
Appeal Decision

Hearing Held on 11 September 2019

Site visit made on 11 September 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2019

Appeal Ref: APP/M0655/W/19/3232938

Laburnum Farm, Laburnum Lane, Great Sankey, Warrington WA5 3LE

- 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 Miss Rebecca Scott against the decision of Warrington Borough Council.
 - The application Ref 2018/33836, dated 2 November 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the erection of a temporary agricultural dwelling (3 years) and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of the proposed development, submissions indicate that the proposed temporary dwelling would be a static caravan. I have determined this appeal on that basis.
3. Revised Planning Practice Guidance on Housing Needs of Different Groups was published following submission of this appeal. This provides considerations that may be relevant to take into account when assessing the need for isolated homes in the countryside for essential rural workers. The parties were made aware of the guidance and invited to provide comments at the hearing.
4. The Council have chosen not to defend the second reason for refusal, now considering that siting of the proposed dwelling to the far south west of the appeal site, allied with existing tall boundary hedging, would overcome any harm to living conditions. I see no evidence that would lead me to a different conclusion.

Main Issues

5. The main issues in this appeal are:
 - (a) whether or not the proposal would be inappropriate development in the Green Belt;
 - (b) the effect of the proposal on the openness of the Green Belt;
 - (c) whether or not there is an essential need for a dwelling to accommodate a rural worker;

- (d) the effect on the character and appearance of the area; and
- (e) if the development is inappropriate, whether the 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 the development.

Reasons

6. The appeal site forms part of a field located to the rear of residential dwellings along Laburnum Lane. The site is associated with a farm business rearing rare breed pigs; with related butchery, farm shop, and outdoor catering service. The farmland and premises are rented under tenancy agreement from the adjacent Laburnum Farm, owned by the appellant's parents, and where the appellant currently lives. The character of Laburnum Lane is rural fringe, located on the very edge of Warrington. In essence, the proposal is for a temporary static caravan for use as a dwelling by agricultural workers within the rented land.

Inappropriate development

7. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belts is to keep land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt. All proposals within the Green Belt should be treated as inappropriate development, and thus should only be approved if very special circumstances exist, unless it comes within one of the categories in the closed list of exceptions identified in paragraph 145 of the Framework.
8. Policy CS5 of the Warrington Borough Council Local Plan Core Strategy (WBCLPCS) defines the extent of the Green Belt around Warrington. Policy CC1 of the WBCLPCS identifies insets excluded from the Green Belt, which does not include the appeal site. These policies seek, amongst other matters, to check unrestricted urban sprawl of large built up areas and safeguard the countryside from encroachment, in line with national policy. The Council confirmed at the hearing that the boundary of the Green Belt, in so far as it relates to the appeal, is drawn along the eastern edge of Laburnum Lane. The Green Belt therefore washes over the site.
9. The Statement of Common Ground notes that the appeal proposal is 'not appropriate' development in the countryside, which the Council confirmed at the hearing was inappropriate development, in the words of the Framework. The appellant noted that the proposal could fall within the paragraph 145 exceptions, under buildings for agriculture. However, an agricultural dwelling would not fall within the definition of agriculture provided at Section 336(1) of the Town and Country Planning Act 1990. As a consequence, the proposal is inappropriate development in the Green Belt contrary to policy CS5 of the WBCLPCS and the Framework. The proposal is also contrary to policy CC1 of the WBCLPCS in so far as it relates to this appeal.

Openness

10. Openness is an essential characteristic of the Green Belt, as stated in paragraph 133 of the Framework. The appeal site is within a small open field, with no other existing structures. The site does have residential boundaries to the north and east, which constrain views into and from the site. Views from the south are similarly constrained by the associated farm yard and intervening

landscaping. However, to the east, longer views of the site can be experienced from the arterial Liverpool Road and the public footpath, notwithstanding the field shelter adjacent to the eastern boundary of the appeal site.

