



Appeal Decision

Site visit made on 22 February 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/P3040/W/22/3303410

Land Southwest Of Oldhill Lane, East Bridgford, Nottinghamshire NG13 8PJ

- 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 Ms Caroline Quinn against the decision of Rushcliffe Borough Council.
 - The application Ref 22/00562/FUL, dated 17 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is the 'erection of 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 for a period of three years and would be in the form of a timber lodge. I have determined the appeal on this basis.

Main Issues

3. 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. The effect of the development on the openness of the Green Belt;
 - iii. Whether there is an essential need for a rural worker to live permanently on the site; and
 - iv. 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

4. The proposed development involves the siting of a timber lodge within a field currently used for agricultural purposes. A small number of sheds and two caravans are presently located at the site. The site is surrounded by fields, with

the village of East Bridgford located to the south. The appeal site lies within the Green Belt.

5. Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, Adopted October 2019 (LP), considers Green Belt and sets out that applications for development will be determined in accordance with the NPPF.
6. 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. The NPPF establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Whilst agricultural buildings are one of these exceptions, an agricultural worker's dwelling, although it would support an agricultural use, is not for agricultural purposes. It is fundamentally a dwelling for residential purposes and so, it does not meet this exception. As such, the proposed timber lodge would constitute inappropriate development in the Green Belt.
7. The appellant considers that the proposal is an associated agricultural building and so acceptable in principle in the Green Belt, referencing that this approach has been taken by the Council in granting planning permission for a similar development¹. I have not been provided with the details of that case and even if I had, for the reasons outlined above, I cannot agree with this assertion.

Openness

8. The proposed development would see the introduction of the timber lodge into the corner of the existing field. The volume of the timber lodge would have a spatial impact, reducing the openness of the field. Visually, the proposal would be set back from Oldhill Lane, and existing structures and planting would provide some screening. Boundary trees to the field would limit any visual impacts from other directions. As such, whilst the spatial and visual impacts of the proposal on the openness of the Green Belt at this location would be small, and they would be reversible at the end of the temporary period, nevertheless, the proposal would harm the openness of the Green Belt at this location, contrary to one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment, as set out at paragraph 138 of the NPPF.

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

9. NPPF Paragraph 80 sets out that isolated homes in the countryside should be avoided unless certain circumstances apply. Both main parties have referred to the applicability of Paragraph 80 in this case. Whilst the village of East Bridgford is located to the south, there are no existing buildings at the appeal site, and it has a clear sense of being separated from the village. As such, I have no reason to disagree with the main parties as to the relevance of Paragraph 80 to this appeal.
10. An essential need for a rural worker is one of the circumstances set out within Paragraph 80, where an isolated home may be acceptable. I note a general support for agricultural workers dwellings within LP Policy 22 also, albeit, this policy applies to the countryside, which is defined within the policy as land

¹ 18/00163/FUL

beyond the Green Belt and the physical edge of settlements. The proposal before me lies within the Green Belt, not beyond it, and so this policy is not directly applicable to the appeal scheme.

11. The appeal submission sets out that an agricultural enterprise at the site has been established since 2017. The holding is comprised of one field, approximately half of which contains vines established for the production of wine, whilst the remainder is utilised for the keeping of chickens (15) and the growing of vegetables, fruit and flowers. No specific information has been provided as to the labour needs of the enterprise at the present time. The information provided indicates that the appellant is not presently engaged full time at the enterprise. Some revenue has been generated so far through the sale of eggs, flowers and vegetables locally. However, the appellant indicates an intention to develop the enterprise further. Reference is made to an additional 30 chickens, 6-12 sheep and 6-12 pigs, along with an expansion of the vines, vegetables, flowers and fruits.
12. Whether temporary or permanent, evidence is required in such cases, of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise.
13. I appreciate that vines for wine production may be susceptible to weather changes. However, the appeal submission does not explain this in any detail and does not provide detailed information on the land management techniques that are available, in order to mitigate the possible adverse impacts of weather conditions. It does not explain any techniques that could or have already been implemented at the site, which would not require an on-site presence, and how effective these have been, or may be. Nor does it explain in any detail the techniques that could only be deployed and managed by a permanent on-site presence, the timescales for deployment, and whether they would be more effective than other techniques not requiring an on-site presence. Reference has been made to sheet covering in periods of rain, and the need to ensure this remains in place. However, it is not explained how this would be managed by one person in a timely manner, how the sheeting would be fixed in place and the likelihood of unintended removal. Without such detailed information, it is not possible to conclude that there is a need for someone to be permanently based at the site.
14. Reference is also made to the supervision and management of the chickens. Again, I have been provided with only limited information as to day-to-day management and welfare needs of this small number of chickens, and it is not clear to me why this could only be achieved by a permanent on-site presence. Food and water provision could be delivered through the daytime. In welfare terms, no information has been provided as to the possible risk of disease, the rate of infection, or the speed required for effective intervention. With regards to the risk of attack from predators, I noted at my site visit that the chicken coop is fully enclosed and the evidence before me does not suggest that attacks are a persistent problem.
15. The general labour requirements associated with management and cropping, or any future requirements from wine pressing and making, do not in themselves justify an on-site presence. Nor would the expectations of customers justify someone being always on site. Whilst reference is made to incidents of theft in

the area, no information has been provided as to the type of goods targeted and whether these incidents related to similar agricultural enterprises. As such, there is insufficient evidence provided to demonstrate that theft is a serious concern for the success of the enterprise.

16. Whilst no detailed business plan is before me, I appreciate that the appellant has invested in the holding to date, and the intention to develop the enterprise further. Planning permission has been obtained for an agricultural storage and machinery building on site², which will require further investment. I note concerns that the storage of wine could give rise to security issues in the future. However, at my site visit, I did not observe any signs of construction having started on this building and there may be alternative means to providing security to it. As such, whilst I acknowledge the investment made to date and the expansion plans, a clear case has not been made for the need for a presence on site at all times of the day and year.
17. In this regard, I have considered the appeal decision³ provided for Swinderby in Lincoln. However, this related to an equestrian enterprise in a different part of the country and so, the circumstances of that case are not directly comparable to the appeal scheme.
18. Even if it had been demonstrated that an on-site presence was necessary, the information that has been provided relating to the availability and suitability of existing accommodation nearby, demonstrates only a snapshot of the rental and sales market, rather than any prolonged search period. For those properties that have been identified, I have not been provided with detailed financial information to demonstrate a lack of affordability on the part of the appellant.
19. To conclude on this main issue, the evidence before me is not sufficient to demonstrate that there is an essential need for a rural worker to live permanently on the site. The proposal therefore conflicts with the requirements of Paragraph 80 of the NPPF in terms of avoiding the development of isolated homes in the countryside.

Other Matters

20. I appreciate that the proposal would result in less travelling to and from the agricultural enterprise for the appellant and this would have some modest environmental benefits in terms of reduced car usage. However, given the scale of the scheme, I afford this limited weight.
21. The proposed timber lodge would be of a modest scale, with sympathetic materials, and so it would not be out of character with the surrounding area. The proposal has not raised any technical or amenity issues. These are neutral matters that do not weigh in favour or against the proposal.
22. I acknowledge that there are employment and economic benefits of the enterprise, albeit I have limited information in this regard. Nevertheless, it has not been demonstrated that it is necessary for a rural worker to live at, or in close proximity to the site, to ensure the effective operation of the enterprise.

² 21/02792/FUL

³ APP/R2520/W/16/3153731

23. Reference is made to a lack of on-site presence impacting on sales. However, sales would presumably occur during the day and so the outcome of this appeal would not in itself be influential in this matter.
24. Whilst I note a request from the appellant to be provided with a copy of the consultant's report commissioned by the Council before they determined the planning application, this request was only made during the appeal process. Had the appellant wished to challenge this information, it should have formed part of the appellant's case. I have determined the appeal based on the information before me.

Green Belt Balance

25. The proposal would be inappropriate development in the Green Belt and it would result in harm to openness. I give this harm substantial weight as required by paragraph 148 of the NPPF.
26. It has not been demonstrated that it is necessary for a rural worker to live at the site to ensure the effective operation of an agricultural enterprise. Therefore, having considered this and all other matters raised, there are no matters which clearly outweigh the harm that I have identified by reason of inappropriateness, sufficient to amount to the very special circumstances needed to allow inappropriate development in the Green Belt. As such the proposed development would not meet the requirements of the NPPF in this regard, and it would conflict with LP Policy 21.

Conclusion

27. 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