



Appeal Decision

Site visit made on 7 December 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 January 2022

Appeal Ref: APP/Y3940/W/21/3281766

The Park, Cowards Farm, Brokerswood, Westbury, Wiltshire BA13 4EQ

- 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 M Bryant against the decision of Wiltshire Council.
 - The application Ref 21/00068/FUL, dated 20 November 2020, was refused by notice dated 21 May 2021.
 - The development proposed is described as the erection of a two bedroom log cabin for the principal person of an established agricultural business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submissions of the main parties in this appeal indicate that there is some disagreement as to whether the appeal proposal relates to an application for the temporary siting of accommodation or is for the provision of a permanent dwelling at the appeal site. In light of the information supplied in support of this appeal, the proposed development is for the erection of a permanent dwelling and I have determined the appeal on that basis.

Main Issues

3. Although the Council has given three reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify four main issues.
4. Accordingly, the main issues in this appeal are:
 - Whether the proposed development would meet an essential need for a rural worker to live permanently at the appeal site,
 - The effect of the proposed development on the character and appearance of the surrounding area,
 - The effect of the proposed development on the living conditions of future occupants; and,
 - Whether the proposed development would be in a suitable location, having regard to the accessibility of services and facilities.

Reasons

Essential Need

5. Core Policy 1 of the Wiltshire Core Strategy (2015) (the Core Strategy) sets out the Council's settlement strategy, with the supporting text indicating that there is a presumption against development in the open countryside. Core Policy 2 of the Core Strategy confirms that other than in circumstances permitted in the Core Strategy, development will not be permitted outside of the limits of development shown on the policies map.
6. There are a very small number of buildings located near to the appeal site, which the Appellant collectively refers to as Stourton Bushes. However, based on the observations made on my visit, this group of buildings do not display the attributes, role or function of a settlement. In my view, the appeal site is located outside of the nearest settlement and, by reason of the predominately open landscape, high hedges, narrow tree lined lanes and scatter of dwellings and agricultural holdings, the surrounding area has an intrinsically rural feel such that the appeal site is located within the open countryside for planning purposes.
7. Core Policy 48 of the Core Strategy provides that, outside defined settlement limits, proposals for residential development will be supported where they meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture, forestry or other employment essential to the countryside. Proposed development should be supported by functional and financial evidence. The supporting text to this policy also confirms that opportunities for accommodation within nearby settlements must be considered initially.
8. Paragraph 80 of the National Planning Policy Framework (July 2021) (the Framework) provides that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more specified circumstances apply. One such circumstance is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Core Policy 48 of the Core Strategy is consistent with the aims and provisions of paragraph 80 of the Framework in that they relate to the requirement of there being an essential need for a new dwelling in association with rural employment.
9. Whilst it is noted that Core Policy 48 of the Core Strategy indicates that applications should be supported by functional and financial evidence, there is no such corresponding specific provision within the Framework. Nonetheless, the Planning Practice Guidance (the PPG)¹ does confirm that there are a number of considerations which may be relevant to take into account when assessing the need for rural workers' dwellings in the countryside.
10. These 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 an agricultural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or

¹ Paragraph: 010 Reference ID: 67-010-20190722

- products), as well as the degree to which there is confidence that the agricultural enterprise will remain viable for the foreseeable future.
11. The main parties have referred me to a report from March 2021, prepared by an agricultural consultant who was appointed by the Council. In that report, the appointed consultant concluded that a change to full livery will present a requirement for a presence at most times at the application site. In respect of that conclusion, it does not appear that there is any disagreement between the main parties that there would be a functional need for a rural worker to be at the site most times given the expansion of the agricultural business to offer full livery services.
 12. However, the evidence before me indicates that the agricultural holding comprises a number of land parcels in different locations. In this regard, the Council have put it to me that no justification has been provided for selecting the appeal site for the siting of the new dwelling as opposed to the selection of an alternative site within the holding. Furthermore, the Council maintain that there is no evidence of why the existing dwelling at Cowards Farm would no longer be suitable for providing accommodation for a rural worker.
 13. In these respects, it has been put to me by the Appellant that the site was selected as there would be lower costs associated with connections to utility services at the site when compared to other potential sites within the wider agricultural holding, and that accommodation at Cowards Farm is already in use providing a home for his parents with additional accommodation provided for visiting carers.
 14. I have carefully considered all the evidence from the main parties in this regard. However, whilst acknowledging the Appellant's submissions, even in the event that there were justifiable reasons for selecting the appeal site for utility connections, and that accommodation at Cowards Farm was no longer available or appropriate, there does not appear to be any evidence before me, beyond a general assertion, that the need for a worker to be at the site most times could not be satisfied by residing in an existing property that is located near to the appeal site.
 15. No substantive evidence as to the availability of properties within the area has been provided, and this would be contrary to the guidance provided within Core Policy 48 of the Core Strategy that opportunities for accommodation within nearby settlements must be considered initially. It is therefore not apparent that the functional need identified within the abovementioned agricultural report could not be fulfilled by another existing dwelling within the local area.
 16. Notwithstanding the above, as noted the PPG confirms that the degree to which there is confidence that the agricultural enterprise will remain viable for the foreseeable future may be a relevant consideration. The Appellant has provided unaudited profit and loss accounts for the Cowards Farm holding in respect of years 2018, 2019 and 2020. The accounts provide details of sales, receipts and expenditure.
 17. The Council maintain that insufficient information regarding financial viability has been provided with regards to change to a full livery service. Whilst I acknowledge the Appellant's contention that the appointed agricultural consultant was satisfied with both the financial and functional tests, from my reading of the report, the consultant's position does reflect the view put to me

by the Council that whilst the existing agricultural business has been shown to be profitable for three years, the application concerns a significant change to a full livery service and that, in this regard, there would be likely to be significant differences in the levels of income and expenditure associated with the change to a full livery service.

18. Consequently, whilst the details provided do confirm the financial position of the existing agricultural holding, there is only very limited information, for example in the form of a business plan or financial projections, with regards to the likely income and expenditure that would be associated with the significant change to a full livery service. As such, in the absence of any supporting information in this regard, I cannot be confident that the enterprise would remain viable for the foreseeable future. Consistent with the findings of the appointed consultant, if the business does not operate on a profitable and viable basis then it will fail, and the local planning authority would be left with a dwelling but no essential need for its presence.
19. Accordingly, for the reasons given above, I find that it has not been demonstrated that the agricultural enterprise justifies a permanent dwelling at the appeal site as an exception to policies which seek to restrict residential development within the countryside. The appeal scheme would therefore conflict with the aims and provisions of Core Policies 1, 2, and 48 of the Core Strategy.

Character and Appearance

20. As noted above, the appeal site is located within the countryside, with the immediate rural setting predominately comprising open agricultural fields along with agricultural buildings scattered throughout. The appeal site forms part of a larger agricultural field which, at the time of my visit, included a number of agricultural buildings.
21. The appeal site is located adjacent to an established hedgerow which borders the lane which separates the site from the very small group of buildings at Stourton Bushes as described above and which are located on the western side of the aforementioned lane. The buildings within this small group appeared to be modestly sized stone cottages which, collectively, have the character of an evolved farmstead. This contrasts sharply with the largely undeveloped open character of the countryside to the east of the lane and where the appeal site is located.
22. The proposed dwelling would be of modest proportions and would be sited within the larger agricultural field adjacent to an established hedgerow on the opposite side of the lane to where the buildings at Stourton Bushes are located. The proposed dwelling would be modest in size and of a simple form that would reflect a rural or agricultural outbuilding. The use of timber cladding would be less obvious in the landscape than the stone materials used on the abovementioned nearby buildings.
23. Nonetheless, even with the proposed use of timber that would reflect other rural outbuildings within the wider surrounding area, the high number of windows would give the proposed building a somewhat domestic residential appearance. This residential character and appearance would be likely to be further emphasised by the creation of a relatively long driveway to the building, the provision of car parking and the inevitable domestic paraphernalia that

would accompany residential use of the building. Consequently, the proposal would alter the character of the appeal site from agricultural to residential.

24. Existing vegetation would largely screen the proposed dwelling from views within the adjacent lane west of the site, and where visible from that lane, the proposal would be seen in the context of the larger agricultural buildings located to the east of the site. Views of the proposed building would be possible from the unmade trackway to the south of the site and given its siting adjacent to the hedgerow, would not significantly affect the open views of the surrounding countryside. When viewed from the east, the proposal would be somewhat seen against the backdrop of the buildings at Stourton Bushes on the opposite side of the lane. However, the appeal scheme would be separated from that very small group of buildings by hedgerow and the lane, and as such would not appear as part of that group of buildings.
25. Landscaping could help soften the impact of the proposal. However, it would be likely, given the extremely limited amount of space within the appeal site, that soft landscaping would be close to windows at the proposed dwelling and, in order to safeguard light and outlook for future occupants, it is unlikely that additional planting would be allowed to grow to a height where it would provide sufficient screening. Furthermore, additional planting enclosing the site would not follow the line of the existing boundary hedge and as such would, in my view, appear as an anomaly jutting out in an otherwise predominately open part of the larger agricultural field.
26. In light of the above, the proposed dwelling would be a somewhat incongruous insertion of residential development into this agricultural landscape. The proposal would harmfully alter the rural character and appearance of the site and the landscape character in the immediate vicinity of the site, albeit I would describe that harm as limited. Nonetheless, the proposal would conflict with Core Policy 51 of the Cores Strategy which requires that development must not have a harmful impact on landscape character, and would fail to comply with those parts of Core Policy 57 of the Core Strategy which concern enhancing local distinctiveness and relating positively to its landscape setting.

Living Conditions

27. Amongst other matters described above, Core Policy 57 of the Core Strategy seeks to ensure that proposals have regard to the impact on the amenities of existing occupants and that appropriate levels of amenity are achievable within the development itself.
28. Whilst I acknowledge the Appellant's submission that the amount of external amenity space would meet his requirements, the plans and evidence before me indicates that the amount of external amenity space would be extremely limited. Due to its very constrained proportions, in my view the proposed amount of external amenity space would be insufficient and of limited utility. Consequently, I find that the proposal would conflict with those parts of Core Policy 57 of the Core Strategy which concern providing appropriate levels of amenity for future residents.

Access to Services and Facilities

29. As noted above, the appeal site is located outside of any settlement and in the open countryside. From the evidence before me and from observations made

on my visit, the appeal site is located remotely from local facilities and there does not appear to be any local transport services close to the site. Access to services and facilities contained within nearby villages would be via an unlit highway which does not benefit from pedestrian footways and which is narrow in parts. Consequently, it could be said that access to and from the nearest services and facilities on foot or by bicycle would not be particularly safe for all and, in my view, it is likely that a majority of journeys to and from the site would be by private motor vehicle.

30. The proposal would also be located remotely from local services and would therefore be contrary to Core Policies 60 and 61 of the Core Strategy which seek, amongst other things, to locate development in accessible locations and to reduce the need to travel by private car. Whilst I acknowledge that the Framework provides that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the appeal scheme would be contrary to the Framework insofar as it highlights accessible services to meet needs of residents as a key aspect of sustainable development, and advocates identifying and pursuing opportunities to promote walking, cycling and public transport, actively managing patterns of growth to support this objective.

Other Matters

31. I note the Appellant's frustrations with the Council's communication and the way in which it handled the application with regards to timescale. However, these matters do not impact on the planning merits of the proposal.

Conclusion

32. I find that the appeal proposal would conflict with the policies of the development plan and the Framework when taken as a whole and the associated harm of unsustainable development at this location outside of a settlement, would not be outweighed by the limited benefits of providing an additional dwelling to local housing supply.
33. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR