



Appeal Decision

Site visit made on 6 September 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/N1730/W/23/3318799

Land North of Triggs, Crondall Road, Crookham Village, Hampshire GU10 5RU

- 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 Mrs Carly Hooper against the decision of Hart District Council.
 - The application Ref 22/02858/GPDafb, dated 28 November 2022, was refused by notice dated 20 December 2022.
 - The development proposed is the construction of an agricultural storage building and the creation of hardstanding and access track.
-

Decision

1. The appeal is allowed and planning approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the construction of an agricultural storage building and the creation of hardstanding and access track at Land North of Triggs, Crondall Road, Crookham Village, Hampshire, GU10 5RU in accordance with the terms of the application, Ref 22/02858/GPDafb, dated 28 November 2022, and the details submitted with it, and pursuant to Schedule 2, Part 6, Class A, paragraph A.2 of the GPDO.

Preliminary Matters

2. The description of development in the banner heading and decision above is taken directly from the Council's Notice of Decision. No address was entered on the application form. Therefore, I have used the address provided on the appeal form.
3. Schedule 2, Part 6, Class A of the GPDO permits 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.
4. Condition (2)(i) of paragraph A.2 includes the requirement for the developer to apply to the Local Planning Authority for a determination as to whether prior approval would be required for the siting, design and external appearance of the agricultural building.
5. The Council's reason for refusal states that the development is not considered to comprise agricultural land in an agricultural unit and therefore it is not permitted development under this class.

6. My determination of this appeal is therefore firstly made in respect of whether the proposal falls within the definitional scope of permitted development set out in Part 6 of the GPDO. Should I conclude that the proposal falls within the scope of this part of the GPDO, consideration must then be given to matters relating to the siting, design and external appearance of the building. The Council considered the matters of prior approval in its Delegated Report.

Main Issue

7. The main issues are:

- whether the proposed development falls within the terms of the permitted development rights under Schedule 3, Part 6, Class A of the GPDO; and if so
- whether prior approval is required in terms of the proposed developments' siting, design and external appearance, and if so, whether prior approval should be granted.

Reasons

Whether permitted development

8. The appeal site forms part of a larger parcel of land, located adjacent to Crondall Road. Although there is a gate in the boundary fence alongside the road, the appeal site is currently accessed via the driveway to the adjacent Furney Copse Farm. At the time of my site visit the larger parcel of land was being used for housing poultry in several structures, each with fenced external runs, an area of bee hives and a field comprising rows of saplings. The appeal scheme comprises an agricultural storage building plus an access track via the existing gate adjacent to Crondall Road.
9. Although the GPDO does not define agriculture, there is no dispute between the main parties that the site is currently in agricultural use. Additionally, there is agreement that the larger parcel of land exceeds 5 hectares. However, the Council concluded that the planning definitions of agricultural land and agriculture unit are not met as there is no established lawful agricultural trade/business operation on the land.
10. Turning to the definition of the terms agricultural land and agricultural unit, specifically for the purposes of Part 6, Class A of the GPDO, these are set out in Class D.1, namely:
- 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.
 - Agricultural unit means agricultural land which is occupied as a unit for the purposes of agriculture, including:
 - a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
 - b) any dwelling on that land occupied by a farmworker.
11. Whilst the definition of agricultural land refers to the purposes of a trade or business, no specific requirements of what would be defined as a trade or

business are stipulated. Based on the evidence before me, including Egg Production Establishment details¹, letters from clients of the appellant's business² and my observations during my site visit, I am satisfied that the larger parcel of land is being used for the purposes of a business. Given the agreement between the main parties that the land is in agricultural use and, taking into account my conclusion that the appeal site forms part of a larger area of agricultural land, it follows that the appeal relates to an agricultural unit. Therefore, for the purposes of Part 6, Class A of the GPDO, the larger parcel of land, including the appeal site, meets the definition of agricultural land.

12. Although the definition of agricultural land for the purposes of Class A requires land to already be in use for agriculture, it does not limit the development permitted by Part 6 (in this case the erection of a building) to accommodate an existing agricultural activity. Rather, the need for the development should be demonstrated as reasonably necessary for the purposes of agriculture. That being the case, future agricultural use of the proposed building not already undertaken on the site would also be permissible, including agricultural activities the appellant aspires to undertake.
13. An assessment of what would be reasonably necessary has no links to the viability or profitability of a business, nor its scale or age. Additionally, for the building to be considered reasonably necessary, this applies to the structure itself and the uses carried out within it in support of the use of the agricultural unit as a whole. Therefore, in this circumstance, this is not limited to the use of the appeal site but also includes the larger parcel of land.
14. The proposed building would be used for packing the eggs collected from the poultry which is currently undertaken off-site. It would also allow for the storage of feed on site and any equipment required for the upkeep of the poultry and bees, and the maintenance of the land as a whole. The proposed access track would enable direct access to the building from Crondall Road without the need to use the land belonging to the neighbouring farm. Although the existing activities on the site are described as of limited scale by the Council, I am satisfied that the proposed development would be reasonably necessary to support the use already taking place on the site.
15. In addition to the provisions of Part 6, Class A of the GPDO, Class A.1 comprises the criteria under which development would not be permitted. Of these, the Council highlight in its Delegated Report criterion (d) which restricts the provision of a building, structure or works not designed for agricultural purposes. The Council agree that the proposed building and access track could reasonably be considered to be designed for agricultural purposes. Although the Council asserts that the proposed development is not reasonably related to the limited scale of operations that are currently taking place on the larger parcel of land, such an assessment does not form part of this criterion. Furthermore, I have already concluded that the proposed building and access track would be reasonably necessary to support the operations already taking place on the site.

¹ Letters from the Animal & Plant Health Agency dated 5 May 2022 confirming registration and dated 20 May 2022 with the packing centre number

² Letters from North Hants Golf Club Ltd – dated 8 February 2023; Hartley Wintney Traditional Butchers – undated; Army Golf Club – undated; and Fleet Scoop Ltd – undated

16. I therefore conclude that as the proposed development would be sited on agricultural land which is occupied as a unit for the purposes of agriculture and would be reasonably necessary to support the use taking place on the appeal site, it meets the requirements of the GPDO.

Siting, design and external appearance

17. The proposed development comprises a rectangular building of a scale and appearance typical of other agricultural storage structures commonly found in the countryside. Therefore, it would not be out of keeping with the rural landscape or its intended use. It would be positioned away from Crondall Road, on the rising topography of the site. Although visible from Crondall Road, views of the building and access track would be limited by the existing roadside hedgerows and trees.
18. Consequently, the proposed development's siting, design and external appearance would not unacceptably harm the character and appearance of the area.

Conditions

19. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for agricultural development on units of 5 hectares or more in paragraphs A.2(2) (v) and (vi). These specify that the development must be carried out in accordance with the approved details submitted with the application and within 5 years of the date of this approval. Under paragraph A.2(7) the developer must notify the local planning authority in writing within 7 days of the date on which the development is substantially completed.
20. Paragraph A.2(1)(a) states that development is permitted by Class A subject to a range of conditions. Where development is carried out within 400 metres of the curtilage of a protected building, which applies in this case in respect of the Grade II listed Triggs, any building, structure, excavation or works resulting from the development cannot be used for the accommodation of livestock except in circumstances described in D.1(3) of Part 6. The storage of slurry or sewage sludge, housing a biomass boiler or an anaerobic digestion system, the storage of fuel or waste from that boiler or system or the housing of a hydro-turbine is also not permitted within 400 metres of the curtilage of a protected building.
21. As such, there is no reason for me to impose any additional conditions.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Juliet Rogers

INSPECTOR