



Appeal Decision

Site visit made on 13 June 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/C1435/W/21/3286683

Coppice Farm, Middle Lane, Turners Green, Warbleton TN21 9RA

- 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, Paragraph A.2 (2) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr Nick Clarke against the decision of Wealden District Council.
 - The application Ref WD/2021/7048/AD, dated 10 September 2021, was refused by notice dated 11 October 2021.
 - The development proposed is erection of an agricultural building for storage of hay and straw plus additional equipment.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is reasonably necessary for the purposes of agriculture within the unit and thus whether it falls within the scope of permitted development under Part 6 of Schedule 2 to the Order.

Reasons

3. Schedule 2, Part 6, Class A of the Order permits the erection of buildings on agricultural units of 5 hectares (ha) or more in area, provided that the development is reasonably necessary for the purposes of agriculture within the unit. I have not been provided with a plan showing the full extents of the unit in this case. The application form indicates an overall unit size of 18.2 ha whereas the planning statement suggests that the farmed area is approximately 16.18 ha. Either way, there is no dispute that the unit exceeds the size threshold.
4. I am told that the land is used to produce an annual crop of hay and straw which amounts to approximately 6,000 bales. These bales are currently sold off the field, but the appellant proposes to keep at least two thirds of the harvest back, in order to take advantage of higher prices for equestrian hay outside of the summer season. This is not unreasonable. Matters of profitability and viability are not for consideration under the appeal; the Order requires only that the land is used for the purposes of an agricultural trade or business. An invoice for the sale of hay in August 2021 suggests that this requirement is met.
5. The proposed agricultural building would have a footprint of 30 m by 20 m and it would measure 5.5 m to the eaves and 6.9 m to the ridge. There is no objective evidence before me on the number of bales a building of this size can

accommodate, or its total capacity relative to the average crop yields from the agricultural unit over recent years. The development would also be used to store farm machinery but no information is provided regarding the size or type of that machinery. Moreover, there are no details on how the existing modern agricultural building on the site, itself a relatively large structure, would be used and why the volume of additional storage being proposed is necessary on top.

6. The test is not one of 'absolute' necessity. Nevertheless, the onus is upon the appellant to demonstrate how the proposal is reasonably necessary for the purposes of agriculture within the unit. The evidence presented falls short of convincing me on this point and therefore I conclude that the proposal is not within the scope of permitted development.

Other Matters

7. The Council contend that, should it qualify as permitted development, the proposal would require prior approval for the siting, design and external appearance of the building. The authority raises concerns over the impact of the proposal on the High Weald Area of Outstanding Natural Beauty. However, given my finding that the proposal is not permitted development, there is no purpose in going on to consider whether to grant prior approval.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR