



Appeal Decision

Hearing Held on 23 June 2020

Site visit made on 1 July 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary

Decision date: 10 July 2020

Appeal Ref: APP/P1615/W/19/3244057

Chiblers Hill Farm, Chiblers Hill, Kempley GL18 2BT

- 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 & Mrs Newman against the decision of Forest of Dean District Council.
 - The application Ref P0741/19/FUL, dated 3 May 2019, was refused by notice dated 2 July 2019.
 - The development proposed is the conversion of a barn to a dwelling subject to an agricultural occupancy condition.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work and/or the development would re-use a redundant or disused building and enhance its immediate setting,
 - whether the size of the proposed dwelling would be appropriate to serve this holding, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work and/or the development would re-use a redundant or disused building and enhance its immediate setting

3. The farming operations are split between the two sites, Roseland and Chiblers Hill Farm. The farming activities have been well established over some decades and the appellants have been responsive to changing agricultural circumstances with, for instance, the introduction of the calf rearing business in the last few years.
4. The mix of farming activities includes sheep, store cattle and calf rearing. There has been recent investment into the farm as well as a steady increase in stock

numbers across the holding. There is one dwelling that serves the overall holding and this is located at Roseland. With the split of the enterprise and the development of the calf rearing, with the calves transferred from Roseland to Chiblers Hill Farm after a few months, there are cattle at Chiblers Hill Farm that require more supervision.

5. I have taken into account the advice from the vet and from the appellant's agricultural consultant regarding the suitability of the buildings at Roseland and the difficulties in operating the farming enterprise, as it has now developed, without an on-site presence at Chiblers Hill Farm. Examples have been provided when more prompt action could have been taken to assist the stock at Chiblers Hill Farm if someone had been permanently available at the site.
6. As only about 5 acres of farm land are owned at Roseland, this limits the potential for expansion and the ability to rent the land adjoining this site in the future is uncertain. It is sensible business practice to consolidate the farming activities and seek to bring the majority of the stock to the Chiblers Hill Farm site where the majority of the owned farm land is located. This would assist the expansion of the calf rearing activities as planned. Furthermore, planning permission has been applied for a further building on this site, again helping to demonstrate that this is intended to be the main farming base in the future.
7. The Council's agricultural adviser is of the view that the buildings could be improved and expanded at Roseland to meet the requirements of the business and that this site is already served by a dwelling, such that it is a choice rather than a necessity for the activities to be focused at Chiblers Hill Farm. However, taking all the evidence as a whole I am satisfied that for this business to sustain and grow that the focus on Chiblers Hill Farm is justified. With the number and type of stock that are already present, and certainly if the initial calf rearing was to take place at Chiblers Hill Farm and the business develop as planned, there is an essential need for an on-site presence.
8. This would require a worker to be within convenient walking distance of the main buildings at Chiblers Hill Farm to enable regular checking of the stock to take place. There is no other dwelling available in the locality that has been brought to my attention that could fulfil this function. I am therefore satisfied that there is an essential need for a rural worker to live permanently at Chiblers Hill Farm.
9. Accordingly, the proposal, in principle, would meet with the circumstance in paragraph 79(a) of the National Planning Policy Framework (the Framework) that would allow for an isolated dwelling in the countryside. Policy CSP.4 of the Forest of Dean District Council Core Strategy (February 2012) (the Core Strategy) allows for exceptions to the approach to direct development to settlements and, as a dwelling at Chiblers Hill Farm is justified, there would be no conflict with this policy in this case.
10. The dwelling is also advanced on the basis that the proposal would accord with paragraph 79(c) of the Framework as the development would re-use a redundant or dis-used building and enhance its immediate setting. It is necessary for only one criterion of paragraph 79 to be met for a dwelling, in principle, to be justified. In terms of this criterion, there was in the past a fairly sizeable barn in this location. However, a fairly substantial part of the building has collapsed and is no longer present. The level of works to form the building as proposed would be quite extensive. The proposal would not fall to be

considered as a re-use of a building because of the extent of rebuilding and other construction works and, as a consequence, the proposal would not comply with paragraph 79(c) of the Framework.

11. Notwithstanding my findings in respect of paragraph 79(c) of the Framework, for the reasons explained above, I conclude that there is an essential need for an agricultural worker to live permanently at Chiblers Hill Farm and the circumstances set out in paragraph 79(a) of the Framework are met. It follows that there is no conflict with Policies CSP.4 of the Core Strategy and Policy AP 1 of the Forest of Dean District Council Allocations Plan 2006 to 2026 (June 2018) (the Allocations Plan) which seeks, amongst other things in this respect, to set principles for the location of development.

Whether the size of the proposed dwelling would be appropriate to serve this holding

12. The proposed dwelling would have three bedrooms and accommodation to support the farm such as a farm office and, according to the appellant's figures, a floor area of about 225sqm. It is argued that as the Council does not have a policy for agricultural worker's dwellings there is no floorspace criteria and consequently no policy that is departed from in terms of the size of the accommodation. It is also explained that the dwelling would follow the footprint of the existing barn and because of the need to accommodate the space within this envelope, whilst maintaining a vernacular building, the scheme as a whole for a principal dwelling on the holding is justified.
13. However, a fairly substantial section of the barn has collapsed and the base of that collapsed section does not appear to be in such good condition that it would enable, in all likelihood, for it to support the walls and roof without further construction works to the foundations and base. Other parts of the remaining barn, such as the lean-to, appear to have limited sections that could be retained compared to the proposed building in this area and, in my judgement, the remaining section of the main building is in need of additional work and materials to retain the existing fabric. It is such that the resulting building would, having regard to the evidence I heard, the structural survey and my analysis on site, result in substantial additional works to the existing fabric such that the proposal would, in the main, effectively result in a new building being formed rather than a conversion of the standing building.
14. Based on the submitted evidence and discussion at the hearing I am not satisfied that the building as it stands is of particular historic or architectural merit. Consequently, the argument that the size of the dwelling would be justified on the basis of the existing building and the retention of the fabric would not merit anything more than limited weight in favour of the scheme.
15. I have not been presented with detailed financial evidence on the viability of the enterprise although the Council's agricultural adviser does not raise a concern in this respect. The proposed dwelling at Chiblers Hill Farm would in part be delivered by selling the dwelling at Roseland to help pay for the construction. The construction of the dwelling would therefore be unlikely to affect the viability of the business going forward for the appellants themselves. However, in the future, if the farm was to be sold, the purchase and any related borrowing would need to be supported by the on-going viability of the business. If a dwelling was constructed that was larger (and therefore more costly to purchase) than the farming activities could support then the long term

- viability of the holding would be put in jeopardy and there may be demands for the agricultural worker's occupancy condition to be removed.
16. The Planning Practice Guidance (the Guidance) indicates that relevant to the consideration of a rural worker's dwelling is the degree of confidence that the enterprise will remain viable for the foreseeable future. In this respect the size of the dwelling and its likely value as part of any future farm purchase is an issue that needs to be examined.
 17. At Chiblers Hill Farm there is about 72 acres of owned farmland. Other land is rented and it is anticipated that further land would be rented in the future. However, in terms of the land that is directly in the control of the farm in the longer term, the land holding is not as extensive as some farming units. While the calf rearing element of the business is not grazing land dependent, farming practices have and would, in all likelihood, need to evolve and this farm has had to adapt to changing circumstances in the recent past. Therefore, in the longer term the land holding and related buildings are one factor linked to the viability of the enterprise and in turn whether the size of the dwelling would be appropriate to the needs of this holding.
 18. There is no Council policy that specifies a limit or range for the size of a worker's dwelling although the Council has indicated that a typical size up to about 150-160 sqm may be acceptable. While there may be examples of agricultural worker's dwellings that are larger or smaller, the advice of the Council would not seem unreasonable in relation to the farming activities on the holding. It appears to me that the proposed dwelling is therefore materially larger than would be typical on a farm of this size and nature. I am not satisfied that there are the planning circumstances or clear information based on farming viability that lead me to conclude otherwise. Consequently, I cannot be confident that the size of the dwelling would assist the enterprise to remain viable for the foreseeable future and that the proposal would not be larger than necessary in a countryside area where development is generally restricted.
 19. In the light of the above analysis, I conclude that the size of the dwelling would be too large to serve this holding and therefore the proposal would not accord with Policy CSP.4 of the Core Strategy, Policy AP 1 of the Allocations Plan, the Guidance and the Framework in respect of the requirement to deliver sustainable development.

The effect of the proposal on the character and appearance of the area

20. The existing building lies broadly on the northern edge of the farm building group. It appears to be sited on higher land than the other buildings with the ridge of the existing building above the ridge of the adjoining barns. There are extensive and open views from some of the land adjoining the building out over the valley floor and to the Malvern Hills beyond. Equally there are reciprocal views back from the valley floor towards this elevated farm building group. At my site visit I saw from some of the roads, broadly from the north and north-east, that the building is visible at the edge of the building group. However, the existing structure, even in its dilapidated form, because of its present length of ridge, overall form and simple grassland setting appears as a reasonably modest component of the wider farm group and has an unassertive presence in the wider landscape.

21. The scheme would, in all likelihood, reinstate the outline of the original barn. Nevertheless, the proposal would involve the extension of the existing ridge line to produce quite a substantial residential structure. This resulting bulk of building would be positioned fairly prominently towards the skyline in some views from the valley floor. The reasonably extensive areas of glazing to the north west and north east elevations, and the associated residential occupation, would lead to a more domestic and suburban appearance making the structure and its use more conspicuous in the landscape. These changes would combine to cause harm by eroding parts of the rural character and appearance of this elevated site. This harm could not be overcome with a landscaping scheme and the use of traditional materials because of the bulk of the building, the proposed fenestration on this elevated site and the impacts associated with a residential presence.
22. The scheme was the subject of pre-application discussions which were generally positive in terms of the approach that has been pursued. I have also noted that the Parish Council offer support to the proposal based on matters such as due consideration being given to the exposed nature of the location and the materials used to ensure that the building is integrated into the farm landscape. I have taken these matters into account, together with the scattered location of some other farmsteads with dwellings on elevated sites in the wider landscape, but these matters do not outweigh the harm I have found to the character and appearance of the area in this case.
23. Accordingly, I conclude that the proposal would harm the character and appearance of the area. In this way the proposal would conflict with Policies CSP.1 and CSP.4 of the Core Strategy, Policies AP 1 and AP 4 of the Allocations Plan and the Framework which seeks, amongst other things in this respect, that the design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment.

Conclusion

24. I have found that there is an essential need for an agricultural worker to live permanently at Chiblers Hill Farm. However, the size of the proposed dwelling has not been demonstrated to be appropriate to serve this holding and the dwelling would harm the character and appearance of the area. These are substantial matters that weigh against the scheme and conflict with policies of the development plan. They are not outweighed by the principle that a dwelling is justified.
25. As a consequence, the proposal would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Smart	Bruton Knowles
Miss Julia Allen	Bruton Knowles
Mr Richard Brogden	Bruton Knowles
Mr Paul Newman	Appellant
Mrs Julie Newman	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Stephen Colegate	Forest of Dean District Council
Mr Robert Fox	Fox Rural