



Appeal Decision

Hearing held on 10 October 2023

Site visit made on 10 October 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal Ref: APP/C1625/W/23/3325424

Land at Parford Farm, Wick Lane, Stinchcombe, Stroud, Gloucestershire GL11 6BD

- 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 Matt Parry & Ms Jody Langford against the decision of Stroud District Council.
 - The application Ref S.22/2700/FUL, dated 9 December 2022, was refused by notice dated 24 February 2023.
 - The development proposed is temporary rural workers dwelling and erection of agricultural buildings with yard.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Matt Parry and Ms Jody Langford against Stroud District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Following the decision of the Council, the appellant has supplied a completed unilateral undertaking (UU) which secures a contribution towards environmental and ecological mitigation measures in line with the Severn Estuary Avoidance Mitigation Strategy, and an updated Preliminary Ecological Appraisal report dated May 2023. The monies secured by the UU would be spent on projects to mitigate the adverse impact of the development on the integrity of the Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar site. The Council has confirmed that its concerns in this regard have been satisfactorily addressed. Furthermore, the Council has confirmed its objections relating to protected species have been overcome, subject to the imposition of relevant planning conditions if the appeal were successful.

Main Issues

4. The main issues are:
 - Whether there is an essential need for a rural worker to live permanently at the appeal site;

- The effect of the proposal on the character and appearance of the area, having particular regard to the site location within the Cotswolds Area of Outstanding Natural Beauty; and
- The effect of the proposal on highway safety.

Reasons

Essential Need

5. Policy CP1 of the Stroud District Local Plan 2015 (LP) reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (Framework), whilst LP Policies CP2 and CP3 sets out the Councils hierarchy for growth and development. The appeal site lies outside of any identified settlement development limits as outlined within these policies. LP Policy CP15 limits development outside of identified settlement development limits except under certain circumstances including where it is essential to the maintenance or enhancement of a sustainable farming enterprise.
6. Paragraph 80 of the Framework seeks to avoid isolated homes in the countryside unless one or more 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. The Planning Practice Guidance (PPG)¹ outlines how the need of isolated homes in the countryside for essential rural workers can be assessed including evidence 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 enterprise; the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
7. The appellants own approximately 33 acres of agricultural land upon which they seek to develop an agricultural enterprise comprising the keeping, breeding and rearing of pigs (rare breed Gloucester Old Spot), sheep and turkeys. Following the decision of the Council, the appellants have revised their business plan in so far as it relates to the pigs, with 30 sows originally proposed reduced to a herd of 15 to 17 breeding sows whilst numbers of sheep and turkeys have remained as per the original business plan.
8. Notwithstanding the reduction in sows, and the Council's concerns within the written evidence largely surrounding the ability to run an outdoor pig unit at the scale proposed on the land available, at the Hearing the Council confirmed that on the basis of the blend of livestock proposed, there would be a functional need for an agricultural worker to be permanently based on the site to deal with animal welfare issues that are likely to arise throughout the year, and during the night. Furthermore, there was no dispute that the mix of the proposed enterprise would require a full-time worker and on the evidence before me I have reached the same finding.
9. Nevertheless, for an essential need to be demonstrated there must be clear evidence of a firm intention and ability to develop the enterprise, and that the enterprise is planned on a sound financial basis. It was clear at the Hearing that this is a remaining area of dispute between the main parties.

¹ Paragraph: 010 Reference ID: 67-010-20190722

10. I heard at the Hearing that the appellants have limited experience in any of the elements of the enterprise proposed. I am told by the appellants that they have attended a pig husbandry course, and that Mr Parry has some experience as his father had kept pigs and livestock. I acknowledge the potential use and reliance on a consultant to help operate the enterprise in the future and that there may be a number of abattoirs within modest travelling distance of the appeal site. However, future availability of a consultant is not guaranteed, and the appellants lack of significant previous agricultural experience could limit the ability to develop the enterprise given the potential difficulties associated with the mix of the proposed enterprise, thereby resulting in uncertainty over the long term success of the business.
11. At the Hearing the Council stated that the soil at the appeal site was either Curtisdin or Martock which was not refuted by the appellants. I also heard from an interested party that an adjacent site was prone to water logging. It is put to me by the Council that these soil types are less permeable and could result in potential water logging, resulting in poaching and soil erosion and effecting the ability of the land to withstand outdoor pig production. Additionally, I was told by the Council that the appeal site may not meet cross compliance rules in relation to any DEFRA rural payments which it is put to me is a further indication that the site is unsuitable for the proposal.
12. The appellant's pig consultant, Dr Giles, advised at the Hearing that the appellants do not currently claim rural payments and the written evidence suggests that the appellants could explore steps to comply with cross compliance rules. Furthermore, Dr Giles stated that she has kept a similar sized herd successfully on clay soil, and successful farming could be undertaken at the site with mitigation such as pens that are more suitable for each season, the use of straw as a mat, and given the sloping topography, rotational penning could be utilised. I further heard from the appellant that a water pipe has been repaired and a drainage ditch dug which has improved drainage conditions on the land. The appellant also told me at the Hearing that they intend to carry out further trenching and drainage works.
13. I accept that there may be mitigation that could be undertaken to successfully operate a pig enterprise on less permeable soil, and indeed it appears that Dr Giles has done so at a differing site. However, while I note an intention to undertake further drainage works, there is no substantive evidence before me such as a formal drainage scheme or soil surveys, to indicate that such mitigation would be suitable for this particular site and associated ground conditions. Therefore, I find there are significant doubts as to the ability for the enterprise to develop successfully into the future.
14. A rural workers dwelling appraisal (RWDA) from Reading Agricultural Consultants accompanied the planning application and details expenditure and sales expectation, and gross margins. Given the revised business plan and reduction in number of sows, a further updated budget by Dr Giles has been provided within the appeal documentation. It became evident at the Hearing that the formatting of this updated budget differed between the copy held by the Council, and that by the appellant, however it is clear that notwithstanding the differing format, the figures were the same.
15. The appellants side explained at the Hearing that the RWDA still applied in relation to sheep and turkeys, but the later updated budget superseded that

within the RWDA in relation to pigs to reflect the amended business plan. Although I note the concerns voiced by the Council that it is impossible to amalgamate the figures between the RWDA and updated budget, I find that the evidence in combination is sufficiently clear to allow for an understanding of the financial projections of the enterprise as a whole and the Council had opportunity to respond to it at the Hearing.

16. Dr Giles explained at the Hearing that there had been discussions with a local farm shop looking for a niche product, and discussions with a butcher. Furthermore, the written evidence indicates that the appellants would build an online presence for their product, and would use the BPA Pedigree Meat Scheme, including the use of pedigree meat certificates to steer customers to their website for local sales, as well as targeting farmers markets and local restaurants.
17. Mr Willis, acting for the appellants stated at the Hearing that there was a large margin for error within the projected budget, but even taking into account a 50% margin of error, the figures indicate that the enterprise would still be a viable business. Whilst this might be so, there is a lack of documentary evidence in relation to the ability to achieve the predicted sales forecast. I note the appellants comments that a butcher would need to see a carcass and be guaranteed a regular supply before providing any written commitment, and that the appellants are in, as described by Dr Giles, a 'chicken and egg' situation. However, whilst anecdotal evidence is provided, there is an absence of any form of written commitment or interest from future purchasers or any documented market research. Robust evidence that the sales projections can be achieved in relation to this particular enterprise and appeal site, even at a potentially reduced margin of 50%, is therefore lacking and consequently so is evidence that the enterprise has a sound financial basis.
18. I acknowledge that I am considering part of this appeal as a proposal for accommodation for a temporary period. Notwithstanding, in my view, even if it is the case that there is a functional need for a rural worker to permanently live at the appeal site, to allow it would require reasonable certainty that within three years, the appellants have the ability to develop the enterprise and the business would be capable of becoming financially viable. On the basis of the written evidence before me, and that provided at the Hearing, such reassurance is currently lacking.
19. Consequently, for the above reasons, I conclude that an essential need for a rural worker to live permanently at the appeal site has not been demonstrated. Accordingly, the proposal would conflict with LP Policies CP1, CP2 and CP15, the purposes of which I have previously outlined.

Character and Appearance

20. The appeal site is an area of agricultural land to the southeast of Wick Lane and located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The surrounding topography rises towards the south, and despite a well-established roadside boundary hedge, the proposed buildings would be clearly visible from both the existing wide field access, as well as a public footpath² which traverses the wider agricultural holding.

