



Appeal Decision

Hearing Held on 15 October 2019

Site visit made on 15 October 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal Ref: APP/Y2810/W/18/3214161

Clipston Gate Farm, Sibbertoft Road, Clipston, Northamptonshire LE16 9UB

- 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 Mr Philip Wright against the decision of Daventry District Council.
 - The application Ref DA/2018/0016, dated 21 December 2017, was refused by notice dated 10 May 2018.
 - The development proposed is a farm workers' dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Philip Wright against Daventry District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council has drawn my attention to the emerging Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (the emerging Plan) and in particular Policies HO6 and RA6. Policy HO6 relates specifically to rural workers dwellings.
4. From the evidence before me the emerging Plan has had its examination in public and the Council is currently consulting on modifications to the plan. At the hearing the Council confirmed that there had not been any objections to these Policies and the amendments which were being consulted upon were in response to the examining Inspectors comments.
5. Whilst I cannot give these policies full weight in my consideration of the appeal proposal, given the relatively advanced stage of the emerging Plan and that no objections had been received in respect of these policies, I consider that significant weight should be attached to them.

Main Issue

6. The main issue is whether there is an essential need for a dwelling to accommodate a rural worker and whether this could be provided through the use of an existing building.

Reasons

7. The appeal site is located on the north side of Sibbertoft Road between the villages of Sibbertoft and Clipston. The site is in a remote location and in planning policy terms is in the open countryside.
8. Policy GN1 of the Daventry District Local Plan (1997) (DDLP) sets out that (amongst other matters) the granting of planning permission will be guided by the need to make proper use of disused or under-utilised land and buildings (part c) and to severely restrain development in the open countryside (part f).
9. Whilst part (f) indicates that development should be severely restrained in the countryside this goes beyond the objectives of the natural environment aims of the National Planning Policy Framework (the Framework) which seeks to ensure that the intrinsic beauty of the countryside is recognised. As such I find that this is not in complete accordance with the Framework and, as such, I cannot give this element of the policy full weight.
10. Paragraph 79 of the Framework sets out the circumstances where isolated dwellings in the countryside may be appropriate, one of which is whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Planning Practice Guidance¹ gives further advice on factors which may be relevant to take into account, which includes whether such a need could be met through improvements to existing accommodation on the site. To my mind, this could include existing buildings which are not necessarily in residential use. Furthermore, there is no requirement that the building concerned has to be disused.
11. Policy HO6 of the emerging Plan sets out that the provision of a rural workers' dwelling will be acceptable provided that the functional need cannot be accommodated within an existing settlement, an existing dwelling, or provided through the re use or conversion of existing buildings.
12. The Council confirmed at the hearing that it accepted that there was an essential agricultural need for a dwelling and that this could not be accommodated within an existing settlement, nor is there an existing dwelling at the site. Whilst I have noted the concerns raised in the representations on this matter, from the evidence before me in the Andersons agricultural report and the Councils agricultural consultant (the Kernon report) I consider that there is sufficient evidence to provide the level of justification required to support a rural workers' dwelling in principle.
13. Furthermore, as I observed on site, an additional chicken shed is in the latter stages of construction and additional eggs produced from the increased amount of chickens will no doubt further increase the overall profitability of the enterprise.
14. Therefore, the key issue is whether there is an existing building at the site which could be used to provide the new dwelling. The Council consider that the barn located towards the entrance of the site could be converted to form a new dwelling and this forms the basis of the Councils objection to the development before me.

¹ Paragraph: 010 Reference ID: 67-010-20190722

15. From what I ascertained at the hearing, this barn was built after the submission of a prior approval application which the council failed to determine. It is constructed using blockwork, has a tiled roof, and has openings at ground floor level which appear domestic in scale. That said, none of the openings have windows fitted (the openings being boarded up) and the external doors appear as temporary solutions to allow access into the building and to provide a degree of security. Internally, a large part of the internal floor was unfinished and there were two areas of first floor space, the only access to which would have been via ladders.
16. The Appellant considers that the building is not available for conversion as it is needed for storage purposes. It was also outlined that there is an intention to have an egg grading facility in the building and this would be in the part of the building which I saw had a completed internal floor.
17. At my site visit I saw that the other buildings on the site provided limited storage facilities with only small areas in the end parts of the chicken sheds. Additionally, the cattle shed is partially open and other than the storage of hay would not provide a suitable store for other equipment or foodstuffs.
18. I also saw that there was a lorry trailer at the front of the site which, amongst other things, had equipment associated with the chicken sheds stored within it. The blockwork barn contained a small trailer, stacks of doors and door frames, other construction materials and only a small amount of chicken feed, grit and woodshavings given the amount of chickens currently at the site. Whilst I accept that the amount of storage required for the chicken feed, grit and woodshavings would vary according to when deliveries are required, I also noted that there was a silo to the rear of the original chicken shed.
19. However, it is also clear that the internal layout of the unfinished blockwork barn does not lend itself to be an efficient space for the storage needs of the enterprise.
20. Notwithstanding that, given the limited storage available at the site, it is clear that there is a need to have a storage facility for equipment and feed and this requirement for storage space would still exist if this building was utilised for the new dwelling. It was accepted by the Council that this would be likely to result in the need to provide a new storage building to accommodate any necessary storage of items associated with the enterprise. That said, given the space available between the blockwork barn and the cow shed this would not result in any significant alteration to the operation of the enterprise.
21. The Appellant also outlined that the conversion of the blockwork barn would result in a dwelling which would be likely to be much larger than what would normally be permitted for a rural workers' dwelling. Notwithstanding that, the Appellant confirmed there would not be any reason why the farm office and the egg grading unit could not share this existing building with residential accommodation, thereby reducing the level of residential floorspace and the likely size of any replacement building. However, this is not the proposal before me.
22. Taking all of the above into account, and the relatively low level of storage use in the blockwork barn which I observed at the site visit, I consider that it has not been suitably demonstrated that this existing building could not be utilised for the rural workers' dwelling. This is particularly important as this is what the

thrust of national and the emerging local plan policy indicates should be considered first. In coming to that view, I acknowledge that there would be likely to be a need to provide some replacement storage facilities. However, I consider that this would not be difficult to achieve given the overall site. Furthermore, this would be unlikely to be of such a scale which would harmful to the rural character of the area.

23. The Council in their reason for refusal of the application also referred to Policy HS24 of the DDLP which, amongst other matters, states that planning permission will not be granted for residential development in the open countryside other than development essential for the purposes of agriculture or forestry. Given that the Council have accepted that there is an agricultural need for a dwelling at the site I find that there is no conflict with this policy.
24. In addition to the above, Policy R2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (WNJCS) is quoted in the reason for refusal. However, given the accepted need for a dwelling at the site, it could be argued that a new dwelling would help to safeguard jobs and the overall business at the site given the recognised agricultural need for the dwelling. To that end, whilst Policy R2 appears to be primarily directed at commercial development, I find that the proposed dwelling would not be in conflict with it.
25. For the above reasons, whilst it is accepted that there is a need for a new dwelling to be located at this site, it has not been sufficiently demonstrated that the existing blockwork barn could not be utilised. The proposal would therefore conflict with Policy GN1 of the DDLP and Policy SA of the WNJCS and Policies HO6 and RA6 of the emerging Plan which amongst other matters seek to guide new development to appropriate locations and that existing buildings are utilised for rural workers dwellings where possible rather than new build dwellings in the countryside. They also seek to approve sustainable development without delay. It would also be at odds with the overarching aims and objectives of the Framework.

Other matters

26. To the south of Sibbertoft Road opposite the appeal site is a scheduled ancient monument. The importance of this site is historical and there is little evidence above ground of the medieval settlement of Nobold. The Council consider that the proposed development would not have any affect on this Scheduled Ancient Monument and given the nature of the proposed development I have no reason to disagree with that view.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nigel Brotherton Howkins & Harrison

Philip Wright Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Catherine Daniels Principal Planning Officer

DOCUMENTS submitted at the Hearing

1. Statement of common ground
2. List of persons sent the appeal hearing notification letter