



Appeal Decision

Hearing Held on 18 January 2022

Site visit made on 19 January 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/D3830/W/21/3268587

Alders Farm, Brighton Road, Hurstpierpoint BN6 9EE

- 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 Gail Latimer against the decision of Mid Sussex District Council.
 - The application Ref DM/20/2704, dated 24 July 2020, was refused by notice dated 23 December 2020.
 - The development proposed is for the conversion of a temporary residential dwelling to a permanent residential dwelling with associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

3. The main issue is whether there is sufficient evidence to prove that the farming enterprise at Alders Farm is economically viable to justify a permanent dwelling on the site.

Reasons

4. The appeal site is located in the countryside within the South Downs National Park (SDNP) and is accessed from the main highway via a track that leads to the temporary residential dwelling known as Alders Farm.
5. The proposal is to convert the existing temporary residential dwelling for a rural worker in to a permanent residential dwelling with some external alterations.
6. The essential need for a rural worker on the appeal site is a matter of 'common ground' between the main parties in accordance with two previous permissions¹ for a temporary dwelling on the site. Following my site visit, and after consideration of the planning history for the appeal site, I find no reason to disagree.

¹ 13/03364 FUL and DM/16/4199

7. I heard that the Council contend that the proposal would be contrary to Policy DP15 of the Mid Sussex District Plan 2018 (MSDP) that says, amongst other things, that it must be proven that a farming enterprise would be economically viable. However, given that the Framework no longer contains a specific financial test or a defined profitability level for such cases, the main parties agreed that a 'common-sense' approach to these matters should be taken in respect of the proposal. In addition the main parties agreed at the hearing that the salary costs related to Alders Farm should be added back into any net profit for the farming enterprise, and that the enterprise would be considered to be economically viable at a profit level in the region of £16k.
8. Given the above, and whether depreciation, loan interest or other capital costs are excluded for the purposes of accounting or not, on face value the enterprise would have met the Council's required income threshold in recent years. However, I note that the net profit for Alders Farm consists of two main elements; namely agricultural income and diversified income. As such, in order to meet planning policy requirements contained within the MSDP, the Council brought to my attention that a farming enterprise should be viable through reliance on agricultural income alone; for example, from the sale of pigs, sheep and pullets rather than in combination with any diversified income, in this case identified in the appellants' submitted evidence as yard rental and reclamation.
9. Nonetheless, the appellant highlighted at the Hearing that farming enterprises generally are increasingly dependent on diversified income as a consequence of economic changes and the Governments' ambitions, and that Alders Farm has a diversified income of approximately 25-35%. The appellant also made it clear to the Hearing that she had capitalised on business opportunities for the farming enterprise as they arose. For example, meeting the increased demand for poultry during the Covid pandemic, and the use of a grain by-product unwanted by local breweries as an alternative to more expensive poultry food. Indeed, it is her intention as an experienced businesswoman to remain 'light-footed' in order to make best use of diversified income streams.
10. In spite of this, notwithstanding the potential of diversified income to mitigate the impact of regular fluctuations in agricultural income as a consequence of bad weather, low numbers of stock off-spring, failed crops or other unexpected events, and the example of a farming enterprise² using diversified income that was raised by the appellant in support of her case, I have no convincing evidence before me in the form of detailed accounts regarding the specific type and range of diversified income at Alders Farm.
11. The appellant argued that the submitted accounts were compiled by a professional accounting firm, and are of an expected level of detail for a small business of this type. Be as it may, the proposal is nevertheless for a permanent residential dwelling in the countryside where development is normally limited. Therefore, in my view even if the percentage of diversified income were to be lower, and hence less critical to the overall income of the enterprise, a proposal of this type requires a rigorous and thorough level of scrutiny to ensure, not only that there would be a viable level of agricultural income, but that it would be of a sufficient ratio in comparison to the diversified income to justify the ongoing essential need for a rural worker.

² DM/18/1512

12. I acknowledge that the appellant has been apprehensive about future investment in Alders Farm given the temporary nature of the previous permissions, and that the yard appears to be rented in part to a scaffolding company. However, the fact remains in the absence of more detailed accounts, I cannot be certain if the diversified income would be vulnerable to change, or if 'garden supplies' such as mulch, compost and bark should be included as 'home-grown' type agricultural items or not.
13. Moreover, while I noticed at my site visit a slightly obscured sign at the farm entrance advertising fences, and the presence of numerous pigs/piglets, chickens, geese, some fruit-trees and a green-house, there appeared to be little activity related to reclamation, such as wood-chips, fencing, slabs or the decking that is referred to in the appellants evidence, other than the wide scattering of trees stumps and some recently cut logs.
14. Overall, given my findings above, I find that the submitted evidence including that forwarded at the hearing is inadequate to demonstrate that the enterprise would be economically viable in order to justify a permanent dwelling on the site.
15. Consequently, I find the proposal is contrary to Policy DP15 of the MSDP and the Framework when read as a whole.

Other Matters

16. Concerns were raised by interested parties about the access route to the appeal site. However, private rights of access have no bearing on the consideration of planning applications. Indeed, the consideration of planning applications and appeals involves matters of planning judgement.

Conclusions

17. Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified.
18. The proposed development would conflict with the adopted development plan and the Framework, and there are no material considerations indicating a decision otherwise than in accordance with those Policies. Therefore, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR

APPEARANCES:

For the Appellant:

- Ms Gail Latimer (Appellant)
- Mr Stuart Nicholls (Agent)
- Mr Dan Kendall (Observer)
- Mr Ben Murdoch (Architect)

For the Local Planning Authority:

- Mr Hamish Evans – Mid Sussex District Council Planning Officer
- Ms Katherine Williams – Mid Sussex District Council Planning Officer
- Mr Richard Lloyd-Hughes (MRICS) – Agricultural Advisor to Mid Sussex District Council

Others/Observers:

- Mr David Green – 1 Alders Cottages
- Mr Anthony Childs – 2 Alders Cottages
- Mr John Haworth - 41 Wickham Hill