



# ROCHDALE

## BOROUGH COUNCIL

APPEAL BY MR ADRIAN ROSE

APPEAL SITE: Harefield Hall Farm Chadwick Lane Heywood Rochdale OL10 1QL

STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 23/01064/AGR

PINS REFERENCE: APP/P4225/W/23/3332479

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 The appeal is against the Local Planning Authority's Refusal of 'Prior approval for the erection of an agricultural building' under reference 23/01064/AGR which was refused by notice dated 26<sup>th</sup> October 2023 for the following reason:

*The proposal does not benefit from permitted development rights under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as Part 6, Class A of the GPDO requires any building erected to be reasonably necessary for the purposes of agriculture within that unit. The application has failed to demonstrate through the submission of appropriate evidence that the development is reasonably necessary for the purposes of agriculture.*

- 1.2 In order to benefit from the provisions of Class A, Part 6 of the GPDO, the proposed building must be carried out on agricultural land, within an agricultural unit of 5 hectares or more, and be reasonably necessary for the purposes of agriculture in that unit.
- 1.3 Although the Council has determined the prior approval application, the decision it reached was that the proposal does not benefit from permitted development rights under Class A, Part 6 for the reasons set out in the officer report pertaining to the fact that the proposed building has not been demonstrated to be reasonably necessary for the purposes of agriculture.

## **2. Site and Surroundings**

- 2.1 The application relates to an area of land consisting of a derelict farmhouse and sheds constructed in stone.

## **3. APPELLANTS GROUNDS OF APPEAL AND THE CASE FOR THE LOCAL PLANNING AUTHORITY.**

- 3.1 The appellant's grounds of appeal is that the proposed building is reasonably necessary for the purposes of agriculture and sufficient evidence has been provided.
- 3.2 The appellant states that sufficient information was provided to show the council the need for the development. Invoices had been submitted showing a limited number of cattle, however as stated in the officer's report it was unclear if the livestock was for this location or another location. If the cattle is at another location this is not relevant as the current use of the site is assessed.
- 3.3 As acknowledged in Hill v SoS and Bromley 20/2/92, the definition of agriculture when considering the application of Part 6 of the GDPO includes that the agricultural activity must be being carried out in a commercial way. The appellant has not shown that previous farming activity, or any other commercial agricultural use has been re-established within the unit. At the time of the application the LPA was not satisfied that the land was in agricultural use, Part 6 of the GDPO applies and there has to be an agricultural use subsisting when building works commence.

- 3.4 The building must also be considered reasonably necessary. No evidence was presented to show that the land was already used for agriculture and no evidence was provided to show an agricultural use has been re-instated since the dairy farm ceased use in 2008. It states new works have started in the form of new fencing and farm gates. At the time of the application no evidence of this was presented.
- 3.5 To benefit from the permitted development rights within Class A, Part 6, buildings must be designed for agricultural purpose. The building is to be used for storage of agricultural machinery. Although the appellant lists the individual items that would be stored within the building (tractor, mowers, bailer, much spreader etc) no floor plan has been submitted to demonstrate how the space will be laid out to demonstrate that the space proposed is necessary and that it will function efficiently for this purpose. No justification has been provided to demonstrate the necessity for a 450sqm floor area for the intended storage purpose within the agricultural unit. Similarly, the proposed building is 8.8m in height. The reason for such a height has not been justified and as such the LPA questions its necessity.
- 3.6 The LPA has granted previous schemes for farm machinery storage, however the approved proposals have been smaller in height and overall area. An approved scheme 23/00855/FUL granted permission for a 5.98m tall building.
- 3.7 Overall, the appellant has not provided justification that the proposed building is reasonably necessary.
- 3.8 For the avoidance of doubt, the LPA does not consider that the proposed building is unsuitable for an agricultural storage use for plant / machinery.
- 3.9 The applicant stated in their statement that the existing buildings are to be shortly converted to housing, the application is 23/00464/FUL is still under consideration. This is a concern as the existing agricultural buildings are proposed to be converted to other uses, demonstrating that the buildings are no longer needed for their intended purpose. If these buildings are not needed then the proposed development subject of this appeal is not reasonably necessary. Buildings readily available on the land should be used.
- 3.10 For the reasons identified within this Statement and in the officer report, the LPA does not consider that the proposed building is would be reasonably necessary for the purposes of agriculture within the unit. The proposed agricultural building would therefore constitute development for which planning permission is required. For this reason, the LPA did not consider siting and design.

## **Conclusion**

In light of the above, the LPA respectfully request that the appeal be dismissed. If the appeal is allowed the LPA requests materials stated in the application from are required via condition.