



Appeal Decision

Site visit made on 28 February 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/R3650/W/22/3303305

Elm Corner House, The Green, Dunsfold, Godalming, Surrey GU8 4LX

- 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
 - The appeal is made by Mr Thomas Reynolds against the decision of Waverley Borough Council.
 - The application Ref PRA/2022/01093, dated 1 April 2022, was refused by notice dated 29 April 2022.
 - The development proposed is 'Agricultural barn to house tractors, machinery and feed'.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. 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 GPDO), planning permission is granted for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of (a) works for the erection, extension or alteration of a building; which is reasonably necessary for the purposes of agriculture within that unit, subject to limitations and conditions.
3. As per the requirement at A.2.(2)(i) the appellant applied to the local planning authority for a determination as to whether the prior approval of the authority would be required as to the siting, design and external appearance of the building. Within 28 days from the making of the application, the Council determined not to grant prior approval for the appeal proposal.
4. The main issues are;
 - Whether or not the proposed development would be reasonably necessary for the purposes of agriculture within the unit, as required by paragraph A. of Schedule 2, Part 6, Class A of the GPDO; and;
 - if the proposals are permitted development, whether the siting, design and external appearance of the building would be acceptable.

Reasons

5. In order to benefit from the provisions of Schedule 2, Part 6, of the GPDO the proposals must meet the requirements set out in that Order. One such requirement is that the development proposal be reasonably necessary for the purposes of agriculture within the unit.

6. The appeal site comprises a rectangular parcel of land within a larger enclosure. At the time of my site visit, 2 storage containers and a range of vehicles including several tractors, machinery, and equipment occupied the site. A significant portion of the larger enclosure accommodated large bags of split logs, as well as log piles and log stores. No compelling evidence has been presented regarding the contents of the storage containers.
7. The statutory declaration (SD) confirms that the appellant and 3 other members of the Reynolds family residing at the farm known as Elm Corner House are farmers. Also within the SD, the appellant and co-signees, confirm that their occupations are as farmer and farm contractor; forester and farm contractors; and farmer/equine.
8. Based on observations during my site visit and the submitted evidence, I have no reason to doubt that the appellant undertakes agricultural activities within the agricultural unit which are part of a trade or business falling within the definition of agriculture identified within the Town and Country Planning Act 1990. Furthermore, I do not doubt that much of the machinery and equipment visible within the appeal site at the time of my site visit and detailed by the appellant could be used for agricultural purposes within the unit. However, many of them are also suitable for other purposes, including agricultural and forestry contracting and, particularly, for landscaping and groundworks purposes. It seems to me that much of the cited machinery, which includes a number of excavators, are also most suited to – and most likely to be associated with, on a day to day basis – the latter such activities, rather than agricultural purposes in the agricultural unit.
9. Whilst the appellant indicates that the building is required to store hay, straw, tractors, and various other machinery and equipment, significantly they do not confirm that all of these purposes are only in connection with agriculture within the unit. Furthermore, and noting the dual occupations of the appellant and his family; the Reynolds Groundworks sign written vehicle; and the Council's uncontested submissions regarding the extent of the groundworks business, I am unable to conclude that the building is reasonably necessary for the purposes of agriculture within the unit. In coming to a view on this matter, I have taken into account the details in the statutory declaration and accompanying exhibits.
10. It is only necessary for a failure to conform to one limitation within Schedule 2, Part 6, Class A of the GPDO, for development to be unlawful. On the evidence before me, I have found that the building is not reasonably necessary for the purposes of agriculture within the unit. As such it would not benefit from the permitted development right contained within Class A. Given this finding, there is no requirement to consider the siting, design and external appearance of the proposed building.
11. Even if there are no alternative suitable buildings within the agricultural unit for the storage of tractors, other agricultural machinery and equipment, and whilst the continued external storage of machinery would contribute to its deterioration, these considerations do not lead me away from my previous findings. Nor does the previous modification of the proposals following the refusal of a previous application for an agricultural building. Whilst a building would enable internal storage of hay and straw, increasing the potential to sell these commodities at higher prices and the ability of the appellant to secure

additional income for the holding, this also does not lead me to an alternative view regarding the conformity of the development proposals with the requirements of the GPDO.

12. On the evidence before me, I conclude that the proposed development would not conform with the requirements of Schedule 2, Part 6, Class A of the GPDO. Consequently, it is not development permitted by Schedule 2, Part 6, Class A, or Article 3(1) of the GPDO.

Conclusion

13. For the reasons given above, the appeal is dismissed.

V Simpson

INSPECTOR