



Appeal Decision

Site visit made on 13 November 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/U2370/W/24/3344655

**Estuary View Farm, Wardleys Lane, Hambleton, Poulton-le-fylde,
Lancashire FY6 9DX**

- 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 Elaine Shore of Estuary View Farm against the decision of Wyre Borough Council.
 - The application reference is 23/01171/AGR.
 - The development proposed is an agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework has been published (12 December 2024). This has not raised any new matters which are determinative to the outcome of this appeal.

Background and Main Issues

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. Development that fails to meet these requirements of Schedule 2, Part 6, Class A, Paragraph A would fall outside the scope of these permitted development rights and would require an application for planning permission. It was on this basis that the Council refused to grant prior approval.
4. Where it is determined that development does fall within the scope of these provisions, and any limitations are met, the local planning authority is required to assess an agricultural building solely on the basis of its siting, design and appearance.
5. Therefore, the first main issue is whether the proposed development falls within the scope of permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, with particular regard to whether the proposed development would be on agricultural land comprised in an agricultural unit of 5 hectares or more.

6. The second main issue would then be to consider the suitability of the siting of the proposed agricultural building, as well as its design and appearance. It would only be necessary to consider this second main issue, if the requirements of Schedule 2, Part 6, Class A, Paragraph A as set out within the first main issue, are met.

Reasons

Whether the proposed development would be on agricultural land comprised in an agricultural unit of 5 hectares or more

7. The appeal site lies between Wardleys Lane and the River Wyre to the west. It comprises part of a field presently used for the grazing of sheep. An existing building is positioned nearby. Planning permission for this existing building was applied for in 2020¹, albeit a larger building was subsequently applied for retrospectively in 2023². I am advised that this building was intended for use as a hay store, but that it has been used for the storage of agricultural machinery, because of numerous reported thefts and vandalism at the farm.
8. The appellant indicates that the farm has 20 breeding ewes and 20-30 store lambs. The breeding ewes are expected to produce an average of 30 lambs, which will be fattened and sold, along with the store lambs. There is an intention to increase these numbers in the short term. The information before me sets out that hay is taken off remaining land, with one cut stored for animal feed, and the second cut sold off. The proposed building would provide covered hay storage, to prevent rot from weather damage. Information is provided on the quantity of hay to be stored, to justify the size of the building proposed.
9. While the Council has previously granted full planning permission for a building at this location and a larger replacement, on the basis that it was for the purposes of agriculture, the application subject of this appeal is made under the provisions of the GPDO. The Council has questioned whether the relevant requirements of the GPDO are met, as no accounts relating to an agricultural trade or business were provided, and the extent of the land holding was not shown on plan.
10. The appellant suggests that the Council has previously accepted that the farm extends to 11ha, and that it involves the farming of livestock and hay, as part of the 2023 application for the existing building. Examples are also referenced of other applications for prior approval considered by the Council, where the appellant suggests that the same level of scrutiny has not been applied. Nevertheless, these disputed matters are before me, and I am required to make a decision based on the available evidence.
11. I am provided with a plan showing the appeal site and the adjoining land within the appellant's ownership. The Council indicates that this area extends to 9.66 acres (3.9ha). No further plan is provided indicating the location and extent of any additional land either owned or rented by the appellant, that comprises an agricultural unit extending to more than 5ha.
12. Extracts are provided from the Rural Payments Agency (RPA) website which include the appellant's name, the address of the appeal site under the header

¹ 20/01022/FUL

² 23/00926/FUL

'Business details', along with a land summary dated December 2023, indicating 4 land parcels, totalling approximately 11ha. The appellant states that the business trading under Estuary View Farm has been farming for four years, and that in order for the land to be registered with the RPA for the Basic Payment Scheme (BPS), it has to total 5ha or more, and be used for agricultural purposes. Redacted extracts of a summary of BPS claim statements from 2021, 2022, and 2023 have also been provided, along with a Veterinary Visitation Attestation, which I am told is a requirement for those selling sheep at auction.

13. While these website extracts are noted, I am unable to view the information submitted to the RPA as part of any registration or claim process. Nor have I been provided with any rules or regulations governing the RPA, in order to understand how any information provided to them, has been considered. Even though these extracts suggest a land holding of approximately 11ha, they do not provide me with the necessary evidence to conclude that these parcels of land operate as a single agricultural unit extending to 5ha or more. Similarly, while reference is made to a business, the evidence available to me does not clearly demonstrate the operation of an agricultural trade or business. It seems to me that providing details of the location and extent of the land comprising the agricultural unit should be a straightforward process, as should be the provision of accounts demonstrating the operation of a trade or business associated with that agricultural land. This has not been provided in this case.
14. Consequently, it has not been demonstrated that the proposal satisfies the requirements of Schedule 2, Part 6, Class A, Paragraph A of the GPDO and so the proposal is not development permitted by it. In these circumstances, it is not necessary for me to go on and consider the suitability of the siting of the proposed building, or its design and appearance.

Other Matters

15. The appellant considers that the Council was not proactive, by failing to request further information. While I appreciate that this must have been frustrating for the appellant, it does not alter my findings in relation to the main issue.

Conclusion

16. For the reasons given above and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO. As such, the appeal should be dismissed.

S Brook

INSPECTOR