



Appeal Decision

Site visit made on 4 March 2022

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/Z4718/W/21/3283934

Upper Langley Farm, Scissett, West Yorkshire HD8 9HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Edward Tipler against the decision of Kirklees Council.
 - The application Ref 2021/N /92459/E, dated 3 June 2021, was refused by notice dated 11 August 2021.
 - The development proposed is described as 'prior notification for erection of agricultural building'
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 2015 for erection of an agricultural building at Upper Langley Farm, Scissett, West Yorkshire HD8 9HY in accordance with the terms of the application Ref 2021/N /92459/E, dated 3 June 2021, and the plans submitted with it.

Preliminary Matters

2. The description of development has been taken from the appeal form, as no such description was provided with the original application form.

Background and Main Issue

3. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ('the GPDO') relates to development that can be undertaken within an agricultural unit of 5 hectares or more. It allows for the erection of a building reasonably necessary for the purposes of agriculture within that unit. Condition (2)(i), of paragraph A.2, includes the requirement for the developer to apply to the Local Planning Authority for a determination as to whether its prior approval would be required for the siting, design and external appearance of the agricultural building.
4. The reason for refusal states that the development is not considered to comprise permitted development under this class, as it has not been demonstrated that the proposed building is reasonably necessary for the purposes of agriculture within the unit. Should I conclude that the proposal falls within the scope of this part of the GPDO, consideration must then be given to matters relating to the siting, design and external appearance of the building. The Council was given the opportunity to comment on these matters.

5. The main issue is therefore whether the proposed development benefits from the provisions of Schedule 2, Part 6, Class A of the GPDO.

Reasons

6. The appeal site comprises land adjacent to the Kirklees Light Railway and bounded by open fields. The proposal relates to the erection of an agricultural building. To be permitted under Class A, this building must be undertaken on agricultural land comprised in an agricultural unit of 5Ha or more, and be reasonably necessary for the purposes of agriculture within that unit.
7. For the purposes of Class A, 'agricultural land' is defined as land in use for agriculture and which is so used for the purposes of a trade or business. Agriculture is not defined in the GPDO, but s336(1) of the Town and Country Planning Act 1990 provides examples of agricultural activities, to include the seed growing, breeding and keeping of livestock, and the use of land as grazing land.
8. The parties agree that the overall area of the site is around 19Ha. With regards to its use, the appellant states it is for raising cattle and growing crops. At the time of my visit numerous cattle were on site, along with harvested hay bales. Although there was evidence of some non-agricultural objects, the predominant items present were farm machinery and vehicles such as tractors, indicating an agricultural business. Some of these appeared weathered and rundown, but I accept it is common practice to retain such items for reuse of parts, and that there is currently no adequate internal storage on site. Overall, there was a clear lack of substantive evidence to demonstrate a reasonable alternative use of the site. I therefore conclude that the site is agricultural land for the purposes of Class A.
9. The Council has raised concerns as to the level of agricultural activity at the site, particularly due to the fact that land has already been lost to residential development. It queries the requirement of the proposal due to alleged limited activity, and refers to the findings of an Agricultural Consultant on the viability of future agricultural use at the site. However, these findings were not prepared in relation to the appeal proposal specifically. In any event, it is notable that the GPDO does not require a specific size or profit level of agricultural business within Class A, with the test being that the proposed building be "reasonably necessary" for such purposes.
10. In this regard, the appellant advises the building would be used for storage of feed and bedding, as well as the vehicles and machinery currently kept outside. They state this would prevent further deterioration of such items, to allow more effective management of the holding. From the evidence, I agree that such storage would support the agricultural use. Although sizeable, the building would comply with the dimensions in Part A and would be modest in the context of the overall agricultural unit. In addition, I noted a significant amount of machinery which would need to be stored, justifying the proposed scale. There is no compelling evidence before me that the building is designed for purposes other than supporting this agricultural use. I therefore conclude that it is reasonably necessary for this purpose.
11. As such, it is necessary to consider the design, appearance and siting of the proposal. It would be located within the site, largely screened from views by the surrounding trees. Where views of the proposal would be possible, it would be read and experienced against the agricultural nature of the site and the surrounding open fields. Although it would be sizeable, I consider that this would be appropriate in the context of the overall size of the site, and given the space required to store the

variety of machinery. In terms of its external appearance, it would be finished in steel and wood to reuse and reflect the materials of the former building within the farmstead, in keeping with the overall agricultural nature of the site. I therefore find the design, siting and external appearance of the proposal to be acceptable.

Conclusion

12. For the reasons given above the appeal should be allowed, and prior approval should be granted.

C Rafferty

INSPECTOR