



Appeal Decision

Hearing held on 16 May 2023

Site visit made on 16 May 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2023

Appeal Ref: APP/E2001/W/23/3314649

Poplar House Farm, Old Trough Lane, Sandholme, East Riding of Yorkshire HU15 2XW

- 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 Evison against the decision of East Riding of Yorkshire Council.
 - The application Ref: 22/02905/PLF, dated 7 September 2022, was refused by notice dated 25 October 2022.
 - The development proposed is described as: Change of use of existing office / amenity building to a dwelling for occupation by an agricultural worker.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether there is an essential need for a rural worker to live at, or near to, the appeal site.

Reasons

3. The appeal site is a building of approximately 91m² footprint, the current use of which is as an office and amenity building in connection with a commercial horticultural unit producing lettuce and cucumbers in glasshouses. It is proposed to change the use of the building to a dwellinghouse to allow an agricultural worker to reside permanently at the site.
4. It is not in dispute between the parties that the business has been trading for at least three years, is currently profitable, financially sound, and viable and has clear prospects of remaining so. It is also common ground that the business requires and can support at least one full time employee. In addition, it is not disputed that the appeal site is located in an area which is considered to be countryside for the purposes of Policy S4 of the East Riding Local Plan Strategy Document 2016 (the Local Plan). Local Plan Policy S4 is permissive of development in the countryside for a number of specified purposes, one of which is occupational dwellings for agricultural, forestry, or other rural based workers, subject to demonstrating an essential need. Whether or not there is an essential need is the sole matter in dispute between the parties.
5. The glasshouses are operated as a controlled environment with automated heating and irrigation systems controlled by a computer. Heating is provided by biomass boilers. There is some evidence that these boilers susceptible to

- faults. The evidence sets out that any errors or failures of the heating or irrigation system are reported to responsible members of staff via a telephone alert system.
6. It was explained at the hearing that the glasshouses are not insulated and that failures of the heating system can result in the temperature within them falling rapidly in winter, which can lead to crop loss or damage to the crop. Similarly, failure of the irrigation system in summer can lead to crop damage or loss through dehydration. It was also explained that in extreme circumstances, when the weather is particularly cold or hot, crop damage can occur very quickly.
 7. Whilst no records of out of hours incidents were presented in evidence, it was stated that there are potentially one or two incidents per month where there are failures of the heating or irrigation systems outside the normal working hours of the site. It was also confirmed that out of hours attendance is primarily in connection with equipment failures and is not regularly necessary for any other types of incident. This number does not represent a large number of incidents and in the absence of any substantive evidence in respect of the severity of the incidents, or their consequences, does not provide any strong indication that a permanent presence at the site is essential.
 8. At the hearing the appellant accepted that in the event of a failure of the telephone alert system which notifies the operator of a fault in the heating or irrigation systems, it would not be readily apparent either visually or audibly to a worker on the site that the fault had occurred as these system do not have audible warning alarms. As such, there would appear to be little advantage from a worker being within sight or sound of the glasshouses at all times. I do, however, accept that when the alert system is functioning an on-site presence would allow for a slightly faster reaction time.
 9. It is accepted by both parties that suitable and affordable property would not be available in Sandholme itself, due to the small size of the settlement and the low number of residential properties. The appellant also stated that alternative accommodation in nearby settlements has not been investigated as it was considered that these are too far away to provide the required immediate response to a system failure on the site.
 10. Both before the hearing and following the site visit, I drove the route to and from the appeal site to Gilberdyke and Newport which are the closest settlements, and within 3 miles of the appeal site. I observed that the journey times were not long, being a matter of minutes, and the roads were of a reasonable standard which would not be difficult or treacherous to drive at different times of the day or during different weather conditions.
 11. Whilst it would no doubt be more convenient for a worker to be resident on the site, from the evidence that I have before me and from the discussions at the hearing, I do not find the appellant's proposition that suitable accommodation in the vicinity is too far away to provide an immediate, or timely, response a persuasive one. There may be circumstances where, as the appellant pointed out, equipment fails during extreme weather conditions and crop loss, or damage, could occur very quickly. However, there is no evidence before me as to the frequency of such events outside of the normal working hours of the site or when workers would not be present. The appellant described these as "worst case scenario" situations. Although it was suggested that in these worst

case scenario situations crop damage or loss could occur within five minutes, I do not have any evidence of whether or not such scenarios, or circumstances approaching such, have occurred. In any event, given the low number of out of hours equipment faults, this would indicate that whilst a worst case scenario cannot be ruled out, it is unlikely to be a frequent enough occurrence so as to justify a permanent presence on site.

12. The submitted evidence indicates that the horticultural business is clearly well established and profitable. The appellant does not live on the site, although is resident in Sandholme.
13. Whilst the horticultural unit does not have a dwelling associated with it on the wider site, it is indicated that a site manager and other members of staff have been accommodated in a different building on the site for a number of years. This occupation has been carried on without the benefit of planning permission for a residential use.
14. Although there may have been a permanent presence of workers at the site, no evidence has been put to me which indicates that this presence has been fundamental to the proper operation of the horticultural unit or that it could not have operated effectively without it.
15. I therefore conclude that there is not an essential need for a rural worker to live permanently on the site. The proposal would conflict with the relevant requirements of Policy S4 of the East Riding Local Plan Strategy Document 2016.

Conclusion

16. The proposed development conflicts with a policy of the local plan, which is most important for determining the appeal and, as such, I find that the proposal conflicts with the development plan when taken as a whole. It is not suggested that this policy is out of date and no other material considerations have been identified that would indicate that a decision can be made other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr I Pick	Agent for the appellant
Mr S Harrison	Planning Consultant
Mr A Evison	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr C Ellis	Senior Planning Officer, East Riding of Yorkshire Council
Ms A Fountain	Senior Valuation and Estates Surveyor, East Riding of Yorkshire Council