Appeal Decision

Hearing Held on 11 March 2021

Site visit made on 12 March 2021

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/J0405/W/20/3257815
Woodside Farm, Chivery, Aston Clinton HP23 6LD

- 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 Mrs S Cadman and Mr S Brown (FS Brown & Son) against the decision of Buckinghamshire Council.
- The application Ref 19/01107/APP, dated 22 March 2019, was refused by notice dated 26 February 2020.
- The development proposed is stationing of a log cabin for use as a permanent rural workers dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2020, Aylesbury Vale District Council ceased to exist and became part of a new Unitary Authority known as Buckinghamshire Council. The development plans for the merged Local Planning Authorities (LPA) remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked and replaced.

3. The description in the header above is taken from the application form and is different to the LPA's decision notice, which describes the proposal as 'Permanent agricultural worker's dwelling'. At the hearing I invited comments from the parties on whether or not the proposal was for a building. The appellants confirmed that the change to the description was not agreed in writing during the application process. They stated that the proposed dwelling would be constructed in two parts off-site and joined on the appeal site, placed onto pad type foundations. It would retain the ability to be mobile as a single unit or split and transported on a lorry. While it would be connected to services it would not be fixed to the ground. The main parties agreed that the proposed dwelling would meet the legal definition of a caravan.

4. It was also agreed that the construction of the proposed deck and steps would be operational development and that, although not mentioned in the description of development, they form part of the proposal before me. The deck and steps are likely to be attached to the proposed dwelling and while they could be easily removed, they would nevertheless give it a degree of permanence. Although not part of the main structure they would be necessary to achieve access to the dwelling, which would be raised above the ground.

The proposed dwelling would also be a large structure, retained permanently. Therefore, having regard to the size and degree of permanence of the proposed development, I consider that as a whole it would result in the creation of a building, and have considered the appeal on this basis.

5. A few days before the hearing the appellants submitted an updated extract from the farm accounts including figures for 2020 and a short comment on those figures. This information was not available to the appellants when they submitted their statement and the LPA had the opportunity to consider the documents before the hearing. Consequently, no party was prejudiced by the late submission and I therefore accepted this evidence.

Main Issues

6. The main issues are:

   i) whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);

   ii) the effect of the proposal on the openness of the Green Belt;

   iii) the effect of the proposal on the character and appearance of the area and the Chilterns Area of Outstanding Natural Beauty (AONB);

   iv) whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside;

   v) any other considerations; and

   vi) if the proposal is inappropriate development, whether any 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 required to justify the proposal.

Reasons

Background

7. Woodside Farm is located near the ridge of a hill in undulating countryside designated as Green Belt and within the Chilterns AONB. The farm complex comprises the main farmyard and buildings adjacent to Bottom Road and to the south of a private lane, and two dwellings (Woodside and Hillside) and various buildings to the north of the lane. Hillside is subject to an agricultural occupancy condition. The farm comprises 20 hectares (ha) at Woodside Farm, plus various parcels of land rented or on a farm-based tenancy in the local area totalling 98 ha, all within a 3 mile radius of the main farm complex.

8. The farm is a mixed cattle and agricultural contracting enterprise run as a partnership between Stuart Brown and Suzanne Cadman. Mr Brown occupies Woodside and Mrs Cadman, her husband and children occupy Hillside. Mr Brown plays no part in day-to-day livestock management but runs the agricultural contracting functions and manages the farm alongside Mrs Cadman. Mrs Cadman previously played a significant role in practical farming but now does little of the routine work and deals with management and all administration, records and finance work. Mrs Cadman’s son Jack Cadman is self-employed but works full-time for the enterprise dealing with the cattle and

undertaking some tractor-driving. He fulfils virtually all day-to-day practical farming, husbandry and livestock needs and also manages his own flock of sheep on the farm. He and his family occupy a mobile home on the farm, which the main parties agree is unauthorised.

9. The appellants are seeking planning permission for a third dwelling on the farm, to be located in a large field to the south of the lane, close to the farmyard. It is intended that it would be funded by Jack Cadman, who would, over time, take over more of the running of the enterprise as Mr Brown and Mrs Cadman progressively retire. The appellants are not however seeking a personal permission or relying on the dwelling being occupied by Jack Cadman, rather they are seeking a dwelling for a stock-keeper who would be responsible for the livestock.

Relevant Planning Policy Context

10. The development plan comprises the Aylesbury Vale District Local Plan (LP) and the Aston Clinton Parish Neighbourhood Plan (NP). The LPA has also referred to policies of the emerging Vale of Aylesbury Local Plan (VALP) in its decision. The VALP is at examination stage and consultation has been undertaken on two sets of Main Modifications following comments from the examining Inspector. The latest consultation closed on 9 February 2021, however the LPA advises that these Further Main Modifications did not affect any policies relevant to this appeal. The LPA advised at the hearing that further examination hearings were due to take place in 2021, with adoption of the plan envisaged later in the year. The VALP has therefore reached an advanced stage, however having regard to Framework paragraph 48, the weight to be given to its policies depend on the extent to which there are unresolved objections to them and their degree of consistency with the Framework.

11. The Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This general approach to Green Belts is reflected in LP Policy RA.6 and VALP Policy S4. There are no NP policies relating specifically to the Green Belt.

12. NP Policy H1 sets out the housing strategy for the local area. It states that development proposals outside the settlement boundary, such as the appeal site, will not be permitted in the countryside unless they meet specific criteria, including meeting the essential need for a rural worker. In all cases it requires proposals to be consistent with development plan policies relating to landscape character and protecting the natural environment. There are no Saved LP Policies relating to housing in the countryside or rural workers' dwellings.

13. Framework Paragraph 79 seeks to avoid isolated homes in the countryside unless specific circumstances apply, including the essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. At the hearing the main parties agreed that because of an existing line of dwellings along the

lane the proposed dwelling would not be isolated. These houses form part of the small settlement of Chivery, and although it would be on the opposite side of the lane, the proposed dwelling would not be physically remote from that settlement. Consequently, I agree that the proposal would not result in an isolated dwelling in the countryside. Therefore, paragraph 79 is not directly applicable to the appeal. Nevertheless, the main parties agreed at the hearing that the term 'essential need' in NP Policy H1 has the same meaning as in Framework paragraph 79.

14. Neither the Framework or the development plan contain any definition of essential need, however VALP Policy H3 seeks to apply this national policy and permits new rural workers' dwellings where they meet specified criteria. Permanent dwellings are required to demonstrate a functional need for a full time worker to live at or in the immediate vicinity of their place of work; a financial test; consideration of whether the need could be fulfilled by other means; and whether the proposed dwelling is commensurate with the functional requirement and reflective of the enterprise's financial projections.

15. The appellants dispute the consistency of Policy H3 with the Framework, as they consider that it goes beyond the scope of paragraph 79 in assessing essential need. They argue that there is a more general approach in the Framework, so the tests in Policy H3 should not be a prescriptive requirement, and not all should have full weight. In particular, they identify that no financial test is referenced in the Framework.

16. The Framework provides a basis within which LPAs can produce their own distinctive plans and policies, and there is nothing to prevent LPAs from 'fleshing out' its terms. The Planning Practice Guidance (PPG) also sets out considerations that may be relevant in assessing essential need. While the PPG is guidance rather than policy, it nevertheless provides clear direction that financial considerations can be relevant. Furthermore, it relates essential need to the business, not the needs of the rural worker. Therefore, it follows that consideration of the long-term prospects of the associated business are necessary to establish whether there is an essential need for a permanent dwelling.

17. The appellants' submissions include considerable detailed financial information about the profitability and viability of the enterprise now and into the future, and at the hearing the main parties agreed that this can be part of the consideration of essential need. The appellants' evidence also refers to Annex A of PPS7 as a means of assessing essential need and applies the tests within that document, including the financial test. PPS7 has been cancelled and therefore is not something that I can have regard to. Nevertheless, I note that the tests in emerging Policy H3 are similar to those in the Annex.

18. Emerging Policy H3 therefore provides a basis by which to establish whether there is an essential need for a rural worker's dwelling. It is still in draft however, and refers to the 2012 Framework, not the current 2019 version. The LPA also advises that there were objections to the policy, but that these have been resolved through the first Main Modifications. Therefore, I consider that Policy H3 can be afforded only moderate weight in this appeal.

