



Appeal Decision

Site visit made on 28 August 2025

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2025

Appeal Ref: APP/R0660/W/25/3365300

Bath Farm, Bath Lane, Audlem, Cheshire East CW3 0BN

- 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 C Bailey against the decision of Cheshire East Council.
- The application Ref is 25/0915/PRIOR-6.
- The development proposed is prior approval of new agricultural barn for storage of tractor, trailer, equipment and tools.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the above banner heading is taken from the decision notice and the appeal form as no such description was provided within the original application form.

Background and Main Issue

3. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development (England) Order 2015 (the Order) allows for the erection of a building, which is reasonably necessary for the purposes of agriculture, on agricultural land comprised in an agricultural unit of 5 hectares or more. Additionally, to be permitted under Part 6, Class A of the Order, the development must also accord with further limitations and conditions.
4. The Council considers that it has not been demonstrated that the proposed building is reasonably necessary for the purposes of agriculture as no evidence of an agricultural trade or business associated with the unit has been provided. The Council therefore contends that the proposal does not represent permitted development under Schedule 2, Part 6, Class A of the Order.
5. The main issue is therefore whether the appeal proposal would be permitted development under Part 6, Class A of the Order.

Reasons

6. According to the submitted evidence Bath Farm currently comprises a holding measuring 5.3 hectares and was acquired by the appellant in February 2024. To be permitted under Class A, the proposed agricultural building must be sited '*on agricultural land comprised in an agricultural unit*' and be '*reasonably necessary for the purposes of agriculture within that unit*'.

7. For the purposes of Class A, ‘*agricultural land*’ is defined at Part 6 D.1. as ‘...*land which, before development permitted by this Part is carried out, is land in use for agriculture and which is used for the purposes of a trade or business...*’.
8. There is no definition in the Order for the meaning of ‘agriculture’. It is therefore taken from s336(1) of the Town and Country Planning Act 1990, which sets out examples of agricultural activities. The s336(1) list is not exhaustive but includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
9. The appellant states that the land has always been agricultural and previously formed part of a larger holding, before being split up. It is further stated that the larger holding did previously contain agricultural buildings, however these are on land that does not now form part of the holding or the appellant’s ownership.
10. As a consequence, the holding currently does not include any buildings and the appellant’s agricultural equipment is therefore being stored in a building off-site. The appellant therefore states that the proposed building would be used to store various agricultural items and machinery, including a tractor, mower, hedge cutter, log splitter, fertiliser spreader, chemicals, feed and hay etc...
11. At the time of my visit, I observed no livestock within the land which forms this holding. However, it appeared as though the fields had been cropped in the recent past. I also observed a small number of wrapped hay bales on the land. As such, based on my observations on site it appeared as though some form of agricultural activity had recently taken place on this land.
12. Nevertheless, as detailed above, to benefit from permitted development, the land must, before the development is permitted, be in use for agriculture and the purpose of a trade or business. As such, whilst I observed some evidence of the agricultural use of the land by way of the recently cropped fields, I have been provided with no substantive evidence to demonstrate that the activities on the landholdings form part of a trade or business.
13. In coming to this view, I acknowledge the appellant’s submission that they currently have an application for a County Parish holding number to allow sheep to be stored on the land and there is an intention to re-introduce cattle onto the holding, once the Ragwort affecting parts of the fields has been effectively removed. However, I have been provided with very limited information or evidence in respect of this application for a County Parish holding number. In any case, such information would not on its own demonstrate that the land is being used for the purposes of a trade or business, as required by Part 6 D.1. of the Order.
14. In view of all the above, the submitted evidence does not demonstrate that this landholding is used for the purposes of a trade or business. Consequently, the definitional requirements applicable to Part 6 development have not been met. The proposed development would therefore not be permitted under Part 6, Class A of the Order.
15. As the proposal would not be permitted development, it is not necessary for me

to consider the prior approval application any further, including whether the proposed development would be reasonably necessary for the purposes of agriculture, or whether the proposal would be acceptable in respect of the limitations, exclusions, conditions and matters of prior approval.

Other Matters

16. My attention has been drawn to other larger agricultural buildings in the wider area and that there were no third-party objections to the proposal. However, the determination of this appeal turns on whether the proposal before me meets the requirements applicable to Schedule 2, Part 6, Class A of the Order. Other agricultural buildings in the area and a lack of third-party objections cannot have any bearing on my consideration of this matter.
17. The Council has referred to a dismissed appeal decision¹ which considered the accommodation of livestock within an agricultural building applied for under prior approval. However, as detailed above, as I have found the proposal would not be permitted development it is not necessary for me to consider whether the proposal would be acceptable in respect of the limitations, exclusions and conditions of Part 6, Class A of the Order. As such that appeal decision is not determinative in my consideration of this appeal.

Conclusion

18. I conclude that the proposed development would fall outside the scope of that permitted under Part 6, Class A of the Order and the appeal is therefore dismissed.

R Major

INSPECTOR

¹ APP/R0660/W/22/3309621