The Planning Inspectorate

Appeal Decision

Hearing held on 26 February 2020

Site visit made on 26 February 2020

by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 28 April 2020

Appeal Ref: APP/C3105/W/19/3240599
Moorlands Farm, Murcott, Kidlington OX5 2RE

- 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 Brian Franklin against the decision of Cherwell District Council.
- The application Ref: 19/00464/F, dated 14 March 2019, was refused by notice dated 9 May 2019.
- The development proposed is change of use of land for the siting of a mobile home (log cabin).

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. A Statement of Common Ground including a list of suggested conditions was supplied by the Council the day before the hearing.

3. The appellant was not present during the hearing session at the Council offices, but his agent spoke on his behalf. The appellant did attend the subsequent site visit where the hearing remained open.

4. The appeal site is about 300 metres, as the crow flies, to the south west of the farmhouse and agricultural buildings at Moorlands Farm. It is accessed via a private track from the road running between Fencott and Murcott. By road and track it is about 500 or so metres from the main farmstead. There are already two buildings and an area of hardstanding immediately adjacent to the appeal site. Planning permission was granted in 2015[1] for the change of use of an existing agricultural barn to equine use with a lean-to extension. That development has been completed and the building includes 10 stables, a tack room and a sizeable indoor exercise arena. More recently, a hay barn and manure store building[2] has been constructed alongside it. Otherwise, the site is surrounded by open fields with a public footpath just to the north of the existing buildings, running west to east. The site is located within the Oxford Green Belt (GB).

5. The proposal seeks permission for the siting of a mobile home (log cabin) for a temporary period of 3 years. The appellant maintains that the mobile home is

[1] 14/01979/F
[2] 18/00371/F

needed to enable a horse livery business to be run from the site, utilising the existing buildings and facilities. I have considered the appeal on that basis.

Main Issues

6. As the site is located within the GB, the main issues are:

- whether the proposal would be inappropriate development in the GB;
- the effect on the openness of the GB and its purposes;
- the effect on the character and appearance of the area;
- whether the proposal would be in a suitable location, with regard to access to services and facilities;
- whether the proposal would be in a suitable location, with regard to flood risk; and,
- if the development is inappropriate development in the GB, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

7. Policy ESD 14 of the Cherwell Local Plan 2011-2031 (CLP 2015)[3] indicates that development proposals within the GB will be assessed in accordance with the National Planning Policy Framework (the Framework)[4] and the Planning Practice Guidance (PPG). Paragraph 143 of the Framework advises that 'inappropriate development' is, by definition, harmful to the GB and should not be approved except in very special circumstances, while paragraph 144 indicates that, when considering planning applications, substantial weight should be given to any harm to the GB.

8. There was discussion in the written submissions prior to the hearing about whether the proposal fell within any of the exceptions to 'inappropriate development' within the GB, as detailed within paragraphs 145 and 146 of the Framework. Reference was made to exceptions relating to the provision of appropriate facilities for outdoor sport or recreation, referred to within paragraph 145 b) and 146 e). However, at the hearing, both parties were in agreement that, as the proposal relates to a dwelling for a rural worker, its use would be primarily residential and it would not, therefore, fall within the exceptions referred to or any of the other exceptions under paragraphs 145 or 146 of the Framework. Therefore, it was accepted that the proposal would be inappropriate development within the GB. I agree.

Effect on openness and GB purposes

9. Policy ESD 14 of the CLP 2015 advises that development within the GB will only be permitted if it maintains openness and does not conflict with the purposes of the GB, with proposals to be assessed in accordance with the Framework and the PPG. A fundamental aim of Green Belt policy, as set out in paragraph 133

[3] Part 1: Adopted 20 July 2015
[4] February 2019

of the Framework, is to keep land permanently open. Openness has a spatial aspect and can also have a visual dimension.

10. The mobile home would be about 13.7m long and 6m wide, with its roof rising to some 4.2m. The submitted location and block plans[5] indicate that it would also have a large curtilage and occupy part of the corner of an open field. Therefore, it would introduce built form into a previously undeveloped area. Consequently, it would affect openness in spatial terms.

