



Appeal Decision

Hearing Held on 25 September and 24 October 2019

Site visit made on 25 September 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/X0360/W/19/3234343

Poppies Farm, Pound Lane, Hurst, Reading RG10 0RS

- 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 Ms Joanna Boswood against the decision of Wokingham Borough Council.
 - The application Ref 182402, dated 29 August 2018, was refused by notice dated 1 February 2019.
 - The development proposed is the temporary siting of a log cabin as an agricultural worker's dwelling and erection of 18m x 12m general purpose agricultural barn.
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Decision

1. The appeal is dismissed insofar as it relates to the temporary siting of a log cabin as an agricultural worker's dwelling. The appeal is allowed insofar as it relates to the erection of 18m x 12m general purpose agricultural barn and planning permission is granted for the erection of 18m x 12m general purpose agricultural barn at Poppies Farm, Pound Lane, Hurst, Reading RG10 0RS in accordance with the terms of the application, Ref 182402, dated 29 August 2018, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the schedule attached to this decision.

Applications for costs

2. An application for costs was made by Wokingham Borough Council against Ms Joanna Boswood. An application for costs was also made by Ms Joanna Boswood against Wokingham Borough Council. These applications are the subject of separate decisions.

Procedural Matters

3. Shortly after the Hearing was opened on 25 September 2019, it became apparent that I had not received all evidence that had been submitted by the parties in respect of the appeal. As such, the Hearing was adjourned in order for me to review the missing information and was re-opened on 24 October 2019. I was, however, able to undertake an accompanied site visit on the first day of the hearing.
4. Revised Planning Practice Guidance on Housing Needs of Different Groups was published around a week before the submission of this appeal. This provides considerations that are relevant 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.

5. Notwithstanding the plan submitted with the application of the log cabin (as it is described in the application forms), it was confirmed at the Hearing and agreed by both parties that permission is sought for the temporary siting of a mobile home.

Main Issues

6. The main issues are as follows:

- i. Whether there would be an essential need for a dwelling to accommodate a rural worker;
- ii. Whether there would be a need for the barn;
- iii. The effect of the development on the character and appearance of the area; and
- iv. The effect of the development on trees.

Reasons

Essential need for a Dwelling

7. The appeal site is within the countryside to the west of Reading and north of Woking and is accessed via a private lane off Pound Lane. It comprises two field parcels amounting to some 2 hectares of pasture land. The site is currently occupied by a number of storage containers, a stable building, a polytunnel and a static caravan, within which the appellant and her family currently resides.
8. The development proposed includes the temporary siting of a mobile home to provide residential accommodation for a rural worker and her family. Whilst the details of the rural enterprise have altered since the planning application was first submitted in August 2018, it essentially comprises a number of elements, including a number of breeding sheep, cattle and sows, some of which I understand to be rare breeds; haylage cutting; meat sales; an equine facility; and an education and training facility for children and young adults, particularly those with learning and behavioural problems (referred to in the evidence as a NEET facility). Details of a 3 to 4 year plan for the enterprise have been provided and the appellant confirmed that this plan would commence following the grant of planning permission. Whilst the animal breeding, equine and haylage elements of the enterprise were established prior to the submission of the planning application, both the store calves and the education and training elements would be part of the enterprise going forward and have, therefore, not yet commenced.
9. The development plan for the area includes the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document January 2010 (CS). With regard to the location of the development, CS Policy CP11 (Proposals Outside Development Limits – Including Countryside) is relevant. The appeal site is outside of the settlement limits defined in the CS.

Policy CP11 permits development in such locations where, amongst other matters, it contributes to diverse and sustainable rural enterprises within the borough.

10. It is common ground between the parties that the advice in paragraph 79 of the National Planning Policy Framework (the Framework) is relevant in this case. This informs that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. This includes where there is "an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside". In addition to this, Planning Practice Guidance (PPG) on Housing Needs of Different Groups provides useful criteria for assessing the need for isolated homes in the countryside for rural workers. It advises that consideration be given to, amongst other matters, the "evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise", and "the degree to which there is confidence that the enterprise would remain viable for the foreseeable future". In accordance with the guidance, I have considered both (i) the functional need for the rural worker's dwelling as well as (ii) the viability of the enterprise going forward.

