



Appeal Decision

Hearing Held on 24 November 2020

Site visit made on 25 November 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/Y3940/W/20/3255591

Allspheres Farm, Upper Minety, Hankerton, Wiltshire SN16 9LH

- 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 Klaudia Meeres against the decision of Wiltshire Council.
 - The application Ref 19/12094/FUL, dated 18 December 2019, was refused by notice dated 20 March 2020.
 - The development proposed is the enlargement of a farm dwelling by adding a first floor.
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Decision

1. The appeal is allowed and planning permission is granted for the enlargement of a farm dwelling by adding a first floor at Allspheres Farm, Upper Minety, Hankerton, Wiltshire SN16 9LH in accordance with the terms of the application, Ref 19/12094/FUL, dated 18 December 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Klaudia Meeres against Wiltshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the scale of the proposed dwelling is acceptable having regard to the essential needs of the agricultural holding.

Reasons

4. The appellant and her family reside in the appeal building, and she farms at Allspheres Farm. The appeal building is a detached dwelling that obtained permission in 2008¹ subject to a legal agreement that tied the occupancy and prevented the dwelling from being sold separately to the agricultural holding. There is no dispute between the parties that there is an essential need to live at the holding, rather the disagreement relates to the proposed scale of that dwelling.
5. The parties agree that the gross internal area (GIA) of the dwelling at present is approximately 137.5sqm. This is arranged mostly on the ground floor with one bedroom provided in the roof space. The proposal, by adding an upper

¹ Planning reference N/07/02651/FUL

- storey would result in a GIA of 203sqm. This would provide three bedrooms on the first floor. It would also provide a farm office, wc and utility room on the ground floor amounting to approximately 38.5sqm² when measured from the outside of the internal walls.
6. Core Policy 48 (CP48) of the Wiltshire Core Strategy, January 2015 (CS) as an exception, allows for residential development outside the limits of development where the accommodation meets the needs required to enable workers to live at their place of work in the interests of agriculture, forestry or other employment essential to the countryside. Saved policy H4 of the North Wiltshire Local Plan, January 2001 (LP) permits new dwellings in the countryside provided, amongst other things, it is in connection with the essential needs of agriculture. These policies broadly accord with paragraph 79 a) of the National Planning Policy Framework (the Framework) which stipulates that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at their place of work.
 7. Both parties accept that there is no national or local policy stipulating the size of a rural workers dwelling once the threshold of establishing an essential need is met. The proposal is not for a new dwelling in the countryside, and it is not otherwise shown that saved policy H4 of the LP applies to subsequent enlargement proposals. Neither does the current national guidance³ relating to paragraph 79 a) of the Framework indicate what would be an appropriate scale of dwelling to meet an essential need, nor what factors would be relevant to such an assessment. Nevertheless, CP48 of the CS requires justification to be provided for accommodation proposals. Accordingly, this requires a planning judgement to be made.
 8. The Council's agricultural advisor⁴ considers that approximately 150sqm of floor space would generally be sufficient to meet an essential need for a rural worker. At the hearing he expressed it as an objective professional view which allows for a degree of flexibility. This is acknowledged by the Council's reference to it as a rule of thumb rather than a maximum amount. As guidance of limited status, it carries a commensurate amount of weight.
 9. The parties dispute how it applies to the appeal proposal insofar as whether the farm office, wc and utility room should be discounted from the 150sqm measure, although it is accepted that the farm should have some office and utility room provision. The Council assert that there should be no discounted floorspace as conditions could not guarantee the future use of these areas solely for agricultural purposes given that they would be an integral part of the dwelling. However, as the guideline originates from a professional view, it would be logical to apply this opinion in its entirety. The Council's agricultural advisor states that the suggested 150sqm floorspace excludes areas such as a farm office and associated utility/shower areas⁵.
 10. In the absence of other separate office or utility facilities on the farm, it would be reasonable to suppose that those shown in the proposed enlarged dwelling would predominantly be used to support the administration and operation of

² Statement of Common Ground dated 30 October 2020.

³ Planning Practice Guidance Paragraph 010 Reference ID:67-010-201907022

⁴ A M Coke of APA Consultants Ltd, paragraph 7.9, Agricultural Assessment of planning application, dated 17.3.20

⁵ Paragraph 6.10 of Statement prepared by A M Coke, October 2020

the agricultural business at the site, to which the dwelling is tied. On this basis, it would be reasonable to deduct this floorspace for the purposes of considering the 150sqm guideline figure in this case. The appeal decision⁶ to which I am referred in this regard related to the consideration of GIA when interpreting a condition and determining the scope of an outline permission rather than in relation to agricultural advice received. Furthermore, the Inspector expressly stated that the decision did not consider arguments of whether the agricultural workers dwelling should be restricted to 150sqm floorspace. Given its limited scope, it carries little weight in this case.

