



Appeal Decision

Site visit made on 4 February 2025

by **N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/A4710/W/24/3350724

Row Farm, Row Lane, Sowerby, Sowerby Bridge, Calderdale HX6 1JP

- 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 Timothy May of Parish Holding No. 493491231 against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/40009/AGR.
 - The development proposed is an agricultural storage building.
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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 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an agricultural storage building at Row Farm, Row Lane, Sowerby, Sowerby Bridge, Calderdale HX6 1JP in accordance with the application 24/40009/AGR and the details submitted with it.

Preliminary Matter

2. The site is located within the Green Belt, the Council state that the proposed development would not be inappropriate development within the Green Belt. I see no reason to disagree with their conclusions in this regard.

Main Issues

3. The main issues are:
 - whether the proposal would be reasonably necessary for the purposes of agriculture; and,
 - the effect of the siting of the proposed development on the character and appearance of the area with particular regard to the Blackwood Common Landscape Character Area.

Reasons

Reasonably necessary for the purposes of agriculture

4. In order for the proposed development to be permitted development it must meet the criteria as set out in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This allows for the erection of agricultural buildings on agricultural units

of 5 hectares or more. I am satisfied that the land immediately associated with Row Farm and other land together exceeds 5ha.

5. Paragraph A.1 of the Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) states that development would not be permitted by Class A if the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. The parcel of land where the building is proposed covers an area of 0.46ha therefore is under the required threshold. In this case, due to the separation between other parcels of land connected with Row Farm being field boundaries, I am satisfied that combined with neighbouring parcels of land that the area exceeds 1ha. Which aligns with the Council's findings. Based on the information before me the proposal would satisfy the remaining parts of paragraph A.1 of the GPDO.
6. The evidence states that the farm is a long-established farming enterprise. The current business has 20 cattle and 50 sheep, the livestock are rotated around different parcels of land within the control of the appellant, some being remote from the main farm. The evidence shows other parcels of land under the ownership of the appellant, and I have no reason to doubt that this is the case.
7. The appellant has stated that the need for the building is for the storage of animal feed and agricultural equipment, which includes a muck spreader, a tractor, a topper, a chain harrow, a JCB and a fork truck.
8. An additional need for the new building is for it to be accessible for modern large delivery vehicles to be able to transport items to it, including farm machinery. During my site visit, I used both accesses to Row Lane on which Row Farm is located, and both were extremely narrow for a car to pass through or to manoeuvre between walls on both sides. Therefore, I am satisfied that due to the topography of the site with the farm being on a hill slope and with poor access, in order for the storage of feed and modern agricultural machinery to be located closer to the main farm, a building that is easier to access is reasonably necessary for the purposes of agriculture.
9. The matter of security has been raised to support need for the building, as existing buildings used by the farm are located significant distances away from the main farm. The Council has stated that due to the position of the proposed building, it is too remote from the farm for this building to fulfil the security need. However, having visited the site, I am satisfied that the building is within close enough proximity of the main farm in order for it to be accessed quickly by car or on foot and would be visible from the main farm.
10. The absence of planning history at the site relating to farming since 1998 has been raised by the Council, and this suggests that it has not been adequately demonstrated that the building is reasonably necessary for the purposes of agriculture. In addition, the Council has noted that planning applications for other types of development unrelated to farming have been connected with the farm in the past. I find that it is not unusual for farms to diversify, and an absence of agricultural related planning applications does not mean that agricultural use is not taking place on the land.

11. For the reasons mentioned and based on the evidence before me and my observations on my site visit, I am satisfied that the building would be reasonably necessary for the purposes of agriculture.

Character and appearance

12. The appeal site is located within the Blackwood Common Landscape Character Area which is described in the Calderdale District Landscape Character Assessment (CDLCA) as an elevated landscape, with slopes rising up to moorland and hill summits. The CDLCA describes the land use as a characteristic patchwork of upland pastures including small, regular and larger rectangular fields. With a dense network of gritstone walls dividing fields, where trees and woodland cover are generally sparse on higher elevations.
13. The area has a quiet rural character with distant views and an undulating topography, with agrarian buildings and dwellings scattered within the landscape.
14. The proposed building would be located on a hill slope with a dedicated access off Pinfold Lane. The farmstead of Row Farm is located to the south of the appeal site, at a higher point. The cluster of buildings at Row Farm are tightly knit and between them and the yard accommodate the limited area of flat ground on which the farmstead sits.
15. The proposed building would be a modern agricultural building, constructed from a typical agricultural material palette, including blockwork and metal cladding, off a dedicated access road. The proposed building would be cut into the hill slope and built at right angles to it, with a roller shutter door facing Pinfold Lane. A small area of land is shown to the front of the building which would allow for vehicles to turn.
16. Due to the location of the building sat on the hill slope a short distance below the main farmstead, I am satisfied that the proposed siting would be suitable in relation to the farm and would be visually connected with the farmstead when viewed from Pinfold Lane and Row Farm. The building would be cut into the hillslope which would reduce its effect on the landscape. Similarly, the access would be relatively short from Pinfold Lane and whilst it would be visible from certain vantage points I do not find that the proposed access would be harmful due to its proposed length with the building proposed to be sat behind it. The Council is satisfied that the design and external appearance of the building would not be out of character within a rural area and I have no reason to disagree with this.
17. Prior approval appeals should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the GPDO. However, I have had regard to the Council's Local Plan policy which was referred to in one of the reasons for refusal as evidence to support the planning judgment to be made, insofar as it is relevant to the matters relating to the proposed development.
18. Policy GN4 of the Calderdale Local Plan (2023) states that new development should be designed in a way that is sensitive to landscape setting. I find that for the reasons mentioned the siting of the building would not have a detrimental effect on the character and appearance of the area having particular regard to the Blackwood Common Landscape Character Area, therefore the proposal aligns with the aims of the policy.

Other Matters

19. The Council has referred in the reasons for refusal to the existing agricultural building on the site, and its proposed use being for storage and occasional use for animals needing to be isolated and for periods of inclement weather. Based on the information before me, this building was allowed under permitted development and due to its location within 400m of the curtilage of a protected building could not be used for the accommodation of livestock on a permanent basis. However, the appellant in their evidence has confirmed that this building has been used for temporary accommodation of livestock during illness and inclement weather.
20. Paragraph D.1 (3) of Part 6 which is referred to in paragraph A.2 (1)(a) of the GPDO states that there are circumstances when buildings within 400m of the curtilage of a protected building can be used for the accommodation of livestock, which among other reasons includes, 'in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.'
21. Therefore, I am satisfied that the temporary accommodation of livestock in the existing building, should it be required, could fall within the provisions of the GPDO and this would be for the Council to monitor and enforce as necessary. Therefore, this concern is not determinative as to whether the proposed building is reasonably necessary for the purposes of agriculture.

Conditions

22. Paragraph A.2 of Part 6 Class A of the GPDO stipulates the development must be carried out in accordance with the details approved and the development must be carried out within a period of 5 years from the date on which approval was given. The developer must also notify the local planning authority in writing within 7 days of the date on which the development is substantially completed.

Conclusion

23. For the reasons given above the appeal should be allowed and prior approval should be granted.

N Duff

INSPECTOR