
Appeal Decision

Site visit made on 28 January 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/P2935/W/24/3352140

Land North West of Kipperlynn Farm, Kipper Lynn, Stocksfield, Northumberland

- 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 Alistair Carr against the decision of Northumberland County Council.
 - The application Ref is 24/01965/AGRGO.
 - The development proposed is general purpose storage building.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the carrying out on agricultural land comprised of an agriculture unit of 5 hectares (ha) or more in area of works for the erection of a building which is reasonably necessary for the purposes of agriculture within that unit. Paragraphs A.2.(1) to (7) of Class A set out a range of conditions that the permission granted by Class A is subject to. Amongst these, paragraph A.2.(2) states that the developer is required to apply to the local planning authority for a determination as to whether the prior approval will be required as to the building's siting, design and appearance.
3. Therefore, the question of whether the proposal would be permitted development needs to be dealt with ahead of any consideration of the prior approval details. The Council's position is that the proposal is not permitted development under Part 6 Class A as it is not considered that the proposal would constitute development reasonably necessary for the purposes of agriculture within an established agricultural unit.
4. While the site is located within the Green Belt, as the principle of development is not for consideration, the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise.
5. As such, having regard to the above, the main issues are:
 - whether the proposal would constitute permitted development under the terms of Part 6, Class A of the GPDO; and if so
 - whether the siting, design and appearance of the building would be acceptable.

Reasons

6. The appeal site is part of a larger area of pasture fields extending to approximately 4.66 hectares (ha). The wider fields currently contain no agricultural buildings but there is an area of loose gravel that is used as a livestock handling area. There are also some 3.63ha of grazing land over 1 kilometre away which are said to be directly related to the appellant's operations. The total area of permanent pasture is over 8ha and as such it is not disputed that the appeal scheme relates to an area of 5ha or more, as required by the GPDO.
7. The appellant's Statement of Agricultural Need (2024) explains that the land is farmed for the grazing of livestock and harvesting of hay each year which entails a variety of machinery and tools. There are a series of photographs in the Statement showing the machinery purportedly owned by the appellant, which is currently stored at a rented facility. This arrangement is said to not be economically viable or sustainable in the long term and it is indicated that the proposed storage building is therefore essential for the day-to-day operations at the landholding. The proposal would also serve as an operational base for the next generation of the farming family.
8. The production of hay and grazing of livestock are practices which fall under the definition of agriculture set out at Section 336(1) of the Town and Country Planning Act 1990 (as amended). From my observations I have no clear reason to doubt that agricultural activities take place on the landholdings. However, GPDO Paragraph D.1 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 a building can be erected under Part 6.
9. The landholdings are said to provide the appellant with a source of revenue and the land is farmed for a profit. Nevertheless, having a grazing licence, Rural Payments Agency Map and a Small Business Identifier reference number for part of the landholdings is not, of itself, evidence of a trade or business as they do not necessarily convey or quantify the nature of any commercial activities at the site. Furthermore, it has not been shown whether or not the use of the land meets the requirements of the active farmer test.
10. While the appellant's submissions make reference to harvesting practices including hay and straw sales and land management practices, this information is not supported in any detail and so does not add weight to a case required to demonstrate an existing agricultural business or trade. Accordingly, there is not any robust business or trade information to substantiate the nature or commercial basis of the existing activity at the landholdings.
11. The proposal is modest in size and is commonly the type of building that falls to be considered under permitted development rights. However, to benefit from permitted development rights in Part 6 of the GPDO, the agricultural land must be so used for the purposes of a trade or business. Even taking account that the GPDO requires any building to be 'reasonably' rather than 'absolutely' necessary for the purposes of agriculture, there is no clear indication that the activities on the landholdings form part of a trade or business, as opposed to a leisure activity or hobby. Accordingly, there is not sufficient justification that the proposed storage

building would be reasonably necessary for the purposes of agriculture within the agricultural unit.

12. I have considered the examples of decisions for apparently similar proposals. However, I do not have all the details of those cases before me, which generally differ in overall size of landholdings and so are not directly comparable. The other examples do not, therefore, lead me away from my above findings, which in any event are based on the planning merits of the case. The appellant also cites the need to store machinery securely to prevent theft after a recent spike in localised incidents. However, as there is no agricultural machinery presently stored at the appeal site, there is no existing security risk.
13. To conclude, while the landholdings are over 5ha in area and there is evidence of agricultural activity on the land, these activities have not been clearly shown in substantiated evidence to be grounded on a commercial agricultural basis. I am therefore unable to conclude that the landholdings are currently in use for the purposes of a trade or business. As such, it has not been clearly demonstrated that the land on which the building would be sited is agricultural land as defined by the GPDO, or that the erection of the building is reasonably necessary for the purposes of agriculture within the unit. I therefore conclude that the proposal does not fall within the scope of permitted development under Part 6, Class A of the GPDO.
14. In these circumstances, it is not necessary for me to go on and consider whether the siting, design and external appearance of the proposed building would be acceptable, as this would have no bearing on the outcome of the appeal.

Other Matters

15. While the appellant has expressed frustrations with the Council's handling of the case, this does not alter or outweigh my findings which are based on the planning merits of the case.

Conclusion

16. For the reasons outlined, I conclude that the proposal does not constitute permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO. Therefore, the appeal should be dismissed.

F Harrison

INSPECTOR