

Appeal Decision

Hearing held on 28 March 2017

Site visit made on 28 March 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 16 May 2017

Appeal Ref: APP/W0340/W/16/3161487

Bushnells Green Farmhouse, Manor Farm Road, Chapel Row, Reading RG7 6DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Plank against the decision of West Berkshire Council.
 - The application Ref 16/01782/FULD, dated 24 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is described as "retention of existing timber lodge as farm worker accommodation. Non-compliance with condition no. 12 of Planning Permission 13/03014/FUL".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Planning permission was granted in 2014 for the erection of a permanent rural worker's dwelling on the site under ref 13/03014/FULD ("the 2014 Consent"). That consent contains a condition requiring the removal of the appeal property which currently remains in its original position. As such, I have considered the application on a retrospective basis.

Policy context

3. Policies ADPP1 and ADPP5 of the West Berkshire Core Strategy¹ (CS) set out the Council's spatial strategy for the area and direct development towards the main settlements according to the District Settlement Hierarchy. Outside such areas, only limited development will be permitted and only where it addresses an identified need and helps maintain a strong rural economy. Furthermore, Policy ADPP5 seeks to ensure that development within the North Wessex Downs Area of Outstanding Natural Beauty ("the AONB") conserves and enhances the local distinctiveness, sense of place and setting of the AONB. It also seeks to support small local business to help maintain a strong rural economy.
4. The application seeks planning permission for a second permanent rural worker's dwelling in the countryside. It was agreed at the hearing that the relevant local plan policies referred to by the Council do not directly deal with new rural worker's dwellings in the countryside. However, Paragraph 55 of the National Planning Policy Framework ("the Framework") advises against

¹ Adopted July 2012.

new isolated homes in the countryside other than in a limited number of special circumstances. These include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

5. Similarly, Policy C5 of the emerging Housing Site Allocations Development Plan Document (HSADPD) permits new dwellings in the countryside related to a rural enterprise provided certain criteria are met. These include where it is essential to the continuing use of land and buildings for agriculture or a rural enterprise and where it is demonstrated that there are no suitable alternative dwellings available, or that could be made available, in the locality to meet the need. The emerging HSADPD is currently at an advanced stage with adoption expected in the near future. I was also at the hearing that there are no significant alterations proposed to Policy C5. As such, in accordance with the advice set out in Paragraph 216 of the Framework, I afford it significant weight.

Main Issues

6. The main issues are:

- (i) whether there is an essential need for a second dwelling to accommodate a rural worker at the site; and
- (ii) the effect of the development on the character and appearance of the surrounding area including the AONB.

Reasons

Essential Need

7. The appeal site is located in the countryside, outside any recognised settlement boundary. It currently consists of a large farmhouse² ("the Farmhouse"), together with 3 agricultural buildings and a timber chalet-style lodge ("the Lodge"). A fourth agricultural building has been permitted under reference 16/01784/FUL with the steel frames already present on the site.
8. The appellants currently operate a livestock business from the appeal site specialising in the raising of sheep and cattle. At the time of the hearing the farm consisted of just over 12 hectares with an additional 250 hectares of grazing land being rented on a variety of farm tenancies. In addition, a further area of around 350 hectares is taken on at other points during the year. Stock numbers vary but it is clear from the evidence that there is a steady upward trend with sheep numbers having doubled over the last two years and tripled over the last five.
9. The Council accepts that the appellants are operating an established agricultural business. It also accepts that the farm is financially viable. However, it disputes the appellants' contention that there is an essential need for two rural workers to be permanently present on the site. In assessing the question of essential need, it is first necessary to consider whether there is a physical need for a worker to be present at most times of the day and night. It is clear that the farm has a need for an on-site presence. However, it is, in the first instance met by the Farmhouse. In order to demonstrate that the

² Permitted under the 2014 Consent.

special circumstances required by Paragraph 55 of the Framework exist, the appellants need to show that there is an essential need for a second worker to be permanently present on site.

