



Appeal Decision

Site visit made on 21 March 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th May 2025

Appeal Ref: APP/R0660/W/24/3356180

Dighills Farm, Congleton Road, Gawsworth, Macclesfield SK11 9JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Coughlan against the decision of Cheshire East Council.
 - The application Ref is 22/2357M.
 - The development proposed is farming implement storage building.
-

Decision

1. The appeal is allowed, and planning permission is granted for farming implement storage building at Dighills Farm, Congleton Road, Gawsworth Macclesfield SK11 9JB in accordance with the terms of the application, Ref 22/2357M, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no 19/1813/1.
 - 3) No development shall take place above slab level until a strategy for the incorporation of features to enhance the biodiversity value of the permitted development has been submitted to and approved in writing by the local planning authority. The submitted strategy shall include proposals for the provision of features for nesting birds including house sparrow. The proposals shall be installed in accordance with the approved details before the building is first brought into use and retained as such thereafter.
 - 4) The external surfaces of the development hereby permitted shall be constructed of the materials specified on drawing no 19/1813/1.

Main Issue

2. The main issue relevant to this appeal is whether the proposed building would be in an appropriate location with regard to local policy.

Reasons

3. The appeal site comprises a small section of the land associated with Dighills Farm. Around the farm's house are a group of outbuildings, including single storey stables and a taller barn covered in corrugated metal. The proposed building would be situated behind this taller barn and next to the appeal site is Dighills Wood which is owned by the appellant. It is not disputed by the main parties that Dighills Farm is located in the open countryside as defined in Policy PG6 of the Cheshire East Local Plan – Local Plan Strategy 2010-2030 (LPS). Based on the

information before me I find no reason to conclude otherwise. The policy states, amongst other matters, that within the open countryside only development that is essential for the purposes of agriculture or for other uses appropriate to a rural area will be permitted.

4. The appellant states that the purpose of the building would be to store machinery and equipment used to maintain and work the land, including a tractor and a telehandler which are large pieces of machinery. They state that maintaining and working the land includes, cutting the fields, scrub clearance, putting in land drains, dredging the brook, fencing repairs, hedge trimming and tree maintenance amongst other activities. Based on the information before me the appellant owns approximately 13 acres of land around Dighills Farm, and it is not disputed by the main parties that the land is not part of an established agricultural enterprise.
5. The National Planning Policy Framework (the Framework) does not specify that a building for agriculture needs to be in connection with an established farm enterprise. The Inspector for an appeal at The Old Stable View in Cotgrave also identified that applications and appeals should be determined as applied for unless there are compelling reasons to take a different view¹.
6. Whilst not currently used as part of an established agricultural enterprise the appellant states that the land is cut several times throughout the year which is a use typically associated with the keeping of meadow land which is within the definition of 'agriculture' in Section 336 of the Town and Country Planning Act 1990 (the Act). Furthermore, the use of the land for woodlands where that use is ancillary to the farming of land for other agricultural purposes is within the definition of 'agriculture' under the Act. Dighills Wood amounts to a small parcel of Dighills Farm and as such, for the purposes of this appeal, the woodland is ancillary.
7. The tractor is identified to be used for several different purposes around Dighills Farm as many of the pieces of equipment need to be attached to it to be used, including cutting the fields. Whilst there is limited evidence regarding what sized tractor would be necessary to undertake this work, 13 acres is a large parcel of land, and it is not been substantively evidenced that the tractor would not be of an appropriate size to work this land. Additionally, some of the machinery that would be attached to the tractor to undertake the work are large which supports the need for a tractor of this size. As such, the tractor and associated equipment are essential for the purposes of agriculture.
8. The use of the land for woodland, for which the telehandler is essential for, would comply with the definition of agriculture in the Act. Given the considerable height of some of the trees in the woodland it is reasonable to require a considerably sized telehandler to undertake this work. This machinery is thus essential for the purposes of agriculture.
9. The appellant has identified that there is a brook which is located a significant distance from the appeal site, that flows along the boundary of the appellant's land and if not regularly dredged this can be subject to flooding and the Council has not disputed this. Based on the information before me I find no reason to conclude otherwise. Some of the machinery would be used to dredge the brook and put in land drains, and this is an essential job that needs to take place in the interest of

¹ Appeal Reference: APP/P3040/W/24/3343262

managing flood risk on the appellant's land and the surrounding land. If the lands became flooded this would prevent or hinder agricultural activities from taking place and as such, this work would be essential for the purposes of supporting agriculture.

10. Furthermore, the fence knocker would be used to ensure the land is secured and that animals from nearby farms should not escape into the appellants land which is essential for the wellbeing of those animals and thus essential for the purposes of supporting agriculture. Given the size of the land and the amount of fencing required to secure the fields, the mechanical fence knocker and fencing attachment for the Bobcat would seem to be appropriate equipment for this work.
11. Even if the machinery and equipment is or would be used on other farms around the area, Policy PG6 does not specify that the development must only be essential for the purposes of agriculture on the site where it would be located. For the reasons given above, machinery and equipment that would be stored in the building are essential for the purposes of agriculture. Additionally, based on the evidence before me this machinery and equipment is essential for work specific to the appellant's land which supports the case for the building in this location, close to the other storage buildings on site.
12. Based on the information before me and what I saw on site the existing buildings are too short to store some of the machinery and equipment and appeared to already be used for storage associated with the appellant's land. As such, it is not evident that the proposed building could, in effect, replace the other buildings as they would not be appropriately sized and are likely still required. Furthermore, the siting of the building would contain the buildings associated with Dighills Farm within a small portion of the land, using the same access track, without encroaching significantly into the countryside.
13. Whilst to date some of the machinery and equipment has been stored out in the open, the appellant has provided police crime reference numbers that date back over several years, including since the original application was submitted. The appellant states that these related to attempted burglaries at the appeal site concerning some of the equipment and machinery in question which was acquired not long before the original application was submitted.
14. Furthermore, the appellant has identified that the machinery and equipment is becoming damaged over time due to adverse weather conditions and some of these could not fit into the existing buildings. As such, there is evidence that storing the equipment within a building would be essential in the interest of crime prevention and to preserve the machinery and equipment that are essential for the purposes of agriculture.
15. Consequently, based on the information before me there are no compelling reasons to take a view that the development would not be used as applied for and, on the balance of probability, the proposal would be essential for the purposes of agriculture.
16. Even if the building was not essential for the purposes of agriculture, the machinery and equipment is required for specific work associated with the appellant's land which is in a rural area. As discussed above, the machinery and equipment to be stored in the building are essential for the maintenance and working of the land. The machinery and equipment are more generally associated

with work required in rural areas where large open fields, brooks and woodlands are more commonly located. The use of the proposed building for the storage of this machinery and equipment would be appropriate to maintain and work the appellant's land, in a rural area, in the interest of the matters discussed above.

17. Therefore, for the reasons given above, the proposed building would be in an appropriate location with regard to local policy. Consequently, the proposal would comply with LPS Policy PG6 insofar as it would be essential for the purposes of agriculture and be an appropriate use to a rural area.

Conditions

18. Further to the statutory commencement condition a condition requiring the development to be carried out in accordance with the submitted drawings is necessary in the interest of certainty.
19. While not included in the Council's list of suggested conditions, the Council's Principal Nature Conservation Officer identified that a condition requiring a strategy is submitted to enhance the biodiversity value of the proposed development is necessary in accordance with Policy SE3 of the LPS. This states, amongst other matters, that all developments must aim to positively contribute to the conservation and enhancement of biodiversity. Based on the information before me I concur that the condition is necessary in the interest of enhancing biodiversity. I have revised the wording of this condition as it is not necessary to require the strategy to be submitted before the use of any building materials given that the works would be within or around the building.
20. A condition requiring the materials used are in accordance with the submitted drawing is necessary in the interest of the character and appearance of the area.

Conclusion

21. For the reasons given above, the proposed development would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR