



Appeal Decision

Site visit made on 23 December 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2026

Appeal Ref: APP/P4225/W/25/3375119

Moorside Farm Nick Road Lane, Wardle, Rochdale OL12 9PW

- 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 and Mrs D and M Hayhurst against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 25/00996/AGR.
 - The development proposed is Erection of an agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 6, Class A of the General Permitted Development Order (the GPDO), planning permission for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection of a building, which is reasonably necessary for the purposes of agriculture within that unit. This is subject to limitations and conditions.
3. I have had regard to the Policies DM1 and P3 of the Adopted Rochdale Core Strategy 2016 and National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting, design and the external appearance of the building.
4. While the site is located within the Green Belt, as the principle of development is not for consideration, the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise. The provisions of Class A do not require regard be had to the development plan.

Main Issue(s)

5. Thus, having regard to the above, the main issues are:
 - whether or not the proposal would be permitted development under Schedule 2, Part 6, Class A of the GPDO, with particular regard to whether the site is agricultural land and whether the development is reasonably necessary for the purposes of agriculture; and if so
 - whether the siting, design and appearance of the building are appropriate in their contexts.

Reasons

6. As set out in Paragraph D.1 of Part 6 of the GPDO, in order to benefit from permitted development rights for a new agricultural building, the land must already be in agricultural use for the purposes of a trade or business before the development is carried out. A building cannot therefore benefit from these rights if the agricultural business has not been established. The building must also be reasonably necessary for agricultural purposes.
7. The proposed building would be constructed using materials typical of modern agricultural buildings, including lower-level concrete panels, Yorkshire boarding, timber sliding doors and a corrugated mineral-fibre roof. Its intended purpose is to provide covered storage for hay produced on the holding and secure accommodation for machinery such as a tractor, trailer, baler, grass-turning equipment, digger, dumper, quad bike and fencing machinery. There is also some suggestion that the building could accommodate livestock. This would be contrary to Paragraph A.1(i) of the GPDO unless the animals, normally kept outdoors, require temporary accommodation due to sickness, birthing, or extreme weather.
8. Notwithstanding any use of the building for livestock, the appellant provides a clear rationale for the scale of the building, particularly for hay storage and machinery accommodation, and there is no evidence disputing the potential yields from the Acre Street land. The relevant test is also whether the building is reasonably necessary for the functioning of the agricultural unit, not whether it is essential or whether a smaller structure might suffice. The proposal remains well below the maximum floor area permitted and complies with the dimensional limits of the GPDO.
9. However, overall the Council refused the application on the basis that the submitted evidence was not sufficiently precise or unambiguous to demonstrate that the proposed barn was reasonably necessary for agriculture. Although it is not disputed that agricultural activities occur at the appeal site and that the agricultural unit exceeds 5 hectares, the officer report states: *"There is no evidence of recently cropped fields and no evidence the bales relate to activities on site, and do not contribute to this part of the trade or business."* The Council also stated: *"It is reasonable that these sheep could be owned by the applicants; however, given the proposed uses of the building, this does not provide substantive evidence this is for trade or commercial agriculture."*
10. I am mindful that, during the application process, the Council requested additional details regarding the enterprise on more than one occasion. The responses did not include evidence that would assist in determining whether the activities meet the GPDO's requirement of use for the purposes of a trade or business, focusing instead on hay production. The appellant does not state that the agricultural activity is a business, describing only the activity itself, not its commercial character.
11. The mere presence of livestock, and agricultural machinery on the land is not, in itself, determinative of a commercial agricultural enterprise, as these features can equally be associated with private animal keeping. Although the appellants explain that they relocated from Fold Head Farm, Whitworth, where they operated a 17-acre holding and held an agricultural holding number (now being transferred to Moorside Farm), this information does not in itself demonstrate that the activities

currently undertaken are part of a trade or business. While some livestock was recently sold, it is unclear whether this was part of a commercial operation or simply related to the practicalities of relocation.

12. Furthermore, no profitability records, business accounts, or documentation evidencing any past or ongoing commercial farming activity have been provided, nor have records such as invoices, grazing agreements, or livestock sales that might demonstrate trade. There is also no substantive documentary link between any previous operations at Fold Head Farm and the activities now taking place at Moorside Farm. The absence of plans, decision notices or officer reports relating to any agricultural buildings at the previous holding similarly fails to establish and substantiate that the former enterprise was recognised as a commercial farm. Taken together, the available information does not demonstrate that a commercial agricultural business has been established or is presently operating.
13. I acknowledge the McKay and Walker Judgment¹, which held that a genuine attempt to establish a farming enterprise may constitute a trade or business even in the absence of profit. Although the planning statement refers to intended activities, there is no information regarding the purchase or breeding of stock or timescales. Under the prior approval process, the onus rests on the appellant to demonstrate compliance with the tests in the GPDO.
14. There is nothing to suggest the building would serve any purpose other than legitimate agricultural use in this isolated location, and I do not disagree with the Council's assessment accepting the siting, design and appearance. The Council's concern that the building may exceed the unit's needs is also therefore not determinative. However, I must reach a conclusion on the balance of probabilities on the evidence before me.
15. I am therefore unable to conclude that the site is agricultural land and therefore whether the development is reasonably necessary for the purposes of agriculture and can only fairly conclude that the proposal does not benefit from the Class A of Part 6 rights.
16. As the proposal is not permitted development, it is unnecessary for me to consider the prior-approval matters of siting, design and external appearance.

Conclusion

17. For the reasons given above, I conclude that the proposed development would fall outside the scope of that permitted under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the appeal therefore fails and Prior Approval is refused.

K Williams

INSPECTOR

¹ McKay & Walker v SSE & South Cambridgeshire DC [1989] JPL 590