



# Appeal Decision

Site visit made on 25 August 2023

**by N Praine BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2023**

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**Appeal Ref: APP/W1850/W/22/3313590**

**Land off Wellbrook Lane, Peterchurch, Hereford, Herefordshire HR2 0SS**

- 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 (the GPDO).
  - The appeal is made by Mr Boaz against the decision of Herefordshire Council.
  - The application Ref 224028, dated 28 November 2022, was refused by notice dated 14 December 2022.
  - The development proposed is described as a general-purpose agricultural building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) ("The GPDO") permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit.
3. Paragraph A.2(2)(i) of the GPDO states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.
4. Therefore, the question of whether the proposal is permitted development needs to be dealt with first before the question of the prior approval matters is addressed.

## Main Issues

5. The main issues are whether the proposal would be permitted development, having particular regard to whether the building would be reasonably necessary for the purposes of agriculture. If so, the second main issue is the effect of the siting of the proposal on the character and appearance of the area.

## Reasons

6. The appeal site is sited approximately 2 miles from an existing farmstead. The roads are reasonably accessible by larger vehicles and the appellant currently commutes between the two sites.

7. From the evidence before me, it is reasonable to store agricultural equipment and forage, such as hay and fodder, in secure, clean and dry conditions. I also accept there may be circumstances where it's not acceptable to transport an animal on welfare grounds. These factors all weigh in favour of the proposed development.
8. However, setting aside any animal welfare grounds, it has not been clearly shown why fodder and equipment could not be reasonably transported onto and off site from the existing farmstead given the relative short distances between the two.
9. While I note the late submission of evidence regarding the appellant's existing tenancy arrangements, this information is very limited and does not robustly set out the particulars of the existing tenancy, notice periods, or the terms of its termination in sufficient detail to allow me to come to any reasonable findings.
10. My attention is also drawn to an application under reference P/201760. However, I have not been provided with any details or analysis of this application in relation to the appeal proposal. This therefore has no bearing on the outcome of this appeal.
11. It has been suggested that negative impacts on soils could arise during continuous wet weather. However, such impacts have not been clearly demonstrated to show the building is reasonably necessary.
12. I also acknowledge the National Planning Policy Framework supports sustainable growth and expansion of businesses in rural areas while limiting the need to travel. However, it has not been robustly shown that a building of this size, is reasonably necessary for the purposes of agriculture.
13. Given my findings, it is not necessary for me to consider whether to grant prior approval for the siting, design, and external appearance of the proposal as it would not change the outcome of this appeal.
14. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should not succeed.

*N Praine*

INSPECTOR