Whether inappropriate development

19. There is no dispute between the main parties that the proposal is inappropriate development in the Green Belt, however their reasons for this conclusion differ. LP Policy RA.6 sets out a presumption against new building development in the Green Belt except in certain circumstances, including for the purposes of agriculture. The Framework states that construction of the new buildings is inappropriate in the Green Belt other than for the exceptions set out in paragraphs 145 and 146, which include buildings for agriculture. Emerging Policy S4 of the VALP sets out that land within the Green Belt will be protected from inappropriate development in accordance with national policy, and allows development for the purposes of agriculture only where it preserves the openness of the Green Belt.

20. The proposal is for a dwelling which is primarily intended for residential use and is not therefore a building for agricultural purposes. The appellants are not seeking to restrict its occupation to someone working at Woodside Farm or to Jack Cadman. Therefore, it would have only a limited association with agriculture and would not be ancillary to Woodside Farm. Consequently, it would not fall within any of the exceptions in local or national policy. The proposal would therefore conflict with LP Policy RA.6 and VALP Policy S4 and would be inappropriate development in the Green Belt as set out in the Framework. Accordingly, it should not be approved except where very special circumstances exist.

Effect on openness

21. The appeal site comprises part of a large field separated from the main farmyard and buildings by an area of grass and an informal track. A public footpath, the Ridgeway National Trail, also passes between them. Most of the site is enclosed by a post and wire fence and contains items of farm machinery, tyres and other debris and piles of gravel. The rest is unenclosed and laid to grass, with various pieces of farm equipment and trailers deposited there at the time of my visit. The northern boundary of the site is a dense, mature hedge. The contents of the site, its enclosure, the nearby farm buildings and the backdrop of the hedge and existing dwellings mean that at present, the site is not particularly open.

22. There would however inevitably be some loss of openness in spatial terms because a new dwelling would encroach onto undeveloped land and the proposal would result in more land being enclosed than at present. The proposed dwelling would be relatively low, particularly if the foundation pads were adjusted to their lowest height, however it would be longer and taller than most farm equipment currently stored on the site. Parts of the roof would therefore be seen from the lane, while the dwelling, decking and steps, garden and any domestic paraphernalia would be clearly visible from the Ridgeway. Additional landscaping could create some screening of the development over time, but would further enclose the site. Consequently, the proposal would also reduce openness in visual terms.

23. Due to the existing condition and context of the site the overall loss of Green Belt openness from the proposal would be modest, and the resulting harm would be limited. Nevertheless, the Framework directs that any harm to the Green Belt must be given substantial weight.

Character and appearance and AONB

24. Framework paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It also states that the scale and extent of development in these designated areas should be limited.

25. LP Policy GP.35 requires new development proposals to respect and complement the physical characteristics of the site and surroundings and the natural qualities and features of the area. VALP Policy NE3 requires development to conserve and enhance the special qualities and distinctive character of the AONB, reinforce local character and avoid adverse impacts unless they can be satisfactorily mitigated.

26. The Chilterns Building Design Guide (CBDG) (2010) describes the landscape character of the AONB and the buildings within it. While it does not appear to be an adopted document, it was produced by the Chilterns Conservation Board which is responsible for conserving and enhancing the AONB. Emerging Policy NE3 also requires that regard must be had to it. As such it is of relevance to this appeal.

27. The AONB comprises a rolling landscape with a patchwork of fields interspersed by areas of woodland and dotted with settlements, many of which are small and compact, and do not intrude significantly on the landscape. The CBDG identifies four components to the AONB, the scarpface, the ridge and plateau of the dip-slope, the main valley systems and the Thames valley. Woods and trees also feature strongly. The appeal site sits near a ridge in the escarpment area of the AONB, identified as being particularly sensitive to damage.

28. The landscape is heavily influenced by agriculture and has a mixture of large and small fields, along with agricultural buildings scattered throughout. The field containing the appeal site is typical of the large, open fields on the upper slopes of the hills. From this field the Ridgeway provides expansive views over the landscape to the south of the site, however views to the north-east and west are limited by rising ground, trees and hedges.

29. To the north of the lane the line of dwellings, some of which are quite substantial, create a developed, domestic character. This contrasts sharply with the largely open character of the countryside to the south of the lane, which appears undeveloped other than the farmyard. While there is a dwelling south of the lane and west of the appeal site, it is part of a complex with various equestrian buildings and is well screened by vegetation in public views. Therefore, it does not significantly affect the prevailing pattern of development or the character of the area.

30. Due to its current use the appeal site has a somewhat untidy appearance, however it is clearly an agricultural use and is seen in the context of the agricultural landscape and the adjacent farm complex. As such, it does not appear out of place and does not detract significantly from the character and appearance of the area. Nor does it materially affect the rural character of the landscape.

31. The proposed dwelling would be modest in size and of simple form, reminiscent of a rural outbuilding. The use of timber cladding would be less obvious in the

landscape than the brick and render used on other dwellings in the locality and would be characteristic of agricultural buildings elsewhere in the AONB. Full details of the external materials could be secured through a planning condition, to ensure an appropriate colour and finish. Nonetheless, even with appropriate materials the numerous windows, steps and decking of the proposed dwelling would make it obvious that it was residential, not an agricultural building. This would be further emphasised by the creation of an enclosed garden, provision of car parking, and the inevitable domestic paraphernalia that would accompany a dwelling, such as washing lines and play equipment. Consequently, the proposal would significantly alter the character of the appeal site from agricultural to residential.

32. From the lane and Bottom Road existing vegetation would largely screen the proposed dwelling, and where glimpsed above or through the hedge it would be seen in the context of the much larger farm buildings. The residential nature of the development would however be evident from the Ridgeway when approaching from the lane and the proposed dwelling would be a prominent feature for a short distance from that direction. It would not however significantly affect the open views of the countryside beyond.

33. Nevertheless, approaching up the hill from the main field and the next field to the south-west, the proposed dwelling would be clearly visible close to the ridge. While in these views it would be seen close to the farm buildings, they face inwards towards the yard and are mostly behind a low, grassed bund, which physically and visually separates them from the rest of the field and the site. Therefore, the siting of the proposed dwelling and its separate enclosure would mean that it would not appear as part of this complex.

34. From the Ridgeway the dwellings north of the lane appear as a ribbon of development largely screened by a hedge. Although the upper parts of those dwellings would form a backdrop to the proposed dwelling in some views, it would be separated from them by the hedge and lane, and as such would not appear as part of that line of residential development.

35. Planting is proposed around the site boundaries, which would help soften the impact of the proposal. However, it would be close to the windows of the proposed dwelling and in order to safeguard light and outlook for future occupiers, it is unlikely that it would be allowed to grow to a height where it would provide significant screening. Even if a native hedge were planted around the site, as the appellants suggest, it would not follow the line of the existing hedge and as such would appear as an anomaly jutting out into this otherwise open part of the field. Boundary planting would not therefore enable the proposal to integrate into the landscape.

36. Accordingly, the proposal would be an intrusive and incongruous insertion of residential development into this agricultural landscape, at odds with the prevailing linear pattern of development in the area. As such, it would harmfully alter the rural character and appearance of the site and surrounding area and the landscape character in the immediate vicinity. It would have an adverse visual impact for users of the Ridgeway, a national trail, who would be highly sensitive to change in this designated landscape. Wider views of the proposal would however be limited by topography and vegetation, and as such the degree of visual and landscape harm would be modest. There would also be a slight benefit from the removal of the existing site contents, however this

would not outweigh the harm I have identified. Consequently, overall the proposal would not conserve or enhance the landscape and scenic beauty or distinctive character of the AONB. Accordingly, the proposal would conflict with LP Policy GP.35 and VALP Policy NE3.

37. At the hearing, the appellants raised concerns that if the appeal were dismissed, the farm would cease to operate and would become an equestrian facility, altering the character of the landscape through subdivision of fields and introduction of jumps and other paraphernalia. While there are some equestrian developments locally, they are generally small scale and much of the land remains as grazing, therefore they have not significantly altered the landscape character of the area. In any event, equestrian use of the land would require planning permission, which would be considered on its own merits, including any impact on the AONB. The potential for a harmful future use does not therefore materially reduce the harm I have identified.

Essential need

38. As set out above, the farm is mixed, combining livestock and contracting activities. It has been farmed by the appellants' family for several generations and although much of its land is rented, it has been farmed for decades through informal agreements and there is no indication before me that this is likely to cease. The livestock are predominantly dealt with Jack Cadman, with some assistance from Mrs Cadman and Mr Brown at times. There are no other workers employed on the farm. The current livestock of the farm includes 47 or 48 suckler cows and their calves, a variable number in rearing, usually around 80, plus 2 bulls. Jack Cadman also has a flock of about 60 in lamb ewes, however those are his own and do not form part of the enterprise.

39. Mrs Cadman and Jack Cadman moved to live on the farm in 2012 and in the intervening years the suckler herd has grown from between 20 and 25 suckler cows, with the intention to expand further to 70 to 80 suckler cows. Since the application was submitted a new bull has been purchased and a new building erected. There is therefore evidence of investment in the business. The accounts provided show that the livestock element of the enterprise generates an increasing proportion of the farm's turnover and it is this element which the appellants are relying on to demonstrate an essential need for an additional dwelling.

40. The appellants' labour requirement calculation shows that the livestock, production of hay/silage and grazing equate to 280 Standard Man Days (SMD), and that the projected expansion of the suckler herd would increase this to 377 SMD. This does not take account of emergencies that may arise in respect of animal welfare, escapes or extreme weather conditions. This is not disputed by the LPA, although it points out that only two thirds of the labour relates directly to the livestock. Nevertheless, maintenance of the land and buildings and growing forage are part and parcel of a livestock enterprise and are therefore a relevant part of the labour calculation. Even discounting the ewes, which are Jack Cadman's own flock, I am satisfied that the livestock part of the enterprise currently generates the need for one full-time worker. This will increase as the herd grows.

41. The nature of looking after livestock involves long working hours and the stock-keeper, currently Jack Cadman, performs a range of farming duties, many of which are carried out during the day. Calving and other welfare needs

of a herd of this size necessitate work outside of normal working hours however, and the appellants have provided examples of such incidents, which occur relatively frequently.

42. Having a stock-keeper living on-site means quicker response times, particularly overnight, allowing welfare and health issues and emergencies to be identified and dealt with quickly. Technological options such as CCTV have been considered and are useful to identify animals in difficulty, but there is still a need to get to the animal to deal with the situation. The speed of response has a significant financial implication for the enterprise by reducing potential loss of livestock and saving on veterinary and other costs of dealing with injuries or illness. At the hearing the appellants set out that lots of cows and calves were lost before Jack Cadman lived on the site, which have since reduced, allowing the herd numbers to be built up.

43. Security issues and livestock being chased by dogs have also had financial impacts and although they would not justify a dwelling in themselves, these reinforce the benefit of having a stock-keeper living on site. Having regard to all the evidence before me, I accept that it is necessary for a stock-keeper to reside within sight and sound of the livestock.

44. Consequently, I acknowledge that there is a functional need for a full-time stock-keeper to be available at most times, both day and night, to ensure essential supervision and care of the livestock. The continuing expansion of the suckler herd is likely to increase the requirement for someone to be readily available and as such would reinforce this need.

45. The proposed dwelling would be sited in a suitable location to fulfil this need, as required by emerging Policy H3. However, it is first necessary to establish whether it could be met by other means. The courts have held that consideration should be given to whether existing accommodation is both suitable and available[1] and this approach has been used in two appeal decisions submitted by the appellant[2]. There are a number of buildings on the farm however none are vacant, and most are modern portal frame structures unsuitable for conversion. They are not therefore suitable or available. No suitable accommodation has been sold from the land in the last 5 years.

46. The two existing dwellings on the farm are within sight and sound of the farmyard and occupied by Mr Brown and Mrs Cadman. The evidence before me is that they are no longer physically able to fulfil the demanding duties of dealing with livestock, and Mr Brown is often off-site undertaking contracting work. I am therefore satisfied that neither of the appellants can fulfil the functional need identified.

47. In some farming families it may be practical for family members to move elsewhere when retiring from working on the farm. However, I do not consider it reasonable to require Mr Brown or Mrs Cadman to leave their home to free up a dwelling for the benefit of the enterprise, particularly as both currently work in the business. I am advised that the occupancy condition for Hillside allows for a retired farmer to remain living there, while Woodside is not subject to such a condition. Therefore, there would be no obligation on either to leave their home when they retire. Nor would it be reasonable to expect an

[1] Keen v Secretary of State for the Environment and Aylesbury Vale District Council [1996] JPL 753
[2] T/APP/C/97/R2330/647276 and APP/F0114/A/14/2220728

employed stock-keeper, who may not be a family member and who might have their own family, to move into one of the bungalows with the existing residents. Therefore, the existing dwellings are not available to meet the need.

48. There are several other dwellings close to the farm along the lane, and others within a few miles. The appellants have only carried out a few online searches for properties for sale locally, however those searches indicate that there is limited availability in the area, most dwellings are too far away from the site to meet the identified need and that high house prices make most unaffordable to an agricultural worker. Therefore, I do not consider that existing accommodation in the local area could meet the identified need.

49. It is proposed that Jack Cadman would fund and own the proposed dwelling. The need for additional accommodation is generated by the enterprise, not the personal situation of the appellants or Jack Cadman. There is however nothing in national or local policy or guidance that requires an enterprise to fund a rural worker's dwelling designed to meet its needs, although emerging Policy H3 i. ii. relates cost of construction and the size of a proposed dwelling to the financial situation of the business. The proposed dwelling would be modest in size and therefore commensurate with the needs of a stock-keeper and their family. The appellants state that the cost of the proposal would be much lower than a conventionally built dwelling and would be affordable to an agricultural worker. However, the financial information provided does not account for funding or running a third dwelling on the farm. In the short term, providing a dwelling to meet the needs of the farm without any cost could be a benefit to the business. However, I consider it relevant to assess whether, in these circumstances, the dwelling would actually be permanently available to meet the needs of the enterprise.

50. Jack Cadman clearly has a strong family connection to the farm, but he is not a partner in the enterprise or even directly employed by it. The appellants acknowledge that in the future he might not work there, in which case they suggest the dwelling would be sold to an incoming staff member or to the farm. If the appeal were allowed, it would be subject to a planning condition to limit occupancy of the proposed dwelling to an agricultural or rural worker. There is however no mechanism before me to tie the dwelling to Woodside Farm, nor is a case being made that it should be tied in that way. This is not unusual, however where dwellings are owned by a business, it is for the business to choose whether or not to dispose of the accommodation based on its needs. That would not be the case here as the enterprise would have no control over the proposed dwelling and there would be no obligation for Jack Cadman to sell to the farm or another worker.

51. Even if the proposed dwelling were offered to the farm, it has not been demonstrated that the enterprise could fund the purchase through capital funds or borrowing. The appellants state that the enterprise has a low level of debt and that this has reduced over recent years, meaning that it is strong and stable. There is however some variation in their evidence on this, as their financial report describes debt as 'non-existent', yet at the hearing the appellants listed various figures for overdraft, hire purchase and creditors. It is therefore unclear what the debt situation is and whether it would affect the ability of the enterprise to borrow to fund a purchase. Consequently, I cannot be certain that the proposed dwelling would be permanently available to meet the functional need identified.

52. The appellants' have provided profit and loss account extracts for 2016 to 2019 and an overall profit figure for 2020. These show that the profitability of the enterprise has varied considerably, ranging from £64,811 in 2018 to £1838 in 2020. The appellants state that part of this dip in profits results from rising costs, such as seed, feed and fertilisers and purchases of cattle, however the accounts show these costs increasing by only a few thousand pounds, which does not account for the substantial change in overall profits. A much larger influence appears to be fluctuations in the agricultural contracting turnover each year, which the appellants identified as the main driver of the business. The profitability of the business is therefore susceptible to changes in contracting work. The livestock element is also subject to considerable variation in beef and lamb prices and the appellants confirmed that this has also affected profitability.

53. The LPA suggests that the accounts do not include labour costs for Jack Cadman or salaries for the appellants and that if labour were accounted for the enterprise would run at a loss. The appellants confirmed at the hearing that some of the 'Contract labour and machinery' entry in each year's accounts was reimbursement to Jack Cadman for his duties as stock-keeper and for tractor driving. These figures vary from £14,214 in 2017 to £9,896 in 2019, however the appellants were unable to confirm how much Jack Cadman was actually paid each year. At the hearing the appellants suggested that Mr Brown and Mrs Cadman take drawings from the profits and also reinvest some into the business. While partners in a farm may not expect to earn a standard agricultural wage each year, nevertheless they would at least need to meet living costs, and as such it is reasonable to assume that some drawings would be made. However, the profit and loss accounts do not account for any payment to Mr Brown and Mrs Cadman for their work, and therefore do not present a complete picture of the enterprise's financial situation.