11. Whilst the appellant considers that these views are distant, and that the adjacent garden boundaries create a defining line, my observations were that the proposal would be visible from these public vantages. As a result, the proposal would result in an incursion of built form where none currently exists, albeit that the views would be partially restricted. As such, I find that the proposal would lead to adverse effects upon openness of the Green Belt, both visually and spatially, notwithstanding that the harm would be temporary. As such, the proposal is contrary to policy CS5 of the WBCLPCS and the Framework.

Essential need

12. Both of the main parties consider that the appeal proposal would not be defined as an isolated home in the countryside, in terms of paragraph 79 of the Framework. I agree. Nonetheless, the appellant has put forward a justification on the basis of essential need. In the absence of specific development plan policies, and given that Annex A of former Planning Policy Statement 7 is cancelled, the Planning Practice Guidance (PPG) on Housing Needs of Different Groups provides some useful criteria for assessing essential rural workers.
13. The business, Snoutwood Trotters, has developed over the last 8 or 9 years into an enterprise predominantly specialising in rearing rare breed pigs, Gloucestershire Old Spots, with 3 boars and 15 sows and approximately 100-150 pigs at any one time. Subsequently, butchery is undertaken on site, and produce sold in the farm shop at the farm entrance and at outdoor catering events. The business is reliant on a steady supply of meat weight pigs; currently producing 3 or 4 litters a month, each litter giving an average of 10 or 11 piglets. Four or 5 meat weight pigs are needed to facilitate a 'shop day'. Submissions indicate significant personal investment in the business, and 40% match funding for the butchery from the LEADER programme demonstrates confidence in the business model. I have no doubt that this is an exciting young business offering a valued service to the local community.
14. However, whilst the developmental and financial aspects of the business are not in dispute (with the exception of allowance for rent in assessing viability, as arose at the hearing), the long-term security of the business is not certain. The business is currently reliant on a tenancy from the appellant's parents, which is subject to annual review, and the Council rightly highlight that no evidence has been provided of long-term control. This lack of security is of very significant concern when considering essential need; the land holding cannot be considered secure even for the duration of the temporary proposal. Furthermore, given that the land currently available is at or near capacity, additional land would be needed to continue expansion of the business. Whilst the appellant indicated potential availability of land adjacent to the holding, no firm commitment is available at this stage.
15. The PPG separates out some types of rural work, such as assembly or food packing lines, that would not justify rural dwellings. The appellant is clear that the various elements of the business are interdependent. The butchery, farm shop and catering business stem solely and wholly from the rearing of the pigs,

with reference to appeal decisions at Rocks Smallholding¹. The Council point out that the butchery and catering elements are not agriculture and are subsidiary, and that the business does not support a full-time worker. Nonetheless, even were I to assess the business as a whole and being capable of supporting the one full time worker necessary to justify essential need, this would not outweigh my concerns in respect of the lack of security of tenure.

16. Whilst the range of reasons suggested by the appellant for needing to live on site is expansive, at the hearing it became apparent that the key concern relates to animal welfare, in particular, the tendency of nursing sows to crush feeding piglets. Whilst the Council consider that living on site will not necessarily prevent this, and that some losses are a natural part of farming, the appellant stated that through use of a temporary caravan, they have significantly increased survival rates. Whereas previously 4 out of a litter of 10 may have survived, now almost all have. This reduction in losses is a considerable benefit in favour of the proposal. Other matters such as bio-security, health and safety, and site security and maintenance, relate more to standard farm management measures to which I give limited weight, in the context of the current living arrangements.
17. With regard to alternatives, I accept that more distant accommodation within Warrington may not be suitable, due to travelling time. The appellant currently lives with the appellant's parents at Laburnum Farm, but claim this is not sustainable as elderly grandparents are shortly moving in. The Council indicate that Laburnum Farm is a substantial dwelling capable of providing continued accommodation to the appellant, whether that be in the existing house or as part of a future extension or annexe.
18. Notwithstanding the nominal separation by tenancy agreement of the farm business from Laburnum Farm and the appellant's parents, it is not uncommon for farming families to live intergenerationally within a single planning unit. The appellant is keen to highlight the inappropriateness of the appeal business relying on the parental home. Whilst I have considerable sympathy with this view, my above findings on security of tenure indicate that there remains an inherent link between the appeal business and Laburnum Farm. The severance is not so complete that the two can be separated as suggested. Accordingly, I can only give this argument limited weight.
19. I also note the informal use by the business of a temporary caravan at the site over a number of years whilst the replacement dwelling at Laburnum Farm was being constructed. However, the distances between Laburnum Farm, the caravan, and the appeal site are so minimal as to be negligible, such that this does not in itself demonstrate essential need. Reference has also been made to conversion of part of the barn which contains the butchery, were the restrictive covenant to be removed or negotiated. Overall, it seems to me that there may be various alternatives for accommodation that could be potentially suitable.
20. Whilst I appreciate that it may be desirable to have a temporary dwelling on the site, in the context of the lack of security of tenure, I do not find it essential. As such, the case for essential need for a dwelling to accommodate a rural worker has not been satisfactorily demonstrated, contrary to the Framework and the PPG, in so far as they may be relevant to rural workers dwellings.

¹ Appeal decisions APP/C1435/C/07/2037892 and APP/C1435/A/07/2033636

Character and appearance

21. The scale and proportions of the proposed dwelling are not dissimilar to those of the surrounding area, as conceded by the Council at the hearing. I do not therefore find harm in this respect. However, the design of the proposal is not in keeping with the built form in the area and, whilst it is a typical design for a temporary dwelling, would only be seen as such were there a justified essential need. With regard to layout, the temporary dwelling would be sited behind the rear building line of the existing dwellings in contrast with the frontage development elsewhere along Laburnum Lane. As such, the proposal would introduce a different pattern of development, notwithstanding that adjacent garden boundaries extend further into the countryside than the appeal site.
22. Overall, the proposal would have a considerable adverse effect on the character and appearance of the area, contrary to policy QE7 of the WBCLPCS and the Framework, which together require development to be well designed and appropriate to its surroundings, amongst other matters.

Other considerations

23. Permission is being sought on a temporary basis only, on the grounds that this offers a more sustainable approach to building the business. I agree that temporary permissions can be useful to facilitate growth and to test viability, however, for the reasons set out above I am not persuaded that even a temporary dwelling is essential to the business over and above the current arrangements. I give this limited weight.
24. The sustainability of the business model is clearly important to the appellant, with reference made at the hearing to policy CS1 of the WBCLPCS. Whilst this policy states that development proposals that are sustainable will be welcomed and approved without delay, it defines sustainable development as that which affords protection to the Green Belt, amongst other matters. Furthermore, inappropriate development in the Green Belt is by definition not sustainable, as set out in the Framework. Accordingly, I give limited weight to this matter.

Other matters

25. The appellant has highlighted issues concerning the handling of the planning application by the Council. However, these are not matters within my jurisdiction, which is limited to the merits of the appeal proposal.

Conclusion

26. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness, the Green Belt purpose of safeguarding the countryside from encroachment without justification of essential need, and the harm to character and appearance of the area. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
27. As outlined above, I give only limited weight to the other considerations and, even when taken together, these do not outweigh the harm that the proposed development would cause. The substantial weight to be given to Green Belt

harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is dismissed and planning permission is refused.

Patrick Hanna

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rebecca Scott Appellant
Liam Tickle

FOR THE LOCAL PLANNING AUTHORITY:

Nick Howard Contract Planner, Warrington Borough Council

INTERESTED PARTIES:

Andy Heaver Parish Councillor

ADDITIONAL DOCUMENTS

- 1 Drawing – elevation Heritage 2DB
- 2 Copy of appeal decision APP/H2733/W/17/3186812
- 3 Copy of appeal decision APP/W1145/W/17/3188917
- 4 Copy of appeal decision APP/M0655/W/18/3209412
- 5 Marketing details for properties to rent