



Appeal Decisions

Hearing held on 4 April 2023

Site visit made on 4 April 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal A Ref: APP/Y9507/C/21/3284536

Land known as Lone Barn Farm, Church Lane, Greatham, Liss, GU33 6HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Sam Giles against an enforcement notice issued by South Downs National Park Authority.
 - The notice was issued on 13 September 2021.
 - The breach of planning control as alleged in the notice is without planning permission and within the last 10 years, a material change of use of the land to a mixed use of agriculture and the stationing of a caravan for residential purposes.
 - The requirements of the notice are: 1) Cease the use of the land for the stationing of caravans for the purposes of human habitation/residential use. 2) Remove the caravan from the land. 3) Remove all items from the land that relate to domestic living. 4) Removal all other items including hard surfaces, structures and all fencing from the land that facilitate and relate to the residential use. 5) Remove the stable building and associated hard surface. 6) Restore the land to its condition prior to the breach of planning control taking place.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - A similar appeal without the ground (a) is made by Mrs Jade Giles
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Decision

1. It is directed that the enforcement notice is varied by deleting from requirement 1 the word "*caravans*" and replacing it with "*a mobile home*", by deleting from requirement 2 the word "*caravan*" and replacing it with "*mobile home that was used for residential purposes*". Deleting requirement 3 and replacing it with "*Remove all items of domestic paraphernalia from the land*". Deleting requirement 4 and replacing it with "*remove the septic tank from the land*". Deleting requirements 5 and 6 and replacing them with "*remove the stable building lying adjacent to and to the north-east of the mobile home from the land. Remove the hardstanding beneath that building and restore it to pasture*". Deleting "*6 months*" from the period for compliance and replacing it with "*8 months*".
2. Subject to those variations, the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. Before the hearing commenced the appellant withdrew grounds (b) and (d). The appeal continued on grounds (a), (f) and (g) only.

The Appeal on Ground (a)

4. The appellant purchased the site in 2020. It consists of 6.8 acres (2.77ha) of land mostly laid for pasture. At the time of purchase an area of the site was covered in hardstanding on which stood several barn/garage buildings. This was separated from the rest of the paddocks by a 2m close boarded fence. There were also three touring caravans, one where the current mobile home is and two others in the fields. These were used for purposes ancillary to agriculture, although technically, I understand, the use of the land was at that time equestrian. In any event it was a group of paddocks with a hardstanding, some rural buildings, fencing and touring caravans.
5. The appellant has moved a mobile home onto the land where he lives with his family and proceeded to import alpacas and begin the establishment of a breeding herd. The hardstanding remains but has been extended, the close boarded fencing replaced with similar fences, two of the touring caravans removed, the paddocks fenced with wire fencing and wooden posts and a campervan is also stored on the site.
6. Policy SD25 sets out the development strategy for the National Park, and development is to be steered towards existing settlements. Exceptionally it is allowed in the countryside where it complies with other relevant policies and there is an essential need for a countryside location. I do not think it is controversial to suggest an alpaca farm has an essential need to be in the countryside. It is the mobile home that is at issue. Policy SD32 deals with new agricultural workers dwellings in the countryside and this is the main policy to consider in this case. However, the Authority were at pains to point out this policy falls under the umbrella of SD25(2) that development in the countryside is only allowed 'exceptionally'. So when considering SD32 it is within that context.
7. There was some discussion as to which parts of SD32 are relevant, but it is clear to me that section 4 which deals with temporary dwellings on new or established enterprises is a standalone element and the sub sections (a) to (c) form the main issues in this appeal. Is there a firm intention and ability to develop the enterprise? Is there a clear functional need to support the enterprise and has it been planned on a sound financial basis?
8. Unfortunately the appellant could not attend the Hearing as he was ill. This meant that a number of questions remained unanswered, but I shall determine the appeal on the basis of the evidence before me.

Numbers of alpacas

9. The appellant has built up a breeding herd of 31 female alpacas and I understand that most of them, if not all, have been purchased at prices between £2-4K. If successful an application for a hay barn will be resubmitted, which would require an investment of a further £40k. According to the appellant the land can support up to 47 breeding alpacas and it is on this number that his financial projections are based. However, he has a rental agreement covering 7.5 acres at Empshott Farm, which is nearby, to provide

low risk event grazing or hay, and a handshake agreement to take hay from 30 acres at Wrecclesham. Low risk event grazing means grazing males or those females who are in early stages of pregnancy and so do not need such careful monitoring as the others. The rented 7.5 acres could support, according to the appellant, another 52 alpacas.

