



Appeal Decision

Hearing held and site visit made on 27 September 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2023

Appeal Ref: APP/X3540/W/23/3318967

Hillside Farm, Wangford Hill, Wangford, Suffolk NR34 8AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jack Miller against the decision of East Suffolk Council.
 - The application Ref DC/22/3331/OUT, dated 18 August 2022, was refused by notice dated 24 February 2023.
 - The development proposed is a new farm house dwelling to accommodate farm director or principal farm employee. Agricultural restriction and tie to the farm to be applied.
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Decision

1. The appeal is dismissed.

Costs

2. During the hearing the appellant's agent confirmed that they wished to withdraw their application for an award of costs.

Preliminary Matters

3. The planning application was submitted in outline with all matters reserved for future consideration, except access. Any detailed plans dealing with the reserved matters have been treated as indicative.

Main Issue

4. The main issue is whether it has been demonstrated that there is an essential need for the proposed dwelling to accommodate a rural worker to live permanently at the appeal site in the countryside.

Reasons

Background

5. Hillside Farm is family run and has been in operation for many years, originally established by the appellant's grandfather and now run by the appellant. It contains an existing farmhouse that the appellant's parents lived in whilst they were running the farm, and in which they wish to continue living into their retirement. The appellant is currently living in the farmhouse along with his partner and child, his parents, and his sister. However, with the expanding family, the farmhouse has become overcrowded. Therefore, the proposal is for a new rural worker dwelling on site, with the intention that this could be occupied by the appellant, his partner and child.
6. The farm contains a collection of buildings including the existing farmhouse, the farm shop, a small number of agricultural barns and a greenhouse, and

four holiday let properties. The farming enterprise comprises around 150 acres (circa 60 hectares). It is mainly concerned with the growing of crops. This includes higher value vegetable crops that are grown to supply an on-site farm shop and wholesale delivery service, as well as cereal crops that are primarily sold for animal feed. In addition, around 7 to 8 cattle are grazed on the land.

Need for the proposed dwelling

7. Policy WLP8.8 of the East Suffolk Council - Waveney Local Plan (March 2019) (Local Plan) only supports proposals for permanent rural worker homes in the countryside where four criteria are met. The first criterion requires that there is a clearly established functional need for the proposal and that this could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the worker or could not be converted to do so. The supporting text advises that the policy allows for such dwellings where there is an essential need for the worker to be in close proximity to the business (paragraph 8.43 – 8.44). As such, the policy sets a high bar for accepting new rural worker dwellings in the countryside.
8. The appellant fulfils multiple tasks on the farm. These include seed propagation, transplantation to the fields and associated ongoing requirements in respect of irrigation and crop spraying. The appellant has to monitor soil moisture levels, weather conditions and run the irrigation system. Failure of the irrigation system could be financially damaging if a large area of crop were to be washed out. Furthermore, there may be cost and water efficiencies in irrigating overnight. However, it has not been robustly demonstrated that overnight irrigation is a necessity or is particularly regularly undertaken, although it may frequently run late into the evening in spring and summer months.
9. Similarly, the frequency of crop spraying was said to vary and be weather dependent which can result in the need for it to occur at antisocial hours. There is a need to regularly move and change physical pest deterrents although nothing suggests this requires the appellant to be within sight of the fields during hours of darkness. In the depths of winter when there is less work related to the growing of crops, the appellant lifts, stores and monitors their potato crop.
10. It is clear that the work involved may, on occasions, extend late into the evening. However, whilst more convenient for the appellant, the evidence has not demonstrated a need for an overnight presence and that there is a need therefore for the appellant to reside at the site.
11. The appellant's role also includes running the wholesale delivery business and operating the forklift truck for out of hours shop deliveries. Whilst requiring long working hours these aspects of the role do not necessitate living at the site.
12. The marshy conditions may pose a risk to animals grazing in the fields becoming stranded. This may require intervention by a farm worker. Nonetheless, the numbers of cattle are small, and I was told that the grazing is seasonal and the cattle are not housed on the farm. This does not therefore justify a worker permanently living at the farm.

