



Appeal Decision

Hearing held on 12 December 2023

Site visit made on 12 December 2023

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 04 January 2024

Appeal Ref: APP/E2001/W/23/3321986

Golden Acre Site, Mill Lane, Sandholme, East Riding of Yorkshire, HU15 2XS

- 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 Nigel Walter against the decision of the East Riding of Yorkshire Council.
 - The application Ref 22/04009/PLF, dated 9 December 2022, was refused by notice dated 10 March 2023.
 - The development proposed is the change of use of land for the siting of 9 caravans for use as seasonal workers' living accommodation with a wheeled store and a services hut (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Retrospective permission is sought, as set out in my final bullet point above, as the caravans are already present at the site. I have therefore determined the appeal on the basis that the development has already occurred.

Main Issue

3. The main issue is whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work.

Reasons

4. The appeal site houses an established horticultural business, which employs seasonal workers for tasks associated with strawberry production for approximately 9 months every year. The site lies outside any settlement boundary set by the development plan and is consequently in the countryside for local policy purposes. Policy S4 of the East Riding Local Plan Strategy Document (2016) (the LPSD) sets out the types of development which will be supported at such locations. These include agricultural dwellings, subject to the demonstration of an essential need for them.
5. The policy's supporting text indicates that a clear functional need for such a dwelling should be shown, relating to one or more full time workers employed at the site. Evidence presented for the functional need test should clearly demonstrate that having one or more workers available at most times of the

day and night is essential for the proper functioning of the unit. For example, where workers are needed to meet welfare needs of vulnerable livestock, or to quickly deal with other emergencies that would otherwise lead to a serious loss of crops or products. Furthermore, the text states that such development will be supported where the need for the dwelling cannot be provided by an existing dwelling which is suitable and available for occupation by the worker(s) concerned.

6. The National Planning Policy Framework (2023) (the Framework) sets out that new, isolated homes in the countryside should be avoided unless one or more of the five listed circumstances applies. These include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. The Planning Practice Guidance (the PPG) states that factors which can be taken into account in assessing whether there is a need for isolated homes in the countryside include evidence of the necessity for a rural worker to live at their place of work to ensure the effective operation of an agricultural enterprise. The PPG sets out that the need to accommodate seasonal workers will not generally be sufficient to justify isolated rural dwellings.
8. Whilst it is not disputed that the caravans have an isolated location, the appellant considers that they do not form dwellings, suggesting that a dwelling must be a building rather than a static caravan of the type present at the site. Nevertheless, Policy S4 of the LPSP provides no definition of "dwelling", and the Framework provides no definition of "home" in the phrase "isolated homes in the countryside". It is undisputed that the caravans provide their occupants with the facilities for day-to-day private domestic existence, of the type usually provided by a dwelling. Moreover, the caravans are permanently present at the site and would provide residential accommodation for as long as the business operates, according to the proposed condition which was agreed at the hearing. This could comprise a considerable period of time, and hence the caravans would function as permanent accommodation, as referred to in the Framework. In view of these considerations, the local and national policies set out above are applicable to the appeal scheme.
9. Turning now to the issue of functional need, taken in isolation, the presence of the caravans at the site suggests only that it is desirable for workers' accommodation to be provided there. It does not demonstrate the functional need relating to operational factors envisaged by the local and national policy and guidance set out above. By such logic any such retrospective application would pass the policy test of need, partially negating the purpose of the policy.
10. I acknowledge the calculated Labour Unit Equivalent for the business. However, staffing figures alone cannot show a clear functional need for accommodation at the site. Whilst some tasks relating to health and safety and equipment maintenance at the site are undertaken by seasonal staff, the appellant stated at the hearing that these did not provide the need for the scheme which had given rise to the appeal. Similarly, he considered that the need for fire detection at the site is adequately met by existing smoke alarms.
11. Rather, he considered that the need to attract the necessary workforce primarily supported the scheme. He additionally cited the inconvenience, expense and travel distance of accommodating workers elsewhere. Whilst I acknowledge these stated challenges, they do not clearly form the type of site-

based operational considerations envisaged by the functional need test within Policy S4 of the LPSD, as referred to in its supporting text and set out above.

12. In light of these considerations, the evidence does not clearly demonstrate that having one or more workers available at most times of the day and night is essential for the proper functioning of the unit. Therefore a need of the type set out in Policy S4 of the LPSD and the Framework has not been shown, irrespective of whether the caravans are permanently occupied by the same individual. As a clear functional need has not been demonstrated it is additionally unnecessary to determine whether such a need relates to a full time worker at the site, or whether an existing dwelling is suitable and available for occupation by the worker(s) concerned.
13. Thus, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, an essential need for a rural worker to live permanently at or near their place of work at the appeal site has not been demonstrated. The scheme consequently results in moderate harm in achieving the planned distribution of development across the area and conflicts with Policy S4 of the LPSD, the aims of which are set out above. Further conflict exists with the aims of the Framework.

Other Matters

14. My attention has been drawn to another development scheme for the siting of caravans in the area, and to examples of other businesses which provide mobile homes for their workers. I have limited details on the circumstances of these. Nevertheless, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results, noting in particular that the other development scheme was considered against a previous development plan and hence that different considerations are likely to have applied. Accordingly, the other developments do not alter my conclusions on the current scheme.

Planning Balance

15. Whilst the Framework provides support for the sustainable growth and expansion of businesses in rural areas, it has not been demonstrated that the development allows for such growth and expansion. Rather, permission is sought to enable the business to continue on the basis on which it has operated to date. As a result, the Framework provision attracts only limited weight in support of the development.
16. Although continuity of staffing during any period of strawberry production is argued to be beneficial to the business's efficiency, the evidence does not suggest that such continuity is only achievable if accommodation is available at the site. Similarly, the suggestion that the business would be unable to operate in the absence of permission for the proposal is unsupported by any particular evidence. These considerations consequently attract only minimal weight as benefits of the scheme. The ability of the appeal scheme to improve living conditions for workers at the site similarly attracts only minimal weight in support because it is likely that this could also be achieved through the use of other accommodation in the area.
17. It has not been adequately demonstrated that the positive economic impact of the business would be lost in the absence of permission for the scheme, or that

the business's carbon footprint would be increased, so that these considerations do not attract weight as benefits.

18. The lack of objection locally to the scheme, and any compliance with character and appearance or highway safety policies, are neutral matters which do not attract weight.
19. The location of the scheme beyond any settlement boundary undermines the Council's plan-led approach to the distribution of development. This matter attracts moderate weight and outweighs the benefits associated with the development.
20. The scheme therefore conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

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

C Beeby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lewis Smith, Robert Doughty Consultancy

Nigel Walter, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Anna Fountain, Senior Valuation and Estates Surveyor

Calum Rowley, Principal Planning Officer