10. The Authority were concerned about the lack of certainty due to the rental land having a 2 month break clause, but I agree with the appellant such rental agreements, especially for grazing land, are not unusual and this does not undermine the validity of the enterprise. I shall come onto what use can be made of the rental land below.
11. The appellant's calculation of numbers assumes over 7 alpacas per acre at Lone Barn Farm. I agree that the rental land could be used for low risk grazing, but as all the alpacas are intended to be breeding females, they will all be at risk for much of the time. That, after all is the basis of the functional need claim. I think it is sensible to assume therefore the majority of the stock will be at the site for most of the time.
12. The British Alpaca Societies (BAS) advice is that temporary pasture less than 5 years old can support 6-8 alpacas per acre. But Lone Barn Farm is not temporary pasture, but long established. The rest of the advice is somewhat confusing. Permanent pasture over 5 years old supports 5-6, whereas rough grazing only supports 4-5. Yet it cautions that 4 alpacas can be kept on 1 acre if well maintained and supplementary feed is provided. This, the lowest figure, is the one preferred by the Authority. Assuming no allowance is made for the reduction in the size of available pasture by the hardstanding, storage building and mobile home area, the herd would be restricted to 28 animals.
13. Whatever the correct figure, the one relied on by the appellant is too generous, which throws doubt on the stocking numbers and possible births. This affects the overall income from live sales. It also suggests that a considerable amount of hay and haylage would be required, hence I assume, the barn application. Without this it is unclear where hay would be stored.

Financial viability

14. Four revenue streams are proposed, sale of live breeding stock, sale of non-breeding males, annual crop of fibre for yarn and sale of products produced from the yarn. Mention is also made of unsold males 'entering the food chain' as their meat can be used for biltong, however, this was likely to be minimal. Alpaca handling was also mentioned, but this may well require a separate planning permission, and I am assuming the financial aspects relate to the main four revenue streams.
15. While there is no doubt that healthy breeding females can be sold for at least £2k and non-breeding males for about £750 the amount to be raised is limited by the stocking numbers discussed above. However, I have greater doubts about the income from alpaca yarn. The figures provided suggest over £10k could be made from producing hats alone, but there is no evidence for a demand for 350 alpaca yarn hats. In addition 21 rugs can be made with a profit of £2300. These seem to be very generous figures to me and are entirely unsupported by any evidence of demand for these products.

16. No accounts have been provided and the revenue projections do not seem to account fully for miscellaneous costs such as fees, insurance etc. They also do not include the cost of the proposed barn for hay storage or the original capital cost of the land. Given the discussion above it is clear I also have doubts over the number of alpacas that can be kept and therefore bred from, and the income from non-alpaca sales.

Functional need

17. The functional need rests on the vulnerability of alpacas when giving birth and raising young. It seems to be well attested that the breeding season is from March to October, although the BAS does suggest this is only possible with adequate welfare facilities. When close to birthing the mothers require close supervision. The Cria are usually born without problems but they can arise, and then prompt intervention is required. This includes plasma injections and bottle feeding, the latter every 2 hours. It is clear that alpacas are very labour intensive at certain periods of the year, although much seems to be monitoring rather than action. For example there were no interventions required last year at the farm with 21 births from 24 mated females. Presumably therefore, no-one needed to live at the site in 2022, as long as they were present during daylight hours. I note the BAS suggest that most births are during the day, often between 08:00 and 14:00 and usually when it is warm. They suggest in an ideal world the birthing season would be restricted to late spring and early summer, but this is hard to achieve given the difficulties in ensuring a successful mating, so timings are hard to guarantee. Nevertheless, very little information was provided as to what else the resident worker would be doing during the day, even with a prolonged birthing season, a high level of intervention and constant feeding of baby crias (which is a worse case scenario) it seems for long periods of the year the animals require little input, certainly not at night, when a residential presence would be most valuable.
18. I was referred to a recent appeal decision at Broadlands Meadow¹, near Petersfield. This was an appeal for a permanent agricultural worker's dwelling on an alpaca farm. The NPA had already granted a temporary 3 year permission which had expired and they accepted the functional need was met, the dispute was solely about financial matters. I accept that in that case the Authority had accepted a functional need to live on site back in 2017 and did not resile from that at the appeal and the Inspector made no finding on the functional need as it was accepted not to be in dispute. Nevertheless that is not the Authority's stance in this case and each case needs to be considered on its merits.
19. Much was made of the necessity for line of site from the dwelling to the alpacas and a number of decisions were quoted from supporting that view. Again I remain unconvinced by this as an argument. On a 7 acre site most of the animals could not be clearly seen, even if the mobile home could be positioned in such a way as to provide an agricultural panopticon to see every part of the farm. As it is views of much of the land are not possible from the mobile home. It seems to me the advantages of living on site are ready access to the alpacas in emergencies, ease of monitoring and regular feeding of crias, not necessarily a direct view of them from the living room.

