



Appeal Decision

Hearing held on 31 January 2023

Site visit made on 31 January 2023

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 07 June 2023

Appeal Ref: APP/X3540/W/22/3305495

Salix Sawmill, Summer Lane, Bromeswell, IP12 2QA

- 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 Guy Foskett on behalf of Foskett Willows Limited against the decision of East Suffolk Council.
 - The application Ref DC/21/5658/FUL, dated 20 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is a manager's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council no longer has a concern about its third reason for refusal of permission, which concerned the proposal's effect on a European Designated Site, as a Recreational Avoidance Mitigation contribution has been made. As there are no objections from interested parties on the matter it consequently does not fall for consideration in this decision.

Main Issue

3. The main issue is whether there is an essential need for a rural worker to live permanently at or near their place of work, with particular regard to the effect of the proposed development on the character and appearance of the area.

Reasons

Background

4. The appeal seeks permission to construct a dwelling on land adjacent to a sawmill site, to house its manager. Whilst some residential caravans lie adjacent to the manufacturing area, there is currently no other accommodation there. The sawmill houses a forestry business producing clefts, which are the raw product for the manufacture of cricket bats, from willow wood. The proposed dwelling's occupation would be restricted to those employed at the sawmill.

Rural worker and character and appearance

5. The appeal site lies within the countryside according to the settlement hierarchy set by Policy SCLP3.2 of the Suffolk Coastal Local Plan (2020) (the LP). The policy sets out that development requirements at such locations will

come forward through Neighbourhood Plans and windfall sites in accordance with other policies in the LP. Policy SCLP3.3 of the LP states that new residential, employment and town centre development will not be permitted in the countryside except where specific policies in the LP or Neighbourhood Plans indicate otherwise.

6. Policy SCLP5.3 of the LP concerns housing development in the countryside. It sets out the types of new residential development which will be permitted there. These include rural worker's dwellings where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6 of the LP).
7. Policy SCLP5.6 of the LP sets out the circumstances where rural worker's dwellings in the countryside will be permitted. The first of these (criterion a) is where there is a clearly established existing functional need for a worker to be accommodated. The second (criterion b) is that the need could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers, or could be converted to be. Criterion c) sets out that the need must relate to a full-time worker, or one who is primarily employed in the rural sector, and must not relate to a part time requirement.
8. The business purchased a new biomass boiler in recent years which, it submits, is more liable to malfunctions than previous such equipment. The boiler needs to be stoked twice a day. The boiler heats a kiln, in which clefts are dried.
9. The appellant states that weather conditions determine how well the kiln functions, namely temperature and humidity. They state that checks of the kiln are made at the start and end of the day, and that adjustments may be necessary if the weather changes. Some of this monitoring is carried out remotely, by the use of means such as weather forecast data, closed circuit tv and wifi monitoring.
10. The site manager currently lives approximately one mile from the site, and is able to attend within 7-8 minutes by car if necessary. Whilst the roads serving the site are ungritted in winter, it would be possible to walk from the manager's current residence to the site in cases of extreme weather, with this taking approximately 40 minutes. It is submitted that deterioration of the clefts can occur within an hour if an issue arises with the machinery which requires adjustment. Once deterioration has commenced it is not possible to regain the former quality of the cleft.
11. It is submitted that the business relies on the owner's expertise in detecting and responding to the need for adjustments to the machinery. The owner is not currently at the site all day, with their attendance variable depending on the forecast. The production of the clefts is always subject to losses due to cracking caused by incorrect humidity levels. Such losses can be reduced by increasing adjustments to the kiln. It was confirmed at the hearing that the manager's duties are currently sufficiently flexible for them to spend all day at the site if conditions are deemed to require it on a particular day.
12. Nevertheless, the suggested need for 24-hour monitoring at the site is inconsistent with other evidence from the appellant which states that checks of the machinery are currently made at least twice daily, or when the weather changes. Whilst checks during one day were increased to seven during

heatwave conditions last year, those were exceptional conditions and, as identified above, the manager's role evidently has sufficient flexibility to be able to respond to such events. This indicates that the business is already able to respond effectively to the variable factors affecting its efficiency.

13. Furthermore, it seems to me that the current absence of the manager from the site, generally for most of the day, inevitably reduces the business's ability to respond rapidly to potentially loss-causing matters such as site-specific power cuts, changes in weather conditions and malfunctions in the operation of the kiln and boiler. Four loss-causing incidents over two recent years are referred to. Nevertheless, if these circumstances arose so frequently that they were unacceptably affecting the business's products, it has not been satisfactorily demonstrated why the manager, (as the suggested sole employee with the necessary skills), is not present at the sawmill site on a full-time basis, or why additional staff have not received training in the necessary skills.
14. Moreover, it was confirmed at the hearing that the manager's son, who already works full-time at the kiln, is qualified to make all necessary adjustments to the machinery. Whilst this presumably does not include weekends or attendance during the night, it is consequently most likely that additional training in monitoring could contribute to the business's effective operation for much of the week.
15. Thus, the need for a full-time manager to carry out the tasks in question has not been demonstrated.
16. The proposal states that electronic monitoring would alert the manager at the new dwelling to a problem at the sawmill overnight, when they would not be making their daytime checks. However, it is submitted that electronic monitoring systems can malfunction. It is further stated that none of the necessary actions to keep production running and to avoid damage to the products can be achieved by the use of electronic monitoring. The potential for electronic monitoring is consequently apparently discounted by the case in support. Therefore the suggestion that the appeal scheme would improve the response time to an overnight automatic telephone or bleeper call indicating a problem at the site introduces inconsistency with other evidence in support, which apparently discounts the use of such technology.
17. Nevertheless, humidity monitors are present at the site but were not set up at the time of the hearing. The appeal does not demonstrate why systems such as these and back-up power systems could not be used to monitor the site's functioning and hence to mitigate some of the need for employee checks there.
18. It is submitted that the main benefit of living adjacent to the site would be the ability to monitor localised weather conditions. However, the appellant currently lives approximately one mile away in a nearby village and there is nothing before me to suggest that conditions at their property differ from those at the appeal site so frequently as to cause problems. As a result, I am not satisfied that any problems arising at the appeal site due to weather conditions would be any more detectable from the proposed dwelling than they would be from the appellant's current residence or one in a nearby village.
19. Moreover, the proposal sets out that attendance at the sawmill site from a nearby village instead of the appeal site would take an additional ten minutes.

The potential scale of any additional loss from this limited delay has not been adequately demonstrated.

20. Thus, whilst I accept that it is desirable for the machinery worker to live relatively close to the site, the appeal fails to demonstrate that there is a clearly established existing functional need for a worker to be accommodated at the location proposed. It is most likely that adequate existing accommodation could be found within the area, such as the two rental properties in the area which were suitable and available at the time of the hearing.
21. There is no dispute that the proposal accords with criterion d) of Policy SCLP5.6 of the LP, which specifies conditions concerning the longevity and profitability of the business.
22. Nevertheless, for the reasons given, the proposal conflicts with criteria a), b) and c) of Policy SCLP5.6 of the LP, the aims of which are set out above. The potential to restrict occupancy of the proposed dwelling to those employed in local rural employment by condition is only to be considered once the initial criteria of that policy are met. Therefore, as those criteria are not met, such a condition would not overcome the conflict with the policy.
23. Criterion (e) of Policy SCLP5.6 of the LP states that permanent dwellings in the countryside should be sensitively designed, landscaped and located to fit in with their surroundings, and of a scale that reflects their functional role to support the agricultural activity.
24. The appeal site lies on a lane through an open arable landscape which consequently has a highly rural appearance. There are sporadic residential or other developments in the vicinity, however these frequently have a strong visual link with associated businesses.
25. The appeal site is not part of the sawmill site and lies within an adjacent field. Furthermore, the corner of a woodland plantation and a number of static caravans lie between the two sites and limit their intervisibility. As a result, the appeal site appears physically separated from the sawmill site, so that the proposed dwelling would appear as an independent residential development occupying the corner of a field, and would fail to reflect its functional role to support the agricultural activity. This would conflict with the area's prevailing open appearance.
26. Whilst limited screening of the development from some directions would be provided by surrounding existing and proposed vegetation, the new dwelling would be a substantial two-storey property and double garage within a site of a considerable scale, and would consequently be highly visible within many views from the surrounding countryside. Thus, irrespective of the potential for the use of upper-floor materials of a natural appearance, the development would erode the prevailing rural appearance of the area.
27. Although I note the submission that alternative locations in the vicinity may give rise to health and safety concerns, I am required to assess the proposal before me and moreover there is minimal substantive evidence on the comparative drawbacks of alternative sites.
28. Thus, the proposal does not demonstrate an essential need for a rural worker to live permanently at or near their place of work. It would additionally cause

material harm to the character and appearance of the area. It consequently conflicts with Policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.6 of the LP, the aims of which are set out above. Further conflict exists with paragraph 80 of the National Planning Policy Framework (2021) (the Framework), which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

29. Additional conflict exists with Policy SCLP11.1 of the LP, which states that the height and massing of development proposals should be well related to that of their surroundings. Further conflict exists with Policy SCLP10.4 of the LP, which sets out that development proposals should demonstrate that their location and scale will protect and enhance the special qualities and features of the area.

Other Matters

30. My attention has been drawn to two other planning proposals in the area of the appeal site. I have limited details on the circumstances of these. Nevertheless, they both appear to have been determined under different policy provisions and therefore different considerations are likely to have applied. Furthermore, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.
31. Whilst the business operates constantly, the evidence suggests that the manager generally needs to attend the site a few times per day. Given the short travel time between their home location and the appeal site, it has not been demonstrated that this results in any unacceptable effects on their quality of life. Moreover, planning in general is concerned with land use in the public interest. It is probable that the development would remain long after the current personal circumstances cease to be applicable. For these reasons, this is a matter which does not attract weight in this determination.
32. I note the appellant's concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.

Planning Balance

33. Although the Framework supports growth, innovation and improved productivity, and the building of a strong economy, the business has already been profitable and the ability of the proposal to contribute to these matters has not been sufficiently demonstrated for them to form a benefit of the scheme.
34. Whilst the purchase of a biomass boiler and solar panels are considered to have reduced the business's environmental impact, these are pre-existing matters which consequently would not form a benefit of the proposal.
35. Details of an incident which caused security concerns at the site are unsubstantiated, so that any improvements which the appeal would bring in this regard are unclear. Given the restricted visibility of the appeal site from the proposed dwelling's location, I am not satisfied that the ability for early detection of an exceptional incident such as a fire at the site forms a benefit of

the proposal. Furthermore, systems to monitor such events are likely to be available.

36. The business receives approximately three deliveries per week. The likelihood of deliveries outside working hours causing a problem which cannot be resolved by rearranging delivery times or other means is generally low. The suggestion that the proposal would reduce difficulties in making such deliveries is consequently not a benefit.
37. The business's profitability and its contribution to the global cricket bat industry are undisputed. Environmental benefits would arise from the reduction in vehicular journeys to the appeal site. However, given the relatively low number of journeys and the short distance involved, these benefits would be minimal. Any environmental benefits arising from the use of sustainable technologies at the proposed dwelling would be similarly minimal, as the scheme is for only one dwelling.
38. The manager's current accommodation would be newly available for occupation as a result of the proposal. The new occupiers would consequently be likely to support local services. Nevertheless, the contribution of one household in this regard would be minimal.
39. Conversely, the location of the proposal beyond the settlement would undermine the Council's plan-led approach to the delivery of housing. In doing so, it would harm the character and appearance of the area. These matters attract significant weight and outweigh the benefits associated with the proposed development.
40. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

41. For the reasons given above I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Beard	Andrew Beard Planning
Guy Foscett	Manager/owner, Foscett Willows Limited
Martin Freeman	Fennwright Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Eleanor Larke	Strategic Landscape Advisor
Danielle Miller	Senior Planner
Rachel Smith	Senior Planner