



Appeal Decision

Hearing held on 25 September 2024

Site visit made on 25 September 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/C3620/W/24/3340899

Land east of Partridge Lane, Newdigate RH5 5BS

- 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 Ludovic Langton against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1554/PLA MAJOR.
 - The development proposed is Stationing of 2 No. mobile homes for occupation by agricultural workers for a temporary period of three years. Erection of an agricultural barn and track. Change of use of land from agricultural to mixed use agricultural and commercial equine.
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Decision

1. The appeal is allowed and planning permission is granted for Stationing of 2 No. mobile homes for occupation by agricultural workers for a temporary period of three years. Erection of an agricultural barn and track. Change of use of land from agricultural to mixed use agricultural and commercial equine at Land east of Partridge Lane, Newdigate RH5 5BS in accordance with the terms of the application, Ref MO/2023/1554/PLA MAJOR, and subject to the conditions in the attached schedule.

Preliminary Matters

2. At the Hearing the Council advised that they had very recently received the Inspector's Report on the Mole Valley Local Plan 2020-2039 (MVLP) and that the Council would be considering the report at its Full Council meeting on the 15 October 2024. I have subsequently been advised that the MVLP was adopted by the Council at that meeting. This Local Plan replaces the Mole Valley Local Plan October 2000 and The Mole Valley Local Development Framework Core Strategy October 2009. Following the close of the Hearing, both parties were given an opportunity to provide comments in relation to the adoption of the MVLP and I have taken these into account. In light of the MVLP now forming the adopted development plan for the area, I have considered the proposal against the relevant policies in this plan.
3. It was clear from the appeal documentation and my site visit that the two mobile homes were on site and being occupied. Furthermore, the site was being used for the keeping and breeding of alpacas and the keeping of horses. As such these parts of the development had already commenced. However, the proposed barn and track had not been commenced. The use of the site and position of the mobile homes reflects the submitted plans before me and for the avoidance of doubt, I have determined the appeal based upon these plans.

Agreed Matters

4. Before the Hearing the parties submitted a statement of common ground (SOCG). This describes the proposed site, application plans, details the reasons for refusal, planning history, planning policy context at that time and indicates matters agreed and not agreed. Those not agreed reflect the 2 reasons for refusal.
5. The SOCG confirms that the keeping of alpacas represents an agricultural use and I have no reason to disagree. At the Hearing, the Council clarified that it does not dispute the need for an agricultural barn on the site.

Main Issues

6. There is no dispute between the parties that the site lies outside of any recognised settlement or Development Limit within the open countryside. Accordingly, and in light of the agreed matters, the main issues are:
 - whether the appeal site is on land which is in use for agriculture and is an appropriate location for an equine use having regard to local planning policy;
 - whether the need for new dwellings for land-based workers has been adequately demonstrated; and,
 - the effect of the development on the character and appearance of the area.

Reasons

Background

7. The appeal proposal seeks residential accommodation in the form of two mobile homes to support a rural enterprise for a temporary period of 3 years.
8. At the Hearing, Ms Langton explained that the appeal site is currently home to 20 alpacas and 6 horses. She further advised that it is planned to expand the number of alpacas to eventually double the number.
9. It was also explained by Ms Langton at the Hearing that she occupies one of the temporary dwellings and that she would manage the alpacas. The other temporary dwelling is occupied by Ms Langton's son (Stephen Mark Soames Langton) who would manage the horses and run the livery element of the proposed use. Ms Langton further advised at the Hearing that her son relies on her for his care and wellbeing to an extent that means that he cannot live independently. As a result, her son needs to live in very close proximity to her so that she can take care of his health.

Whether agricultural land and appropriate location for equine use

10. In light of the adoption of the MVLP, the relevant policies against which to consider agricultural and equestrian facilities at the time of the determination of this appeal are policies EC6 and EC7 of the MVLP.
11. MVLP Policy EC6, amongst other criteria that I will address below in the next Main Issue, states that new agricultural development will be permitted where it is sited on land which is in use for agriculture. In light of this, given the current use of the site by alpacas, and given that the Council confirmed at the Hearing

that the site is likely to have been formally part of a larger agricultural holding, the appeal site was previously and is now, land which is in use for agriculture.

