



Appeal Decision

Hearing Held on 10 September 2019

Site visit made on 10 September 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/M0655/W/18/3219291

Woodlands Alpaca Farm, Stockport Road, Warrington WA4 2TB

- 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 The Egerton Trust against the decision of Warrington Borough Council.
 - The application Ref 2018/32871, dated 10 May 2018, was refused by notice dated 3 October 2018.
 - The development proposed is for an outline application (including access, landscaping, layout and scale with other matters reserved) for the erection of a single storey, 2 bedroom bungalow for a farm worker, with relocation of an existing alpaca shelter.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved except access, landscaping, layout and scale. I have determined the appeal on this basis.
3. The name of the appellant and the site address differs on the application form and the appeal form. The appellant has confirmed their name and address, and the Council agreed so I have progressed with the appeal on this basis.
4. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.

Main Issues

5. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on openness; and
 - If the proposals are found to be 'inappropriate', whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify them.

Reasons

Whether inappropriate development

6. The appeal site is located within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraph 145 of the Framework lists a number of exceptions to this, with one being buildings for agriculture and forestry.
7. At the Hearing, both the appellant and the Council took the view that the proposal would not accord with the first exception under paragraph 145 of the Framework. The appellant and the Council had drawn my attention to a number of appeal decisions in which Inspectors had taken various views on what constituted a building for agriculture. Whilst it is proposed that the dwelling would support an agricultural enterprise, it would nonetheless be used primarily for residential purposes.
8. Consequently, the proposal would not be a building for agriculture or forestry and would not, therefore, accord with the exceptions under paragraph 145 of the Framework. The proposal would also not fall within any of the other exceptions detailed in paragraphs 145 and 146 of the Framework. The Framework states that this is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

Openness

9. Paragraph 133 of the Framework states that openness is an essential characteristic of the Green Belt. The proposed development would result in the provision of a substantial detached dwelling. Trees, shrubbery and walls bound the site and the proposal would not be visually prominent from public viewpoints. Nevertheless, within the appeal site the proposal would be a large and intrusive feature within the Green Belt.
10. The appellant indicates that as a result of the proposal, within the site there would be a reduction in hard standing areas by 56% and an increase in grassed areas by 71%. At the hearing I was referred to a table in paragraph 5.16 of the appellant's Planning Statement May 2018 which compared the existing and proposed hard and soft landscaping. However, the appellant also indicated that the figures relating to buildings were not up to date. An open storage building would be removed as part of the scheme with an existing alpaca building to be repositioned within the site. A structure described as a temporary building which is not shown on the plans would also be removed.
11. The proposal would be sited in an area which is not occupied by a permanent building and therefore spatially would have an impact on openness. Whilst there would be a reduction in hardstanding and an increase in grassed areas, a residential property would be lit at night, with lights emitting from windows. Domestic paraphernalia would also be stored on the site which would add to the impact on openness. All these factors would have an inevitable spatial and visual impact on the Green Belt when compared to the existing circumstances. As such, given the modest scale of the development concerned, the proposal would lead to moderate harm to the openness of the Green Belt.

Other considerations

12. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address those other possible considerations.
13. The appellant advised at the Hearing that the proposal should not be considered the development of an isolated home within the context of paragraph 79 of the Framework. One of the potential exceptions under paragraph 79, are dwellings for rural workers where there is an essential need for that worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. The appellant maintains that in this case there is such an essential need.
14. Woodlands Alpaca Farm (WAF) currently has 17 alpacas associated with the farm. The alpacas are not always kept on site with them sometimes being kept on grazing fields. They also spend time on other farms during periods of breeding, birthing and aftercare. White Peaks Alpaca Farm (WPAP) in Knutsford is a farm with which WAF collaborates closely and has a reciprocal breeding relationship. The appellant now wishes to expand the business and undertake breeding and birthing at WAF, with initially four female alpacas being brought onto the appeal site with the same number of potential pregnancies every year.
15. Based on current operations at WPAP, the appellant expects that the birth of one alpaca, which is usually undertaken during daylight hours, requires one working hour per day for four months which, including part time help, would equate to 228 working hours per year. This would be in addition to the working hours required for the day-to-day running of WAF. A typical day for Mr Foden, who runs and manages WAF, starts at 0500 and finishes at 2200 and includes feeding and watering of the alpacas, undertaking medical checks and care of the animals, transporting of alpacas to grazing fields and regular farm maintenance. I have not been persuaded from the evidence submitted, that the one working hour per day that is required for birthing cannot be encompassed into the day-to-day running of WAF, particularly when part of the working day already requires checks and care of the animals.
16. The appellant described at the Hearing that alpacas require 24-hour care and attention particularly as they do not readily show signs of illness, and therefore an eyes and ears surveillance is required. One alpaca fatality has been recorded recently which was attributed to the alpaca consuming too much poisonous ivy having strayed from a grazing field.
17. The Council has provided details of properties in the area that were available for rent however, these properties are all over two miles from the appeal site. I accept the appellant's submission, that given the surveillance required in terms of the welfare of the alpacas that a 24-hour presence is required close to the site.
18. Mr Foden currently resides at Barondale Grange, located adjacent to the site, and undertakes the majority of surveillance of the animals. From the evidence submitted, I am satisfied that Barondale Grange is under different ownership

from the appeal site. It has been described that Mr Foden and his family are looking to step away from the direct management of WAF. However, there is minimal evidence to suggest how WAF will be run in the future and no evidence to indicate that Mr Foden cannot continue surveillance from Barondale Grange during hours when there would be no presence on the site.

19. From the financial evidence submitted by the appellant, WAP has been a profitable enterprise for a number of years. There does not appear to be any major discrepancies within the financial records and WAP therefore appears to be a viable enterprise.
20. The appellant stated at the Hearing that a temporary permission for a dwelling would be acceptable and reference was made to an appeal decision¹ in which the Inspector allowed a temporary permission. This appeal decision however referred to the retention of an existing static caravan in contrast to the building which is the subject of the current appeal. Given the proposal is for a detached dwelling, I do not consider a temporary permission would be reasonable.
21. Finally, the appellant has drawn my attention to a number of allowed appeal decisions². However, I do not consider these schemes are directly comparable to the scheme subject of this appeal, particularly with regards to location and the scale of the related farming enterprises. In any case I have determined this appeal on its own basis.

Conclusion

22. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In this appeal there would also be harm to the openness of the Green Belt. While that harm would be moderate, the Framework specifies that substantial weight should be given to any harm to the Green Belt.
23. Paragraph 144 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
24. I have found that there is a need for a 24-hour presence to be close to the site to provide surveillance for the welfare of the alpacas. However, for the reasons set out above, I do not consider there to be sufficient evidence that this surveillance cannot be achieved by other means, with there being little indication on how the business would operate in the future and why Mr Foden would not be able to continue surveillance of the site, such that I attach only limited weight to that need. There would be some moderate benefit arising from the agricultural enterprise and therefore continued contribution to the rural economy. These are very tangible as demonstrated by the appellant's evidence regarding viability. Yet they are limited due to the modest scale of the enterprise and comparatively small relative to the importance the government gives to the protection of the Green Belt as reflected in the Framework.
25. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the

¹ Appeal decision reference: APP/B3410/W/17/3185558

² Appeal decision references: APP/R0660/A/12/2185055; APP/V0510/W/17/3182345; APP/W3005/W/17/3190792; APP/A1530/W/18/3194324.

very special circumstances needed to justify the development do not exist. The development would also fail to comply with Policies CS1, CS2 and CC2 of the Warrington Borough Council Local Plan Core Strategy 2014 which accord with the Framework in seeking to protect the Green Belt from inappropriate development.

26. I conclude that for the reasons given above the appeal should be dismissed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Harry Dodd	Planning Consultant
Giles Atkinson	Barrister
Tom Coyne	Accountant
Bob Shaw	Alpaca Consultant
Brian Foden	Alpaca Farmer

FOR THE LOCAL PLANNING AUTHORITY:

Nick Howard	Warrington Borough Council
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DOCUMENTS SUBMITTED AT THE HEARING:

1. Statement of Common Ground signed by appellant and Council
2. Grazing Licence documents
3. Financial accounts for years ending 5 April 2019 and 5 April 2020
4. SHLAA document extract – reference 1613
5. Document referring to properties for rent in the area