



Appeal Decision

Hearing held on 14 May 2024

Site visit made on 14 May 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/C1570/W/23/3329214

Mill End Green Road, Great Easton, Dunmow CM6 2DW

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- 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 Mr Josh Askew against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/0601/FUL.
 - The development proposed is 'erection of 1no. agricultural worker's dwelling at Neville's Farm site'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address on the application form only includes the road name and postcode. I have therefore completed the address using the details on the decision notice and appeal form.
3. The planning application form does not include any reference to Mr Josh Askew and only provided details of the agent. However, it was clarified during the application process that Mr Josh Askew is the applicant and the Council's decision notice reflects this. I have determined the appeal on the same basis.
4. Prior to the hearing, the appellant drew my attention to imminent changes to the provisions in Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). These changes subsequently came into effect on 21 May 2024. The main parties were provided with an opportunity to comment on the changes to the GPDO during the hearing discussions and I have considered their relevance to this appeal under the 'other considerations' set out below.

Main Issues

5. The main issues are:
 - (i) whether the appeal site is a suitable location for the development, including whether there is an essential need for a permanent agricultural worker's dwelling; and
 - (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. At the hearing the main parties confirmed that there is no dispute that the appeal site is located outside the settlement boundary for Great Easton and is in the countryside for planning purposes.
7. Policy S7 (The Countryside) of the Uttlesford Local Plan (2005) (LP) is more restrictive than the Framework insofar as it requires that the countryside be protected for its own sake. However, this policy also confirms that planning permission will be given for development that needs to take place there or is appropriate to a rural area. In that particular regard, there is some synergy between this policy and Paragraph 82 of the Framework which confirms that in rural areas, planning policies and decisions should be responsive to local circumstances.
8. Paragraph 84 of the Framework confirms that planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.
9. Prior to the hearing, it was common ground between the main parties that the site is isolated. However, during the hearing discussions, the appellant suggested that new development in the area may have shifted the balance. However, the nearest meaningful settlement at Great Easton, its primary school and the closest bus stops are all over a 20-minute walk from the site. Routes to these from the site mainly consist of a single-track carriageway with grass verges and no footway or street lighting. I also understand that the nearest supermarket is more than 6.0 kilometres away.
10. With regards to the development pattern, there is sporadic housing in the vicinity of Mill End Green Road. Even accounting for recently approved developments, including for example for the erection of 5 dwellings at land adjacent to The Green Man¹, the area surrounding the appeal site remains dominated by fields. Therefore, the extent to which the appeal site is physically separated from any recognisable settlement and its poor accessibility credentials indicate that it is isolated for the purposes of applying the Framework.
11. One of the circumstances where isolated homes are supported by the Framework is 'where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'. Policy H12 (Agricultural Worker's Dwellings) of the LP is generally consistent with this as it confirms that new dwellings for agricultural workers may be permitted if it can (a) be demonstrated that there is an essential need for someone to live permanently on site to provide essential care to animals or processes or property at short notice.
12. The Planning Practice Guidance (PPG) sets out considerations that it may be relevant in assessing the need for isolated homes in the countryside for essential rural workers². In the absence of any alternative criteria to quantify essential need, this guidance is also pertinent to my assessment.

