
Appeal Decision

Site visit made on 13 July 2022

by Sandra Prail MBE, MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref : APP/Z3825/W/21/3280167

Priory Fields Barn, Monastery Lane, Storrington, West Sussex RH20 4LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Schedule 2 Part 6 Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Mr Philip Orpwood of Norbertine Order against the decision of Horsham District Council.
- The application Ref. DC/21/1446 dated 21 June 2021 was refused by notice dated 16 July 2021.
- The development proposed is construction of open plan lean to for a tractor.

Summary of decision: the appeal is allowed and prior approval is granted in the terms set out in the Formal Decision

Main Issue

1. The main issue in the determination of this appeal is whether the proposed development represents permitted development in accordance with Class B Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) (Class B). Based on the evidence before me I shall consider whether the development falls within the definitional scope of Class B.
2. Class B concerns the carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development consisting of various specified categories of development where the development is reasonably necessary for the purposes of agriculture within the unit. One of the specified categories is the extension or alteration of an agricultural building.
3. The issue in dispute between the parties is whether or not the proposed construction of an open plan lean to for a tractor is reasonably necessary for the purposes of agriculture. There is no dispute that all other conditions and limitations of Class B are met and I agree. If the proposed development would be reasonably necessary for the purposes of agriculture then it falls within Class B and prior approval should be granted. If it does not then planning permission is required. I shall apply the balance of probabilities test to the evidence before me.
4. 'Agricultural land' for the purposes of Class B is defined as meaning land which before development permitted by this Part is carried out is land in use

for agriculture and which is so used for the purposes of a trade or business and excludes any dwellinghouse or garden. 'Agricultural unit' means any agricultural land occupied as a unit for the purposes of agriculture including any dwelling or other building on the land occupied for the purpose of farming the land by any person who occupies the unit or any dwelling on that land occupied by a farmworker. 'Agriculture' is defined within s336 of the 1990 Act.

Reasons

5. The appeal site is part of a field laid to grass with some trees. It is located outside the built-up area. It lies between a cemetery to the south, Kithurst Lane to the north, a residential plot to the west and an open area of private land to which the public are given access known as Matts Wood.
6. Planning permission (Ref DC/18/1695) was granted in 2018 for a storage barn and retention of access. The barn is used to support the land management of the Norbertine Order and volunteers who actively manage various parcels of land off Kithurst Land, including Matts Wood. The application the subject of this appeal concerns a proposed lean-to structure attached to the storage barn.
7. The application says that the proposed development is reasonably necessary for the purpose of agriculture because there is not enough space in the barn and that the proposed lean-to is designed for the storage of tractor and attachments. The Council accept that the activities are 'agricultural in nature' but say that there is no evidence of agricultural use for the purposes of trade or business.
8. In the absence of definition I have taken a common sense interpretation of the phrase 'for the purposes of a trade or business.' It is reasonable for it to include the trading of a charitable enterprise as in this case.
9. I have no reason to doubt the Appellant's evidence that the tractor is primarily used in connection with the nearby commercial vineyard. A vineyard falls within the meaning of agriculture. The fact that it is also used for non agricultural purposes (such as the cemetery) does not mean that its primary use cannot be for agricultural purposes. Whilst I recognise that the Appellant has not provided detailed corroborative evidence I also recognise the absence of any evidence that casts doubt on his version of events. I have no reason to doubt the Appellant's evidence. It is precise and clear. On the balance of probabilities the onus of proof that falls upon him in this appeal has been discharged.
10. I conclude on the evidence before me that the proposed development is an extension or alteration of an agricultural barn reasonably necessary for the purposes of agriculture within the agricultural unit. It falls within Schedule 2 Part 6 Class B of the GPDO and prior approval is granted.

Other matters

11. The Appellant in his submissions makes reference to the Council's planning performance and specific complaints in relation to the conduct of matters relating to the land. These matters are not within my remit in determining this appeal and are not issues that I have taken into account.

12. There are other appeals made by the Appellant on nearby sites. For the avoidance of doubt, I have determined this appeal on its individual facts.

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted for the proposed development the subject of application reference DC/21/1446 in accordance with the details provided.

Formal Decision

14. The appeal is allowed and prior approval is granted under the provisions of Schedule 2 Part 6 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for construction of open lean-to for a tractor at Priory Fields Barn, Monastery Lane, Storrington, West Sussex, in accordance with application Ref. DC/21/1446 made on 21 June 2021 and the details submitted with it.

S. Prail

Inspector