



Appeal Decision

Site visit made on 8 February 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/A0665/W/23/3329916

Land off Whitegate Lane, Hartford, Cheshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Janet Hardman against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/01745/FUL.
 - The development proposed is the siting of mobile agricultural personnel welfare facility at Land off Whitegate Lane, Hartford, Northwich.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 and is therefore a material consideration. Whilst the relevant sections of the new Framework have not changed in respect of the main issues of concern in this appeal, the paragraph numbering has changed. Accordingly, I have referred to the updated Framework paragraph numbering.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether there is operational need for the proposal;
 - the effect of the proposal on the character and appearance of the surrounding area; and,
 - whether harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The appeal site comprises approximately 6.35 acres of land used for the grazing of breeding ewes, fattening lambs, and the production of hay and haylage during the summer months. There is an existing large general purpose agricultural storage building on the land and, also several small timber shelters and sheds scattered across the land.
5. The proposal is to be used as a welfare facility in association with the agricultural use of the land. The appellant asserts that the welfare facility would allow operatives of the farm to have access to welfare facilities, including washing facilities; changing room; toilets; resting area and clean eating area. Also, the proposal would be used by the appellant in association with farm duties and management, including a farm office, livestock medicine storage; farm security, by providing an on-site presence; PPE storage; and a staff and contractor briefing area.
6. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt, unless it is a stated exception, which include, amongst other things, buildings for agriculture and forestry.
7. The proposal is not for a building which would fall under the term 'building' as defined in section 336 of the Town and Country Planning Act 1990. Rather, the proposal would be for the use of the land for the siting of a mobile facility. Also, whilst the proposed mobile facility would be used in association with the agricultural use of the land, it would not be a building used directly for agricultural purposes, such as farm vehicle and produce storage or as a livestock building. Therefore, I consider the proposal for the 'mobile facility' cannot be defined as a 'building' which would meet one of the exceptions set out in the Framework, namely a building for agricultural purposes.
8. Additionally, the design of the proposal would not be that of a traditional agricultural building, rather it would be a 6-berth mobile caravan design. The internal layout would remain essentially as per a mobile caravan, with a cooking area, separate toilet and shower room and a large eating and resting area at one end.
9. In view of the above, whilst the proposal would be used in association with the agricultural use of the appeal site, it would not be a building used for agriculture and so, would be inappropriate development in the Green Belt having regard to the Framework. Consequently, there would also be conflict with Policy STRAT 9 of the Cheshire West & Chester Council Local Plan (Part 1) Strategic Policies (adopted January 2015) (LPSP), which requires amongst other things, that development within the Green Belt is in line with the Framework.

Openness of the Green Belt

10. Paragraph 142 of the Framework, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

11. The proposed mobile facility would be large and although it is intended to be sited close to the existing agricultural building on the land, by virtue of its size, it would reduce the openness of the Green Belt. Also, whilst the proposal is for a mobile facility, permanent permission is sought and therefore, the proposal would have a longer term impact on the openness of the Green Belt.
12. There are tall, significant hedges along most of the road frontage of the appeal site, which would screen views of the proposal from public vantage points. Additionally, the proposed green external colour of the mobile facility would help to reduce the overall prominence of the proposal. However, the lack of public visibility and that the mobile facility would be of a more subdued colour would not reduce the impact of the proposal on the openness of the Green Belt, as openness would be reduced by virtue of the spatial aspect of the proposal.
13. Similarly, relocating the proposed mobile facility elsewhere on the appeal site would not reduce the spatial aspect of harm to openness. Furthermore, that the mobile facility could be moved to various locations across the appeal site, could result in it being sited in an even more prominent location than that proposed, thereby causing greater visible harm to the openness of the Green Belt.
14. In view of the above, the proposal would cause significant harm to the openness of the Green Belt, in conflict with the Framework which sets out that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The proposal would also conflict with Policy STRAT 9 of the LPSP, which amongst other matters, requires development to be of an appropriate scale and design that does not harm the character of the countryside and that development within the Green Belt is in line with the Framework.

