



Appeal Decision

Site visit made on 16 December 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Appeal Ref: APP/U2750/W/25/3374606

Land at Middlefield Lane, Kirk Smeaton WF8 3JA

- 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 Ryan Bywater against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0831/AGN.
 - The development proposed is storage building for machinery and grain.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. 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.
3. The Council's reasoning for refusal states that there is insufficient information to demonstrate that the proposed storage building for machinery and grain is 'reasonably necessary for the purposes of agriculture', and insufficient information to demonstrate whether the proposal complies with all of the relevant criteria within Class A, Part 6, Schedule 2 of the GPDO due to lack of detailed information on the remainder of the agricultural holding. Additionally, the Council explain that the proposed design and siting of the proposed agricultural building with hardstanding area is considered to result in a visually intrusive and prominent feature which would detract from the open land which surrounds the site. It is in an isolated position away from the existing farmyard within the applicant's ownership. The development therefore does not comply with Policies ENV1 and EMP13 of the Selby District Local Plan, Policy SP19 of the Core Strategy, and the national policy contained within the NPPF.
4. With this in mind, the main issues are 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 proposed development is reasonably necessary for the purposes of agriculture within that unit. If so, does the proposed development comply with all of the relevant criteria within Class A,

Part 6, Schedule 2 of the GPDO and can prior approval be given as to the siting, design and external appearance of the building.

Reasons

5. The appeal site relates to a parcel of land located to the southwest of the village of Kirk Smeaton. It is located to the direct south of Middlefield Lane with the surrounding area comprising open fields.
6. The proposed development seeks prior approval for a storage building for machinery and grain. A hardstanding area would be provided to the front of the building enclosed with fencing and access would be taken from Middlefield Lane to the north.
7. As set out above, in order to benefit from agricultural permitted development rights, the appeal site must meet a number of criteria including that the works are reasonably necessary for the purposes of agriculture within that unit. The main base of the farm business is Milestone House in North Elmsall located further to the south-west. The appellant explains that Milestone House comprises historic farm buildings that are not fit for modern farming practices and the business is currently reliant on the rental of storage sheds on third party land. Such an arrangement is claimed to lack long term security of the use of the buildings, and the rented buildings are not ideally located for the servicing of the land in ownership. This is claimed to increase the need for journeys and reduces the sustainability of the farming business.
8. The Council explain that no further details were received regarding the main base at Milestone House and that it has not been sufficiently evidenced that any other existing buildings within the agricultural holding, cannot provide the storage space for the intended purpose. The main base of the farm business may have received planning permission for redevelopment although I have very limited details in this regard i.e. decision notices, Officer's report, approved plans etc to be able to be clear of the position at Milestone House and to consider this fully. Whilst the ownership of the applicant's agricultural business has been provided, I am still not clear of the location/use of other farm buildings in order to assess the overall need for the proposed building. I appreciate the appellant's claims relating to the reliance on rented buildings but again there is little information provided in this regard i.e. location, arrangements etc to be sufficiently satisfied that there is a need for the development and that the current arrangements are unreasonable/unviable which would in turn also provide further justification for the need for the building.
9. My attention has been drawn to an appeal decision¹ where the Inspector explained that whether an alternative or less harmful location for the building might exist has no material bearing on his appeal decision, which is based on the facts of the case, his observations whilst on site and the correct application of the conditions and procedures in the GPDO. I note however that the main issue in that case was the effect of the siting, design and external appearance of the proposed development on the character and appearance of the area. This is somewhat different to the main issue in the appeal I am considering which is whether the proposed development is reasonably necessary for the purposes of agriculture within that unit. The onus is therefore on the appellant to demonstrate the need for

¹ APP/M9496/W/23/3325925

the development and to my mind, this requires an assessment of the existing agricultural unit including its operations/use of buildings etc. Based on the lack of information provided in this regard, I cannot conclude with certainty that the proposed development is reasonably necessary for the purposes of agriculture within that unit. I do not dispute that covered and secure storage are required/essential for farming, and that the building would be ideally located to serve the extensive land in ownership. This does not however mean that the proposed development is reasonably necessary for the purposes of agriculture within the unit which is the relevant test in this case.

10. For the above reasons, I conclude that the scheme fails to provide robust evidence to demonstrate that the proposed development is reasonably necessary for the purposes of agriculture within that 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 the other relevant criteria within Class A, Part 6, Schedule 2 of the GPDO or if prior approval can be given as to the siting, design and external appearance of the building.

Conclusion

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

N Teasdale

INSPECTOR