



Appeal Decision

Hearing Held on 9 March 2023

Site visit made on 9 March 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 APRIL 2023

Appeal Ref: APP/A2525/W/22/3291621

Wheatfields, 105A Broadgate, Whaplode Drove, Spalding PE12 0TW

- 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 M Grummit against the decision of South Holland District Council.
 - The application Ref H23-0591-21, dated 26 May 2021, was refused by notice dated 4 January 2022.
 - The development proposed is erection of agricultural dwelling and storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although referenced in the refusal reason, the Council clarified at the hearing that they do not consider the location of the dwelling to be isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework). Accordingly, I have proceeded on the basis of the Framework being a material consideration with its guidance for homes in the countryside for agricultural or rural workers, but whether or not the proposal is isolated is not in dispute between the parties.

Main Issue

3. The main issues are as follows:
 - Whether the proposal meets the requirements of local and national policy with regards to development in the countryside; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether Essential Need

4. Policy 1 of the South East Lincolnshire Local Plan (LP) (adopted March 2019) defines a settlement hierarchy to direct development appropriately within the plan area. The appeal site is located outside the settlement boundary of Whaplode Drove and is therefore considered in the countryside for development management purposes. Part D of Policy 1 advises that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable

development needs of the area in terms of economic, community or environmental benefits.

5. At present, the appellant's father lives in No. 105A Broadgate (Wheatfields), which was granted planning permission¹ in 1991 on the basis that it met the criteria in that location for a rural worker. However, as the Council pointed out at the hearing, this predates both the development plan and Framework significantly. Although there are still exceptions for this type of tenure, relevant policy and guidance has changed.
6. Planning Practice Guidance² (PPG), expanding on paragraph 80(a) of the Framework, advises that the essential need for a rural worker could relate to, for instance: where farm animals or agricultural processes require on-site attention 24-hours a day, the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process; and/or whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context.
7. Through both their written submissions and oral evidence given at the hearing, the appellant advised that improved security, access to machinery and being present for deliveries were the primary reasons which would necessitate a dwelling at the appeal site. I also heard evidence relating to the financial viability of the farming enterprise to sustain the property. Currently, the appellant lives in the village of Moulton Chapel which is approximately five miles away from the appeal site.
8. The Council commissioned a desktop agricultural appraisal (Sanham Agricultural Planning Limited – Ref AGC/JC/SHDC1-2021) during the planning application process which concluded that based on the circumstances of the proposal and agricultural practices involved in the enterprise, there is a labour requirement of 1.67 persons. Currently, the arrangement involves the appellant working the arable land with some support from his father who intends to retire in the near future. The appellant also operates a contracting business, working in and around the area. It was explained that although the farming business owns and leases land over a wide area, the main base of operations is the appeal site. I observed on my visit that there is a large metal outbuilding which houses machinery, while implements, trailers and storage containers are within the large yard area.
9. At present, the appellant's father receives deliveries if the appellant is not available. These deliveries include chemicals for spraying crops which arrive in large containers, which must be taken off the delivery trucks by forklift. A date is given for the delivery, although a specific time is not. Day-to-day, the appellant advised he will often be working away from the site, either spraying crops on land located across the area or working through his contracting business.
10. While I agree it would be more convenient for the appellant and their family to reside closer to the appeal site, I do not consider that a need has been

¹ H23-1005-90

² Paragraph: 010 Reference ID: 67-010-20190722

sufficiently demonstrated. It is not unusual for a delivery day to be given without a specific time. The appellant is clearly very busy with his day-to-day work, both in their contracting business and farming. The land forming the latter is spread across the area. Therefore, even if he was to live at the appeal site, it would not be a guarantee that he would be present to receive deliveries were he busy at that time with other duties.

11. Moreover, on my way to the site visit I was able to drive from Moulton Chapel to the appeal site in approximately 12 minutes. It would not be unreasonable to ask the delivery driver for a call with a more specific time to deliver when they are within a reasonable distance of the appeal site and a 12-minute drive, while inconvenient, does not in itself demonstrate a need for the dwelling.
12. I understand that the site has been subject to attempted thefts of fuel, equipment and machinery in the past. To that end, it is asserted that an onsite presence would further increase security. There is a gate at the entrance to the site, but I was not informed of any additional security measures in place such as CCTV. Although I accept that another dwelling may act as a further deterrent to potential crime, No. 105A is located at the entrance to the yard and while I would not expect its occupiers to intervene in a security incident, this would likely act as an initial deterrent given its position. Security is an unfortunate issue for many rural areas, but there was nothing highlighted at the hearing or within the written submissions to indicate that it is of particular concern in the area of the appeal site.
13. I also heard evidence from both parties regarding the financial viability of the farming business. The accounts examined by the Council evidently show that for the previous three financial years, the farming business has been profitable. However, profits from the business would not have been able to pay the 1.67 workers the minimum wage except in 2019. Even in that financial year, once the worker's wages were deducted the business could not afford to purchase and sustain the cost of the proposed dwelling. Although there was some disagreement at the hearing regard the actual cost of the proposed dwelling itself, from the evidence before me it would seem that the farming enterprise itself would struggle to pay for the cabin.
14. I note the figures themselves are not disputed and I understand that the appellant and his family would pay for the cabin in part using funds from the sale of their current property. I have no reason to doubt that they personally could afford the build cost, although given the property would be tied to the farming operation it must be supported by that entity rather than through the sale of their home or the appellant's other business interests.
15. I understand there are mitigating factors with regard to the levels of profits displayed in the financial statements of the business. I was informed at the hearing that the appellant's father had made large investments in machinery totalling some £500,000 in recent years, while flooding in 2018 and the recent Covid-19 pandemic had also had a negative impact financially. Be that as it may, I can only take the information before me as presented and for the business to remain viable and satisfy this test in the PPG, the business must be able to show it can afford to fund the property. Based on the evidence before me this does not appear to be the case.
16. At the hearing and within the written submissions, I was made aware of other planning applications which have been approved by the Council. Some of these