11. Visually, it would be adjacent to two existing much larger buildings to the north and partially screened by them and by a hedge and trees along the western boundary of the site. Consequently, views of the mobile home from the public footpath running just to the north would be relatively limited, while the nearest roads and other footpaths are some distance from the site.

12. Given the proximity of the other larger buildings, the single storey nature of the mobile home and the temporary nature of the proposal, I consider that it would cause moderate harm to the openness of the GB. As it would introduce built form and likely hardstanding with associated domestic paraphernalia and car parking into part of an agricultural field, it would also be contrary to one of the five purposes of the GB, detailed in paragraph 134 of the Framework, which is to safeguard the countryside from encroachment.

Character and appearance

13. The appeal site is largely surrounded by fields and the topography is relatively flat. As established above, the development would impinge upon part of an open field causing some visual and character harm, as a result of the adverse urbanising effect of a dwelling and its domestic accoutrements and car parking in this rural context. However, notwithstanding the nearby public footpath, given the proximity of more sizeable existing buildings, their partial screening effects and that of hedgerow, the distance from the nearest roads, and the temporary nature of the proposal, I consider that the extent of harm to the character and appearance of the area would be modest.

14. Of the array of policies cited by the Council in this regard, there would be some conflict with saved policies C8, C28 and C30 of the Cherwell Local Plan (CLP 1996)[6] and policy ESD13 of the CLP 2015, insofar as they seek to avoid sporadic development in the countryside and protect its landscape and character and appearance. However, I also note that saved policy H18 of the CLP 1996 does allow some limited scope for dwellings in the countryside, while the Framework offers a possible exception for essential rural worker dwellings,[7] which I will discuss in more detail later in my decision.

Suitability of location with regard to access to services and facilities

15. Policy ESD1 of the CLP 2015 aims to mitigate the impacts of development by distributing growth to the most sustainable locations, as defined in the development plan, and thereby reduce dependence on private cars. The Council's housing strategy for rural areas, detailed within Policy Villages 1 of the CLP 2015, operates via a village hierarchy based on several criteria,

[5] Drawing No: 200/01
[6] November 1996
[7] Paragraph 79

including ease of access to services and facilities. The appeal site and mobile home would be outside the built-up limits of any village.

16. Given the relatively remote location of the appeal site, it is likely that future occupiers of the mobile home would be dependent on the private motor car to access everyday services and facilities, even though journeys to work would not be required. Therefore, the proposal would, on the face of it, be contrary to the Council's rural housing strategy. However, as referred to above, saved policy H18 of the CLP 1996 which considers dwellings beyond the built-up limits of settlements does allow for such dwellings if they are *'essential for agriculture or other existing undertakings…'*, while the Framework includes a similar exception. I will consider that aspect later in my decision.

Flood Risk

17. Paragraph 155 of the Framework, states that: *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

18. Similarly, policy ESD6 of the CLP 2015 states that the Council will manage and reduce flood risk through using the sequential approach to development by locating vulnerable development in areas at lower risk of flooding and that proposals will be assessed according to the sequential approach and, where necessary, the exception test set out in the Framework and the PPG. The Framework confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding.[8] As the site is in Flood Zone 2 and, therefore, considered to be at medium risk of flooding, the sequential test is applicable.

19. The Council's objection to the proposal is premised on its view that the dwelling is not 'necessary' because the justification for a rural worker dwelling at or near a place of work at this location has not been shown. Therefore, the Council has assessed the proposed dwelling as if its purpose was to meet general housing need. On that basis, it argues that there are other sites in the district in areas of lower risk of flooding which could be developed to provide a new dwelling to meet a general housing need. It also says that it can demonstrate an appropriate housing land supply. Consequently, the Council holds that the proposal fails the sequential test referred to in paragraphs 157 and 158 of the Framework.

20. However, the temporary dwelling sought is intrinsically linked to the proposed livery business to be run utilising the existing equine buildings and facilities at this site. Therefore, I find the 'logic' of disassociating the dwelling from the proposed business and treating it as if it were a proposal for a discrete residential dwelling to serve some general housing need to be a somewhat contrived and artificial approach to the issue.

21. I note, for example, that the PPG advises that: *'When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more*

[8] Paragraph 158

suitable alternative locations for that development elsewhere.'[9] The PPG also advises that when considering the extent to which sequential test considerations have been satisfied, *'the particular circumstances in any given case'* should be taken into account.

