



Appeal Decision

Site Visit made on 10 November 2020 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/G2713/W/20/3257060

Ashle Cottage, Lovesome Hill, NORTHALLERTON, DL6 2PB

- 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 Peter Farndale against the decision of Hambleton District Council.
 - The application Ref 19/02244/FUL, dated 22 August 2019, was refused by notice dated 28 February 2020.
 - The development proposed is siting of caravan for domestic use.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description in the banner header above has been taken from the application form. However, in the Council's decision notice and the appellant's appeal form the following wording is used to describe the proposal '*Revised application for retrospective change of use of land to domestic and the siting of a caravan for domestic use*'. I recognise that the proposal was submitted retrospectively and have proceeded on that basis.

Main Issue

4. The main issue in this appeal is whether the appeal site is a suitable location for a residential use having regard to the development plan, the availability of shops, services and facilities and whether there is an essential need to live at the site in connection with the agricultural use of the land.

Reasons

5. The appeal site is part of an agricultural holding and is located in the countryside adjacent to the A167. Within the site I observed a number of structures including a barn and a prefabricated unit. This prefabricated unit is identified within the appellant's statement of case as Ashle Cottage.
6. Policy CP4 of the Hambleton Local Development Framework *Core Strategy* (2007) (CS) states proposals outside of settlements and in other locations, such as the countryside, will only be supported when an exceptional case can

be made in terms of Policies CP1 and CP2, and where the proposal is necessary to meet one of a number of criteria, in this case, the needs of farming and which will help support a sustainable rural economy. Policy CP4 is considered to be consistent with the National Planning Policy Framework (the Framework) which at paragraph 79 states the development of isolated homes in the countryside should be avoided unless *"there is an essential need for a rural worker including those taking the majority control of a farm business, to live permanently at or near their place of work in the countryside"*.

7. Whilst the Framework does not define what is meant by 'essential need' in the context of paragraph 79, the appellant has referenced PPS 7 *Sustainable Development in Rural Areas* as a guide. However, as PPS 7 is no longer current national policy, the key test is whether the dwelling is essential for a worker to live permanently at or near the animals. Again, whilst no definition within the Framework is provided for the term 'near', the wording makes it clear that a rural workers dwelling does not necessarily have to be located on the site of the workplace to meet an essential need.
8. Policies CP1 and CP2 of the CS seek development to be located in sustainable locations that makes the best use of the land and which seeks to minimise the need to travel to and from the site. These policies are considered consistent with paragraph 84 of the Framework which recognises that the needs of rural businesses may have to be met outside of settlements and in areas which may not be well served by public transport. In these circumstances, the Framework expects that new development is sensitive to its location, does not impact on local roads and brings about improving access on foot, by cycling or by public transport.
9. Policy DP9 of the Hambleton Local Development *Development Policies* (2008) (DP) states that development outside of the development limits will only be supported in exceptional circumstances having regard to Policy CP4 of the CS.
10. The site is currently in agricultural use and is located in the countryside. This fact is not disputed by either party. Whilst there are a number of dwellings, including the associated farmhouse, and other agricultural holdings near to the appeal site, I observed that the site was a significant distance from the nearest settlement. Neither party has submitted any evidence relating to the proximity of the site to services or whether the site is located near to a regular bus route, nor did I see any evidence of a bus service or designated cycle lanes in the surrounding area. As such I consider the site to be remote from services and facilities. A new residential use in this location would not conform to local and national planning policy, as outlined above, unless there was an essential need for someone to live at the site, having regard to the agricultural needs of the enterprise.
11. The appellant states that due to health restrictions, the present farmer, who resides in the existing farmhouse located a short walk from the appeal site, can no longer care for the 15 sucker cows and 30 sheep. Consequently, he contends that the additional residential accommodation is required to enable a farm worker to live on the site in order to care for the animals. It is also suggested that the worker is required on site to improve the security of the buildings and assets. The appellant further attests that the farmer's daughter would take over the farm and be on the site as long as possible. The appellant states there is a clear purpose in providing the caravan accommodation in

- order for the worker to care for the animals. They also indicate that without agricultural workers accommodation on the site this would limit future generations.
12. An Agricultural Appraisal was submitted as part of the appeal statement which states suckler cows can give birth all year round and require attention from that of a skilled worker who is close at hand. Calves also require feeding twice a day, bedding changed daily and continual observation to check for health issues which may require swift action. It also asserts that observations go beyond the limits of normal working hours and into the evening and weekend. No evidence has been submitted which suggests there is a need for the farmworker to be on the site to care for the 30 sheep. Nor has any evidence been submitted that demonstrates the area suffers from high levels of crime and the need for onsite security.
 13. Whilst I accept that there is a need for the animals to be well cared for, particularly during calving, and that it is necessary for a farm worker to be close at hand, there is no evidence that suggests that this warrants the presence of a full time farm worker to reside on the site. The twice daily feeding regime could be undertaken by a worker living off site and routine checks of stock could also take place whilst that work is being undertaken. I accept that out of hours working may be necessary on occasion, however, given the small scale of the operation and the small number of animals present, through good animal husbandry practice it would be possible to predict and plan ahead for the very small amount of out of hours working.
 14. The appellant has made it clear that the animals' needs were previously met by the farmer who resides in the farmhouse located a short distance from the appeal site. It is clear therefore that on-site accommodation is not necessary as it can be met off site as previously indicated by the appellant's own evidence. Whilst I appreciate that the farmer's house is in close proximity to the appeal site, there is no demonstrable evidence that suggests a farm worker could not live within the surrounding area and still be able to provide adequate care and attention to the animals. Although the appellant contends that no other local properties are available, no evidence to support this has been provided.
 15. Moreover, there is no substantive evidence that suggests the existing farmhouse accommodation could not be adapted or extended in order to meet the needs of both the existing farmer and/or his daughter. Given the small number of cows present the number of calves born on a yearly basis will be limited and there would appear to be no reason why the appellant's daughter, or any other farm worker, could not stay at the existing house as and when needed, for example during calving.
 16. Overall, having regard to the evidence presented, I am not satisfied that there is an essential need for a worker to reside permanently at the site, having regard to the needs of the unit and the scale of the agricultural operation. Furthermore, it has not been demonstrated that those needs could not be met by a worker living off-site, either in other local accommodation, or by making use of the existing farmhouse, either permanently or on a temporary basis as and when needs require.
 17. Whilst there would no longer be the need for the farmworker to travel to their place of work, due to the location of the development, outside of any existing

settlement, in order to access all other services and facilities it would be necessary for them to travel, and this would likely take the form of a motor vehicle. This increase in trips to and from the site would result in reliance and the use of the private car for most of their day to day needs and would lead to a modest amount of environmental harm as a result of the increase in traffic movements.

18. Although the personal circumstances of the farmer are a factor that weigh in favour of the proposal, they do not make an overriding case to allow this development in this location.
19. In conclusion, I find that the development in this location would result in a residential unit in the countryside which would be remote from shops, services, and facilities and is, as a result, not a suitable location for a new residential use. As such it neither protects or enhances the natural environment by making the best use of the land nor does it minimise the need to travel. The development does not therefore accord with Policies CP1, CP2, CP4 of the CS and Policy DP9 of the DP. In addition, the exceptions required by Policy CP4 of the CS and Policy DP9 of the DP and paragraph 84 of the Framework, and the essential need demonstrated as required as per paragraph 79 of the Framework, have not been met.

Other Matters

20. The appellant asserts that the Council did not apply the 'presumption in favour of sustainable development' as set out in paragraph 11 of the Framework. As set out above, Policies CP1, CP2 and CP4 of the CS and Policy DP9 of the DP are considered to be consistent with the aims of the Framework which seek to support sustainable rural housing in the countryside where there is a justified need for that worker. It is not argued by the appellant that these most important policies are not relevant or out of date nor is there any evidence that shows the Council cannot demonstrate the delivery of a five year housing supply or that housing delivery is substantially below the Councils targets. Paragraph 11 (d) of the Framework is therefore not engaged and the proposal must be determined in accordance with the development plan, as required by section 38(6) of the Town and Country Planning Act 1990.
21. The delegated officer report concluded that the development does not cause harm to the character and appearance of the area and there is no suggestion of any harm in that respect in the reason for refusal. However, within the Council's subsequent statement there is a suggestion that the caravan is incongruous in its countryside setting. No explanation for that apparent change in position has been given. Nonetheless, given the location of the caravan, adjacent to other structures and set back from the road, I agree with the findings of the original officer report and am satisfied that there is no undue harm to the wider character of the area.
22. The Council are also satisfied that it does not impact on the living conditions of nearby residents. From what I have read, and from what I saw when I visited the site, I have no reason to disagree. Nonetheless, this does not overcome the fundamental conflict with the development plan that I have found.

Conclusion

23. For the reasons given above, I conclude that the development would be contrary to the relevant policies of the Council's development plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the development plan. Consequently, I recommend that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be dismissed.

Chris Preston

INSPECTOR