



Appeal Decision

Site visit made on 18 February 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/C1570/W/19/3235399

Land East of White Cottage, Water End Road, Water End, Ashdon CB10 2NA

- 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 Shirbini against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1353/FUL, dated 6 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is erection of agricultural workers dwelling with associated outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are :-
 - Whether there is a justified need for a rural dwelling for the proposed business;
 - Whether it is inappropriate development in the countryside; and
 - Whether it represents sustainable development.

Reasons

Justified Need

3. The appeal site is located on the eastern side of an unclassified road and is relatively unkempt, sloping steeply from the rear of the site to the front. An area to the front of the site has been cleared in order to provide two parking spaces. The site is surrounded on three sides by high vegetation. Water End is a hamlet of a small number of dwellings and has no facilities to service the hamlet.
4. The appeal is for the erection of an agricultural workers dwelling in conjunction with a proposed bee-keeping business. In support of the proposals, a business plan has been produced, including a year long calendar to demonstrate the work required and outlines projected sales for the first three years of trading.
5. The business plan also outlines a number of income streams that relate to the keeping of bees, including target markets. It also indicates that the appellant has been a bee-keeper for over 20 years.

6. I have initial concerns with the operation of the proposed business, in that I have evidence in front of me relating to a business of 15 hives, as well as 100 hives. This lack of clarity concerns me somewhat, especially as there is no established business to build from.
7. My further concerns relate to the fact that the business has not been established, therefore whilst the appellant may have experience in bee-keeping, the business plan does not appear to have any input from a specialist in the industry that can support the claims of the appellant in terms of on-site requirements and the potential sales of the business that has not yet been set up. The appellant simply states that a beekeeper must be resident on site and it is a year round occupation, which is supported in the submitted evidence with the inclusion of the year round calendar, prepared by the appellant.
8. From the evidence in front of me, I am not persuaded that the potential requirements of the new business mean that there is an essential need to live on the site. The appellant has pointed to problems when dealing with pests, animals or thieves that can be a threat to the hives. However there is no evidence submitted to suggest that a presence on site would be required at all times, including throughout the night to prevent this activity. Furthermore, from the evidence submitted, the harvesting of honey is not an all year-round activity. Nevertheless, there is a need for inspection of the hives and to feed the bees in the colder months. However, in my view these requirements and those set out in the submitted calendar do not amount to sufficient work for someone to be present on the site at all times.
9. Policy S7 of the Uttlesford Local Plan (2005) (The LP) is a saved policy, and states that planning permission will only be granted for development that needs to take place in that location or is appropriate to a rural area. Policy H12 of the LP states that agricultural workers dwellings may be permitted if it can be demonstrated that there is an essential need for someone to live on site to provide essential care to animals at short notice and the scale of the dwelling relates to the need of the enterprise.
10. In conclusion, on this issue, I am not convinced by the evidence submitted that development needs to take place in that location, nor is there a justified essential need for someone to live on site to provide essential care at short notice. As a result, the appeal proposals are contrary to Policies S7 and H12 of the LP.

Inappropriate development

11. From the evidence provided by the Council, the site is not within the defined development limits for Ashdon and is designated as being within the Countryside. Policy S7 of the LP sets out restrictions on new development in the countryside. These restrictions do not completely follow the advice given in the National Planning Policy Framework (the Framework), which is a little less restrictive, but there are sufficient grounds of similarity, specifically with Paragraphs 8 and 177, which mean that I must attach significant weight to the policy, despite the concerns of the appellant in relation to its age and status.
12. Water End is a small hamlet of only a handful of properties and is isolated from Ashdon. I consider it to be clearly within a countryside setting and an additional property on a narrow unclassified road, in addition to the prospect of a business being set up on the site with the associated requirements as set out in

the business plan. As a result, I find that the presence of a dwelling would be harmful to, and not enhance the countryside setting and therefore is contrary to Policy S7 of the LP which sets strict control on new building and development, and will only be permitted where its appearance protects or enhances the particular character of the countryside in which it is set. I am satisfied that the policy seeks to protect and enhance the natural environment, which forms part of the environmental dimension as set out in the Framework.

Sustainable development

13. The appeal site is located within an isolated hamlet, with no obvious facilities to serve the hamlet. From my site visit, it is apparent that pedestrian footways in the area are extremely limited, as is street lighting.
14. I consider that local services are not within reasonable walking distance and as significant sections of the walking routes would be both without footways and unlit, they would not be appealing to pedestrians in any event. For that same reason, I also find that those routes would not encourage the possibility of cycling to reach the services and facilities in question.
15. I have not been made aware of any regular public transport provision in the immediate locality, and as a result, this would also not be a realistic option. Therefore, given the circumstances, I find that the practical use of walking, cycling or public transport would be unlikely. Occupiers of the dwelling would be reliant on the use of a motor vehicle.
16. The appeal site is not located within a defined settlement, and whilst the proposal could provide some additional support to rural services, the contribution from a single unit would be very minor.
17. As a result, I find that the site would not be a suitable location for a new dwelling, having regard to its proximity to services, which would result in a reliance on private motor vehicles. As a result, I find that the proposal would be contrary to the National Planning Policy Framework which aims to locate development in accessible and convenient locations and promote walking, cycling and public transport use.

Other Matters

18. From the evidence before me, it would appear that the Council is unable to demonstrate a five year housing supply. In these circumstances it is appropriate for me to assess the proposal having regard to Paragraph 11 of the Framework. In this case I am satisfied that the policies on which the Council relied are consistent with the aims of the Framework. Consequently, any conflict with them carries full weight in my assessment.
19. I have noted the comments of the appellant in relation to the positive benefits of the proposals, but the reduction in car journeys from being located on site is a neutral benefit, and the additional full-time job that could be generated from the business is somewhat speculative, given that the business has not yet been set up, and no evidence can be submitted to guarantee its success and therefore cannot be attributed any weight accordingly.
20. The nature benefits are also welcomed, but I cannot see any justification in the location of a dwelling on site for the business; the business could be set up in a more appropriate and sustainable location.

Conclusion

21. I find that I am not convinced by the evidence submitted to justify the siting of a dwelling in conjunction with a business that has not yet been set up, and based on the evidence in front of me, has not demonstrated that a permanent presence on site is required.
22. I have concluded that the proposal would conflict with the development plan and the Framework. There are no other material considerations that outweigh this conflict and for this reason I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR