



Appeal Decision

Site visit made on 10 September 2025

by John Felgate BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/Z4718/W/25/3370407

Land at Ivy Farm, off Brockholes Road, Farnley Tyas, Yorkshire HD4 6UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval 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 John Dodson against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2025/N/91175/E.
 - The development proposed is the formation of a yard for hay storage.
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Decision

1. The appeal is allowed, and prior approval is not required 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 the formation of a yard for hay storage on land at Ivy Farm, off Brockholes Road, Farnley Tyas, Yorkshire HD4 6UW, in accordance with the application Reference 2025/N/91175/E, and the details submitted with it including plan no 02A.

Preliminary matters

The nature of the proposed development

2. The application was submitted on a form headed '*Application to Determine if Prior Approval is Required for a Proposed Formation, Alteration or Maintenance of Private Ways for Agricultural or Forestry Use*'. However, a covering letter from the appellant's agent dated 28 April 2025 makes clear that what was proposed was "*the construction of a yard area for hay storage*". That letter goes on to explain that the choice of which type of application form to use was guided by advice from one of the Council's planning officers, after it had been found that no directly applicable type of form was available on the Planning Portal.
3. In the Council's refusal notice the proposed development is described as 'Prior notification for formation of agricultural access road'. The officer's report also makes it clear that the proposal has been assessed on this basis. However, having regard to the above matters, it seems clear to me that the development which was applied for does not relate to any form of access road or private way, but rather would comprise the laying out of a gravelled yard for the storage of hay. I have dealt with the appeal on this basis.

The location of the development

4. In the application documents, the location of the site is given as set out above, at Brockholes Road, which is the postal address of Ivy Farm. As shown on the submitted plans, the proposed hay storage yard would be located on land to the

southwest of Whinny Wood, and accessed via an existing farm track from Thurstonland Road.

Main issue

5. In the light of the submissions before me, I find that the main issue in the appeal is whether the proposal falls within the scope of Part 6, Class A of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (the GPDO).

Reasons for decision

6. In the GPDO Schedule 2, Class A of Part 6 grants permitted development rights for:

“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.”

7. In the present case, I saw on my visit that the appeal site comprises part of an arable field currently used for the production of hay. The field forms part of Ivy Farm, which is said to be a registered agricultural holding of some 300 acres in total, of which the great majority is currently used for agricultural activities, including sheep, beef cattle and crop production. On this basis, having regard to the definitions contained within the relevant legislation¹, it seems to me that the appeal site constitutes agricultural land, comprised within an agricultural holding of more than 5 hectares.
8. It is common ground that the development now proposed would be an engineering operation. It is also not disputed that the new storage area would be used for the storage of hay bales produced on the farm, and to be used as feed for livestock reared or kept on the farm. I therefore see no reason to doubt that the development is reasonably necessary for agricultural purposes related to the business carried on at the farm unit. In all these respects the development seems to me to meet the requirements set out above, and therefore to fall within the scope of Class A.
9. Paragraph A.1 of Part 6 then sets out various types of development which are excluded from Class A. In the present case, it is not in dispute that the field within which the development would be sited does not have an area of less than one hectare, nor would the works arising exceed 1,000 square metres. These exclusions therefore do not apply. None of the other exclusions appears to be relevant to the appeal proposal.
10. I have considered carefully the Council's contention that the appeal site cannot benefit from Part 6 rights because, in their view, Ivy Farm as a whole has a mixed use. In this connection I have also taken account of, the legal judgements that the Council has identified, including *Lyons*² and *Burdle*³. However, the situation at Ivy Farm is not the same as that in *Lyons*. In particular, that case involved a farm that

¹ 'In GPDO Schedule 2, Part 6, paragraph D.1(1)

² *Lyons v SSCLG* [2010] EWHC 3652 (Admin)

³ *Burdle v SSE* [1972] 3 All ER 240

was used partly for aviation, a use that had no relation to agriculture, and a building that was said to be split 50:50 between these two uses. In the present case, one building and some small paddocks are used in connection with a livery business. However, from my observations it is clear that this enterprise is considerably smaller in scale than the main farming business. In addition the livery use is, by its very nature, closely allied to agriculture, involving little more than stabling and grazing; and is also related functionally too, in that it provides an outlet for some of the hay and silage produced at the farm. As the Council acknowledges, the two uses share the same access and farmyard. In all the circumstances, the livery seems to me to be clearly an ancillary activity, with the primary use of the farm unit as a whole being agricultural. Although there is also apparently permission for a farm shop, that development has not commenced, and therefore does not affect my finding regarding the nature of the existing use.

11. In *Burdle*, it was held that “*wherever it is possible to recognise a single main purpose of the occupier’s use of his land, to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered....*”. In the present case, it does not appear to be disputed that Ivy Farm is occupied as a single unit. For the reasons already explained, it is clear in my view that the main purpose of that unit is the carrying on of the main agricultural business, with the livery being secondary. Consequently, in so far as it may be relevant, it seems to me that the ‘planning unit’ in this case is the whole of the farm. And in any event, it is clear that the land on which the development is now proposed is not itself used in connection with the livery business or any other secondary activity, but is used solely for agriculture, and apparently has only ever been used for that purpose. These considerations reinforce my view that, for the purposes of Class A, the appeal site is agricultural land.
12. In the light of all the above, I conclude that the proposed development falls within the scope of the rights granted by GPDO Schedule 2, Part 6, Class A. The proposal is therefore permitted development.

Other matters

13. In the case of development which consists of the formation or alteration of a private way, paragraph A.2(2) of Part 6 provides that prior approval may be required, as to the development’s siting and means of construction. In the present case however, as noted above, the proposal is not for that type of development. The new storage yard would be sited adjacent to an existing farm track, but would not form part of that track, nor does it appear that it would be capable of serving any role as a new track or as an extension of the existing one. The requirements relating to prior approval for private ways are therefore not applicable. Furthermore, developments of the type now proposed are not subject to any similar requirement. Prior approval is therefore not required in this case.
14. Notwithstanding this finding, I note that the Council appears to conclude that the details provided with regard to both siting and construction are acceptable. Whilst, in the light of the above, it is not necessary for me to form any view on these matters, for the avoidance of doubt, I see no reason to disagree.
15. I note the comments made by a nearby resident. I agree it seems likely that the development would result in some increase in the frequency of use of the recently constructed access to the farm, from Thurstonland Road, close to Whinny Wood. But that road appears lightly trafficked, and the farm track joins it at a point where

the road is straight, with good visibility. There is no evidence to suggest that the increase in usage would cause danger or other impacts. The planning permission for the access, granted on appeal in 2023, requires that it be used only by agricultural vehicles, and that condition would remain in force; there seems no reason why the development now proposed should conflict with this requirement. In any event, the highway authority has stated that it has no objection, and again I see no reason to disagree.

16. None of the other matters raised relating to compliance with the conditions of the 2023 permission seems to me to be relevant to the present appeal, which by law must be dealt with on its own merits.

Conclusion

17. For the reasons set out in this decision, I have found that, under the terms of Schedule 2, Part 6, Class A of the GPDO, the proposed development is permitted development, of a type for which prior approval is not required. It follows that the appeal must be allowed.

JS Felgate

INSPECTOR