Planning Inspectorate

Appeal Decision

Site visit made on 15 May 2025

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/P1805/W/24/3354513
Flourishing Fields Farm, Stonehouse Lane, Hopwood, Worcestershire B48 7BB

- 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) (GPDO).
- The appeal is made by Graduately Developing Futures Limited against the decision of Bromsgrove District Council.
- The application Ref is 24/00855/AGR.
- The development proposed is general purpose agricultural storage building.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Graduately Developing Futures Limited against Bromsgrove District Council and this is the subject of a separate decision.

Background and Main Issue

3. Class A of Part 6 of the GPDO permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of a) works for the erection, extension or alteration of a building; or b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

4. The Council's reason for refusal concerned whether the site is in agricultural use for the purposes of a trade or business within an established agricultural unit.

5. Having had regard to the above, the main issue relevant to this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 6, Class A of the GPDO with particular regard to whether the proposal would involve the carrying out on agricultural land comprised in an agricultural unit.

Reasons

6. Paragraph D.1 of the GPDO states that the meaning of 'agricultural land' is land which, before development permitted by this part is carried out, is in use for agriculture and is so used for the purposes of a trade or business and excludes any dwellinghouse or garden. An 'agricultural unit' means agricultural land which is occupied as a unit for the purposes of agriculture, including – (a) any dwelling or

other building on that land occupied for the purpose of farming the land by the person who occupied the unit, or (b) any dwelling on that land occupied by a farmworker.

7. The Judgment, New World Payphones Ltd v Westminster City Council & Anor [2019] EWCA Civ 2250, concerned the dual use of a building/structure but the proposal is for an agricultural storage building and based on the information before me, it is not evident that approval is sought for the building to be used for a dual use. The Judgment at Burdle v Secretary of State for the Environment [1972] 3 All E.R 240 considered matters related to what is a planning unit. An agricultural unit is different from a planning unit and different planning units can be within a single agricultural unit. The growing of grass to make hay would fall within the definition of 'agriculture' in Section 336 of the Town and Country Planning Act 1990 (the Act) and the appellant identifies that this is taking place.

8. The appellant states that the company is involved in the provision of education for children and young people who are unable to attend mainstream educational provision for a variety of reasons and agriculture. The business seeks to keep alpacas, sheep, pigs and poultry, and I saw alpacas at my site visit. The intention is also to provide an agricultural worker's dwelling on site and for the agricultural side of the business to be a financially viable agricultural enterprise. The appellant's future intentions for the wider site are not determinative in this instance, as the educational use, as far as I have been made aware, is not taking place on the appeal site. It is also noted that at the time of the application the appellant states only agricultural activities were taking place on site, notwithstanding the building work taking place elsewhere.

9. However, it is not evident whether those agricultural activities were for agricultural purposes for a trade or business rather than part and parcel of the appellant's wider business needs. No financial information has been submitted with this appeal. While profitability is not necessarily conclusive, the lack of information on this matter indicates that the site would likely be used for pleasure rather than for trade or business. While noting that the trade or business may be in its infancy and the appellant has yet to cut a profitable crop, the absence of records of expected costs, turnover or profit does mean that a minimum level of management or financial consideration that would be expected for a small trade or business has not been demonstrated. The appellant states that the output of the agricultural enterprise could not be considered ancillary to the educational use but there is no substantive evidence to support this.

10. Just because a Limited company has been set up does not necessarily mean the land is used for the purposes of a trade or business. Whilst the appellant intends for the agricultural side of the business to be financially viable there is no substantive evidence before me to demonstrate that it has been or would be.

11. Even if the site forms part of an agricultural unit, the limited financial information indicates that this site is not or would not be in use for the purposes of a trade or business.

12. Therefore, the proposed building would not involve the carrying out on agricultural land for the purposes of the GPDO. As such, the appeal scheme would not be permitted development under Schedule 2, Part 6, Class A of the GPDO. In light of this conclusion, I have not considered the prior approval matters any further.

Conclusion

13. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR