
Appeal Decision

Site visit made on 22 April 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/P2365/W/24/3357712

Taylor's Farm, Hall Lane, Lathom, Lancashire L40 5UW

- 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 Webster against the decision of West Lancashire Borough Council.
 - The application Ref is 2024/0530/PNP.
 - The development proposed is erection of agricultural storage building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

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 in an agricultural unit of 5 hectares or more in area, works for the erection, extension or alteration of a building 'reasonably necessary' for the purposes of agriculture, subject to certain restrictions, limitations and conditions.
3. Sub-paragraph 2 of paragraph A.2-Conditions 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.
4. Case law has established that it is legitimate to consider whether development would be permitted development in the first instance, before assessing compliance with any conditions. Hence, the appeal decision provided (reference APP/E2205/W/21/3267998) made prior to the relevant case law does not reflect the present position.

Main Issue

5. The main issue is whether the proposed development meets the requirements of:
 - Class A, Part 6 of Schedule 2 of the of the GPDO such that it would constitute permitted development.

Reasons

6. The meaning of 'agricultural land' for Part 6 of the GPDO is given under paragraph D.1 of the GPDO as "land which, before development permitted by this part is carried out, is ...in use for agriculture and ...so used for the purposes of a trade or

business and excludes any dwellinghouse or garden”. There is no definition of agriculture in the GPDO but the one given in s336(1) of the Town and Country Planning Act 1990 is normally applied.

7. It follows that development permitted under Class A of Part 6 of the GPSO must be on land used solely for agriculture. If the land is in a mixed use (sui generis), the permitted development rights for agricultural development will not apply.
8. The parties disagree whether the appeal site is solely in agricultural use and therefore constitutes agricultural land for the purposes of Part 6 of the GPDO.
9. The Council consider that the land forms part of a mixed agricultural/ industrial use, which is sui generis, whereas the appellant asserts that the cleaning, processing and storage of grain operations are ancillary to an agricultural use. Essentially, this requires a judgement to be made based on available evidence.
10. The Council’s approach is consistent with their previous assessment of a planning application for a grain store/processing building (ref: 2021/0179/FUL), which was considered to be an industrial use and thereby the unit was considered to be a mixed use and permitted on that basis. A similar assessment was made when determining a prior notification application (ref: 2024/0369/PNP) for a storage building adjoining the approved grain store. This was refused as the planning unit was not considered to be in solely agricultural use, but in mixed use.
11. Having regard to the site’s planning history, the planning unit has previously been described as, and determined to be, mixed use.
12. Whilst related to agricultural produce, it is not shown that the cleaning, processing and storing of grain, which serves the wider farming community of itself falls within the definition of agriculture. Instead, it involves activity more closely associated with, an industrial and storage use.
13. The appellant confirms that 40-50 customers use the grain processing and that approximately 37% of the grain enters the farm from other local farms within West Lancashire. Indeed, the Council’s agricultural consultants, ADAS, made representations on the planning application (ref: 2021/0179/FUL) and advised that the building would provide a resource to store and process grain in the district, accessed by other agricultural businesses.
14. It is drawn to my attention that over 67% of the floor space of the current buildings at the operation is used for agricultural purposes. Thereby, it is accepted that the predominate use of the unit is for the purposes of agriculture. Even so, this would leave a sizeable amount of floor space used for other purposes. Given the magnitude of the processing activity and associated storage. I find that the planning unit is not solely in use for agriculture. The balance of evidence before me indicates it is in mixed use.
15. Accordingly, it has not been shown that the appeal site is agricultural land comprised in an agricultural unit. As such, the proposed development does not fall within the scope of Schedule 2, Class A, Part 6 of the GPDO and does not constitute permitted development.
16. It follows that further assessment of other restrictions, limitations and conditions of Class A, Part 6 is rendered unnecessary.

Other Matters

17. The appellant refers to other appeal decisions, to which I have had regard. The appeal relating to Headlands (Ref: APP/P2365/W/19/3235297) sought to remove a condition which placed an agricultural occupancy restriction on a dwelling, as such it is not directly relevant to the current appeal.
18. Appeal ref: APP/J1860/W/22/3291979 relating to Hillhampton Farm, refers to some tourism activity, but there was no dispute between the parties that the site formed part of an agricultural unit. On the limited information provided, that was a different proposal at an entirely different location. I am not persuaded it is pertinent to the circumstances before me, and I attribute it little weight.
19. The appellant refers to various benefits associated with the proposal. However, my determination is restricted to the scope of the permitted development right relied upon which does not allow for a balance with other considerations if, as in this case, the proposal falls outside of the permitted development rights.

Conclusion

20. I conclude that the appeal site is not solely in agricultural use, rather it is in mixed use. For the reasons set out above it follows that the proposal would not fall within the scope of the permitted development relied upon under Class A, Part 6 of Schedule 2 of the GPDO. As such, it would not constitute development permitted.
21. The appeal is dismissed.

N Kempton

INSPECTOR