



Appeal Decision

Site visit made on 3 December 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2025

Appeal Ref: APP/A0665/W/24/3347017

Land off Ashton Road, Manley, Cheshire WA6 6PA

- 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 David Shiel against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03727/AGR.
 - The development proposed is a steel framed agricultural building for the storage of fodder and farm equipment.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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 GPDO) for a steel framed agricultural building for the storage of fodder and farm equipment at Land off Ashton Road, Manley, Cheshire WA6 6PA in accordance with the application 23/03727/AGR and the details submitted with it.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for the erection, extension or alteration of a building which is reasonably necessary for the purposes of agriculture subject to limitations and conditions.
3. Paragraph A.2.(2)(i) to Part 6 requires the developer to apply to the local planning authority for a determination as to whether prior approval is required for the siting, design and external appearance of the building.
4. In this case the Council found the development was not reasonably necessary for the purposes of agriculture and that prior approval would be required for the siting and design of the building.
5. The provisions of Class A do not require regard be had to the development plan. I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting, design and the external appearance of the building.

Main Issues

6. Therefore, the main issues are; (i) whether the proposed development would be permitted development; and, if so, (ii) the visual effect of the proposed development on the surrounding area, having regard to its design; and, (iii) the effect of the proposals siting on highway safety.

Reasons

Necessity for Agriculture

7. The Council accepts that the appeal site is agricultural land that comprises part of a wider agricultural unit. I understand that the holding is used for the growing of grass as a crop to produce approximately 105 bales per harvest. There are currently no agricultural buildings on site and, at the time of my visit, a number of vehicles and other machinery were parked near the entrance to the field.
8. The appellant submits that the proposed barn would be used for the storage of fodder, which I understand to include the abovementioned bales, and farm equipment and machinery. The equipment and machinery would include two tractors, two diggers, trailers, a topper, and a flail mower amongst other tools. These would be variously used for cropping, the management of the holding and its general maintenance. It is not disputed between the parties that this use would be associated with the wider agricultural use of the holding.
9. The test as to whether a proposal is reasonably necessary for agriculture relies upon a judgement of what is 'reasonably', rather than 'absolutely', necessary for agricultural purposes at the unit. The size of the building and whether a smaller or simpler building may suffice is a question of 'absolute' rather than 'reasonable' necessity. Therefore, whilst the Council have suggested that the size of the building is excessive for the scale of the existing business and has not been properly justified, I do not find this matter to be particularly determinative in my considerations.
10. I am also mindful that although the building would be large, comprising an area of 800 square metres, it would nevertheless sit below the maximum area of 1000 square metre permitted by the GPDO.
11. For the above reasons the proposed building would be reasonably necessary for the purposes of agriculture as set out under Schedule 2, Part 6, Class A of the GPDO.

Character and Appearance

12. The appeal site covers a small portion of a large undulating field adjacent to Ashton Road and a railway line. The field is otherwise bounded by mature vegetation and trees. The field sits between a large woodland and a wider agricultural area interspersed with smaller wooded areas. The field rises up from the access off Ashton Road before dropping away again to towards the appeal site and proposed location of the barn.
13. The proposed barn itself is simple in design and form and would make use of materials typical of modern agricultural buildings. The building would therefore be visually in keeping with what is usually expected from modern agricultural barns within farm units. Given its location set away from the road and behind

a rise, the building would not be readily visible from Ashton Road. Although it may be more easily viewed from the railway, this would nevertheless be against a backdrop of agricultural land. It would not, therefore, appear as an incongruous or harmful feature.

14. I am mindful of the Council's concerns as to the scale of the barn but consider that agricultural buildings are typically larger structures as a result of their use and agricultural requirements. In this case, the barn is not of such a scale as to be out of keeping within, or detrimental, to the surrounding rural landscape.
15. Given the above, I find the siting, design and external appearance of the building would not have an adverse visual effect on the surrounding area. I have taken into account, and find the proposal would comply with, Policies ENV2 and ENV6 of the Local Plan (Part One) Strategic Policies (the LP1) and Policies GBC2, DM3 and DM6 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2). These policies collectively, and amongst other matters, seek for new development, including agricultural buildings, to respect and be sympathetic to their context and the character and distinctiveness of the surrounding landscape. It would also comply with the Framework with regard to its aims on design, character and appearance.

Highway Safety

16. The proposal would make use of an existing access on to Ashton Road. The access is on the outside of a bend in the road and near a railway bridge. An apron of hard surfacing has been formed and vegetation has been kept back from the road in both directions.
17. Although at the time of my visit a branch partially screened views in the direction of the railway bridge, it was clear that this had fallen, likely as a result of recent storms, and was not a permanent feature.
18. I understand that the appellant is reliant upon contractors bringing vehicles, equipment and machinery onto the holding to manage it and harvest crops as there is nowhere to safely store vehicles on site. As the holding is already in use, and given the need for vehicles to travel to and from the site to carry out any work, the holding already generates vehicular movements associated with the vehicular access.
19. I am mindful of the Council's concerns as to the standard of the existing access but, as I have found it is already in use, there is already a potential risk to highway safety. The storage of vehicles on site would negate the need for the contractor vehicles traveling to and from the holding and, as such, somewhat reduce the number of movements to and from the site.
20. While other movements are likely to remain, this would nevertheless be an improvement over the existing situation. Therefore, the siting of the proposed agricultural building at the appeal site would not harm highway safety around the existing access.
21. The siting of the barn at this location would not so increase associated vehicular movements as to unacceptably affect the highway safety of the existing access and Ashton Road. I have taken into account, and find the proposal would comply with, LP1 Policy SRAT10 and LP2 Policies T5 and DM6 which collectively seek to protect from development leading to highway safety

concerns. It would also comply with the highway safety aims of the Framework.

Other Matters

22. I note letters of support having been submitted by interested parties suggesting that agreements had been made with the appellant as to the use of the barn for non-agricultural purposes. However, as the information has only come from interested parties and not the appellant, I cannot be certain that this is the case and as such this has not been determinative in my considerations.

Conditions

23. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions in Paragraphs A.2(2)(v) and (vi). These specify that the development must be carried out in accordance with the approved details submitted with the application and within 5 years of the date of this approval.

Conclusion

24. For the reasons given above, and taking in to account all other matters and material considerations, I conclude that the proposal would be permitted development and would be acceptable with respect to character and appearance, and highway safety. I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR