
Appeal Decision

Hearing Held on 4 June 2021

Site visit made on 8 June 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2021

Appeal Ref: APP/H0520/W/20/3263125

Blackthorn Lodge, High Street, Old Weston, Cambs PE28 5LA

- 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 Gail Keeble against the decision of Huntingdonshire District Council.
 - The application Ref 19/01650/FUL, dated 19 August 2019, was refused by notice dated 22 May 2020.
 - The development proposed is proposed change of use of land for the siting of a mobile home to supervise the horticultural business at Blackthorn Lodge.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis. I note that the proposal includes the creation of a new vehicular access to the site.

Main Issues

3. The main issues are whether there is an essential need for a rural worker to live at Blackthorn Lodge and the effect of the caravan on the character and appearance of the area.

Reasons

4. The appeal site relates to a smallholding of approximately 12 acres in size which sits within the countryside to the north east of the village of Old Weston. It was agreed at the Hearing that the site could be considered isolated under the terms of the Framework¹ and I have no reason to disagree.

Planning policy context

5. The development plan is the basis on which decisions are made, with the 2004 Act² stating that determination must be made in accordance with the plan unless material considerations indicate otherwise. At the Hearing it was agreed

¹ National Planning Policy Framework 2019.

² Planning and Compulsory Purchase Act 2004, s38(6).

that policies LP10 and LP20 of Huntingdonshire's Local Plan to 2036 (May 2019) (HLP) are up to date and in accordance with the Framework.

6. Policy LP20 of the HLP states that amongst other things, at part (a) that a proposal for a home for a rural worker in the countryside will be supported where it is for a worker who is or will be mainly employed for the purposes of the proper functioning of an economically viable agricultural or other land-based rural business.
7. Paragraph 79 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
8. MHCLG guidance³ on rural housing offers advice when applying paragraph 79(a) of the Framework. Amongst other things, it suggests such considerations include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land-based rural enterprise and the degree to which there is confidence over the future viability of the enterprise.
9. The requirements of Policy LP20 are therefore broadly reflective of those within the Framework, which forms an important material consideration in the determination of this case. In essence, Policy LP20 also requires an essential need to be proven where it relates to the *proper functioning* of an *economically viable* agricultural or other land-based rural business.

Essential need – the necessity for a rural worker to live at the smallholding

10. The site was acquired by the appellant in 2007 and there is agreement between the parties that time and money has been invested into the site. This has included the restoration of two brick-built buildings, provision of security gates and fencing and connections to mains water and a foul treatment plant. A very small fruit orchard and woodland have been planted and it is suggested that trees, herbs and flora are harvested to produce value added products. The remaining land is used for horse grazing and cut hay. The appellant indicates that she currently runs the enterprise as a part time operation.
11. The requirement for a round the clock site presence is presented on multiple fronts. This would be likely to reduce the opportunity for theft, vandalism and loss of stock which the evidence indicates has been occurring at the site on occasion since 2008 and which it is suggested has significantly restrained the development of the business. However, there would still be instances when it is likely that the site would be unattended and an on-site presence may not be sufficient to remove all risk of theft.
12. It is accepted that chickens are often at risk of predation from creatures such as foxes if not securely housed. However, I heard at the Hearing that they would live within arks which would be an enclosure including a raised area off the ground where they would be kept overnight. There is nothing within the evidence or from what I heard to indicate that such structures could not be robust enough such to keep the chickens safe from attack. Much of the

³ Ministry of Housing, Communities & Local Government - Advice on planning for the housing needs of different groups - Paragraph: 010 Reference ID: 67-010-20190722.

husbandry associated with the chickens could be undertaken during daytime hours.

13. It was clarified at the Hearing that charcoal burning could take place during normal daytime working hours, such that it would not require an overnight presence on the site.
14. Further justification for a round the clock presence is presented in the interests of the horticultural side of the business. It is suggested this would enable the appellant to react to weather events. However, I heard at the Hearing that the need to be at the site around the clock for this purpose would largely come about during the growing season only. On the basis of the evidence before me, this requirement would be limited to short periods when particular weather conditions which may affect the horticultural side of the business could occur. Therefore, any requirement for a round the clock presence to cover this aspect of the business would only be occasional.
15. While it was suggested that the site has its own microclimate which would make the use of weather forecasting difficult, there is no firm evidence of this before me and the use of publicly available forecasting tools would go a long way to informing any mitigating actions that would be required on site as a result of upcoming adverse weather.

Essential need – viability

16. Despite the commencement of business activities at the site, the parties agreed at the Hearing that the existing business has very limited viability. There is no evidence of any significant profit.
17. The appellant intends to further develop the enterprise using permaculture principles. In addition to the existing activities there are plans to introduce a small flock of chickens for egg production and produce activated charcoal from off-cuts of trees and hedging on site.
18. Diverse income streams are anticipated moving forwards as a result of the established and new activities. Net profits are identified in year 1 at £11,743, year 2 at £19,827 and year 3 at £25,659. Whilst the figures do not appear to account for the suggested potential to store tree surgery waste or production of cider vinegar, these figures appear ambitious and would rely on every income stream running smoothly and some expanding from year to year.
19. The appellant indicates that on a small holding it is necessary to have a number of diverse income streams in order to protect against crop failures and unforeseen circumstances. Little allowance appears to have been made for the possibility of failures of parts of the business which would be likely to significantly dent the anticipated profit. No allowance appears to have been made for the new access point away from the bend in the road that would be required to ensure highways safety at the site.
20. Further, there appear to be other costs to the business that do not appear to be easily accounted for within the projections. These include 3 days of tree surgery labour required to fell the blackthorn on site and the wages of a farm labourer for 5 days per year to lift hay. There would also be costs for regular pitches at farmers markets, fuel costs to and from the markets and the possibility of fees for websites if produce were to be sold on the internet. Such costs would again eat into the profit.

21. If the business developed without any problem, by years two and three the profits would effectively provide a reasonable agricultural wage for the appellant. However, the general expectation is that a caravan would be temporary. Based on the figures there is no evidence that the business could or would develop further such that it would be in any way able to fund the provision of more permanent, likely expensive, accommodation at the site after this point.
22. There is no evidence that a home for a rural worker is required to support the proper functioning of the smallholding. The evidence also fails to persuade me that the smallholding is or would be economically viable. The proposal therefore fails to accord with Policy LP20(a) of the HLP.
23. The proposal would also conflict with Policy LP10 which states that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of the plan.
24. The proposal also fails to accord with Paragraph 79(a) of the Framework which states that planning decisions should avoid the development of isolated homes in the countryside unless, among other circumstances, there is an essential need for a rural worker, to live permanently at their place of work. Notwithstanding that the appeal should be determined against the development plan, this weighs against the proposal.

Character and appearance

25. The caravan would be set well back within the site and would be likely to be largely screened from the road and surrounding fields by the robust boundary planting, such that its presence would not readily be apparent from outside of the site. Further, were I minded to allow the appeal, it is likely that any consent for a caravan would be granted only on a temporary basis.
26. Although a new access would result in some hedge removal, it was discussed at the Hearing that if I were minded to allow the appeal, the existing access could be replanted, such that overall, as that planting developed, the effect on the hedgerow could be mitigated. This could be conditioned.
27. Consequently, the proposal would not be harmful to the character and appearance of the area and would not conflict with Policy LP10 of the HLP where it requires that all development in the countryside must, amongst other things, recognise the intrinsic character and beauty of the countryside.

Other Matters

28. My attention has been drawn to Old Weston Garden Farm; an existing business located a short distance to the south east of the site. I appreciate that this business occupies a site of lesser size than the proposal before me. Although the details presented are limited, the activities at that site do not appear to be identical to those that are existing and proposed at Blackthorn Lodge. I therefore afford limited weight to this matter. Further, I have considered the proposal on its own merits on the basis of the information before me.
29. Whilst the COVID-19 pandemic has negatively affected wide sectors of business, the period of restrictions has so far been short when compared with the length of time the site has been within the appellants ownership. The Council indicated at the Hearing that essential work travel has been permitted

throughout and I have no reason to disagree with this assertion. This means that the appellant would have been able to make essential trips to the site if required in association with the business.

30. The appellant had concerns over the Agricultural Appraisal by Reading Agricultural Consultants which informed the Council's decision. The Council was entitled to take such advice. I have also considered it as part of the evidence. I have come to my conclusion based on the evidence before me and the discussion at the Hearing.

Conclusion

31. There is no indication that the proposal should be considered other than against the development plan, with which it would conflict. The appeal is therefore dismissed.

T J Burnham

INSPECTOR

APPEARANCES

APPELLANT:

Gail Keeble

FOR THE LOCAL PLANNING AUTHORITY:

Tim Hartley (Senior Planning Officer)

Rowena Lyons (Support Role)

Huntingdonshire District Council

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