



Appeal Decision

Site visit made on 14 June 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/Y3940/W/22/3294187

Meadow View Farm, Bradford Leigh, Wiltshire BA15 2RW

- 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 Andrew Hillier of Norbin Farm Ltd against the decision of Wiltshire Council.
 - The application Ref PI/2021/11357, dated 6 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is proposed agricultural workers dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether surface water from the development site would be adequately dealt with; 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 necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal property is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) (2021) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 149 and 150 of the Framework list a number of exceptions to this.
4. The appellant contends that the dwelling would accommodate an agricultural worker and therefore it should be considered to be a building for agriculture in

accordance with criterion a) of paragraph 149 of the Framework. However, whilst the dwelling would support the agricultural activities that take place on the site, the building would primarily be intended for residential use and not agriculture. Accordingly, it would not be a building for agriculture.

5. The appellant also contends that the proposal should be regarded as a form of 'limited affordable housing for local community needs', as stated in criterion f) of paragraph 149 of the Framework, as a result of the conditional restriction which would maintain the dwelling's affordability for the rural agricultural community. However, affordable housing is defined within the glossary at Annex 2 of the Framework and the proposal would not meet the definitions listed under a) to d) of the glossary of the Framework. The glossary of the Framework also confirms that 'rural exception sites' are small sites used for 'affordable housing in perpetuity'. Therefore, their inclusion in criterion f) is simply as another way of delivering 'affordable housing' as defined by the Framework.
6. Therefore, as the proposal would fail to accord with any of the exceptions set out in paragraphs 149 or 150 of the Framework, it would be inappropriate development under the Framework, which is, by definition, harmful to the Green Belt.

Openness

7. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
8. The dwelling would be a 2 storey dwelling and would be positioned to the east of the existing barns. It would be located in a field which is currently free from any built form. The introduction of the proposal on to a parcel of land that is currently absent of any built form, due to its size and bulk, would inevitably lead to a loss of openness. It would be reasonable to expect a more intensive residential use of the land immediately around the proposal, including planting and domestic paraphernalia. There would also be an area of block paving which would be large enough to accommodate 3 cars. These features would also result in an erosion of openness.
9. I do not agree with the appellant that the views from the public right of way (PROW), which runs to the east of the site, would be limited. The site is part of the open vista across the open countryside when viewed from the PROW, especially the outlook to the north and northwest from the PROW. It would also be visible from the public highway to the south from which there is currently an open view out to the north.
10. The land rises at a slight gradient from the highway to the south, levels out where the proposal would be sited and then falls away to the north beyond the site of the proposal. The siting of the proposal would therefore be positioned on the brow of a gentle hill. As a result of this siting, the proposal would be visually intrusive and thus diminish the openness of the Green Belt.
11. I find that the visual intrusion of the dwelling and its erosion of three-dimensional space arising from its size and bulk would result in the erosion of openness, which would conflict with paragraph 137 of the Framework which

identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 138 of the Framework.

Character and Appearance

12. The appeal site is located within an open countryside, rural setting. Undulating farmland lies to the north and west of the site. The existing agricultural barns associated with Meadow View Farm are located to the west of the proposal. Sporadic dwellings and buildings are set out in a ribbon development fronting Leigh Road, with driveways and landscaped front gardens fronting the highway, forming part of the character and appearance of the area.
13. The proposal would be positioned adjacent to the existing barn on site, albeit at a distance. The siting of the dwelling would encroach into the open countryside to the north, further than the existing agricultural buildings on site. Its position on the brow of the gentle hill would also further emphasise its incongruity in the rural area.
14. It is accepted that the size of the proposal would be commensurate with the scale and needs of the farming enterprise. However, the visual impact of the proposal, as a result of its design and bulk, would have a typically urban appearance, at odds with the rural character of its surroundings. The garden and parking area associated with the proposal would also result in the urbanisation of the open countryside. The proposal would result in material harm to the character and appearance of the area.
15. The planting of a hedge to the south and east of the proposal would assist with mitigating the visual impact of the dwelling but it would not make up for the inappropriateness of the proposal's siting. There would be no permeance to the positioning of the hay bale storage which would be sited between the highway and the proposal. Therefore, I can only attach limited weight to the existence of this feature.
16. The appellant has included reference to the officer's report associated with the first agricultural barn on site, which stated that it would 'be sited close to a well-established planted boundary which would provide a degree of screening and the building would be viewed in combination with the range of buildings located to the west'. However, the proposal would be situated further east than the existing barns, away from the buildings to the west, and would not benefit from the 'well-established planted boundary' that helps to screen the existing barns.
17. In view of the above, the proposal, as a result of its siting, design and bulk, would be harmful to the character and appearance of the area. It would be contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy (Core Strategy) (2015), which requires development to protect, conserve and where possible enhance landscape character, and to ensure development relates positively to its landscape setting and the existing pattern of development.

Drainage

18. As part of their appeal evidence, the appellant has provided a Surface Water Proposal Statement (prepared by Harlow and Son), together with a set of infiltration tests and the related soakaway location plan. Infiltration testing has

demonstrated that the proposed soakaway would be adequate and that it would present a sustainable discharge of surface water arising from the proposal. I note that the appellant states that the existing agricultural barns on site also use a soakaway drainage system to manage surface water drainage.

19. The Council has not commented on the Surface Water Proposal Statement. However, based on the evidence before me, I am satisfied that the proposed soakaway would be acceptable. It would ensure that there would be no increase of flooding elsewhere.
20. Therefore, it is considered that surface water from the development site would be adequately dealt with. Any further details required would be secured by condition, should I be minded to allow the appeal. The proposed development would therefore be in accordance with Core Policy 67 of the Core Strategy which requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground.

Other Considerations

21. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness, the conflict with the purposes of including land within it and the harm to the character and appearance of the area so as to provide the very special circumstances required to justify a grant of planning permission.
22. In supporting sustainable development, the Framework seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 80 of the Framework and include reference to situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
23. The Council's agricultural consultant concluded that the proposed expansion of the enterprise at Meadow View would generate an essential need for a presence on site. They also found that the wider farming business is substantial and both profitable and viable. I have no reason to come to a different conclusion on the matter.
24. The Council's agricultural consultant, as well as local residents, have queried that the two agricultural buildings on site are not authorised to be used for the accommodation of livestock. As a result, the farming policy identified, which gives rise to the essential need for the proposal, cannot at present be implemented without contravening the planning permissions for the buildings at Meadow View Farm. However, the Council have clarified that there is a provision under the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) to house livestock that arise from quarantine requirements (section (i)) and in the case of animals normally kept outdoors, when they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born.
25. The appellant has clarified that the barns are only used for emergency quarantine purposes, calving and short term occupation by just born calves. In

the absence of a Certificate of Lawful Use, it is not my role to determine whether the use of the existing building is lawful. However, based on the evidence before me, I am satisfied that the farming enterprise at Meadow View Farm and the subsequent justification for the agricultural workers dwellings is acceptable. I therefore attach the essential need for a rural workers dwelling on the site significant weight in my decision.

26. There are some other benefits with the proposed scheme, such as meeting the social needs of the farm worker, the release of a market house for others in this location and the removal of the current daily commute of the farm worker. The proposal would also have some labour and supply chain benefits associated with the construction phase of the development. There would also be some economic benefits in meeting the operational needs of the growing business and supporting the development of all types of rural businesses in order to provide for a prosperous rural economy, as stated in criterion b) of paragraph 84 of the Framework. Accordingly, they would attract moderate weight.
27. The appellant has drawn my attention to a number of other appeal decisions and officer reports relating to situations where it was found that 'very special circumstances would exist in regard to other proposals for specialist types of housing (including rural worker dwellings). However, the circumstances in each proposal are likely to be different and I do not have full details of the relevant proposals. I attach limited weight to these other decisions and have considered this appeal proposal on its own merits.

Other Matters

28. The development would provide a dwelling in an area where the Council is unable to demonstrate a five-year housing land supply. However, I have found that the proposal would harm the Green Belt. Therefore, this is a situation in terms of paragraph 11 (d) (i) of the Framework, where the presumption in favour of sustainable development is not engaged because the application of the policies in the Framework that protect land designated as Green Belt¹ provides a clear reason for refusing the development proposed.

Planning Balance

29. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
30. The proposal has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. Whilst the overall loss of openness would be moderate, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Furthermore, the development would significantly harm the character and appearance of the area.
31. I am satisfied that it has been demonstrated that there is an essential need for a rural worker to live permanently on the site which I have given due weight in my decision. As explained above, I give moderate weight to the other benefits cited in support of the proposal. Limited weight has been given to the other decisions cited in relation to specialist types of housing. However, I find that

¹ Framework paragraph 11 d), footnote 7

the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would be contrary to the Framework, which seek to protect the Green Belt from inappropriate development.

Conclusion

32. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR