



Appeal Decision

Hearing held on 5 September 2023

Site visit made on 5 September 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/J1860/W/23/3323917

Rosebud Meadow Camping Site, track from Marlbank Road to Welland Farm, Worcestershire, Welland WR13 6NB

- 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 Miss Rosie Clare against the decision of Malvern Hills District Council.
 - The application Ref M/22/01241/FUL, dated 13 August 2022, was refused by notice dated 12 January 2023.
 - The development proposed is a three bedroom rural worker's dwelling as detailed in the Design and Access Statement and accompanying drawings.
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Decision

1. The appeal is allowed and planning permission is granted for three bedroom rural worker's dwelling as detailed in the Design and Access Statement and accompanying drawings, at Rosebud Meadow Camping Site, Worcestershire, WR13 6NB in accordance with the terms of the application, Ref M/22/01241/FUL, dated 2 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2210273.CLA-01 B, 2210273.CLA-02 D, 2210273.CLA-03 D, 2210273.CLA-04 D, 2210273.CLA-05 D, 2210273.CLA-06 D, 2210273.CLA-07 D, 2210273.CLA-08 D, 2210273.CLA-09 D, 2210273.CLA-10 D and 2210273.CLA-11 D.
 - 3) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, forestry or a rural enterprise, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Applications for costs

2. An application for costs was made by Miss Rosie Clare against Malvern Hills District Council and a further application for costs was made by Malvern Hills District Council against Miss Rosie Clare. These applications are the subject of a separation decision.

Main Issue

3. The main issue is whether the economic sustainability of the rural enterprise has been demonstrated.

Reasons

4. The appeal site forms part of a field within a wider holding known as Rosebud Meadow. This holding runs a mixed business consisting of glamping, the breeding of horses, goats and pigs, and the production of goatmilk soap. The proposal is for the erection of a new dwelling with a rural worker's tie to accommodate the appellant and their family on site.
5. Policy SWDP19 of the South Worcestershire Development Plan (the DP) supports permanent dwellings related to rural enterprises where they can meet the requirements of this policy and the functional and economic tests set out within Annex G.
6. It is accepted that the dwelling would be needed to ensure that there is someone on site to look after guests, for animal welfare and dealing with the holding in general. I therefore find that the functional test is met and that there are no suitable alternative dwellings, that the proposed dwelling would be close to other buildings and, that it would not be unreasonably large.
7. The appeal therefore turns upon whether the enterprise is economically viable to justify a new dwelling. During the hearing the Council clarified that their concerns stemmed from the lack of information regarding the payment of taxes and staff wages.
8. From the submissions before me it was clear that a number of people carry out work in association with the business. These include the appellant and her partner, Robin Collins, alongside individuals helping with the horses, and cleaners for the glamping cabins.
9. I am content, for what I heard at the hearing, that Robin Collins is not paid for his help which is carried out on an ad hoc basis. Similarly, I am also content that Rosie Clark effectively takes her wage from the business' profits. Although more difficult during the years affected by Covid, I find that a suitable wage could be achieved in this manner. Given the exceptional nature of the Covid pandemic, and that profits have quickly recovered, I have not given the associated dip much weight in my considerations.
10. It was explained through the hearing that those helping with the horses are not paid. Although such work would help support the equestrian element, I do not find that it being unpaid is atypical. I also heard at the hearing how the cleaners are paid and that the fees for this are included under the item "Cleaning" within the expenses and expenditures for the glamping and miniature horses accounts.
11. Given the above I find that there are no hidden wages which would strip away the demonstrated profits to such an extent as to call in to question its long-term viability. Although taxes have not been included in the accounts before me, I do not find that it is necessary to demonstrate the effect of taxes on the business given that they would only take a percentage of the achieved profits.

12. I therefore conclude that the existing business is viable and that there is a clear prospect of it remaining so. Consequently, the proposal would meet the functional and economic tests set out within the development plan and would comply with DP Policy SWDP19 and Annex G as outlined above. The proposal would also comply with Paragraph 80 of the National Planning Policy Framework (the Framework) which seeks to avoid isolated dwellings other than where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Other Matters

13. I am mindful of the appeal site's location within the Malvern Hills AONB (the AONB). However, the site is located such that it would not be a prominent or intrusive feature within the AONB. Views of the proposed dwelling would be limited to those from a significant distance where it would be read against the existing built development. I consequently find that there would be no unacceptable harm to the character or appearance of the AONB and that it would not be necessary to seek further details of the external materials beyond that already achieved through the submitted plans.
14. I also recognise the relationship between the appeal site and the Castlemorton Common Site of Special Scientific Interest (SSSI). I heard at the hearing how its importance stems from the unimproved grassland and meadows with their associated flora and fauna, including adders. Although no detailed information has been provided, given the appeal site's location outside of the SSSI and its close proximity to existing buildings and hardstanding, I find that it is unlikely to have any adverse impact on the SSSI.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
16. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
17. To ensure that the proposal complies with the Council's locational strategy for new residential development, a condition is necessary restricting the occupation of the dwelling. Following discussion between the main parties I have altered the wording of the Council's suggested condition to include the term "rural worker" and "rural enterprise" so that the condition more closely relates to the terminology of the Framework.

Conclusion

18. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Fox

Rosie Clark

Robin Collins

FOR THE LOCAL PLANNING AUTHORITY:

Oliver Brewer-Hughes