



Appeal Decision

Site visit made on 8 September 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/R0660/W/25/3366642

Blackhurst Farm, Lodmore Lane, Burleydam SY13 4BJ

- 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 Mrs Jane Broomhall against the decision of Cheshire East Council.
- The application Ref is 25/0787/PRIOR-6.
- The development proposed is prior approval for cow tracks.

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 cow tracks at Blackhurst Farm, Lodmore Lane, Burleydam SY13 4BJ in accordance with the application Ref 25/0787/PRIOR-6 and the details and location plan submitted with it.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for any excavations or engineering operations which are reasonably necessary for the purposes of agriculture, subject to limitations and conditions. Paragraph A.2.(2)(i) to Part 6 requires the developer to apply to the local planning authority for a determination as to whether prior approval is required for the siting and means of construction of the proposal.
3. The provisions of Class A do not require regard to be had to the development plan. I have taken into account the policies of the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and means of construction.

Main Issues

4. The main issues are,

- whether the proposal would be permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO); and
- if so, whether the proposal would satisfy the detailed prior approval matters including the effect of the siting and means of construction of the private way, upon the character and appearance of the area.

Reasons

Whether Reasonably Necessary

5. Blackhurst Farm comprises an 80 strong dairy herd with a further 100 head of beef store cows on 68ha of land. The Council does not suggest that the proposal does not

relate to an agricultural unit or that the appeal site is not agricultural land. From the evidence before me and my observations on site, I have no reason to doubt that the appeal site forms part of an established agricultural holding.

6. The Council suggests that the proposal for the laying of 2 tracks is not 'reasonably necessary for the purposes of agriculture' due to their individual and combined scale. However, when considering the proposal, it is the tracks themselves and their use which must be reasonably necessary for the use of the land as an agricultural unit.
7. The tracks are said to be necessary to facilitate livestock movement and improve farm efficiency across their grazing land. The dairy herd is milked twice a day, resulting in some tracks being used for up to 4 times a day. Although the land was hard at the time of my visit due to an exceptionally dry summer, I am advised that tracks become waterlogged, poached and rutted in inclement weather¹. Such conditions can lead to lameness, hoof infections and reduced milk yields. The laying of concrete sleepers to form 2 tracks in 2 different fields would provide a stable, well drained surface enabling easier livestock movements and reduce livestock stress and risk of disease.
8. Track 1 would connect 4 grazing paddocks to central farm infrastructure such as the milking parlour and handling facilities. Track 2 would also enable the appellant to comply with catchment sensitive farming requirements to reduce the potential for water pollution by locating the track further away from the adjacent watercourse. There is no suggestion that the tracks would be used for anything other than agricultural purposes.
9. The test as to whether a proposal is reasonably necessary for agriculture relies upon a judgement of what is 'reasonably', rather than 'absolutely', necessary for agricultural purposes at the unit. Tracks to facilitate the movement of livestock would in my view fall into the category of being within reasonable bounds for agriculture and the Council has not provided any compelling evidence to demonstrate otherwise.
10. Based on the evidence presented I consider that the proposed tracks would be located on land which is part of an agricultural unit, and they would be reasonably necessary for the purposes of agriculture within that unit. They would therefore constitute permitted development.
11. The Council has advised that the proposal would adhere with the specific conditions of Class A.1, Part 6 of Schedule 2 of the GPDO and there is no evidence before me to suggest I should take a different view.

Prior Approval

12. The appeal site is located in the open countryside where the land gently undulates but nonetheless is relatively low-lying. The surrounding area has a pastoral appearance dominated by verdant fields, framed by boundary hedgerows and tree planting. As 2 such parcels of land, the appeal site contributes positively to the character and appearance of the area.
13. Track 1 would be located in a large field to the south of the established farmyard. As viewed in planform, the proposed track would appear to arbitrarily project out into the middle of the field. However, it would not be perceived in this way on the ground. I observed that the only public views would be those from Lodmore Lane to the west.

¹ As evidenced in the catchment sensitive farming assessment form contained within Appendix 6 and 'current trackway photographs' found within Appendix 8 of the appellant's agricultural justification report.

Here the proposed track would be set well back from the road. The gently undulating topography and the mature roadside boundary hedge would provide screening and filtering of the track such that it would not appear obtrusive. Some sections of the track are unlikely to be visible in some public views from the field gates.

14. Similarly track 2 would extend between 2 field gates relatively centrally within a field on the opposite side of Lodmore Lane to the farmsteading. Again, the track would be set back from the road where the gently rolling topography and the dense mature hedgerow would assist in mitigating the visual effects in public views. Even when the native hedgerows would not be in leaf they are of considerable maturity and density that they would still offer screening and filtering of views.
15. For these reasons, the proposed tracks would not be overtly visible from the public vantage points along Lodmore Lane. The Council has not advised of any other views including from higher ground where the proposed tracks would be publicly visible from, that would lead me to take a different view. Although the proposed concrete sleepers would have a light colouration, they would be laid on the ground with no cut and fill proposed. It is likely that the tracks would be covered with soil from their use by cattle on a regular basis such that they would not stand out starkly, as was the case with an existing track I observed on my visit. Even if this did not occur, I am satisfied that the screening features present would be sufficient to prevent visual harm from arising. I see no reason in this particular instance, for the tracks to be routed around the edge of the fields.
16. With regard to scale, the appellant is unlikely to go to the expense of installing the lengths of track proposed unless they were necessary to improve farming conditions. Even if I could consider them to be excessive for their purpose, it has not been demonstrated that the tracks would result in landscape harm.
17. For the above reasons, I find that the proposed tracks would not be visually intrusive in this particular rural setting. I conclude that the siting and means of construction would have an acceptable impact and as such, the proposal would not conflict with the Framework insofar as it relates to matters of character and appearance.

Conditions

18. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for agricultural development on units of 5 hectares or more in paragraphs A.2(2)(v) and (vi). These specify that the development must be carried out in accordance with the approved details submitted with the application and within 5 years of the date of this approval. As such, there is no reason for me to impose any additional conditions.

Conclusion

19. For the reasons given above the appeal is allowed and prior approval is granted.

M Clowes

INSPECTOR