



Appeal Decision

Site visit made on 17 April 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/N4720/W/24/3338950

Land off Woodacre Lane to the West of Bardsey Primary School, Bardsey, LS17 9DG

- 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 Meadow Estates Farming against the decision of Leeds City Council.
 - The application Ref is 23/04550/DAG.
 - The development proposed is agricultural building for storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be development permitted under Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO); and
 - If so, whether or not the proposal would satisfy the detailed prior approval matters regarding siting, design and external appearance.

Reasons

Whether permitted development

3. Class A of Part 6 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; or
 - (b) any excavation or engineering operations,which are reasonably necessary for the purposes of agriculture within that unit.
4. The Council considers that the proposal is not on an agricultural unit and the proposed building is not 'reasonably necessary for the purposes of agriculture'. Therefore, it would not be development permitted under Class A. The Council's opinion is that there is no evidence of the land being part of an agricultural unit; the applicant has an address in Leeds city centre and does not appear to be engaged in farming the land; and there is no evidence of agricultural activity by the applicant prior to March 2023. The Council also disputes the amount of

activity proposed on the land; the quantity of machinery required for such an enterprise; and questions the siting of the building.

5. The appellant's evidence is that the proposed development is within a large field which is part of an agricultural holding of more than 5 hectares. The field is used for the grazing of sheep and part of it for hay production to be fed to the sheep in the winter. The enterprise seeks to increase the size of the flock. The building would provide secure storage for the hay, machinery, feedstuffs and would be used during lambing.
6. The GPDO defines 'agricultural land' as land that is in use for agriculture, whilst an 'agricultural unit' is agricultural land which is occupied as a unit for the purposes of agriculture. Whilst the appellant has an agricultural holdings certificate, this of itself does not provide evidence of the use of the land or whether the land is part of an 'agricultural unit'. The enterprise has, however, entered into a DEFRA Countryside Stewardship Mid-Tier Agreement¹.
7. I saw that a small flock of sheep were grazing in the field. Close to one of the boundaries was a tractor, digger, trailer, fencing and other small pieces of equipment, as well as plastic bales. The submitted evidence includes several invoices for the purchase of sheep, equipment and payment for work on the land, as well as a letter from an accountant stating that the enterprise is a legitimate business.
8. Whilst the Council refers to a lack of evidence of the land being previously used for agriculture, this is not a requirement under the GPDO, only that the land has been used for agriculture before the development begins. A third party has commented on the enterprise and the siting of the building. However, based on the evidence, and from what I saw, I consider that the site is agricultural land which is part of an agricultural unit within the criteria set out in the GPDO.
9. When considering whether the building would be reasonably necessary for the purposes of agriculture, the building itself and the uses carried on within it must be reasonably necessary for the use of the land as an agricultural unit. The appellant has set out that the proposed building would be used for storage and for lambing. The submitted evidence states that not having a building on the site is affecting the management and growth of the enterprise. This results in increased costs as there is no undercover storage for hay, and some equipment and machinery have to be stored elsewhere. The appellant contends that this is preventing increasing the size of the flock, as well as not having any shelter when lambing is taking place. Based on the evidence, I am satisfied that the building and these uses would be reasonably necessary for the purposes of agriculture within the agricultural unit.
10. Therefore, the proposal would be on agricultural land which is part of an agricultural unit, and the building would be reasonably necessary for the purposes of agriculture within that unit. It would satisfy the criteria set out in A.1 (a) – (k) of Class A, Part 6 of the GPDO. It would therefore constitute permitted development under Class A subject to relevant prior approval.

Prior Approval Matters

11. Paragraph A.2(2)(i) of Schedule 2, Part 6 Class A of the GPDO requires the developer to apply to the local planning authority for a determination as to

¹ January 2024

whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

12. The building would be in a field on the edge of the village of Bardsey, to the rear of the primary school and reached by a track from Woodacre Lane. The entrance to the field is flat. The land rises steeply upwards towards the south where the building would be located some distance from the boundary with the school. A Public Right of Way (PROW) runs along the corner of the holding, close to woodland.
13. The building has been sited some distance from the entrance to the field as there is a high-pressure water pipe running along the line of the track preventing construction, and this area of the field becomes waterlogged. The building would have a typical agricultural style construction. Whilst it would be built into the slope of the ground, and land heights are shown on a topographical drawing, there are no section drawings showing how this would be achieved, only an annotation on the elevation drawings.
14. Whilst the building would be of a standard agricultural design, there are no other buildings in the field. It has no track to it, or hardstanding in front of it. Although it has been sited away from the boundary of the school to prevent disturbance and for reasons of safety, and to take advantage of an existing water connection, the field is very open, particularly to the north. The school would provide some screening on one side with its mature hedgerow boundary and small trees, with the slope of the hill screening the building from the south. However, to the north the landscape is much flatter with agricultural fields, low hedges and country lanes. The building would therefore be highly visible from wider views across the fields from the north and north-west, and likely seen from the PROW.
15. Although agricultural buildings are found throughout the countryside, an isolated building constructed on the slope of the field would be intrusive in this rural setting overlooking open countryside. Therefore, due to its siting, the building would be prominent and incongruous in the local landscape. For this reason, prior approval should not be granted.

Other Matters

16. An appeal decision² has been submitted for an agricultural building at Higher Valley View. However, the site and landscape of this appeal differ from that found at Higher Valley View. The appeal has therefore been determined on its own merits based on the evidence before me.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR

² APP/B2355/W/21/3289232