10. The appellants' written evidence refers to the number of Standard Man Days (SMD's) required to operate the farm efficiently and indicates that the labour needs of the holding have increased considerably over recent years, in line with the increased number of animals. Furthermore, during the hearing, I heard evidence from both the appellants and other interested parties regarding the welfare needs of those animals and the amount of labour required to operate a sheep and beef farm of this size. However, while the parties agree that the number of lambs being born between late February and early May would require a second worker to be permanently present on site, between May and June most lambing occurs outdoors and away from the farm buildings. With checks being made at dusk and dawn, coupled with the wide geographical area covered, I am not persuaded that there is an essential need for a second worker to be permanently present on site during this latter period on animal welfare grounds. While the appellants provided examples at the hearing of the types of situations that might occur on site during other times throughout the year, there is little robust evidence which would demonstrate that these situations are sufficiently numerous or frequent that they would require a permanent on-site presence of two workers.
11. Furthermore, although the timesheets provided by the appellants show that the shepherdess currently works long hours, they nevertheless indicate few night-time call outs. The appellants explained at the hearing that this was due to the way in which hours were recorded and that they do not represent an accurate picture of the actual times worked. However, while I agree that it is unlikely that a shepherdess living on site would not at times be required to attend night time emergencies, in the absence of any detailed evidence to the contrary, it appears that the welfare needs of those animals present on the site are adequately met by the occupant of the Farmhouse.
12. It was clear from the site visit conducted that the farm operates over a considerable area. However, travel to these fields in the case of emergencies will mostly be made by vehicle and so the starting point is less important. While it was clear that there will be instances where it might be necessary to transport equipment from the appeal site to an off-site emergency, no robust reason has been provided as to why this could not be performed by the occupant of the existing dwelling. Furthermore, there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of 2 workers.
13. While I accept that the number of animals has increased considerably and with it the amount of labour required, it is only where it is essential for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. Prior to the erection of the Farmhouse, the current occupant of the Lodge resided off-site. The appellants have not provided any information which would indicate that this arrangement impacted negatively on either animal welfare or the efficient running of the farm. Likewise, although I note the practical difficulties that arise in having a shepherd live off-site, I am not persuaded that these are so great that they make it essential for a second worker to be based permanently on the site. As such, I do not consider that

they would provide the special circumstances required to justify a grant of planning permission for a new isolated dwelling in the countryside.

14. Accordingly, based on the evidence before me, while I accept that there may at times be a physical need for a second person to be present, I am not persuaded that it is essential that they be permanently based at or near the site. In this instance, I concur with the Council that the essential need for a second permanent on-site presence has not been demonstrated.
15. Turning then to other alternative accommodation, the appellants have indicated that there is no other accommodation available either on site or nearby which would be suitable to meet the needs of the additional worker. This is confirmed by the Council's agricultural consultant who concludes it would be very difficult to either buy or rent accommodation in the area on a typical agricultural wage. However, at the hearing the Council disputed these findings and suggested that there were other options which could be explored, although I note that no specifics were provided as to what these might be.
16. There was some discussion around the fact that the Farmhouse included student accommodation. However, it was clear from my inspection that this related to a spare bedroom. With no separate kitchen, bathroom or other living accommodation, I do not consider it would particularly suitable to accommodate an adult worker. Nevertheless, the options considered by the appellants relate to the costs of renting or purchasing a property from the worker's perspective. While I accept that this may be beyond the means of a worker on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified. I note that the farm has net assets in the region of £1.546m and have seen no robust evidence which would indicate that it would not be economically viable for the business to purchase or rent accommodation to meet that need.
17. Furthermore, in view of the limited periods in which two persons would be required to be on site, I see no reason that other temporary accommodation could not be utilised for which permitted development rights already exist. While I accept that this may have a greater impact on the AONB during the times which it would be on site, by its very nature such harm would be temporary. I do not therefore consider the limited harm to the AONB that would arise from a temporary structure would justify granting planning permission for a permanent rural workers dwelling in the countryside.
18. Consequently, I conclude that while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or within the wider rural area. Accordingly, I find the special circumstances required by Paragraph 55 of the Framework are not present and a second permanent dwelling on the site is not essential. It would also fail to satisfy the requirements of emerging Policy C5 of the HSADPD.

