



Appeal Decision

Hearing held on 13 February 2024

Site visit made on 13 February 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/K2230/W/23/3319080

Land at New Green Farm, Green Farm Lane, Shorne, Gravesend, Kent, DA12 3HL

- 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 AC Goatham & Son against the decision of Gravesham Borough Council.
 - The application Ref 20210970, dated 3 August 2021, was refused by notice dated 26 September 2022.
 - The development proposed is erection of a 4-bedroom detached dwelling to provide accommodation for the farm manager and their family, with associated landscaping, biodiversity enhancements and drainage infrastructure.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is agreed that the proposed new dwelling would be inappropriate development in the Green Belt as defined in the National Planning Policy Framework (the Framework). Within this context the main issues are:
 - Whether there is an essential and long-term agricultural need for the new dwelling which would constitute very special circumstances;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the countryside landscape;
 - Whether the proposed site for the dwelling is a sustainable location;
 - Whether the loss of grade 1 agricultural land is justified; and
 - The effect on the Thames Estuary and Marshes Special Protection Area (TEM SPA).

Reasons

Background

3. The appeal site is located in a relatively isolated position near the centre of a fruit farm extending to about 67 hectares, where a further 17 hectares of land has recently been purchased to add a further 40,000 trees to the farm. The

land is extensively planted with fruit trees laid out in lines in an 'espalier' form. There is a large storage building on the land and a caravan which is used to accommodate seasonal workers and permission exists for 6 caravans to be sited there to provide accommodation for up to 24 seasonal workers. The Council has also recently granted approval for the erection of a large cold store building to be sited close to the existing shed.

4. The local area forms part of the Higham Arable Farmlands Landscape Character Area and the land is classified as of grade 1 agricultural quality and also forms part of the Metropolitan Green Belt.
5. The proposal is for the erection of a detached four-bedroom farmhouse which would be occupied by Mr R Goatham (who is the MD of the appellant company) together with his wife (also a Director) and their family.

Policy context

6. The development plan includes the Council's Local Plan Core Strategy adopted in 2014 (CS), together with saved policies in the Borough Local Plan 2008 (BLP). The Council is also preparing a new local plan but the parties agree that this has not progressed to a stage in the formal process where its provisions can be given any weight.
7. Saved Policy C10 of the BLP, which relates to proposals for new agricultural dwellings was not referred to in the reasons for refusal, but the Council now says it is relevant to the appeal. The appellant's team conclude that this policy now carries little, if any, weight, as it refers to national guidance in PPG7 and its Annex which have long been cancelled. Nevertheless, present national policy in the Framework identifies agricultural dwellings as a potential exception for development in the countryside as per paragraph 84, and guidance on the assessment of such a proposal is given in the national Planning Policy Guidance (nPPG)¹. In these circumstances the criteria set out in Policy C10 is not inconsistent with present national guidance and should be given moderate weight in the assessment of the appeal case.
8. In terms of the principles set out in the policy, under criterion (i) it is clear to me, and the Council accepts, that the fruit growing business is extensive and there is no reason to doubt that it is commercially viable given the large-scale investment already undertaken in buying the land, planting the trees and having specialist equipment for the management and harvesting of the apples. This criterion of the policy is met. Part (ii) is not applicable as it relates to an emerging business where viability has not been proven. Criteria (iii), (v) and (vi), relate to essential need, siting and the scale of the dwelling which will be considered in the subsequent main issues.
9. In relation to criterion (iv) in terms of existing housing the appellant said that the land was offered for sale without a dwelling and there was no option to buy the existing farmhouse. There was also evidence submitted about the high cost and low availability of other housing nearby the site. Given this evidence I am satisfied that there is no suitable housing available in the vicinity of the site as a reasonable alternative to building a new one.

