



Appeal Decision

Site visit made on 20 June 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2023

Appeal Ref: APP/X1545/W/21/3289725

Creeksea Place Farm, Ferry Road, Burnham-on-Crouch CM0 8PJ

- 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 Harry Wilsdon against the decision of Maldon District Council.
- The application Ref AGR/MAL/21/00525, dated 10 May 2021, was refused by notice dated 24 June 2021.
- The development proposed is described as "agricultural barn for grain store, storage of farm machinery, general storage and workshop with small yard and track to access road. Roof to have solar panels for electric to make self-contained so not to rely totally on a generator for the grain drying fans at harvest."

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Schedule 2, Part 6, Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') permits agricultural development on units of more than 5 hectares. This includes (a) works for the erection, extension or alteration of a building, where the development is reasonably necessary for the purposes of agriculture within that unit.
3. The issue in dispute between the parties is whether the proposed building is reasonably necessary for the purposes of agriculture within that unit. As the Council do not consider the proposal to be permitted development, the limitations, exclusions, conditions and matters of prior approval set out within the GPDO have not been considered further.
4. Therefore, the main issue is whether the proposed building would be permitted development under Schedule 2, Part 6, Class A of the GPDO. Should I conclude that the proposal falls within the scope of this particular part of the Order, consideration must then be given to matters falling within the aforementioned paragraphs of the GPDO.

Reasons

5. For the purposes of Schedule 2, Part 6, Class A, the GPDO defines 'agricultural land' to be 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.

6. The information before suggests that the use of the appeal site has altered from the growing of barley and grape vines and permanent land for grazing, to the growing of grape vines, wheat and grass. However, at the time of my site visit, it appeared to be used predominantly for growing grape vines and grass, with a section used for grazing by a small number of goats. These activities are agricultural in nature. However, there is no evidence before me that they are for the purposes of a trade or business. Furthermore, there was no evidence that wheat or barley was being grown.
7. The information before me suggests that the building could accommodate such things as feed hay, bedding straw, grains, a workshop, machinery, fertiliser, chemicals, vine trellis materials and grape harvest boxes. However, I have not been provided with details of the machinery that would be required to crop and maintain the land in question, or the crops that would be produced from the land that would require indoor storage.
8. Other than the presence of two tractors on the land during my site visit and what appeared to be newly harvested grass, no other items were being stored outside, and therefore there is no requirement to 'minimise untidiness' from 'sprawling outside storage'. Furthermore, no evidence has been provided regarding the proposed workshop and how it would be used in association with the agricultural uses taking place on the land.
9. Based on the information before me, insufficient evidence has been provided to demonstrate that the agricultural building is reasonably necessary for the purposes of agriculture within that unit. Therefore, I cannot be satisfied that the proposal is permitted development. Consequently, the proposal would not comply with the terms of permitted development set out in Schedule 2, Part 6, Class A of the GPDO.
10. As the proposal would not be permitted development, it is not necessary for me to consider the prior approval application any further, including whether the proposed development would be acceptable in respect of the limitations, exclusions, conditions and matters of prior approval.

Other Matters

11. I acknowledge that the Council has also raised concern that there may be other buildings sited on land within the appellant's ownership that could be used for the proposed uses and therefore on this basis, the proposed building would not be reasonably necessary for the purposes of agriculture within that unit. However, this is not a matter or limitation for consideration under the prior approval process.

Conclusion

12. For the reasons set out above, the appeal should be dismissed.

A Berry

INSPECTOR