



Appeal Decision

Site visit made on 28 May 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/R0660/W/25/3358953

White Cross Cottage, Moss Lane, Mere, Cheshire WA16 0TA

- 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.
- The appeal is made by Mr S Nelson against the decision of Cheshire East Council.
- The application Ref is 24/2068M.
- The development proposed is prior determination for general purpose building.

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 prior determination for general purpose building at White Cross Cottage, Moss Lane, Mere, Cheshire WA16 0TA in accordance with the terms of the application, Ref 24/2068M, and the plans submitted with it including Drawing Numbers PB 24/25 No.1 and PB 24/25 No. 2.

Preliminary Matters

2. The decision notice utilises a different description of development to that found on the application form. The description given on the application form included superfluous information. In the interests of clarity, I have utilised the description of development as found on the decision notice.
3. The appeal is made pursuant to Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015 (as amended) (GPDO). Development is permitted under Class A where it relates to agricultural development of units of 5 hectares or more. For development to be permitted under Class A, it must satisfy the limitations as set out in the GPDO. These conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to several prior approval matters.

Main Issues

4. From all that I have read and seen, I consider that the main issues are:
 - whether the proposed building would be sited on agricultural land;
 - whether the proposed building would be reasonably required for agricultural purposes; and,
 - whether the proposal would lead to the formation of a private way and access.

5. There is no suggestion that the proposal otherwise conflicts with the parameters of Schedule 2, Part 6, Class A of the GPDO. I have therefore assessed the appeal on this basis.

Reasons

Whether the proposed building would be sited on agricultural land

6. The appeal site is to the north of White Cross Cottage. Warrington Road (the A50) is situated next to the site. The proposal seeks to erect a general-purpose agricultural building. This would be used as a shelter for livestock and the storage of agricultural machinery. Schedule 2, Part 6, Class A of the GPDO is concerned with agricultural development. Paragraph A of this class notes that works must be carried out on agricultural land of 5 hectares or more.
7. During my site visit, it was noted that no farming appeared to have been recently carried out. No sheep were present on the site, and there was no evidence that a previous practice of cereal cropping had indeed been undertaken. It is contended by the appellant that their farming interests are different to that of cereal cropping. Therefore, time has been taken to transition towards the conditions essential to keep and breed livestock.
8. The Council have provided a series of satellite images of the appeal site and its wider site area between 2021 and 2023. In my analysis of this evidence, these satellite images show arranged rows of farming lanes, typically generated by farmers for the agricultural working of the land. This is uncommon for fields which are not farmed in some way.
9. Therefore, this evidence does suggest that this land has indeed been utilised for an agricultural purpose over the recent years. Consequently, I find that in line with Paragraph A of Schedule 2, Part 6, Class A, of the GPDO, the appeal site is indeed agricultural land and is greater than 5 hectares in size.

Whether the proposed building would be reasonably required for agricultural purposes

10. The evidence before me states that the intention of the applicant is to keep and breed livestock. During my site visit, I noted that the wider site appeared to be that of a typical grazing field, yet no sheep were present. However, as the keeping and breeding of sheep would be introduced to this site, I am of the view that it would be negligent to do so without an appropriate shelter to keep them in during adverse weather conditions.
11. A confirmation from the Rural Payments Agency and the Animal and Plant Health Agency is included within the evidence before me. These details confirm that that a flock of sheep are registered to the appeal site address. This evidence shows that the appellant has begun the process of keeping a flock of sheep and as such, the building in my mind would be used for an agricultural purpose, in this case, the keeping of sheep once they have a building to reside in. In this regard, I find that the building would be reasonably necessary.
12. As a general-purpose agricultural building, it would also be used for the storing of machinery related to agricultural work. This machinery would include a tractor, various attachments, a telehandler, a gator, trailers, a muck spreader and a stock trailer. The Council contend that this machinery would not be reasonably necessary in the undertaking of the keeping and breeding of sheep.

13. The keeping and breeding of sheep would typically involve machinery used for their transportation, such as a stock trailer, or the rounding up or collection of sheep by using a vehicle such as a gator. Several of the items of machinery listed by the appellant would have a limited function in the management of a flock of sheep. However, one must be cognisant of the requirement of the works involved across an agricultural site. These include the maintenance of fencing, the movement of large bales of straw, the movement of muck, amongst other things. The machinery suggested to be kept would not be uncommon for the management of an agricultural land area of this size.
14. Therefore, the proposed use of the building, including the storage of various pieces of machinery, would be reasonably necessary for the purposes of undertaking agricultural activities. The proposed building would be designed for this purpose and would therefore comply with Class A.1 (d) of Schedule 2 Part 6 Class A of the GPDO.

Whether the proposal would lead to the formation of a private way and access

15. Condition A.2(2)(b)(i), Part 6, Schedule 2, Class A of the GPDO states that a developer must, before beginning the development, 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 and means of construction of a private way.
16. The Council suggest that the appellant appears to propose a new access to connect to Warrington Road. During my site visit, it was noted that an access from Warrington Road was in situ. The appellant contends that this access had previously existed in an overgrown state and that no new access is proposed, with no new road required.
17. This matter has however been subject to enforcement action. A letter from the Council on this matter has been provided. This letter concludes that the Council would not be taking any further action with regard to this access to the A50. This absence of enforcement action leads me to the logical conclusion that this access is indeed historical and if it was not, a different conclusion would likely have been reached.
18. It follows that the proposal would comply with the requirements of Condition A.2(2)(b)(i), Part 6, Schedule 2 of Class A of the GPDO.

Conditions

19. Development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015 is permitted subject to conditions and are set out in A.2. The Council did not suggest any conditions in the event that the appeal was allowed.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

J Smith

INSPECTOR