



Appeal Decision

Site visit made on 13 December 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/X3540/W/23/3323933

Holly Tree Farmhouse, Bell Green, Cratfield, Suffolk IP19 0DN

- 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 Richard Boddy against the decision of East Suffolk Council.
 - The application Ref DC/23/1662/AGO, dated 24 April 2023, was refused by notice dated 23 May 2023.
 - The development proposed is an agricultural storage building.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) permits development for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares (ha) or more in area of works for the erection of a building which are reasonably necessary for the purposes of agriculture within that unit.
3. The main issue in this case is whether the proposed development would be granted planning permission due to the size of the agricultural unit under Class A of the GPDO.

Reasons

4. The site is mainly laid to grass which the appellant states is used for the purpose of hay production and its storage and then use for animal feed. A driveway leads from Bell Green to barns and a farmhouse, the appellant's main residence. The western part of the site (the purple area) includes a barn converted to holiday accommodation as well as two holiday glamping pods. A small piece of land in the south eastern corner (the orange area) comprises a domestic rear garden. The proposal is for an agricultural storage building for storing cut grass and associated farm machinery.
5. The GPDO defines agricultural land as land which is in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden. It defines an agricultural unit as meaning 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, or any dwelling on that land

occupied by a farmworker. Other buildings could include barns, cow sheds, pig sties and hen houses.

6. There is reference to a Parliamentary definition of dwellinghouse, but the GPDO interpretation of this for the purpose of Part 6 relates to the exclusion of a building containing one or more flats, or a flat contained within such a building. Further, the appellant considers that there are different meanings for dwellings and dwellinghouses and refers to restrictions on the use of the holiday cottages in this respect. However, as the GPDO does not include an interpretation for 'dwelling' and given the interchangeable use of the terms 'dwelling' and 'dwellinghouse' in the agricultural land and agricultural unit definitions, I do not consider that there are substantive differences between them.
7. A professional measurement by a land surveyor, including all ditches and planted boundaries, indicates that the site extends to 5.19ha. However, the Council states that this includes the purple area which measures 0.6ha and is used for tourism rather than agricultural purposes.
8. I observed that there is holiday accommodation, with associated parking and gardens, including children's play equipment and picnic tables, in the purple area which is largely separated from the rest of the site by a tall hedge. The appellant states that at least half of this area is grassed over and cut as hay for farm produce, but I saw little evidence of this, and the appellant has not provided any further information. Based on the information before me and my observations on site, I consider that this part of the site is largely in tourism use and does not fall within the GPDO definition of agricultural unit. By discounting it, the size of the agricultural unit is less than 5ha.
9. It is stated that the appellant owns and occupies the land and is responsible for farming it. The holiday accommodation diversifies and forms part of the farm holding business operation, with the income generated providing a subsidy to enable the appellant to farm the land as a viable single agricultural unit. It is not separately assessed for Council tax and any profits from holiday lettings are not usually assessed separately for income tax purposes. However, regardless of ownership, occupation and tax arrangements, I have found that the purple area is not in use for agriculture nor are the buildings within that area occupied for the purpose of farming the land. As such, it does comprise part of the agricultural unit.
10. The parties dispute the use and size of the orange area, with the appellant stating that they have not voluntarily ceased or abandoned use of this land and that they are taking legal action to cease any trespass onto it. I observed that it is being used as a rear garden for the occupiers of the adjacent Blackberry Cottage, separated from the rest of the site by a hedge. Even if it were to comprise part of the agricultural unit and regardless of its size, given my findings on the use of the purple area, counting this land would not result in the agricultural unit exceeding 5ha.
11. Consequently, I conclude that the proposed development would not be granted planning permission due to the size of the agricultural unit under Class A of the GPDO.

Other Matters

12. Holly Tree Farmhouse is a grade II listed building, but the parties do not refer to the proposal affecting its setting. As I am dismissing the appeal for not being permitted development under Class A, there is no need for me to consider the impact of the proposal on the setting of the listed building in this case.

Conclusion

13. For the reasons given above, the appeal is dismissed.

A Wright

INSPECTOR