¹ LPA Ref UTT/22/2632/FUL

² PPG Paragraph: 010 Reference ID: 67-010-20190722

13. One of the criteria in the PPG is that there is evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural enterprise, including where farm animals or agricultural processes require on-site attention 24-hours, and where otherwise there would be a risk to human or animal health from crime or where there might be a need to deal quickly with emergencies to avoid a serious loss of crops.
14. As confirmed in the statement of common ground (SoCG), Neville's Farm is an arable farm with no livestock and so there are no animal welfare requirements requiring a 24-hour presence at the farm. During the hearing, I was told that the farm produces grain, wheat and barley and that matters relating to security and weather are the two key elements which require daily monitoring. In these respects, the appellant explained that they are sometimes required to respond to unexpected weather events such as rainstorms. I also heard that hare coursing has sometimes led to unauthorised vehicles driving around the fields at high speed.
15. However, it is not clear from what I have seen and heard that the effects of any previous weather events have put the viability of the enterprise in jeopardy. Moreover, if there are particular processes or measures which would avert or significantly lessen the effects of an unexpected weather event, it has not been adequately explained why they could only be employed effectively if there was a permanent presence on the farm.
16. I acknowledge that the total value of machinery on the farm is considerable although there is nothing before me to suggest that all is highly vulnerable to crime. During the hearing, the appellant told me that thefts were happening locally all the time and that the main target was GPS technology within farm machinery. I heard a hypothetical scenario that, if such equipment was stolen from the appellant's 'sprayer', there would be a long wait to replace it and this would impact on the business.
17. However, the evidence before me indicates that a single incidence of break in and theft took place at the farm in recent years and that this dated back to 2020. I saw for myself that the large buildings on the farmyard were being used to securely house some of the machinery detailed in the appellant's 'Review of the current farm business and plans for succession' (Business Review). I am also aware that there are several security measures already in place at the farm including a CCTV system covering much of the farmyard and electric gates at the main entrance. Both of these measures were installed after the 2020 incident and the 'Business Review' confirms that they have proved to be a successful deterrent. Security lighting is also in place throughout the yard.
18. I accept that whilst the appellant's parents live at the farm, they are sometimes away and do not wish to be on duty. However, the proposed dwelling would be set back from the road, on the opposite side of Mill End Green Road to the farmyard with intervening mature planting. In these respects, the existing dwellings at 'Nevilles Barn', and 'Nevilles Farm' which sit adjacent to the farmyard act as a closer visual deterrent and provide some natural surveillance. The appellant also verbally confirmed that the security devices on the site are linked to his phone. Furthermore, the Business Review suggests that in recent times farmers and landowners have started working

more closely with Essex Police and the impacts of hare coursing are being kept to a minimum.

19. It is unclear whether the appellant's desire to 'react very quickly to a break in' means confronting any potential intruder themselves or alerting the police. However, with the measures already in place and given the limited history and nature of security issues described, I see no reason why the existing security measures cannot continue to provide a safe and proportionate deterrent to crime. Moreover, from what I have seen and heard crime has not resulted in any significant implications for the continued functioning and viability of the farm enterprise.
20. In terms of the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, the appellant's 'Business Review' gives a basic summary of the financial aspects of the business. At the hearing the appellant contended that although the farm enterprise is viable, they have not been able to grow the business. Furthermore, they suggested that there is the potential that government subsidies are to be withdrawn. Therefore, the appellant suggested that to give them confidence that the business will remain viable, they need to diversify.
21. However, the Business Review indicates that government subsidies account for less than 10% of the total income. From the figures provided, even without these subsidies, and once the appellant's wage, machinery and buildings replacement and repairs and other running costs are accounted for, the farm is still estimated to make a substantial pre-tax profit. This does not indicate that without the reintroduction of turkeys the farm would not remain viable for the foreseeable future. Therefore, there does not appear to be an urgent need to reintroduce turkeys on the farm. This casts further doubt over the necessity for the appellant to have a permanent presence at the farm on animal welfare grounds, particularly given that there would be no obligation for the appellant to introduce and retain such livestock at the site in the event that I were to allow the appeal.
22. The original farmhouse at Neville's Farm is now in separate ownership to the agricultural holding following its sale in 2018. I understand this generated enough funds to convert a barn to a two-bedroomed dwelling with provisions for the retiring farmers, the appellant's parents, to live there. From what I have seen and heard, the succession process has already taken place with the farm business transferred to the appellant and it has remained viable and functional since then.
23. The Business Review indicates that the profits made by the business could comfortably sustain the level of borrowing required to finance the dwelling. It also suggests that the business has retained profits that would be able to pay for the dwelling to be built. However, this indicates that the farm is a viable enterprise rather than demonstrating essential need, which relates to whether the dwelling is required to sustain the business.
24. It was confirmed at the hearing that the appellant lives approximately 3 miles away from the farm in a rented property with his wife and 2 children. It was suggested however that their current accommodation isn't large enough and that there were no suitable properties available to purchase nearby within the appellant's budget. I was advised that an existing building on the farmyard that is being utilised by a commercial business had been retained by the appellant's

- father and so was not an option for potential conversion to a dwelling. The appellant suggested that to find a suitable dwelling within their budget, they would have to move further away and that this would seriously inhibit the management and future expansion of the business.
25. I sympathise with the appellant if their current accommodation does not meet the personal needs of their family. However, the personal aspirations for more comfortable living arrangements are different to an essential need for a permanent presence at the farm. The appellant suggested to me that, if there was any accommodation within a nearby settlement and they were to take advantage of it, this would only further reduce housing supply in the district and such a house would be in a less suitable location for them. However, it is unlikely that the appellant's family moving from one property in the district into another would have a tangible effect on housing supply.
26. Furthermore, the evidence provided does not indicate that the proximity of the appellant's current accommodation has prevented them from operating a viable business to date. I have not seen any substantive evidence, for example in terms of house search enquiries made or written advice from a local estate agent to verify the appellant's position that there are no suitable properties in the area and that those available and in budget would be markedly further away from the farm than their existing accommodation. Without more substantive evidence of the local housing market, this further undermines the suggestion that the only way forward is to develop the appeal site.
27. At the hearing, the appellant advised that they would need some help during the harvest season regardless of whether they were to rekindle the turkey business. They suggested that the proposed dwelling would enable them to house a student for 6 to 8 weeks. However, I am mindful that the PPG confirms that the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.
28. Policy H12 (b) of the LP requires that the scale of the proposed dwelling relates to the needs of the agricultural enterprise. Paragraph 84 of the Framework and the PPG do not specifically refer to the scale of a rural worker's dwelling. However, neither sets out an exhaustive list of considerations that may be relevant in an assessment of need. Given the need to avoid isolated homes other than in specified circumstances, for sustainability and character and appearance reasons, it is reasonable to expect that there should be a connection between the functional requirements of the farm and the scale of a rural worker's dwelling in an assessment of whether it would be essential.
29. No detailed appraisal of the size of the dwelling relative to the functional requirements of the farm is before me. At the hearing, Mr Parker suggested to me that given the extent of the land holding and the appellant's income, it shouldn't be expected that they would reside in a small property.
30. I accept that the Government's 'Technical housing standards - Nationally described space standard' (space standard) sets out minimum rather than maximum floor areas. Some of the accommodation, such as the proposed office and utility room could reasonably be expected within a farmhouse. However, from what I have seen the gross internal floor area of the proposal would be considerably greater than the minimum requirements for a family of four set out in the space standard. There is no objective evidence before me to rationalise why four double bedrooms, one of which would be served by a

walk-in dressing room and an en-suite, a large 'snug' or the substantial hallway and landing areas for example would be essential to support the functional needs of the farm enterprise. My concerns in respect of the scale of the dwelling and the absence of a clear functional relationship with the farm are compounded by the substantial independent grounds within which the dwelling would be situated.

31. My attention has been drawn to appeal cases at Strawberry Farm, Field Dalling³, at Red Hall Farm, Nantwich⁴ and at Manor Farm, Piddington⁵ which granted planning permission for agricultural worker dwellings. However, the Strawberry Farm case took into account the intensive nature of the horticultural operation and managerial duties which included overseeing a significant number of employees. At Red Hall Farm, the nature of the dairy enterprise in that case involved the need to care for the welfare of a large number of livestock at all times of the day and night. Manor Farm also included livestock and the Inspector found that the proposal would enable the appellant to care for the animals and maintain site security. I have not seen or heard anything to suggest the farming practices or management requirements in those cases are comparable to Neville's Farm.
32. The Council's decision to grant planning permission for an agricultural dwelling at Lodge Farm, Thaxted⁶ followed an 'Agricultural Dwelling Appraisal' which concluded that there was an essential functional need. The appellant has not disputed the Council's position in terms of that particular proposal having different considerations including that the site was previously developed land and that the farm included livestock. The permission at Great Broadfields Farm, Barnston⁷ related to a replacement agricultural worker's dwelling rather than a new one. Therefore, the material considerations for those applications were not the same as the appeal proposal.
33. Pulling all the above strands together, the proposal is more reflective of the appellant's desire to live closer to their place of work and for their home to meet the personal aspirations of their family. However, the written and verbal evidence presented does not indicate that the financial viability or functioning of the farm business would be compromised without the proposed agricultural worker's dwelling and so I find that there is not an essential need for the proposal.
34. I conclude that the appeal site is not a suitable location for the development, and it has not been demonstrated that there is an essential need for a permanent agricultural worker's dwelling. In that regard it would conflict with the requirements for development in the countryside to be appropriate to the rural area, for there to be an essential need for agricultural worker's dwellings and to encourage movement by means other than driving a car in Policies S7 (The Countryside), GEN1 (Access) and H12 (Agricultural Workers' Dwellings) of the LP.

³ Appeal Ref APP/Y2620/W/20/3249813

⁴ Appeal Ref APP/R0660/W/21/3279995

⁵ Appeal Ref APP/C3105/W/21/3279531

⁶ LPA Ref UTT/23/0928/FUL

⁷ LPA Ref UTT/20/3380/FUL

Character and appearance

35. There is a predominance of fields and agricultural uses either side of Mill End Green Road. Grass verges and mature planting are a common feature of the roadside. The appeal site reflects these characteristics, it being part of a substantial open field with trees and other vegetation lining its front boundary. There is some sporadic residential development in the area and the appeal site forms part of a substantial gap between existing dwellings to that side of the road. There are also two dwellings close to the farmyard at Neville's Farm on the opposite side of the road. There is no dispute that the wider landscape is not designated as being of high value. Nevertheless, the area's dispersed development pattern and its prevailing open and soft landscaped attributes provide for a distinct rurality which positively contributes to the intrinsic character and beauty of the countryside.
36. At the hearing, the appellant suggested that the design of the dwelling would have a barn-like appearance. Particular reference was made to the central glazed feature which the appellant considered resembled a large opening, reminiscent of a barn. However, the dwelling's two-storey mass, projecting gables, chimney, windows and mix of facing materials would give it an overtly residential aesthetic. Due to its position on the opposite side of the road to the farmyard, offset from the buildings within the farmyard, with an independent residential curtilage and access point, the development would also appear as a separate entity to the farm operations. In these respects, any visual cues to a more rural character would be tenuous.
37. On my site visit, I saw that the effects of the proposal on the character and appearance of the area would largely relate to the site and its immediate surroundings on Mill End Green Road. In particular, the upper parts of the building would likely protrude above the tree line. The double garage, large forecourt and garden areas, together with any residential paraphernalia and activity within them, would also be visible through gaps in the vegetation and through the proposed access point. Together with the development's central position within the frontage, away from the nearest neighbouring residential boundaries, the development would appear piecemeal and would unacceptably erode the spacious qualities and rurality of Mill End Green Road. Even though the effects would be localised, they would be very noticeable to those familiar with the area.
38. The proposals indicate that the existing vegetation to the boundary with Mill End Green Road would substantively be retained. Furthermore, a 'proposed copse' with tree planting either side of the proposed domestic curtilage would be provided. However, any new planting would likely take a significant period to fully establish. Even then it would be unlikely to make the development imperceptible. In the longer term, further visual seclusion of the dwelling and its curtilage from the wider field, the farm operations at Neville's Farm and the nearest other dwellings, would likely further compound its appearance as a piecemeal, independent domestic plot.
39. At the hearing the appellant suggested that the Framework's requirement to 'recognise' the intrinsic character and beauty of the countryside is a lower threshold than the requirement in Policy S7 of the LP to 'protect' the countryside's character. However, Paragraph 180 of the Framework begins by setting out that decisions should contribute to and enhance the natural and

local environment. For the reasons described, the proposal would fail to do so. Therefore, the proposal is unacceptable even if I was only to apply the requirements of the Framework.

40. I conclude, the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard, it would conflict with the requirements to protect or enhance the particular character of the part of the countryside within which it is set in Policy S7 (The Countryside) of the LP. For the reasons given, it would also conflict with the requirements at Paragraph 180 of the Framework.

Other Considerations

41. At the hearing, the appellant suggested that the proposal might represent 'infilling' in line with Policy S7. This is at odds with the agreed position within the statement of common ground which states that 'the scheme is not an infill site'. From my own experiences, infilling is more commonly associated with the development of a small plot within a continuous built frontage. Given the substantial size of the plot, the sporadic pattern of surrounding development and that the proposed curtilage would dissect the existing field frontage leaving land between it and the nearest neighbouring dwellings, the proposal could not reasonably be construed as being infill.
42. I also heard in verbal evidence that other land in the appellant's ownership is in arable use or the working yard. They suggested that the part of the field that would be developed is poorly drained and so is just used for storage. However, It is common ground that the site comprises of Grade 2 'Very Good' quality agricultural land. In that regard, development of the site would not protect best and most versatile agricultural land (BMVAL) and so would conflict with Policy ENV5 (Protection of Agricultural Land) of the LP.
43. Notwithstanding the above, I was also informed that 'High Grade' agricultural land was plentiful in the district. Therefore, any effect on the stock of BMVAL is unlikely to be tangible. Given the less restrictive provisions within the Framework to recognise the economic and other benefits of BMVAL, the conflict with the BMVAL requirements of Policy ENV5 of the LP while not on its own decisive, does not in any case overcome the locational and character and appearance harm identified under the main issues.
44. The appellant suggested at the hearing that, in the event that planning permission was not forthcoming for the proposal, Schedule 2 Part 3 Class Q of the GPDO provides a genuine fallback position. The appellant contended that the changes to the thresholds, which have since come into force, brings existing buildings on the holding that did not previously meet the limitations under Class Q into potential consideration for conversion. They also observed that up to 10 dwellings could be provided under the new Class Q criteria together with single storey rear extensions to those buildings.
45. However, I understand that none of the buildings identified in the appellant's 'Class Q 'Fall Back Position' submission of evidence' currently have prior approval for their residential conversion under the provisions of the GPDO. The verbal evidence provided suggested that following previous building works at the farm under agricultural permitted development rights, the appellant would not be in a position to make such an application for another 6 years. Whether or not that be the case, such an application would be subject to the

