



Appeal Decision

Hearing held on 9 July 2024

Site visit made on 9 July 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/J1915/W/23/3326168

Barn 2, Gregory's Farm, Mill Lane, Whempstead SG12 0PH

- 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 M Stanley against the decision of East Hertfordshire District Council.
 - The application Ref is 3/21/1451/FUL.
 - The development proposed is use of existing building as a single residential dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted under appeal¹ for the change of use of the appeal property to a holiday letting unit in 2017. The main parties agreed at the hearing that this permission has been implemented due to alteration works that have taken place, although the appellants state that the building has yet to be actively utilised as holiday accommodation.
3. At the hearing the Council confirmed that a five year housing land supply could be demonstrated, and provided a Five Year Land Supply Position Statement (March 2024) and Addendum (April 2024) which demonstrates a housing land supply of 5.95 years. No substantive evidence has been put before me to conclude to the contrary.

Background and Main Issues

4. The Council confirmed at the hearing that when determining the planning application, it did not assess the proposal in the terms of a rural workers dwelling as this was not outlined within the description of development provided within the planning application form. Notwithstanding, the accompanying planning statement outlines a need for the appellant to be on site in connection with an agricultural enterprise, and this is further expanded within the appellant's appeal statement.
5. Despite not being a stated reason for refusal, the Council has confirmed within a Statement of Common Ground and again at the hearing, that it disputes, along with the other reasons for refusal, whether there is an essential need for

¹ APP/J1915/W/17/3170539

a rural worker to live on site in connection with the needs of the agricultural enterprise.

6. Accordingly, the main issues are:

- Whether the proposal would provide a suitable location for housing, having particular regard to the accessibility of services and facilities; and if not,
- Whether there is an essential need for a rural worker to live permanently at the appeal site; and
- The effect of the proposal on rural employment.

Reasons

location

7. The appeal building is located within a small group of former agricultural buildings that were previously part of the farmstead of Gregory's farm. The site is accessed via a long private track off Mill Lane, which is part of a network of country lanes.
8. Watton-at-Stone, which contains a number of services and facilities, is around a 2-mile journey via Mill Lane and the A602. At my site visit I also observed the smaller settlements of Dane End and Benington are also located within around a 2-to-3-mile journey from the appeal site. There is also a network of public footpaths and bridleway links near the appeal site, with public footpath 05/038/037/06a providing a footpath to Watton-at-Stone.
9. The appellant's 30-minute isochrome diagram indicates that Watton-at-Stone could be accessible on foot within a 30-minute walking distance. However, I observed at the site visit that the public footpath route traverses undulating unmade surfaces on agricultural land which makes the route challenging in places, as well as increasing the travel time for pedestrians. Additionally, the route lacks lighting which would discourage use by pedestrians during hours of darkness.
10. Moreover, although the appellants referred to two crossing points on the A602 at the hearing, the A602 is busy and fast moving and lacks formal crossing facilities along the route of the public footpath. Moreover, even if Watton-at-Stone is within a 15-minute, and Stevenage a 30-minute bicycle ride from the appeal site, the surrounding network of country lanes are narrow, twisty, undulating, and lack pedestrian refuge in places, or street lighting.
11. Given the character of the surrounding road and footpath network, I find they would not provide a convenient route to services and facilities that would encourage travel by foot or bicycle for day-to-day needs, especially in darkness or inclement weather.
12. Although the nearest bus stop at Whempstead or the virtual bus stop associated with the on-demand bus service 'HertsLynx' is within closer walking distance, part of the route to these bus stops would also be via the narrow country lanes. Given the previously described character of the highway network, the route that future occupiers would need to take to bus stops is also likely to discourage the use of public transport.

13. Therefore, while I acknowledge that the appellants stated at the hearing they would use pedestrian or public transport links, I find that future occupants of the proposal, which may not be the appellants, would be likely to travel to other settlements by private vehicle to meet their general day-to-day needs.
14. Moreover, even if provision for Electric Vehicle (EV) charging points were secured by planning condition, a condition could not go as far as to require any future occupiers to solely utilise EV's. Therefore, such a provision would not adequately mitigate the use of private vehicles.
15. Consequently, I conclude the proposal would not provide a suitable location for housing, having regard to the accessibility of services and facilities. The proposal would conflict with policies INT1, DPS2 and TRA1 of the East Herts District Plan 2018 (LP). These policies, amongst other things, outline the Councils approach to sustainable development and seeks to ensure development is directed through a hierarchy towards locations with access to services and facilities and promote sustainable transport to aid carbon emission reduction. The proposal would also conflict with the provisions of the National Planning Policy Framework (Framework) in relation to promoting sustainable transport.

Essential need

16. Paragraph 84 of the Framework seeks to avoid isolated homes in the countryside unless one or more circumstances apply, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Planning Practice Guidance (PPG) outlines how the need of isolated homes in the countryside for essential rural workers can be assessed including 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; and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
17. Similarly, LP Policy HOU5 only permits permanent dwellings for rural businesses where it is demonstrated that the dwelling is essential to the needs of the business, the enterprise has been established for at least three years and should remain financially viable, and there is no accommodation within the site or in the locality which is currently suitable and available.
18. The appellant has argued that the appeal site is not within an 'isolated' location as referenced within the Framework. The Framework or development plan does not define 'isolated'. Nevertheless, the word 'isolated' in the phrase 'isolated homes in the Countryside' simply connotes a dwelling that is physically separate or remote from a settlement. In this case, having regard to the proximity of the site to the nearest settlements, and notwithstanding the surrounding former farmstead buildings, I find that the site is isolated in the context of paragraph 84 of the Framework.
19. The appellants have operated their agricultural enterprise since 2018 which includes a flock of sheep, and as I heard at the hearing, haymaking activities. Although the written evidence indicated that the flock consists of 'over 500 sheep', at the time of the hearing the appellants stated that they currently had around 996 sheep, including around 400 breeding ewes. As well as this enterprise, Mr Stanley also undertakes agricultural contracting work, which I

was informed equated to approximately 6-8 hours a day a 'few' days a week particularly over summertime.

20. Although the written evidence states that the appellants need to be on site at least 2 or 3 times a day, I heard at the hearing this to be actually 3 to 4 times a day. This is in order to provide feed supplements, vaccinations, check on the flocks welfare and security including sheep turn over and dealing with other medical issues such as mastitis and fly strike.
21. Although some examples of medical issues were provided at the hearing, no detailed information is before me in relation to the numbers of stock that have required treatment immediately or during the night. Consequently, it is not possible to establish the number of animals that would have suffered or died if they had not been monitored overnight. Therefore, I see no reason why periodic visits to the site for welfare matters could not be undertaken without living at the site.
22. Notwithstanding, I heard that the appellants need to be on site for continuous 24-hour periods during lambing. Although the written evidence states that lambing months are January through to April, at the hearing the appellants stated that the process starts in September, taking into account the gestation period, with future plans to extend lambing.
23. There is clearly a seasonal need for an agricultural worker to be permanently present on site to cover the main lambing period. I acknowledge that temporary accommodation in the form of a caravan that has been used may not be fit for purpose due to its condition and prevents the appellant's family staying during lambing periods. Nevertheless, this caravan could be replaced with one providing better living conditions. The submitted evidence does not clearly show that a good quality caravan would not be conducive to meet the temporary needs of lambing.
24. The benefits of improved security has also been put to me as a justification for the proposal. I heard from the appellants at the hearing of the general potential risk to farms from equipment theft. Furthermore, whilst the appellants confirmed that they have had no instances of theft, I heard at the hearing from Jane Dodson, an interested party, that break-ins have occurred in the locality.
25. Nevertheless, there are existing neighbouring dwellings which, although in independent occupation and could not be relied upon for help, nonetheless would have a perceptible presence similar to the appeal building to deter potential intruders.
26. The farm machinery is stored in and around the agricultural buildings, and given the long access track, is out of general view of the highway, although I accept would be visible from users of the surrounding footpaths and bridleways. Nevertheless, no substantive evidence has been provided as to why CCTV, alarms and other measures would not provide further suitable deterrents.
27. The appellants live around 4 miles away and I heard takes 15-20 minutes to reach the site. I acknowledge that the enterprise results in often long working hours for the appellant, and the impact that this can have on family life. However, both the written evidence or that provided orally at the hearing does

not clearly demonstrate why such a travel time would be unreasonable in any likely emergency, result in risk to livestock welfare or result in significantly harmful effects on the agricultural enterprise.

28. Financial information has been provided including three years accounts. I was informed by the appellants at the hearing that the gross profit is formed from approximately a 50/50 split between the livestock, and haymaking. Although not detailed within the accounts, the appellants confirmed that labour costs formed part of 'other direct costs', and although the net profit is split between three partners of the enterprise, the accounts indicate that the business is capable of making a profit, which has increased yearly. At the hearing the Council confirmed that on the basis of the accounts it considers that the enterprise is financially viable, and I see no reason to disagree.
29. The appellants stated at the hearing that they have an intention to extend the lambing period 52 weeks a year and invest in poultry and undertake a butchery course. However, there is little substantive evidence of the ability to develop the proposed enterprise given seasonal use of the land for haymaking and Mr Stanley's contracting work away from the enterprise.
30. No comprehensive business plan for each year of operation, including detailed profit and investment forecasts with supporting land use commentary has been provided to enable me to conclude that 52 week a year lambing is achievable given the acreage of land available and other activities undertaken by the appellants.
31. Moreover, I was informed at the hearing that all the agricultural land associated with the enterprise, including the lambing sheds are rented. Whilst I am informed that there are contracts in place securing the rented land and buildings, and this has been ongoing for many years, these have not been provided to me and there is no guarantee that tenancies would continue. I am therefore unable to establish the likelihood of the land and buildings being within the appellant's control into the future.
32. If the land and building were lost, the enterprise would have no grazing capacity and stocking levels would not be maintained. Such a scenario would clearly significantly impact on any operational need for a full-time worker and resultant long-term enterprise viability. Therefore, given the available evidence before me, the future prospects and viability of the enterprise are uncertain.
33. In terms of the availability of alternative accommodation, the appeal building is well related to the agricultural land currently used by the enterprise. Whilst no evidence has been provided in relation to the availability of other suitable accommodation in the locality, If I were to find a necessity for a rural worker to live at the enterprise, I see no reason why the appeal building would not be appropriate.
34. However, to conclude on this main issue, an essential need for a rural worker to live permanently at the appeal site has not been demonstrated. The proposal would therefore be contrary to LP Policy HOU5. The proposal would also conflict with the provisions of the Framework which seek to avoid isolated homes in the countryside.

Rural employment

35. LP Policy ED2 seeks to support sustainable economic growth in rural areas and to prevent the loss of vital sources of rural employment. The policy supports proposals that consist of a change of use of employment generating uses in the rural area to other employment generating uses, subject to other policies within the LP. However, where a proposal results in the loss of employment in a rural area, the policy requires, amongst other things, evidence to demonstrate that the current employment use is no longer needed or viable.
36. No substantive evidence has been provided to demonstrate that a holiday let in this location is not viable and whilst not currently in use, the appeal property would generate some employment if fully utilised by way of tasks such as cleaning. The appellant estimates this to be around 3 hours per week. Notwithstanding, this would be partially dependent on occupiers' length of stay and the amount of turnovers in a week.
37. Moreover, further employment could also be created through such tasks as property and grounds maintenance, as well as occupiers supporting the local economy and resultant employment in areas such as hospitality and tourism.
38. Nevertheless, at the hearing the Council agreed that a rural worker was a form of employment that supports the rural economy, and this would be an appropriate alternative employment supporting use of the appeal property which would also benefit the rural economy.
39. However, I have found in the previous main issue that an essential need for a rural worker to live at the site has not been demonstrated. Consequently, with no other substantive evidence before me to demonstrate a holiday let is not viable, the loss of the holiday let, would inevitably result in a loss of rural employment.
40. To conclude, the employment associated with a holiday let, whilst modest, would still be of benefit to the local rural economy. Without a demonstrated essential need for a rural worker to live at the site, the proposal would have a harmful effect on rural employment. The proposal would therefore conflict with LP Policy ED2.

Other Matters

41. LP Policy GBR2 relates to the rural area beyond the Green Belt and is permissive of certain types of development, provided they are compatible with the character and appearance of the rural area. Section (d) relates to the replacement, extension or alteration of a building.
42. the appellant argues that alterations of existing buildings to facilitate a change of use would constitute an alteration for the purposes of this policy and has referred me to other examples of decisions made by the Council in this respect. However, it is common ground between the parties that the proposal does not require any internal or external alterations and I have reached the same finding.
43. Moreover, even if a change of use would occur and this constitutes 'alterations' as envisaged within the policy, I have nevertheless found conflict with other policies within the development plan which I give significant weight given their direct relevance to the proposal.

44. The Grade II listed Gregory's Farmhouse lies to the north of the appeal site. From my observations, the significance of this heritage asset arises from its age and architectural features. The setting of this heritage asset is the immediate surrounding area of the building in which it is experienced and contributes to its significance.
45. I have undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, or any features of architectural or historic interest which it possesses. In view of the separation distance, and intervening built form and boundaries, I find that the proposal would have a neutral effect on, and thereby preserve, the heritage asset.
46. The proposal would support rural business and rural employment in accordance with the general aims of the Framework. It would also provide social benefits by contributing to the housing needs of the district and supporting the local community by future occupiers' involvement in the community. I also heard from the appellants at the hearing of the importance of attracting young people into farming, and the role the enterprise can play in providing work experience.
47. Nonetheless, any benefits would be modest given the scope and scale of the proposal. Moreover, the holiday use of the building would in any case also provide some benefits, particularly to the local economy and services and facilities by their use by future holiday occupiers.
48. An active use of the building is likely to improve its general appearance and I acknowledge paragraph 84 of the Framework supports isolated homes in the countryside if the development would re-use redundant or disused buildings and enhance its immediate setting. However, given the lack of alterations proposed, general maintenance and its operation as a holiday let would also have a similar outcome and I therefore afford this minimal weight.
49. The appellants have strong links with, and are well integrated in the local community, and I note the letters of support for the proposal. However, if the appeal were to be successful, the proposal could nevertheless be occupied by other rural workers which met any occupation condition that may be imposed, and the appellants community links do not override the identified conflict with the development plan.

Conclusion

50. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alison Young	Planning Consultant
Alison Stanley	Appellant
Matt Stanley	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jade Clifton-Brown	Deputy Team Leader
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INTERESTED PARTIES:

Chris Childs	Local resident
Jane Dodson	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

East Herts Five Year Land Supply Position Statement (March 2024);
East Herts Five Year Land Supply Position Statement Addendum (April 2024);
Official List Entry – Gregory's Farmhouse.