



Appeal Decision

Site visit made on 19 November 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2025

Appeal Ref: APP/V0510/W/24/3347319

Hythe Farm, Hythe Lane, Burwell, Cambridgeshire CB25 0EH

- 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) (GPDO).
 - The appeal is made by Graham Reeve of GD&JR Reeve against the decision of East Cambridgeshire District Council.
 - The application Ref is 24/00413/AGN.
 - The development proposed is a storage barn.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Article 3(1) and Schedule 2, Part 6, Class A of the GPDO permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares (ha) or more in area of: (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.
3. This is subject to several limitations where such development is not permitted, listed under paragraph A.1, and subject to compliance with conditions, as set out under paragraph A.2.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Other than changes to the paragraph numbers the content of the Framework, insofar as it is relevant to this appeal, has not substantively change. As such, it was not necessary to consult the parties on this matter.

Main Issue

5. The main issue relevant to this appeal is whether the proposal would constitute permitted development with regards to whether it would be carried out on land that comprises an agricultural unit of 5 ha or more within the meaning given at paragraph D.1.(1) of the GPDO.

Reasons

6. For the proposal to be permitted development under Part 6, Class A of the GPDO, the proposed building must be erected on agricultural land comprised in an agricultural unit. For the purposes of Part 6 of the GPDO, at paragraph D.1.(1) "agricultural land" means land which, before development permitted

by this Part is carried out, is in use for agriculture and which is so used for the purposes of a trade or business. "Agricultural unit" means agricultural land which is occupied as a unit for the purposes of agriculture.

7. A plan has been submitted showing the location of the proposed barn and the neighbouring land which comprises land over 5 ha. The Council identified that planning permission had been granted several years ago for horse livery on part of the identified land¹. The planning history for the site within the Council's Officer's Report shows that several applications have been approved to confirm matters reserved by conditions as well as compliance with conditions for said application. The appellant does not dispute this and based on the evidence before me this land is used for this purpose and is no longer used for agricultural purposes.
8. As a result, the Council identified that the remaining land shown on the submitted plan within the agricultural unit and used for agricultural purposes equates to around 3.25 ha. The appellant has not disputed this figure and in light of the evidence before me I see no reason to conclude otherwise.
9. The application form identifies that the agricultural unit covers 25 ha of land and the appellant notes that due to the scale and dispersal of the unit that preparing a plan to show the entirety of the unit would be impractical. Whilst this may be so, no accompanying plan to indicate the location, number, or size of the other parcels of land that are used for agricultural purposes and form the wider agricultural unit has been submitted. Additionally, no financial information or substantive evidence has been provided to identify the other land within the agricultural unit.
10. While the appellant may farm 25 ha of land, I do not have unambiguous evidence that the proposed storage barn would be carried out on land that comprises an agricultural unit of 5 ha or more. The onus lies on the appellant to provide conclusive evidence to support and confirm the size of the land holding and its location, which has not occurred in this case.
11. The appellant has referred to a purportedly similar but unreferenced application nearby that was approved by the Council, but I have not been provided with the details of that application and nor the information that was submitted with it. As such, I am not aware of the evidence that was before the Council when determining that application to draw comparisons between them.
12. For the reasons set out above and having regard to the available evidence, the proposal fails to meet the requirements of Schedule 2, Part 6, Class A of the GPDO and so it would not constitute permitted development.

Other Matters

13. As considerations in relation to prior approval are a follow-on condition stage under Paragraph A.2, this can therefore only apply if the development is permitted development. As the proposal is not permitted by Article 3(1) and Class A, there is no need for me to consider whether prior approval is required.

¹ Application Reference: 08/01052/FUL

Conclusion

14. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR