



Appeal Decision

Site visit made on 5 December 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/R0660/W/23/3324389

Land to the south of Dunge Farm, Macclesfield Road, Over Alderley, Cheshire, SK10 4SN

- 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.
 - The appeal is made by Mr Tom Gardiner against the decision of Cheshire East Council.
 - The application Ref 23/0952M, dated 7 March 2023, was refused by notice dated 5 April 2023.
 - The development proposed is Agricultural determination for the erection of an agricultural storage building.
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Decision

1. The appeal is allowed and prior approval is granted for 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)

Application for Costs

2. An application for costs was made by Mr Tom Gardiner against Cheshire East Council. This application is the subject of a separate decision.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for the erection, extension or alteration of a building which is reasonably necessary for the purposes of agriculture subject to limitations and conditions.
4. Paragraph A.2.(2)(i) to Part 6 requires the developer to apply to the local planning authority for a determination as to whether prior approval is required for the siting, design and external appearance of the building, and the siting and means of construction of the private way.
5. In this case the Council found the development was not reasonably necessary for the purposes of agriculture and that prior approval would be required for the siting of the building and the means of construction of the private way.

Main Issues

6. Therefore, the main issues are; (i) whether the proposed development would be permitted development; and if so, (ii) the visual effect of the proposed development on the surrounding area having regard to its siting and the means of construction.

Reasons

Whether Permitted Development

7. The appeal site covers a group of fields accessed off Macclesfield Road. A track runs along the side boundary of the fields to an area of land which has been levelled as part of the site's planning history. This unit is used for grazing, and the production of hay and haylage as part of a holding of 19.2 hectares run as an agricultural business. I understand from the submissions before me that there is no dispute between the parties as to the presence of an agricultural business or that the fields comprising the appeal site are part of this business.
8. The test as to whether a proposal is reasonably necessary for agriculture relies upon a judgement of what is 'reasonably', rather than 'absolutely', necessary for agricultural purposes at the unit. This test does not carry any connotation of requiring profitability or business viability to be demonstrated. Therefore, whilst the Council have suggested that the viability of the agricultural business is not reliant on the proposed building and that its size has not been justified, I do not find these matters to be particularly determinative in my considerations.
9. It is, however, clear from the submissions before me that the appellant intends to use the barn for the storage of farm equipment and produce, and that the hardstanding would accommodate vehicles serving the building. I find that these purposes are directly related to the agricultural use at the appeal site and within the wider agricultural holding. I also recognise that the appellant states that they do not have any other buildings suitable for this purpose. Therefore, I find that, in accordance with GPDO Paragraph A.1.(d) the building and hardstanding would be designed for agricultural purposes that might reasonably be conducted at the unit.
10. Although a significant period of time has elapsed since the 2017 permission for a barn, I note the history of events that have followed, including enforcement action and a subsequent planning application in 2018. I understand that application has not yet been determined by the Council. The Council have suggested that the length of time it has taken them to determine 18/2585M demonstrates that the appellant does not require a new agricultural building. However, I find the length of time it has taken the Council to consider that case is not pertinent to the needs of the agricultural business. Moreover, and as set out above, it is not necessary for it to be demonstrated that there is an absolute need for the development.
11. For the above reasons I find that the proposed building, and associated hardstanding, would be reasonably necessary for the purposes of agriculture as set out under Schedule 2, Part 6, Class A of the GPDO.

Character and Appearance

12. the appeal site is located within a rural area characterised predominantly by agricultural fields bounded by hedgerows and interspersed with sporadic buildings and wooded area. During my site visit I observed a number of large barn buildings in the surrounding area which appeared typical of modern agricultural buildings. The proposal would introduce a barn building clad in a mixture of timber and cement boarding served by an area of hardstanding.
13. The proposed barn would be located near the existing boundary hedgerow to the side of the field, it appears from the submissions before me that it would

be separated from this boundary by the existing track that runs through the field. I find that this siting would mean that the surrounding mature trees and hedgerows would provide some screening that would soften the appearance of the building in the surrounding area. The distance of separation between the barn and road would further soften the appearance of the barn in public views. Even when viewed, it would be read as an agricultural building within a wider agricultural landscape, and I find that its scale and appearance would be commensurate with the use and the surrounding context.

14. The proposed barn would be served by a formalised track and area of hardstanding from Macclesfield Road. This would form a direct route to the barn and would provide a suitable area for vehicles delivering to and from the barn to manoeuvre and park safely. I am mindful that the appellant has not provided full details of how the access and hardstanding would be surfaced. However, I find it likely that it would be some type of typical surfacing material, such as tarmac, compacted gravel or an otherwise bound material. I do not find that these would be incongruous with the materials used in the surrounding area to the detriment of its character and appearance.
15. Given the above, I do not find the siting, design and external appearance of the building, nor the siting and means of construction of the private way would have an adverse visual effect on the surrounding area.

Conditions

16. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions 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.

Conclusion

17. For the reasons given above, and taking in to account all other matters and material considerations, I conclude that the proposal would be permitted development and would be acceptable with respect to character and appearance. The appeal should be allowed.

Samuel Watson

INSPECTOR