¹ Ref. ID: 67-010-20190722

Whether an essential agricultural need

10. The Framework indicates in paragraph 84 that planning policies and decisions should avoid the development of isolated homes in the countryside unless special circumstances apply where (a) relates to where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
11. The appellant's case is that the present and future fruit farm operation needs a dwelling on the site and at the hearing we discussed the functional aspects based around the issues of managing the farm; managing the workforce; together with dealing with emergencies and for security.
12. From the detailed evidence put to me I can see that the fruit trees need continued and regular on-site monitoring for their protection during winter months; detailed pruning when not in sap; individual irrigation and nutrition in the summer months; and detailed knowledge and assessment about when to harvest in the autumn. Moreover, the variety of fruit grown results in some variation as to when and how this work is carried out.
13. Much of the work is also carried out by seasonal workers and the evidence given was that there was a need to have direct supervision on site to carry out diverse tasks which the workers may not have been used to in their native land compared to this intensive type of fruit farming. The business had also experienced a high turnover in seasonal staff recently because of UK entry restrictions which had meant that many of the tasks had to be explained and supervised regularly. Although this direct on-site management is not year-round, it is mostly undertaken on a daily basis and involves a thorough knowledge of the state of the trees to brief and oversee the workers.
14. I was also shown the nature of the equipment stored in the large shed. There was a considerable investment in specialist machinery and equipment for pruning and harvesting which was all used on this holding and was not equipment that was shared around from the other farms in the appellant company business. There is a clear justification for a residential presence on site to help prevent crime and the loss of this equipment and investment. There also appeared to be a need to respond to emergencies in such aspects as the delivery of irrigation and nutrition in the spring and summer seasons through the equipment installed inside the shed which supplies every tree.
15. Whilst the farming operation does not have livestock which can require round the clock supervision, I am satisfied that the nature and scale of the operation does justify a permanent residential presence on site to ensure the effective operation and security of the enterprise. The principle of the erection of an agricultural dwelling on the holding therefore accords with the provisions of paragraph 84 of the Framework and the guidance in the nPPG.
16. However, I have concerns about the siting and scale of the dwelling proposed. Although the site chosen would have some visibility over the main vehicular access to the site and the old access towards the original farmhouse, the site would be remote from the complex of present and proposed farm buildings and workers caravans. The appellant said that the house should be within 'sight and sound' of the farm hub but the proposal does not appear to have been designed to achieve this as only secondary bedroom windows would look over the surrounding fruit trees towards the hub with the storage building(s).

17. Moreover the scale and design of the of building appears to have been designed to meet the aspirations of the occupiers rather than an active 'hands-on' worker at the farm. The Council points out that the farm office is only accessible from the main hall in the house rather than the traditional form of an agricultural dwelling with the kitchen and boot room being the hub of the agricultural operation.
18. On this basis while I conclude that the erection of an agricultural dwelling on the holding is acceptable in principle, I have concerns about the siting and nature of the one proposed

The effect on openness

19. It is established that the effect on openness can have both spatial and visual dimensions. The house proposed would be some 8m high to the ridge of the roof and elevations of about 13m by 9m. It is therefore a large house with some 260 sqm. floor area plus attic space and cellar. It would be sited away from the main farm building and proposed cold store. In terms of topography the surrounding land generally rises up from Lower Road although there is a slight dip in the landform where the house is proposed to be site. In spatial terms it would have an isolated and imposing impact in an area that is mainly open at the moment.
20. In visual terms, the surrounding area is planted with trees which the appellant said would grow to height of about 3m+. Therefore, while for much of the year the ground floor of the house would be relatively screened by the planted orchards, the upper floor and the roof would be visible even taking account of the slight dip in the landform. From the public realm I judge that the upper part of the house would be visible in the landscape from around the access to the site from Lower Road. There would also be limited views of it from the public footpath which runs close to the main shed.
21. Taking these aspects together I find that the siting and location of the proposed house would have an isolated and moderately harmful effect on the openness of the Green Belt and be in conflict with the provisions of the Framework as it would not maintain openness.

The effect on the rural landscape

22. The site lies in an area which the Council's Landscape Character Assessment classes as Higham Arable Farmlands and the key characteristics of very gently undulating topography and open arable farmland with views out to the marshes and River Thames to the north are displayed around the site. The assessment rates the condition of this landscape as 'poor' with 'moderate' sensitivity and sets out guidelines on how the landscape should be restored.
23. Based on this assessment and my observations on site, I find that the local landscape is not a valued landscape in the context of paragraph 180 (a) of the Framework. Nevertheless, it is an essential part of the countryside and the guidance in part (b) of this paragraph recognises that its intrinsic character and beauty should be enhanced in planning decisions.
24. The general design and materials of the dwelling proposed are appropriate for the area but I remain concerned about its large scale and isolated location. Even surrounded by fruit trees some 3m high the dwelling would be prominent and imposing in the landscape similar to the assessment of openness above.

