



Appeal Decision

Site visit made on 14 December 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/T2350/W/22/3305134

Land off Church Lane, Great Mitton, Clitheroe BB7 9PL

- 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 A Wilkinson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0086, dated 26 January 2022, was refused by notice dated 15 August 2022.
 - The development proposed is an agricultural building and access track.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice I have been provided with is dated 15th August 2022, which would indicate that the decision by the Council was taken beyond the statutory period. However, there is consensus between the parties that the decision notice was issued on 15th February 2022, thereby falling within the required timescales. I have proceeded on this basis.

Background and Main Issues

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. Development that fails to meet these requirements of Schedule 2, Part 6, Class A, Paragraph A would fall outside the scope of these permitted development rights and would require an application for planning permission. It was on this basis that the Council refused to grant prior approval.
4. Where it is determined that development does fall within the scope of these provisions, and any limitations are met, the local planning authority is required to assess an agricultural building solely on the basis of its siting, design and appearance, whilst a private way must be assessed solely on the basis of its siting and means of construction. Whilst not forming a reason for refusal, the Council's Officer Report and Statement of Case also raised concerns with the siting of the proposed agricultural building and the appellant has responded on this matter.

5. Therefore, the first main issue is whether the proposed development falls within the scope of permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, with particular regard to (a) whether the proposed development would be on agricultural land and (b) if the development would be on agricultural land, whether the proposal would be reasonably necessary for purposes of agriculture within that unit.
6. The second main issue would then be to consider the suitability of the siting of the proposed agricultural building. It would only be necessary to consider this second main issue, if the requirements of Schedule 2, Part 6, Class A, Paragraph A as set out within the first main issue, are met.

Reasons

Whether the proposal is on agricultural land

7. The appeal site relates to a gently sloping field used for grazing. It lies in the open countryside, with a small number of dwellings and a public house in the immediate locality. This field extends to just over a hectare and contains no agricultural buildings. Further land comprising the agricultural unit is held at Low Moor, approximately 3 miles north. This separate parcel of land extends to approx. 4.7ha and at the time of my visit, it contained a steel framed open sided building with sheet roofing, containers and machinery. Hay bales were wrapped and stacked beyond the steel framed building.
8. For the purposes of Part 6 of the GPDO, "agricultural land" means 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.
9. I am advised that the agricultural unit is used primarily for keeping sheep (a flock of 27 breeding ewes and a ram, according to the submitted Additional Information Form) and for hay making to provide winter feed to the sheep, with any surplus sold off. The Council had the application appraised by an external firm of Chartered Surveyors and Land Agents, which advised that the Council may wish to seek evidence that the agricultural use relates to a trade or business.
10. A number of factors in this case suggest that this query is not unreasonable. These factors include the relatively small size of the holding and the informal tenancy arrangement for the land at Low Moor, the relatively small size of the flock which has only recently been acquired, reference to the keeping of vintage tractors, and reference to the appellant's employment in a non-agricultural trade.
11. I appreciate that these factors are not conclusive in themselves that the proposal does not relate to an agricultural use of the land for the purposes of a trade or business, only that given the circumstances, it is reasonable to seek clarification that an agricultural trade or business exists, and not simply a leisure activity or hobby.
12. There is insufficient evidence before me to determine that the land in use for agriculture is so used for the purposes of a trade or business. Whilst I appreciate that this does not necessarily have to be the main or only trade or business of the appellant, I have not been provided with any detailed business information or accounts, profits, revenues or tax payments, or any other

business or financial records to demonstrate that this use is for the purposes of a trade or business.

13. Additionally, the information provided refers to a considerable amount of machinery intended for storage within the building, including reference to two vintage tractors. There is not sufficient justification that a building, designed at least in part to store vintage tractors, is reasonably necessary for the purposes of agriculture within the unit.
14. Consequently, it has not been demonstrated that the proposal satisfies the requirements of Schedule 2, Part 6, Class A of the GPDO and so the proposal is not development permitted by it. In these circumstances, it is not necessary for me to go on and consider whether the proposed building is suitably sited.

Conclusion

15. For the reasons given above and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO. I conclude that the appeal should be dismissed.

S Brook

INSPECTOR