



Appeal Decision

Hearing held on 17 January 2023

Site visit made on 17 January 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/H1840/W/22/3292243

Land at Corner Farm, Bretforton Road, Honeybourne WR11 7PE

- 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 Andrew Wheeler against the decision of Wychavon District Council.
 - The application Ref 21/01657/OUT, dated 5 July 2021, was refused by notice dated 18 January 2022.
 - The development proposed is described as outline planning permission (all matters reserved bar access) for the erection of an agricultural workers dwelling, including the formation of a new access and installation of a package treatment plant.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscape, scale and layout, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issues

3. The main issues are:
 - Whether it has been demonstrated that there is an essential need for a rural workers dwelling; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether an Essential Need

4. Policies SWDP2, SWDP19 and Annex G of the South Worcestershire Development plan (the SWDP) defines the settlement hierarchy for residential development. Such development is primarily directed to settlements, with the countryside being safeguarded from all but particular types of development. It is agreed between the main parties that the appeal site is outside of any settlement boundary. In this case the proposal is for a rural workers dwelling, one of the exceptions set out in the above policies.

5. The proposal would see the erection of a rural worker's dwelling to serve a sheep rearing holding of some 181 Hectares with stocking levels of approximately 350 ewes and 12 rams. Planning permission has recently been granted for two agricultural barns alongside the proposed dwelling. However, these are yet to be built out. At present, the holding is managed by the appellant who lives within the village and some 500 metres from the appeal site, which is a short drive or a walk of no more than 5 minutes.
6. The holding is presently split between multiple parcels of land although the core of the land is at this location. From what I heard at the hearing the Council accepts that there is a functional need for 1.6 labour units. The holding is in the process of being expanded and the parties agree that it is a viable agricultural unit. From the submissions before me it appeared that the proposed dwelling was to accommodate an additional rural worker. However, during the hearing the appellant made it clear that his intention is to sell the dwelling that he currently lives in and move into the proposed dwelling, until he retires where upon he would then pass it on to his son.
7. The appellant's principal justification for a new dwelling at this location is to enhance the security and animal welfare at the holding. It was pointed out that issues of security and animal welfare adversely affect the operation of the agricultural business. My attention was drawn to the fact that there had been incidences of theft. Moreover, issues of animal welfare mean that the appellant and his wife regularly need to go to the holding in order to monitor the site and livestock. This is particularly important when animals are sick or during the intensive lambing period.
8. During the site visit, I was able to observe that there are two storage areas associated with the farm holding. One, which contains a barn, adjacent to Bretforton Road, and another which contains a small stable block, near to the farmhouse. I understand it is the area adjacent to Bretforton Road which has experienced the criminal activity. This area is close to, and open to views from, Bretforton Road. I accept the appellant's claim that the barn and storage area may be more susceptible to criminal activities.
9. However, this area is only secured by means of a pair of five-bar gates which are chained together. No other security measures appear to be present. Given the above, there is very little in the way of preventative measures to deter thefts from the holding. During the hearing, the Council raised potential security measures such as alarms, automatic lighting, closed circuit television cameras (CCTV) and stronger gates. Although the appellant dismissed the suitability of these options, this primarily relied upon the premise that they would be less effective than a house with a light on. Notwithstanding, this situation would still require the appellant to travel to the site to confront criminals.
10. Whilst on-site presence may offer a strong deterrent, no substantive evidence has been provided to demonstrate the measures described by the Council would not be sufficient to protect the existing storage area. I note the comments from West Mercia Police, but it only suggests that the lack of a permanent presence on the site may have contributed to the presence of crime, and not that a dwelling is the only feasible deterrent. Moreover, I would not expect the appellant to confront criminals, rather it is far more likely that the police would be called once the appellant is aware of an incident. Therefore,

and lacking any evidence to the contrary, I find that a new dwelling would not be necessary in order to prevent criminal behaviour on site, even if the permitted barns were built.

