



Appeal Decision

Site visit made on 20 December 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/W3005/W/22/3295897

**The Mews Barn, Felley Mill Lane South, Underwood, Nottinghamshire
NG16 5DQ**

- 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 Steven Lewis against the decision of Ashfield District Council.
 - The application Ref X/2021/0061, dated 9 December 2021, was refused by notice dated 7 January 2022.
 - The development proposed is described on the application form as 'agri-storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is one of three relating to the same site. The other two cases, referenced APP/W3005/W/22/3295894 and APP/W3005/D/22/3293714, relate to different proposals and are subject to separate decision letters.
3. The Council determined the application based on the 'location map' submitted on 13 December 2021 and referenced Plan A2 in the appellants evidence. The plan indicates a 'proposed agri building', encircled within a red line drawn closely around the proposed building. Other land in the ownership of the applicant is shown outlined in blue. I will determine this appeal on the same basis.

Main Issue

4. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

5. Part 6 of Schedule 2, Class A of the GPDO provides that the carrying out of works for the erection, extension or alteration of a building on agricultural land comprised in an agricultural unit of 5 hectares or more in area, which are reasonably necessary for the purposes of agriculture within that unit, are permitted development subject to the conditions, limitations and restrictions set out within paragraph A.1. (a) to (k) inclusive.

6. Paragraph A.1. (b) of the GPDO indicates that development is not permitted by Class A if it would consist of the erection or extension of any agricultural building on an established agricultural unit where development under Class Q of Part 3 of Schedule 2 has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins.
7. An appeal decision¹ was allowed for the conversion of a barn under Class Q, on land within the appellants ownership, into a dwelling on 31 August 2018 with a requirement for the works to be completed within a period of 3 years, starting from the prior approval date. From what I saw on my site visit the works required to carry out the conversion had been completed.
8. In allowing the conversion of the former barn into a dwelling the Inspector was satisfied that the appeal site was being used solely for an agricultural use as part of an established agricultural unit. That said, I find nothing in the decision that defines the extent of the land which was considered to be the agricultural unit at that time. Similarly, in the current appeal there is no agreed definition of what is considered to be the agricultural unit.
9. On my site visit I saw that the land, as shown edged blue on the submitted plan, appeared to be part of the same agricultural unit. The agricultural unit appeared to include land close to the barn conversion, including land edged red on plan O. Moreover, whilst noting that the appellant's assertion that the proposed development falls outside the red line boundary for the barn conversion, given the drawings submitted, it could be reasonably interpreted that the proposed development is in the same area as the development permitted under class Q.
10. Part 6 Class A allows agricultural development on units of 5 hectares or more which are 'reasonably necessary' for the purposes of agriculture within that unit. The appellant indicates that the proposed building would be used for the storage of agri machinery etc. – equipment. However, at the time of my visit, it was evident that no agricultural activity was taking place on the land in the appellants ownership. In the absence of compelling evidence, I am not convinced that there is a need for the proposed development. In this regard it is incumbent on the applicant to provide sufficient information to demonstrate need. Consequently, I am unable to determine, with any certainty, whether the development proposed is 'reasonably necessary'.
11. Even if, I was to accept the appellants argument that, the area of the agricultural unit for this appeal should exclude the land associated with the barn conversion, and there is need for the proposed development, I am required to consider the proposals as detailed on the prior notification. In particular I am drawn to Paragraph A.1. (a) of Part 6 Class A of the GPDO, which indicates that development is not permitted if it would be carried out on a separate parcel of land forming part of an agricultural unit which is less than 1 hectare in area.
12. In this regard, I note that the area of the agricultural unit, as specified on the application form, is 160 square metres. This figure equates closely to the floorspace of the proposed building, and even allowing for space around the building, the appeal site would have an area well below 1 hectare.

¹ APP/W3005/W/18/3202400

Furthermore, there is no evidence before me to indicate whether any, or all, of the land outlined blue should be considered as part of the agricultural unit.

13. These matters, when considered together, mean that the proposed development fails to satisfy the conditions, limitations and restrictions set out within paragraph A.1. (a) to (k) inclusive.

Conclusion

14. For the reasons given above I conclude that the proposed development does not comply with the conditions, limitations and restrictions applicable to permitted development under Schedule 2, Part 6, Class A of the GPDO.

John Gunn

INSPECTOR