



Appeal Decision

Hearing Held on 14 January 2021

Site visit made on 15 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/R3705/W/20/3259888

Lucky Tails Alpaca Farm, Dexter Lane, Hurley CV9 2JG

- 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 Ms S Booth against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0490, dated 27 August 2019, was refused by notice dated 27 March 2020.
 - The development proposed is described as erection of permanent rural workers dwelling (revised proposal).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the appellant and the Council have provided statements after the deadlines for submissions. Also, information has been provided by the appellant on the acquisition of land away from the appeal site that was not before the Council at the time it determined the application. These submissions do not change the proposal and I am satisfied that no party would be caused injustice by taking them into account.
3. The emerging North Warwickshire Local Plan has been the subject of examination and I was told at the hearing of an aim to adopt it by March 2021. However, I attribute limited weight to the emerging plan as I am uncertain whether there are unresolved objections and whether policies will be adopted in the form provided to me.

Main Issues

4. The main issues are:-
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework); and
 - the effect on the openness of the Green Belt; and
 - whether the proposal would be detrimental to highway and pedestrian safety; and

- if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

5. The Council's refusal reasons refer to no development plan policy in respect of its Green Belt objection. However, the main parties agree that the proposal falls to be determined in accordance with the Framework in respect of the Green Belt issue.
6. The Framework defines the construction of new buildings as inappropriate development in the Green Belt, although a list of exceptions is set out. The proposal would be on a farm and its occupation would be restricted to an agricultural worker or their dependents. However, it would be primarily intended for residential rather than agricultural purposes. As such, the proposed dwelling would not fall within the definition set out under paragraph 145 a) of the Framework. There is no suggestion that the proposal would fall within any of the other exception categories and so I conclude it would represent inappropriate development in the Green Belt.

Openness

7. The proposed house would be on land that is currently vacant of buildings. As a consequence, and by reason of its height, volume and overall extent, the development would lead to a spatial loss of openness. The main parties suggest that the removal of the existing mobile home on the farm should be taken into account in assessing any effect. Even if I was to accept this position, the proposal would be significantly larger than the mobile unit and so there would still be a net reduction in spatial openness.
8. The dwelling would be set back from the road but it would be seen from the adjoining highway through the access as well as from the holding itself. It would also be visible through gaps in vegetation from a public footpath along the southern boundary of the farm, from Knowle Hill and from adjacent land and properties. Therefore, it would result in a visual loss of openness of the Green Belt.
9. The house would be similar in size or smaller than existing properties in the area and other dwellings previously allowed in the Green Belt. However, this factor does not address or override the effects of the proposal. Consequently, I conclude the development would harm the openness of the Green Belt.

Highway and pedestrian safety

10. At the hearing, the appellant accepted that activities and insufficient space on the farm sometimes lead to vehicles parking on Dexter Road. As there are no pavements, such roadside parking increases the risk of conflict between pedestrians and vehicles and causes verge damage. However, new parking spaces are proposed to serve the dwelling and so it is unlikely the development would generate extra roadside parking.

11. Furthermore, there is no substantive evidence to demonstrate the proposal would result in additional traffic coming to and from the site. In any event, the appeal plans indicate alterations to the existing access which could reasonably include its widening to allow 2 way traffic flows. Such works would allow easier movement on and off the site and so would reduce driver and pedestrian confusion and waiting on the carriageway.
12. For these reasons, I conclude the proposal would not be detrimental to highway and pedestrian safety. In this regard, it would comply with policy NW10 of the North Warwickshire Core Strategy 2014 (CS). Amongst other things, this policy looks to ensure development provides for proper pedestrian and vehicular access as well as sufficient parking and manoeuvring space.

Other considerations

13. It is the appellant's contention that the proposal would address a need to live at the farm in order to run an established alpaca breeding and rearing enterprise. In addition, pygmy goats, sheep, miniature donkeys, pigs and chickens are kept at the holding. The latest account information for 2018 to 2019 shows the business returned a significant net profit. However, animal sales and stud fees represent a small proportion of the income. Instead, most of the revenue comes from members of the public attending alpaca walks and other animal activities as well as from sales at the on-site shop.
14. Paragraph 79 of the Framework allows new isolated homes in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work. Factors that may be relevant in the consideration of this issue are set out in the Planning Practice Guidance¹. These include evidence of the need for a worker to provide on-site attention 24 hours a day to avoid risk to animal health or crime. CS policy NW2 is generally consistent with the Framework, although saved policy HSG3 of the North Warwickshire Local Plan 2006 (LP) is less so as it refers to the now cancelled Planning Policy Statement 7.
15. At the hearing the appellant confirmed that an on-site presence is required every day of the year to care for the animals and to carry out day to day farm tasks. The John Nix Farm Management Pocketbook 49th edition evidence indicates that the amount of labour to manage the number of animals on the farm justifies the input of a full time worker. In addition, running the animal activities and shop requires a worker to be on the site. Therefore, the enterprise requires a daytime presence throughout the year.
16. However, the appellant advised that after a final check in the late evening the alpacas are not supervised at all during the night unless there is a health concern. Identification of a sick animal can be unpredictable as alpacas are good at hiding illness. I was told at the hearing that night time care is required about once every 2 months.
17. The appellant advised at the hearing that no night time worker attendance is required to manage the mating of alpacas. However, a presence is preferable at a birth and while most take place during the day they can happen at night. Also, cria should be supervised for the first 24 hours after birth and some require regular bottle-feeding for a few months thereafter. As such, I am

¹ 010 Reference ID: 67-010-20190722 revision date 22 July 2019

satisfied that the rearing of alpacas can generate a need for an overnight worker presence.

18. At the hearing the appellant advised of an alpaca birth in October, although she explained her intention to manage mating so births take place during the spring and summer. This move would be in line with British Alpaca Society's advice. Ensuring seasonal births is not straightforward due to unpredictable mating success and gestation times. Also, it may require the reproduction process being held up for some alpacas. However, the enterprise's income is largely generated by animal recreational activities rather than the breeding of livestock. As such, there is no strong profitability reason to pursue year-round breeding of alpacas.
19. The appellant explained that before moving into the temporary unit on the site, items were stolen from the farm. Since she moved on, there has been no such thefts although there have been incidences at nearby premises. A permanent dwelling may deter crime although the proposal would be away from the road and so would not allow easy overlooking of the access at night. Also, there is no substantive evidence to show that alternatives such as security gates or surveillance devices would not provide an equally effective deterrent to unauthorised entry onto the site. As such, the need to address potential crime adds little to the justification for a permanent worker's dwelling.
20. The appellant suggests that the Council's decision to permit a temporary mobile unit indicates an acceptance that there is a need for a worker's dwelling. However, I have limited information on the factors that led to the Council's decision. In any case, my assessment is based upon the evidence provided with this appeal rather than that considered by the Council when approving the temporary unit.
21. Also, reference is made to other agricultural workers' dwellings that have been permitted by the Council elsewhere. These other decisions are of limited relevance as they do not relate to the appeal site or to a similar alpaca enterprise.
22. I have carefully considered the other appeal decisions referred to by the appellant. These include appeals where dwellings for workers involved with the breeding and rearing of alpacas have been allowed. These decisions are based on information relating to other businesses rather than the evidence before me on the appellant's particular work requirements. Also, the other developments relate to enterprises primarily involved with breeding and sale of livestock in contrast to the appellant's concern where most income is generated by animal activities. Therefore, these other decisions fail to set a precedent that I am bound to follow in the determination of this appeal.
23. No evidence has been provided that demonstrates over-grazing and so I am satisfied that sufficient land is available to support the appellant's business. However, this factor fails to influence the extent of night time supervision that the business requires. Limited information has been provided on how care for the appellant's other animals result in a need for overnight presence in addition to that associated with alpacas.
24. Therefore, the essential need for 24 hour presence mainly relates to the care of cria with occasional extra overnight attendance to deal with sick animals and births. Due to the level of supervision that is needed, I consider that the care

of those cria that require bottle-feeding could not reasonably be carried out from a dwelling away from the farm. However, for the reasons set out above, the evidence indicates that the need for overnight attendance would largely be limited to spring and summer months. Consequently, there is no requirement to live permanently on the site. I am satisfied that any work-related needs could be reasonably addressed through temporary accommodation.

25. Therefore, I conclude that an essential need for a rural worker to live permanently on the site has not been demonstrated. In this regard, the proposal would not comply with CS policy NW2, LP policy HSG3 and the Framework.
26. Despite the above conclusion, the proposal would address the seasonal and occasional need for accommodation on the site and so it would support the business. Also, the development would be convenient to the appellant in caring for her animals. I attach significant weight to these benefits.
27. The proposed widening of the access would ease vehicular movement although there is no firm evidence the access currently prejudices highway safety. Reference has been made to the provision of an overflow car park to help address on road parking issues. However, no details are included on the appeal drawings and there appears to be little scope within the defined site to increase the number of spaces. I attach limited positive weight to all of these factors in my assessment.

Green Belt balance

28. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
29. Overall, I conclude that the benefits of the scheme would be significant. However, in line with the Framework I attach substantial weight to the harm that would be caused to the Green Belt by reason of inappropriateness and the loss of openness. Therefore, the benefits and all other considerations would not clearly outweigh the totality of harm to the Green Belt. As such, the very special circumstances necessary to justify the scheme do not exist. In this regard the proposal would conflict with the Framework.

Conclusion

30. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Leanne Buckley-Thomson

Counsel

Marc Willis BTP MRTPI FBIAC

Planning Consultant

Peter Williams BSc FBIAC

Agricultural Consultant

Sarah Booth

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Collinson BA (Hons) BTP
MRTPI

Principal Development Control Officer
North Warwickshire Borough Council

Andrew Coombes

Agricultural Consultant

Anthony Burrows

Highway Development Engineer
Warwickshire County Council

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Policy NW3 of the North Warwickshire Core Strategy 2014.