The Planning Inspectorate

Appeal Decision

Hearing (Virtual) Held on 7 September 2021
Site visit made on 8 September 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/C3430/W/21/3267501
Land Off Wood Road, Codsall Wood, Nr Wolverhampton WV8 1QR

- 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 Richard Shropshire (Woodhall Growers Ltd) against the decision of South Staffordshire Council.
- The application Ref 20/00286/OUT, dated 2 April 2020, was refused by notice dated 13 November 2020.
- The development proposed is outline application for an agricultural workers dwelling including garage, all matters reserved except for access.

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by South Staffordshire Council against Mr Richard Shropshire (Woodhall Growers Ltd). This application is the subject of a separate Decision.

Procedural Matters

3. The parties agree in the statement of common grounds that the description of development has changed from that given on the application form. Therefore, I have taken the description in the banner heading from the appeal form and determined the appeal accordingly.

4. The application is in outline with all matters reserved for future consideration apart from access. I have dealt with the appeal on this basis, and I have considered any reserved details as being illustrative only.

5. A few days before the Hearing I was informed of a recent fire at Wall Cottage and the sad news that the appellant's Grandmother, who occupied one of the dwellings at Woodhall Farm, had passed away. The Council had the opportunity to consider these unforeseen circumstances and the appellant's view of how they affect the proposed development. Consequently, I was satisfied that no party would be prejudiced by continuing with the Hearing taking these matters into account.

6. The day before the Hearing the Council highlighted that a land registry search had established that Mr Keith Shropshire owns the application site in his own right rather than Woodhall Growers Ltd. Consequently, the incorrect certificate

had been completed at application and appeal stage. Mr Keith Shropshire is a director of Woodhall Growers Ltd and I am satisfied from the evidence provided by the appellant that Mr Keith Shropshire was aware of the proposal. A correct notice and certificate were provided after the Hearing closed and the relevant time has elapsed since the notice was served with no comments received as a result. No prejudice has arisen through the late service of the notice and amended certificate and I am satisfied I can proceed to determine the appeal.

7. On 20 July 2021, the Government published the revised National Planning Policy Framework (the Framework). Prior to the Hearing both main parties had the opportunity to submit comments on the relevance of the Framework to this case and further comments were sought during the Hearing. I have considered the comments made and I have assessed this appeal in light of the Framework.

Main Issues

8. The main issues are:

- whether the proposal is inappropriate development in the Green Belt for the purposes of the relevant development plan policies and the Framework;
- the effect on openness and the purposes of the Green Belt;
- the effect of the development on the character and appearance of the area;
- other considerations; and
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons

Whether the proposal is inappropriate development

9. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in paragraphs 149 and 150. Policy GB1 of the South Staffordshire Core Strategy December 2012 (Core Strategy) generally reflects the approach to Green Belt in the Framework but the Framework post-dates the Local Plan and therefore provides the most up to date list of exceptions.

10. At the Hearing, both parties agreed that the proposed dwelling would not meet any of the exceptions and therefore would be inappropriate development in the Green Belt. I concur with that position. Therefore, by definition, the proposal is harmful to the Green Belt and should not be approved except in very special circumstances.

11. The appellant refers to an application[1] where the Council has granted planning permission for an agricultural worker's dwelling. It is acknowledged that the need for a rural workers dwelling can amount to very special circumstances, however, Paragraph 149 of the Framework does not recognise

[1] Local authority reference 20/00093/FUL

rural workers dwellings as one of the exceptions to inappropriate development and each application should be considered on its own merits. Thus, the referenced decision has limited relevance to the appeal proposal.

Green Belt openness

12. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.

13. The proposal would result in the development of a dwelling, associated hardstanding, parking, and access on land which is presently open and free of any built development. The significant footprint of permanent development would result in a spatial loss of openness.

14. The dwelling would be sited adjacent to Wood Road and a new access would be formed in the hedge, increasing visibility into the site. There are limited other buildings next to the plot. The likely size of the dwelling, its associated access, parking and turning areas and external amenity space, would result in an inevitable and demonstrable loss of visual openness. I have had regard to case law brought to my attention in respect of openness but in combination the spatial and visual effect of the development would cause moderate harm to the openness of the Green Belt.

15. The dwelling would be erected on an undeveloped field. It would extend built development into an open area and would encroach into the countryside. Therefore, the proposed development also fails to assist in safeguarding the countryside from encroachment, one of the five purposes of the Green Belt.

16. Overall, for the reasons I have set out I conclude that the proposal would be inappropriate development in the Green Belt, would reduce openness and would conflict with one of the purposes of Green Belt. The proposal would therefore conflict with the Framework. It would also conflict with Policy GB1 of the Core Strategy. Accordingly, the proposed development should not be approved except where very special circumstances exist.

Character and appearance

17. Wood Lane is a rural road that varies in character along its length. On its north side adjacent to the appeal site Wood Lane comprises a built frontage of individually designed dwellings set close together in reasonably generous plots. The character of this northern side is of village development at a moderate density. In contrast the south side of Wood Lane is largely open and undeveloped and is slightly raised above road level. The appeal site is part of a large field with a well-established continuous boundary hedge along the site frontage. Notwithstanding the substantial hedge to the front boundary, and in contrast to the linear development to the north, there are long distance views over the appeal site to the wider countryside.

18. The indicative plan illustrates how a detached dwelling facing, but set back from the lane, with vehicle access could be placed on the land. I appreciate the appellant's view that Sunnyside Cottage and the densely planted corner of Wood Lane 'bookend' the appeal site. However, the introduction of a dwelling on to part of an open and undeveloped field, roughly centrally along the frontage between these two features, would appear separate from any existing development and would be prominent in the landscape.

19. Attention could be paid to the design of the house to reduce its visual impact, but the proposal would result in the addition of prominent development which would encroach into open countryside and detract from the surrounding rural character. Even so, views of the proposal from Harriotts Hayes Lane and County Lane would be more limited by topography and vegetation. As such the degree of visual and landscape harm would be modest.

20. Nevertheless, overall, the proposed dwelling would harm the rural character and appearance of the area in conflict with Policies EQ4 and EQ11 of the Core Strategy which seek high-quality design that maintains the intrinsic rural character and local distinctiveness of the South Staffordshire landscape. It would also conflict with the Framework where it recognises the intrinsic character and beauty of the countryside, requires development to add to the overall quality of the area, to be visually attractive and to be sympathetic to local character including landscape setting.

Other Considerations

The need for a rural worker's dwelling

Policy Considerations

21. Policy EV8 of the Core Strategy supports proposals for permanent agricultural and occupational workers dwellings provided several criteria are met, including that there is a clearly established existing functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation within the area which is suitable and available for occupation by the workers concerned.

22. At the Hearing, the parties agreed that for the purposes of the Framework paragraph 80 the appeal site is isolated. Still, the existing dwellings on the opposite side of Wood Lane form part of the settlement of Codsall Wood and the proposed dwelling would not be physically remote from that settlement. Therefore, in my view the proposal would not result in a new isolated home. Given my conclusion on this, the decision of Embleton[2] is of limited relevance.

Functional/essential need

23. Woodhall Growers Ltd is a farming enterprise consisting of 92 hectares (ha) of owned land at Woodhall Farm and 600 ha of rented land held under various tenancies at Langley Lawn Farm.

24. Woodhall Farm includes a range of traditional and modern agricultural and former agricultural buildings and two detached dwellings. Several diversification enterprises operate within the buildings and on adjacent land in addition to farming activities, including a DIY wedding venue, dance studio, golf course with driving range and glamping site.

25. Most of the tenanted land associated with the holding is located to the north of Woodhall Farm surrounding Langley Lawn Farm. Langley Lawn Farm is held by the appellant under an agricultural Holdings Act 1986 tenancy which is in its first succession and includes 190 ha of land, a farmhouse, and Wall Cottage. At Langley Lawn Farm there are also various other modern buildings, two residential caravans and structures associated with the farming business.

[2] Embleton Parish Council v Northumberland County Council [2013] EWHC 3631

26. The Council does not dispute that there is a functional need for 3 rural workers to live at or near to the farm holding. Notwithstanding the recent fire at Wall Cottage, which has temporarily affected its occupancy, the functional needs of the farm holding are currently provided for by the farmhouse and Wall Cottage at Langley Lawn Farm. The appellant lives in Langley Lawn Farmhouse and the farm manager Mr Will Woodhall and the technical manager Mrs Abie Woodhall live in Wall Cottage.

27. The need for the proposed dwelling has arisen due to the change in circumstances of the farm manager and the technical manager, Mr and Mrs Woodhall. At the Hearing I was advised of Mr and Mrs Woodhall's pivotal role in the business and the need to provide accommodation suitable for their family's circumstances to support the future of the business. Mr and Mrs Woodhall have two children and the accommodation at Wall Cottage is considered sub-standard for their needs. Further, due to family commitments Mrs Woodhall cannot always be available and she is no longer able to fulfil a functional need.

28. The Council considers that Wall Cottage could be extended and altered to provide suitable accommodation. I agree that there appears to have been minimal discussion with the landlord about the possibilities for extending the property at the appellant's own expense and no action/discussion with the landlord to bring the existing accommodation up to standard. Even so, even if this were achieved there would remain a need for further accommodation for a rural worker to meet the functional needs of the farm holding if Mr and Mrs Woodhall continued to occupy Wall Cottage.

29. Nevertheless, as set out in the Reading Agricultural Consultants report (RAC), Wall Cottage would provide accommodation for two supervisors for whom the accommodation at Wall Cottage would be appropriate and the new dwelling would provide accommodation for Mr and Mrs Woodhall. While the appellant's case later suggests that Wall Cottage could be occupied by a supervisor clearly the RAC considers that both supervisors can be accommodated in the cottage and it appears that their occupation of the cottage would provide the necessary cover at the farm to meet its functional needs.

30. Whilst RAC argues that accommodation at Wall Cottage currently lacks some of the facilities necessary for a farm dwelling such as a boot room or utility room, I observed at my site visit that showers and a laundry room are provided at Langley Lawn Farm affording farm workers the space to change and wash work wear before leaving the farm. As a consequence, separate facilities are not needed at Wall Cottage.

31. I appreciate that the supervisors would not deal with the glamping business but given its location and the normal practice that arrivals are met at the golf driving range, it does not appear that the glamping facilities in themselves require an onsite presence to operate.

Other suitable and available accommodation

32. In addition to the two dwellings at Langley Lawn Farm there are two dwellings within the holding located at Woodhall Farm: Woodhall Farmhouse and The Granary. The position in relation to these two dwellings has recently changed. At the start of the planning process the two dwellings were occupied by other members of the family who are either not involved with the business or retired from it, and these properties were agreed as being unavailable.

33. Prior to the Hearing, I was advised that The Granary at Woodhall Farm has become available. The appellant's evidence is that this has not changed the circumstances in relation to the availability of the two dwellings at Woodhall Farm as it was always planned that in this event Keith Shropshire, who has retired from farming, would occupy that property. Consequently, both dwellings at Woodhall Farm remain unavailable. Keen[3] also established that it is unreasonable to expect retired farm workers who have resided on the holding for many years to vacate it to make a dwelling available.

34. Nonetheless, in this case, there is limited evidence that Mr Keith Shropshire's current living arrangements on the holding are inadequate for his needs. The Granary cannot therefore be ruled out as potentially available to meet the functional needs of the farm holding. Given the urgency expressed at the Hearing to provide accommodation for Mr and Mrs Woodhall because of their pivotal roles in the business, it appears that The Granary could meet their needs.

35. The range of brick built traditional farm buildings at Woodhall Farm are used for business purposes as a DIY wedding venue and a dance studio. At the Hearing the appellant confirmed that the dance studio has recently been let for a 5-year period. The Council views the dance studio building as being suitable for conversion to a dwelling, with the building being little used in the recent past. There is also some doubt about whether all the buildings have planning permission to be used in connection with the wedding venue.

36. There is limited evidence of the financial contribution the wedding venue and dance studio make to the overall viability of the farm business. There is also little to verify that the cost of converting the buildings to residential use would be prohibitive. At my site visit I saw that the buildings appear of permanent and substantial construction. I consider the environment around the farm buildings could be suitable surroundings for a dwelling and I do not consider the location of the car parking for the businesses would be detrimental to residential amenity. While farms may need to diversify and on the face of it the buildings are in active use, I am not satisfied that some of the brick buildings at Woodhall Farm could not be made available for residential occupation.

37. During the Hearing it was established that the estimate of £150,000 for the construction of the proposed dwelling was likely to be a conservative estimate. Consequently, I do not rule out that the costs of purchasing a property locally could be comparable with constructing a dwelling of the size indicated on the submitted plans.

38. There are several other dwellings close to the farm within Codsall Wood, and others within a few miles in adjacent settlements. The Council has provided online searches for properties for sale and to rent locally, and these were updated just prior to the Hearing. I noted in the latest searches that many of the properties identified were already sold or let. Searches indicate that there is limited availability in Codsall Wood.

39. Many of the properties identified by the Council would not be sufficiently close to the farm to provide for its functional needs, however, much of the equipment associated with the operation of the farm is located at Langley Lawn Farm and much of the diversification associated with the holding is located at

[3] Keen v Secretary of State for the Environment and Aylesbury Vale District Council [1996] JPL 753

Woodhall Farm. I see little practical advantage to having an additional dwelling at the appeal site over a dwelling located in Codsall Wood. The evidence indicates that, although limited in number, properties have been available in Codsall Wood for sale and to rent and, given the limited scope of the costs of constructing the proposed dwelling, I do not eliminate the possibility that the costs of purchasing or renting a dwelling in Codsall Wood could be comparable and could meet the needs of the farm holding.

40. Taking all the above points into consideration, I conclude that it has not been shown that there is a clearly established existing functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation within the area which is suitable and available for occupation by the workers concerned. Consequently, the proposal conflicts with the requirements of Policy EV8 of the Core Strategy.

41. I have had regard to other concerns raised by interested parties including in respect of living conditions, highway safety, electricity supply, drainage, wildlife and hedgerows and reliance on the use of the private car. However, the evidence before me on these matters does not indicate that these are other considerations that would cause additional material harms to be factored into the planning balance, and therefore I do not address them in further detail.

Green Belt Balance and Conclusion

42. The proposal would be inappropriate development in the Green Belt and would result in moderate harm to its openness and some limited harm in respect of countryside encroachment. Having regard to the Framework, I give this Green Belt harm substantial weight. The proposal would also result in moderate harm to the character and appearance of the area. These factors weigh heavily against the proposal.

43. There is a functional need for three rural workers to live at or near the farming enterprise, but it has not been shown that the existing functional need cannot be fulfilled by existing dwellings or other buildings on the holding, or any other existing accommodation within the area which is suitable and available.

44. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances. In this case, the needs of the business do not outweigh the harm that I have found. Consequently, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

45. For these reasons, I conclude that the appeal should be dismissed.

Diane Cragg

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Richards	Peter Richards & Co
Holly Walker	Peter Richards & Co
Olivia Woyniak	Reading Agricultural Consultants
Richard Shropshire	Appellant
Will Woodhall	Farm Manager
Abi Woodhall	Farm Technical Manager

FOR THE LOCAL PLANNING AUTHORITY:

Gail Collins	For South Staffordshire Council
Phil Plant	Mid-West Planning

INTERESTED PERSONS:

Kathryn Hartley

Trevor Greenaway

Mrs Simonds