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## Appeal Decision

Site visit made on 22 May 2025

by **Tom Bristow BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

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**Appeal Ref: APP/W2845/W/25/3361683**

**Astwell Castle Farm, Falcutt Road, Helmdon NN13 5QU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO').
  - The appeal is made by C Pidgeon against the decision of West Northamptonshire Council.
  - The application is ref. 2024/5523/PND.
  - The development proposed is described in the Council's decision notice as 'the erection of 1.no agricultural building'.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

#### *Statutory context*

2. I have reproduced the relevant part of the description of development in the banner heading above from the Council's decision notice as that succinctly describes the scheme. In greater detail the proposal is for an agricultural building or barn measuring 24m by 18m, 6.95m to the ridge.<sup>1</sup> The barn would be located some 25m to the east of Falcutt Road in what is presently a largely open field.
3. GPDO Schedule 2, Part 6, Class A(a) enables, as permitted development, the erection of buildings 'reasonably necessary' for the purposes of agriculture within an agricultural unit of 5ha or more, subject to various limitations and conditions. Multiple buildings may in theory be erected under the provisions of Class A. The footprint of the proposed barn would be 432 square metres ('sqm'), well below the maximum of 1,500sqm as now in limitation A.1(e)(ii).
4. As set out in the Planning Practice Guidance ('PPG'), the principle of development is established via the GPDO granting permitted development rights, prior approval representing a 'light-touch process' governing only certain matters.<sup>2</sup> Class A condition A.2(2)(i) is that, before beginning the development, an application to the local planning authority must be made '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...'

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<sup>1</sup> Drawing no. MT/1547/1.

<sup>2</sup> Reference ID: 13-028-20140306.

5. The dispute between the main parties centres on whether the siting of the building would be suitable. Whilst the Council's decision notice refers only to siting, rather than design and external appearance, to some extent the latter matters are indivisible from the former. The appellant contests, however, that the proposal requires prior approval in the first instance.
6. That position appears to be on the basis that, in their view, the scheme would meet with all the relevant limitations of Class A.<sup>3</sup> That is a tangential argument. Compliance with limitations does not disapply applicable conditions.<sup>4</sup> It may be the appellant's position in that respect is transposing the logic that, in order to benefit from permitted development rights, development must be fully within what is permissible (both in terms of limitations, and in respect of the description under the relevant GPDO Class).
7. I will return to that matter subsequently in relation to whether the proposed barn would be reasonably necessary for the purposes of agriculture. I note that Section 79 of the 1990 Act, 'Determination of appeals', sets out that I may deal with the application as if made to me in the first instance. I am not bound to agree with any position arrived at by, or with, the Council.

#### *The site and its surroundings*

8. The agricultural unit here amounts to some 135.1ha, the sum of various parcels of land shown on the Farm Holding Map. As in the banner heading drawn from the application form, the unit or holding is Astwell Castle Farm. The unit is now, however, in separate ownership to Grade II\* listed Astwell Castle,<sup>5</sup> which the appellant states is approximately 200m to the west of the appeal site. Although there is limited information before me in respect of heritage, the Castle has a lengthy and complex history. The listed building partially overlaps the scheduled monument of 'Astwell Castle Farm (uninhabited portions)'.<sup>6</sup>
9. The Council indicate that the 200m separation distance referenced above is over-generous, instead venturing a figure of approximately 150m. Whilst distance, visibility and historic significance are different concepts, it is unclear how 200m has been calculated. That is simply stated to be the case, despite the appellant taking issue with what they contend to be the unsubstantiated suggestion from a third party representation that the intervening distance is less.
10. The listed building is accessed via Falcutt Road a short distance to the south of the appeal site, the topography rising in that direction. Access to the Castle spurs perpendicularly off Falcutt Road before turning towards the north-west. Initially that access mimics the orientation of footpaths to the north and south of it (respectively, as in the appellant's appeal statement, AP25 and AP24).
11. Immediately to the north of access to the Castle, to the east of the listed building, to the west of Falcutt Road, and to the south of footpath AP25, are an extensive collection of barns. Those existing barns are not separately listed. Many are, however, historic. Several are constructed of limestone, on occasion squared or

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<sup>3</sup> GPDO Schedule 2, Part 6, Class A limitations being at A.1.

<sup>4</sup> GPDO Schedule 2, Part 6, Class A conditions being at A.2.

<sup>5</sup> List entry no. 1041132.

<sup>6</sup> List entry no. 1003902.

dressed, as at the Castle itself. Certain barns have been built, adapted or repaired over time. A number are now in poor state of repair.

12. There is no apparent consideration in the appellant's evidence of whether any existing barns should be considered as listed with reference to section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA'). Whilst curtilage is a multifaceted concept, there is no assessment of any significance of any of the barns before me.
13. As with the Castle, existing barns are widely visible in the surrounding landscape. That includes from various vantage points along nearby footpaths. There are 3 properties, one detached and two semi-detached, a short distance beyond footpath AP25 relative to the barns and to the west of Falcutt Road, ostensibly nos. 1, 2 and 3 Falcutt Road.
14. Those properties cannot fairly be described, as in the appellant's statement of case, as a 'series' or 'run'. Similarly, as the appeal site is part of a largely open field to the east of Falcutt Road, I cannot agree with the appellant that the site is within an area that is characterised by a collection of large agricultural buildings.
15. Judging by something of an arts and crafts form, and brickwork principally in Flemish bond with accentuated courses, semi-detached nos.1 and 2 appear turn of the twentieth century. At the time of my site visit construction works to no. 3, closest to the appeal site, were underway (such that I could not determine whether that property originated at a similar juncture).

#### *Planning history*

16. Although each proposal turns on its merits, there is some planning history of note. On 5 January 2024 the appellant applied for prior approval in respect of an agricultural machinery store immediately to the north of the site (ref. 2024/0169/PA). Whilst the application form in respect of application ref. 2024/5523/PND is not so specific in terms of the function of the proposed barn, the previous prior approval application was also for a building of 432sqm.
17. The Council accepts that they did not determine application ref. 2024/0169/PA within the statutory 28 day time limit (and therefore that development benefits from deemed consent). The appellant considers that effecting the previous prior approval scheme represents a legitimate fallback position, a realistic prospect as opposed to theoretical entitlement. I will return to that having first assessed the implications of the scheme before me.
18. On 13 February 2023, the appellant applied for planning permission for a general purpose agricultural building also on land immediately to the north of the site (ref. WNS/2023/0271/FUL). Via decision dated 16 July 2024 the Council refused planning permission in that respect, on the basis of broadly the same reasons for refusal as in relation to application ref. 2024/5523/PND.
19. Via decision dated 24 October 2019 the Council granted planning permission for a grain store and ancillary storage building elsewhere within the unit (ref. S/2019/1676/FUL). That scheme was presented as a renewal of previously approved application ref. S/2016/1938/FUL.

20. As on approved plan no. 4454/MAPA associated with planning permission ref. S/2019/1676/FUL those approved buildings were proposed significantly further away from the Castle to the north-east of the appeal site.<sup>7</sup> It did not appear at the time of my site visit there that construction had commenced, and the latter permission there may have lapsed.

### **Main issue**

21. The main issue is whether the proposed barn would be sited in a suitable location with particular regard to historic significance.

### **Reasons**

#### *Decision-taking context*

22. Development under GPDO Schedule 2, Part 6, Class A is not permitted if it would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument (limitation A.1(l)). The appellant argues that heritage assets are not a consideration unless that limitation is transgressed. I disagree.
23. LBCA section 66(1) sets out that in considering whether to grant permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As set out above, the GPDO itself grants permission, subject to various limitations and conditions. My reasoning in that respect is consistent with that of the Inspector who determined an appeal in North Yorkshire Council's administrative area brought to my attention.<sup>8</sup>
24. Nonetheless siting, design and external appearance in this instance are fundamentally intertwined with the setting of the listed building and scheduled monument, the surroundings in which they are experienced. By virtue of setting out those as prior approval matters under Class A, condition A.2(2)(i), the GPDO makes room for judgement on a case-by-case basis.
25. Paragraph 3.14 of the Planning Statement on behalf of the appellant selectively quotes from paragraph 9 of the other Inspector's decision, including that 'as such, I have not assessed potential impacts of the proposal on the setting of those listed buildings'. Context there is, however, key.
26. Earlier in paragraph 9 of that decision the Inspector explained how the Council had not assessed impacts in that respect. Moreover, in paragraph 6 of that decision the Inspector, notwithstanding their noting some ambiguity, reasoned that the kernel of the dispute between the main parties concerned the impacts of the proposal there to a Conservation Area and Registered Park and Garden.<sup>9</sup> Circumstances there and here clearly differ.
27. Paragraph 3.15 of the Planning Statement on behalf of the appellant contains a further selective quote from the other Inspector's decision, namely that they reasoned at paragraph 10 that 'the principle of development is established by the

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<sup>7</sup> Around where a hedgerow divides land parcel SP6143 3963 and SP6143 2993 as illustrated on the Farm Holding Map.

<sup>8</sup> Ref. APP/U2750/W/23/3331472.

<sup>9</sup> The Inspector reasoning at paragraph 22 of that decision that the scheme would not have had a detrimental effect on either.

GPDO and Schedule 2, Part 6, Class A of the GPDO does not require regard to be had to the development plan or provisions of the National Planning Policy Framework.'

28. Again context is important. Paragraph 10 of that decision goes on to set out that the Inspector there nevertheless 'had regard to those development plan policies and Framework sections referenced in the evidence before me insofar as they are material considerations relevant to matters of siting, design and external appearance'.
29. It is unclear whether the appellant is inviting me to dispense with an assessment of the implications of the scheme relative to the provisions of the National Planning Policy Framework (published 7 February 2025, the 'NPPF') and development plan. If I were to do so there would appear to be little, if anything, to inform my assessment of the matters to which prior approval relates. Such an approach would be liable to be unfair to all parties, noting that both the Council and appellant have engaged with relevant provisions of both the NPPF and development plan.
30. NPPF paragraph 202 sets out how heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. NPPF paragraph 212 furthermore sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). I will return to that point.
31. The development plan in this instance includes policies of the South Northamptonshire Local Plan Part 2, 2011-2029 (adopted July 2020, the 'SNLP') and of the West Northamptonshire Joint Core Strategy Local Plan, Part 1 (adopted December 2014, the 'JCS'). There is no indication that work towards any emerging plans is of significance as yet in the context of this decision.
32. As a broad summary, SNLP policies HE1, HE2 and HE5, along with JCS policy BN5, set out how proposals should be designed so to as to integrate appropriately with historic significance, including in respect of landscape and archaeological implications. Those are aims in common with relevant NPPF provisions, as are the more broadly applicable design principles in SNLP policy SS2 aligned with those in NPPF paragraph 135.c).

#### *Special interest and significance*

33. Whilst prior approval is designed to be light-touch, there is limited information before me in respect of heritage. The list entry indicates that Astwell Castle traces its origins to a fifteenth century manor house. Given manorial origins, in all likelihood its history extends far further back still, interwoven with the land around it.
34. As in Historic England's comments of 23 May 2023 in respect of unsuccessful application ref. WNS/2023/0271/FUL appended to the Council's statement of case, the Castle gatehouse survives as the earliest element of the property. That said special interest and significance is not solely embodied in the oldest elements of the Castle, but authentically attest to changing circumstances over centuries.

35. The Castle emerged as a result of the interplay of social, political and economic forces. It was established and evolved during a time when the economic locus of England was predominantly agricultural, a predominance that persisted for centuries until accelerating urbanisation tipped the balance. There remains a legible history to the landscape here, including that ridge-and-furrow, characteristic of medieval land cultivation, is still readily apparent to the south of the Castle.
36. As in advice of 27 March 2023 in respect of unsuccessful application ref. WNS/2023/0271/FUL provided by the Archaeological Advisor to the Council appended to the Council's statement of case, the scheduled monument is 'situated within the earthwork remains of the deserted medieval village of Astwell...'. The extent of that medieval village is unclear, and perhaps presently unknown.
37. It appears that the scheduled monument and former medieval village have been largely overlain or obscured by subsequent changes in the land (both physically and in terms of its use). Nonetheless, given the potential for archaeological interest to be uncovered at the site, the appellant does not dispute the need to address archaeology in one way or another.
38. NPPF paragraph 207 sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. There is nothing before me in that respect.
39. Although now a complex form, Astwell Castle was evidently established in a location to afford expansive views towards, across and around the River Tove (beside which the Northampton and Banbury Junction Railway once ran). It was intrinsically an imposing and authoritative intervention in the landscape.
40. The Castle is widely visible from various public vantage points, including those along Falcutt Road and nearby rights of way. There is also some visibility of the Castle, nos. 1 to 3 Falcutt Road and the appeal site from vantage points beyond the Tove. As with other manor houses, the Castle was designed to be a symbol of authority; the defensive utility of turrets and battlements having already declined by the fifteenth century.
41. The collection of barns next to the Castle likely represent successive eras of agriculture in physical form, buildings tending to increase in size aligned with growing agricultural buoyancy associated with feeding an urbanising population. Some barns are, I acknowledge, more recent in their construction reflecting the twentieth century turn towards greater scale and intensity of agricultural cultivation and machinery. Nos. 1 and 2 Falcutt Road, in all likelihood, represent late Victorian workers' cottages, reflecting again growing affluence during that era and changing social attitudes towards standards of accommodation.
42. As above the appeal site is a largely open field. There is no bank, hedge or fence here for some distance either side of the appeal site to the east of Falcutt Road, a narrow rural carriageway. By the appeal site Falcutt Road is essentially level with the western boundary of unit parcel SP6143 3963 (the field in which the barn is

proposed). As above, the topography rises to the south, declines to the north and also to the west in the direction of the Castle and gentle valley cut by the Tove.

43. Field SP6143 3963, hourglass shaped, amounts to 23.49ha. It is largely open with a slight upwards slope towards the south and east. It is bounded by relatively light hedgerows elsewhere. Reflecting that the landscape here is predominantly arable and characterised by good-sized fields, the smallest 3 parcels of land comprising the holding are given as 2.89ha, 3.33ha and 6.45ha. Those are larger than those which typify other areas with a tighter field pattern.
44. I saw that the field in which the appeal site is proposed clearly reflects and reinforces prevailing landscape character. Although there are on occasion smaller fields and blocks of woodland, the landscape here is characteristically open and gently undulating. Those characteristics result in expansive views with little sense of enclosure resulting from the field pattern and scarcity of substantial hedgerows.
45. Insofar as relevant to this appeal, the special interest and significance of the listed building derives from its form, materials, relationship to existing barns and landscape setting. The significance of the scheduled monument is intertwined with that of the listed building, and more fundamentally related to the surrounding landscape and archaeological context in which it falls (albeit with more limited visual cues). Collectively those features aid an understanding of the intangible forces that affected the natural and built environment here over centuries.
46. Albeit modest in extent, the appeal site also authentically reflects the past in the present. In character the appeal site is consistent with its surroundings. It has likely ever been broadly as it is now. The appeal site therefore contributes positively towards significance, both visually in terms of openness but also perceptually by embodying history in its present state.
47. Having previously considered difference aspects or values of significance, paragraph 6.32 of the statement of case on behalf of the appellant sets out how 'it is considered that Astwell Castle retains a moderate level of heritage significance...'. I cannot see how that position has been rationally arrived at.
48. Astwell Castle is a grade II\* listed building, that categorisation itself reflecting a relatively higher importance than the vast majority of listed buildings nationally. The listed building also partially overlaps a scheduled monument, of which there are only some 20,000 in England. As set out in paragraph 30 of this decision, NPPF paragraph 212 sets out that great weight should be given to the conservation of assets relative to their importance.

#### *The proposal*

49. As above, the proposal is for a barn measuring 24m by 8m, 6.95m to the ridge, with a footprint of 432sqm. It would be located some 25m to the east of Falcutt Road, notwithstanding that the appellant sets out that set back is not necessary with reference to limitation A.1(h). The barn would be of standard utilitarian design with box profile sheeting, finished olive green, above concrete walls.

*The effect of the proposal*

50. The proposed barn would, I accept, be of a form and design common to many modern agricultural buildings. I also acknowledge that the listed building, existing collection of barns, scheduled monument and nature of the landscape here emerged and evolved in conjunction with agriculture. From various vantage points there would be some visibility of the proposed barn in conjunction with, nos.1 to 3 Falcutt Road and existing barns.
51. From certain more distant vantage points, or where there the topography or intervening features provide some screening, the proposed barn would not be particularly prominent. Whilst the plans before me give no details in respect of access, or of any landscaping proposed to the site, the appellant has suggested that some natural screening by way of planting could be provided (secured by way of condition were the scheme acceptable as a whole).
52. Nevertheless, the appeal site, and field in which it sits, contribute positively to historic authenticity and landscape character. The proposed barn being sited here would not reflect historic land use. The barn would not be readily perceived in conjunction with the existing collection of barns by the Castle or nos. 1, 2 or 3 Falcutt Road on account of the intervening carriageway, being set into the field, and given that the topography declines broadly east to west hereabouts. It would instead sit oddly alone.
53. Principally by virtue of the location or siting of the barn, the proposal would appear incongruous or discordant. That would be particularly the case when seen at close range either from public vantage points along Falcutt Road or nearby footpaths. Paragraph 6.22 of the appellant's statement of case sets out that 'it is clear that the application site does not experience a direct line of site to Astwell Castle...'. A photograph is reproduced beneath that paragraph. If that photograph is taken from the appeal site, as it appears to be, that disproves the appellant's position above given that Astwell Castle is visible. From what I saw during my site visit there would be various vantage points from where the proposed barn and Castle would be seen in conjunction with one another.
54. It is not so much that the scheme would occlude visibility of the Castle, but that the barn would appear awkwardly situated relative to it. By virtue of its anachronistic and incongruous location it would naturally draw the eye, interfering with an appreciation of the listed building and understanding of the way in which it related historically to its surroundings. The setting of a listed building relates to the context in which it is experienced, rather than purely seen.
55. The appellant explains that there would be nothing to prevent the establishment of a hedgerow or planting here. Nevertheless any screening by way of planting would take some time to mature. Access would inevitably have to be established and kept open such that the barn would remain visible. Moreover there is significant time depth to the landscape which subdivision of the field would not reflect, nor are dense hedgerows characteristic here. It would be the scheme that precipitates a need for landscaping rather than there otherwise being clear incentive for it.
56. The appellant is of the view that it was unacceptable for the Council to have faulted the scheme in terms of its potential effects in respect of archaeology without having

sought further information in this respect previously. The appellant also contends that the County Archaeologist did not object to the scheme proposed via WNS/2023/0271/FUL immediately to the north and, by consequence, they are of the view that archaeological implications could be suitably addressed via condition.

57. That appears, however, to be an incorrect interpretation of the County Archaeologist's response as they instead recommended that a 'phased programme of archaeological fieldwork is undertaken in advance of determination of the application...'. That, in my view, is a rational position given the potential for archaeological interest hereabouts (and that the value derived from it is often indivisible from the specific location to which it relates).
58. As above, planning permission was granted further away from the Castle for agricultural buildings in 2019, in that instance the decision being taken following archaeological investigations. Whilst agriculture over the years may have affected the presence of archaeological remains to some extent, given the complex nature of the landscape and history of human settlement, a condition would not be sufficient to avoid harm (given that the siting of the barn would be fixed).
59. The appellant has brought to my attention an agricultural building permitted via Council decision notice of 6 April 2023 at land south of Wappenham Road (ref. WNS/2023/0349/AGD). Whilst that building is visible in the landscape, the Council nevertheless set out that it is some 500m to the west of the listed building on the opposite side of the Tove, a distance which does not appear to be disputed.
60. That barn is therefore not as closely related to the landscape context in which the listed building and scheduled monument originated and evolved. It is also close to an existing field boundary. Moreover the existence of development detrimental to significance, the appellant contending that building to be 'overly prominent', does not justify further harm.

### *Consideration*

61. Inherent in my reasoning above is that the proposal would be harmful to significance. It is for the decision-taker, having established that harm would result, to gauge its extent or magnitude. Given the factors set out at paragraphs 50 and 51 of this decision, and as a small proportion of the setting of the listed building and scheduled monument would be affected, it is fair to categorise that harm as less than substantial with reference to NPPF paragraph 212. In my view the harm arising would likely fall somewhere towards the middle of a spectrum within that categorisation, albeit there is some imprecision in that given the absence of archaeological evidence.
62. In summary, NPPF paragraph 215 sets out that where less than substantial harm would result, that should be weighed against the public benefits of the proposal. That is a balance to which I now turn, noting also that NPPF paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage should require clear and convincing justification.

### **The planning balance**

63. The provisions of Schedule 2, Part 6, Class A of the GPDO in themselves reflect the need for buildings to enable or support agriculture (which, as in section 55 of

the 1990 Act, is not development). In order to benefit from permitted development rights, agricultural buildings must be reasonably necessary for the purposes of agriculture within an agricultural unit. I have set out above how the proposed barn would be relatively modest set against the extent of the holding here. Whilst the Council did not object to the scheme on the basis that the proposed barn was not reasonably necessary, the evidence before me in that respect is nuanced.

64. The appellant explains that 'the operational enterprise has no agricultural buildings on site following the sale of the existing barns to a third party who has no connection to the agricultural operations at Astwell Castle Farm. As such, the proposed building is to facilitate the continued operations on site and is therefore reasonably necessary for the purposes of agriculture.' The barn is also said to be 'much needed'. It appears that no. 3 Falcutt Road would become the new farmhouse following the sale of the Castle too.
65. Commenting on third party representations at appeal, the appellant's position is that 'the fact that the appellant sold the existing agricultural buildings to the third party making the comments is not a relevant matter or material consideration to the issues surrounding siting and design of the proposed building.' I therefore appear to be invited both to take account of circumstances that have led to now, but at the same time to discount them as immaterial.
66. In my view the appellant's position that a private matter or choice, i.e. the recent sale of existing barns, should count as a public benefit, is illogical. There is no evidence before me, for example, of any planning circumstances which led to the unavailability of impracticality of the use of existing barns.
67. I am told that there are no agricultural buildings available at the unit. Setting aside the question of how agricultural activities have been conducted in recent years, planning permission was granted in 2016, and again in 2019, for a grain store and ancillary storage building. Evidently there has been not only a choice to sell existing barns, but also not to establish others granted permission.
68. The appellant contends, moreover, that the previous prior approval scheme reflects a legitimate fallback position to which they would revert in the eventuality this appeal were to be dismissed. If I were to accept that logic, it would be necessary to consider the implications of the scheme relative to those of the fallback position.
69. The Council is of the view, however, that the former scheme would have failed to adhere to GPDO Schedule 2, Part 6, Class A, limitation A.1(e)(ii), and was therefore not permitted development in the first instance. That limitation is that development is not permitted by Class A if 'any buildings erected or extended or altered by virtue of Class A would exceed 1,500 square metres'. That limitation was introduced with effect from 21 May 2024,<sup>10</sup> the previous limitation being 1,000sqm.
70. The appellant's position is that the hardstanding included as part of the former prior approval scheme 'would have taken the proposed land covered above the 1,000 sqm limit, however, it is clear that the building itself did not exceed that limit and therefore accords with the requirements set out within Part 6, Schedule 2, Class A'.

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<sup>10</sup> As specified via the Town and Country Planning (General Permitted Development etc.)(England)(Amendment) Order 2024 with effect from 21 May 2024.

For comprehensiveness, I note that GPDO Schedule 2, Part 6, Class A, limitation A.1(e)(i) is that development is not permitted by Class a if 'any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres'.<sup>11</sup>

71. Limitations A.1(e)(i) and A.1(e)(ii) are both nonetheless framed as 'calculated as described in paragraph D.1(2)(a) of this Part'. Interpretation paragraph D.1(2)(a) is that 'comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided...'. The Council's correspondence to the appellant of 13 June 2024 explains that the totality of the development proposed via the previous prior approval application would stand at 2,300sqm (based on associated plan 5538/SK1B).
72. Nonetheless, for 5 principal reasons, it is not necessary for me to determine whether the previous scheme would be permitted development. Firstly, this appeal is in respect of application ref. 2024/5523/PDN, rather in relation to the previous prior approval application. Secondly, there is no certificate of lawfulness of proposed development before me under section 192 of the 1990 Act. There is no indication that a certificate has been applied for, which would be the means by which to settle the matter.
73. Thirdly, as above, Class A(a) of Part 6 of Schedule 1 to the GPDO allows for the erection of a building reasonably necessary for the purposes of agriculture within an agricultural unit of 5ha subject to certain limitations and conditions. As further set out above, multiple buildings may theoretically be erected under Class A. Given that the scheme is for a 432sqm barn relative to a holding of 135.1ha, and that the GPDO sets a 1,500sqm limit in relation to a 5ha holding, it could be argued that there is a reasonable necessity for the provision of significantly greater floorspace.
74. Whilst the appellant has set out the intended function of the proposed barn, there is nothing substantive by way of equating the floorspace proposed relative to the needs of the unit. In that context it would appear both unreasonable, and potentially *ultra vires*, to allow one scheme but prevent another such scheme (for example the prior approval application which the appellant contends is their fallback position). Neither main party has suggested a condition in this respect, nor has the appellant ventured an obligation to that end.
75. Fourth, more fundamentally, if I were to accept the appellant's position that they could readily implement the previous scheme, that would undermine their argument that there is no existing provision. Accepting the legitimacy of that fallback would, in turn, bring into question whether the proposal before me is reasonably necessary for the purposes of agriculture.
76. Fifth, there is no clear explanation before me as to why this scheme is preferable in terms of location or the operational needs of agriculture to the former scheme, or that similar benefits could not be achieved via an alternatively located building which entails lesser or no harm by virtue of its siting. The existence of planning

<sup>11</sup> As amended by the statutory instrument referenced footnote 10 to this decision.

permission for barns elsewhere in 2016 and 2019, if anything, points to the contrary.

77. Whilst the proposal would be beneficial in terms of supporting agriculture, which may fairly be described as a public benefit, the evidence before me falls far short of demonstrating clear and convincing justification in favour of the scheme. The appellant's case is instead riven by contradictions.

78. I therefore conclude the proposed barn would not be sited in a suitable location with particular regard to historic significance. Instead there would be conflict with the relevant provisions of the development plan policies cited in paragraph 32 of this decision and with NPPF paragraphs 213, 215 and 135.c).

### **Conclusion**

79. For the reasons above, having considered all relevant material considerations, I conclude that the appeal should be dismissed.

*Tom Bristow*

INSPECTOR