
Appeal Decision

Site visit made on 8 May 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/C1760/W/17/3167538

Alders Farm, Scallows Lane, West Wellow, Romsey, Hampshire SO51 6DX

- 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 R and V Emery against the decision of Test Valley Borough Council.
 - The application Ref 14/01646/FULLS, dated 5 June 2014, was refused by notice dated 20 July 2016.
 - The development proposed is described as "*retention of timber fencing, decking, sheds, hardstanding and underground septic tank plant and permanent residential use of mobile home*".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was apparent from my site visit that development has already taken place, including the erection of close boarded fencing, a large mobile home with decking, and sheds/outbuildings of various sizes. The plans provided, however, give only elevations of the mobile home and various outbuildings, with relatively high level locational information about the position of the mobile home. They certainly do not indicate the position of the range of structures for which permanent planning permission is being sought.
3. The topographical survey plan provides some indication of what may have been on the site in 2014, when the survey was undertaken, but it did not appear to reflect what is there at present. Thus, notwithstanding the description of development, my determination is based solely upon the submitted Existing and Proposed Layout plans, which show nothing but a single mobile home.
4. One of the Council's reasons for refusal related to the fact that the proposed development failed to mitigate its impact upon the New Forest Special Protection Area (SPA), by failing to provide a suitable planning obligation. This appears to have been addressed by the provision of a unilateral undertaking by the appellant and, as such, is not pursued further here.

Main Issue

5. The main issue is whether, having regard to local and national planning policy for rural workers dwellings, the appeal site is an appropriate location for the development.
-

Reasons

Whether an appropriate location

6. Policy COM2 of the Test Valley Borough Revised Local Plan DPD (the Local Plan) sets out the settlement hierarchy for the borough. It allows for development within the defined boundaries of specified settlements. Anything outside these boundaries is, in effect, countryside, where development is restricted. Development here may be permitted where the criteria in other specific policies are met. It must also be essential for the proposed development to be located in the countryside.
7. In this instance, the Council's decision notice cites conflict with Local Plan policy COM10. The relevant section of it is part b. This allows for residential development for rural workers provided that five criteria are met. Of these, the most pertinent are that there is an essential functional need for the dwelling, based on evidence of the business to which it is linked, and that there is no other suitable and available alternative existing accommodation within the area. This policy reflects that set out in paragraph 55 of the National Planning policy Framework and can be afforded significant weight.
8. Addressing first the matter of essential functional need, the appellant's case turns on three issues, being crop protection, security and staff welfare.
9. A considerable amount of information has been set out by the appellant with regard to soft fruit production and its associated issues. However, it is freely acknowledged that *'many of the issues could be alerted via alarms and other technology such as CCTV'*¹. Indeed, with regard to security, there is no evidence whatsoever that the presence of personnel on the Alders Farm site has had any bearing on the security of the farm. There must also be serious doubts about how effective a deterrent a mobile home set right at the back of the polytunnels, invisible from the farm entrance, would be to potential intruders. Furthermore, it is difficult to see how someone resident permanently at Alders Farm would be any kind of deterrent to intruders on the appellant's other holdings, distant from it.
10. It is suggested that permanent on-site accommodation is required for purposes of staff supervision and welfare. It is evident, however, that staff resident on the Alders Farm site, utilising a large number of mobile homes, are only present for part of the year. This being so, it is difficult to see why a permanent dwelling is required to oversee them. Even if this were not so, there is no compelling reason why a manager living off-site, within a reasonable distance, could not be contactable by telephone in the event of an emergency, or travel to the site each day for management purposes. Indeed, there appear to be a number of team leaders and managers available for such purposes, living on neighbouring farms or in local towns.
11. Nonetheless, it is argued that a manager needs to be on-site to be able to react to changes in the weather, changing growing conditions, emergencies and issues which arise and to implement protocols to overcome any issues. As noted above, however, it is accepted that many issues can be dealt with by automated systems. Indeed, the appellant is explicit that their case boils down to a single *'crucial issue'*, being that the responses to any of these issues are

¹ Appeal Statement para 8.3

dependent on a responsible key farm worker being able to make decisions and remedy matters quickly.

12. There is no compelling evidence before me to suggest that a responsible key farm worker, living within reasonable proximity to the holdings farmed by the appellant in the wider area, could not be effectively alerted to pertinent issues. Nor is there any evidence that they would be unable to respond in a timely manner. Indeed, given that the appellant farms extensive holdings across the wider area, it is difficult to see why there is a necessity for someone to be at Alders Farm specifically, to make judgments about crop protection or to respond to, for example, irrigation issues, when other holdings are not similarly supervised by a permanent on-site employee.
13. The presence of the mobile home at Alders Farm appears to be for largely historical, rather than practical, reasons. While I note that some of the other holdings have residents present, they are not, in fact, associated with the business. Furthermore, the fact that some of Kings Farm can be seen from Alders Farm seems neither here nor there. It remains a discrete entity and lacks on-site management.
14. In addition, I do not find it persuasive that a responsible worker living nearby would be unable to form a judgment in advance about the likelihood of frost or snow, and its potential impact upon the crops across the holdings, or would experience significantly different weather conditions to someone living on Alders Farm such that it would affect their judgment.
15. Turning to the matter of suitable and available alternative existing accommodation within the area, the appellant states that no properties within half a mile of Alders Farm were marketed at less than £600,000 between July 2016 and (what I assume to be) January 2017. It is also suggested that no rental properties have been offered at less than £2500 a month. However, no evidence has been provided in support of this assertion and there is no evidence of what might be affordable relative to salaries or partnership dividends paid/drawn (it is not disputed that the business is very profitable). Nor is there any indication why half a mile, which seems a remarkably narrow area of search, should be the maximum distance surveyed.
16. Lack of security of tenure and the short term nature of rented residential property nearby is also stated. Again, however, no evidence is provided in support of this assertion, which would seem to suggest that the local rental market is unusual, as it is not uncommon for tenants to live in rented accommodation for, often very, considerable periods of time.
17. It is stated that Mr Emery living off-site in West Wellow had a severe consequence to the business. It is not at all clear, however, what this consequence was.
18. I am sympathetic to the assertion that in the past Mr Emery has lived away from his family for some of the year to fulfil his obligations to the business. Nonetheless, it is not a personal permission that is sought and, as clearly stated by the appellant, any suitably experienced member of staff could live on site. Indeed, there is considerable blurring in the evidence about whether the need is for Mr Emery specifically, or another responsible key farm worker generally, to be on the site. Thus, little weight can be given to this factor.

19. The appellant has provided a late submission from agronomists Delphy. This largely reiterates information already provided, supporting the view that soft fruit production is a skilled process with sensitive variables. This is not in dispute. I note the assertion that across the Delphy consultant's client base no producer is without a skilled person on site at the heart of operations. Notwithstanding that there is no evidence of this before me, this is not a comment supporting permanent residence. Nor is there any evidence that other clients have comparable operations to that of the Emerys or that dwellings were not already in place on those farms.
20. The Delphy consultant states that it is surprising that justification is required regarding the need for a skilled manager to be able to live on site. This may be so, but that is how the planning system works. It is necessarily evidential.
21. I conclude, therefore, that having regard to local and national planning policy for rural workers dwellings, on the basis of the evidence before me in this appeal, the appeal site is not an appropriate location for the development proposed. The appeal proposal would conflict with the requirements of Local Plan policies COM2 and COM10, which are set out above.

Conclusion

22. I am in no doubt that Mr Emery, with his brother, has worked hard to establish a successful business. It is also clear that soft fruit production, like any type of farming, makes specific demands upon, and requirements of, a necessarily skilled producer. These demands are such that a manager of some experience is clearly required with easy access to the sites in general, rather than Alders Farm in particular, notably during the peak growing and picking season when additional numbers of staff are present.
23. The evidence before me in this appeal, however, although indicative of a time, water and weather sensitive production process, is not sufficiently robust or compelling to lead me to the conclusion that someone needs to be on site(s) permanently or that other suitable accommodation is not available sufficiently nearby to enable the operation to function effectively.
24. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal proposal conflicts with the development plan when taken as a whole and, thus, that the appeal should be dismissed.

Richard Schofield

INSPECTOR