11. Excluding the office, wc and utility room would mean that the remaining floorspace of the dwelling would be in the order of 164.5sqm-166.7sqm depending on whether the internal dividing walls are included as floorspace or not. This would be larger than the 150sqm suggested, but moderately so. Moreover, the proposed layout shows rooms that although, generously proportioned, would not be lavish in number or function in terms of a family dwelling. Given that it is often the case that agricultural workers dwellings will, by their nature, be detached, I have had regard to the data in the English Housing Survey 2018 for detached housing. This indicates that the average usable floor area for such a dwelling is 149sqm. Hence, the 150sqm rule of thumb is close to the average for the likely dwelling type rather than being generous, as is asserted by the Council.
12. A number of recent Council decisions concerning rural workers dwellings have been brought to my attention⁷ by both parties. These examples relate to a variety of different rural enterprises to the case before me. Furthermore, unlike most of the examples provided, the proposal before me concerns an extension to an existing building, rather than an entirely new dwelling. This limits the weight that any individual decision attracts. Nevertheless, they were assessed against a similar development plan context. They generally serve to demonstrate that detached, two storey, 3 or 4 bedroom dwellings have often been found to be justified to meet the essential need for rural workers in the county. Furthermore, as some of the examples provide more than 150sqm floorspace, they demonstrate some flexibility in the application of the guideline.
13. Although towards the larger end of the spectrum in comparison to these examples, the proposal before me would be broadly comparable in scale. It would not significantly diverge from the approach taken in those cases such that it would be excessively large by comparison. Therefore, overall, I find that the proposal would reasonably align with the rule of thumb floorspace guideline, which in any event, is of limited weight.
14. Moreover, if an upward extension is undertaken, to a large extent its scale would relate to parameters fixed by the existing building. There are pragmatic circumstances in this case that would support the upward extension of the existing building as opposed to a single storey side extension. Firstly, the information provided indicates that measures were built into the original dwelling to cater for such an extension. It follows that an upwards extension would presently be a more cost effective⁸ approach. In addition, unlike a single storey extension, it would be more efficient in terms of land take and would

⁶ Reference APP/Y3940/W/18/3195088, Appendix 18, Council's Appeal Statement

⁷ Appendices KCC6-12, Appellant's Appeal Statement, Attachment B, Appellant's Final Comments & Appendices 5-10, 15-17 Council's Appeal Statement

⁸ Appendix KCC15, Costings Analysis, Appellant's Appeal Statement

result in a totally integrated design replicating the existing simple symmetrical pyramid roof form. These are reasonable considerations that attract limited additional weight in favour of the proposal.

15. The Council point out that the appellant previously had a farm office available in another building on the farm which has since been converted to a holiday let. However, planning permission⁹ for the holiday let was obtained approximately 4 years ago and this represents a considerable period over which time circumstances can change. Moreover, there is no suggestion that the development was not policy compliant and farm diversification is generally supported in the Framework as a way of supporting a prosperous rural economy. Therefore, this would not lead me to a different view on the application of the 150sqm guideline in the present circumstances.
16. In addition, the size of the appellant's family has increased in the intervening period. The constant nature and long hours associated with an agricultural enterprise are often such that domestic and working life may not always be neatly segregated. Therefore, practical considerations of being able to undertake office work at home rather than in a separate building and changing clothes in an integral utility room would assist in facilitating family life. It is not unusual for rural workers to have children or caring responsibilities. Consequently, the need to strike a balance between work and caring responsibilities would have wider application to many rural workers. Therefore, it is reasonable that this would have some relevance when considering the configuration of the associated accommodation.
17. The Council refer to Planning Policy Statement 7 Sustainable Development in Rural Areas (PPS7). However, PPS7 is no longer in force having been replaced by the original Framework in 2012. The appeal¹⁰ to which I am referred, which refers to methodology in PPS7 as providing a useful tool, is itself over 4 years old. Furthermore, since then Planning Practice Guidance (PPG)¹¹ has been issued in relation to how the need for isolated homes in the countryside for essential rural workers can be assessed under paragraph 79 a) of the Framework. This includes the consideration of whether the need could be met through improvements to existing accommodation on the site. Taking these factors together, PPS7 does not attract any weight in my determination.
18. The Council consider that given that the development plan would not normally support residential development at the appeal site, the agricultural occupancy tie should remain in perpetuity. They raise concerns that the enlarged dwelling could present affordability problems for potential future rural workers. Nevertheless, they indicated at the hearing that a smaller extension to the dwelling would be likely to receive support. My attention is drawn to an appeal decision¹² in which the Inspector considered that the affordability of an enlarged rural workers dwelling would make it vulnerable to the future removal of the occupancy condition. However, in the extracts provided the Inspector referred to valuation figures whereas, other than reference to a general correlation between the value and size of a dwelling, no substantive valuation evidence has been presented in this case.

⁹ Reference 16/06299/FUL

¹⁰ Reference APP/J3720/W/15/3133183 dated 4.1.2016

¹¹ Planning Practice Guidance Paragraph 010 Reference ID:67-010-201907022 published 22.7.19

¹² Reference APP/M0655/A/12/2188376

19. Moreover, at the hearing the appellant explained her intention to continue farming and living at the holding. There is nothing before me that would lead me to doubt the viability of the enterprise or her ability to fulfil her intention in this regard. This is reinforced by the observations of the Council's agricultural advisor who indicated that the principal issue in this case was not one of affordability to the business, but one of agricultural need¹³. Hence, it would seem unlikely that the dwelling would be sold in the foreseeable future. Even if it were, the existing legal agreement would prevent it from being sold separately from the overall agricultural holding. In this context, there is little to substantiate that the proposal before me would be substantially less affordable as part of the wider holding to future rural workers than a smaller extended dwelling.
20. It follows, that based on the evidence before me, I am satisfied that the proposal would meet the accommodation needs required to enable workers to live at their place of work in the interests of agriculture and that overall, the dwelling would be of a scale that has been reasonably justified. As such, there would be no conflict with paragraph 79 a) of the Framework.
21. Accordingly, I find that the proposed enlarged dwelling would be acceptable having regard to the essential needs of the agricultural holding. Therefore, it would comply with CP48 of the CS. In addition, as it would not establish a new dwelling in the countryside, it would not conflict with the requirements set out in saved policy H4 of the LP.

Other matters

22. I have taken account of the representations received. Those objecting to the development raised concerns regarding the impact of the proposal on privacy and the character and appearance of the area. However, the dwelling is located a considerable distance from neighbouring properties which would prevent intrusive views to local residents. Furthermore, an additional storey would naturally align with the established design. My observations were that the appearance of the existing dwelling as part of a farmstead was not objectionable and therefore, a continuation of the style and materials established by the single storey dwelling would be appropriate in this context. Accordingly, the comments received would not lead me to a different conclusion.

Conditions

23. The three-year period in which the planning permission may be implemented is a statutory requirement. I also consider that it is necessary to specify the plans that are approved, and that the development shall be undertaken in accordance with these, as this provides certainty. To ensure the quality of the appearance of the building a condition is imposed to require the materials to match the existing dwelling as indicated on the plans.
24. The dwelling is in a countryside location where the development only supports residential development as an exception. This is reflected in the planning obligation which restricts the existing dwelling's occupancy to a rural worker. A similar condition is imposed to ensure consistency and remove any doubts that this covers the extended dwelling.

¹³ Paragraph 7.8 APA Consultants Ltd, Agricultural Assessment of planning application, dated 17.3.20

25. PPG indicates that conditions removing or restricting permitted development for small scale domestic alterations are unlikely to meet the tests of reasonableness and necessity. However, I am satisfied that the circumstances of this case do warrant continuing close attention to the cumulative domestic development at the site as this is predicated on the need to support the agricultural operation. Therefore, save for alterations to fenestration, conditions are imposed to prevent the further extension/alteration of the dwelling and additional domestic outbuildings.

Conclusion

26. For the reasons given above I conclude that the appeal is allowed.

Helen O'Connor

Inspector

APPEARANCES

FOR THE APPELLANT

Tony Kernon BSc (Hons) MRICS FBIAC	Director, Kernon Countryside Consultants Ltd
Klaudia Meeres	Appellant
Richard Barrow	
Klarrisa Meeres	

FOR THE LOCAL PLANNING AUTHORITY

Eleanor Slack LLB (Hons) MSc (Urban Planning) MRTPI	Planning Officer, Wiltshire Council
Lee Burman BA Hons Diploma Urban Planning Implementation MRTPI	Area Team Leader, Wiltshire Council
Tony Coke BSc (Hons) MRICS	Chartered Surveyor, APA Consultants

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: Block and Location Plan, drawing number 725/BL; Existing Floor and Roof Plan and Elevations, drawing number 725/S01A; Floor & Roof Plan and Elevations, drawing number 725/01a and Layout of Owned (Blue) and Rented (Red) Land, drawing number KCC1484/04 01/20tk.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building as shown on plan no. 725/01a.
- 4) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted other than additional or replacement fenestration.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere within the red line on plan 725/BL.