54. The appellants have also provided an extract from the accounts to estimate the contribution of livestock to the enterprise, and the profits from that element of the business. The figures include livestock specific costs but only estimate overheads by apportioning the total business overheads based on the percentage that livestock contributed to total income in each year. Therefore, they include only a proportion of the total contract labour costs, rather than Jack Cadman's actual wages for looking after the livestock. Consequently, the livestock profits do not account for the total cost of labour for that element of the enterprise.

55. It is intended that Jack Cadman will take over more of the enterprise as Mr Brown and Mrs Cadman retire, continuing the family farm into another generation. However, as already noted, the appellants are seeking a dwelling for a stock-keeper, which might not be Jack Cadman. Therefore, there is some tension between the appellants' evidence in relation to farm succession and the potential that the stock-keeper role may be occupied by another person.

56. An employed stock-keeper would expect to earn a reasonable agricultural wage, which the main parties agreed would be £18,000 to £20,000 a year. Even if the whole of the contract labour figure were what Jack Cadman was paid, which is far from clear, it would still be significantly less than an agricultural wage. It was therefore agreed at the hearing that if a stock-keeper were employed, profits would be reduced by the difference between their wage and the labour cost already accounted for. I have not been provided with those

figures, however it is evident that fully accounting for labour costs for a stock-keeper would significantly reduce the profitability of the enterprise as a whole and substantially reduce profit for the livestock element. In some years this would potentially mean overall losses even before partners' salaries were accounted for, particularly given the very low profit reported for 2020.

57. The appellants also project that future livestock profits will increase by a few thousand pounds based on an expanded suckler herd of 70 cows. However, these projections do not account for full labour costs, which would be likely to increase given that the appellants' labour calculations project that additional labour will be needed for the larger herd. Moreover, while the appellants suggest that they are on track with their expansion, the livestock profit calculated using actual figures has decreased significantly since 2018, and is therefore not consistent with their projection. I do not have forward projections for the whole enterprise taking account of any changes as a result of the partners' retirement, and as such I also cannot be confident of its viability going forward.

58. Consequently, from the evidence before me I cannot be certain that the enterprise is currently profitable or that it meets the requirement of emerging Policy H3 that it has been profitable for at least one of the last 3 years. Nor has it been demonstrated that either the livestock element of the enterprise or the enterprise as a whole will be viable for the foreseeable future.

59. The appellants suggest that without a stock-keeper living on site the livestock element of the business would cease, as Mrs Cadman can no longer undertake this physical work. The evidence before me is that having Jack Cadman living on site has contributed to growth of this livestock element. Therefore, without the proposed dwelling plans for expansion are unlikely to be realised, and the enterprise would therefore contribute less to the local economy. Having a permanent, lawful dwelling would therefore assist in the continued expansion of the farm, and accord with the rural economic objectives of the Framework.

60. Nevertheless, most of the enterprise's turnover is from agricultural contracting and sale of crops, and there is no compelling evidence that these would cease if there were no longer any livestock. While livestock contribute increasingly to turnover, for the reasons set out above the calculated profit for that element of the enterprise must be treated with caution. It has not therefore been demonstrated that the livestock are essential for the enterprise to be profitable or that provision of an additional dwelling on site is essential for the continued viability of the enterprise, including through the farm succession process. I therefore afford limited weight to the potential impacts on the enterprise's finances if there were no stock-keeper living on site.

61. Accordingly, while I have found that there is a need for a stock-keeper to live on site and that there is no suitable and available accommodation available to meet that need, it has not been demonstrated that the proposed dwelling would meet that need long-term. Furthermore, I cannot be confident that the enterprise is currently financially sound or viable for the foreseeable future, or that it could support a third dwelling. Having regard to the totality of the evidence before me, I do not consider that an essential need for a rural worker to live permanently at or near their place of work in the countryside has been demonstrated. The proposal therefore conflicts with NP Policy H1 and emerging VALP Policy H3.