11. I am mindful of the appellant's concerns regarding the limitations of remote monitoring for picking up animal welfare concerns. In particular, I understand that the livestock will often hide out of sight when unwell and that this may not be picked up through CCTV. It is clear then that even with the proposed new dwelling, it would be necessary for the appellant and his wife to leave their property to monitor the livestock. I understand that the livestock are currently grazed on this part of the holding as well as other leased fields disconnected from the site and some distance away. Therefore, although the proposed dwelling would have direct access to the main body of the holding, it would still be necessary to travel to the other fields.
12. Having walked the relatively short distance between the existing house and the permitted barns, I find it very unlikely that the outcome of a welfare incident would be altered by the minor reduction in this distance gained from erected a new dwelling here. I note the potential for traffic to occur along the road route to the fields but, as there is access across the fields from the farmhouse, any delays resulting from traffic could be avoided.
13. Although I accept that there may be a greater level of time-sensitivity and a requirement for a worker to be present during the lambing season, this does not justify an all year round presence that would require an additional permanent dwelling. I recognise that the appellant would not wish to live in temporary accommodation, such as a caravan, during the lambing season. No demonstrable reason was given as to why such an arrangement would not be suitable to meet the animal welfare needs.
14. It is clear that the farm has been operating successfully for some time without a dwelling and has been able to maintain a growing profit. I do not find therefore, that there is an essential need for a rural workers' dwelling for the proper functioning of the agricultural enterprise.
15. The appellant has made reference to an appeal decision¹ related to a rural worker's dwelling. However, I do not have sufficient information before me to ascertain whether the circumstance of this example is directly comparable to the current proposal. From the limited information available to me, it appears that the example dwelling was considerably further from the associated farm than is the case for this appeal. Nevertheless, all proposals must be considered on their own merits.
16. As no essential need has been found for the rural worker's dwelling, the proposal would result in a new dwelling outside of a settlement boundary and contrary to the Council's spatial strategy. The proposal would conflict with Policies SWDP2, SWDP19 and Annex G of the SWDP as outlined above. The proposal would also conflict with Paragraph 80 of the National Planning Policy Framework (the Framework) which requires an essential need to be demonstrated for rural worker's dwelling.

¹ Appeal Reference: APP/N6845/A/17/3167248

Character and Appearance

17. The appeal site comprises a small part of a group of agricultural fields accessed from Bretforton Road and set away from the village of Honeybourne. The surrounding area outside of the village is characterised primarily by open fields with some limited sporadic development, including a pair of bungalows a distance down the road and a barn between the appeal site and the village.
18. As noted above, the appeal proposal is in outline with only the matter of access being considered at this stage. Therefore, I cannot be certain of the specific details of the dwelling's appearance. However, it is nevertheless clear that the proposal would result in a dwelling in an area with an otherwise predominately agricultural character. Furthermore, given its siting, the proposed dwelling would be in a prominent position where it would be visible from Bretforton Road and a public right of way to the rear of the site. The dwelling would also likely result in the proliferation of residential paraphernalia within the associated garden area. It would therefore be an incongruous and prominent feature to the detriment of agricultural character of the area.
19. Given the distance between the proposed dwelling and other nearby buildings, it would not result in a sense of infilling. Moreover, should the permitted barns be built, they would further solidify the agricultural character of this area and the proposal would appear even more incongruous in this context. From the details before me I find it unlikely that landscaping, such as hedgerows, would be capable of suitably softening the resulting domestic appearance of the site.
20. In light of the above, the proposal would result in a prominent and incongruous domestic feature within an otherwise agricultural area. The proposal would therefore conflict with Policy SWDP25 of the SWDP which requires, amongst other matters, that developments must be appropriate to, and integrate with, the character of the landscape setting. The proposal would also conflict with Paragraph 130 of the Framework which requires developments to be sympathetic to the local character and landscape and maintain a strong sense of place.

Conclusion

21. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed

Samuel Watson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Wheeler

Appellant

Michael Edwards

Chartered Surveyor - McCartneys LLP

Rhys Evans

Consultant - McCartneys LLP

FOR THE LOCAL PLANNING AUTHORITY

Gavin Greenhow

Planning Officer