considerations in the GPDO and I cannot be certain that prior approval would be granted.

46. Moreover, even if there is a real prospect of utilising the provisions of the GPDO, that would establish the principle of living in an existing building on previously developed land on the holding. That is not comparable to the proposed new building on an undeveloped field which for the reasons set out would be harmful for sustainability and character and appearance reasons. In addition, if I were to allow the appeal, this would not preclude the appellant from also seeking prior approval for residential conversion of the specified buildings under the provisions of the GPDO. Therefore, I attach limited weight to the updated provisions of the GPDO as a fallback position.
47. The application form suggests that the proposal would be a 'self-build and custom build dwelling'. At the hearing, the appellant confirmed that it would be on their land and they would not sell the dwelling. However, no substantive evidence has been provided to suggest that there is unmet demand on the Council's self and custom build housing register or that the appellant has met the eligibility requirements to be entered on the register. Moreover, no planning obligation before me by which to secure the terms of a self and custom build plot. Therefore, the potential for the site to deliver a self-build plot carries limited weight in this instance.
48. The suggestion that the proposal would reduce travel movements between the appellant's home and place of work is somewhat undermined by the fact that occupiers of the dwelling would likely travel by private vehicle to access the nearest services and facilities. I accept that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that it is anticipated that low emission vehicles will become the norm from 2035 onwards. Even so, the future availability of sustainable forms of transport is not the only factor in whether or not a development would be sustainable. Sustainability also includes the delivery of plan-led patterns of development which support the Framework objectives to enhance the natural environment and to recognise the intrinsic character and beauty of the countryside.
49. The recommendations in the appellant's Ecological Survey and Assessment (December 2022) together with the proposed landscaping could be secured by condition. However, they would be unlikely to result in biodiversity enhancements of a substantial magnitude. No detailed evidence has been provided in respect of the appellant's assertion that the development would incorporate sustainable design features, other than the suggestion that electric vehicle charging points would be incorporated. I therefore attach limited weight to these particular matters.

Planning Balance and Conclusion

50. The statement of common ground suggests that the supply stood at 4.5 years as of December 2023 and the Council acknowledged at the hearing that it remains the case that it cannot demonstrate a 5-year housing land supply. In the circumstances, paragraph 11d of the Framework is engaged.
51. However, there would be locational harm, particularly in the absence of an essential need for a rural worker's dwelling in an isolated location. A single dwelling would also make a very limited contribution towards addressing the housing shortfall and given the site's poor accessibility credentials, any social

and economic benefits would also be largely limited to the location of the proposal relative to the appellant's place of employment. I have also found that the proposal would be harmful to the character and appearance of the area.

52. Taken together, these factors indicate that the development would conflict with the objectives in the Framework to achieve sustainable development and to recognise the intrinsic character and beauty of the countryside. Accordingly, the proposal conflicts with the policies of the Framework as a whole and the adverse impacts of the development would significantly and demonstrably outweigh the other considerations in this case which attract limited weight.

53. In addition, there would be specific conflict with the identified policies of the development plan which I have found to be generally consistent with the Framework, and this further weighs against the proposal.

54. For the above reasons, the appeal is dismissed.

M Russell

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Jason Parker – Parker Planning Services

Mr Magnus Magnusson – Parker Planning Services

Mr Josh Askew – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Avgerinos Vlachos MSc, MEng - Senior Planning Officer