



Appeal Decision

Site visit made on 18 November 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/E2530/W/24/3342282

Pinehill Farm, Main Street, Carlton Scroop NG32 3AU

- 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 James Fowles against the decision of South Kesteven District Council.
 - The application Ref is S24/0356.
 - The development proposed is traditional general purpose agricultural building for farming activity.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 2, Class 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for general purpose agricultural building for farming activity at Pinehill Farm, Main Street, Carlton Scroop NG32 3AU in accordance with the application S24/0356 and the details submitted.

Preliminary Matters

2. The appellant provided evidence in relation to whether there is an existing agricultural use at the site at the final comments stage. I have therefore afforded the Council further opportunity to comment upon this evidence. It has chosen not to, on the basis that it should have been provided at the outset of the original application.
3. Although the Council considers that the consideration of this evidence would be contrary to the Wheatcroft¹ principles, the provided evidence does not constitute amendments to the proposal or change its nature. Furthermore, the Council has been afforded the comment upon the additional evidence. Therefore, having regard to both the principles set out in Wheatcroft and Holborn Studios², I am satisfied that no party would be prejudiced by my taking account of this evidence.
4. Paragraph A.2 (iv) of Class A of Part 6 of Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') requires that where prior approval is required, that publicity is undertaken by the appellant displaying a site notice for no less than 21 days. The appellant has confirmed that this was undertaken, and I

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC (Admin)

have been provided with no reason to doubt this. I therefore consider that the proposal has been appropriate publicised.

5. The revised National Planning Policy Framework was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties.

Background and Main Issue

6. The main issues are:

- whether the proposal is within the scope of the development described in Schedule 2, Part 6, Class A of GPDO, and;
- if so, whether it is acceptable with regard to its proposed siting, design and external appearance.

Reasons

Whether permitted development

7. Class A of Part 6 of the GPDO makes provision for the erection of a building on agricultural land comprised in an agricultural unit of 5 hectares or more which is reasonably necessary for the purposes of agriculture within that unit. There is no dispute between the main parties that the agricultural unit is in excess of 5 hectares.
8. Paragraph D.1. in Part 6 of the GPDO clearly 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.
9. The appeal site generally has the appearance of farmland, more so the flatter area closest to the road, rather than the rising land to the north. However, at the time of my visit there was no livestock on the land, nor any evidence of farming activity. Nevertheless, I acknowledge it does not necessarily follow that the land is not in agricultural use, as such activity can be intermittent; for example, livestock may have been relocated for the winter, nor was my visit at a suitable time of year for the growing, mowing or baling of hay.
10. It is stated that 200 sheep have been grazed and 100 bales of hay harvested at the appeal site over recent years, and a number of photographs have been provided of the appeal site showing a number of bales. Whilst this would suggest that the field has, at some point been mown for this purpose, the photographs are undated. Further undated photographs have been provided of pigs and sheep, and while it is difficult to confirm that the photographs were taken at the appeal site, I have been provided with no reason to doubt that they were. However, the uncertainty of the age and precise location of these images reduces the weight that I can afford them.
11. It is apparent that business insurance was in place for a business at Pinehill Farm until October 2020, and the provided veterinarian reports and animal movement certificates indicate that a veterinarian visit took place in December 2023, and pigs were transported from the appeal site to an abattoir on at least two occasions in December 2023 and January 2024. It is also stated that meat

from sheep and pigs reared on the land has been sold to the public or supplied to a burger business over a period of 3 years. Whilst not individually conclusive, these factors strongly indicate that some form of commercial enterprise existed at the appeal site prior to the application being made in March 2024. There is no evidence before me to doubt the appellant's claims in these respects.

12. I am also mindful that the Council granted prior approval for an agricultural building in 2020 at the appeal site, and that in doing so, it must have been satisfied that the land was in agricultural use at that time. This does not indicate that the use is continuing, however when considered in the context of the other evidence that is before me, suggests that one was present at that time, and there is no evidence to demonstrate that it has since ceased.
13. Therefore, on the balance of probabilities, agricultural activities including the keeping of livestock and mowing and baling of hay are being carried out at the site on a commercial basis. I therefore consider that the land is agricultural for the purposes of Schedule 2, Part 6, Class A of the GPDO.
14. The evidence indicates that the appellant resides around 65 miles from the appeal site, does not have local access to existing agricultural buildings, and that the proposal would be used to store machinery and equipment. Given my findings above, in relation to the nature of the use, this would be directly related to, and reasonably necessary for agriculture.
15. For the above reasons, I find that the proposal would fall within the scope of permitted development sent out in Schedule 2, Part 6, Class A of the GPDO, subject to the consideration of prior approval matters.

Siting, appearance and materials

16. As the Council, in reaching its decision, considered that the proposal would not comprise permitted development, it did not proceed to consider the prior approval matters. In light of this, during the course of the appeal I afforded the Council opportunity to provide comment on these matters, should it wish to do so. The Council has subsequently declined to provide any comments, and I have proceeded on this basis.
17. The appeal site is located in a rural area characterised by farmland. The proposed building would be sited towards the north-western corner of the site. This is the highest part of the land, and the building would be located just below the crest of a hill. As a result, it would have a degree of prominence.
18. However, other buildings, including what appears to be a substantial house are also visible on the skyline close to the proposed location of the building. As a result, these buildings, although potentially not associated with each other, would visually appear as a grouping. In this context the proposal would not appear harmfully incongruous.
19. The proposal would measure 32 metres in length and 9 metres in breadth. It would be 7 metres high, with eaves at 4 metres. While a large building, it would not be of an unusually large scale for an agricultural building. The proposed materials of steel, brick and metal cladding, with a green and brown colouration would also be appropriate for the location and use of the building.

20. Therefore, I consider that the proposal would be acceptable in relation to its siting, appearance and materials.

Conditions

21. For the avoidance of doubt, any approval granted for the development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO is subject to the conditions set out in paragraph A.2 including the time limits for when development must be carried out as set out at A.2 (2) (vi).

Conclusion

22. For the reasons given above, I conclude that the proposal would be permitted development and would be acceptable with regard to siting, appearance and materials. Therefore, the appeal is allowed and prior approval granted.

C Harding

INSPECTOR