



Appeal Decision

Site visit made on 26 March 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal Ref: APP/R0660/W/23/3331320

New Hall Farm, Cappers Lane, Spurstow, TARPORLEY, Cheshire CW6 9RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Vantage Livestock against the decision of Cheshire East Council.
 - The application Ref is 23/2227N.
 - The development proposed is an agricultural building for the storage of fodder and agricultural machinery to support the farming business.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an agricultural building for the storage of fodder and agricultural machinery to support the farming business at New Hall Farm, Cappers Lane, Spurstow, Tarporley, Cheshire CW6 9RP in accordance with the application 23/2227N and the details submitted with it, including the location plan and drawing No. 23-20256.

Main Issues

2. Schedule 2, Part 6, Class A of the General Permitted Development Order 2015 (the GPDO) permits the erection of a building on agricultural land on an agricultural unit of 5 hectares or more. For the appeal proposal, the parties agree that these requirements are met, but to benefit from the permitted development right, Class A also specifies that the proposal must be reasonably necessary for the purposes of agriculture within that unit. The Council disputes that the proposed building would meet this test, so this matter forms the first main issue in this appeal.
3. If, subject to the first main issue, the proposal is permitted development, it must also comply with the limitations and conditions set out in paragraphs A.1 and A.2 of Part 6. In this case, there is no dispute that the proposal complies with the requirements in paragraph A.1, and I have no reason to take a different view. However, the Council refused to grant prior approval for the siting, design and external appearance of the proposed development, which is a condition of paragraph A.2.(2). This matter is the subject of the second main issue.
4. The Council also refused the application on flood risk grounds, but this is not one of the matters for which prior approval is required under Part 6 Class A. There is no provision under Class A to withhold prior approval solely on flood

risk grounds, so the appeal could not be dismissed on that basis alone. Given these circumstances, I have not included flood risk as a main issue in this appeal. Instead, I have considered this matter as part of my wider assessment of siting.

5. The main issues in this appeal therefore are:

- whether the proposed building is reasonably necessary for the purposes of agriculture within the agricultural unit, so as to constitute permitted development, and,
- if it is permitted development, whether prior approval should be granted, having regard to matters of siting, design and external appearance.

Reasons

Whether reasonably necessary for the purposes of agriculture

6. New Hall Farm has recently been purchased by the appellant and comprises a farmhouse and associated agricultural land, with an area of around 9 hectares (23 acres). The appellant has explained that they run an agricultural business involving sheep rearing and sales, and the production of fodder. The business takes place across three sites, with a total area of just under 25 hectares. For the purposes of this appeal, I have taken the agricultural unit to be the entire holding, comprising the three sites.
7. The appellant's Design and Access Statement explains that the business has expanded over the last few years, with a flock of 60 sheep in 2023. A current focus on the purchase of pedigree breeds is a means to further expand the business and increase the value of stock. In order to support the business, the appellants wish to erect a building to store machinery and fodder, to avoid damage from weather and improve security.
8. When visiting the New Hall Farm site, I saw that the only existing agricultural building on that part of the holding is a modest sized shed, which is not large enough to house tractors or other machinery, or to store baled feed. No detailed information has been provided about the other two parcels of land in the holding, which are rented, but the appellant has confirmed that there are no suitable buildings on that land for storage of machinery and fodder.
9. Whilst information about the rented land is sketchy, the desire to construct an agricultural building on the land in the appellant's ownership is understandable. The provision of a facility for storing machinery and feed at New Hall Farm would provide support for the business, avoiding the risk associated with using rented premises, which, if they exist, may become unavailable.
10. To be 'reasonably necessary' for agriculture, Part 6 of the GPDO does not require a detailed analysis of floorspace requirements. Nonetheless, the Design and Access statement explains in some detail why a building of the scale proposed is needed to support the existing agricultural business, which takes place across the three sites which make up the holding. Reference is made to the particular machinery which needs to be stored, as well as the storage requirements for the number of bales which are likely to be produced on a holding of this size. I have no reason to doubt this information.

11. In their appeal statement, the appellant has confirmed that the building would not be used for livestock, as the sheep are currently kept outside all year, including for lambing. Again, I have no reason to dispute this.
12. Based on the information provided, I am satisfied that the proposal is reasonably necessary for agriculture on the agricultural unit. The scheme therefore constitutes permitted development.

Siting, design and external appearance

13. The appeal site is located within an area of undulating countryside, formed of grassed fields with mature trees and intact boundary hedges. The site is close to a loose cluster of attractive brick buildings grouped around the junction of Long Lane and Capper's Lane, which include the elegant dwelling at New Hall Farm and the Grade II listed Spurstow Primary School. A group of barns close to the site, which once formed part of the farm, have now been converted to residential use and are in separate ownership.
14. The submitted plans show that the proposed building would be some 18m long by 8m wide, with a ridge height of 5.7m. It would take the form of a typical modern agricultural barn of steel portal frame construction, with concrete panels and green fibre cement roof cladding. The Council has not raised any specific concerns about the external appearance of the building, which would be functional in form but not an unexpected form of development in a rural location such as this.
15. The proposed building would be sited at the edge of a large triangular field, which slopes gently down from Long Lane. Whilst it could be sited closer to the existing agricultural shed, the proposed position of the new building, at the lowest part of the field, would help to minimise its visual impact within the wider area. Existing mature trees within the adjacent field and along the field boundary would provide screening and help the building to become assimilated into the wider landscape. Trees which have been recently planted close to the proposed siting would, over time, provide additional screening, particularly from the nearby converted barns.
16. The new agricultural building would be some distance from Long Lane and at a lower level, so it would not appear particularly noticeable or prominent from that road. It would also be far enough from the Primary School to avoid causing harm to the setting of the listed building. At the same time, it would be close enough to nearby buildings so that, where it could be seen from the surrounding area, the new barn would be viewed in the context of the cluster of nearby buildings, and would not appear isolated.
17. The proposed building would be set apart from the adjacent residential buildings, but a degree of separation would avoid causing disturbance or harm to living conditions. Furthermore, a siting closer to the existing farmhouse, on higher land and closer to the road, would be more prominent from the public domain, including the listed Primary School, compared with that proposed.
18. The existing field track from Long Lane to the former poultry shed on the site would need to be extended slightly to reach the proposed building. However, the track is unmade, and the visual impact associated with extending it for such a short distance would be very limited.

19. The proposed building would be sited on relatively low lying land, close to a brook, and the Council has raised concerns regarding flood risk. As previously stated, flood risk is not a consideration for prior approval under Part 6 Class A of the GPDO. That said, drainage matters will need to have been taken into account by the appellant in selecting a suitable site for the proposed building, not least for purposes of insurance. This is particularly the case given the intended use for the storage of fodder and machinery, both of which are likely to be valuable and prone to damage by water. When I visited the site, field drainage works were underway, which indicates that this issue is being addressed.
20. On the basis of the above considerations, I conclude that the siting, design and external appearance of the proposed building would be acceptable. Prior approval should therefore be granted.

Conditions

21. Paragraph A.2 sets out a number of conditions which development permitted under Part 6 of the GPDO must comply with. Specifically, the development must be carried out within a period of 5 years from the date of this decision. Additionally, paragraph A.2(7) requires that, within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority of that fact in writing.

Conclusion

22. For the reasons set out above, the appeal is allowed and prior approval is granted.

R Morgan

INSPECTOR