13. The appellant has indicated that he intends to keep sheep as part of the farming business. This would provide some environmental benefits through rotating land use within the farm and reducing the use of nitrates. However, I have limited information about this proposal and how it would impact the day-to-day operations of the farm and any requirement to reside there full time.
14. The challenges of dealing with rural crime, including an instance of machinery theft experienced here, were also raised by the appellant in support of the proposed rural worker dwelling. Nevertheless, it appears that there is scope for further security measures to be employed in the first instance, such as the installation of CCTV. Moreover, given the proposed location of the dwelling without clear visibility of the existing barn entrances, the proposal is unlikely to achieve any substantive security improvement over and above what is already provided by the presence of the existing farmhouse.
15. Drawing together my findings above, the various demands on the appellant's time including for propagation, planting, irrigation, spraying, pest control, crop monitoring, wholesale and farm shop deliveries and farm security, do not require an overnight on-site presence on a regular basis. Therefore, I conclude that it has not been demonstrated that there is an essential need for the proposed dwelling to accommodate a rural worker to live permanently at the appeal site in the countryside.
16. As I have found that the functional need has not been demonstrated, I have not gone on to consider the second part of criterion 1) of Policy WLP8.8 of the Local Plan in respect of alternative accommodation. In the absence of a functional need, the proposal would conflict with Policy WLP8.8 as a whole. The proposal would also conflict with Policy WLP1.2 of the Local Plan, which generally seeks to focus new housing within existing settlements.
17. In addition, it would conflict with paragraph 80 of the National Planning Policy Framework (Framework) which seeks to avoid isolated homes in the countryside unless certain criteria are met, including that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Other Matters

Cuckoo Green Farm

18. In their evidence the appellant has drawn my attention to a similar proposal that was granted permission for a rural worker dwelling at Cuckoo Green Farm¹, said to be a smaller farm of a similar nature to the appellant's farm. The Council accepted that there were similarities between the circumstances of the appeal scheme and that case. The Council also acknowledged that at the time of the Cuckoo Green Farm decision the policy context, although in a previous Local Plan, was similar to that set out under Policy WLP8.8 of the Local Plan.
19. Nevertheless, whilst consistency in decision-making is important, I must determine the appeal fairly on the evidence before me. Consequently, even though at the time of the Cuckoo Green Farm decision officers felt that the rural worker dwelling was justified in that instance, evidence in respect of this appeal has led me to conclude that the proposal would not be justified here.

¹ Ref DC/16/3029/FUL

Special Protection Areas

20. The Council's statement refers to the site's location within the 13km zone of influence for the Sandlings Special Protection Area (SPA), the Alde-Ore Estuary SPA and Ramsar site, and the Deben Estuary SPA and Ramsar site. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site, such as an SPA or Ramsar site. The main parties do not dispute that the proposal, in combination with other developments in the area, would likely have a significant effect on the designated sites from increased recreational disturbance. The Council has confirmed receipt of the appellant's payment of a financial contribution and a Section 111 agreement to provide mitigation for such potential effects on the European Protected sites.
21. Therefore, if the appeal were to be allowed I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations². However, I have found the location of the proposal would be contrary to the development plan. Accordingly, unless other material considerations indicate that planning permission should be granted, there is no need for me to consider this matter further.

Other Considerations

22. I am alive to the mental health challenges of farming, which can be highly stressful and isolating, involving long hours, year round. I understand the importance of the appellant's family network in that regard. Also, the value of the appellant's wider family in providing support with childcare and in sharing the responsibility of the increasing care needs of his father. I sympathise fully with those matters as well as the convenience to the appellant and his family of the appellant living on the farm.
23. However, whilst of considerable personal importance to the appellant, these are private matters which I must weigh against the public interests of delivering a plan led system. Also, although space within the existing farmhouse is said to be at a premium, this appeal decision does not of itself require the appellant's living arrangements to alter. Furthermore, there would be no violation of the appellant's or his family's human rights as a result of this decision.
24. The proposal would result in one additional dwelling that would contribute to the Council's overall supply of housing. It is submitted as a self-build home and could therefore contribute to the Council's requirements in that regard. These are modest benefits of the scheme. It would also support the continued operation of the appellant's agricultural business. Albeit I see no reason to conclude that in dismissing the appeal, there would be any material harm to the success of the farm business or its contribution to the local and wider economy, and the benefit it provides to the local community. An absence of harm to matters such as highway safety and the character and appearance of the surrounding area are neutral considerations.

² The Conservation of Habitats and Species Regulations 2017 (as amended)

Conclusion

25. The location of the proposal in the countryside would undermine the Council's plan-led approach to the delivery of housing. This attracts significant weight and outweighs the combination of its benefits. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict.
26. Therefore, for the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Rachel Hall

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jerry Stone	Agent
Jack Miller	Appellant
Kelly Stimpson	Appellant's partner
Linda Miller	Appellant's mother

FOR THE LOCAL PLANNING AUTHORITY:

Ben Woolnough	Planning Manager (Development Management, Major Sites and Infrastructure)
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