22. Given the above and taking account of the particular nature of this proposal, the Flood Zone 2 location, the existing equine facilities and that the updated Flood Risk Assessment (the updated FRA)[10] indicates there is no actual evidence of the site having flooded, I am satisfied that the proposal meets the sequential test.

23. Nonetheless, even if the sequential test is passed, paragraph 159 of the Framework advises that the exception test may also have to be applied. The development of caravans, mobile homes and park homes intended for permanent residential use falls within the 'highly vulnerable' classification within the PPG.[11] Although permission is sought for a temporary period of 3 years, the mobile home would be for permanent residential use during that period. 'Table 3: flood risk vulnerability and flood zone compatibility' of the PPG, indicates that where 'highly vulnerable' categories of development, which include mobile homes, are located in Flood Zone 2, the exception test also needs to be applied.

24. Paragraph 160 of the Framework says that for '*the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'*

25. I will deal first with part (b) of the exception test. Originally, the Environment Agency (EA) objected to the proposal because it was dissatisfied with the content of the appellant's Flood Risk Assessment (FRA).[12] Additionally, it noted that the FRA indicated that flood waters would be able to flow beneath the mobile home, whereas the submitted plans appeared to show brick skirting around the base which would prevent this.

26. However, I was informed prior to the hearing that the EA had, subject to appropriate conditions, withdrawn its objection following the submission of the updated FRA and amended side elevation and end elevation plans[13], which showed voids in the skirt at the base of the mobile home (log cabin) to enable flood waters to flow beneath it. Therefore, the EA is satisfied that the development would be safe from flood risk for its lifetime taking account of the vulnerability of its users and would not increase flood risk elsewhere. I see no reason to disagree with the expert assessment of the EA in those respects.

27. Nevertheless, the first part of the exception test, part (a), concerning the wider sustainability benefits to the community, also needs to be considered, as Paragraph 161 of the Framework makes clear that both elements of the exception test should be satisfied for the development to be permitted. The PPG says that aspect should be assessed against the aims of the Local Plan

[9] Paragraph: 034 Reference ID: 7-034-20140306
[10] Flood Risk Assessment, Final Report; Prepared by Geoff Beel Consultancy, dated January 2020
[11] Paragraph: 066 Reference ID: 7-066-20140306
[12] Prepared by Geoff Beel Consultancy, dated January 2019
[13] Dated: 05/02/2020

Sustainability Appraisal or Local Plan Policies, or other measures of sustainability.[14] The Council considers the most appropriate criteria in this case to be the development plan policies read as a whole.

28. The proposal would provide a dwelling, albeit for a temporary period, and would, therefore, offer a modest social benefit in contributing to the supply of housing in the area. Given its use would be associated with the equine livery business, there would also be potential economic benefits to the rural economy, a goal supported by paragraph 83 of the Framework. The Council considers that the wider sustainability benefits would be modest and refers to other harms, including in relation to the isolated location of the site, harm to the GB and to the character and appearance of the area, which are also relevant to the overall consideration of 'sustainability'.

29. The final assessment of 'sustainability benefits' is, to a degree, affected by the consideration of whether there is an essential need for a rural worker's dwelling at this location. Therefore, I will deal with those aspects in the next section and within the final balancing exercise in my decision. That will ultimately determine if the first part of the exception test is also satisfied.

Other Considerations

30. As alluded to above, the appeal site is in a relatively remote location beyond the built-up limits of any village where a dwelling would, in the first instance, be contrary to the Council's housing strategy. However, saved policy H18 of the CLP 1996, which deals with proposed dwellings beyond the built-up limits of settlements, does allow for dwellings, if they are *'essential for agriculture or other existing undertakings…'.* Although that policy pre-dates the advent of the Framework by some years and refers to 'agriculture' rather than 'equestrian' use, it is broadly consistent with paragraph 79 of the Framework which indicates that planning policies and decisions should avoid isolated homes in the countryside subject to certain exceptions, which include at 79 a) 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.'*

31. Paragraph 79 does not include an explicit financial test; it simply requires a judgement to be made about whether there is an essential need for a rural worker to live permanently at or near the relevant site. However, it is reasonable to expect evidence concerning the financial soundness of a business and its ability to endure, at least for the lifespan of the permission sought. It would be difficult to conclude that there was an 'essential need' in relation to a business that had little or no prospect of sustaining.

32. Indeed, the recently updated PPG details considerations that it may be relevant to take into account when applying paragraph '79 a)' of the Framework. They include: *'the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;'* and, *'in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.'*[15] The supporting text to saved policy H18 of the CLP 1996 also indicates that, where a new business is proposed, it will be necessary to supply adequate financial information to demonstrate that proposals are sound.

[14] Paragraph: 037 Reference ID: 7-037-20140306
[15] Paragraph: 010 Reference ID: 67-010-20190722, Revision date: 22 07 2019

33. Given the above, while a temporary permission is being sought in this case, it remains appropriate to consider whether the proposed business has reasonable short to medium term prospects of success through a clear intention and ability to develop the enterprise.

34. The appellant says that the new equine venture would help to diversify the existing farm business at Moorlands Farm. The nub of the appellant's case is that the proposal would enable the currently vacant equine facilities adjacent to the site to be utilised for the proposed equine enterprise, but that an onsite mobile dwelling is an essential pre-requisite for the intended livery business.

35. However, the Council submits that the 2014 application, consented in 2015, for the equine facilities, indicated that the building would be used as a DIY livery. There does not appear to have been a suggestion at that time that a dwelling on the site was considered essential for that business. However, while that development has been completed and the considerable investment in it is recognised, it does not appear that the proposed enterprise was ever pursued.

36. Limited evidence has been provided as to why that original scheme for a DIY livery is no longer considered feasible. Indeed, the appellant's Statement of Case for the current appeal proposal states: *'The equine business could take many forms as there are numerous potential equine enterprises that could be considered ranging from DIY Livery to a high quality breeding stud.'* Aside from that, at the hearing it was said that a DIY Livery was likely to result in more vehicular traffic movements, which would be contrary to the general sustainability principles articulated in policy ESD1 of the CLP 2015. However, based on the limited evidence provided on the issue, it remains unclear why that option was never pursued or why it does not remain a possibility, thereby utilising the existing equine facilities without the requirement for a residential dwelling.

37. In any event, at the time that the application, which has resulted in this appeal, was submitted, the proposal had evolved. Instead of a DIY livery, a high-quality full-livery scheme with specialist rehabilitation for injured horses, along with training and foaling services was proposed. It was based on renting out the facilities, including the proposed mobile home, to a suitably qualified third party for it to be run independently as a full-time livery yard, with the farm business benefiting from the rental income. The appellant maintains that a number of parties have shown interest in the site but that the lack of onsite residential accommodation has proved an obstacle.

38. The appellant's case for a rural worker to live permanently onsite is based around quite general propositions, relating to animal welfare and the proper management of equine facilities. Nevertheless, a business plan accompanied the proposal and a prospective tenant, Ms J Fenton, was identified. Ms Fenton also indicated that she had undertaken market research via social media and riding clubs which gave her confidence that the livery yard would be successful, although limited details of that research are given. However, Ms Fenton indicated that she was not willing to take on the tenancy without suitable onsite accommodation being provided.

39. The Council's rural consultant, Mr Paul Rhodes,[16] who also attended the hearing, produced an Appraisal Report (AR)[17], which indicated that the full

[16] Rhodes Rural Planning & Land Management

livery proposed, offering rehabilitation, training and foaling services would 'potentially' justify the essential need for a rural worker to live on site. I note that general view is supported by a letter from a vet submitted with the application.[18]

40. The AR refers to criteria within Planning Policy Statement 7, Annexe A (PPS7) relating to temporary worker dwellings. However, PPS7 has been withdrawn and is no longer current national policy. The key test now is whether there is an essential need for a rural worker to live permanently at or near the place of work, as detailed within paragraph 79 of the Framework, while taking account of relevant guidance within the PPG, as detailed above. However, that still indicates that it remains necessary to show the financial soundness of a business and its ability to endure at least for the lifespan of the permission sought.

41. While the AR considered Ms Fenton to be a suitably qualified and experienced person to run such a venture, it expressed concern about apparent inconsistencies between the business plan submitted and the prospective tenant's account of the proposal, given verbally at a site visit. That indicated that a different type of livery was proposed, based on a full livery for high-end competition horses. The AR also details concerns about the lack of a draft lease or at least an exchange of letters between the relevant parties, setting out the basis of any future agreement. In addition, the AR raised questions about figures for wages in the business plan, as Ms Fenton had indicated at the site visit that a full-time groom would be employed to live onsite and run the yard, which would impact on the profitability of the business, but is not shown in the submitted business plan.

42. The appellant has sought to clarify a number of those matters in his Appeal Statement of Case[19], and reiterated similar points at the hearing. It was submitted, for example, that the relevant parties did not wish to incur the legal costs associated with a draft lease, when the position regarding onsite accommodation was subject to planning permission being granted. The letter from Ms Fenton which accompanied the business plan costings was also cited as evidence of her intentions. The appellant maintained that the profit figure at year 3, estimated at £28,114, would be sufficient to cover a 'wage' to the owner or for someone else, such as a full-time groom to run the enterprise, while still leaving a surplus or profit.

43. However, whatever view one takes on the adequacy of the clarifications and subsequent information provided with regard to that scheme, the appellant now advises that the proposal has evolved once again and that he is exploring a different scheme. In the current proposal, the equine business would be run as part of his own family-run farm business instead of the equine facilities being rented out and the business run independently by a third party.

44. The appellant's current intention is for his grandson, Sam, who has been working in agriculture in New Zealand, to become involved in the existing farm business, and that his grandson's wife, Lauren, who has been working in the equine industry there, would take on the running of the new equine venture.

[17] Appraisal of a Planning Application for Cherwell District Council (Application reference 19/00464/F): April 2019
[18] Hook Norton Veterinary Group – dated 17 July 2018
[19] Appeal Statement of Case: Prepared by Mr Matt How BSc (Hons), Acorus Rural Property Services

45. An alternative set of business plan costings have been submitted, based on the same 10 stables and anticipated 'mix' of liveries as previously proposed, with similar assumptions made. Those costings indicate that the venture would be potentially significantly more profitable than renting out the facilities to a third party. At the hearing, it was made clear that this was now the appellant's preferred choice of proposal, although the previous scheme of renting out to Ms Fenton was still held out as a possible fallback.

46. While it is appreciated that business ideas may evolve over time, given the number of incarnations the proposal has undergone, including the latest, it remains unclear who the eventual actual occupier of the site would be. It is simply asserted that the full-time livery business would be run by a suitably qualified person on a full-time basis.

47. The appellant's original application and appeal submissions made much of the experience and qualifications of Ms Fenton, who already runs a livery yard on a similar scale at nearby Hillside Farm but was looking for another site to expand her existing equine business. Although it raised other concerns, the Council's rural consultant's AR accepted that Ms Fenton was a suitably qualified and experienced person to run an equine business.

48. The qualifications and experience of the person running the business, who would also be the main worker in the case of this relatively small enterprise, is clearly a relevant factor in an assessment of whether the enterprise is likely to remain viable for the foreseeable future, even allowing that permission is being initially sought for a temporary 3-year period.

49. As made clear at the hearing, the primary intention now is for the appellant's grandson's wife, Lauren, to run the equine venture and for it to form part of the existing farm business. However, very limited information has been provided about Lauren's qualifications and experience to run such a business, save for a brief mention in the submissions that she has worked in the equine industry in New Zealand. Little further information was given at the hearing in that regard.

50. New budgets have been submitted, based on the same 10 stables, anticipated 'mix' of liveries and occupancy expectations of the previous scheme. Reference is made to market research carried out by the appellant suggesting that there is a high local demand for the facilities, whether they are run by Ms Fenton or as part of the farm business. However, while that is noted, details of that research have not been provided. Therefore, I give that proposition limited weight.

51. Moreover, there is limited information about the relevant abilities, experience and skills of the person now proposed to take charge of the business, whereas Ms Fenton was already running a similar business in the area and is accepted as having suitable relevant experience. Therefore, it is not clear that it is reasonable to base the new budgets on the same assumptions and levels of occupancy as in the previous business plan produced in collaboration with Ms Fenton. I note that Ms Fenton's letter[20] submitted with that previous business plan indicates, for example, that her confidence in the success of the scheme was partly based on the very good reputation established for the standard of care provided in her existing liveries in the local area.

[20] Dated

52. While it is acknowledge that investment has already been made in the main equine facilities, given that the preference is now for the equine business to be run as part of the existing farm enterprise, it has not been shown how the business would be financed or what impact it would have on the appellant's existing business. For example, no accounts or budget projections relating to the farm business have been presented.

53. The appellant maintains that both the potential options to either rent out the facilities or to run the equine business in-house are viable and sustainable business propositions. Furthermore, that *'the local high demand for such facilities and services'* justifies *'great confidence that the business has a secure future.'* However, given the passage of time and the expressed preference for the in-house option, it is not clear from the evidence submitted, if the earlier proposal to rent out the facilities to Ms Fenton or some other unknown third party is still a likely prospect. The latest proposal relating to the in-house option is not supported by the same level of information, particularly regarding the experience and abilities of the person proposed to run the business and the evidence of local demand for such a proposition is not clearly evidenced.

54. On balance therefore, while acknowledging the various submissions and the temporary 3-year nature of the proposal, I am not persuaded that sufficiently clear or persuasive evidence has been submitted to have confidence that the enterprise would be viable in the short or medium term. I conclude, therefore, that there is insufficient evidence to demonstrate an essential need for a rural worker to live permanently at or near their place of work in the countryside.

55. Such an equine business could potentially make a contribution to the rural economy, in terms of employment and supply chains, as supported by paragraph 83 of the Framework. It would also provide a temporary dwelling adding to the supply of housing, although in a remote location where there would be likely reliance on the private motor car. However, any benefits are compromised by doubts over the viability of the latest scheme and uncertainty regarding the scheme to rent out to a third party. Therefore, I can only give them limited weight.

56. With regard to flood risk, I found that the sequential test and part 'b' of the exception test had been passed. However, given the concerns about the viability of the business and the evolving nature and uncertainties in relation to the various proposed schemes, I am not persuaded that there are, at present, sufficient wider sustainability benefits to the community to outweigh the flood risk. Therefore, as part 'a' of the exception test has not been passed, the proposal fails the exception test.

Green Belt Balance and Conclusion

57. As stated earlier, paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances.

58. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the GB and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is 'clearly outweighed' by other considerations.'

59. I have already found that the proposal would be inappropriate development in the GB and that there would be moderate harm to openness and some harm to the GB purposes because of encroachment into the countryside. As stated above, that harm must be given substantial weight.

60. Modest harm to the character and appearance of the area has also been identified, while the isolated location means that occupiers would be likely to be reliant on travel by car to access most everyday services and facilities, although the level of traffic generated by such journeys would be limited. Given my finding that it has not been sufficiently demonstrated that there is an essential need for a rural worker to live at the site, the possible exceptions allowing dwellings in the countryside beyond the built-up limits of settlements, within policy H18 of the CLP 1996, and the exception within paragraph 79 a) of the Framework do not apply.

61. Amongst the 'other considerations' discussed above, while the essential need for a rural worker's dwelling on a temporary basis, with a view to permanency, could potentially outweigh the harms identified, it has simply not been sufficiently evidenced here for the reasons already given. The potential contribution to the local rural economy is also compromised by the unresolved questions about the business proposal and, therefore, given limited weight as is the contribution to the supply of housing. The proposal has also failed the exception test with regard to flood risk.

62. Overall therefore, I find that the other considerations do not, either individually or cumulatively, clearly outweigh the harm to the GB and the other harms identified. Consequently, the very special circumstances necessary to justify the development do not exist.

63. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matt How	Business Management & Rural Planning Consultant, Acorus Rural Property Services

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nathanial Stock	Planning Officer, Cherwell District Council
Mr Paul Rhodes	Rhodes Rural Planning & Land Management
Mr Matthew Swinford	Appeals Administrator, Cherwell District Council

DOCUMENTS SUBMITTED AT THE HEARING

Hard copies of the Statement of Common Ground and Appeal Decision APP/C3105/A/11/2144337 (previously supplied by email just prior to the hearing).