



Appeal Decision

Site visit made on 10 February 2026

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Appeal Ref: APP/V0510/W/25/3374547

Possenhofen, 21D Cannon Street, Little Downham, Ely CB6 2SR

- 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 Dr & Mrs Tony & Maeve Thompson-Starkey against the decision of East Cambridgeshire District Council.
 - The application Ref is 25/00023/AGN.
 - The development proposed is 2 sheds and a polytunnel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the above banner heading has been taken from the Council's decision notice as this accurately and concisely describes the proposed development.
3. The appellant claims that the land forms part of the residential curtilage of the dwellinghouse. As such, it is claimed that the proposed development benefits from permitted development rights under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E. What has however been applied for is an application to determine if prior approval is required for a proposed: erection, extension or alteration of a building for agricultural or forestry use under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO. This is completely different to a Class E prior approval and is subject to separate limitations and conditions. I must determine the appeal based on what has been applied for and against the criteria of Schedule 2, Part 6, Class A opposed to any other class.

Background and Main Issue

4. 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.

5. The Council's reasoning for refusal states that the proposed development for the erection of two sheds and a polytunnel would be located on an agricultural unit, which is 0.2775 hectares in area, and would fail to meet the criteria of paragraphs A.1(a),(i) and A.2(a) of Schedule 2, Part 6, Class A of the GPDO.
6. With this in mind, the main issue is therefore whether the proposed development would be granted planning permission by Schedule 2, Part 6, Class A of the GPDO with particular regard to the size of the land, the use of the building and distance from a protected building and if prior approval can be given as to the siting, design and external appearance of the building.

Reasons

7. The appeal site is a parcel of land located at the rear of 21D Cannon Street, which is bound to the south and east by open agricultural fields. The land to the north and west of the site shares a boundary with residential dwellings.
8. The proposed development seeks prior approval for the construction of two sheds and a polytunnel for agricultural use.
9. As set out above, Class A relates to agricultural development on units of 5 hectares or more. Paragraph A permits development for 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.
10. The proposed development is for two sheds and one polytunnel on agricultural land measuring 2775 square metres (0.2775 hectares). As the unit comprises less than 5 hectares of agricultural land, the proposal fails to accord with the criteria of Class A.
11. In addition to meeting the above, paragraph A.1 sets out that development is not permitted by Class A if: a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. The application form specifies that the area of the parcel of land where the development is to be located is less than 0.4 hectares. Paragraph A.1 also explains that development is not permitted by Class A if: i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building.
12. One of the buildings is proposed to house chickens, which are considered to be livestock, and the building would be within 400 metres of a protected building. A protected building is defined within the GPDO as any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include— (a) a building within the agricultural unit; or (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.
13. Paragraph A.2 (a) similarly sets out that where development is carried out within 400 metres of the curtilage of a protected building, any building, structure,

excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

14. As previously explained, one of the buildings is proposed to house chickens, which are considered to be livestock, and the building would be within 400 metres of a protected building. Based on the evidence before me, I am not sufficiently convinced that the proposed development would fall within the purposes of D.1(3) which provides for some exceptions such as where there are no other suitable buildings and that the need to accommodate the livestock arises from quarantine requirements or an emergency. It also covers instances where temporary accommodation is required for sickness, giving birth or newly born as well as providing shelter against extreme weather conditions. I would require further detail in this regard to be certain that the proposals would fall within the purposes of D.1 (3).
15. In order to benefit from agricultural permitted development rights, the above would need to be satisfied. For the reasons given, I conclude that the scheme fails to meet the criteria of paragraphs A, A.1(a), (i) and A.2(a) of Schedule 2, Part 6, Class A of the GPDO. 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 Schedule 2, Part 6, Class A of the GPDO or if prior approval can be given as to the siting, design and external appearance of the building.

Other Matters

16. It appears undisputed that one of the sheds has already been constructed. 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. It is therefore clear that this would be in breach of the terms of permitted development. As this did not form part of the reasoning for refusal and that I am dismissing on other grounds, I do not find it necessary for me to consider this further.
17. The Council raise concern in their Statement of Case regarding whether the development would be reasonably necessary for the purposes of agriculture. In a similar way to the above, this did not form part of the reasoning for refusal and as I am dismissing the scheme on other grounds, I do not find it necessary to consider this matter further.
18. As set out earlier, the appellant considers the land to form part of the residential curtilage of the dwellinghouse, and I am aware of the planning history of the land, red line boundaries, access matters and ownership etc. This however would not alter the way in which I have determined the appeal based on what has been applied for. If the land were to be considered as residential and benefit from permitted development rights, then an alternative application would be needed. This is a discussion that should be had between the parties. Relevant case law in this regard would not alter the way in which this appeal has been assessed based on what has been applied for.

19. My attention has been drawn to land adjacent 23 Cannon Street which I understand relates to a new dwelling where a small part of the rear of the site falls outside of the development envelope boundary. This however is a different scheme entirely to the one I am considering. It would not alter the way in which I have assessed the appeal based on what has been applied for which is Part 6 for agricultural development. Sheds/outbuildings on other land and the status of other land elsewhere would also not alter my findings.
20. I am aware of the appellant's frustrations with the Council and previous comments/advice given. I am also aware of the support shown for the scheme along with its benefits. However, this would not alter my findings nor outcome of my decision.
21. There are other structures located on the land, but these do not form part of the appeal I am considering.

Conclusion

22. For the reasons given above, the appeal is dismissed.

N Teasdale

INSPECTOR