



Appeal Decision

Site visit made on 9 January 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/V1505/W/23/3324335

Lady Springwood, Dunton Road, Little Burstead, Billericay CM12 9TZ

- 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 (as amended).
 - The appeal is made by Mr Barrie Stone against the decision of Basildon Borough Council.
 - The application Ref 23/00218/AGBAS, dated 14 February 2023, was refused by notice dated 10 March 2023.
 - The development proposed is a new barn for agricultural use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The figures given on the original application form for the area of the agricultural unit and the area of the parcel of land where the development is to be located are not consistent with the information in the accompanying Design and Access Statement (DAS). The Council considered the application based on the figures in the DAS, rather than those on the application form, and the appellant has not raised a concern with this. The figures provided in this appeal are broadly consistent with those in the DAS. I shall therefore consider this appeal based on the figures provided in the DAS and with this appeal.
4. 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 works for the erection of a building which is reasonably necessary for the purposes of agriculture within that unit, subject to limitations and conditions. These conditions include prior approval for the matters specified in paragraph A.2.
5. Paragraph D.1 of Schedule 2, Part 6 states that for the purposes of Class A "agricultural land" means land which, before development permitted by Part 6 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" is defined in paragraph D.1 as agricultural land which is occupied as a unit for the purposes of agriculture, including any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit.

Background and Main Issue

6. The Council refused the application because it was not satisfied that the land in question meets the definition of agricultural land; nor that the proposed barn is reasonably required for the purposes of agriculture within the agricultural unit. It therefore concluded the proposed development was not permitted under Schedule 2, Part 6, Class A of the GPDO.
7. The main issue in this appeal is therefore whether the proposed development would be granted planning permission by Article 3(1), Schedule 2, Part 6, Class A of the GPDO.

Reasons

8. Lady Springwood is an area of some 7.4 hectares that comprises grassland and wooded areas, an existing agricultural barn¹ and a dwelling². The proposed new barn would be located on part of the grassland.
9. The appellant states that the grassed areas of Lady Springwood, including the proposed location for the new barn, are currently farmed for rough hay. Notwithstanding that hay is made from dried grass, there is no pertinent evidence before me to substantiate this statement.
10. I accept that Lady Springwood is part of an agricultural holding in the ownership of the appellant, comprising five sites in the Essex region with a combined area of some 178 hectares. I also accept the existing barn at Lady Springwood is used to store agricultural machinery that serves sites within this holding. However, neither the appellant's Agricultural Holdings Certificate nor the agricultural use of the existing barn is sufficient to demonstrate that the site of the proposed new barn is in agricultural use.
11. The appellant has drawn my attention to evidence accepted by the Council when they granted permission for the existing barn. This includes a signed declaration from a worker confirming that he is employed by the appellant and provides regular land maintenance services at Lady Springwood. I have no reason to question the validity of this statement. However, land maintenance services do not necessarily constitute agriculture. There is little else before me to demonstrate that they do in the case of Lady Springwood.
12. I acknowledge the proposed new barn would accommodate larger farm machinery in a relatively secure location, which would enable the appellant's farming business to grow. It is also clear from the information before me that this business is not a 'hobby'. I am therefore satisfied the barn is reasonably required for an agricultural purpose. However, even if I were to accept that the 7.4 hectares at Lady Springwood meets the definition of an agricultural unit, I am not persuaded that machinery stored within the new barn would serve an agricultural purpose within that unit. Moreover, even if I were to take the

¹ Permission Ref 22/00955/LDCE dated 1 August 2022

² Permission Ref 02/00308/FULL dated 17 December 2002

appellant's entire agricultural holding as the agricultural unit for the purposes of this appeal, I am still not persuaded that the land to be occupied by the proposed new barn is in agricultural use.

13. Consequently, there is insufficient evidence for me to be satisfied that the proposed development would be carried out on agricultural land. I therefore conclude the proposed development would not be granted planning permission by Article 3(1), Schedule 2, Part 6, Class A of the GPDO.
14. As the proposal does not constitute permitted development, it is not necessary for me to consider whether prior approval should be given for the matters specified in paragraph A.2, such as siting, design and appearance.

Other Matters

15. The proposed development would include on-site solar and water collection facilities and would be likely to reduce traffic movements across the appellant's agricultural holding. However, these aspects of the proposal are outside the scope of matters that can be considered in this case.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

C Carpenter

INSPECTOR