



Appeal Decision

Hearing held on 22 October 2024

Site visit made on 22 October 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/Y3425/W/24/3345965

Bishton Farm Pools, Bishton Lane, Wolseley Bridge, Stafford ST18 0XE

- 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 David Neville of Bishton Farm Pools Ltd against the decision of Stafford Borough Council.
 - The application Ref is 21/34508/COU.
 - The development proposed is the change of use from land siting two touring caravans to siting of one touring and one static caravan in connection with fishing business.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from land siting two touring caravans to siting of one touring and one static caravan in connection with fishing business at Bishton Farm Pools, Bishton Lane, Wolseley Bridge, Stafford ST18 0XE in accordance with the terms of the application, Ref 21/34508/COU, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development, set out in the heading and formal decision above, is taken from the decision notice to reflect that the proposal was amended during the application process.
3. At the time of my visit both the static and the touring caravan, forming the proposal, were in situ. I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether, having regard to national policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at the site; and
 - The effect of the proposed development on the integrity of the Cannock Chase Special Area of Conservation.

Reasons

Background

5. Situated in the open countryside, Bishton Farm Pools has been operating as a fishery since 1988 following the granting of planning permission for the

diversification of an agricultural business, Bishton Farm. The fishing pools were initially operated from the nearby farmhouse, however that connection ceased when the appellant took over the business in 2018.

6. Currently, there are three recreational fishing pools at the site which can accommodate up to 50 fishing pegs. The fishery operates 24 hours a day throughout the year, other than Christmas Day, with day tickets covering the time between 7am and 7pm, evening fishing between 4pm and 9pm and overnight fishing hours requiring 24-hour tickets.
7. As well as the static and touring caravans, a timber office and store building, which I observed also contained customer toilets, is located within the site adjoining a large carpark. I was informed at the hearing that a mobile catering vehicle that had been on site had proved to be financially unviable and, as I witnessed on my visit, had been removed.
8. The appellant, who is the Head Bailiff and Head of Maintenance of the business, lives on the site in the static caravan with his wife who is the business administrator. The appellant advised at the Hearing that the intention was for the touring caravan to be retained permanently on the site for continued use in connection with the night shift, which is rotated between staff.

Essential need

9. The site is in an isolated, open countryside location, outside of the areas identified in the Sustainable Settlement Hierarchy as set out in Spatial Principle (SP) 3 of the Plan for Stafford Borough (the Plan). Consequently, the site is in a location where residential development is strictly controlled.
10. Paragraph 84 of the National Planning Policy Framework (the Framework) states that development of isolated homes in the countryside should be avoided unless one or more of the identified circumstances apply. An essential need for a rural worker to live permanently at or near their place of work in the countryside is one such circumstance. Policy E2 of the Plan is broadly consistent with the Framework in this regard. It supports the achievement of rural sustainability by encouraging provision for the essential operational needs of rural businesses.
11. In this case, the appellant considers that there is an essential need for a rural worker to be present on the site at all times, in the interest of the wellbeing of the fish, customer welfare and security.
12. At the hearing, the appellant referred to legislation that governs the operation of fisheries. Such legislation places obligations on the business that include, amongst other things, the requirement to catch and release fish, which means that it is necessary to ensure that keep nets are not used. The appellant states that it is also essential that monitoring of disease is ongoing and that nets are disinfected to limit the occurrence of diseases being imported from other fisheries. In addition, the removal and moving of fish must be prevented for reasons that include the avoidance of the spread of disease. Whilst these measures would be unlikely to fully eliminate such risks, as monitoring of every customer at all times would be unachievable, the presence of someone on site during the night would, undoubtedly, encourage the majority of customers to adhere to the regulations.

