The Planning Inspectorate

Appeal Decision

Hearing (Virtual) Held on 14 September 2021

Site Visit made on 15 September 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/A2470/W/20/3250414
Millwell Farm, Stocken Hall Road, Stretton LE15 7RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Wilfred Bothwell against the decision of Rutland County Council.
- The application Ref 2019/0909/OUT, dated 21 August 2019, was refused by notice dated 30 January 2020.
- The development proposed is permanent agricultural dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.

Main Issues

3. The main issues are whether there is a need for a permanent dwelling and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Need

4. The Council do not dispute that there is a functional need for a worker to live near to the existing farm. However, they do not consider that the farming business is currently financially viable to justify permanent accommodation on the site.

5. The business has been in operation for a long period of time and the financial records that have been submitted show that in recent years the business has made profit. There was a loss made in 2018 and this is explained due to stock revaluation being higher than other years.

6. The Council raised concerns with certain elements of the financial accounts including the lack of wages for the shepherdess and the absence of depreciation figure on the 2020 accounts. It was explained that the shepherdess is not directly paid for work rather given vehicle expenses and this is shown under 'car, van and travel expenses' on the accounts. I accept that in the farming industry workers might be compensated for work by other means

therefore the absence of the shepherdess' wages from the accounts stands to reason.

7. Depreciation was described at the Hearing as a 'tax tool' but that in reality machinery, tractors, equipment etc will last longer than the identified depreciation. The appellant further explained that tractors were actually increasing in price as time goes by. However, this therefore means that if a tractor was required to be replaced for whatever reason, then the cost would be higher. Whilst I note that depreciation can be an allowance and not the exact figure that is spent in any given year, it is still a cost that has to be taken into consideration when assessing the viability of a business in the foreseeable future. The lack of a depreciation figure on the 2020 accounts is a concern as if this did follow similar figures as stated in previous years then this would have a significant negative effect on the net profit.

8. There are no wages identified in the accounts for the rural worker which is required on the site, in this case being the appellant. It was described that the appellant takes his cost of living from the profits. Whilst I appreciate some essentials such as food could be taken directly from the farm, there are nevertheless other costs which make up the cost of everyday living. In my opinion a farming business should show a reasonable return that covers a reasonable living wage enough to sustain the running of a household and its main worker. These everyday living costs for the appellant are not readily identifiable within the financial accounts and brings an element of doubt to the net profit figures.

9. The parties agree that the proposed property would cost around £250,000 to construct. The appellant explained that this would be paid for from the profits of the business indicating that approximately £17,000 a year would be required to pay for the proposed property and that this could be secured by borrowing money. No evidence has been submitted in terms of future financial projections for the business to incorporate construction costs or evidence of borrowing lenders for the required capital for the proposed property. The appellant also explained at the Hearing that he had assets in Ireland, however insufficient evidence has been submitted to indicate whether these assets are part of the farming business or could provide substantial capital to finance the proposed property.

10. Due to the amount required to construct the proposed property along with discrepancies in the submitted accounts, primarily being the lack of a full time workers wage and absence of a depreciation figure in the 2020 accounts. I am not satisfied that the farming business is financially sound, economically viable and able to sustain the proposed property and full time worker to warrant the granting of planning permission for a permanent dwelling in the countryside.

11. At the Hearing, it was explained that the farming business was in a sound position with significant amounts of animals and stock, meat prices increasing with options of supplying all over the world. I have also had regard to matters such as the business partnership ending resulting in increased legal fees, the temporary residential accommodation, investment in new machinery and that the appellant has built the business up from a greenfield site. Nevertheless, from the evidence that has been presented to me, I do not have confidence that the enterprise will remain viable for the foreseeable future should planning permission be granted for the proposed property.

12. Accordingly, the need for an essential rural worker to live permanently at the site has not been demonstrated. The proposal fails to accord with Policies CS3 and CS4 of the Rutland Local Development Framework Core Strategy 2011, paragraph 80 of the National Planning Policy Framework (the Framework) and paragraph 010 of the Planning Practice Guidance which seeks to limit development in the countryside to that which has an essential need.

Character and appearance

13. The area surrounding the appeal site is characterised mainly of rural countryside. There are existing agricultural buildings, which make up Millwell Farm, immediately to the north of the appeal site as well as established hedgerow and bunding located around the edges of the surrounding fields.

14. Due to the location of the proposed property, it would not be detached from the existing buildings positioned nearby. The farm operations appear to stretch south towards the appeal site as I witnessed stacks of hay bales and some surface treatment between the existing farm buildings and the proposed location of the property.

15. The appeal site is well screened from the surrounding area due to the levels of the landscape and the height of the hedgerows and bunding. Therefore, the proposed property would not appear as an overly dominant feature within the locality.

16. The Council consider, for reasons including security, that a proposed property would be better located between the access point and the existing buildings. The appellant explained at the Hearing that due to the layout of the existing farm and where animals, machinery, hay bales and such are stored, the position of the property to the south would be most appropriate. As discussed above, I am satisfied that given the close proximity of the proposal to the existing farm buildings, that the proposed property would relate well to the built form and not appear as an incongruous feature.

17. The proposal would be suitably located and not harm the character and appearance of the surrounding area. The proposal would accord with Policies SP6 and SP23 of the Rutland Local Plan Site Allocations and Policies 2014 which seek development to not adversely affect the character and landscape of the area and be sensitive to the landscape setting.

Conclusion

18. I have found that the proposal would not have an adverse effect on the character and appearance of the area. However, this matter would not outweigh the significant harm I have identified with regards to the lack of an essential need for a rural workers dwelling in the countryside.

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.

20. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Barrow	Consultant
Mr Bothwell	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Burbeary	Rutland County Council
Mr Coombes	Consultant