



Appeal Decision

Hearing held on 9 July 2024

Site visit made on []

by A Veevers BA(Hons) PGDipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2024

Appeal Ref: APP/R3705/W/24/3341147

Lucky Tails Alpaca Farm, Dexter Lane, Hurley CV9 2JG

- 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 Ms S Booth, Lucky Tails Alpaca Farm, against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2021/0222.
 - The development proposed is described as 'siting of a timber cabin to replace caravan to provide seasonal rural workers accommodation'.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a timber cabin to replace mobile home to provide rural workers accommodation at Lucky Tails Alpaca Farm, Dexter Lane, Hurley CV9 2JG in accordance with the terms of the application, Ref PAP/2021/0222, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Ms S Booth against North Warwickshire Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development as stated on the application form is set out in the banner heading above. The Council on its decision notice has described the development as the 'siting of a timber cabin to replace mobile home to provide rural workers accommodation'. At the Hearing, both parties confirmed orally that the proposal is for permanent rural workers accommodation rather than seasonal and was the basis upon which the Council made their decision. I have considered the appeal on this basis and used the revised description in my formal decision above.

Background and Main Issues

4. Personal planning permission was granted to the appellant in 2015 for the temporary siting of a rural workers dwelling in relation to the use of the land at Dexter Lane for the keeping and breeding of alpacas¹. The permission was for three years. Following this, planning permission was refused in 2020 for a permanent rural workers dwelling on the site to replace the temporary

¹ LPA Ref: PAP/2015/0227

dwelling². An appeal against this decision was dismissed in 2021³ (the 2021 appeal).

5. In 2023, planning permission was granted in relation to the land at Dexter Lane for the 'change of use of land to a mixed use including agriculture and alpaca walking events including alterations to access and formation of customer parking area and yard including animal shelter'⁴. Collectively, this use forms the appellants' business at the site, which is known as Lucky Tails Alpaca Farm. Also in 2023, a further planning application for the siting of a timber cabin to replace the (now expired) temporary rural workers home on the site was refused. The current appeal seeks to overcome the reasons for refusal in that application.
6. Although the parties agree that the 2021 appeal decision is a material consideration and I have had regard to the previous Inspector's findings, I have reached my own conclusions in this appeal based on the circumstances of the present case.
7. The proposal is for a permanent new dwelling within the Green Belt, albeit restricted to a rural worker. Paragraph 154 of the National Planning Policy Framework (the Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. As the proposal does not meet any of the exceptions within paragraph 154, the parties agree that it is inappropriate development. Based on all that I have read including interested party representations, and the discussions at the hearing, the main issues in relation to this appeal are:
 - the effect of the proposal on the openness of the Green Belt;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including whether there is an essential need for a permanent dwelling to accommodate a rural worker at the site, so as to amount to very special circumstances necessary to justify it.

Reasons

Openness

8. Paragraph 142 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Case law in *Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466* has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect, as set out in Planning Practice Guidance (the PPG)⁵.
9. The appeal site is located within an approximate 3.85 hectare field, close to the village of Hurley. It consists of a parcel of land currently occupied by a static caravan which provides temporary living accommodation for the appellant, as well as an access from Dexter Lane. The field within which the appeal site sits includes a parking area laid with crushed hardcore and grazing paddocks

² LPA Ref: PAP/2019/0490

³ Appeal Ref: APP/R3705/W/20/3259888

⁴ LPA Ref: PAP/2021/0221

⁵ Paragraph: 001 Reference ID 64-001-20190722.

divided by timber post and rail fences. Several small timber animal shelters are located around the periphery of the field and strips of matting laid on the grass provide pathways for the animal walking activity. Along the western edge of the field, between the access and the caravan are several single storey buildings predominantly used to accommodate animals such as rabbits, guinea pigs, tortoise, ferrets, meerkats, birds and pigs. A small shop and café serving drinks and snacks is accommodated within a timber shed and a gazebo provides cover for an area of outdoor seating.

10. The surrounding area is relatively flat, open countryside that rises slightly towards the north-east. Mature hedging and scattered groups of trees exist along the site boundaries, and provides some screening of the appeal site. However, there are gaps along the southern boundary where the existing caravan on the site and other buildings are visible from a public footpath which runs adjacent to the edge of the field towards Blythe Cottage.
11. The site is relatively close to the village of Hurley and there are equestrian businesses between the village and the appeal site that contain stable buildings. Due to the relatively undeveloped surrounding open countryside, the proposed timber cabin, particularly the southern elevation, would be visible in localised views above and between boundary hedging. I observed at the site visit that many of the trees and hedgerows are deciduous. Therefore, glimpses of the appeal site would also be apparent from Dexter Lane and in longer views from Knowle Hill and the surrounding countryside during the months when trees would not be in leaf.
12. The scale of the proposed dwelling would be modest and it would replace a static caravan currently on the site. I also acknowledge the proposed dwelling would not be constructed with traditional materials and have had regard to guidance in the PPG in relation to the duration of the proposal as well as the potential remediability of the site. Nonetheless, even as a timber cabin designed to comply with the definition of a caravan as set out in the Caravan Sites Act 1968 in terms of size, materials and manoeuvrability, the proposal would have a high degree of permanence and introduce a larger building on land in the countryside.
13. Furthermore, although the proposed dwelling would be seen against the backdrop of other buildings, fencing and outdoor activity at the Lucky Tails complex, it would result in a noticeable form of built development in the countryside that would also include a garden and parking area. It would thereby give rise to a loss of both spatial and visual openness in the context of the locality.
14. At the hearing, the parties agreed that the proposed development would not conflict with 4 of the 5 purposes of the Green Belt as set out in paragraph 143 of the Framework. However, the proposed introduction of domestic-related parking and garden areas together with the built form of the timber cabin would encroach on the countryside. Thus, it would conflict with one of the purposes of the Green Belt, paragraph 143c) of the Framework.
15. I conclude on this main issue that the proposal would result in harm to the spatial and visual openness of the Green Belt. It would also result in the encroachment of development into the countryside. In the context of the existing buildings and activities at Lucky Tails Alpaca Farm, the harm to openness arising from the proposal would be moderate. Nonetheless, the

Framework requires that substantial weight is given to that harm to the Green Belt. Consequently, the proposed development would conflict with paragraphs 142, 143c and 154 of the Framework.

Other Considerations

Essential need

16. There is no dispute that the appeal site is located outside of the development limit for Hurley and in the countryside for planning purposes. Policy LP2 of the North Warwickshire Local Plan 2021 (NWLP) states there are some instances where development may be appropriately located outside development boundaries. One such instance is for homes to meet the needs of rural workers, provided special circumstances exist to justify such homes in the countryside. The thrust of this policy is consistent with paragraph 84 of the Framework which seeks to avoid the creation of isolated new dwellings in the countryside unless particular circumstances apply.
17. Neither national nor local planning policy specifically defines 'essential need'. However, the PPG sets out what may be relevant to take into account when considering the need for an isolated home in the countryside for essential rural workers. It suggests, amongst other things, this could include 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, forestry or similar land-based rural business, for instance, where farm animals or agricultural processes require on-site attention 24-hours a day, and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of products.
18. Evidence indicates that an alpaca farm was established by the appellant some time in 2015 on a 2.1 hectare agricultural holding owned by the appellant on Dexter Lane. It is now known as Lucky Tails Alpaca Farm. Since then, additional land has been purchased adjacent to the original holding at Dexter Lane as well as land at Brick Kiln Lane, resulting in the enterprise extending to some 5.45 hectares.
19. The appellant explained at the hearing that the current business is run by the appellant and her son, along with 2no full-time staff, 1no part time staff and 2no apprentices. It is centred around the breeding, rearing and selling of animals and fleeces, primarily alpacas, but also donkeys, sheep and goats. Other activities take place on the site such as year-round alpaca and donkey walks, as well as the handling and feeding of other animals. A notable part of the business is the provision of a 'care farm'. This involves the therapeutic use of animals at the farm to help provide the health, social and educational needs of individuals. I am also aware that animal care qualifications are offered by the appellant. Given the varied elements of the business, I note planning permission has been granted for the mixed use of the site.
20. The parties agree that the enterprise is based on a sound financial basis with confidence that it will remain viable for the foreseeable future. It is also agreed by both parties that there is no existing lawful accommodation at the site that would meet an essential need for a rural worker to live on the site. From the information available to me, in relation to these matters, I have no reason to disagree.