12. With regard to the equine use relevant to this appeal, MVLP Policy EC7 states that planning permission will be granted for new equestrian facilities where there is sufficient land for grazing and exercise; the facility is close to bridleways and open space network capable of supporting the use and would not endanger other road users; and with minimal light pollution. Policy EC7 also states that the design, scale and siting should be consistent with policies for development associated with outdoor sport and recreation and I will deal with the matters of character and appearance separately below.
13. With regard to the extent of grazing land, concern has been expressed by the Council in respect of the size of the agricultural holding to provide sufficient space for both alpacas and horses. The Council advised that on the basis of at least 0.6 – 0.8ha per horse and approximately 4 acres (1.6ha) for 20 alpacas, the 5.3ha site may not be large enough. However, the appellant advised that some horses and alpacas would be stabled in the proposed barn and that as a result this would leave adequate space for the remaining horses, existing alpaca numbers and space to expand the alpaca business. In light of this, I am satisfied that sufficient land is available to support the business at present and in the future.
14. With regard to the location of the site, it is within the countryside close to bridleways and no concerns have been raised by either main party with regard to danger to road users. I have no reason to disagree given the rural and quiet nature of the area as experienced at my site visit.
15. Finally, with regard to light pollution, the Council has recommended a condition to ensure suitable details are submitted and approved. I see no reason why this would not ensure that light pollution does not harm the living conditions of neighbouring residents or the surrounding landscape.
16. In conclusion in relation to this matter, the appeal site is on land that is in use for agriculture and, subject to a condition regarding lighting, is an appropriate location for an equine use having regard to local planning policy. As such, it accords with the relevant parts of Policy EC6 and Policy EC7 of the MVLP, the aims of which I have outlined above. The development would also accord with MVLP Policies EC1 and EC4 in terms of supporting employment and diversification opportunities in the countryside. Furthermore, the development would accord with paragraph 88b) of the Framework through enabling and diversifying agricultural and other land-based rural businesses.

Whether the need for new dwellings for land-based workers has been adequately demonstrated

17. Policy EN2 of the MVLP, amongst other things, permits buildings or other structures which it has been demonstrated are reasonably necessary to support agricultural, horticultural or forestry use of the site, in accordance with Policy EC6.
18. MVLP Policy EC6 states that it needs to be demonstrated that new dwellings are reasonably necessary for the purposes of agriculture on the holding; that there is an existing and well-established agricultural trade or business on the holding which is financially sound, and has clear prospects of remaining so; there is a

clearly established existing functional need to be at the holding that cannot be met by an existing dwelling; is of a size commensurate with the essential need; and relates to a full-time worker primarily employed in agriculture and does not relate to a part time requirement. I will address these matters below and deal with matters under Policy EC6 relating to character and appearance of the landscape in the third Main Issue.

19. I heard that the use has been operating from the site for approximately the last year, with Ms Langton and her son employed on the site, and living at the property during this time. A sight and sound argument to underpin the essential need for the rural workers dwelling was advanced. This principally concerns the welfare needs of the alpacas but also to ensure that two stallions do not escape or mix with other horses.
20. At the time of the Hearing, I was told that the 20 alpacas at the appeal site included 4 cria that had been born this year, and that a further 3 cria were expected. The 20-alpaca include two male alpaca kept for breeding. The alpaca farm needs to be in the countryside as it is an agricultural use that requires areas of grazing land.
21. I heard, and accept, that alpaca breeding is not a straightforward process. Males need to be managed in a controlled manner and cannot be left with females. Cria also need to be kept away once weaned which means males and cria are kept on separate parcels of land.
22. The breeding process involves mating, post mating, birthing, and nursing. Births may take place at any time and problems may occur. The process following birth is time critical with mother and cria needing careful attention. At times early intervention may be necessary. Ms Langton advised that she has previously experienced losses of alpacas and cria.
23. I am informed that alpacas do not show obvious signs of illness, either during pregnancy or in general, so require regular monitoring. It has been further highlighted in 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. Furthermore, although alpaca may be generally hardy animals that are relatively easy to keep, the cria remain prey for predators.
24. Ms Langton advised at the Hearing that the business plan, which I will return to later, is partly predicated on the high-value sales of alpaca, with the profit mainly driven from the birth of cria. As such, even the loss of a small number of alpaca or cria could therefore be highly damaging to the business.
25. On site presence is also required for controlled mating of the alpacas and I was advised that this can take place all year round and requires supervision, not least to ensure that the males do not escape their segregated area.
26. Although I was advised that the 4 cria born this year arrived in April, June, July and August, I was also advised that birthing can take place all year round with a gestation period of approximately 12 months with birthing dates unreliable. I accept that this may make it difficult to predict the timing of births, whilst there is a need for someone to be on hand during birthing periods to manage emergencies that may arise. Although birthing may typically occur during the daytime and may not entail complications, it is reasonable that births can occur

- at any time during the day or night. Having a worker live on site would therefore increase the likelihood of any birthing difficulties being noticed.
27. 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.
28. Alongside breeding and wool production, the business would be reliant upon activities that are not directly related to agriculture. However, a number of these such as visits to shows, adoption and use for therapy would be limited. In my view, the alpaca herd, and therefore the agricultural element of the business with regard to the production of wool and breeding remains the driving force behind the enterprise.
29. Although animal welfare is a primary consideration, the Planning Practice Guidance (PPG)¹ 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 stud alpacas were mentioned at the hearing. Given the high value of alpacas and as they only give birth to one cria respectively, their loss (of either mother or young) could have a significant financial and succession impact on the enterprise.
30. 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 alpacas, particularly during hours of darkness. This is due to the likely level of close attention needed to spot behavioural changes in the alpacas.
31. The Planning Statement (PS) indicates that the alpaca farm would attract revenue through the production of fibre for yarn. At the hearing, Ms Langton advised that she has employed a shearer in the past. This is supported by evidence given orally at the Hearing in relation to the amount of wool that has been produced and sold and projected levels of income generated. Furthermore, there is marketing evidence to show a demand for wool, to match the predicted level of sales as indicated in the PS.
32. Mention was made at the Hearing of a possible income stream by opening up the farm to visitors to allow interaction with the alpacas, but this does not form part of the proposals before me.
33. In their appeal statement, the appellant acknowledges that they are applying for temporary permission to demonstrate financial viability going forward. In relation to this, the Business Plan details the start-up costs, expenses, and revenue for the first full year. In addition to this, I was advised that there would be further income from the sale of alpacas. This shows the business would be profitable and would be financially sound going forward.
34. Overall, I am convinced from the evidence that the alpaca farm is, or will become, a well-established and viable business. This counts in favour of the contention that there is an essential need for a rural worker to live at the site. Therefore, 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 site.

¹ Paragraph: 010 Reference ID: 67-010-20190722

35. 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 and throughout the year. Furthermore, there is little evidence before me, and none put forward at the Hearing, demonstrating the availability of another dwelling within the local area that could fulfil the essential need.
36. It is not in dispute between the parties that the size of the temporary mobile homes would be commensurate with the needs of the enterprise, and I agree. However, the Council has raised a concern regarding the need for two temporary dwellings. In this regard, the written and oral evidence with regard to the alpaca business only generates work and income for a single full-time worker. In addition, I am not persuaded that the equine element of the development warrants living on site given that this is only required for reasons of security with fencing provided and a secure barn proposed. Nonetheless, at the hearing my attention was drawn to Ms Langton's son being unable to live independently, requiring care and therefore needing to live within very close proximity to Ms Langton.
37. The PPG reiterates the well-established principle that planning permission runs with the land². Where development would not normally be permitted, it may be justified on the basis of who would benefit from the permission, but only in exceptional circumstances. I have had regard to the equalities implications and associated duties arising. Taking all of this evidence into account, I accept that Ms Langton's son has a clear and multi-layered need for accommodation in very close proximity to Ms Langton. Furthermore, he will be involved in the running of the equine part of the business on the site and would be on hand to help Ms Langton. In light of this, I find very special circumstances to allow for the provision of the second mobile home.
38. For the reasons given above, I conclude that the need for a new dwelling for a land-based worker has been adequately demonstrated. Furthermore, there are very special circumstances justifying the provision of a further mobile home for occupancy by Ms Langton's son who would also be working the land. The proposal would therefore comply with Policy EC6 of the MVLP, the aims of which I have outlined above.
39. The proposal would also 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.

