



Appeal Decision

Site visit made on 13 January 2026

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/A1530/W/25/3375940

Land opposite The Crown Pub, Thornings Farm, Main Road, Wormingford, Colchester CO6 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).
 - The appeal is made by Mr S Cousins against the decision of Colchester City Council.
 - The application Ref is 251360.
 - The development proposed is an agricultural mixed use barn.
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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 an agricultural mixed use barn at Land opposite The Crown Pub, Thornings Farm, Main Road, Wormingford, Colchester CO6 3AB, in accordance with the application Ref 251360 and the details submitted with it.

Preliminary Matters

2. The address I have used in the banner heading above and in my formal decision is taken from the decision notice and appeal form as it provides a more accurate description.
3. The appellant has submitted additional information with their appeal, which includes a justification and need statement, photos, invoices, and a business plan. This additional evidence would not result in a development substantially different from that applied for. The Council has also had the opportunity to comment on this evidence. Its acceptance does not give rise to procedural unfairness, and I have therefore considered this evidence in my assessment.

Background and Main Issues

4. 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 GPDO) permit 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.
5. This is subject to several limitations where such development is not permitted, listed under paragraph A.1, and subject to compliance with conditions, as set out under paragraph A.2.

6. There is dispute between the main parties as to whether the proposal benefits from the relevant provisions of Schedule 2, Part 6, Class A. The main issues are therefore:
- (i) whether the proposal would constitute permitted development with regards to:
 - whether it would be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more;
 - whether the proposed building is reasonably necessary for the purposes of agriculture.
 - (ii) If the proposal is permitted development, whether or not prior approval is required having regard to matters of siting, design and external appearance of the proposed building.

Reasons

Permitted development

7. For the proposal to be permitted development under Part 6, Class A of the GPDO, the proposed building must be erected on agricultural land comprised in an agricultural unit. For the purposes of Part 6 of the GPDO, at paragraph D.1.(1) “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. “Agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture.
8. The main parties agree that the agricultural unit exceeds 5 hectares. Based on the evidence before me and my findings from my site visit, I have no reason to reach a contrary view.
9. The appellant states that the agricultural holding has been producing meadow and herbal-ley hay as part of a Sustainable Farming Incentive (SFI) scheme, under a government contract running until 2027. Photographic evidence has been provided showing when the meadow mix was sown and the harvesting of hay bales. It is also noted that, in previous years, crops grown on the holding have included borage, wheat, millet and peas. Although limited information has been provided regarding the end use of the harvested produce, this does not, in itself, preclude the conclusion that the holding is being used for the purposes of an agricultural trade or business.
10. Copies of payment receipts from the Rural Payments Agency for the SFI for 2024 and 2025 have been submitted in respect of the holding. Evidence of the appellant’s Single Business Identifier has also been provided. This identifier is issued by the Rural Payments Agency and is associated with a farm or business that is actively involved in agricultural activities.
11. It is also stated that the appeal site contains over 40 beehives. This is supported by photographic evidence, and a number of the hives were also observed during my site visit. The appellant has explained that the beehives being adjacent to the herbal-ley enhances pollination, which improves seed production because the flowering leys provide a continuous source of nectar and pollen source for the bees. This explains how the apiculture operation is used for agricultural purposes.

12. Given these factors, I am satisfied that it has been demonstrated that the proposal would be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more. Furthermore, the Council has offered no persuasive evidence to challenge the appellant's case or lead me to a different conclusion.
13. The Council refer to a previous planning permission under ref 97/0156, which allowed for the buildings within the north-west of the farm to be used as a joinery workshop and for no other purposes. An agricultural unit is not the same thing as the planning unit; it may comprise more than one planning unit. There is no compelling evidence that the appeal site is of a mixed use of agriculture and some other primary use of the land. Based on my observations, the land which the proposal is proposed on is used solely for agriculture, which for the purposes of Part 6, Class A, reinforces my view that the appeal site is agricultural land.
14. 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. As shown in the appellant's supporting photographs, the other two buildings on the appeal site are at capacity. My site visit also confirmed this to be the case.
15. The proposed building is required to store various types of machinery, including a seed drill, haybob/tedder and baler. From the evidence, this machinery is required to support the farm business operating on the agricultural unit, through the production of hay, crop seed and general farm management. I am advised that this machinery needs covered storage to extend the equipment life, reduce repair and replacement costs, as well as to address other security issues. The proposed building would also be used to store seeds which need to be stored in weather-proof conditions. I am therefore satisfied that it has been demonstrated that the proposed building is reasonably necessary for the purposes of agriculture.
16. Drawing all of the above together and having regard to the available evidence, the proposal would meet the requirements of paragraph A of Schedule 2, Part 6, Class A of the GPDO. Accordingly, it is permitted development.

Prior approval

17. Paragraph A.2.(2)(i) of the GPDO requires determination as to whether prior approval is required as to the siting, design and external appearance of the proposed building.
18. Where views of the building would be possible, it would be read and experienced against the agricultural nature of the site and surrounding open fields. It would be of functional appearance consistent with the generally rural character of its surroundings. I therefore have no reason to reach a contrary view from the Council, and agree that the siting, design and external appearance of the proposed building would be acceptable. Prior approval should therefore be granted.

Other Matters

19. The Council is concerned that the proposal could not be accommodated as shown on the submitted plans. Paragraph A.2.(2)(v) of the GPDO specifies that the development must be carried out in accordance with the approved details. If that did not occur, then the proposal would be unlawful. Other concerns raised by the

Council relating to access to the other buildings on the appeal site are not part of the considerations.

Conditions

20. Development under Schedule 2, Part 6, Class A is permitted subject to conditions set out at paragraph A.2. The specified conditions, which I draw to the attention of both parties, require the development to be carried out in accordance with the details approved, be carried out within 5 years of the date of this approval, and require the building to be removed if it ceases to be used for the purposes of agriculture and the land restored to its condition before the development took place. Additionally, where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact. For this type of development, the GPDO does not provide any specific authority for imposing additional conditions.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

L Reid

INSPECTOR