25. Overall on this issue I find that the proposed house would have a harmful impact on the general landscape character of this area of countryside and be contrary to CS Policy CS 12.

Whether the site lies in a sustainable location

26. The site lies away from any settlement or recognised public transport and therefore has poor accessibility other than by car. However, as I have concluded that the erection of a dwelling is acceptable in principle, it is unlikely that any other site that met the needs of the holding would have any better accessibility and therefore I do not see this aspect as being a barrier to acceptable development.

Loss of grade 1 agricultural land

27. The land on the farm is classed as Grade 1 and the Framework advises in paragraph 180 that soils should be protected. The land about the footprint of the dwelling proposed would be dug up but I was advised by the appellant that it can be spread around the holding without any real loss of quality. Virtually any other site on the holding would have a similar issue of land quality. Given the relatively small area of land involved compared to the overall holding of some 84 hectares, I am satisfied that this loss would not be significant or material and there is no objection to the proposal on this ground.

The effect on the TEM SPA.

28. The appeal site lies within 6km of these protected sites the ecology of which, particularly for over-wintering and migrating birds, has been affected by increases in population and local recreational pressures. Further development is likely to have a significant effect, either alone or on combination with other plans or projects.
29. However, the appellant has paid a financial contribution to the Council for the provisions of mitigation in the form of Strategic Access Management and Monitoring (SAMM) in accordance with the Council's adopted Strategy. The Council advises that that this contribution therefore resolves the issue.
30. I am the competent authority for this case and if I was minded to allow the appeal I would need to carry out an Appropriate Assessment under the Habitat Regulations. If so I am satisfied that the contribution made is necessary to make the proposal acceptable in ecological terms and accords with adopted policy.

Planning and Green Belt balance

31. The proposal needs to be considered in the context that the erection of a new dwelling on this site constitutes inappropriate development in the Green Belt which should not be allowed except in very special circumstances.
32. Nevertheless, it is clear that the new farm horticultural business has made a considerable investment in the planting of new fruit trees and outlay on extensive machinery needed for the management and harvesting of the fruit. On the evidence put to me and my observations on site I am satisfied that in principle there is an essential need for a worker to live permanently on site, as described in the nPPG. As such a dwelling of an appropriate scale and siting would meet the exception test set out in paragraph 84 (a) of the Framework.

33. However, the scale and location of the house proposed does not achieve this. It would be of considerable size and bulk which would be remote from the main hub of existing and proposed farm buildings. As a result it would have a moderately harmful effect on the openness of the Green Belt and would be intrusive in the landscape and would not accord with the relevant CS policy on landscape protection.
34. I find that the size of the dwelling proposed would not result in a 'modest' dwelling and there would be a conflict with parts (v) and (vi) of BLP Saved Policy C10 to which moderate weight should be given.
35. These conclusions on the main issues constitute significant adverse effects but they have to be balanced with other considerations. I acknowledge that the accommodation is put forward for the MD and a director of the company and that there has been considerable investment in the family business and there is little doubt over its future viability. I have also taken account of their aspirations for the new dwelling to help farm succession within the family.
36. However substantial weight has to be given to the harm to the Green Belt by inappropriateness and any other harm particularly that associated with the scale and siting of the proposed dwelling. The other considerations put forward in this case do not clearly outweigh the harm and therefore very special circumstances do not arise.
37. I conclude that the proposal conflicts with the national policy in the Framework when read as a whole and that the other considerations do not justify a decision otherwise in accordance with the development plan when this is also read as a whole.

Conclusion

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

David Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr L May	Solicitor, Brachers.
Mr R Goatham	Appellant
Mr T Ogden	Bloomfields
Ms Watts	Bloomfields

FOR THE LOCAL PLANNING AUTHORITY:

Mrs K Parkin	Planning case officer, Gravesham Council
Ms Hall	Planner, Gravesham Council
Mr R Hart	Team Leader, Gravesham Council

Interested person

Mrs S Susan-Lindsey.	Shorne Parish Council
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