Character and appearance

40. At the Hearing, both parties stated that the site comprises typical open pasture and woodland with some scattered agricultural, farm and residential buildings nearby. This reflects the wider area as viewed at the site visit with the location of the mobile homes and proposed barn set back from roads behind existing planting with the centre of the site remaining open. At my site visit, I was able to view other nearby mobile homes and agricultural buildings forming part of agricultural holdings and noted the presence of nearby holdings in equine use.

² Paragraph: 015 Reference ID:21a-01520140306

41. The mobile homes are of a typical scale, appearance, and colour. The mobile homes are positioned close to the northern site boundary and are screened by planting such that they are not highly visible or prominent in the landscape and have limited effects on the openness of the wider site and area. They are only visible in a limited number of views through planting from adjoining roads and through the access gates.
42. The mobile homes are single storey in height reducing their visual prominence in the landscape. There would be no formal outdoor garden space that would in any case also be partly screened from the nearby roads. Very tall boundary planting to the eastern site boundary screens the site from the closest Public Right of Way. Furthermore, the mobile homes would be for a three-year period only.
43. Although I acknowledge that the proposed barn would have a sizable footprint, it would be single storey in height with a relatively low eaves and ridge height. Furthermore, it would be faced in timber and as such would not appear alien in the wider landscape that comprises a number of agricultural buildings. The barn would comprise ten stables and internal storage space for hay and farm equipment. As the hay and farm equipment is currently stored outside across the site and within containers, the construction of the barn would enable this equipment and hay to be stored within a single building tidying up the site and improving its appearance. By virtue of the location of the barn set back a considerable distance from the road close to boundary trees, it would not harm the openness of the field or wider area.
44. Ms Langton provided oral evidence at the Hearing in relation to the need for the ten stables and storage space and I was not provided with any compelling evidence from the Council demonstrating that the size of the barn would be excessive for the needs of the holding.
45. While I acknowledge that lighting, access across a field and activity associated with the site may draw more attention to the building and site, such activity and lighting would be limited. As seen from a restricted number of nearby viewpoints and from further away, it would not appear dissimilar to other nearby scattered development. Furthermore, there is already a tracked access into the field with such accesses not uncommon in rural areas.
46. It follows from the above that I conclude that the development would not have a harmful effect on the character and appearance of the area. As a result, the proposal complies with MVLP Policies EN2, EN4, EN8, EN12, EC6 and EC7. Amongst other things, these seek to ensure that all development proposals reinforce the scenic quality and distinctiveness of the landscape, do not adversely impact the rural character and largely undeveloped nature of the countryside, are of a high-quality design, minimises harm to the intrinsic character and beauty of the countryside, and minimises the intrusiveness of artificial lighting.

Other Considerations

47. Local residents and Newdigate Parish Council have raised several other concerns in relation to highway safety, parking of cars, burning of materials, noise from a generator, water quality, construction of an access and waste disposal. 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 rural workers dwellings, proposed barn, and use.

48. Many of the highway related concerns raised relate to a new access which has planning permission, and I was informed at the Hearing that the generator has been replaced with a quieter generator and I saw at my site visit some noise attenuation measures installed around it. Furthermore, I am satisfied that, where necessary, noise, and any additional measures required in relation to the proposed development could be adequately secured by planning conditions were I to allow the appeal.
49. While I recognise that the mobile homes were placed on the site prior to the submission of a planning application, the planning application was submitted to regularise this and I am required to consider the current appeal on its planning merits.

Conditions

50. I have had regard to the conditions discussed at the hearing and to the conditions provided by the Council. I have considered these against the advice in the Framework and PPG. I have amended some conditions in the interests of precision, brevity, and clarity.
51. As the development has already commenced, there is no need for the standard time condition. A condition specifying the plans is however necessary in the interests of clarity and certainty.
52. A condition is necessary to ensure that details of lighting, drainage, noise mitigation, cooling and insulation of the mobile homes are submitted to and agreed by the Council. The Council has suggested separate conditions, but I see no reason why these cannot be combined into a single condition for reasons of clarity and conciseness. Details of lighting are required in the interests of protecting the character and appearance of the area and wildlife. Details of drainage are required in the interests of protecting ecology. Details of noise mitigation, cooling and insulation are required in order to protect living conditions of nearby occupiers and those living on the site given their proximity to noise associated with aircraft. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval of the details. The condition will ensure that the development can be enforced against if the requirements are not met.
53. A condition is necessary to ensure that the recommendations and mitigation in the submitted ecology report are carried out in the interests of the protection of wildlife and trees. I have had regard to the comments and suggested conditions from NatureSpace and Surrey Wildlife Trust but in light of the contents, recommendations, and mitigation of the ecology report, and given the location of the barn and track set in from the site boundary away from trees with the mobile homes already positioned on site, I do not find the other conditions reasonable or necessary.
54. As set out above, any residential use of the land is only acceptable to support the rural business. A condition is therefore necessary to ensure that the development complies with national and local policies for developments in open countryside. As also set out above, given the very special circumstances

justifying a second mobile home, a further condition is necessary to restrict occupation of this mobile home to use by Stephen Mark Soames Langton only.

55. In light of the temporary nature of the mobile homes and temporary period being applied for, a condition is necessary to ensure that they are removed once the temporary period ends.
56. The Council has suggested that a condition is necessary to ensure that space is laid out within the site for vehicles to be parked and to turn in the interests of highway safety. However, as there is adequate space both on the newly created access and within the site for the parking and turning of cars away from the highway, and given the temporary nature of the proposal, I do not find such a condition reasonable or necessary.
57. The Council has suggested a further condition requiring the submission of a Construction and Environmental Management Plan (CEMP). However, given that the development has already commenced with only the barn and access track to be constructed, and given the requirements within the submitted ecology report in relation to wildlife and the protection of trees and position of the barn away from the site boundary and trees, I do not find such a condition reasonable or necessary.
58. In light of the temporary nature of the proposal, the conditions suggested by Surrey County Council in relation to the provision of Electric Vehicle Charging Points and secure covered cycle facilities are not necessary or reasonable.

Conclusion

59. For the reasons given above I conclude that the appeal should be allowed.

C Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Amanda Langton Mother of Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Helen Clarke	Planning Officer – Mole Valley District Council
Aiden Gardner	Principal Planning Officer – Mole Valley District Council
Hannah Suchy	Planning Assistant – Mole Valley District Council
Ella Barrett-Patel	Planning Officer – Mole Valley District Council

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with unnumbered drawings: Location Plan; Block Plan; Proposed Floor Plan: Barn; Proposed Barn: Front and Rear elevations; Proposed: Side Elevations (Barn); and Proposed Elevations Mobile Home and floor plans.
- 2) Unless within two months of the date of this decision:
 - a schedule of lighting (both existing and proposed),
 - details of foul drainage from the mobile homes,
 - measures to attenuate noise levels emanating from the on-site power generator; and,
 - a scheme of cooling and ventilation sufficient to mitigate noise, prevent overheating and maintain thermal comfort of occupiers of the mobile homes,

are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 2 months of the local planning authority's approval, the use of the site and occupation of the mobile homes shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the relevant detail is approved and implemented.

If all of the details in accordance with this condition are not approved within 6 months of the date of this decision, the use of the site and occupation of the mobile homes shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the details approved by the local planning authority is implemented.

Upon implementation of the approved details specified in this condition, the details shall thereafter be maintained as approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The two mobile homes hereby permitted shall be for a limited period of 3 years from the date of this decision. The mobile homes and their associated hardstandings and structures shall be removed, and the land restored to its former condition on or before 31 October 2027 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 4) The occupation of one of the mobile homes hereby permitted shall be limited to persons solely or mainly working, or last working, in the locality in agriculture, horticulture or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 5) The use of the second mobile home hereby permitted shall be occupied only by Stephen Mark Soames Langton. When the mobile home ceases to be occupied by Stephen Mark Soames Langton, when Ms Amanda Langton no longer permanently resides at the site, or on the 31 October 2027, whichever shall first occur, the use hereby permitted shall cease

with the mobile home and its associated hardstanding and structures removed, and the land restored to its former condition in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

- 6) The Recommendations for Avoidance and Mitigation set out within Chapter 7 of the applicant's Preliminary Ecological Appraisal, Preliminary Roost Assessment and Ground Level Assessment of Trees (aLyne Ecology dated 21st August 2023) shall be carried out in full before and during the construction of the barn hereby approved.

END OF CONDITIONS