



Appeal Decision

Site visit made on 18 February 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

Appeal Ref: APP/C3620/W/24/3351961

Crossways Farm, Station Road, Betchworth, Surrey RH3 7DF

- 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 Alex Cleanthi against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1220/DEA.
 - The development proposed is erection of an agricultural storage barn.
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Decision

1. The appeal is allowed and prior approval is not required 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 erection of an agricultural storage barn at Crossways Farm, Station Road, Betchworth, Surrey RH3 7DF in accordance with the application Ref MO/2024/1220/DEA and the details submitted with it.

Introduction

2. The appeal relates to the erection of a proposed building within what is purported to be agricultural land comprised in an agricultural unit of more than 5 hectares. The main parties are in dispute as to whether the appeal site is agricultural land or within an agricultural unit, and whether the proposed building is reasonably necessary for the purposes of agriculture within an agricultural unit. I have considered the appeal accordingly and in the context of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 As Amended (the GPDO).

Main Issues

3. The main issues are:
 - i. whether the site comprises agricultural land in an agricultural unit of 5 hectares or more, and if so;
 - ii. whether the proposed building is reasonably necessary for the purposes of agriculture within that unit, and if so;
 - iii. whether the proposal is permitted development under Schedule 2, Part 6, Class A of the GPDO, including consideration as to whether or not prior approval is required as to the siting, design and external appearance of the proposed building.

Reasons

Whether agricultural land in an agricultural unit of 5 hectares or more

4. The appeal site comprises for the most part a roughly rectangular-shaped field (the field) that is situated adjacent to, but not including, the Crossways Farm buildings and their immediate grounds. The field is separated from Crossways Farm by a hedgerow and a crossable watercourse and is bisected by a further watercourse containing two bridging points, and there is a heavily treed area beyond the field to the east. The site has a long frontage with the A25 highway to the north, which includes field access gates. It has a narrower frontage with Station Road where vehicular access to the Crossways Farm buildings is obtained.
5. Although the GPDO does not provide a definition of “agriculture”, it is defined in statute¹ as including, amongst various other activities and uses of land, the use of land as meadow land. For the purposes of Schedule 2, Part 6, Class A of the GPDO, Paragraph D.1 states that “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, and excludes any dwellinghouse or garden.
6. The submitted evidence indicates that the Crossways Farm buildings include a dog kennel business. At the time of my site visit, I observed the field being used for dog walking in conjunction with this business, using a mown path running around the field. Case law² suggests that Part 6 permitted development rights can still apply where there is a mixed use for agriculture and recreation, provided that the area of agricultural land comprised in an agricultural unit is of the size required by the GPDO, even if it is not used exclusively for agriculture. The Courts have also held that an agricultural unit may comprise more than one planning unit³.
7. Although my inspection represents a snapshot in time, the longer grass within the field had the appearance of meadow land and was not manicured as described by the Council. I also noted open storage of two small tractors and some agricultural machinery within the field, near to the boundary hedge with the Crossways Farm buildings. Existing use of the field for producing hay has been adequately demonstrated in the submitted evidence, which can be reasonably described to be for the purposes of a trade or business.
8. Based on the above and the submitted evidence, in my judgement the field forms agricultural land as part of an agricultural unit. Moreover, as indicated by the appellant’s supporting evidence, the agricultural unit in question comprises in excess of 5 hectares of agricultural land. As there is no compelling evidence to the contrary, and whilst also noting that the use of land for woodlands where that use is ancillary to the farming of land is included in the statutory definition of “agriculture” as referred to above, I find the site to comprise agricultural land in an agricultural unit of 5 hectares or more.

Whether reasonably necessary for the purposes of agriculture

9. The appellant’s intention is to produce a crop of hay, to be baled in small bales, that can be sold to local equestrian operations. A second cut is also intended to be

¹ S336(1) of the Town and Country Planning Act As Amended

² *South Oxfordshire DC v East & SSE* [1987] JPL 868

³ *Fuller v SSE and Dover DC* [1987] JPL 854

made either of hay or, in most years as weather dictates, haylage, to be wrapped and stored for similar sales.

10. Calculations of the expected hay baling output have been provided, along with some details of the types of agricultural machinery required for this. Having regard to this, I am satisfied that the proposed building is reasonably designed and commensurately sized for the purpose of storing the stacked bales and associated machinery. It is therefore reasonably necessary for the purposes of agriculture.

Permitted development

11. Notwithstanding the above matters, the Council has confirmed that the proposal would comply with the limitations set out in Schedule 2, Part 6, Class A, paragraph A.1 of the GPDO, which dictate circumstances where development is not permitted by Class A. Following my site visit and full consideration of the evidence before me, I have no reason to disagree.
12. Paragraph A.2(1)(i) within the above Class requires me to determine whether prior approval is required as to the siting, design and external appearance of the proposed building. The proposal would be visible from the A25, but at significant distance away from the highway. Its design, as depicted upon the plans submitted, is functional and simplistic and incorporates fenestration details that are typically used for agricultural buildings. The siting, design and external appearance is therefore acceptable. As such, in the absence of a need for further information in these respects, prior approval is not required.

Other Matters

13. Although the specific site access is not specified, this is not a requirement of Schedule 2, Part 6, Class A of the GPDO. In any event, having carried out my site inspection, I am satisfied that the proposed building would be satisfactorily accessible as a consequence of its siting. Further, highway impacts are not matters that can be assessed under this Class. For the avoidance of doubt, the permitted development right in question relates to agricultural development and cannot therefore permit any future retail use of the appeal site involving regular visiting members of the public.

Conditions

14. Development under Schedule 2, Part 6, Class A is permitted subject to various conditions set out at Paragraph A.2 under Class A, which include that the development must be completed within a period of five years starting with the prior approval date. For this type of development, the GPDO does not provide any specific authority for imposing additional conditions beyond those listed as above.

Conclusion

15. For the reasons given, the proposed building constitutes permitted development under Schedule 2, Part 6, Class A of the GPDO. The appeal is therefore allowed, and prior approval is not required.

R Cahalane

INSPECTOR