are evidently outside of settlements and don't have an agricultural tie to a land-based enterprise. However, I have very little information on any of these matters before me. As such, I cannot be certain of their relevance to the appeal proposal. The application was determined by delegated powers rather than by the planning committee. However, the determination method is irrelevant to my assessment of the proposal, which I have undertaken based on its own merits.

17. At the hearing, I was informed that a nearby property had very recently been listed for sale. This detached dwelling is located some two doors down from the appeal site entrance. The appellant was aware of this, although it was not considered suitable given the amount of work required to restore it to a liveable state. I was able to observe this property clearly on the site visit and I agree it appeared to need significant work from my vantage point. However, it is an existing property in close proximity to the base of operations and has evidently had planning permission granted to extend. As such, I see no reason why this property could not meet the needs of the appellant and their family which would also avoid the need to build outside of the settlement boundary while also avoiding the need to demonstrate the farming business is sustainable.
18. I was also informed that the appellant intends to diversify and expand the scope of the farming enterprise. There were 10 sheep grazing at the time of my visit, and there are plans to add hedgerow planting and owl boxes among other things to aid with biodiversity improvements. However, there is little detail before me as to what scale of enhancement these would bring forth while 10 sheep is a small number of livestock and unlikely to require a 24-hour-a-day presence for a rural worker at the site.
19. There was general agreement between the parties that the proposal would bring forth some benefits to the area. This includes the sustaining of services and facilities such as the post office, although given the scale of development these economic, community or environmental benefits would invariably be limited.
20. Drawing things together, an essential need for a rural worker's dwelling at the appeal site has not been demonstrated. As such, the proposal would be contrary to Policy 1 of the LP, which requires development to demonstrate a necessity in that location and/or meeting the sustainable development needs of the area in terms of economic, community or environmental benefits. The proposal would also be contrary to the guidance in paragraph 80 of the Framework and guidance in the PPG, which require that there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Character and Appearance

21. The appeal site is comprised of a large arable field beyond the main hardstanding and outbuildings used for storing agricultural machinery. As such it has a predominantly rural character and is largely hidden from public view as it is located behind the main built frontage of Whaplode Drove. The village displays a strong linear pattern of development along Broadgate. Buildings generally front the road with a similar setback. Overall, the area has an overwhelmingly rural character formed of small, dispersed settlements

surrounded by expanses of open countryside. In that context, the appeal site contributes positively to the character of the area.

22. The proposed dwelling would be located to the southeast of the main storage building of the appeal site. It would be one-and-a-half storeys and constructed of timber with a pitched roof while a four bay single storey garage would be located adjacent.
23. There are some examples of built form set behind the main frontage and in that regard the appeal site is not unique, although these are outliers to the established pattern of development rather than a prevailing feature. However, taken together, the expanded area of hardstanding for vehicular access and parking, log cabin and garage would occupy a considerable area. This would domesticate a significant portion of the site and cause a minor adverse and urbanising effect to the rural character of the appeal site.
24. Based on the foregoing, the proposal would be harmful to the character and appearance of the area, contrary to Policies 2 and 3 of the LP which seek to ensure development considerations are met in relation to size, scale, layout and impact on character and appearance of the area, among other things. The proposal would also be contrary to the design aims of the Framework, which advises through paragraph 130 that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

25. At the hearing I was informed that the appellant's son suffers from a rare respiratory condition and the proposal would be beneficial to his health and wellbeing. The personal and medical circumstances of the appellant's family put forward in support of the proposal are noted. While I sympathise with their position, these personal circumstances need to be balanced against other material considerations. I have very little information on this condition or what benefits the proposal would provide to their health in that context. As such I cannot be certain that the private benefits of the proposal would outweigh the harm I have identified.

Conclusion

26. The proposal would conflict with Policies 1, 2 and 3 of the LP and guidance in the Framework and PPG. While a dwelling in this location would be convenient for the appellant and his family, these private benefits do not amount to an essential need. Consequently, there are no material considerations sufficient to outweigh the conflict with the development plan. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

C McDonagh

INSPECTOR

Appearances

FOR THE LOCAL PLANNING AUTHORITY

David Gedney

South Holland District Council

Andrew Coombe

Sanham Agricultural Planning
Limited

FOR THE APPELLANT

Mark Grummit

Appellant

Gemma Watt-Grummit

Appellant's Wife

Keith Grummit

Appellant's Father

Councillor Redgate

South Holland District Council