Operational need for the proposal

15. The proposal would have a large floor area when considering the likely welfare needs of a relatively small agricultural holding.
16. Whilst the appellant has set out their operational requirements, it is not demonstrated in the evidence provided why the existing large agricultural building on the land could not be used to meet the required welfare and other business needs of the appellant and any farm workers, or that a mobile facility of the scale proposed is necessary to support the operational needs of the farming enterprise. It may therefore be possible that a building or extension to the existing agricultural building, of a smaller scale or with a lesser degree of permanence than that proposed, could satisfy the requirements of the farm enterprise. I have no substantive evidence about the number of farm operatives or the specific needs which would require the amount of floorspace proposed to justify the proposal.
17. The proposal would help to improve the welfare of the appellant's partner, who has certain medical needs, by providing facilities to support them when they attend and work at the appeal site. However, this would not by itself justify the scale of the welfare facility proposed. A small toilet and rest area could meet such welfare needs, provided either within the existing agricultural building or as a small extension thereto.

18. In terms of the care of livestock, it is asserted by the appellant that there is a need for an on-site presence, particularly during the lambing season. However, this is only a seasonal requirement and so would not justify the need for a permanent welfare facility on the site. The appellant could take advantage of certain permitted development rights under Class A, Part 5 of Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to the provision of a caravan for agricultural and forestry workers accommodation on a seasonal basis, as set out in the Council officer's delegated report, which could meet the appellant's seasonal livestock welfare and care requirements.
19. Furthermore, the appellant lives approximately 8 miles from the site, which is around 15 minutes' drive away and so, they could attend the site quickly if or when needed for any emergencies associated with the care of the livestock. Accordingly, this matter does not justify the operational need for the proposal.
20. Although the proposal would provide a meeting point for visitors to the land, similarly, the existing agricultural building could provide such a meeting point. In terms of site security, other measures, such as CCTV, could be introduced to monitor any unauthorised access to the land. Therefore, whilst the appellant has highlighted that there have been cases of stolen sheep in Cheshire in 2021 and 2022, I afford limited weight to the necessity of the proposed mobile facility for security purposes.
21. The proposal would allow provision of a site office and records to be kept on site. However, I have not been provided with any substantive evidence to show that a secure storage of records and medicines could not be accommodated within the existing agricultural building. Also, presumably the need for records to be kept on site to date has been possible for the existing farm operations and therefore, such a system could presumably continue without the need for the proposal. Furthermore, the need for an on-site office facility for a relatively small farm enterprise would appear to be disproportionate from the evidence provided.
22. The appellant has access to further grazing land for sheep elsewhere. Whilst this demonstrates that the farming enterprise is larger than just the appeal site, this land use elsewhere, does not justify the particular need for a welfare facility at the appeal site to support the enterprise.
23. In view of the above, it has not been demonstrated there would be an operational need for the proposal. The proposal therefore conflicts with Policy STRAT 9 of the LPSP, which amongst other matters, only permits development in the countryside if it has an operational need for a countryside location such as for agriculture and that, such development must be of an appropriate scale and design to not harm the character of the countryside.

Character and appearance of the area

24. The appeal site is within the countryside, accessed from Whitegate Lane. Whitegate Lane typically has grassed verges and there are high hedges to the field boundaries either side of the road. This provides a green, relaxed, rural character to the surrounding area.
25. Due to the high hedges along the appeal site boundary with Whitegate Lane, the mobile facility would not appear prominent from public vantage points

where it is proposed to be sited. Also, due to existing trees, close boarded boundary fencing and, that there is a variance of land levels between the site and adjacent land, this would reduce the visibility of the proposal from beyond the site and wider public views.

