



Appeal Decision

Site visit made on 2 July 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/W4705/W/24/3337241

Land At Parsons Lane, Addingham, Ilkley LS29 0FA

- 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 Mr Charles Lister against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/02187/PNA.
 - The development proposed is an implement and storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares (ha) or more in area of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit.
3. Paragraph A.2(2) of the GPDO states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design, and external appearance of the building.
4. Therefore, the question of whether the proposal would be permitted development needs to be dealt with ahead of any consideration of the prior approval details.
5. The Council's decision notice states that the proposal is not permitted development under Part 6, Class A because in its view it has not been demonstrated that the building is reasonably necessary for the purposes of agriculture on the unit.
6. Additionally, the Council went on to refuse prior approval for the siting, design, and external appearance of the building due to the effect on the character and appearance of the area and landscape.

Main Issues

7. In light of the foregoing, the main issues are:

- Whether the proposal would be permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO; and
- If permitted development, whether the siting, design and external appearance of the proposal would be acceptable.

Reasons

Whether Permitted Development

8. The appeal site is part of a larger pasture field extending to approximately 10.3 hectares (ha) and currently contains no agricultural buildings, although a certificate of lawfulness confirms that a building which gained prior approval in September 2000 (Ref: 00/02147/PN) could still be erected. I am given to understand that a further 0.4 ha parcel of land is held somewhere nearby and that the appellant also has use of other land elsewhere, but very little detail is given.
9. The appellant states that the land at Parsons Lane is currently rented to a local farmer, but he intends to take it back to “restart his own farming operations”, with the site becoming the focus of all his operations with the option to rent a further 3.6 ha. This would include taking an annual hay and silage crop, grazing sheep, and relocating his pigs, although the number of sheep and pigs are not specified. He further states that he keeps 10 Highland cattle at a site in Pool-in-Wharfedale, which may be brought to the site should the grazing land prove sufficient to support them.
10. The production of hay and grazing of livestock are practices which fall under the definition of agriculture set out at s336(1) of the Town and Country Planning Act 1990 (as amended). However, Paragraph D.1. of the GPDO states that, for the purposes of Class A, “agricultural land” means ‘land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business’. This means that there must be an existing agricultural use and it must be operating as a business before buildings can be erected under Part 6.
11. At the time of my site visit there was no livestock or agricultural equipment being kept at the appeal site. Whilst my observations represent a snapshot, there is little else before me to determine that the land in use for agriculture is so used for the purposes of a trade or business currently. I have no detailed business information such as verified accounts, invoices, tax payments, or any other business or financial records to demonstrate an ongoing agricultural activity. Having a National Farmers Union membership and insurance is not of itself evidence of an agricultural trade or business being carried on.
12. While photographs have been provided to show some of the pigs, cattle, and equipment purportedly owned by the appellant, these are held in different locations, are modest in number, and there is no clear indication that they form part of a trade or business, as opposed to a leisure activity or hobby.
13. Additionally, the information provided refers to other non-agricultural items intended for storage and use within the proposed building, including firewood

- and the equipment used to process it. There is not sufficient justification that a building designed, at least in part, for the storage and use of these items is reasonably necessary for the purposes of agriculture within the unit.
14. The appellant also cites the need to store equipment securely to prevent theft and ensure the overall tidiness of the land. However, as there is no agricultural equipment or materials presently stored at the appeal site, there is no existing security risk or untidiness there.
 15. Overall, the evidence before me from the appellant is limited and in some respects aspirational. The levels of agricultural activity outlined by the appellant are modest and there is no clear indication that they form part of a trade or business, or would do so in the future.
 16. In view of the above, it has not been clearly demonstrated that the land on which the building would be sited is agricultural land as defined by the GPDO, or that the erection of the building is reasonably necessary for the purposes of agriculture within the unit. I therefore conclude that the proposal does not fall within the scope of permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO.
 17. In these circumstances, it is not necessary for me to go on and consider whether the siting, design and external appearance of the proposed building would be acceptable, including with regard to the claimed fallback position, as this would have no bearing on the outcome of the appeal.

Conclusion

18. For the reasons outlined, I conclude that the proposal does not constitute permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR