
Appeal Decision

Site visit made on 9 February 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2021

Appeal Ref: APP/A2335/W/19/3241847

North Farm, Moss Road, Heaton With Oxcliffe, Lancashire LA3 3ES

- 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 Sam Bargh against the decision of Lancaster City Council.
 - The application Ref 18/00424/FUL, dated 04 April 2018, was refused by notice dated 05 July 2019.
 - The development proposed is retrospective application for the change of use of land for the siting of 2 agricultural workers caravans.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. In July 2020, after the appeal was made, the Council adopted the Local Plan for Lancaster District – Part One: Strategic Policies and Land Allocations DPD (the LP1) and Part Two: Review of the Development Management DPD (the LP2). Consequently, the policies cited in the Council's decision notice have been superseded and they are not relevant to my consideration of the appeal, which must be determined in accordance with the adopted development plan. From the evidence before me, the relevant policies are SP3 and EN3 of the LP1 and DM4, DM10, DM29, DM46, DM60 and Appendix F of the LP2.
3. Although the LP1 and the LP2 would have been at a relatively advanced stage of preparation when the application was determined and the appeal was made, neither party considered the implications of the emerging policies. However, the relevant policies are substantially the same as the superseded policies and I am satisfied that the parties would not be prejudiced by my determination of the appeal on this basis.
4. The development has already been carried out and I observed that the caravans correspond to the submitted details. I have determined the appeal on the basis that it relates to a material change of use of the land for the permanent siting of 2 caravans for residential use.
5. When it refused the application, the Council accepted there was an essential functional need for 2 rural workers, but it was not satisfied that the agricultural unit could finance a dwelling. Following the submission of further information, the Council now accepts that the unit generates sufficient income to finance a dwelling. Based on the evidence before me, I see no reason to disagree.

Main Issues

6. Therefore, the main issues in this appeal are:

- i) Whether the development is commensurate to the essential needs of the agricultural unit;
- ii) The effects of the development on the character and the appearance of the area; and
- iii) Whether the means of foul water disposal are adequate.

Reasons

Whether the development is commensurate to the essential needs of the business

- 7. The labour requirement of the agricultural unit is estimated to be somewhere between 14-16 full-time workers. The business currently employs 7.5 workers. This includes the appellant and his wife, the appellant's father who lives approximately 8 minutes away but is nearing retirement, and the 3 workers (2 full time, 1 part time) who live in the caravans subject of the appeal. However, the essential functional needs of the business are not the same as the total labour requirement of the enterprise.
- 8. The farmhouse is occupied by the appellant and his family. While his wife is employed by the business, this is primarily in an administrative and accounting capacity and she does not provide physical overnight labour or assist with calving. Therefore, for the purposes of meeting the essential need, there is only 1 rural worker living in the farmhouse.
- 9. The number of livestock on the holding and the nature of the business results in long working days and there is a routine requirement for at least 1 worker to be present overnight in the interests of animal welfare. During times when cows are calving, which is on average twice a week during the overnight period, there is a requirement for 2 workers to be present to assist.
- 10. The business operates a rota system in relation to the regular night shifts and the 'on call' worker who assists with calving. However, no detailed information has been provided in respect of the division of labour or how the out of hours duties are rotated between staff. Nevertheless, there is evidence¹ that the essential functional need can be met by the appellant and 2 additional workers. Therefore, irrespective that there are currently 4 workers (3.5 full time equivalent) living at the farm, there is little substantive evidence that this number is required to live permanently at the farm.
- 11. One of the caravans is currently occupied by 2 workers and this would continue to be the case. Therefore, given that the essential need could be met by an additional 2 workers, and based on 2 workers sharing, the need for 2 caravans has not been demonstrated. I note the suggestion that, if 1 caravan was removed, there would only be 2.5 full time workers living on site which would not meet the essential need. However, it is not clear why a full time worker rather than a part time worker would be displaced to alternate accommodation.
- 12. The essential functional need could not be fulfilled by another dwelling on the unit or other accommodation in the area. This is because there are no other

¹ Agricultural Assessment of the Farm Holding for Planning Purposes (ML Planning Consultancy).

dwelling on or in sufficiently close proximity to the unit nor existing buildings suitable to be converted to residential use. Moreover, while there are affordable dwellings in nearby settlements, these are not sufficiently close to the farm to meet the essential needs of business. Having said that, there is little compelling evidence that dwellings offsite could not be occupied by additional agricultural workers, including those who assist intermittently with calving.

13. Therefore, while there is an essential need for a rural workers dwelling at the site, the proposal fails to demonstrate the need for 2 residential dwellings. In this regard, the development conflicts with Policy SP3 of the LP1, Policies DM4, DM10 and DM60 of the LP2 and Appendix F of the LP2. These require, among other things, that new housing is directed in the first instance to existing settlements, in locations that are accessible by sustainable transport modes, and that it avoids the creation of new residential development in the countryside unless there is an essential local rural need.

Character and appearance

14. The appeal site is a small grass field enclosed by hedgerows with trees. It is on the opposite side of Moss Road to North Farm, which comprises a traditional farmhouse and barn and a larger number of predominantly modern portal frame buildings. Moss Road is a rural road that serves 3 farms, terminating just beyond North Farm at Downlands. The road also functions as a public right of way (the footpath) for part of its length between Downlands and the appeal site. The appeal site is in the countryside to the west of the A683 Heysham Link Road, in an open and relatively flat intensively managed agricultural landscape with scattered farmsteads.
15. The caravans are sited close to the field gateway and end-to-end, such that their long side elevations are largely screened by the roadside hedgerow. From Moss Road to the east, the end elevation, and foreshortened side elevation, of the caravan closest to the gateway is visible for a short distance on the immediate approach to the site. While incongruous and not well-related to the farmstead group, from this direction the caravans are seen against the backdrop of the roadside hedge and the distant horizon and they are not unduly prominent. However, by virtue of the change in ground levels through the site, the caravans are in a prominent and elevated position when viewed from the road and the footpath to the west.
16. Irrespective of their modest scale, their discordant appearance and degree of encroachment into the countryside result in a visually obtrusive form of development. The parking of cars in the appeal site further contributes to the detrimental visual impact and the development does not make a positive contribution to its countryside location. Given the surrounding rural context, the scale of the development and the limited views, the development results in moderate harm to the character and appearance of the area.
17. The appellant would be willing to consider different external finishes, including cladding, and he would implement additional landscape planting to screen the development. There would be benefits from the maintenance of dense tall hedgerows and trees around the appeal site and new planting along the post and wire fence line to the west of the caravans would help screen the development from the footpath. However, there are no amended plans to illustrate any alternate form of development and the landscaping plan (drawing ref JT/AB/2814, dated 14/10/2019) illustrates that the proposed landscaping

would be identical to the existing planting. Therefore, I cannot be certain that the adverse visual impacts could be adequately mitigated.

18. Therefore, the development harms the character and appearance of the countryside. It conflicts with Policy EN3 of the LP1 and Policies DM29 and DM46 of the LP2. These require, among other things, that development should be in keeping with and it should make a positive contribution to the character of the landscape and its surroundings, including through appropriate siting, design, materials, external appearance and landscaping.

Foul water disposal

19. The application form refers to a package treatment plant, but the evidence indicates that the caravans are connected to a septic tank with capacity for 4 people and that discharges into a drainage ditch. Whichever, the development was completed in 2016 and there is no evidence of impacts on watercourses or flood risk. Given the scale of the development, I see no reason why this matter could not be addressed by condition as has been suggested by the Council.
20. Therefore, subject to an appropriately worded condition, there would be no conflict with Policies DM34, DM35 and DM36 of the LP2. These require, among other things, that development makes adequate provision for the disposal of waste water and avoids detrimental impacts on surface and groundwater.

Other Matters

21. While temporary forms of residential accommodation, including caravans, are commonly proposed on a temporary basis, the appeal seeks to retain the caravans as permanent dwellings. I acknowledge that the appellant would prefer to re-invest in the business rather than finance a permanent dwelling. Nevertheless, the business could finance a dwelling and the appellant's preference for caravans carries little weight in favour of the scheme.
22. The appellant does not want to limit future expansion of the farm by siting dwellings close to farm buildings. I agree that a dwelling in the farm complex or close to livestock sheds would be unlikely to provide an adequate standard of residential accommodation. Even so, it has not been robustly demonstrated that there are no other locations, including to the west of the buildings or near the farmhouse, where temporary caravans or a permanent dwelling could be sited without conflict with the livestock enterprise or the development plan.

Conclusions

23. I have found that there is an essential need for a rural worker dwelling. However, the need for 2 rural workers dwellings has not been demonstrated and the development harms the character and appearance of the area. For these reasons, the development conflicts with the development plan and there are no material considerations that would outweigh that conflict.
24. Therefore, the appeal is dismissed.

Sarah Manchester

INSPECTOR