



Appeal Decision

Site visit made on 25 April 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/C1435/W/22/3291486

The Stables, Gillridge Lane, Orznash, Crowborough TN6 1UR

- 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 and Mrs W Carey against the decision of Wealden District Council.
 - The application Ref WD/2021/2760/F, dated 1 November 2021, was refused by notice dated 13 January 2022.
 - The development proposed is the change of use of land for the stationing of a residential caravan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A caravan is already positioned on the site and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is whether the development would meet relevant local planning policy criteria relating to a rural worker's dwelling.

Reasons

4. The appeal site comprises a parcel of land which accommodates a series of agricultural buildings, stables, a riding arena and grassed areas for grazing, together with buildings and equipment associated with timber processing operations. A caravan is currently positioned within one of the established open-fronted buildings.
5. Although mobile, the caravan is clearly intended to be used to accommodate workers associated with the running of the enterprise. The development is therefore tantamount to the creation of a rural worker's dwelling.
6. Policy DC2 of the Wealdon Local Plan (LP, 1998) sets out that permanent dwellings will be permitted for those employed in agriculture or forestry where it can be demonstrated that: 1) there is a clearly established existing functional need; 2) no other suitable accommodation is available on the unit or elsewhere in the location; 3) the enterprise has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so; 4) the dwelling is a size commensurate with the established functional requirement; and 5) the dwelling is suitably located. The policy also supports the temporary granting of permission for a

caravan or mobile home. However, this applies where the functional requirement for the dwelling has first been demonstrated.

7. The policy is generally reflective of the National Planning Policy Framework (the Framework) paragraph 80 which sets out that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, there is an essential need for a rural worker.
8. The appellants sets out the agricultural and forestry operations that take place on the site. It is stated that the provision of on-site accommodation enables the appellants to provide overnight animal care and the security of stock and machinery. I do not doubt the contended operations that take place here based on the evidence before me and my observations on site. I also acknowledge that some of these operations have taken place over a period of many years.
9. Nevertheless, and irrespective of the limited size of the caravan and its relatively secluded location within the site, I have no substantive evidence before me to demonstrate the essential functional need for the on-site accommodation. The argument that overnight animal care is required is noted, but the extent to which the welfare of those animals, or the functioning of the enterprise more generally, would be compromised if the appeal scheme was dismissed, is unclear. As the enterprise has operated for many years without on-site accommodation there is, in all likelihood, no essential requirement today.
10. I acknowledge the concern in respect of the security of animals and machinery within the site. However, the supporting text to LP Policy DC2 is clear in that security is not itself a sufficient justification for the provision of permanent dwellings for those associated with agriculture or forestry. Moreover, there is little substantive evidence that alternative security measures to protect the site that would comply with policy have been explored. Accordingly, the development would fail to meet the criteria of LP Policy DC2, in either a permanent or temporary arrangement.
11. The appellant sets out that sustainability in respect of access to services and facilities is applicable to new dwellings in the countryside and not to living accommodation associated with lawful rural enterprises. However, given that I am unconvinced that there is a functional need for an agricultural or forestry worker's dwelling here, the use of the land for the stationing of a residential caravan would be tantamount to the creation of dwelling in the countryside. Such development is generally restricted by LP Policies DC2 and DC17.
12. The distance between the appeal site and the nearest settlement of Crowborough, which contains a reasonable number of facilities, is similar to that of nearby residential properties. However, to reach Crowborough by foot or cycle, individuals would have to proceed a considerable distance along Gillridge Lane, which is narrow and does not have a dedicated footway or lighting. This would be particularly undesirable in winter months, after dusk or during inclement weather conditions.
13. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwelling would undoubtedly be reliant on the use of private vehicles to access most services

and facilities due to a lack of satisfactory cycling and walking routes and a lack of public transport facilities within a reasonable distance of the site.

14. Overall, whilst I accept that the enterprise has been established for many years, there is insufficient evidence to demonstrate that there is a functional need for the on-site accommodation proposed, which would consequently form an unsustainable location for housing. Overall, the development would be contrary to the relevant provisions of LP Policies GD2, EN1, DC2 and DC17 and Policies SPO7, SPO13, WCS6 and WCS14 of the Wealdon Core Strategy (2013). These policies, when taken as a whole, seek to restrict residential development outside development boundaries and ensure sustainably located development. This is in a similar vein to the objectives of paragraphs 79, 80, 104 and 105 of the Framework insofar as sustainable development is concerned.

Other Matters

15. The appellant contends that the position of the caravan would not have a detrimental effect on the High Weald Area of Outstanding Natural Beauty. There is no dispute between the Council (as demonstrated within the officer report) and appellant in respect of the visual impact of the development and I have no reason to disagree with those findings. Nevertheless, this does not lead me to an alternative conclusion on the main issue.
16. I note the letter of support in respect of the development. However, the provision of support to the scheme does not overcome the harm that I have identified above.
17. The site is within 7km of the Ashdown Forest Special Protection Area. Habitats Regulations 63(1) states that a competent authority before deciding to give consent must make an appropriate assessment of the implications of the plan or project for that site. Given my reasoning in respect of the main issue and that the appeal is dismissed, there is no requirement upon me to consider such matters any further.

Conclusion

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

A Price

INSPECTOR