² Footpath 29 number CST29

21. Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of the AONB and the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB.
22. I observed that whilst the appeal site has an open pastoral character, surrounding residential built form is evident, as well as larger scale modern agricultural buildings within the wider area which also contributes to the wider character. I also observed at the site visit, various items of equipment stored outside, as well as steel containers and a static mobile home within the wider holding which detracts from the character and appearance of the area.
23. The proposed buildings are of a utilitarian design and would be of an appearance not dissimilar to other agricultural buildings I observed in the broader area. However, concern is raised by the Council in relation to the prominence of the buildings in the landscape due to the proposed scale, and a lack of justification for this scale. I heard from the appellant's side at the Hearing the purposes of the buildings and their siting, including barn 3 being sited away from barn 1 and 2 for livestock isolation purposes, equipment storage as well as the potential financial benefits to the enterprise of being able to store additional hay and fodder.
24. Furthermore, the static mobile home intended for use as the temporary accommodation would be sited within one of the proposed barns, and I heard this was intended to reduce the visual impact of this structure, with the additional space available once this was removed following the trial period being required for the enterprise which would at that stage be fully established. Although no formal calculations of space requirements have been put to me, I find the buildings are of a relatively modest scale that would not be unusual for such an enterprise given the combination of livestock, area of holding, and future potential expansion.
25. Whilst the proposal would introduce additional built form within the countryside landscape that would be visible from public vantage points, the scale and appearance of the barns would not appear out of character of that of the wider area and would clearly be read as part of the established managed agricultural landscape. The siting of the buildings close to existing hedge boundaries would also limit their visual effect and would result in the buildings not appearing overly prominent, or incongruous within the wider field system, and allow storage of agricultural equipment currently outside.
26. Consequently, I conclude that the proposal would not adversely affect the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. As such, it would accord with LP policies CP15 and ES7 which, amongst other things, seek development to be sympathetic to and complement landscape character and not lead to excessive encroachment into the countryside.

Highway Safety

27. The surrounding highway network features stretches of single carriageway with tall hedge boundaries and a 60mph speed limit along the site frontage. Although the existing field access is relatively wide, visibility to the southwest is restricted, with the Council noting this to be 17m measured to the centre line of the carriageway whilst visibility to the northeast is stated to be 65m.

28. Although the highway has a 60mph speed limit, for the purposes of calculating an appropriate visibility splay, the Council have utilised a speed of 37mph. I am told, with reference to 'Manual for Streets' (MfS), such a speed requires a visibility splay of 59m. Mr Willis agreed at the Hearing that 37mph was a realistic speed by which to calculate the visibility. Given there are no speed surveys before me within the evidence and noting my observations of the highway and speeds travelled, this would appear an appropriate estimation of traffic speeds.
29. Whilst visibility to the southwest may be below that suggested in MfS, I observed that Wick Lane was lightly trafficked, and I note the Council stated at the Hearing that there had been no known accident records at or around the appeal site access. Although the proposed dwelling could result in some overall additional movements, there would be a reduction in movements associated with living on the site for undertaking tasks associated with the enterprise. Given the relatively slow and lightly trafficked nature of Wick Lane, I find that any additional movements that would be created by a single dwelling associated with the enterprise would not be significant or lead to highway safety concerns.
30. Consequently, I find that the proposal would not result in an unacceptable effect on highway safety. The proposal would therefore accord with LP Policy CP13 which amongst other things, supports development that does not cause or contribute to significant highway problems. The proposal would also accord with paragraphs 110 and 111 of the Framework which requires safe and suitable access to the site to be achieved for all users and notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

31. Due to separation distances of the proposed buildings and nearby dwellings and the public footpath, the proposal would not result in any harm to living conditions of the occupiers of nearby properties and would not prevent use of the footpath. However, these are ordinary requirements for new development, and they do not represent a positive benefit that weighs in favour of the proposal.
32. The proposal would support rural business and rural employment in accordance with the general aims of the Framework. The proposal would also provide some employment opportunities and associated expenditure during the construction phase, and it was put to me at the Hearing that there would be a biodiversity net-gain from tree planting. However, any benefits to the rural economy and employment would be modest due to the relatively small scale of the business, whilst I have minimal substantive evidence of any bio-diversity net-gain and therefore afford this minimal weight.

Conclusion

33. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington MA MRTPI

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Marc Willis BTP MRTPI FBIAC	Planning Consultant
Dr Michaela Giles	Pig Consultant
Matt Parry	Appellant
Jody Langford	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Brown MA	Senior Planning Officer
Ceri Porter BSc(Hons) MRTPI	Principle Planning Officer
Robert Fox BSc(Hons) FAAV	Agricultural Advisor/Consultant

INTERESTED PARTIES:

Roger Brown	Local resident
Stephen Ponting	Local resident
Dr Alistair Macfarlane	Stinchcombe Parish Council

DOCUMENTS submitted at the Hearing

- Agreement to suggested pre-commencement conditions.
- Revised format costings and sales projections.
- Local planning authority response to costs application.