



Appeal Decision

Site visit made on 20 November 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/F1610/W/24/3347698

**New Farm, Road From County Boundary To Adlestrop Park Lodge,
Daylesford, Adlestrop, Gloucestershire GL56 0YG**

- 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 Daylesford Organic Ltd against the decision of Cotswold District Council.
 - The application Ref is 23/02370/FUL.
 - The development proposed is described as "temporary siting for a 2 year period of 7 cabins for staff accommodation with associated works including timber bin store, hardstanding and new landscaping (retrospective)."
-

Decision

1. The appeal is allowed and planning permission is granted for temporary siting for a 2 year period of 7 cabins for staff accommodation with associated works including timber bin store, hardstanding and new landscaping at New Farm, Road From County Boundary To Adlestrop Park Lodge, Daylesford, Adlestrop, Gloucestershire GL56 0YG in accordance with the terms of the application, Ref 23/02370/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos. 1914_100_01; 1914_200_02_A and 1914_210_01.
 - 2) The development hereby permitted shall be for a limited period of 2 years from the date of this decision. At the end of this period the staff accommodation use hereby permitted shall cease. Also, by the end of the 2 year period all cabins, the timber bin store, hardstanding and associated structures and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
 - 3) The occupation of the cabins hereby approved shall be limited to staff accommodation for person(s) employed by Daylesford Organics Ltd and any resident dependants.
 - 4) Within three months of this decision, details of a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated the areas to be lit. Only external lighting in accordance with the approved details shall be installed on the site.

Preliminary Matters

2. It is evident from the description of development that temporary planning permission is sought. Like the Council, I have considered the development on this basis. It would seem the development has commenced as on my visit I saw 7 cabins, a bin store, hardstanding and an access track on the site. However, my decision is based on the details shown on the appeal drawings. I have omitted the word retrospective from the description of development in my decision as it is superfluous.

Main Issues

3. The main issues are (i) whether the development is in a suitable location having regard to the relevant policies of the Cotswold District Local Plan 2018 (the LP) and the National Planning Policy Framework (the Framework), and (ii) the effect of the development on the character and appearance of the area including whether it would conserve or enhance the natural beauty of the Cotswold National Landscape Area of Outstanding Natural Beauty (the AONB). If I find harm in any of these regards, I also need to consider whether any other factors justify granting planning permission. In carrying out my assessment I have been mindful of Section 245 of the Levelling-up and Regeneration Act 2023 and the requirement to seek to further the purpose of conserving and enhancing the natural beauty of the AONB.

Reasons

Suitability of location.

4. The site is outside of any settlement boundary as defined in the LP. The area has a rural feel, despite the nearby railway line and the New Farm complex of buildings containing various farming and commercial activities. The cabins are used to temporarily accommodate staff who work for the appellant at New Farm. They tend to be occupied by newly appointed employees who otherwise might find it difficult initially to secure an appropriate place to live. As such, they are important in the staff recruitment process.
5. LP policy DS4 states that new-build, open market housing will not be permitted outside settlements unless in accordance with other policies that expressly deal with residential developments in such locations. LP policy DS4 is not strictly relevant as the development is used only by staff employed by the appellant and so it is not open market housing. However, from this policy, it is evident the countryside location would not normally be deemed appropriate for new residences unless explicitly allowed under LP policies.
6. LP policy H5 states that new dwellings for rural workers outside settlements will be permitted subject to various criteria. A primary justification for the development is that it accommodates people who work nearby and so this policy is relevant in my assessment. Moreover, LP policy H5 is generally consistent with paragraph 84 of the Framework, which also allows new isolated homes in the countryside for rural workers.
7. New dwellings are only allowed under LP policy H5 and the referred to part of paragraph 84 of the Framework if there is an essential need for workers to live permanently at or near their place of work. However, in this case, temporary and not permanent planning permission is sought. The appellant's submissions emphasise the development represents a short term solution to the staff

accommodation issues that they face. It is stated the 2 years would enable the appellant to continue its search for longer term solutions. The short-term nature of the development as well as the appellant's submissions indicate there is not a permanent need for the development to be on the site.

8. The appellant has 450 employees as well as temporary staff and so I would envisage there to be a significant number of new recruits each year. There is no reason to dispute the appellant's claim that 7 cabins, each with 2 residents, is commensurate to the needs of the business. In light of the total number of employees, it is fair to expect the appellant's business to be viable.
9. Also, I can appreciate the difficulty that newly recruited staff who are not local may have in finding suitable accommodation given the countryside location of New Farm. The appellant's evidence on available properties within the wider area suggests there is limited alternative accommodation in the nearest settlements. In any case, these are a significant distance away from the site with no apparent public transport links. The cabins are a short walk to New Farm and so they provide easy access to the occupants' place of work. An interested party contends the appellant has created their own shortage of accommodation by converting former workers' cottages into holiday lets. Even if this is correct, there is little evidence before me to indicate that there are currently available and suitable buildings on New Farm that could be adapted and used as staff accommodation.
10. Therefore, in many respects the development would meet the criteria under LP policy H5. However, compliance in these regards does not address nor override the conflict with the policy requirement that there should be a permanent need for accommodation at the site. Neither LP policy H5 nor the Framework express any support for the provision of temporary workers' accommodation within the countryside.
11. The appellant refers to LP policy EC3 in support of allowing the development. This is entitled "Proposals for all types of employment-generating uses" whereas the appeal development is clearly for residential use. Part 2 of policy EC3 says that outside settlement boundaries, proposals for small-scale employment development will be permitted where, amongst other things, they do not entail residential use as anything other than ancillary to the business. However, the appeal scheme is entirely residential and so it cannot reasonably be treated as a small-scale employment proposal. As such, Part 2 of LP policy EC3 is irrelevant to my assessment of the appeal.
12. In summary, the site is in a rural location where residential accommodation is not normally permissible. The development does not accord fully with LP policy H5 and the Framework's provisions on isolated homes in the countryside. Also, LP policy EC3 offers no support for the scheme. Therefore, I conclude the development is in an unsuitable location having regard to LP policies and the Framework.

Character and appearance of the area and the AONB.

13. The site lies within the AONB. The local area largely consists of pastoral land with hedgerows and pockets of woodland. Despite the influence of the New Farm complex and nearby railway, the area has a strong rural feel with an intrinsic beauty and attractive visual qualities.

14. The cabins and bin store lie amongst trees and bushes within a depression in the ground. The site is near but set away from the New Farm complex, although it is close to a track along which runs a public bridleway. From short stretches of this track there are views of the access drive leading towards the hardstanding around which the cabins and bin store are situated. Also, there are partial views of the cabins through gaps in the vegetation.
15. The appellant says the site was previously used as a gravel pit but there is no evidence to suggest it previously contained any buildings or other structures. As such, it seems likely the development has introduced unnatural features onto a site that previously possessed a strong natural feel. The cabins are of a simple form and of little architectural merit. Also, the development is bound to lead to human activity on the site as well as comings and goings. Furthermore, lighting associated with the development may be noticed by users of the bridleway. Therefore, the scheme has eroded the natural sense and tranquillity of the site and adversely affected dark night skies.
16. Proposed planting would not grow to such an extent over the 2 year temporary period to provide any meaningful additional screening to the cabins. However, the vegetation as it stands provides a fair degree of concealment so the development and associated activities are not prominent within the landscape. The low-level features on the site and the slight drop in levels also help minimise its visual impact. The access track is more visible but this is in keeping with the bridleway track and so it is not incongruous. Therefore, the development overall has a minor, localised effect on the AONB.
17. Moreover, the structures would be removed and the residential use of the site would cease after 2 years. Therefore, the harm to the nature and visual qualities of the area would be only a temporary effect.
18. For the above reasons, I conclude the development causes harm to the character and appearance of the area and that it does not conserve nor enhance the natural beauty of the AONB. In these regards, it fails to accord with LP policies EN2, EN4 and EN5. These seek to ensure development respects local landscape character and that the special qualities of the AONB are safeguarded. However, the ill-effects of the development in these regards are minor and temporary and so the harm caused is limited.

Other considerations and planning balance.

19. For the reasons as set out under the main issues, I find the development is contrary to the provisions of the LP when read as a whole. It follows to consider whether there are other factors that justify allowing the appeal.
20. The appellant has referred to examples where the Council has allowed staff accommodation in association with other businesses in the open countryside. However, for both of these other cases the Council accepted there was a proven permanent need for rural workers to live close to their places of work. The same circumstances do not now apply and so these other decisions attract little weight in my overall assessment.
21. I have no reason to dispute the appellant's claims over the importance of the cabins in the short term for attracting new staff. A decision to allow the appeal would create the conditions for the company to consider medium and long term solutions whilst ensuring recruitment in the short term is not unduly

hindered. The benefits to the appellant's business by allowing the development attracts significant weight.

22. Also, I am conscious that a decision to dismiss this appeal may lead to the current occupiers of the cabins needing to leave their homes. These residences may only be temporary but nonetheless, my decision could interfere with the occupiers' rights 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 even so the detriment caused through the potential interference adds further support towards allowing the appeal.
23. The harm caused by the scheme's conflict with LP policies would normally attract considerable weight. However, the harm is markedly reduced due to the localised and minor visual effect and the fact the development would only be in place for 2 years. At the same time, the benefits of the development attract significant weight. As such, I find that material factors justify granting a temporary planning permission contrary to the LP policies.
24. Even a temporary planning permission may require occupiers of the cabins to leave their homes in the future. However, such an interference with their rights would accord with the law and be pursuant of well-established and legitimate aims to avoid permanent harm to the AONB.

Conditions

25. I have considered the list of conditions suggested by the Council in light of the relevant provisions of the Framework. Where appropriate I have amended the wording for reasons of precision. A condition that lists approved plans is needed in the interests of certainty. Condition 2 is imposed as I have assessed the appeal on the basis that a temporary 2 year planning permission is being sought and there is insufficient evidence to demonstrate a permanent permission would be acceptable. Moreover, a determinative factor in my decision is that the cabins would be used by staff employed by the appellant and so I have imposed condition 3.
26. To minimise the impacts of the development on night time skies and nocturnal wildlife a condition on external lighting is required. However, as only a temporary planning permission is being granted, it is unnecessary and unreasonable to impose a planning condition that requires the approval and implementation of a planting scheme.

Conclusion

27. The development would conflict with the LP but material considerations indicate that a decision should be made other than in accordance with it. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR