
Appeal Decision

Hearing (Virtual) held on 15 March 2022

Site visit made on 16 March 2022

by G Pannell Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/L2630/W/21/3268830

Mill Lodge Farm Lodge Lane, Bressingham, DISS, IP22 2BE, 609282, 282615

- 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 Jeremy Payne against the decision of South Norfolk District Council.
 - The application Ref 2020/0945, dated 27 May 2020, was refused by notice dated 26 November 2020.
 - The development proposed is a three bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

3. The main issues are:
 - whether there is an essential need for a dwelling to accommodate a rural worker; and
 - the effect of the development on the character and appearance of the area.

Reasons

4. Policy DM1.3 of the South Norfolk Local Plan, Development Management Policies Document 2015 (DPD) sets out permission for development in the Countryside will only be granted if specific Development Management Policies allow for it. Policy DM2.11 permits development in the Countryside to meet the housing needs of full-time workers in agriculture, forestry and other essential workers connected with that land, where certain criteria are met.
5. This includes that a functional need has been demonstrated for one or more full time workers to be readily available at all times for the enterprise and the functional need could not be met by another existing dwelling in the area that is available and suitable.

6. The appellant's business is linked to large scale chicken rearing where he provides the necessary cleaning and disinfecting of chicken sheds which takes place on a cyclical basis, approximately every 7 weeks. The business provides services to 45-50 farms with a significant proportion of these being within 20-25 miles of the site. The business employs 19 people and the appellant confirmed that the majority of these live locally.
7. The appellant confirmed that during a normal working day staff would arrive between 0600-0630 in the morning and would return to site between 1600-1700 and that workers were on site 6 days a week. The site currently has an on-site presence during the day for part of the week with staff in the office between 0900-1700 Mondays - Wednesdays.
8. The appellant considers that there is a functional need arising from the requirement to respond to emergencies which may occur at one of the farms, which would necessitate a swift response. An example was provided of where there could be a loss of water to the chicken sheds and a water bowser may need to be delivered quickly. In the last year the appellant estimated he had responded to 10 emergencies and in the majority of cases he would want to be able to be at the relevant site within an hour, taking into account that if this involved travel by tractor it would take much longer than by car.
9. The appellant currently lives in a rented property which is less than a mile from the appeal site but is uncertain as to whether he will be able to remain in the property in the long term. He confirmed at the hearing that he has not explored whether any functional need could be met by another existing dwelling in the area that is available and suitable.
10. The site is located close to the nearby town of Diss, which the appellant confirmed would take approximately 10-15 minutes to travel to from the appeal site. The villages of Bressingham, Roydon and Shelfhanger are also close by and could also enable a reasonable travel distance to the site. The appellant has not demonstrated that other properties within these nearby settlements are not available in order to provide suitable alternative accommodation within a reasonable travel time to the business.
11. I do not doubt that the appellant's evidence that there have been thefts from the site and other incidences of crime in the locality, and that this is an ongoing concern. However, the appellant would have been aware that in developing the site for the business that it would not have a presence on site overnight. Also, that the current working practices mean that the site is not always manned during the day.
12. The site is located next to an existing dwelling, The Mill House and there is another dwelling located slightly further along Lodge Lane. The Mill House in particular has windows overlooking the site at first floor and whilst the appellant indicated that the present occupiers would not necessarily be aware if a break in was taking place, the presence of a dwelling close to the site would still act as a deterrent.

13. The proposed dwelling is located some distance from the existing buildings and its layout provides limited opportunities for overlooking the site, especially in the evenings. There is a small office window, directly adjacent to the boundary of the site facing towards the existing yard and a bedroom window which is over 15 metres from the boundary. If large vehicles were also parked along the boundary of the site, as was the case at the time of my visit this would also limit the views into the site from the dwelling. Furthermore, even if the appellant were to reside at the site, there would be times when they were not present on site as they would need to leave the site in order to access, for example, shopping, healthcare and leisure activities and to attend to call outs.
14. The frontage of the site has security fencing and gates at the entrance and the appellant has also installed CCTV and these measures would also help to deter and prevent thefts from the site. At the time of my visit there were a large number of vehicles and equipment stored in the open. However, the site contains large agricultural buildings which could be used to store the most valuable equipment associated with the business.
15. Therefore, I am not convinced that there is an essential need for a rural worker to live on the site given the availability of other options to the appellant to deter and prevent thefts from the site, such as increased security measures or storing valuable equipment inside of the buildings. Or that the proposed dwelling, noting its position and layout, would provide adequate surveillance of the site, greater than that which is afforded by the existing neighbouring dwelling, in order to act as a deterrent to those seeking to enter the site unlawfully.
16. In conclusion, taking into account the limited number of times when the appellant has had to deal with an emergency, the close proximity of the business to the appellants existing residence and the lack of evidence that any functional need could be met by alternative dwellings within the locality, there is insufficient evidence to demonstrate that there is a functional need for a rural worker to live at the appeal site. Therefore, in this regard the development conflicts with policies DM1.3 and DM2.11 of the LP.

Character and appearance

17. Lodge Lane is characterised by sporadic development with a number of detached dwellings separated by fields. The site is currently being used for the grazing of sheep and is relatively open with a mix of stock fencing and hedging around the boundary.
18. The site currently contributes to the open rural nature which is experienced beyond the appeal site, with open fields interspersed with native hedging and provides a visual separation between the existing built development.
19. The proposal would increase the density of development within the locality, albeit that it would have a similar plot size to other properties in Lodge Lane. However, there would also be a degree of urbanisation and countryside encroachment through an additional house.

20. The proposal would extend residential development along this part of Lodge Lane. The introduction of a dwelling in this location would alter the character and appearance of this rural site, resulting in an urban form that would intrude into the countryside. In addition, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic paraphernalia, with the effect of eroding the open and rural character of the immediate area.
21. The introduction of development in this location, would lead to an intrusion into the countryside, failing to recognise the intrinsic rural character of the countryside. The development would conflict with policies DM 3.8 and DM 4.5 which sets out design principles for development and requires development to respect, conserve and where possible, enhance the landscape character of its immediate and wider environment.

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Keith Day RIBA	Keith Day Architects
Jeremy Payne	J. Payne Services Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Glen Beaumont	Area Planning Manager (West), South Norfolk Council
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DOCUMENTS SUBMITTED AT THE HEARING

1. Policy DM 1.3 of the South Norfolk Local Plan, Development Management Policies Document 2015
2. South Norfolk Local Landscape Designations Review 2012 by Chris Blandford Associates.