



Appeal Decision

Site visit made on 17 September 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/V0728/W/24/3345102

High Barnaby Farm, Middlesbrough Road, Guisborough TS14 6RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning 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 Mr D Crawford against the decision of Redcar and Cleveland Borough Council.
 - The application Ref is R/2023/0720/PNA.
 - The development proposed is steel framed agricultural shed.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is:
 - 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).

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 excavations or engineering operations,which are reasonably necessary for the purposes of agriculture within that unit.
4. The Council considers that the proposed building is not 'reasonably necessary for the purposes of agriculture' as the scale of the proposed building at 936m² would not be commensurate with the scale of the operational agricultural unit. The existing farmhouse is not occupied by the appellant and has not been lived in for many years. Whilst a land ownership plan and a Rural Payments Map was requested, instead, a land registry plan was provided which the Council considers relates to the neighbouring property. The Council considers that the proposed building is currently not necessary, although acknowledge

that it may be required in the future. In addition, they have queried the use of haulage in an agricultural building in this location.

5. The appellant has detailed that the livestock on the 13ha holding includes 48 cattle, 150 sheep and 15 pigs. The proposed steel framed and sheeted building would be used for the storage of agricultural equipment, feed, silage, and fertilisers. A proposed floor plan shows that several vehicles would be stored in the building, including two lorries.
6. A farm has been on the site for over 300 years, which the appellant took control of around a decade ago. The appellant intends to increase the agricultural activity at High Barnaby Farm and currently does contract farming on other local farms. Presently most of the equipment is stored off site and whilst some of this and the vehicles would be used infrequently by the appellant, they are seen as necessary for the long-term maintenance of the land. The proposed storage would both protect and prevent the items from being stolen. The haulage vehicles, which would be kept within the proposed building, are considered by the appellant to be a reasonably necessary activity for an agricultural enterprise.
7. Although the Council's officer did not see any animals on the site when they visited several times, the appellant contends that they had probably wandered out of sight. They consider that sufficient evidence of the need for the agricultural building on a long-established agricultural unit has been provided. Moreover, the appellant contends that the Council has, when considering the term 'reasonably necessary for the purposes of agriculture within that unit' incorrectly considered whether the building was the right size for the agricultural unit, rather than assessing if the proposed use is reasonable for the purposes of agriculture on the site and no other non-agricultural uses. As such, they contend that the Council has not followed the correct procedures.
8. I saw that agricultural land surrounds the farmhouse and there were some cattle grazing on the land. However, there was no evidence of any sheep or pigs, and I do not know whether the cattle were those kept on 'a bed and breakfast arrangement'. However, the appellant has stated that stock numbers are currently limited because of not living on the site and the lack of facilities.
9. Whilst the appellant has provided a County Parish Holding (CPH) number and a Single Business Identifier (SBI) number from the Rural payments service, a Rural Payments Map or clarification of the land registry plan was not provided to the Council. Other evidence of the agricultural activities on site, such as the buying or selling of animals, feedstuffs or equipment has not been submitted. Therefore, whilst I saw the original farmhouse that is proposed to be restored, and the surrounding agricultural land, there is limited substantive evidence of the agricultural operations on the land.
10. When considering whether the proposed 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. Therefore, the size of the building, which could have a ground area of up to 1, 500m² or 1,000m² if used for accommodating livestock or any plant or machinery arising from engineering operations, as set out in the GPDO, is not the determining factor.

11. I could see that a building to store equipment, machinery and feedstuffs would be necessary for the keeping of livestock, and as a farm holding of more than 13ha, the GPDO would allow a much larger building. However, there is limited substantive evidence of the livestock on the farm, and no evidence of their movements, feed receipts, or any land title. Moreover, I only saw a small number of the proposed animals, and at present, there is no one living on the farm to support these animals.
12. Therefore, drawing all these factors together, I cannot be sure that the building is reasonably necessary for the purposes of agriculture in this unit. Consequently, it would not satisfy the necessary criteria set out in A.1 of Class A, Part 6 of the GPDO. It would therefore not constitute permitted development under Class A.

Other Matters

13. The appellant has suggested that the Council has previously refused other applications on the site, whilst prior approval applications on other farms have been approved. However, I have limited substantive evidence that this has taken place. The appellant refers to a previous application at the site in 2022 which was refused based on residential amenity and the impact on the character and appearance of the area. Caselaw has been cited to support this, and the process of determining whether prior approval is required. Whilst the appellant disputes this decision, the application was determined by the Council and matters pertaining to it are not for me to question in the context of this appeal. Instead, these are matters between the main parties which do not affect the outcome of the appeal.
14. The appellant also refers to planning permission being granted for holiday lodges in the vicinity of the site. I have not been provided with details of this permission, and whether it is comparable to the appeal that is before me.
15. I acknowledge that the appellant is trying to improve the facilities on a farm that has become unused. Moreover, they have set out the reasons for the siting of the proposed building, including the submission of topographic lidar information. This includes locating the proposal close to the main farm and other buildings to reduce the visual impacts on the neighbouring dwelling and the surrounding landscape, and to improve the security of the equipment. Notwithstanding this, I have found that the proposal would not constitute permitted development.

Conclusion

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

M J Francis

INSPECTOR