



Appeal Decision

Site visit made on 13 January 2026

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 February 2026

Appeal Ref: APP/C3105/W/25/3375034

Tuther Corner, Piddington, Aylesbury, Bucks HP18 9UZ

- 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 Dominic McCormick of Lucy Poole Consulting against the decision of Cherwell District Council.
 - The application Ref is 25/02077/AGN.
 - The development proposed is two agricultural GP barns.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Dominic McCormick against the decision of Cherwell District Council. This application is subject to a separate decision.

Preliminary Matters

3. The Council's decision did not refer to the development having begun. I have invited and considered any comments on this matter from both main parties.
4. I have used the address given in the appeal form for clarity.

Background and Main Issue

5. To benefit from the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) the proposed development must comply with the conditions set out in paragraph A.2.
6. This includes, at A.2(2)(i) the developer must, before beginning the development, apply to the local planning authority for determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. Additionally, at A.2(2)(iii) the development must not begin before the occurrence of one of the following: the receipt by the applicant (in this case the appellant) from the local planning authority of a written notice of their determination that such prior approval is not required; the giving of such approval, or; the expiry of 28 days following the date on which the application was received without the local planning authority notifying the applicant of their determination. Consequently, that prior approval cannot be granted for development that has already begun including in cases where it has not been completed.

7. The main issue is whether the prior approval appeal was made “before beginning the development” as required by A.2(2)(i) and A.2(2)(iii).

Reasons

8. I saw from my visit to the site that one of the barns has been completed with footings erected for the other barn. The appellant has confirmed this to be the case.
9. The appellant has stated that the appeal should be confined to the question of whether the Council were correct to conclude that planning permission is required for the proposed development having regard to the application of Schedule 2, Part 6, Class A of the GPDO. However, the application was submitted for prior approval and the determination by the Council was in relation to Schedule 2, Part 6, Class A of the GPDO. Therefore, given that the development has already begun it is unable to benefit from the permitted development terms set out in Schedule 2, Part 6, Class A of the GPDO and the appeal must be dismissed.
10. Consequently, it is not necessary for me to form a view on whether the barns are reasonably necessary for the purposes of agriculture or whether it complies with the terms of Part 6, Class A of the GPDO regarding agricultural development on units of 5 hectares or more.
11. Furthermore, given the context set out above the planning merits of the development are not material, and I have formed no view on them. This determination has no bearing on any application, whether for planning permission or otherwise, the appellant may subsequently make in respect of the barns.

Conclusion

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

B Astley-Serougi

INSPECTOR