



Appeal Decision

Hearing held on 15 May 2024

Site visit made on 15 May 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/U1430/W/23/3327036

Glebelands, Potmans Lane, Catsfield, East Sussex TN33 9BJ

- 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 and Mrs Morris against the decision of Rother District Council.
 - The application Ref is RR/2022/2712/P.
 - The development proposed is change of use (part retrospective) and extension of an existing agricultural building to a live/work residential unit in support of the farming and tourism business for a temporary period of 3 years.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have had an opportunity to comment on the revised Framework through the appeal process. I have had regard to the revised Framework in my decision.
3. In the banner header I have set out a truncated form of the description of the development contained in the application form, omitting any text which is unnecessary to accurately describe the scheme.
4. During the hearing, the appellant confirmed that they have been living at the appeal site since 2016 and as such the residential use of the site has already commenced. The small extension to enclose the existing covered walkway has not commenced and the appeal is therefore part-retrospective.
5. The parties confirmed that Policy DEN2 was inserted into the third reason for refusal in error, as the site lies outside of the High Weald National Landscape. I have thus not had regard to this policy in my assessment of the appeal.

Main Issues

6. The main issues are:
 - Whether there is an essential need for a rural worker to live at or near their place of work in the countryside, with particular regard to:
 - the functional needs of the business;
 - the availability of other suitable existing accommodation in the area;

- the financial soundness of the unit and agricultural activity;
- Whether the site represents an appropriate location for a dwelling having regard to the Council's spatial strategy and access to local services and facilities by public transport, walking and cycling; and
- the effect of the development on the character and appearance of the area.

Reasons

Policy context

7. Policy RA3(iii) of the Rother Local Plan Core Strategy, Adopted 29 September 2014 (the Core Strategy) seeks to allow the creation of new dwellings in the countryside in only extremely limited circumstances. These include (a) dwellings to support farming and other land-based industries. All such planning applications (including those for temporary permission) are required to demonstrate (i) a clearly established functional need, relating to a full-time worker primarily employed in farming and other land-based businesses; (ii) the functional need cannot be fulfilled by other existing accommodation in the area; and (iii) the unit and agricultural activity concerned are financially sound and have a clear prospect of remaining so. This approach to new dwellings in the countryside is broadly in line with Paragraph 84 of the Framework.

Functional need

8. The Council indicated that a full-time worker is assumed to provide 275 Standard Man Days (SMD) of labour per year. While not disputing this, at the hearing the appellant maintained that the SMD calculation is not appropriate for small holdings. Nevertheless, no alternative measure has been presented, and several SMD estimates for the holding have been set out by both parties. These somewhat vary, with the figures provided by the appellant higher than the Council's estimates. While I recognise these are approximations, the figures presented by both parties fall appreciably short of 275 SMD, even when accounting for work generated by the caravan site.
9. Additional elements of work generated by the holding have been set out in the evidence and were discussed at the hearing, including fibre processing, produce harvesting and maintenance of the ancient woodland along the southern boundary. While these contribute to the labour requirement on site, the extent that this would add to the SMD calculation is not clear.
10. Moreover, the number of animals on site has fallen since the latest SMD figure was calculated. It was also clarified at the hearing that the poultry kept on site is for the personal use of the appellant, rather than a constituent part of the business. It has thus not been demonstrated that the need relates to a full-time worker primarily employed in farming and other land-based businesses.
11. Nevertheless, I recognise that the animals kept on site require a degree of supervision. In particular, the huacaya alpacas need close observation, especially during mating and birthing events. The appellant's presence on site at these times to assist with essential care at short notice would be required.
12. The evidence indicates stud farms would be relied on for breeding and they would provide control over mating. Although gestation periods can vary, and breeding is staggered throughout the year, birthing events would only be

occasional, given the small number of female alpacas. While the goats, sows and other animals on site may also give birth through the year, these numbers are limited and the level of vigilance required lower than that for the alpacas. There are no calving / kidding / farrowing records before me that indicate otherwise, and only a modest increase in the number of animals is proposed, and not until the third or fourth year.

13. The planning permission granted for the existing building¹ included the provision of a rest area. The appellant acknowledged during the hearing that this would be sufficient for occasional stays, and the Council accepted that such use would be ancillary to the extant permission. A caravan used for occasional overnight stays, as suggested by the Council, could serve a similar purpose. The existing facilities would thus appear sufficient to allow adequate monitoring of the animals at critical times, without the appellant residing on site.
14. The evidence sets out that the angora goats require special care primarily to ensure the quality of their mohair fibre. However, providing a clean and dry place to live, maintenance of pens, regular hand washing, good quality food and keeping buck and does separate can be planned during the normal working day. There appears to have also been incidents of foxes and badgers attacking poultry and rabbits on site. However, I am not persuaded other solutions, such as remote monitoring of CCTV or alternative fencing, would not be sufficient now and in the future to overcome these issues.
15. The appeal site features a large polytunnel accommodating various plant species, which support the dyeing of fabrics and are sold locally. The plants require a degree of care, including protection from frost, high temperatures and insects. However, general care can be provided during the day and inclement weather can typically be forecast. It appears limited consideration has been given to alternatives such as automated irrigation systems or temperature sensors. I have limited evidence the growing of more exotic and niche plants would have the potential for additional labour requirements.
16. The caravan and camping site is open year-round for bookings and the site can accommodate up to 5 caravans and 20 tents. At the time of my site visit there were 3 touring caravans and a motorhome in the field. The appellant contends that a licence will not be issued unless there is a permanent presence on site. While it was shown that the site is listed on the Caravan and Motorhome Club website, a copy of the licence and its conditions are not before me.
17. Tasks associated with the maintenance of the caravan and camping site would occur in the daytime and could be planned for. Unexpected incidents at the site are unlikely to occur frequently, and emergency contact details could be provided for guests. Nevertheless, this part of the business appears to be limited in scale and although the appellant is seeking to expand this aspect of the business, they have not demonstrated that this would be of a scale to necessitate a permanent presence on the site.
18. Crime is also a concern for the appellant, and there is agricultural equipment, machinery and other tools stored on the site. However, the enclosed nature of the dwelling would provide limited natural surveillance and it appears incidents have occurred while the appellant was on the site. I otherwise have no

¹ Council Ref RR/2016/649/P

substantive evidence that the area is particularly vulnerable to crime and there are several preventative measures already, including CCTV, gates and barriers.

19. A clearly established functional need, relating to a full-time worker primarily employed in farming and other land-based businesses has not been demonstrated. The proposal would thus conflict with Policy RA3(iii)(a)(i) of the Core Strategy.

Existing accommodation in the area

20. There are several small settlements in the surrounding area, with the larger town of Bexhill to the south. The appellant contends the price of a dwelling in the area is too expensive and the prospective wages are set out in the submitted financial forecast. However, a thorough exploration of the availability or affordability of other accommodation has not been presented and it has not been demonstrated that the anticipated income would be insufficient to afford local accommodation.
21. I recognise there would be additional costs associated with commuting to the appeal site daily. Given the limited work involved in conversion of the existing building, the costs associated with this would also likely be lower than accommodation elsewhere. Nonetheless, this does not in itself demonstrate that there is no suitable existing accommodation available in the area.
22. I am therefore not persuaded, based on the information before me, that the functional need cannot be fulfilled by other existing accommodation in the area or that this has been fully explored by the appellant. The proposal would thus conflict with Policy RA3(iii)(a)(ii) of the Core Strategy.

Financial soundness

23. The business has operated for several years and the appeal was not accompanied by any business accounts. The appellant indicated that this was due to the impacts of the Covid19 pandemic. Temporary permission is thus sought to allow time to demonstrate the financial sustainability of the business and a 3-year financial forecast has been provided.
24. There has been no change to the forecast since it was submitted to the Council in January 2022 as part of the previously refused application. However, the appellant advised at the hearing that fruit and vegetable sales are no longer proposed and the number of animals on site has also fallen. Additional aspirations are set out in the appellant's statement, including anticipated growth in livestock, although these are somewhat vague.
25. The appellant has advised that the financial forecasts provided are derived from their previous experience with small holdings, online research, farms elsewhere and the existing income of the site. However, there is otherwise limited evidence to substantiate these figures and the gross and net values do not include a breakdown of costs or machinery depreciation, and no property related expenses have been factored in.
26. I therefore cannot conclude on the basis of the evidence presented that the unit and agricultural activity are financially sound and have a clear prospect of remaining so. It is also not clear that the financial position would be appreciably different in 3 years. The proposal would thus fail the financial test set out in Policy RA3(iii)(a)(iii) of the Core Strategy.

Essential need

27. In view of the above, it has not been adequately demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, with particular regard to functional need, existing accommodation in the area and financial soundness. The proposal is contrary to Policy RA3 of the Core Strategy and Paragraph 84 of the Framework. These policies, among other provisions, seek to support the rural economy while also protecting the character of the countryside and ensuring new residential development is limited to that which cannot be located in an urban area.

Spatial strategy and accessibility

28. The site is in the countryside beyond the development boundary of Catsfield. Policy OSS3 of the Core Strategy indicates that such proposals should be considered in the context of the spatial strategy, access to infrastructure, services and employment, and the site's low carbon potential. Policy OSS1 of the Core Strategy seeks to focus development within settlements and restrict development beyond to that for which a countryside location is necessary.
29. The proposed dwelling would clearly be well located for access to employment at the appeal site, and I recognise that the appellant would need to travel to work were they to live elsewhere. However, given the existing facilities on site there would be limited need for multiple trips during the day. Access to employment must also be balanced against access to other services. While the appellant has sought to be self-sufficient, and the site is able to provide for this to some extent, this is a personal circumstance which is subject to change. Future occupiers may be more dependent on services and facilities elsewhere.
30. The appeal site lies approximately 1km to the southeast of Catsfield, a reasonable walking distance. The Development and Site Allocations Local Plan Adopted 16 December 2019 (the DSALP) defines Catsfield as a local service village, with a good range of local services and transport links to the larger towns of Battle, Hastings and Bexhill. However, there is no footpath or street lighting along much of the route via Potsman's Lane and Church Road. The road is winding and narrow and lined by tall vegetation in places. This limits visibility and opportunities for pedestrians to step out of the carriageway.
31. The parties agreed at the hearing that the route is lightly trafficked, which I observed at the time of my site visit. During the day and in good weather, walking or cycling to Catsfield may be an option for some future occupiers. However, at other times it would be much less attractive and the route would also be particularly hazardous for those with mobility issues or children.
32. At the hearing, the appellant advised that there are public rights of way in the area, however the accessibility of these from the appeal site and how convenient they are for accessing services and facilities in Catsfield or other local settlements has not been clearly set out.
33. There are no bus stops in the immediate vicinity of the appeal site and my attention has been drawn to a "Flexibus" on-demand pre-booked bus service operated by East Sussex County Council that serves this area. However, correspondence from East Sussex County Council has confirmed that this is currently only funded until March 2025, and has limited booking availability. This therefore carries only limited weight.

34. Paragraph 109 of the Framework highlights that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The location of the appeal site does not entirely preclude use of alternative means of travel for some shorter journeys and the proposal seeks only temporary permission. These factors somewhat moderate the harm that would arise from the limited accessibility of the site and associated development plan conflict. Nevertheless, the relatively poor accessibility of the appeal site in this instance would still result in undue reliance on the private car for most trips.
35. The appellant refers to Paragraph 80(c) (now Paragraph 84(c)) of the Framework as providing an exception to policies of rural restraint. However, the appeal building is not redundant or disused, and the proposal has been sought as a dwelling for a rural worker under criterion (a).
36. I therefore conclude that the appeal site would not provide an appropriate location for a dwelling having regard to the Council's spatial strategy and access to local services and facilities by public transport, walking and cycling. The proposal would be contrary to Policies PC1, OSS3, SRM1 and TR3 of the Core Strategy. These policies, among other provisions, seek to support development that accords with the development plan, mitigate and adapt to the impacts of climate change including by promoting sustainable travel patterns, and ensure new development minimises the need to travel by supporting good access to employment, services and community facilities.
37. The proposal would also conflict with Paragraphs 8 and 110 of the Framework. These paragraphs, among other provisions, seek to ensure development is sustainable by pursuing economic, social and environmental objectives in mutually supportive ways, and minimises the number and length of journeys needed for employment, shopping, leisure, education and other activities.

Character and appearance

38. The surrounding area is predominantly rural in character. Agricultural fields and pockets of woodland surround the site, and these are intersected by narrow country lanes, with some sporadic development. The approach to the site along Potman's Lane and Church Road is lined by dense vegetation.
39. The site is an existing agricultural holding set across several fields. The host building is single storey with a form and appearance akin to that of a stable block. Other structures on site including the polytunnel and animal housing are characteristic of a rural setting, as are the post and rail and wire mesh fences demarcating field boundaries. Caravans and campsites are not a defining feature of the area. However, other examples can be found locally, including on the adjacent site, and they are often found in rural settings. Overall, the site therefore contributes to the prevailing character and appearance of the area.
40. The site is significantly screened from public vantage points by existing landscaping and structures. The appeal proposal would not significantly alter the form and appearance of the existing building, and the works that are proposed would be largely enclosed within the courtyard area.
41. The dwelling would be modest in scale and unlikely to generate significant additional domestic paraphernalia. Moreover, it would be sited between two camping sites, and a rest facility has already been approved. Private cars and domestic paraphernalia are thus already present at times on site and in the

immediate area and will persist irrespective of the outcome of this appeal. Any modest increase in such arising from the proposal would not appear particularly uncharacteristic in this context and would not have an unduly harmful effect on the prevailing character and appearance of the countryside.