Character and appearance

19. The Lodge is located within the AONB and consists of a single storey wooden cabin with a chalet design. It is located adjacent to the site entrance, in close

- proximity to the existing farmyard buildings and is set within its own curtilage, benefitting from its own garden area, fencing and parking provision. The site itself is surrounded by open countryside to the south and west but lies in a substantially enclosed setting surrounded by woodland. A public footpath runs along the boundary on an east west alignment.
20. CS Policies ADPP5 and CS19 seek to ensure that new development conserves and enhances the diversity and local distinctiveness of the landscape character of the District, particularly in areas which are sensitive to change, such as the AONB. This accords with Paragraph 109 of the Framework which advises that the planning system should contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes. In addition, CS Policy CS14 requires new development to demonstrate high quality design that respects and enhances the character and appearance of the area.
21. The Council is concerned that the development would not be appropriate within the AONB and would negatively impact on the character and appearance of its surroundings. Furthermore, it considers that the design of the Lodge is not well related to the existing farm buildings or the character of the built form in the wider area.
22. However, views of the site itself are limited and, in general, it is well screened within the wider landscape and from the adjacent public footpath. In the limited number of views that are available³, the Lodge is seen within the overall farm complex. Its modest form and natural materials help ensure that it integrates well into both the site itself and the wider landscape. On balance, I do not consider that the Lodge, either in terms of its location or design, would be visually harmful to the appearance of the wider sensitive landscape.
23. The Council has also raised concerns regarding the additional light pollution which would result from the cabin, directing me towards the AONB management plan and its recognition of the contribution that darkness at night makes towards the characteristics of the AONB. It was also suggested that the addition of a further dwelling in this location would present a significant encroachment and impact on the openness of the site and the AONB area. However, in view of its location within an existing farm complex, together with its limited size and visibility, I am satisfied that the Lodge would have only a marginal effect on both light pollution levels and visual openness. Likewise, in view of its modest size and location within the existing complex, I consider any spatial impact on openness would similarly be limited.
24. Consequently, I do not consider the development would be harmful to the character and appearance of the surrounding area and I am satisfied that the AONB would be conserved. As such, I find no conflict with CS Policies ADPP5, CS14 and CS19 which together seek to ensure that such harm does not occur.

Other matters

25. The Council has referred to CS Policy CS10 in its reasons for refusal. That policy seeks to support proposals to diversify the rural economy, particularly

³ i.e. directly outside the site and on the immediate approach.

where they are located in or adjacent to Rural Service Centres and Service Villages. In view of the appeal site's location, I consider that Policy to be of limited relevance in the determination of this appeal.

26. In reaching my decision I have considered the large amount of local support in favour of the application that was submitted at both the application stage and as part of this appeal. However, while I accept that the impact on the character and appearance of the surrounding area would not be significant, it provides limited support in establishing that there is an essential need for a second rural worker to be permanently present on the site.
27. The Council has also referred me to the comments of the North Wessex Downs AONB Board. However, while I note that the Board may have considerable expertise in the landscape value of the AONB, the Council confirmed at the hearing that the comments relate to a previous, refused application and that the Board has made no comments on the present application. As such, I afford these comments limited weight.

Planning Balance and Conclusion

28. The Lodge would provide workplace accommodation for a rural worker as well as providing support for an existing and expanding rural enterprise. Furthermore, I have found above that it would not be harmful to the character and appearance of the surrounding area. However, I have also found that the evidence provided does not demonstrate that there is an essential need for a rural worker to be permanently based at or near the site. As such, I am not persuaded that the special circumstances required by Paragraph 55 of the Framework are present or that the grant of planning permission for an isolated rural worker's dwelling in the countryside would be justified.
29. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Jeremy Plank	Appellant
Mr Robert McLennan	Planning Agent
Mr Charles Holt	Agricultural Consultant
Dr Yann Le Du PhD	Sheep and Beef Consultant

FOR THE COUNCIL:

Mr Masie Masiwa	Planning Officer
Mr Andy Heron	Senior Planning Officer

INTERESTED PARTIES:

Mr Mark Hawkesworth	Stanford Dingley Parish Council
Mr K Waldie	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of email correspondence between the appellants, Mr Richard Beynon (MP) and the Council dated February and March 2017 (EXB 1).
2. Copy of Appeal Decision APP/W0340/A/10/2134547 (EXB 2).
3. Plan showing the extent of tenanted land and winter grazing (EXB 3)
4. Plans identifying areas of winter grazing, areas of current grazing and resting fields (EXB 4 & 5)
5. Copy of pamphlet issued by National Housing Federation entitled "Home Truths 2016/2017 – The Housing Market in the South East" (EXB 6).