
Appeal Decision

Site visit made on 23 September 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/R1038/W/25/3367046

Field to the south of Ockley Farm, S18 3AB

- 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 Mr William Rodgers against the decision of North East Derbyshire District Council.
 - The application Ref is 25/00207/AGD.
 - The development proposed is barn for agricultural storage of materials, crops and machinery.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the above banner heading has been taken from the decision notice as this accurately describes the proposed development.

Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for agricultural development on units of 5 hectares or more which are reasonably necessary for the purposes of agriculture within that unit subject to limitations and conditions. Condition 2 (i), of paragraph A.2, includes the requirement for the developer to, before beginning the development, 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.
4. The Council's reason for refusal states that the submission fails to provide sufficient evidence to demonstrate that the land subject of the application is "agricultural land" i.e. that it is already in use for agriculture and is so used for purposes of trade or business (as defined in the interpretation section of Schedule 2, Part 6 of the GPDO). Additionally, the Council explain that it has not been demonstrated that the proposed building is reasonably necessary for an existing commercial agriculture. Consequently, the Council conclude that the proposals are not considered to constitute permitted development under Schedule 2, Part 6 of the GPDO.
5. With this in mind, the main issue is therefore whether the proposed development would be granted planning permission by Class A, Part 6, Schedule 2 of the GPDO with particular regard to whether the site comprises agricultural land and whether the proposed development is reasonably necessary for the purposes of agriculture

within that unit. If so, can prior approval be given as to the siting, design, and external appearance of the building.

Reasons

6. The appeal site comprises the northeastern corner of a field on the southern side of Cross Lane, Coal Aston. To the north are the buildings and bungalow of Ockley Farm and the surrounding area comprises open fields and agricultural buildings.
7. The proposed development seeks prior approval for a barn for agricultural storage of materials, crops and machinery. It would have a footprint of 9.2 metres x 18.3 metres and would be 5.6 metres to the ridge. It would comprise blockwork walling materials, with wooden boarding above, and corrugated roofing materials.
8. As set out above, in order to benefit from agricultural permitted development rights, the appeal site must meet a number of criteria including that it must relate to agricultural land. Paragraph D.1 (1) contained within the interpretation of classes A to C sets out a description of agricultural land. The interpretation sets out that agricultural land means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden.
9. The landowner leases the land to a tenant farmer who operates the land as an agricultural business for the growing of cereal and other arable crops. The appellant has provided the name and VAT registration of the current tenant farmer who has farmed the land for the last 10 years.
10. At my site visit, it was evident that the land is used for growing crops which is an agricultural use and based on the evidence before me, I do not have any compelling evidence to suggest that this is not for the purposes of a trade or business.
11. A further criteria of the GPDO, is that the works are reasonably necessary for the purposes of agriculture in that unit. The appellant has confirmed that the current tenancy agreement requires that the harvesting is done on a sub-contract basis where the crop is sold on the arrangement that the purchaser harvests and delivers the crop direct to the customer. This means that storage space is not required for the crop or for any machinery required in the harvesting. Other machinery and goods required in the farming of the land are brought in from a remote holding when required (it is a common occurrence in the farming industry for tenants to farm a number of agricultural holdings over a wider area).
12. The tenant farmer has expressed the view that the provision of an agricultural storage unit would provide an improved and more permanent tenancy agreement, which would be an attractive proposition for them, as it would avoid requiring them to move goods and equipment between the appeal site and a remote holding on a daily basis. However, the appellant also confirms that under the current tenant, the need for storage space for items such as plant and equipment, the storage of the harvested crops and the storage of other goods such as fertilisers is intermittent throughout the year.
13. I note the appellant's claims regarding security, requirement for undercover storage and the plant and equipment required for the operation of an arable farm. Even so, the evidence before me confirms that this can and has been done for the last 10

years without such a storage facility onsite. There is also a lack of detail in relation to the scale of agricultural machinery/equipment needed in association with the holding and type of crops or yields produced on the land to be sufficiently satisfied that there is a need for the development and that the current arrangements are unreasonable.

14. I appreciate that the tenancy agreement is coming up for renewal and the owner feels that any prospective tenant could well be operating on an independent basis which would require storage to be available on the holding, and a building would make the holding more attractive for a new tenant. This may well be the case, but this is a theoretical position only as the appellant has already confirmed that the use of the land currently can be undertaken without the need for a building. I must therefore consider the scheme based on present circumstances opposed to what may or may not happen in the future.
15. For the above reasons, I conclude that whilst the site comprises agricultural land, the scheme fails to provide robust evidence to justify that the building is reasonably necessary for the purposes of agriculture within the unit. The proposed development would not therefore constitute permitted development under the GPDO. As the proposed development would not be permitted development, it is not considered necessary to consider whether the siting and appearance of the building is acceptable.

Conclusion

16. For the reasons given above the appeal should be dismissed.

N Teasdale

INSPECTOR