(i) Functional Need:

11. The parties agree that the enterprise currently generates employment for at least one full time rural worker, this being the appellant. The business plan indicates that this will increase to a need for 2.2 workers at the end of the 3 to 4 year projection.
12. The current animal stock levels were established at the Hearing. These include around 23 cattle; 78 sheep and rams; 2 pigs, 2 chickens and 4 horses. Lambing currently takes place April to May, and calving is limited to a 3 to 4 month window. Since its construction in early 2019, all lambing and calving has taken place in the polytunnel on site. The appellant confirmed that the rates of livestock survival had increased as a result. Such improvements are essential if the enterprise is to flourish as predicted. The appellant confirmed that she intends to continue to use the polytunnel for all lambing and calving, and that an application for planning permission will be made in an attempt to permanently retain the polytunnel, although this application had not been submitted at the time of the Hearing.
13. Whilst there is, at present, a degree of uncertainty as to whether the polytunnel can remain (due to the lack of planning permission), the proposed barn would be capable of being used for lambing and calving, although I note the Council's comments with regard to the distance between the proposed barn and the mobile home.
14. Some grazing takes place on land away from the site and it is common ground that the appeal site is not of a sufficient size to sustainably accommodate the enterprise in the future. However, the need for a 24 hour presence on the appeal site is for the breeding elements of the enterprise that take place there. This currently amounts to around half the year. The appellant intends to increase cattle numbers over the next 3 to 4 years as well as introducing store cattle to the enterprise, at the appeal site. Accordingly, the need for a 24 hour presence on site is likely to increase if the enterprise grows as anticipated. In addition, the appellant suggested that the rare breeds may result in the site

being a target for crime and a 24 hour presence would deter this. I note that none of the evidence points to any appropriate alternative accommodation elsewhere that would adequately satisfy the need identified.

15. Whilst I am mindful of the permitted development rights¹ that would allow for the temporary siting of a caravan on the site for a particular season, if the enterprise achieves its anticipated growth the need for a presence on site would be for the majority of the year and not just a particular season. Indeed, I note Mr Eachus' conclusions in the original independent agricultural consultant report, that the enterprise would generate a need for a stock person to permanently live on site by 2021 (this being the end of the 3 to 4 projection as set out in the application submissions), although he is clear that this need would be marginal. Whilst the nature of the enterprise going forward has been amended since Mr Eachus' consideration of the application, the current and planned stock levels are not vastly different.
16. I am mindful that the proposal relates to temporary accommodation for a rural worker, and that the functional need in this case must be demonstrated by the enterprise as it currently exists and as it is intended to grow over the projected period. Having regard to all matters raised I am satisfied that, on balance, there would be a functional need for the temporary accommodation to serve the enterprise as it is proposed in the evidence before me.

(ii) Viability:

17. In terms of land required to support the enterprise, it was agreed that in the region of 40-45 hectares of grazing land would be needed for the planned growth of the business. Details of the land used by the appellant at present have been provided. These details were presented in a table by the Council² and the parties agreed that this was an accurate account of the land currently held by the appellant through family ownership, agreements and informal arrangements. This is in the region of 38 hectares, excluding the appeal site. With regard to the land that is either family owned or owned by the appellant's partner, there is a degree of certainty with regard to the continued use of this land, being some 3.6 hectares in size. However, a significant portion of the land (some 13 hectares) cannot be used for grazing, including the site that has planning permission for development as part of a wider scheme currently under construction. Of the remaining land, most (some 21 hectares) is used under an informal arrangement or is held on a grazing licence where the land owner is required to give little notice when withdrawing the agreement.
18. In view of how the majority of the land used by the appellant is held, its continued use is not certain. Furthermore, a significant portion of the land held cannot be used to provide the grazing land needed. I acknowledge the appellant's position, that as securing long term tenancies would be expensive they could be secured following the grant of planning permission. However, the evidence before me does not adequately persuade me of this; the grazing land currently used falls significantly short of the 40-45 hectares required and there is little evidence before me to demonstrate how the shortfall will be made up. There is, therefore, doubt over the ability of the enterprise to grow as envisaged.