¹ APP/Y9507/W/21/3275512 Issued February 2023

20. Given my findings above I have no doubt that living on site would be convenient, and, for some of the year would be important for the welfare of the animals, but it doesn't seem to be an all year round need and the Authority have suggested a seasonal workers caravan might be sufficient. This option does not seem to have been considered by the appellant as he is already living on the site and I shall come to that later.
21. The third issue relates to intention and ability. It would seem that so far the enterprise has been well managed and the health of the birthing alpacas has improved over time. While I have no evidence as to any qualifications the appellant might have there is no reason to doubt his expertise and this is supported by the veterinary practice he employs.
22. His intention is to grow the business so that it becomes profitable, although it has been operating since 2021 at least but there is no real evidence as to its profitability in the last 2 years so it is difficult to reach a judgement on this. It is also the appellant's intention to live on the site and it was suggested this was the underlying intention of the whole enterprise. I must admit it seems strange to purchase 7 acres of paddocks where there is no opportunity to buy or rent a house nearby and then decide to breed an exotic animal that apparently requires intensive care and round the clock supervision that is impossible to provide unless he lives on the site. The Authority argued that one of their concerns was the fragmentation of agricultural land into small parcels with dwellings scattered across the NP. Viewed in that context the proposal was contrary to SD32(4)(d) in that the location was not suitable for a permanent agricultural workers dwelling. I have some sympathy with this view as this small parcel of pasture would not be sufficient to support an agricultural workers dwelling unless animals with very specific needs were bred here, which is what the appellant has chosen to do. This seems to be a circular argument. The appellant suggested that the Council had nothing to lose as the application was only for a temporary period and if a viable business could not be established then a permanent planning permission would be denied, but that ignores the fact that such dwellings, whether permanent or temporary should, in the first place only be allowed in exceptional circumstances and if they meet the various policy tests discussed above. The NP is after all an area where new housing is strictly controlled for good reasons.

Conclusions

23. As is clear from the above reasoning I have doubts about the overall concept of using alpaca farming to obtain a dwelling in the countryside where one would not normally be allowed. But, setting that aside, and looking solely at the policy issues, I also have doubts that the enterprise has been planned on a sound financial basis and that there is a functional need for someone to live on site all year round. Consequently, the dwelling is contrary to SD32 and the appeal on ground (a) fails. Various conditions were discussed but none overcome the problems I have identified.

The Appeal on Ground (f)

24. It was accepted that should the ground (a) fail the first requirement to cease the residential use was reasonable. It was argued that the mobile home should, however, remain as it could be used for genuine agricultural purposes. This is true, but there is still one of the touring caravans on site that could be utilised, as well as a campervan. Also I have no idea what the appellant's

plans would be if denied permission to live on site, as there is no evidence a mobile home is needed for ancillary purposes it is reasonable to require it to be removed. I shall vary requirements 1 and 2 to make it clear the residential mobile home is being referred to and not the touring caravan. The third requirement needs varying to refer to domestic paraphernalia. This is a self-explanatory term referring to washing lines, trampolines etc. There is evidence the current extent of the hardstanding is more or less the same as when the land was purchased, and the close boarded fence was already in place. The other fences on site are just stock fences so there is no need to comply with requirement 4. There is a septic tank on site which could be useful if seasonal accommodation was used on site, but I do not know if that is the appellant's intention. In any event he has 6 months to carry out the requirements and this will give time to determine the future of the plot and negotiate with the Authority over matters such as the tank. I shall vary requirement 4 to refer only to the septic tank.

25. Requirement 5 refers to a stable building. It was accepted a new stable had been erected adjacent to the mobile home and was used for residential purposes. This should go and I shall make it clear which building it is. As little hardstanding is to be removed I shall remove the 6th requirement and incorporate it in requirement 5.

The Appeal on Ground (g)

26. The ground (g) is argued on the basis of the need to sell the alpacas before moving off the site. This could be delayed depending on what stage pregnancy is at. Although no alternative period has been suggested I consider an extension from 6 to 8 months should provide adequate time to wind down the herd and shall amend the time for compliance accordingly.

Simon Hand

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tony White – planning agent

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader of counsel

Sean Baldock – enforcement

Julia Allen – Agricultural consultant

INTERESTED PARTIES:

Oliver Brook – Parish Council

Anna Dale-Harris

Ellie Butler