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## Appeal Decisions

Site visit made on 5 March 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 MARCH 2025

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**Appeal Ref: APP/U2370/W/24/3347664**

**Land Adjacent to Woodcar, Grange Road, Hambleton, Lancashire, FY6 9DB**

- 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 Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
  - The appeal is made by Mr R Fenton of P & R Fenton Limited against the decision of Wyre Borough Council.
  - The application Ref is 24/00427/AGR, dated 26 May 2024, was refused by notice dated 21 June 2024.
  - The development proposed is the erection of an agricultural storage building.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. Class A of Part 6 of Schedule 2 of the GPDO permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares 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. Paragraph A.2.(2) of Class A requires (amongst other things) the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
3. The main issues are whether (i) the proposal would be permitted development under Class A of Part 6 of Schedule 2 of the GPDO, having particular regard to whether the erected building would be carried out on agricultural land comprised in an agricultural unit of 5 hectares more in area, and, (ii), if so, the effect of the proposal in terms of its siting, design and external appearance.

### Reasons

4. The application is for a prior notification for the erection of a steel framed agricultural storage building measuring 8 metres by 15 metres with a dual pitched roof at 7.3 metres high. It would be faced in metal cladding. The accompanying planning statement states that the building is required to store machinery and feed for ewes and lambs.
5. The GPDO defines an agricultural building as a *'building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business, and agricultural use refers to such uses'*, and defines an

established agricultural unit as *'agricultural land occupied as a unit for the purposes of agriculture'*.

6. The appellant does not dispute the LPA's evidence that in considering a planning application for an agricultural workers accommodation on the appeal site<sup>1</sup>, the land agent established that the appellant owned 240 acres of grassland which was rented out to two neighbouring farmers who *'take up to four silage crops from the land over the summer and winter to store sheep on the land'*. The LPA states that the *'report confirms that all of the labour for harvesting the grass and primary care for the wintered livestock is provided by the two licencees who live on their own holdings and this base the case for the last twenty years. The report further outlines that the maintenance of hedges, fences, gates etc is undertaken by contractors'*.
7. While there is no dispute that the appellant owns 240 acres of farmland and that it is in agricultural use, there is no information before me in respect of the exact nature and site area of the tenant farmers' business activities. Moreover, it remains possible that there are at least two agricultural units on the land (i.e., associated with the two tenant farmers). It is not clear from the evidence how much land is associated with each tenant farmer business/ agricultural activity.
8. Moreover, the appellant states that the proposed building is for his own agricultural purposes (i.e., *'his needs'*). He has not submitted detailed information about what land he actually farms, as distinct from land that he owns, and the extent of any associated agricultural unit. It is also noteworthy that his 'mixed agricultural' business was dissolved in March 2024. While he may still be engaged in an agricultural trade or business on part of the land, the submitted details are not sufficiently precise or detailed in terms of this matter. Hence, I cannot determine with any degree of certainty that the proposed building would be reasonably necessary in connection with any agricultural activity within the relevant agricultural unit.
9. Given the uncertainty in respect of the above, I am also unable to conclude whether the proposed building would in fact fall within an agricultural unit of five hectares or more. This is an important consideration when considering whether Class A or Class B of Part 6 of Schedule 2 of the GPDO is applicable to the proposal. Indeed, new buildings are not permitted development under Class B of Part 6 of Schedule 2 of the GPDO. Furthermore, I do not know what machinery would need to be kept in the building, or the amount of feed needed to be stored within the proposed building.

## Conclusion

10. On the evidence that is before me, and for the above reasons, I do not find that the evidence sufficiently supports the premise that the proposal would be permitted development under Class A of Part 6 of Schedule 2 of the GPDO. For this reason, it has not therefore been necessary for me to consider whether the proposal would be acceptable in terms of its siting, design and external appearance. Therefore, I conclude that the appeal should be dismissed.

*D Hartley*

INSPECTOR

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<sup>1</sup> Planning application 24/00068/FUL