



Appeal Decision

Site visit made on 23 June 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/L2630/W/24/3354953

Land Behind The Sugar Beat, Norwich Road, Swainsthorpe, Norfolk

- 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 Sveinns Hamlet Winery and Vineyard against the decision of South Norfolk District Council.
 - The application Ref is 2024/2376.
 - The development proposed is agricultural building for use as a farm shop, store, staff welfare and occasional wine tasting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the submissions, different addresses have been used for the appeal site. I have referred to that used on the decision notice, as it reflects my observations of the site's location when visiting the appeal site.
3. Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), permits the erection, extension or alteration of a building, and any excavation or engineering operations reasonably necessary for the purposes of agriculture within that unit, on agricultural land in an agricultural unit of 5 hectares or more in area. This is subject to certain criteria, and circumstances where development is not permitted are listed under Paragraph A.1.
4. In the event development is permitted under Paragraph A.1, Paragraph A.2 sets out a number of conditions that must be complied with. At A.2 (2) (i), the developer (appellant in this case) must 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, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be.
5. The Council refused to grant prior approval as the appeal scheme would not be carried out on agricultural land and would not be reasonably necessary for agriculture. The Council's Officer Report also identifies concerns over the siting and design of the building.

Main Issues

6. Based on the above, the main issues in this appeal are:
- whether the proposed development meets the requirements of Class A, Part 6 of Schedule 2 of the GPDO such that it would constitute permitted development; and
 - if found to be permitted development, whether the siting, design and appearance of the building would be acceptable.

Reasons

7. For the proposal to be permitted development under Part 6, Class A of the GPDO, the proposed building must be erected on agricultural land comprised in an agricultural unit. For the purposes of Part 6 of the GPDO, at paragraph D.1.(1) “agricultural land” means land which, before development permitted by this Part is carried out, is in use for agriculture and which is so used for the purposes of a trade or business. “Agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture. 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 and this includes fruit growing.
8. It follows that development permitted under Class A of Part 6 of the GPDO must be on land used solely for agriculture. If the land is in a different or mixed use (sui generis), the permitted development rights for agricultural development will not apply.
9. 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. The Council consider that this part of the appeal site is currently being used as a caravan and camping site. Conversely, the appellant asserts that no material change of use has occurred, and this part of the appeal site benefits from permitted development rights allowed under Part 4, Classes B and BC, of the GPDO.
10. It is not the purpose of this appeal to determine if a material change of use has occurred on the site, but to determine if the land which, before development permitted by Part A is carried out, is in use for agriculture. Essentially, this requires a judgement to be made based on available evidence.
11. During my site visit, there were no caravans or campers on site. Nonetheless, I observed various signs for Vine View Camping that directed me to the appeal site area. To access this area closest to the proposed building, vehicles must enter a code at an electronic barrier. This leads to a parcel of land enclosed by planting, with evidence that more recent landscaping has taken place. Several formally laid out hardcore and grass pitches surround a track with a maintained grassed area at the centre. I also observed electrical hook-up points and other trappings, including a dog waste bin amongst other bins.
12. In addition to the above, I also observed the wider site, including the vineyards to the north and west. However, beyond a small section of shared track, access to these parts of the site is restricted due to metal fencing across the access ways.

13. Taking the above into consideration alongside the submitted evidence, the appeal site closest to the proposed building is associated with the nearby agricultural business. However, other than a small section of shared track, I find the appeal site closest to the proposed building is not in an agricultural use and appears somewhat severed from the wider site. Instead, it clearly involves activities more closely associated with caravan and camping use. There is no compelling evidence before me to demonstrate that this use fully complies with or benefits from permitted development rights granted under the GPDO.
14. Accordingly, it has not been shown that this part of the appeal site is in agricultural use. 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.
15. It follows that further assessment of other restrictions, limitations and conditions of Class A, Part 6 is rendered unnecessary.

Other Matters

16. The appellant refers to various historic and recent applications and a planning enforcement appeal¹ to which I have had regard. Based on the limited information provided, many of these proposals are located in a different part of the site, and the appeal was made for a hardstanding roadway some time ago. I am not persuaded that these schemes are pertinent to the circumstances before me. In any event, I have determined the appeal based on my onsite observations and the evidence presented.
17. The appellant also refers to various benefits associated with the proposal to the existing business. 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. Nonetheless, the outcome of the appeal does not prevent the appellant from applying to the Council for planning permission for a building on the site, which would be assessed on its own merits.

Conclusion

18. 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 permitted development.
19. The appeal is therefore dismissed.

A Hickey

INSPECTOR

¹ Ref: APP/L2630/C/15/3129883