¹ Granted under The Town and Country Planning (General Permitted Development) (England) Order 2015

² Page 21 of the Bourne Rural appeal statement.

19. Turning to the NEET element of the enterprise, this would comprise both classroom based and hands on activities at the site. Of relevance to this is the planning permission that was granted in 2013³ for the use of the land for the keeping of horses in association with an education facility. The development permitted included the construction of a stable building, a day room, a small open sided structure and a manège.
20. The appellant confirmed that the NEET element would utilise the buildings permitted in 2013, in particular the approved day room would be used as a class room. However, the day room has not yet been constructed and the appellant admits that the stable building on site does not accord with the details approved by virtue of the 2013 permission. I have not been provided with any evidence to suggest that the current stable building has the benefit of planning permission.
21. The appellant suggested that the buildings needed to support the NEET facility will be constructed in accordance with the 2013 planning permission. However, there is disagreement between the parties as to whether or not the 2013 permission has been implemented, thus permitting the construction of these buildings. This is pertinent as the time period for the implementation of the 2013 permission has now expired. Whilst the lawfulness of the 2013 development is not a matter before me, the fact remains that the buildings required to support the NEET element of the enterprise have not been constructed and no account has been taken in the financial information provided for the cost of providing them.
22. I have no doubt that the NEET element of the enterprise would be worthwhile and of benefit to the community. However, having regard to the findings above, there is a degree of uncertainty that the NEET element can establish and develop at the site in the way that it is predicted. This is pertinent as this element of the proposed enterprise is predicted to generate a reasonable portion of the financial receipts, which increases to around a fifth of the overall receipts predicted in year 4.
23. Turning to the financial information provided, this was updated during the course of the appeal⁴ and now shows the enterprise as a whole generating a loss in years 1 and 2, but a profit in years 3 and 4. However, it was confirmed during the Hearing that the 'direct payments' referred to are no longer received by the appellant and should not be accounted for as a receipt. This increases the amount of loss in years 1 and 2 and reduces the profit in years 3 and 4.
24. Furthermore, whilst the appellant confirmed that she already owns the mobile home, the figures provided do not take account of the cost of constructing the proposed barn or, as mentioned earlier, the buildings to support the NEET facility. I can see that the business has a bank balance in credit that may cover some of these costs. However, for the enterprise to be financially viable, account must be taken of all costs incurred in growing the enterprise.
25. In addition, the labour costs only account for the salary of one full-time worker and yet it is predicted that the enterprise would generate enough work for 2.2 full time workers come year 4. The appellant suggested that the additional work will either be taken up by her or provided by the NEET participants. The

³ Planning application reference F/2013/0395.

⁴ Email to the Planning Inspectorate dated 10 September 2019.

NEET facility has not yet been established and, from what I heard from the appellant, it is not certain at this stage how this will operate in reality. Having regard to the amount of extra work that would need to be covered by the appellant and the NEET participants, such an approach to the provision of labour in this case would be uncertain and unsustainable. If the enterprise is to succeed as predicted, it is highly likely that additional labour costs would be incurred.

26. If the financial information is amended to take all of the above into account, it is likely that the net cash flow predicted would fall short of demonstrating a profitable enterprise, even into year 4. Whilst I note the conclusion of Mr Eachus⁵ on the financial stability of the enterprise, his assessment is based on the figures provided by the appellant without any of the adjustments identified in the paragraphs above.
27. In summary on the first main issue, I acknowledged that a temporary permission is sought and, on this bases, I am satisfied that if the enterprise were to develop as expected it would generate a marginal functional need for the temporary accommodation sought at the end of the period of growth. However, based on the evidence before me I am unable to conclude that there is a sufficient degree of certainty that the enterprise would develop as predicted and that it would remain viable for the foreseeable future.
28. I acknowledge the support in the Framework (paragraphs 83 and 84) for the growth and expansion of rural businesses, such as that at Poppies Farm. Indeed, the appellant's efforts to establish a viable enterprise are to be commended and the proposed NEET element of the enterprise would be a valuable facility for vulnerable people. I also acknowledge that it is difficult for the appellant to invest further in the business without the security of the planning permission that is sought. However, even if the accommodation were to be approved I am not confident that the enterprise would remain viable going forward. Accordingly, I conclude that the proposed accommodation constitutes an isolated new home in the countryside and that an essential need for a dwelling to accommodate a rural worker to live at or near their place of work in the countryside has not been adequately demonstrated, contrary to the Framework and the PPG in so far as they may be relevant to rural workers dwellings. For this reason, the development would also conflict with CS Policy CP11.

