



Appeal Decision

Site visit made on 8 February 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/A0665/W/22/3305664

Church Farm, Church Lane, Backford, Chester CH2 4BE

- 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 Walton against the decision of Cheshire West and Chester Council.
 - The application Ref 21/03593/FUL, dated 31 August 2021, was refused by notice dated 24 February 2022.
 - The development is 'a temporary agricultural workers dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made on the basis that the proposed temporary agricultural workers dwelling would be in the form of a static caravan unit. I have determined the appeal on this basis.
3. A hardstanding and the caravan are already in position. Nevertheless, I have determined the appeal based on the plans before me.

Main Issues

4. The main issues are:
 - i. Whether the appeal scheme would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the NPPF) and any relevant development plan policies;
 - ii. Whether there is an essential need for a rural worker to live permanently on the site; and
 - iii. If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, that amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

5. The development involves the siting of a caravan on land associated with an existing farm on a temporary basis, for an agricultural worker. That the appeal site lies within the countryside and Green Belt is not a matter of dispute between the main parties.

6. Policy STRAT 9 of the Cheshire West and Chester Local Plan - Part One (LPP1) considers Green Belt and the countryside. It restricts development in the countryside to that which requires a countryside location and cannot be accommodated within identified settlements. For those parts of the countryside that are within the Green Belt, it states that additional restrictions will apply to development in line with the NPPF.
7. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, as set out in paragraph 150 of the NPPF. This includes material changes in use of land. As the development involves the siting of a caravan for residential use and a caravan is not a building, the proposal would constitute a material change of use of the land. As such, the proposal is considered under NPPF paragraph 150. Consequently, it is necessary to determine whether the proposal would preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.
8. Church Farm is located to the southwestern edge of the village of Backford. The farmhouse is set back from Church Lane, a main road through the village. Farm buildings extend to the south of the farmhouse, adjacent to the A41 dual carriageway, with fields to the south and east. A small wastewater treatment works is located to the east also, screened by hedging. Whilst there is development in the vicinity, the appeal site and its surroundings retain a sense of openness.
9. The development has resulted in the introduction of a caravan and hardstanding into an area used previously as an outdoor pig paddock. There is no information before me to suggest that the pig paddock contained any buildings or structures previously. Albeit small, the volume of the caravan has impacted spatially on the openness of the site. Visually, the caravan is screened from views from the north and west by a combination of buildings and mature trees or hedgerow. However, it is visible from the south off Rake Lane, albeit at a distance over the intervening field. From here, the caravan encroaches further east than the existing buildings on the farm. As such, the appeal scheme has spatially and visually impacted on the openness of the Green Belt at this location.
10. Whilst the spatial and visual impacts of the caravan are small, and they would be reversible at the end of the temporary period, nevertheless, the development does not preserve the openness of the Green Belt at this location and it would encroach into the countryside, thereby conflicting with this purpose of including land in the Green Belt. On this basis, the development would amount to inappropriate development, conflicting with LPP1 Policy STRAT9 and paragraph 150 of the NPPF.

Whether there is an essential need for an agricultural workers dwelling on the site

11. Policy DM19 of the Cheshire West and Chester Local Plan, Part Two (LPP2) sets out the type of new housing that will be supported in the countryside and includes essential rural workers dwellings. LPP2 Policy DM25 then sets out the criteria to be met for such proposals, both permanent and temporary.

12. The appeal submission sets out that an agricultural enterprise at the site has been run by the appellant since 2002, in conjunction with an agri-food business consultancy. The agricultural enterprise primarily consisted of a flock of 300 breeding ewes, with a small flock of 16 pedigree sows.
13. However, in 2017, the appellant entered into a joint venture with an experienced herdsman. In 2019, the enterprise expanded to include the purchase of weaned heifers, increasing from 20 cattle to 120 cattle by 2021, albeit, this necessitated a reduction in the ewe flock. In May 2021, the appellant entered into a Share Farming Agreement with the herdsman, following his acquisition of 40 acres of land to rent at Capenhurst, 4 miles from the appeal site. This land, combined with the 54 acres at Church Farm has provided the ongoing base for the cattle enterprise.
14. The submissions clarify that presently the herdsman provides the majority of labour and management of the current agricultural enterprise, with an income split of 71% to 21%. Future plans involve a new venture at the farm, involving milk rearing calves from a younger age (14 days to 10 weeks), rather than purchasing when weaned. This would involve 4 batches of 200 calves per year.
15. The main area of dispute between the parties is whether there is an essential need for the proposed temporary agricultural workers dwelling at the farm, given the accommodation already provided by the existing farmhouse.
16. It is clear that circumstances at the farm have changed over recent years. Whilst the appellant has managed to operate both an agricultural enterprise and his consultancy business for a considerable time, the information before me suggests that the requirement of the consultancy business to work away from home on occasion, has influenced the development of the agricultural enterprise. However, the Share Farming Agreement with the herdsman has resulted in additional man hours and availability, which in turn, allows more scope for change and growth of the agricultural enterprise, with the herdsman now providing the greater portion of labour and management.
17. I understand that the herdsman would also provide the majority of labour required for the new enterprise, involving the rearing of younger calves. The veterinary advice provided for this new venture, sets out in some detail, the more labour-intensive nature of rearing milk fed calves from such a young age, along with the welfare responsibilities involved, in order to identify, treat and prevent the spread of disease. This professional advice suggests that an on-site presence is necessary. I have not been provided with any evidence to suggest that these requirements or responsibilities could be met by technology, or any other method.
18. However, the existing farmhouse serving the enterprise provides the means to ensure an on-site presence. The evidence before me does not suggest that either the existing or new enterprise generates a need for more than one worker to be permanently available at the site and so the essential needs of the enterprise itself do not warrant a second agricultural workers dwelling. Rather, the basis for requiring the proposed caravan has arisen because of choices made by the appellant around the management of the farm itself, and the extent to which the appellant is able to commit to the needs of the farm, given the decision to take on other employment that involves working away from home on occasion. If the appellant was to make a different choice, whereby his employment focused solely on the farm and the new enterprise for

example, then the need for the proposed caravan would no longer exist. Alternatively, there may be ways in which working patterns and management responsibilities could be adjusted and better co-ordinated with times when the appellant is away from home, so that greater regard is had to ensuring the appellant could fulfil that need.

19. Reference is made to the financial contribution that the appellant's consultancy work makes to the farming enterprise. However, I have not been provided with any detailed evidence in this respect, sufficient to establish to what extent the viability of the farm enterprise relies on the income derived from the consultancy business. As such, I cannot reach any conclusions as to whether this alternative income is so necessary to the enterprise, that it would justify the essential need of the enterprise to be met by a second presence on site, whilst the appellant continues with this alternative work.
20. Reference is also made to a reduction in the single farm payment in coming years and that this will generate a further need to diversify income streams. Whilst this may be the case, this does not add to the case that there is an essential need for a further permanent worker at the site at the present time.
21. I appreciate that the farm sharing agreement is providing the opportunity for a new entrant into agriculture and that paragraph 84 of the NPPF supports the development and diversification of agricultural businesses, whilst paragraph 80 of the NPPF recognises that in considering the essential need for a rural workers dwelling, regard should be had to those taking majority control of a farm business. Nevertheless, the exception afforded to farms for new homes in the countryside afforded by LP Policies DM19 and DM25, is one based on the essential functional need of the enterprise, and not on primarily the personal choices as to how an enterprise is run, which appears to be the case here.
22. As the information before me has not demonstrated an essential need for a further worker to live permanently at the site, it is not necessary for me to consider whether there are any other options available or any other buildings on the farm capable of being converted for residential use, or whether any other existing dwelling on or near the site, or any other existing accommodation in the area, could provide the necessary accommodation.
23. To conclude on this main issue, the evidence before me does not sufficiently demonstrate that there is an essential need for a further worker to live permanently on the site, and that this need cannot be met by the existing accommodation available to the enterprise. The proposal therefore conflicts with LPP1 Policy STRAT 9 and LPP2 Policy DM19, as well as the detailed criteria of LPP2 Policy DM25. Collectively, and amongst other matters, these policies seek to limit new residential development in the countryside to that which has a locational need, to protect the intrinsic character and beauty of the countryside.

Other Matters

24. I appreciate that the proposal has raised no technical issues relating to highways, ecology or wastewater management. These matters are afforded neutral weight.

25. I have considered the support the proposal has gained from the Parish Council and local councillor and note that no complaints have been made following the positioning of the caravan on site some time ago.
26. Reference has been made to planning permissions for a portal frame building in the area, as well as caravans at Fairfield Farm and in a differing local authority at Moat House Farm. I have not been provided with the full details of these cases in order to assess their relevance to this proposal and in any event, each case must be determined on its individual planning merits.

Green Belt Balance

27. The proposed development would not preserve the openness of the Green Belt at this location, and it would conflict with the purposes of including land within the Green Belt. Therefore, the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. I give this substantial weight as required by paragraph 148 of the NPPF.
28. It has not been demonstrated that the proposal is necessary to meet the essential needs of this farming enterprise and so this matter cannot clearly outweigh the harm by reason of inappropriateness. As such, the very special circumstances necessary to allow inappropriate development in the Green Belt do not exist and the proposed development would conflict with the requirements of the NPPF and LPP1 Policy STRAT 9.

Conclusion

29. For the reasons outlined above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR