



Appeal Decision

Hearing Held on 20 August 2019

Site visit made on 20 August 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2019

Appeal Ref: APP/E2734/W/19/3222577

Windmill Hill, Mill Lane, Kirk Hammerton, York, North Yorkshire

- 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 Mark Revell against the decision of Harrogate Borough Council.
 - The application Ref 18/04091/FUL, dated 14 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is temporary siting of a caravan for a period of three years.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the appellant's appeal form, as agreed by the main parties at the hearing, in the interests of brevity.
3. The appellant provided an additional document at the hearing which set out the three main points which they considered their case was based on, and which the Council were afforded the opportunity to consider and comment on.

Main Issue

4. The main issue is whether there is an essential need for a rural worker to live on the site.

Reasons

Policy context

5. In refusing the application the Council referred only to Paragraph 79 of the National Planning Policy Framework (the Framework) although they referenced several policies in their officer report and appeal statement. At the hearing, the Council explained that at the time of refusing the application they did not have a specific policy relating to rural workers dwellings but that Policy HS9 of the Harrogate District Local Plan: Publication Draft 2018 (draft Local Plan) was now at an advanced stage having been through the initial hearings and now out for consultation following minor modifications. On this basis, the Council confirmed that they would rely on Policy HS9 of the draft Local Plan and Policies SG3 and

SG4 of the Harrogate District Local Development Framework Core Strategy Adopted February 2009 (Core Strategy).

6. Policy HS9 of the draft Local Plan relates to rural workers dwellings and sets out the circumstances under which new isolated dwellings in the countryside, intended for occupation by rural workers, will be permitted and largely reflects the approach in the Framework. Given the relatively advanced stage and consistency with the Framework, I afford significant weight to this policy in decision making terms.
7. Policy SG3 of the Core Strategy relates to settlement growth and sets out the form of development that will be encouraged in the countryside, including sustainable rural enterprise. Policy SG4 of the Core Strategy relates to design and impact however, the Council found no harm in respect of design and environmental impact and in the absence of explanation I consider this policy is not directly relevant to the main issue in this case and weighs neither for nor against the proposal.
8. Paragraph 79 of the Framework states that planning decisions should avoid development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Whilst the Framework does not define what constitutes an essential need, I consider that it would be reasonable to assume that there would have to be a physical or functional need for someone to be on the site at most times to meet the requirement and, that there is evidence that the business is likely to endure in the long term. Paragraph 83 of the Framework states that planning decisions should enable the development and diversification of agricultural and other land based rural businesses.

Essential need

9. The appeal site forms part of a parcel of land, located and accessed off a single track no through road in a countryside location but within walking distance of the village of Kirk Hammerton. The land consists of grass land with some areas planted with trees, bound by hedgerows. There is a modest sized stable type building on the land which is used for storage and a smaller shed located amongst the trees. The land has been in the appellant's ownership for around 8 years and there are currently 5 beehives and some chickens on the land. The appellant explained that the land is mown for silage once a year and used by a local farmer for sheep grazing during part of the year.
10. The proposal relates to the siting of a caravan for a temporary 3-year period to be occupied on a permanent, year-round basis, to enable a rural enterprise related to bee keeping to become established.
11. The appellant and his wife have 5 beehives on the land and 2 further apiaries located elsewhere. Whilst I acknowledge that a colony of bees is about to be sold to a micro-brewery/distillery in Nottingham and that the appellant's wife has sold some honey which has been produced at a local fair, at present the bee keeping could not be considered to be a commercial enterprise. The appellant does not dispute this, and it is clear from the submitted evidence that it is the appellant's intention to grow a business based initially and primarily on bee keeping, and the appellant has submitted a business case and income forecasts to support this. The Council has not disputed the information contained in the business case or income forecasts. Acknowledging the

relatively specialist and sensitive nature of the proposed business and in the absence of substantive contrary evidence, I see no reason to take a different view.

12. Consequently, the dispute between the parties is whether there is a functional need for a caravan to be sited on the land for residential purposes. In the original application and appeal statement the alleged need for an on-site presence related to the security of the site. However, following discussions at the hearing it is evident that whilst the primary requirement for the proposed caravan relates to security, the appellant considers the caravan is also required as an office, welfare space and for storage and honey processing amongst other activities related to bee keeping.
13. The appellant's plan is to develop a business raising and selling bee colonies and rearing queen bees, with the appellant's wife delivering training to purchasers of colonies and others who have an interest in bee keeping, utilising wax and honey as an ancillary element. It is stated that the business would be able to support the employment of an apprentice with the appellant and his wife not drawing a wage themselves, a situation that they appear content with as they would be supported by pensions. The next 3 years would primarily be production of the colonies for sale and queen rearing with the long-term plans relating to the establishment of a teaching facility.
14. Whilst the appellant referred in their evidence to having invested £60,000 in the site and land, at the hearing the appellant explained that this investment was made around 8 years ago and relates to the cost of purchasing the land, planting hedges, erecting a sheep shelter, providing boreholes, standing timber and equipment for maintaining the land. As such, whilst I do not underestimate this investment it does not relate directly to the proposed business. Furthermore, beyond a small number of informal approaches from potential customers, little substantive evidence has been provided about potential suppliers and the markets for bees and products.
15. Nevertheless, and whilst this would be the appellant's first venture of this kind, I note the qualifications that both the appellant and his wife have obtained, and do not doubt their commitment and enthusiasm for the venture.
16. At the hearing we discussed why some of the activities which the alleged need relates to could not be carried out in the appellant's nearby home, such as storage and cleaning. The appellant explained that their home is too small and for reasons which appear to relate to convenience, that this would not be reasonable. In any event, whilst I accept that it would not be practical for the appellant to carry out all tasks associated with the business at home, for example 'grafting', and cleaning, I do not consider that the activities referred to and discussed at the hearing require or justify the need for a permanent on-site presence.
17. In respect of security, at the hearing the appellant explained that there have been 2 incidences and an attempted incidence of theft, the last being in around July/August 2018. In the first incident nothing was taken, and the appellant suggested this may be because the thieves were deterred by a security camera. On the second occasion, thieves drove over a newly planted hedge and used a vehicle to pull the doors off the stable building, stealing equipment with a value of around £6000. The appellant explained that the police told them that there had been a number of thefts from farms in the area at that time.

The third theft took place whilst the appellant was in the process of securing the site and a number of tools and equipment were stolen. There have been no further thefts since 2018 although I note that the caravan, which the appellant suggests may have served as a deterrent, was sited on the land from April 2019 until relatively recently.

18. The existing security measures on site consist of a battery powered trail camera located on one end of the building overlooking the doors, and the main gates to the land are chained and locked. The secondary gate to the site is chained, locked and blocked off such that it cannot be opened. The appellant has also installed more secure doors on the building with a secondary metal grille behind the door to the end of the building where higher value equipment and materials are stored. The appellant also acknowledged that as the hedge along the lane grows this will help to conceal the site which will be a deterrent.
19. The appellant's wife explained that bees and hives are valuable and vulnerable to theft. Whilst none have yet been stolen the appellant stated that this is probably because they are located in relatively concealed locations on the land but that they will need to be moved for reasons relating to productivity and welfare.
20. There was discussion at the hearing and site visit about whether the appellant had considered alternative security measures. The appellant explained that as there is no mains electricity to the land this limits their options and that the costs of installing mains electricity would be prohibitive. They also stated that they have considered the use of animals, but that they in themselves would require supervision. Whilst I do not dispute the costs associated with installing mains electricity, and some security measures are likely to be costly to a fledgling business, given the appellant's acknowledgement that there is only one way into and out of the land, I have little substantive evidence about what other measures have been considered and any associated costs.
21. Furthermore, on the basis of the evidence submitted and the small number of incidences of theft, including the time since the last incident, it has not been demonstrated that the risk in this location would be unacceptably high or that any such risk could not be lessened by security improvements.
22. Consequently, taking all of the above into account, I conclude that an essential need for a caravan to accommodate a rural worker has not been demonstrated and the development is not justified. The proposal would therefore be contrary to Policy SG3 of the Core Strategy, Policy HS9 of the draft Local Plan and the Framework.

Other Matters

23. The Council referred to an Inspectors appeal decision¹ in respect of a proposal for an agricultural dwelling in another Councils area. The appellant does not consider this to be relevant or comparable to their proposal as it was located in a Green Belt location. Whilst the business in that case appeared to have some similarities to the appellant's in respect of bee keeping and queen rearing, given that I have little information about the evidence which had been put before that Inspector, it has little bearing on the planning merits of the appeal

¹ APP/L3245/W/15/3130903

proposal. In any event, I have considered the appeal proposal on its own merits.

24. I do not underestimate the importance of bees and understand that they are in severe decline however, this and the economic benefits of the proposal including the employment of an apprentice, are not matters which alter my judgement in respect of the proposal.
25. The appellant's concerns about the original application fee are matters for the Council to investigate separately from the determination of this appeal.
26. I acknowledge that the appellant sought pre-application advice from the Council however, this was an informal and without prejudice opinion which has no bearing on the planning merits of the proposal.
27. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

28. For the reasons given above, and having regard to all matters raised, I conclude the proposal would conflict with the development plan when read as a whole, and the appeal should therefore be dismissed.

Felicity Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mark Revell

Lesley Revell

FOR THE LOCAL PLANNING AUTHORITY:

Mark Danforth Harrogate Borough Council

DOCUMENTS SUBMITTED AT THE HEARING:

1. Further written statement from the appellant.
2. Suggested conditions from the Council.