21. While it is agreed between the parties that there is an essential need for rural workers accommodation on the site, the Council argue that this need is only required for the spring/summer months when occasional overnight accommodation may be necessary to assist in the birthing and aftercare of cria. Thus, the Council contend, this limited need could be fulfilled by temporary accommodation for part of the year or by a caravan under permitted development rights. I note the previous Inspector also found an essential need for overnight attendance on occasion, but that it would be limited to spring and summer months and that there was no requirement to live permanently at the site⁶. It is necessary for me to consider, on the basis of the evidence now provided with this appeal, whether there is an essential need for a permanent rural workers dwelling on the site.
22. At the hearing the appellant confirmed there are currently 35 breeding female alpacas and 30 males on the farm, 4 of which are stud males. There are also several cria, whose numbers vary throughout the year. In addition to alpacas, there are 8 breeding donkeys, 10 breeding Valais sheep, 8 breeding goats, Gottingen miniature pigs, Kune Kune pigs and other pigs (8 in total) and several other small animals, chickens and ducks. On the evidence of my site visit, I have no reason to dispute these numbers. Even though I heard minor conflicting oral evidence in relation to the numbers of alpacas on the farm at the time of the 2021 appeal, it is clear that since that time, the appellants have increased the number of breeding females. When taken together with the other breeding animals, particularly the breeding of rare Poitou donkeys, I am satisfied breeding forms a significant part of the business.
23. The appellant's core argument is that, due to the animal welfare and security requirements of the animals kept on the farm, a worker is required to be on site and available overnight throughout the year to monitor the birthing process of different groups of livestock, intervene as necessary and prevent theft.
24. This is disputed by the Council who contend that there is not a need for a worker to live on site at all times of the year because alpaca mating can be scheduled with an aim of grouping birthing during the spring and summer months. Overnight attendance to deal with occasional births and immediate aftercare of cria during this period would be required but for the remainder of the year, only a daytime presence would be required when a worker would be likely to be on site anyway, without having to live there. It is also asserted that modern security arrangements would suffice and that there are properties for rent or sale at a reasonable price close by that could serve the needs of the enterprise.
25. To support the Council's case, my attention has been drawn to the husbandry elements of an alpaca farm in relation to an appeal elsewhere which was dismissed in 2013 with significant weight given to guidance provided by the British Alpaca Society (BAS)⁷. However, an update in relation to this appeal has been supplied by the appellant. The update includes details of a subsequent planning permission granted for a temporary rural workers dwelling at the site⁸ and details of a planning permission granted for a permanent rural workers

⁶ Appeal Ref: APP/R3705/W/20/3259888

⁷ Appeal Ref: APP/P2114/A/13/2199921

⁸ Isle of Wight Council Ref: P/00608/14 – TCP/30601/L

dwelling at the site 3 years later⁹. Officer reports have been provided for these decisions which indicate that a targeted seasonal birthing programme is difficult to achieve for alpacas for several reasons such as varying conception rates, gestation periods, pregnancy failures and periods between birth and re-breeding, which all impact on the viability of a business.

26. I was told at the hearing by the appellant that, provided conditions are right, there would be no reason why alpacas could not give birth during the winter. It was claimed that there had been winter births at the farm during the last 3 years, although no figure was provided as to how many related to alpacas. Nevertheless, it was explained that if a mating was unsuccessful or an early pregnancy was unviable, a second mating could occur. Therefore, the general birthing schedule could slip, which could result in birthing during later months of the year. This would be more likely to occur with the increased herd number compared to 3 years ago.
27. The appellant also explained that since the spring of 2024, 8no cria have been born at the site, one of those was at 4am. I am aware from the submitted information the process following birth is time critical with mother and cria needing careful attention. At times early intervention may be necessary. I heard that there were 15 alpaca births during 2023 and 2 of those resulted in still-births, although no indication of how many interventions took place that year was provided. In any event, I am informed that alpacas do not show obvious signs of illness, either during pregnancy or in general, so require regular monitoring. In addition, the cria remain prey for predators such as foxes.
28. It has been further highlighted in written and oral evidence that cria can often require artificial rearing involving regular feeds day and night for the initial first weeks. From the information before me, I have no robust reasons to dispute this. It is therefore conceivable that there would need to be a sustained on-site overnight presence for a prolonged period after birthing has occurred, especially if there are several cria that require hand-rearing.
29. In addition to alpaca, the appellant clarified at the hearing that 16 lambs were born in December 2023 and January 2024 and 8 kids were born in January. It was also asserted that 90% of pigmy goat births required intervention and there had been 4 breach births amongst the sheep flock and 2no lamb rejections during the latest season which also required intervention. While I consider that birthing and general animal welfare requirements of animals such as sheep, goats, pigs and donkeys, in the limited numbers kept on the site, would not justify on-site rural workers accommodation, it is apparent that such births could take place throughout the year, some of which could also require assistance from a worker. I was told that the loss of one donkey foal would be the equivalent to the loss of approximately 200 lambs in monetary value.
30. Alongside breeding, the business is reliant upon activities that are not directly related to agriculture. However, it is the appellant's position that the various elements of the enterprise would be inseparable from one another. In my view, the alpaca herd, and therefore the agricultural element of the business, remains the driving force behind the enterprise. Furthermore, the farm is open to the public all year round. From the information presented to me, I agree that activities such as alpaca/donkey walking, grooming and feeding, and

⁹ Isle of Wight Council Ref: P/00342/18

particularly the care farm including those people working towards an animal husbandry qualification, are somewhat dependent upon animals at different stages of life. Therefore, part of the business depends upon the availability of well cared for young animals throughout the year.

31. Concern has been expressed by the Council's agricultural advisor as to the size of the agricultural holding and stock ratios. I understand that is the case in respect of the amount of grazing land available and the reliance on bought in feed. At the hearing, the Council confirmed there would be no impact in this regard in the short to medium term. I note that higher stocking densities are considered acceptable on farms so long as supplementary feeding is provided through haylage. The appellant advised that feed was bought in bulk and sold to visiting members of the public to help with costs. Haylage was bought locally, although it is the intention of the appellant to take haylage from the land owned at Brick Kiln Lane. This land could also accommodate lesser value livestock. In the absence of evidence to the contrary, I am satisfied that sufficient land is available to support the business at present.
32. Although animal welfare is a primary consideration, the PPG also recognises crime is an important consideration in the assessment of need for a rural worker to live on-site. The monetary values of the various animals at the farm were given at the hearing, as was the rarity value of the Poitou donkeys. Given the number of animals kept and the high value of alpacas and the Pitou donkeys, and that they only give birth to one cria or foal respectively, their loss (of either mother or young) could have a significant financial and succession impact on the enterprise.
33. Even though modern surveillance methods such as CCTV are available, I have not been made aware of a method that would provide a reliable or effective means of monitoring the site or the condition of livestock, particularly during hours of darkness. This is due to the likely extent of coverage required across the farm and the level of close attention needed to spot behavioural changes in the alpacas. Whilst there has been no evidence of theft since the farm began, this is most likely due to the continuous presence of the appellant or her son on the site.
34. I was told at the hearing that a neighbouring equestrian site had recently been subject to theft of equipment. However, no evidence has been provided to demonstrate the area is generally subject to criminal behaviour. Nevertheless, I appreciate that the animals are bred to be friendly towards people, which increases the likelihood that they could be easily stolen. I also note that the location of the proposed dwelling would be closer to the road than that considered in relation to the 2021 appeal, which would allow for better surveillance of activities along Dexter Lane. These factors weigh in favour of an on-site presence.
35. The Council have provided details of several properties for sale in the area which it is argued would provide accommodation for the needs of Lucky Tails Alpaca Farm. A number of the properties are located in Hurley, which the Council assert is within sight and sound of the appeal site. I observed at my site visit that there were properties for sale at the time of the hearing which were within a 10 to 15 minute walking distance of the site. Nevertheless, the Council also accept that the care of cria could not reasonably be carried out from a dwelling away from the farm on occasions overnight during the spring and

summer months. It therefore follows that if that need to care for cria extended throughout the year, it could also not reasonably be carried out from a dwelling away from the farm.

Conclusion on essential need

36. Even if there were properties available to rent or buy at a reasonable cost in Hurley and much of the care and management of the animals can be undertaken within the working day, the specific circumstances evidenced in this appeal as set out above, represent convincing justification that there is an essential all year round need for a rural worker to live at the farm.
37. I have reached this view as a consequence of the numbers and value of breeding animals on the site, the wide seasonal birthing events that take place, and the extended period beyond birthing where cria may require particular care. Such factors exacerbate instances where action might be needed at very short notice, including at night throughout the year. Added to that is the difficulty in the use of mobile electronic surveillance that would cover the whole unit to prevent theft, and for welfare purposes bearing in mind that alpacas, being prey animals, hide their illnesses and warnings of predators from the noise of animals on the farm would not be able to be acted upon quickly. It is therefore not apparent that the essential need identified could be fulfilled by another existing dwelling within the local area.
38. It is not in dispute between the parties that the size of the proposed timber cabin would be commensurate with the needs of the enterprise, and I agree. Given the nature of the business operations, I am satisfied that a small office incorporated within the building would be necessary.
39. For the reasons given above, I conclude that there is an essential need for a rural worker to live permanently at the appeal site. The proposal would therefore comply with Policy LP2 of the NWLP which requires, amongst other things, that special circumstances are demonstrated in order to justify new isolated homes in the countryside. It would also comply with Policy LP1 in so far as this policy sets out the strategy for sustainable development.
40. The proposal would comply with guidance in Paragraph 84 of the Framework that requires an essential need to be demonstrated for a rural worker to live permanently at or near their place of work and with advice contained within the PPG in this regard.

Other Matters

41. Local residents have raised several other concerns including in relation to highway safety, parking, littering and drainage. However, based upon the responses from the relevant consultees and upon the information available to me, there is no substantive evidence that harm would arise with respect to these matters in terms of the proposed rural workers dwelling. Many of the highway related concerns raised relate to the mixed use of the land, which has planning permission. Whether or not the use is taking place at present in contravention of that permission is not a matter within my jurisdiction in determining this appeal. Furthermore, I am satisfied that, where necessary, any additional measures required in relation to the proposed development could be adequately secured by planning conditions were I to allow the appeal.

42. Concern has been expressed that the granting of permission at the appeal site would set a precedent for other similar development in the area. However, my decision is based on the specific characteristics and circumstances of this case. Therefore, a precedent concern is unconvincing since each proposal is assessed on its own merit.

Green Belt Balance

43. The proposal would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be a moderate reduction in the openness of the Green Belt and encroachment of development into the countryside. The totality of the Green Belt harm attracts substantial weight. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
44. In favour of the development, I have identified an essential need for a rural worker to live at the site all year round to ensure the effective operation of the business. In addition, paragraph 88b of the Framework states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses. I recognise that Lucky Tails Alpaca Farm makes a positive contribution to the rural economy. Collectively, I accord very substantial weight to these matters.
45. Whilst protecting the Green Belt is a matter of great importance, in this instance, the other considerations amounting to very special circumstances sufficient to outweigh the totality of identified harm to the Green Belt exist to justify the development. Consequently, the proposal accords with the Framework and Policy LP3 of the NWLP.

Conditions

46. I have had regard to the agreed conditions in the Statement of Common Ground and discussion at the hearing. I have considered these against the advice in the Framework and PPG. I have amended some conditions in the interests of precision and clarity. Pre-commencement conditions were agreed with the appellant.
47. In addition to the standard time condition relating to the commencement of development, clarification was provided at the hearing in relation to the relevant plans. Therefore, a condition specifying the plans is necessary as it provides clarity.
48. A condition is necessary in relation to landscaping, including hard surfacing, in the interests of the character and appearance of the area. However, having regard to the context of the site, I consider there is no essential reason for the condition to be pre-commencement. It is also necessary to impose the suggested condition in relation to access and details of gates in the interests of highway safety and the character and appearance of the area.
49. It was agreed at the hearing that suggested condition 5 is necessary insofar as it relates to outbuildings (Class E) to ensure the dwelling remains a size commensurate with the enterprise and to protect the character and appearance of the area. Due to the construction of the proposed timber cabin, it is unlikely that a restriction relating to the other suggested classes is reasonable or necessary.

50. As set out above, any residential use of the land is only acceptable to support the agricultural business. Suggested condition 6 is therefore necessary to ensure that the proposal complies with national and local policies for developments in open countryside.

Conclusion

51. For the reasons set out above, I am satisfied that very special circumstances exist which justify the development and the scheme should be determined other than in accordance with the development plan. I conclude that the appeal should be allowed.

A Veevers

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Sarah Booth	Appellant
Connor Booth	Appellant's son
Leanne Buckley-Thomson	Counsel
Marc Willis BTP MRTPI FBIAC	Willis & Co. (Town Planning) Limited
Peter Williams BSc FBIAC	Reading Agricultural Consultants

FOR THE LOCAL PLANNING AUTHORITY

Andrew Collinson	Principal Development Control Officer
Lewis Bullock	Planning Officer

Documents Submitted at the Hearing

Court of Appeal Judgment *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Plan 3045/101 stamped received by the Local Planning Authority 24 October 2023;
Details of Hobby mobile home stamped received by the Local Planning Authority dated 9 April 2021;
Seasonal accommodation block stamped received by the Local Planning Authority dated 16 December 2021; and,
Location plan 3045/101 dated March 2021 and stamped received by the Local Planning Authority dated 9 April 2021
- 3) The dwelling hereby approved shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the domestic extent of the dwelling, garden and parking area and the materials to be used for the access track.
The approved scheme shall be carried out within the first planting season following the occupation of the dwelling. Any trees or plants which within a period of 5 years from the occupation of the dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The dwelling hereby approved shall not be occupied until details of the access and gates to the site, together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as such thereafter.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Schedule 2, Part1 (Development within the curtilage of a dwellinghouse) Class E other than those expressly authorised by this permission.
- 6) The occupation of the rural workers dwelling hereby permitted shall be limited to a person (or their spouse or partner, widow or widower, children or dependents) solely or mainly working, or last having worked, on the Lucky Tails Alpaca Farm enterprise or in the locality in agriculture or forestry, as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended).