in the existing building at the time of my visit. However, the number of livestock is not specified, nor their grazing or stored fodder requirements. I am not aware that the existing building was proposed for livestock keeping and it has not been demonstrated that there is a viable livestock enterprise at the site.
11. The requirements for grass crop storage appear to be based on a standard calculation of hay yield per hectare rather than the yields from previous years. It is not clear that the calculations take into account reductions in yield from the use of land for grazing or non-productive areas including hard standing and water bodies, as indicated on the maps and plans. It has not been demonstrated that the yields and storage requirements would be the same depending on the number of cuts or whether the grass was cropped for hay, haylage or silage.

12. Even accepting the calculations, there is little evidence that the total yearly volume would be stored simultaneously or for long periods. In the absence of evidence in relation to when or how the surplus crop is sold, I am not convinced that customers would not purchase hay and haylage in advance of when it was needed and store it themselves to ensure its quality. While the existing building is used to store the Clive Back Lane hay crop, there is little evidence of surplus hay, haylage or silage storage at the appeal site. Given that the business has already expanded such that similar activities have taken place in previous years, the evidence fails to explain where the additional grass crop has been stored and why those arrangements are no longer suitable.
13. The extension would also be used to store machinery purchased since 2018 in connection with the expanded business, although the recently acquired machinery is not specified. I understand the agricultural machinery is currently stored on the hardstanding in the appeal site and at the appellant's residential address. At the time of my visit, there were numerous pieces of machinery in the appeal site, presumably displaced temporarily from the existing building by the seasonal keeping of livestock. While agricultural machinery storage in a domestic setting may be undesirable, no plans or photographs of arrangements at the appellant's dwelling have been provided and I note the third party reference to the appellant having another yard at the opposite end of the lane. Consequently, it has not been demonstrated that the existing arrangements are not suitable or that there are no alternative vehicle storage solutions.
14. I accept that there are no buildings on the rented land and the appellant wants to erect a building on land that he owns rather than on rented land. However, it has not been robustly demonstrated that the erection of agricultural buildings on rented land is inherently financially unviable. There is in any case little substantive information in relation to the viability of the business either prior to or following its expansion. It has not been demonstrated that the livestock grazing and cropping activity at Clive Back Lane is a viable enterprise or that the expanded business is an established agricultural enterprise. There is little compelling evidence that a building extension of the size proposed is strictly necessary to support the farming activity at Clive Back Lane.
15. Therefore, I conclude that the proposal would not be demonstrably necessary to meet the operational needs of an established agricultural enterprise in this location. The size of the extended building would not be proportionate to the small-scale nature and scale of the appeal site. The proposal would conflict with the aims of LP1 Policy STRAT9 and LP2 Policy DM6 in relation to development in the countryside.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
17. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR