



Appeal Decision

Site visit made on 11 June 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/P4225/W/23/3332479

Harefield Hall Farm, Chadwick Lane, Heywood, Rochdale OL10 1QL

- 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 Order).
 - The appeal is made by Peter Cordwell of Gallop Gate Properties, against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 23/01064/AGR.
 - The development proposed is: agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the company on the planning application form is slightly different to that on the appeal form. Following clarification by the appellant's agent, I am satisfied that the company name is as stated on the application form, and I have therefore used this company name in my banner heading above.
3. On 21 May 2024, the Order was amended, to include changes to schedule 2, Part 6, Class A. The main parties were given an opportunity to comment on this matter, but no comments were received.

Main Issue

4. The reason for refusal indicates that the Council was not satisfied that the proposal benefitted from permitted development rights under Schedule 2, Part 6, Class A of the Order. Therefore, the main issue is whether the proposal would meet the definition of permitted development as set out in the Order, and if so, whether the siting, design and external appearance of the proposed development is acceptable.

Reasons

5. The permitted development right conveyed by the Order is conditional under paragraph A of Class A on the erection of the proposed building being carried out on agricultural land comprised in an agricultural unit of 5 ha or more, and being reasonably necessary for the purposes of agriculture within that unit. Clarification of the interpretation of Class A is provided at paragraph D.1 - (1) of Part 6 where it is stated that "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'. These criteria must be satisfied for permitted development rights to be engaged.

6. I have carefully considered the appellant's evidence and documents submitted with the appeal. In summary, the main business of the appellant and his family is demolition, and whilst the appellant and his family have engaged in some limited farming activity, he wishes to develop the farming business after the death of his father. The family owns two other farms, namely Collop Gate Farm, and New Gate Farm (the current family home), both within the Heywood area.
7. Furthermore, the proposal to develop Harefield Hall Farm has arisen due to the sale of 15 of the 80 acres of land at Collop Gate Farm for housing and a link road, together with operational difficulties at New Gap Farm (about 15 acres). It is further stated that this has left the farm business with insufficient agricultural land and no agricultural buildings. However, there is no substantive evidence before me of the nature of operational difficulties nor to demonstrate that any existing land holdings are insufficient.
8. The appellant states that the property at Harefield Hall Farm was purchased in 2022. However, there is no evidence before me in the form of any title. The application was made for a parcel of land (edged red on the location plan) immediately to the south of the buildings at Harefield Hall Farm, without any annotation regarding any land to which the building would serve.
9. The application form indicates that the total land holding is 20.0ha and that the land has been in use for agriculture for the purposes of a trade or business for 100 years. However, the evidence before me indicates that planning permission ref 13/00247/FUL was granted in 2013 (the 2013 application) for a conversion and new build housing scheme on the site of the existing buildings at Harefield Hall Farm. The Council's view is that the information submitted with the 2013 application indicated that the dairy farm at Harefield Hall Farm ceased operating in 2008.
10. A plan showing an agricultural land holding ref: 44/623/0445 has been submitted to the appeal, without any supporting information to indicate its purpose or relevance. The Ordnance Survey base date of the plan is 1997, and the date of signature is 12/5/97. The land edged pink includes the existing buildings at Harefield Hall Farm. The plan is annotated as 'original purchase 1963-64', and 'more recent purchase' without further clarity. No further details of any name or business registered to any agricultural land holding is before me.
11. It is therefore not clear from the evidence before me whether the agricultural use of the land and buildings at Harefield Hall Farm was abandoned, and if so, when any subsequent agricultural use was re-established. As such, I cannot be certain that the land is in lawful agricultural use, and it is not within my jurisdiction to make such a judgment in this appeal. Furthermore, the evidence before me does not demonstrate any security of tenure in the form of a title, nor can I be certain that it is currently registered as an agricultural land holding in the name of the appellant or in their control.
12. In any event, during my visit I saw a tractor within an undercroft in the centre of the courtyard farm buildings. Various agricultural vehicles and associated machinery were within the appeal site and cattle were present in the adjacent fields and in an open fronted barn type building near to the complex of buildings at Harefield Hall Farm. My observations therefore indicate that the

appeal site (edged red) and wider land appears to be in use for the purposes of agriculture.

13. Whether or not the existing agricultural use is lawful, I am required to consider whether the use of the land is in connection with a trade or business. However, there is no evidence before me regarding any registered company or any accounts pertaining to any business at Harefield Hall Farm, New Gap Farm or Collop Gate Farm either individually or in combination.
14. The 12 invoices/receipts submitted are for livestock (cattle and sheep), feed, sheep scanning services, farming machinery and equipment. Such purchases are in keeping with an agricultural trade or business. However, none of the receipts include any reference to Harefield Hall Farm as a purchasing or delivery address. Although six are in the name of the appellant at New Gap Farm, two of those predate 2022 when the appellant purchased the property at Harefield Hall Farm. Others are in the name of Collop Gate Properties or Cordwell Properties, but there is no substantive evidence before me to demonstrate their association with any trade or business at Harefield Hall Farm or any other site in the control of the appellant.
15. The appellant states he has about 100 cattle and 50 sheep within his holdings. However, there are no livestock records before me for Harefield Hall Farm or the other two sites, nor any evidence pertaining to any movement of livestock between any sites. The absence of more comprehensive financial or other data does not help to give any greater clarification as to the nature of any trade or business at Harefield Hall Farm or the other two farms. For these reasons, I am not able to conclude that the evidence before me robustly demonstrates a trade or business in relation to the site at Harefield Hall Farm.
16. The proposed building is of a considerable size at just over 30m long and just over 15m wide, with a ridge height of about 8.8 metres. The eaves height is stated to be about 5.2m, but this appears to be measured to the upper facia of open bays in one elevation. The external measurement to the roof edge is about 6m. While the evidence before me lists various pieces of machinery to be stored in the proposed building, there is no information regarding the dimensions of that machinery, nor any calculations to set out the volume of building required for their storage, together with any calculations setting out the required volume of any building for the storage of hay or feed. For these reasons, I am not satisfied that the need for a building of such a size has been robustly demonstrated.
17. My attention is drawn to other evidence to demonstrate the appellant's long-term intentions for the site. However, there is some confusion in the evidence before me in this regard.
18. There are two Planning Statements before me, one submitted with the application dated 19/09/2023 (the September statement), and another dated 30/8/2023 (the August statement), which was submitted by the appellant to the Council following a previous refusal for prior approval for a similar scheme. Both documents refer to 'the proposal to develop the farm holding to replace both Collop Gate Farm and New Gap Farm'.
19. The appellant's statement of case (entitled Planning Appeal) is dated 3/11/2023. It refers to the two other farms and sets out that 'a decision was made in 2022 to acquire Harefield Hall Farm as the main family residence and

to transfer the farm to this site.’ The September statement states that ‘the farm will have 120 acres (48.6 hectares) 55 acres of land at Harefield Hall Farm and 65 acres at Collop Gate, with the aim of accommodating around 200 beef cattle and 300 sheep.’ The August statement states that ‘the farm will have 55 acres of land, with the aim of accommodating around 200 beef cattle and 300 sheep.’

20. Consequently, it is not clear whether the intention is for all farming operations to be located at Harefield Hall Farm, or only Harefield Hall Farm and Collop Gate Farm; and what the size of any such farming operations might be in terms of land and livestock.
21. The appellant’s evidence indicates that the family intend to live at Harefield Hall Farm, subject to the approval of a planning application ref 23/00464/FUL. The appellant advises that this application has been submitted to the Council for a residential conversion scheme for the farm buildings at Harefield Hall Farm. The full details of that application are not before me, but the appellant has submitted the Design and Access Statement (DAS) for that application, and a proposed masterplan to this appeal.
22. The proposed masterplan indicates a conversion scheme for five units with a roundabout between that development and the proposed building before me, to include a considerable number of additions of a similar footprint to that before me. However, the DAS makes no reference to any proposed dwelling(s) being intended for the appellant’s occupation in relation to any wider use of the land for agriculture, any relationship to any overarching plan for farming operations in the control of the appellant, nor to the overall masterplan and the proposed agricultural building(s).
23. Moreover, the DAS states that ‘the character of the area has changed from a working farm to what is now becoming a residential area.’ The document also draws attention to an outline permission ref: 17/00048/OUT granted in February 2017 for eight houses on land to the south in support of that proposed scheme, which appears to be on the same site as the appeal site before me. Consequently, these matters do not appear to robustly corroborate the appellant’s intentions.
24. Drawing all my reasoning together, I can only conclude that it has not been demonstrated that the proposed development would meet the definition of permitted development as set out in the Order, and therefore it would not be reasonably necessary for the purposes of agriculture. Given this conclusion, it is not necessary for me to consider matters relating to the siting, design and external appearance of the proposed development.

Conclusion

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

J Moore

INSPECTOR