Other considerations

62. The proposed dwelling would support the continued expansion of the livestock part of the enterprise and diversification of the business. This growth would be likely to contribute to the economy through increased use of third-party suppliers such as feed merchants. Given the support in the Framework for sustainable growth of rural businesses, these benefits carry significant weight. The proposal would not however generate employment in the short-term, as Jack Cadman already lives on site and fulfils this role. Furthermore, even when expanded to 70 cows, the appellants' projected labour calculations for the suckler herd indicate that this would generate the need for less than one additional full-time worker. Therefore, the employment benefits of the proposal would be limited.

63. NP Policy B2 supports proposals that support agriculture and farming, where they respect local character or comply with relevant local plan policies. However, for the reasons given above, the proposal would not comply with these requirements and therefore would not benefit from the support of this Policy.

64. The appellants intend to undertake the ground works on site themselves. They advise that the proposed dwelling would be fabricated off-site and joined together on site and would cost significantly less than a dwelling of standard construction. Therefore, the economic benefits from construction would be very limited and carry minimal weight in favour of the proposal.

65. The proposal would potentially result in a net gain in biodiversity through new hedges and other planting. This would be a benefit of the scheme, however it is also a requirement of NP Policies EN1 and EN2 and the Framework and as such would be expected from any development, so carries limited weight.

66. The proposal would contribute to housing supply and provide a smaller dwelling in an area with high house prices, adding to the mix of housing and contributing to provision for particular groups in the community. In the context of the LPA's Framework compliant housing supply however, the benefits of one additional dwelling can be afforded very limited weight.

Whether very special circumstances exist

67. The proposal would be inappropriate development in the Green Belt and would result in limited harm to its openness. Having regard to the Framework, I give this Green Belt harm substantial weight. The proposal would also result in harm to the AONB and would not conserve or enhance its landscape and scenic beauty, a matter to which I give great weight. These factors weigh heavily against the proposal.

68. As an essential need for the proposed dwelling has not been demonstrated, the proposal would result in a dwelling in the countryside without justification, in a location without good access to facilities, services and public transport, where future occupiers would be reliant on the private car. It would therefore be in an unsustainable location and would conflict with the housing strategy in the development plan and emerging VALP. This constitutes additional harm. The Framework emphasises the importance of plan-led development, the need to promote sustainable rural housing development and to reduce the need to

travel. Therefore, I give the conflict with the adopted housing strategy very substantial weight.

69. The proposal would therefore result in benefits in terms of the economy, biodiversity and housing supply, however these other considerations would not clearly outweigh the totality of the Green Belt and other harm that would result from the proposal. Therefore, the very special circumstances necessary to justify the development do not exist.

Planning Balance and Conclusion

70. For the reasons set out above, the proposal would conflict with NP Policy H1 and LP Policies RA.6 and GP.35. These are generally consistent with the Framework and I afford the conflict with them substantial weight. It would also conflict with the Green Belt policies of the Framework and emerging VALP Policies H3, S4 and NE3. The LPA advises that there were objections to the relevant VALP policies but that they have either been resolved through Main Modifications or were not considered by the examining Inspector to require any changes. As such, the conflict with these policies carries moderate weight.

71. The proposal would provide adequate living conditions for future occupiers and would not harm those of neighbours. It would provide suitable access and parking and would comply with local policies that require the retention of trees and hedges. The LPA confirmed at the hearing that reference in the officer report to an education contribution was an error and that no such contribution was necessary. These matters are however of neutral consequence in the planning balance.

72. The proposal would therefore comply with some policies of the development plan but would conflict with the housing strategy and policies seeking to safeguard the Green Belt and the AONB, which are of considerable importance. Consequently, I find that the proposed development would conflict with the development plan when read as a whole.

73. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Helen Lazenby BSc (hons), Dip TP, MRTPI	Clive Miller Planning
Michael Warren	Michael Warren Consultancy
Jack Cadman	Appellants' relative

FOR THE LOCAL PLANNING AUTHORITY:

Danika Hird	Senior Planner, Aylesbury Vale District Council
Anthony Atkinson	Independent Agricultural Appraiser

DOCUMENTS

1 Saving Direction, Aylesbury Vale District Local Plan

2 Chilterns Building Design Guide