13. Fish become snagged on lines and require freeing by boat. These incidents need urgent attention to limit the loss, and suffering, of fish. Fish stocks also need to be protected from predation, which can take place at any time day or night, and from theft. Whilst there is no evidence before me as to the frequency, or the extent, of loss of stock from theft or predation, even the occasional loss of a large specimen would have financial implications for the business. The presence of anglers might be a deterrent to predators and criminals, but they could not be expected, or be relied upon, to protect fish stocks, or equipment associated with the business, during the night.
14. The appellant also has a duty of care to his customers, which includes the provision of supervision and help where required, and monitoring of the toilet facilities. Dealing with anti-social behaviour which might arise due to alcohol and substance abuse is also necessary due to the potential for disturbance of other anglers, and the occupiers of the nearby farmhouse and the adjoining converted agricultural buildings. It is reasonable to consider that a permanent on-site presence encourages better standards of behaviour and allows the monitoring and identification of problems to ensure that anglers have a positive experience, and the living conditions of nearby residents are not materially harmed.
15. At the hearing, the appellant indicated that, to undertake the tasks I have referred to, regular patrols take place during the night at random times and at approximately two-hour intervals. It would not be appropriate for the appellant, in the interests of his health and wellbeing, to be the sole person undertaking such night-time tasks. Consequently, some of the night shifts are covered by others. The duty of care placed on the appellant in respect of such other workers means that it is also reasonable, in the interests of health and wellbeing, for the workers to have shelter and facilities between patrols, provided by the touring caravan.
16. The use of CCTV or other forms of remote monitoring, as an alternative to regular nighttime patrols, does not appear to have been explored by the appellant. Nonetheless, even if remote monitoring was reliable, a worker would still need to attend the site on a frequent basis throughout the night. Moreover, any alert may not provide sufficient time for an appropriate, and effective, response.
17. The appellant indicated at the hearing, that night fishing provides 65% of the business income, which the accounts demonstrate is making a profit, albeit a small one. The appellant advised that he draws a pension and that no wages are taken from the business. The income that is generated covers running costs, including lighting and heating of the static caravan. It is also used to invest in the business, for example to cover the costs of desilting the pools which is important for the wellbeing of the fish as it ensures oxygen levels are maintained. The income would also be used to fulfil the development aims set out in the business plan including the creation of a new, nursery pool. This would enable the breeding of fish stocks to take place on the site which would reduce costs and raise revenue through the creation of additional fishing pegs. I am aware that planning permission for the nursery pool has lapsed. Nevertheless, the Council confirmed that there has been no material change in policy or other circumstances since such permission was granted. Therefore, it is reasonable to conclude that planning permission for the additional pool would be very likely to be forthcoming in the future.

18. In my view, taking into consideration the financial statements that have been provided, the business is relatively vulnerable. If the appellant were to live away from the site it would lead to additional time and expense being incurred. Furthermore, if night fishing could not continue without someone occupying the site, as stated by the appellant at the hearing, a significant source of income would be lost. Such factors would put the business, which is operating on fine margins, at significant risk.
19. Accordingly, for the reasons set out above and based on the evidence before me, I am satisfied that there is a compelling case that demonstrates that the ability to meet the essential needs of the existing business requires a rural worker living at the site. Additionally, the support of other staff is required, who need accommodation for use during the night.
20. Therefore, I conclude that there is an essential need for a rural worker to live permanently at the site. As such, the proposal would not conflict with SP3, SP7 and Policy E2 of the Plan which seek to control residential development in the rural area unless there is an essential operational need.

Cannock Chase Special Area of Conservation

21. The appeal site lies within a defined 15-kilometre (km) Zone of Influence (ZoI) for the Cannock Chase Special Area of Conservation (SAC). The SAC is designated due to the presence of qualifying features, namely European dry heaths, and North Atlantic Wet Heaths with *Erica tetralix*. It has been identified as being vulnerable to harm because of recreational disturbance. Such disturbance would be exacerbated by an increase in the local population resulting from new residential development, including through the cumulative effect of small-scale developments.
22. The appeal proposal would result in a net increase of one dwelling, the static caravan, with an associated increase in residents living within the ZoI. This would be likely, in turn, to increase recreational pressure on the SAC. It is therefore likely that the proposal, alone and in combination with other development, would adversely affect the integrity of the SAC. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the SAC.
23. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England, referred to as Strategic Access Management and Monitoring Measures (SAMMM). Furthermore, the Council has produced planning guidance to explain the approach to mitigating the impact of new development on the SAC. The approach agreed through the SAMMM and the guidance is to require a mitigation payment per net residential dwelling from all new development within the 0-15km ZoI.
24. The Council has identified, in agreement with Natural England, that a financial contribution of £344.01 is required towards mitigation measures. The Council has confirmed that it has received the required payment by way of a Section 111 Agreement (the Agreement). Whilst a copy of the Agreement has not been provided, in the absence of any evidence to the contrary, I am satisfied that an appropriate financial contribution has been received by the Council, for the purposes of contributing to the strategic mitigation measures described above. Accordingly, having regard to the views of NE and the SAMM mitigation

payment, on which I place weight, I am satisfied that the development would not cause harm to the ecological value of the SAC.

25. In conclusion, the proposal would not harm the integrity of the SAC. It would, therefore, accord with LP Policy N6 which specifies that development will not be permitted that would lead to a direct or indirect impact on the SAC and the effect cannot be mitigated.

Other Matters

26. The appeal site is less than 1km from the boundary of the Cannock Chase National Landscape (formerly known as the Cannock Chase Area of Outstanding Natural Beauty) and is therefore within its setting. Given the limited scale of the development, I agree with the Council that the proposal would conserve its landscape, scenic beauty, and other special characteristics, in accordance with paragraph 182 of the Framework.

Conditions

27. The parties provided me with suggested conditions, which I have reviewed in line with guidance and best practice.
28. As the development has already taken place, I have not found it necessary to attach a condition limiting the timescale for implementation of the permission or requiring the development to be carried out in accordance with the appeal plans. For the same reason, I have not imposed a condition requiring the approval of the external materials of the development, noting that the Council did not object to the appearance of the static and touring caravans that are in situ. I have, however, included a condition that specifies the approved plans in the interests of certainty.
29. To ensure that the appearance of the development is appropriate in this rural location I have imposed a condition relating to landscaping. As permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of such a landscaping scheme before the development takes place, I have included a strict timetable for compliance. The condition will ensure that the development can be enforced against if the requirements are not met.
30. I have imposed a condition relating to external lighting, to safeguard the character and appearance of this rural area.
31. An occupancy restriction condition is necessary to ensure that the caravans serve their intended purpose, and the policy requirements are met. I find, however, that it is necessary to amend the wording of the condition to widen its scope to include reference to the occupation of the property by the surviving civil partner of the qualifying occupant.
32. The proposed two parking spaces for each of the caravans appear to have been provided. Accordingly, and in the absence of any evidence that suggests that the use of the large fishery car park for parking in association with the caravans would be unacceptable, I have not imposed the suggested condition requiring the provision and retention of such spaces.
33. In addition, I have not imposed the conditions suggested by the Regulatory Services Group, which I note have not been recommended by the Council. As

the development has already taken place, it is not necessary or appropriate to include the suggested conditions that would control site works and burning. Furthermore, there is no compelling evidence before me to justify the imposition of a condition relating to surface and foul water drainage.

Conclusion

34. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Heminsley OBE BA (Hons) Dip TP MRTPI	Agent
David Neville	Bishton Farm Pools Ltd
Matthew Neville	Bishton Farm Pools Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Vanessa Blake BA (Hons), MSc	Senior Planning Officer
Richard Wood BA (Hons) BTP MRTPI	Development Lead Officer

Schedule of Conditions

- 1) This appeal relates to the following approved plans:

Location and Part Site Plan 202:90:01C
Static Caravan 2021:90:02A

- 2) Unless within 3 months of the date of this permission a detailed landscape and planting scheme is submitted in writing to the local planning authority for approval, and unless the approved works are implemented within 8 months of the local planning authority's approval, the use of the site for one touring and one static caravan, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Any tree, hedge or shrub planted as part of the approved scheme which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

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) Before the installation of any external lighting, full details shall be submitted to and approved in writing by the local planning authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details and maintained as such for the life of the development.
- 4) The occupation of the touring caravan and static caravan hereby approved shall be limited to a person solely or mainly working, or last working, at Bishton Farm Pools Fishery, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.