42. Light pollution from the building would be minimal given the limited window openings and its layout. Other urbanising features that may otherwise occur, such as domestic outbuildings, external lighting or boundary fences, could be reasonably controlled through the use of planning conditions, including removal of permitted development rights and limitations on domestic curtilage.
43. I conclude that the proposal would not have an unduly harmful effect on the character and appearance of the area. I have not identified any conflict with Policies OSS3, OSS4, RA2, RA3 or EN1 of the Core Strategy or Policy DEN1 of the DSALP in this regard. These policies, among other provisions, seek to ensure that such proposals do not detract from the character and appearance of the area and the qualities of the landscape, and that they generally conserve the intrinsic value of the countryside and locally distinctive rural character. I have not identified any conflict with paragraph 180 of the Framework, which seeks to ensure that decisions contribute to and enhance the natural and local environment by recognising the countryside's intrinsic character and beauty.

Other Matters

44. The Council has confirmed that the latest Housing Land Supply figure for the District is 3.09 years, and the latest Housing Delivery Test result was 41%. In such cases, Paragraph 11(d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework.
45. The Framework seeks to significantly boost housing supply. Small sites can make important contributions, and the proposal would provide an additional dwelling. However, it would provide housing exclusively for a rural worker and so its contribution to the general housing supply is limited. It also cannot be assumed that the dwelling would remain at the end of the temporary period.
46. The proposal would reuse an existing building and provide employment for tradespeople and suppliers. Additional residents may contribute to the local economy and vitality of the community, to a limited extent. Proposals to enhance the energy efficiency of the building would also be beneficial. These benefits would be modest given the scale and context of the development.
47. While the proposal may assist in the growth of the business, it has not been demonstrated that the proposal is sustainable, or that it would meet a local business or community need. Paragraphs 88 and 89 of the Framework therefore provide limited support.
48. On the other hand, the Framework seeks to ensure housing in rural areas is located to enhance or maintain the vitality of rural communities and to avoid the development of isolated homes. It promotes sustainable transport and the active management of growth. It also seeks to ensure development gives priority to pedestrian and cycle movements and access to public transport, and can help to reduce greenhouse gas emissions, including through its location.
49. Policies PC1, OSS3, SRM1, TR3 and RA3 of the Core Strategy remain consistent with the Framework in this regard. I therefore apportion significant weight to

the identified harm and development plan conflict arising from the lack of essential need for a rural worker to live at or near their place of work in the countryside and the inappropriateness of the location for a dwelling. The identified harm cumulatively attracts significant weight that would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development does not apply.

50. In respect of part (iii)(a)(iv) of Policy RA3, the Council state that the quality of the resulting accommodation would be sub-standard, for reasons including poor outlook from habitable rooms. This did not however explicitly feature as a reason for refusal. Nevertheless, even if I were to find that the proposal was acceptable in this regard, it would still fail to comply with Policy RA3(iii)(a) due to the identified conflict with the 3 preceding criteria.
51. My attention has been drawn to several other appeal decisions, the full details of which are not before me. Nevertheless, in the Whatlington² case, the proposal sought permanent permission for a dwelling that was not tied to a rural business, nor isolated. The Cooden case³ related to a major development, in which the delivery of housing weighed heavily in its favour. The Mayfield case⁴ concerned conversion of a redundant farm building within a residential hamlet in a different local authority area. Therefore, I do not consider they are directly comparable to the proposal.
52. Article 8 of the Human Rights Act 1998 provides that everyone has the right to respect for their private and family life, their home and their correspondence. I recognise that, in dismissing the appeal, the appellant may subsequently need to seek alternative accommodation. However, the Article 8 rights are qualified. Given the lack of justification provided in this case, the identified harm and the conflict with the development plan, dismissal of the appeal is a proportionate and necessary response. Notwithstanding this, the Council would need to consider the expediency of taking enforcement action before any unauthorised use had to cease and with that the effect on the human rights of the appellant.

Conclusion

53. The proposal would result in development plan conflict arising from the lack of essential need for a rural worker to live at or near their place of work in the countryside and would not provide a suitable location for a dwelling, with regard to the spatial strategy for this area and the accessibility of the site. While I have found the proposal to be acceptable with respect to the effect on the character and appearance of the area, this does not outweigh the identified harm and development plan conflict.
54. I therefore find that the proposal would be contrary to the development plan and the Framework, taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I thus conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR

² Appeal Ref: APP/U1430/W/21/3285269

³ Appeal Ref: APP/U1430/W/19/3234340

⁴ Appeal Ref: APP/C1435/W/20/3249689

APPEARANCES

FOR THE APPELLANT:

Gary Morris	Appellant
Sam Finnis	Chartered Town Planning Consultant, Finnis Planning Ltd
Ryan Saunders	Head of Planning and Rural Surveying, Henry Adams LLP

FOR THE LOCAL PLANNING AUTHORITY:

Michael Vladeanu	Senior Planning Officer
Matthew Worsley	Major Applications Team Leader – DM
Peter Williams	Associate at Reading Agricultural Consultants
Isla Wilson	Assistant Planning Officer