26. However, the proposal would have a domestic, mobile home appearance, which is not typical of buildings found in the countryside, nor within the surrounding local area. Such design would not therefore be sympathetic to, nor in keeping with the rural character of the appeal site and its surroundings, rather the proposal would appear incongruous in its countryside setting.
27. Also, the proposed siting of the mobile facility would be set slightly away from any of the appeal site boundaries and would not be immediately adjacent to the existing large agricultural building and other structures within the appeal site. Thereby, the proposal would extend development further out into an open field, which would erode the open character of the appeal site.
28. Therefore, by reason of its proposed scale, design and siting within the appeal site, the proposal would cause harm to the character and appearance of the surrounding area, in conflict with Policies STRAT 9, ENV 2 and ENV 6 of the SPLP. As Policy STRAT 9 requires, amongst other matters, that development must be of an appropriate scale and design to not harm the character of the countryside, and Policy ENV 2 seeks to protect and, where possible, enhance landscape character and local distinctiveness. Also, Policy ENV 6 requires, amongst other things, that development respects local character and achieves a sense of place through appropriate layout and design.

Very special circumstances

29. The appellant advances that the proposed development is required to meet the welfare needs of livestock and that of farm operatives. There is support for the proposal from the local vet, as it would enhance on site facilities and provide 24-hour on-site care for livestock, particularly during lambing times. However, as noted above, the evidence provided does not demonstrate why the existing agricultural building or a temporary seasonal facility could not meet the operational requirements of the farming enterprise. Also, the proposal is for a welfare building, rather than a building for living accommodation on the site.
30. Whilst the proposal would help support the appellants' partners medical conditions by providing on-site facilities they could use, I do not have any substantive evidence how their current needs are being met or why alternative facilities, including facilities within the existing building could not meet such welfare needs. Therefore, I only provide moderate weight to this personal benefit.
31. I have not been provided with any substantive evidence in respect of potential economic benefits of the proposal, including the number of employees the proposal would provide benefit to, or the anticipated level of operational or financial enhancements that the existing rural enterprise may gain as a result of the proposal. Also, it has not been demonstrated why the proposal and all the facilities proposed therein need to be located at the appeal site, within the Green Belt, rather than elsewhere beyond the Green Belt, or within existing buildings. Furthermore, as noted in the third main issue, I have found that there would not be an essential operational need for the proposal.

32. Having regard to the above, including the benefits that would be provided to the farming enterprise and appellant, the harm by reason of inappropriateness and any other harm, would not amount to the circumstances required to justify the proposal. Consequently, very special circumstances necessary to justify the proposal do not exist, and so there would be conflict with the Framework and STRAT 9 of the SPLP, which requires, amongst other matters, that development within the Green Belt is in line with the Framework.

Other Matters

33. By including in the description of development that the proposal would be used for agriculture does not reduce the harm that would be caused by reason of inappropriateness and any other harm, including the harm I have found would be caused to the openness of the Green Belt.
34. Other examples where the Council has granted planning permission for welfare buildings for agricultural workers have been referred to in the appellant's statement of case, although I do not have any substantive evidence relating to these examples, including the location, design, and reasons for granting such buildings. Therefore, whilst I am unable to directly compare these examples to the appeal proposal, I have had regard to the individual merits of the proposal and have found there would be harm caused.
35. The Council did not correspond with the appellant during the consideration of the planning application, and so, the appellant was not given opportunity to address the concerns raised. However, notwithstanding this, in having regard to the evidence provided in this appeal, I have found harm in relation to the main issues.

Conclusion

36. In conclusion, the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. The limited benefits of the proposal would not clearly outweigh the harm arising from inappropriateness or other harm, including harm caused to the openness of the Green Belt. Therefore, very special circumstances required to justify the proposal do not exist.
37. For the reasons given above, the proposal does not accord with national policy set out in the Framework and the development plan that protect the Green Belt. The proposed development would therefore conflict with the development plan read as a whole and with the Framework.
38. Accordingly, I conclude the appeal should be dismissed.

C Billings
INSPECTOR