



Appeal Decision

Site visit made on 12 November 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 19th December 2024

Appeal Ref: APP/F0935/W/24/3345983

Land West of Woodlea, Nealhouse Village, Nealhouse, Carlisle CA5 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Wilson against the decision of Cumberland Council.
 - The application Ref is OUT/2023/0009.
 - The development proposed is erection of an agricultural workers dwelling including associated operations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outline application with all matters reserved. Therefore, whilst there are no details of the layout of the site and the appearance of the dwelling, the appellant has confirmed that they would be content with a condition restricting the proposal to a single storey dwelling.
3. A Farm Constraints Plan¹ was submitted with the appeal and so was not available to the Council when they determined the application. I have, therefore, considered the plan and applying the principles established by 'Holborn'², whether, if I accepted it, it would fundamentally change the proposal and prejudice the interests of other parties. In this case, the Council has seen and been able to comment on it. Moreover, it does not alter the proposal but seeks to clarify the ownership of the landholding, show constraints for development, as well as identifying individual fields and numbers. Consequently, I have proceeded to determine the appeal based on this plan, as well as drawing A 01, a context plan and location/block plan which was submitted with the application.

Background and Main Issue

4. The proposal is for an agricultural workers' dwelling for the appellant, who works full-time on the farm, and currently lives with his parents and brother in the existing farmhouse. There is no dispute between the main parties that there is a well-established and financially sound farm business at Wood Farm, and there is an existing functional need for a second dwelling. It is agreed that this need cannot be provided by another dwelling on the farm, or in any market dwellings nearby. I have no reason to disagree with this view.

¹ Enclosure 3

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

5. Therefore, the main issue is whether the proposed development would provide a suitable location for a dwelling having regard to the character and appearance of the area.

Reasons

6. The proposed dwelling would be on a rectangular plot in the corner of a large, agricultural field, which is under grass. This slopes towards the south, although the top of the field, where the site is located, is relatively flat. There is an existing field opening in the corner of the site, and dense hedgerows along the field boundaries. Next to it is the northern access into Wood Farm, with Woodlea, a detached bungalow with no connection to the farm, on the opposite side of the access.
7. The site is in an area of open countryside. A straight, unclassified road in a roughly east to west direction, runs to the north of the farm and adjoins the proposed site. The road is fringed by a grass verge and thick hedges, with fields either side. Whilst there are slight rises in the land, and trees dotted along the hedge lines, there are open sweeping views to the south. Along the road are occasional dwellings, generally single storey in height, that have been built in large plots within the adjoining fields.
8. Policy S3 of the Allerdale Local Plan, Part 1, 2014, (ALP) limits proposals outside of defined settlements unless it is one of several exceptions, which includes housing essential for rural workers in the operation of a rural based enterprise. Whilst it has been agreed that there is a need for a second dwelling on the farm, I saw that the site is some distance from the centre of the farmstead, reached by a surfaced access lane that leads to a large farmyard, surrounded roughly on three sides by agricultural buildings, and the existing farmhouse.
9. The submissions, particularly the Agricultural Appraisal Planning Report³, (the AA), provides substantive evidence that the business is labour intensive. This is because of the cattle breeding and rearing system, with all year-round calving, a robotic milking system, the breeding of sheep, large numbers of store lambs, and breeding bulls. This intensive animal rearing requires the monitoring of stock throughout the day and night. Therefore, for good animal husbandry and welfare, as well as the safety of workers, which requires at least two people on the holding when dealing with large livestock, the appraisal concludes that the dwelling needs to be sited in close proximity to the agricultural buildings and livestock, near to the existing farmyard.
10. Therefore, based on the AA, it is for operational reasons that it would have been useful to look at alternative sites, even though the appellant considers that he does not need to live immediately adjacent to the farm, wishing to have privacy from his family and place of work.
11. Whilst discussions between the main parties have taken place with regards to siting the proposed dwelling within field 1898, this, and other sites have been discounted by the appellant, due to concerns about restricting future development on the farm. It is acknowledged that the size of the farmstead has expanded considerably since the appellant's grandparents took on the

³ Hope's Auctioneers and Land Agents, 24 May 2023

farm in 1971. I saw the buildings within the farmstead, and I appreciate that as a successful business, future expansion may be required.

12. The appellant considers that a new dwelling on the proposed site would be less conspicuous than one on the edge of the existing farm, result in limited visual harm and would reflect the location of Woodlea. Yet, the site of the new dwelling is higher than the land to the south, being on a ridge that I saw was highly visible from the A595. Instead, the topography of the surrounding land, that slopes in a southerly direction before rising towards the farmyard, results in the existing farmstead not being prominent. Therefore, a new dwelling closer to it would be viewed within the context of the farm, rather than as a separate building. Furthermore, it would not be as highly visible within the surrounding landscape.
13. Whilst there are other dwellings located to the north of the farmstead, based on what I saw, these properties have been there for a long period. The Council state that they were built prior to current planning policy and are the result of piecemeal development over many years. Woodlea is considered to have been built in the 1960s, and Sundale, further along the lane, in the 1970s, both by retiring farmers.
14. Notwithstanding the location of these dwellings, the proposal would encroach onto a large agricultural field in an area of open countryside. This would extend development into the countryside along the southern side of the lane. Moreover, the proposed dwelling with its attendant garden, domestic paraphernalia, access, and landscaping, would be visually intrusive in this rural area with its wide and open views. The siting and visibility of the dwelling, particularly from the south, would, as a result, harm the visual quality of the landscape.
15. Therefore, I conclude that the proposed site would not provide a suitable location for a new dwelling as it would result in adverse harm to the character and appearance of the area.
16. It would not accord with Policies S2, S4 and S33 of the ALP which, amongst other things, requires all new development to respond positively to the landscape character of its location, integrate well with existing development and the natural environment, and not result in visual intrusion.

Other Matters

17. The proposed location close to the northern access is seen by the appellant as providing security against future break-ins. However, no evidence of any existing security measures to prevent such a reoccurrence has been provided, and building a dwelling adjacent to the access, when there is already an existing dwelling close to it, even if not connected to the farm, would not necessarily prevent theft. Furthermore, no substantive evidence has been provided as to whether there are other sites which would achieve the same level of security.
18. The proposed dwelling would be part of the business, contributing to succession planning for the farm. This may eventually result in the appellant's parents living in the proposed dwelling and him living in the farmhouse. In this situation a dwelling outside the farmstead may be desirable, however, the application is for a home for the appellant to enable him to support the

business at this time. Therefore, as future needs could change, this provides only limited weight in favour of the proposal.

19. The appellant refers to farm buildings at Wood Farm having been constructed to the southeast of the appeal site with limited concerns about landscape and visual impact. However, I have not been provided with the planning history of the site, or the circumstances in which the buildings were allowed. This, therefore, has little bearing on my decision which is based on the planning merits of the case.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
21. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR