



Appeal Decision

Hearing held on 17 September 2024

Site visit made on 17 September 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2024

Appeal Ref: APP/L3815/W/24/3342246

**Stella Farm Alpacas, Land North Of The Grange, Woodmancote Lane,
Emsworth, Hants PO10 8QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Hatton (Stella Farm Alpacas) against the decision of Chichester District Council.
 - The application Ref is WE/21/03554/FUL.
 - The development proposed is described as "retrospective siting of a (caravan) mobile home to provide living accommodation for an essential agricultural worker."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the header above is derived from the addresses provided on the application and the appeal forms. I have used a different post code as the one provided seems to be incorrect.
3. The description of development in the header is taken from section 5 of the planning application form. However, under section 1 of the same form the development is described as "a retrospective application for the siting for a period of 3 years, a temporary agricultural workers dwelling (caravan) to support the essential need of the alpaca farm". A similar description referring to a temporary agricultural workers mobile home for a period of 3 years is included on the Council's decision notice and the appeal form. The Design Statement including Agricultural Assessment (the DS/AA) submitted with the planning application also says that permission is sought for 3 years.
4. At the hearing, the appellant indicated they would ideally like a permanent planning permission. However, it is clear the application leading to this appeal sought temporary planning permission. To consider the appeal on the basis of a permanent development could cause injustice and prejudice to the Council and interested parties. As such, I have based my assessment on the development being for a temporary period of 3 years.
5. At the hearing I asked the parties whether the development represents a change of use of land or a building operation. The use of the word "siting" in the description rather than "erection" or "construction" suggests a change of use. As such, I have assessed the appeal on the basis that the development is "change of use to allow the siting for a period of 3 years, a temporary

agricultural workers dwelling (caravan) to support the essential need of the alpaca farm". This approach would cause no injustice to any party.

6. When on the site I saw a mobile home positioned in accordance with details on the submitted block plan. The mobile home was also the same as that shown on photographs provided with the planning application and the appeal. From the verbal evidence at the hearing it seems the appellant has been living on the site since January 2020, albeit with some periods when he has been living elsewhere. Also, I was told Mr Hatton is currently living in the mobile home. As such, the development has commenced.
7. The site defined by a red line on the submitted plans includes an access track from the public highway as well as a large field area. However, the appellant confirmed at the hearing that he wishes the appeal to be considered on the basis the mobile home is only positioned as shown on the plans and is that as shown on the photographs. My assessment is made on this basis.
8. At the hearing I was provided with a copy of an undertaking (the UU) made by the appellant under the terms of section 106 of the Act. This requires the payment of a recreation disturbance contribution towards the provision of access mitigation measures in respect of Chichester and Langstone Harbours Special Protection Area (the SPA). It also requires the payment of a monitoring fee. I have had regard to these planning obligations in my consideration of the appeal.
9. The Chichester Local Plan Key Policies 2014-2029 (the LP) is in the process of being reviewed and an emerging document is to be subject of formal examination starting in October 2024. However, no policies from this draft document are referred to by the Council in support of its objections to the development. Moreover, there is no information on whether there are any outstanding objections to the draft policies and so I am unsure they will be adopted in the format provided to me. As such, the draft policies attract little weight in my assessment.

Main Issues

10. The main issues are (i) whether the development would be in a suitable location having regard to policies of the LP and the Westbourne Neighbourhood Plan 2021 (the NP), the National Planning Policy Framework (the Framework) and whether there is an essential need for an agricultural worker to live on the site, and (ii) the effect of the development on the character and appearance of the area. If I find the development is unacceptable in any of these regards, there is an additional issue as to whether there are benefits or other factors that outweigh the harm caused and so justify granting planning permission.

Reasons

Location of the development.

11. The appeal site lies outside any settlement boundary as defined in the LP or the NP. Also, the site and its surroundings are mainly fields and woods and so it is appropriate to treat the appeal development as lying within the countryside.
12. NP policy OA1 generally resists development outside settlement boundaries unless they comply with other policy requirements of the development plan. LP policy 2 restricts development outside of settlements to that which requires

a countryside location, meets a local rural need or supports rural diversification in accordance with LP policy 45. This policy states that development will be granted in the countryside where it requires such a location and it meets an essential, small scale local need which cannot be met within or immediately adjacent to existing settlements. LP policy 37 is also particularly relevant as it allows development which is necessary to meet the accommodation needs of full-time workers in agriculture requiring a countryside location. However, this policy support is subject to criteria, including that accommodation on-site or in the immediate vicinity is essential for the operation of the business.

13. The mobile home is situated away from the road and out of sight from the nearest dwellings. Also, it is away from the nearest settlement of Woodmancote and so it represents an isolated home in the countryside. Such developments are resisted under paragraph 84 of the Framework, unless one or more of listed circumstances apply. Isolated new homes are permissible under paragraph 84(a) of the Framework where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
14. It is noteworthy that neither the referred to NP or LP policies nor the relevant part of the Framework makes a distinction between permanent or temporary accommodation. As such, the issue as to whether the appeal development is in an acceptable location turns on whether there is an essential need for a worker to live on the appellant's alpaca farm.

The viability of the business.

15. The DS/AA that supported the planning application was produced at some point in 2021 and so it is now about 3 years old. This document claims that Stella Farm Alpacas was established as a breeding enterprise with a herd then of 30 alpacas. The DS/AA also states that in 2021, 28 females were mated of which 75% were expected to give birth in 2022. The stated intention was to grow the breeding herd to between 35 and 40 adult females over the next 12 months with some alpacas sold to create a revenue stream.
16. At the hearing, the appellant advised that they currently have 27 alpacas at the farm. I was advised that the number of births in 2022 as envisaged in the DS/AA did not materialise. Indeed, the appellant advised that only 9 births have occurred since the alpaca farm has been established, although 2 of these were miscarriages. As such, the level of animal sales has been below that predicted in the DS/AA and the size of the herd has not grown.
17. At the hearing, the appellant said that a controlled mating process had been carried out earlier this year. However, he also advised that there is no certainty over whether this has been successful in ensuring pregnancies. Consequently, there is doubt over whether the breeding of alpacas with a subsequent increase in the herd numbers and potential animal sales will happen in the near future.
18. The DS/AA also indicates that the alpaca farm will attract revenue through the production of fibre for yarn and through the sale of garments and rugs produced from the yarn. At the hearing, the appellant advised that he has employed a shearer in the past. However, there is no evidence before me on the amount of fibre or products that have actually been produced and sold and nothing on the level of income that this has generated. Furthermore, there is

no marketing evidence to show a demand for fibre, garments and rugs to match the predicted level of sales as indicated in the DS/AA.

19. Mention has been made of a possible income stream by opening up the farm to visitors to allow interaction with the alpacas. However, there is little information before me to show there is a demand for such a facility or that this would generate any significant income for the business.
20. In their appeal statement, the appellant acknowledges that up to this point in time the farm has not proven to be financially viable. Indeed, contrary to the provisions of Appendix E of the LP, no information has been submitted to show the business has been profitable during any single year since the farm was set up and that it is currently financially sound. The only predictions I have on the level of income are those in the DS/AA and through the passage of time these have proven to be inaccurate. I understand that personal circumstances have meant the appellant has had to live away from the site for some periods over the last few years. However, the evidence fails to show how this has hindered the growth of the business as it would seem even during these times the appellant has been commuting to and from the site to carry out work.
21. Overall, I am unconvinced from the evidence that the alpaca farm is, or will become, a well-established and viable business. This counts against the contention that there is an essential need for a rural worker to live at the site.

Functional need.

22. The alpaca farm needs to be in the countryside as it is an agricultural use that requires areas of grazing land. The DS/AA suggests there is a particular need for a human presence on the farm during the mating process, while alpacas are pregnant, during birthing and to care for cria after birth.
23. At the hearing, the appellant described the difficulties and time taken to carry out the recent controlled mating process. The DS/AA says that it is important for mating to be observed and that it may need to be repeated several times to ensure pregnancy. However, I see little reason why it would need to be carried out overnight even if it has to be repeated as it is a controlled process.
24. The care for pregnant alpacas appears from the evidence to be similar to other alpacas, although with particular attention required during the final stages of the gestation period. The appellant at the hearing explained how he observes the alpacas during the day and ensures they have sufficient feed and water. He is also able to check on the health of the herd and ensure they are not unduly disturbed, for example by wildlife or dogs. To my mind, such practices would require human presence at least for part of the day, although there is little to suggest that continual surveillance is necessary.
25. The appellant indicated that he checks the alpacas before going to bed and then first thing in the morning. There has been occasions when he has also checked them during the night after being alerted by the alpacas making noises. However, there is little information on the frequency of such events and whether night time supervision is essential to ensure the well-being of alpacas, including pregnant animals. Neither the DS/AA nor any of the information before me from the British Alpaca Society (BAS) suggests that night time care is normally required.

26. The BAS fact sheet provided by the Council indicates that the rate of difficult alpaca births are fairly low. Nonetheless, the appellant has advised that of the 9 births on the farm, 2 have resulted in miscarriages and 2 led to the death of the mothers. This is very unfortunate and emphasises the need for supervision at births to ensure any complications that may arise are spotted and reacted to quickly. Signs of an approaching birth are often imperceptible but the BAS advise that most births occur during daylight hours. The appellant confirmed at the hearing that the births on the farm have been during the day. As such, there is unlikely to be a need for night-time care of pregnant alpacas around or at the time of birthing.
27. Once born, cria will need to be observed. Immediate feeding intervention is regularly required and sometimes this will extend for a longer period. The appellant advised that this could be for up to 3 months. It is clear therefore that the care of young cria will from time to time require a constant human presence on the site, including at night time.
28. The BAS information advises it is not uncommon for births to occur from March through to October. During this period there may be a need to oversee newly born alpacas during the night time. This period may also extend beyond October if prolonged feeding intervention is required. However, the evidence before me suggests that this is fairly uncommon, despite the unfortunate events following births at the appeal site. Therefore, the need for a worker to be constantly at the farm in order to oversee births and the care of young cria seems to be a seasonal rather than a year round requirement.
29. At the hearing, the appellant also suggested on-site presence during the night-time is needed for security reasons as items had been stolen from the farm. However, I saw the site was secured by gates and fencing and I was told small security cameras with signs are also present. Moreover, as well as the residential mobile home subject of this appeal there is another mobile unit used as a site office. As such, even if the residential mobile unit is removed, an impression of potential human presence would remain. Therefore, I find no functional need for a worker to reside at the site for security reasons as it is likely that other existing measures would deter trespass.
30. Furthermore, even if the farm were to be made open for public visits, this would presumably be during the daytime. As such, the visits would not require a worker to stay overnight.

Conclusions on the issue of need and location.

31. The evidence indicates the alpaca farm business has never been and is not currently well-established in terms of being viable. This is despite the farm holding a herd of alpacas for a few years. I am unconvinced the period when the appellant lived away from the site is the only reason for the failure of the enterprise to reach the intended revenue streams as referred to in the DS/AA.
32. I am satisfied there is a need for a rural worker to live on the site in the event that a successful alpaca breeding programme comes to fruition. However, given the past record of the farm in these respects, I am uncertain whether breeding would occur at a significant level in the near future. In any event, the information provided to me suggests that accommodation would be required on a seasonal rather than a year round basis in order to supervise births and young cria.

33. I appreciate that the alpacas on the farm are valuable to the appellant and so it is understandable for him to worry about the animals when away from the site. The appeal development would enable Mr Hatton to be on the farm for longer periods and without the need to commute. It would enable a line of sight of the herd, although this would also be possible on visits during the working day even if the appellant lived off the site. However, I find little substantive evidence to indicate a need to constantly supervise cria that are feeding naturally or adult alpacas that are not birthing or subject to a controlled mating process.
34. The DS/AA refers to various planning appeals and planning applications where it has been found that the care of alpacas requires an essential worker's dwelling. However, these cases would have been assessed on the evidence before the decision makers on the particular nature and viability of the associated businesses. As far as I am aware none of these schemes relate to an enterprise that had been set up for several years yet was acknowledged as not currently being viable. These referred to cases therefore fail to affect my views on the matter.
35. Given my findings above, I consider it has not been demonstrated that there is an essential need for a rural worker to live on the site. As such, I conclude the appeal development would not be in a suitable location. In these regards, it would conflict with LP policies 2, 37 and 45 and NP policy OA1. The Council also refers to LP policy 1 but this has no provisions relevant to these issues.

Effect on character and appearance of the area.

36. The main part of the appeal site is a large field area that slopes down from its north boundary. The site adjoins another open field to the north. On my visit I saw fencing and gates within and on the boundaries of the site as well as various containers and structures near to the aforementioned site office and the mobile home subject of this appeal. A public right of way runs along the access track from the road past the gated entrance onto the site and along the western boundary of the field. There are attractive views from the right of way, predominantly of woods, fields and field boundary vegetation. The largely open nature of the site as well as the views across to trees and hedges on the eastern boundary contribute positively towards the rural qualities of the area, despite the distraction of the fences, gates and other unnatural features.
37. The mobile home is set back on the far side of the site away from the access track and public footpath. Nonetheless, it is easily seen from the track and across the adjacent field to the north as it is positioned on the highest part of the field. From this direction, the unit partly obstructs views of the trees and hedgerows behind and so it spoils the natural scene. The site office and other features largely screen the mobile home when standing at the entrance onto the appellant's land. However, is seen again from the footpath as you climb the slope from the south west corner of the site. From this direction the view of the unit also undermines the rural feel of the area.
38. The siting of the mobile home for a temporary 3 year period would have less of an impact on the qualities of the area than the same unit allowed permanently. Additional planting could be provided that may reduce the visual impact of the unit but this is unlikely to grow to such an extent to have any meaningful screening effect during the temporary period applied for. The appellant suggests the timber cladding provides the mobile unit with a naturalistic

appearance that is in keeping with its rustic context. Also, it is low in height. Nevertheless, it is in a fairly exposed position on the highest part of the site and so it stands out in views from the footpath. Even when seen in the context of the other structures and fences on the field, the mobile home and the associated residential use has noticeably undermined the intrinsic character of the countryside.

39. For these reasons, I find the development has not been sited nor designed to integrate into its surroundings nor to minimise impacts on the landscape and rural nature of the locality. As such, I conclude it would have an unacceptable effect on the character and appearance of the area. In these regards, it would be contrary to LP policies 33, 37, 45 and 48 and NP policy LD1.

Benefits of the development and planning balance.

40. I have found the development is unacceptable when considered against the 2 main issues. It follows to consider whether other factors justify allowing the development contrary to the provisions of the LP and the NP.
41. Any resident of the mobile home may support facilities in the nearest settlement of Woodmancote. However, the range of services are limited and so it is likely any occupier would need to travel to larger settlements further away. In any event, the economic benefits of a single household in terms of supporting local rural businesses would be modest.
42. Paragraph 88 of the Framework says decisions should enable the development of agricultural businesses. A main part of the appellant's case is that allowing a temporary planning permission would provide an opportunity for the appellant to grow the business and show it is a viable enterprise. As such, allowing the appeal would accord with this part of the Framework.
43. However, the weight I give to the benefits in these respects is tempered by the absence of any financial evidence to show the business is a viable proposition or that it could become one within 3 years. The intentions as set out in the DS/AA produced some 3 years ago have not materialised and so there is a significant level of uncertainty over the future profitability of the enterprise. Without clear, realistic and up-to-date plans that rely upon on-site residential accommodation, I am unable to conclude with confidence that the mobile home would in itself enable the farm business to develop.
44. At the hearing, Mr Hatton confirmed that it is just himself who resides in the mobile home. Circumstances have changed since the DS/AA was produced and it is no longer lived in by anyone else. A decision to dismiss the appeal could lead to the appellant having to cease using the site as their place of residence. Such a decision could interfere with Mr Hatton's rights to a peaceful enjoyment of their possessions and to respect for a private and family life and their home under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. These are qualified rights but the benefits of allowing the appeal in these respects are significant as I was advised the appellant has nowhere else to live.
45. However, the development would conflict with LP policies that accord in general terms with the Framework. Consequently, I attach significant weight to the harm identified, even when considering the temporary nature of the development as proposed. The benefits are significant but of insufficient weight to outweigh the harm and to justify granting planning permission contrary to

the LP. Interference with the appellant's human rights would accord with law and be pursuant to well-established and legitimate aims to safeguard the countryside from development that is not essential in a rural location and that harms the character and appearance of the area.

Other Matters

46. The Council is satisfied that the aforementioned UU addresses its concerns over the impact of recreational visits as a result of the development on the breeding bird species identified as a qualifying feature for the SPA. However, the Council has concerns with respect of the effect of the development on bat species identified as qualifying features for the Singleton and Cocking Tunnel Special Area of Conservation. Furthermore, concern is raised over the discharge of effluent from the development on the qualifying features of the SPA and the Solent Maritime Special Area of Conservation. However, there is no need to consider this matter further as I am minded to dismiss the appeal for other reasons. A finding that the development safeguards the integrity of the protected sites would not affect my overall conclusion on the appeal.

Conclusion

47. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Chris Hatton

Mr Russell Casselden-Stone

FOR THE LOCAL PLANNING AUTHORITY:

Mr Martin Mew

Principal Planning Officer

Cllr Roy Briscoe

Local Councillor

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. The unilateral undertaking by Chris Hatton dated 17 September 2024.
2. The front cover and pages 12, 13 and 14 of the Westbourne Neighbourhood Plan Post Examination Version June 2021.
3. The front cover and sections 5 and 9 of the Chichester Local Plan Habitats Regulations Assessment January 2023.