The Planning Inspectorate

Appeal Decision

Hearing held on 18 April 2017

Site visit made on 18 April 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/Y3940/W/16/3165289
Land at Top Field Farm, Aldbourne Road, Baydon, Marlborough SN8 2DJ

- 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 K Orchard against the decision of Wiltshire Council.
- The application Ref 16/06794/FUL, dated 12 July 2016, was refused by notice dated 24 November 2016.
- The development proposed is construction of an agricultural/rural worker's dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the agricultural enterprise justifies the proposed dwelling, having regard to local and national planning policies which seek to avoid isolated new homes in the countryside.

Reasons

3. Core Policy 48 (CP48) of the Wiltshire Core Strategy 2015 (CS) explains the approach taken by the Council to support rural communities outside of specified settlements, including the provision of dwellings to meet the employment needs of rural areas. This policy is broadly consistent with the aims of the National Planning Policy Framework (the Framework) with regards to avoiding isolated homes in the countryside unless there are special circumstances.

4. The appeal site is in the open countryside and outside of defined settlement limits. The Council's second reason for refusal states that the site is located remotely from local services and is not well served by local transport. This reflects the evidence before me and my observations from my site visit. I also note from the Statement of Common Ground that both parties agree that if the development cannot be justified under paragraph 55 of the Framework or Policy CP48, then the proposal would be contrary to Chapter 4 of the Framework and Core Policies 57, 60 and 61 of the CS as specified in the Council's second reason for refusal.

5. The Council accepts that there is a functional requirement/need for a worker to be on site at Top Field Farm. However, the Council also considers that the

financial evidence does not justify the provision of a permanent dwelling on the site.

6. In support of the proposal, the appellant has provided three years of accounts from 2013-2015 which shows that the business has been profitable over that period. However, the Council emphasises that in two of those years the level of profit did not exceed the minimum wage. Furthermore, the accounts include income from "work done" which consisted of contract work undertaken away from the holding. Both parties agree that if the income from contract work is excluded then the business would not have been profitable over the three year period.

7. The appellant confirmed at the Hearing that this contract work related to work within a quarry. Whilst this may have used vehicles and equipment which also have an agricultural purpose, the nature of this contract work is clearly not agricultural. I acknowledge that the appellant has confirmed that this contract work has ceased and that he intends to replace this income through an expanded ewe flock and increasing retail sales. I am also mindful that the appellant considers that the income from the enterprise is sufficient for his present needs. However, the low levels of profit and previous reliance on non-agricultural contract work call into question the prospects for the survival of a purely agricultural business. Moreover, no business plan or other evidence of future viability has been provided. A further consideration is the effect of the costs of constructing the proposed dwelling and/or paying rent for it on the viability of the business. My overall assessment is that it has not been shown that there is a reasonable prospect of the agricultural enterprise enduring. Consequently it cannot be concluded that the proposed dwelling is needed in the interests of agriculture, as required by Policy CP48.

8. The Council has also questioned whether the appellant controls land at Top Field Farm under a suitable tenancy. In response, the appellant submitted at the Hearing details of an Agreement for a Farm Business Tenancy between the land owner and the appellant dated 25 March 2016. The Council has queried the efficacy of this Agreement, raising concerns including whether this has been made by Deed, registration with the Land Registry and provisions in relation to the proposed dwelling. However, it is not necessary for me to comment further on these matters because, even if I were to accept the appellant's position, this would not overcome the issues identified above in relation to the long term financial viability of the business.

9. In support of the appeal, my attention has been drawn to an Appeal Decision for an agricultural workers dwelling at Chapel Meadow Yard[1] which was also assessed against Policy CP48 of the CS. In allowing the appeal, the Inspector considered that the CS employs a lesser test compared to the advice within the (now withdrawn) Annex A of Planning Policy Statement 7 and that now set out in the Framework. However, I note that the Inspector considered the appeal against the policy set out in the development plan, as I have done here. That policy explicitly requires both functional and financial evidence to be taken into account as part of an overall judgement.

10. I therefore conclude that it has not been demonstrated that the agricultural enterprise justifies a permanent dwelling at the appeal site. The proposal would therefore conflict with Policy CP48 of the CS which seeks, amongst other

[1] Appeal Ref: APP/Y3940/W/15/3003195

things, to allow the provision of new residential accommodation within the countryside to meet the needs of employment essential to the countryside. The proposal would also be located remotely from local services and would therefore be contrary to Core Policies 57, 60 and 61 of the CS which seek, amongst other things, to locate development in accessible locations and to reduce the need to travel by private car. Special circumstances have not been demonstrated to show an essential need for a permanent dwelling on the site and the proposal would therefore also conflict with the Framework which seeks to avoid isolated homes in the countryside unless such circumstances exist.

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Eleni Randle MRICS FAAV	Agent, G Herbert Banks
Kelvin Orchard	Appellant
Geoff Maslin	Land Owner

FOR THE LOCAL PLANNING AUTHORITY

Morgan Jones	Senior Planning Officer, Wiltshire Council
Tony Coke	Agricultural Advisor, APA Consultants

DOCUMENTS SUBMITTED AT THE HEARING

1. Tenancy Agreement plus Notices, submitted by the appellant.

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE HEARING

2. Supplementary Statement from APA Consultants Ltd, submitted by the Council.
3. Appellant's response to LPA's Supplementary Statement from APA Consultants, submitted by the appellant.