Need for the barn

29. The barn proposed would be an open sided general use agricultural building. Whilst initially the barn was intended for storage and for some livestock housing associated with calving and lambing, at the Hearing the appellant confirmed that it is now her intention to use part of the barn to keep store calves all year round. As noted earlier, this element of the enterprise has not yet been established.
30. The appellant confirmed during the hearing that there is a need for haylage and general storage at Poppies Farm, as well as a need for accommodation for the proposed store calves. I am satisfied that, being a general purpose agricultural barn, the design of the building is for the purposes of agriculture and that the barn would be used to support the agricultural activities of the enterprise at the

⁵ Paragraph 37 of the Kernon letter dated 20 November 2018

site now and going forward. In this regard the development would contribute to a sustainable rural enterprise within the meaning of CS Policy CP11.

31. Whilst the Council suggest that buildings on the other parcels of land used by the appellant can fulfil the needs of the enterprise, the appellant confirmed during the hearing that she does not have sufficient access to buildings at the other sites. I note the Council's concerns over the appellant's change of position with regard to the proposed use of the barn and the chosen location of the barn away from the proposed dwelling. However, the Council acknowledges that there are insufficient buildings available to develop the enterprise⁶.
32. Policy CP11 of the CS does not require an essential need to be demonstrated in order for development to comply with the policy. The policy informs that development outside settlement limits will not normally be permitted except where, amongst other matters, it contributes to diverse and sustainable rural enterprises within the borough. Having regard to the above, and the appeal decision referred to by the Council, I am satisfied that there is a need for the barn to serve the enterprise now and going forward and that, in this regard, its provision would accord with the terms of CS Policy CP11. The matter of the barn's location and compliance with other criteria of Policy CP11 is considered below.

Character and Appearance

33. In terms of relevant planning policy and guidance, this includes Policy CP1 (Sustainable Development) and Policy CP3 (General Principles of Development) of the CS, as well as the Wokingham Borough Design Guide Supplementary Planning Document. These require, amongst other matters, that new development maintains or enhances the high quality of the environment and contributes to the sense of place by integrating with its surroundings. Policy CP11 of the CS informs that development outside of development limits should not lead to excessive encroachment or expansion of development away from original buildings. Policy TB21 (Landscape Character) of the Wokingham Borough Development Plan adopted February 2014 (WBLP) requires new development to retain or enhance the condition, character or features that contribute to the landscape.
34. I have also had regard to WBLP Policy CC01 (Presumption in Favour of Sustainable Development), which mirrors the guidance in paragraph 11 of the Framework, as well as the guidance referred to by the Council in sections 5 and 15 of the Framework.
35. The appeal site is within the Ashridge Farmed Clay Lowland Landscape Character Area, which is sparsely settled with a strong rural character. The site is relatively undeveloped, albeit there are a number of movable structures on the site, including the mobile home. It is adjacent to a collection of buildings identified as The Warren and Churchmans Farm on the site location plan. The site is also in close proximity to the M4 motorway.
36. The plans submitted show the location of both the mobile home and the barn divorced from the nearby collection of buildings. However, views of the

⁶ Paragraph 4.38 of the Bourne Rural Planning Consultancy Limited Appeal Statement

development from public vantage points would be limited, and the existing boundary landscaping would screen these developments to a degree.

37. With regard to the barn, this would have the appearance of a typical agricultural building and it would be comparable with the other rural buildings within the vicinity. It would also be viewed in the context of the substantial structure that is the M4 motorway. Whilst there would be a degree of separation between the barn and other nearby buildings, the barn would not amount to an unacceptable encroachment of development into the countryside. As such, I do not identify any conflict with CS Policies CP1, CP3 and CP11 or WBLP policies CC01 and TB21, particularly as the development would adequately integrate with the surrounding area and retain the character of the landscape.
38. As for the residential accommodation, the contrast of its utilitarian appearance with the rural landscape is already demonstrated by the existing mobile home on site. As such, the development would not integrate with its surroundings and would detract from the character of the area and the surrounding landscape. In this regard the development would conflict with the aims of CS Policies CP1 and CP3, as well as WBLP policies CC01 and TB21.
39. I acknowledge that such a unit of accommodation would be a typical means of providing a temporary home for a rural worker. Furthermore, as the permission sought for the development would be temporary, I have reduced the weight attributed to the harm identified. However, having regard to my conclusions on essential need for this accommodation, there are no material considerations sufficient to outweigh even the reduced harm that would occur.

