
Appeal Decision

Hearing held on 8 November 2016

Site visit made on 8 November 2016

by Rachel Walmsley BSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2017

Appeal Ref: APP/H1840/W/16/3152230

**Croft Farm Water Park, Tewkesbury Road, Bredons Hardwick,
Worcestershire GL20 7EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Newell against the decision of Wychavon District Council.
 - The application Ref W/15/02265/OU, dated 1 September 2015, was refused by notice dated 14 December 2015.
 - The development proposed is a detached 3-bedroom dwelling (to house Manager of Croft Farm Water Park).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal concerns an application for outline planning permission. At the Hearing both main parties agreed that the outline application was for all matters to be reserved except for access. It was also agreed that the elevational drawing of the house is for indicative purposes only. I have dealt with the appeal on these bases.
3. Since the planning application was decided, Wychavon District Council have formally adopted the South Worcestershire Development Plan (SWDP)¹ and the policies contained in the adopted plan are the ones against which this appeal is determined and they carry full weight. The Council and the appellant have responded to the relevant policies in the newly adopted plan so far as they relate to the proposed development and I have had regard to this in my reasons below.
4. Reference was made to the Bredon Parish Neighbourhood Plan, Consultation Document (March 2016) which identifies the appeal site as an area of 'Local Green Space' and a 'Local Gap.' The Neighbourhood Plan has yet to be made and therefore carries little weight in my decision.

Main Issue

5. This is whether there is a functional need for a Manager to live permanently at the appeal site.

¹ South Worcestershire Development Plan (adopted February 2016)

Reasons

6. The appeal site is an area of open land within the grounds of and adjacent to the site entrance to Croft Farm Water Park, a leisure and water park that includes static holiday caravans, seasonal caravan pitches and other forms of holiday accommodation including cabins and chalets, a reception area and a health and fitness centre. The site also supports a variety of activities including water sports and a music festival. Adjacent to the appeal site is Croft Farm, a detached dwelling that was permitted in 1965 in relation a former farm holding on the site. The dwelling is subject to an agricultural occupancy condition.
7. The Water Park, including include the appeal site, is south of and outside the village boundary of Bredons Hardwick, a small linear village. Whilst the appellant argues that the appeal site is a logical extension of the village, abutting Croft Farm and in turn Bredons Hardwick, the site is outside the village boundary as defined within the recently adopted SWDP.
8. Policy SWDP2 of the SWDP directs development towards existing settlements. By virtue of the site being outside of an existing settlement, the appeal site falls within the open countryside. Paragraph 55 of the National Planning Policy Framework (the Framework) states that housing within rural areas should be located where it will enhance or maintain the vitality of rural communities. Housing in isolated locations should only be allowed where there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
9. Policy SWDP19 of the SWDP breaks down essential need into two tests; the policy states that proposals for rural enterprise-related dwellings will be permitted provided, amongst other matters, the functional and economic tests contained in Annex G are met. The main parties agreed that it is the functional test contained in Annex G that is contested, not the economic test, and I have considered the appeal on the same basis.
10. Annex G (1), in setting out what constitutes functional need, points to reasons of security (Annex G (1)(a)) and no other dwellings within, adjacent to or away from the site being available to meet the required need (Annex G(1)(b)). I shall address these points in turn.
11. Regarding security, the appellant suggested that this is a primary reason for needing a Manager to live on site on a permanent basis. However, the theft of one caravan and an unknown number of incidents of joyriders gaining access to the site do not amount to a significant security problem that that merits a Manager living on site permanently.
12. The gates at the entrance to the site are locked at 11.30pm when access is only then possible via a secure key which residents can obtain a code for. The appellant explained a number of difficulties in keeping the gates secure. Residents can forget the access code, although it was apparent that residents can phone the Manager for the code. The gates may need to be opened for those without the code, for example the emergency services but I have no evidence to suggest that this would be a frequent occurrence; furthermore it would be possible for other members of staff on the site to operate the gates. CCTV is currently in operation at the site and there is the intention to extend this to the entrance. This is a reasonable alternative to improving security at the entrance without the need for Manager to live permanently on site.

13. The appellant argued that a Manager is needed on site to provide a quick response in an emergency. A recent incident of a resident breaking his ankle was cited whereby the Manager came to the aide of the resident before the emergency services. However, it is not evident that emergency situations are a recurring problem. This aside, the priority in an emergency situation is to contact the emergency services. The person most likely to do so is whoever is first on the scene. There are a large number of residents and visitors who frequent the site and together with approximately 30 staff, sufficient people to raise the alarm. Whilst I have no doubt that having someone to assist before the emergency services arrive is desirable, a Manager on site is no better placed to assist than anyone else equally close by.
14. It was suggested that the large number of residents and visitors around a lake poses a threat to safety at night. However, there are no reported incidents before me to demonstrate that safety is a significant problem. There is no suggestion that the Manager would patrol the lake all night to help avert danger. Indeed when the Manager is in the dwelling, he would be some distance from, and therefore out of sight and earshot of, happenings at the lake. I also find no substantive reason why a Manager as opposed to a Warden or another member of staff should be better placed to supervise safety at the lake. Signage, CCTV cameras or periodic patrolling by existing members of staff are other reasonable options to enhance the safety at the lake.
15. Taking the above matters together, it has not been shown that there is a need, for reasons of security, for a Manager to live permanently on the appeal site.
16. In addition to reasons of security, Annex G (1)(b) requires evidence to prove that any additional dwelling proposed is necessary because there are no other dwellings available within or adjacent to the site or a nearby settlement that can meet the required need.
17. With regards to using existing accommodation on the site, I accept the appellant's argument that such accommodation, including caravans and chalets, can be temporary in nature and as a result would not provide robust accommodation for a Manager, and in this particular case his family, to live in all year round.
18. The appellant currently lives in an existing detached dwelling, Croft Farm. It was clear that the appellant intends to retire to Croft Farm. When considering the size of the existing dwelling and appreciating the independence needed between the appellant and the Manager and his family, the existing dwelling would not be suitable for both the appellant and the Manager and his family to live in together.
19. During the Hearing the appellant referred to a decision² to help justify why, based on the personal circumstances of the appellant and his wish to retire into Croft Farm, the latter could not be used for the Manager proposed. Copies of the decision were unavailable at the Hearing but have since been circulated and commented on by the Council. The High Court Ruling highlights the need to consider the reality of such an arrangement. I have given weight to the practical implications of the appellant and the Manager and his family living together at Croft Farm and therefore I find that the High Court Ruling has no further bearing on this appeal decision.

² Keen v Secretary of State for the Environment and Aylesbury Vale District Council (12 May 1995)

20. A search of properties within Bredons Hardwick revealed that 22 properties had been sold since 2002 with the majority over £250,000. The appellant suggested that these properties are unaffordable and an inaccessible distance from the Water Park. No evidence was presented to demonstrate to what extent the properties were found to be unaffordable. Whilst the majority of properties sold for an average of £250,000 I note that there were properties that sold below this value and there is no indication that these properties were considered and found unsuitable. The appeal site is less than half a mile from the village boundary which is a reasonable distance for a Manager to walk from his house to the Water Park. I do not accept, therefore, that a house in the village would be an inaccessible distance. Altogether, therefore, I do not find that the search for alternative accommodation within the area has been fully tested to exclude accommodation outside of the site from considerations.
21. In all, I have found that for reasons of security there is not a need for a Manager to live permanently at the appeal site. Furthermore, it has not been demonstrated that there are no other dwellings away from the site that could address the Manager's needs. As such I have not found a functional need for a Manager to live permanently at the appeal site. As a result the proposal would be contrary to Policy SWDP19 of the SWDP and associated Annex G (1)(a-b). By implication, no special circumstances have been demonstrated to justify a new house in the countryside and therefore the proposal would also be contrary to paragraph 55 of the Framework.
22. There was much discussion at the Hearing around the current circumstances relating to Croft Farm, not least its ownership and an extant occupancy condition. The legalities of these matters are not for me to determine as part of this appeal. In any event, given that a functional need has not been demonstrated and that alternative accommodation off site has not been excluded from consideration, the availability or otherwise of Croft Farm is not a determinative consideration in the current appeal.

Other considerations

23. It was felt that the impact long working hours and commuting between the Water Park and home was having on family life could be improved if the Manager and his family lived on site. I have no doubt that lessening the time taken to travel would give the Manager and his family more time together at home. However, this matter relates to the personal circumstances of the Manager which is not a consideration that carries significant weight when considered against Annex G (1)(a-b) of the SWDP.
24. I do not doubt the importance of a Manager to co-ordinate staff and ensure the effective operation of the Water Park. I note letters of support to this effect, from residents, visitors and the British Holiday Homes Park Association that advocate the on-site presence of a Manager for good public relations and customer service. However, business improvements do not meet the test of functional need as set out in Annex G (1) (a) of the SWDP.
25. I have been referred to a case at Radnall Farm where the Council granted planning permission for a permanent equestrian worker's dwelling outside a settlement boundary. However that decision was made prior to the recent adoption of the SWDP and therefore the development was not assessed against policy SWDP19 and the test set out in Annex G that I have outlined above. In

26. Circulated during the Hearing was a decision and Officer's report relating to Radnall Farm whereby the Council granted outline planning permission for a permanent equestrian workers dwelling outside an existing settlement boundary. I note from the evidence that the Council granted planning permission for a number of reasons, including that it was not reasonable for the proposed Yard Manager and the current occupiers of the existing farmhouse to live together under one roof, for reasons that included guests, including elderly parents, staying regularly and the property not being suitable for sharing or sub-division. Whilst giving the benefit of doubt to there being similarities in circumstance with the current proposal, these factors alone did not lead the Council to approving the application. Furthermore, the decision was made prior to the recent adoption of the SWDP and therefore the development was not assessed against policy SWDP19 and the test set out in Annex G which the current proposal is subject to. I find, therefore, that this decision carries limited weight in favour of the appeal.

27. For the reasons given above the proposed development would be contrary to the development plan and the Framework and therefore the appeal is dismissed.

Inspector

FOR THE APPELLANT:

Gae Parry Director, Barker Parry Town Planning Ltd

Gavin Greenhow Planning Officer, Wychavon District Council

Document 1 – Copy of decision notice LPA ref: W/14/01399/OU for Radnall Farm, Crown Lane, Elmbridge, Droitwich Spa WR9 0DA

Document 2 – Copy of Planning Services Delegated Decision for planning application ref: W/14/01399/OU for Radnall Farm, Crown Lane, Elmbridge, Droitwich Spa WR9 0DA

Document 3 – Copies of policies SWDP34: Tourist Development; SWDP 35: Visitor Accommodation and SWDP36: Static and Touring Caravans, Chalets and Camping Sites of the SWDP

Document 4 – Copy of two site location maps at different scales showing Bredon's Hardwick Defined Village Boundary

Document 5 – Copy of the financial report referred to in a letter dated 1 September 2015 from Barker Parry Town Planning to Planning Services Wychavon District Council

Document 6 – Copy of a Criminal Justice Statement concerning incidents of theft and criminal damage dated 26 October 2016

Document 7 – Copy of TripAdvisor Reviews from website dated 8 November 2016

Document 8 – Copy of suggested wording for a planning condition re archaeology, should the appeal be allowed

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 9 – Copy of suggested wording for a planning condition re archaeology, should the appeal be allowed

Document 10 – Site location plan showing revised land ownership of appeal site and land adjoining

Document 11 – Copy of Decision, *Keen v Secretary of State for the Environment and Aylesbury Vale District Council* (12 May 1995), together with notes of case and the Council's comments on the Decision (dated 22 November 2016 at 18:00)

Document 12 – Appellant's response to the Council's comments dated 22 November 2016 at 18:00, dated 24 November 2016.