Trees

40. The appellant has provided 'BS:5837 Arboricultural Report Survey', which concluded that the development would not have an unacceptable effect on any healthy trees on site. However, the plan within the report shows the barn in a different location to that shown on the plan submitted with the planning application. Having had the opportunity to consider the matter further the Council confirmed during the Hearing that, despite the discrepancy, it was still satisfied that the conclusions of the report were acceptable and that it no longer maintained an objection to the development in respect of its effect on trees.
41. Having considered the report myself and viewed the relevant trees and hedgerows on site, I have no reason to disagree with the Council's conclusion. I do not, therefore, find harm in this regard and conclude that the development would accord with CS Policies CP1 and CP3, the relevant requirements of which I have mentioned earlier in this decision. Furthermore, there would be no conflict with Policy TB23 (Biodiversity and Development) of the WBDP, particularly as the proposed new planting would enhance the existing biodiversity features of the site. Again, my decision on this final main issue has been taken with regard to the relevant sections of the Framework, as well as WBLP Policy CC01.

Other Matters

42. My attention has been drawn to the Council's approval of other planning applications for similar development. I have not been provided with the full

details that would have been available to the previous decision makers in each of the cases referred to. As such, I am unable to make an informed comparison between the proposed development in those cases and that subject of this appeal. Nevertheless, in the case that is before me I have been unable to identify an essential need for the temporary accommodation proposed, having considered the particular circumstances of the case.

Conditions

43. The conditions set out in the accompanying schedule are based on those suggested by the Council insofar as they relate to the barn. Where necessary I have amended the wording suggested in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
44. As well as the time limit condition, I have imposed a condition in the interests of certainty concerning the approved plans. It is also necessary to impose a condition requiring details of materials to be used in the construction of the barn, as well as a condition requiring the implementation of the approved landscaping scheme in order to ensure the integration of the development with the surrounding area. The condition requiring the implementation of the tree protection measures is necessary to protect existing landscape features so as to safeguard the character and appearance of the area.

Conclusions

45. Having regard to all matters raised, I conclude that the appeal should be allowed insofar as it relates to the erection of the agricultural barn but dismissed insofar as it relates to the temporary siting of a log cabin as an agricultural worker's dwelling.

J Moss

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Croucher
Jill Scrivener

Wokingham Borough Council
Bourne Rural

FOR THE APPELLANT:

Ben Temple
Olivia Wojniak
Joanna Boswood
Stephen Robertson

ET Planning
Reading Agricultural Consultants
The appellant
The appellant's partner

HEARING DOCUMENTS

- 1) Agreed and signed Statement of Common Ground.

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the agricultural barn:
 - Plan number 7920 Rev B
 - Plan number GA-001 – 3D view (of barn)
 - Plan number GA-002 – Steelwork Elevation
 - Plan number GA-003 – HD Bolt Layout
 - Plan number GA-004 – Cladding elevation
 - Duckworths Arboriculture - BS:5837 Arboricultural Report Survey dated May 2019
 - Duckworths Arboriculture - Landscape Schedule and Maintenance Report dated May 2019
- 3) Notwithstanding the submitted details, the development hereby permitted shall be completed in materials the details of which shall have first been submitted to and approved in writing by the local planning authority.
- 4) The development hereby permitted shall be carried out in accordance with the Duckworths Arboriculture report entitled BS:5837 Arboricultural Report Survey dated May 2019.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping within the Duckworths Arboriculture Landscape Schedule and Maintenance Report dated May 2019 insofar as they relate to the agricultural barn hereby permitted shall be carried out in the first planting and seeding seasons following the occupation of the barn or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**** Conditions End ****