



Appeal Decision

Hearing held on 10 December 2024

Site visit made on 10 December 2024

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/R2520/W/24/3339346

Vintage Croft, Metherringham Fen Lane, Metherringham LN4 3AH

- 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 Robert Marshall against the decision of North Kesteven District Council.
 - The application Ref is 23/1143/FUL.
 - The development proposed is to station a static caravan on site for a temporary period (three years) and use as living accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice includes a list of plans and documents upon which the decision is based. This list does not include a plan with a complete red-edge boundary of the appeal site. It was agreed between the parties at the hearing that the location plan submitted with the application (un-dated but titled 'Site Location Plan Scale 1:1250@A0') was relevant and included a complete red edge. I have taken this plan into account in my decision.
3. The appellant submitted late evidence on 2 December 2024 in the form of an updated business plan¹. After obtaining the views of the parties, I was satisfied that the information could be material to my decision. The Council and interested parties were afforded an opportunity to provide a written response to the information and to address the matter further during the hearing, allowing for rebuttals from the parties where necessary. I was therefore satisfied that no party would be unfairly prejudiced by my consideration of the late evidence, and I therefore exercised my discretion to accept it.
4. An additional written statement was submitted by the Environment Agency (EA) for the purposes of the appeal dated 13 September 2024. It was submitted to the Council and was not forwarded to the Inspectorate until 6 December 2024, at the same time as the appellant. However, the document was made available on the Council's website during the appeal consultation period and interested parties were able to view and make representations on it. The information clarifies the EA position and does not raise any new issues. I am therefore satisfied that no party will be prejudiced by taking the document into account as part of my decision.

¹ Vintage Croft Business Plan

5. The National Planning Policy Framework (the Framework) was updated in December 2024, and for the purposes of this decision I have referred to the latest version of it. The content of the Framework has not been significantly altered insofar as it relates to this appeal, other than paragraph numbering. Therefore, it has not been necessary to seek further views from the main parties in this instance and I am satisfied no party would be prejudiced by determining the appeal accordingly.
6. A static caravan has already been sited on the appeal site, but at the time of my site visit it was not in residential occupation. Accordingly, I have considered the appeal on the basis of a proposed development.

Main Issues

7. The main issues are:
 - whether there is an essential need for a temporary dwelling in the countryside to accommodate a rural worker, having regard to the local development plan; and,
 - whether the site is a suitable location for the development having regard to flood risk.

Reasons

Essential need

8. Policy S1 of the Central Lincolnshire Local Plan, April 2023 (the LP) sets out the spatial strategy for the area and states that decisions on, amongst other things, the location of development, will be assisted by the Central Lincolnshire Settlement Hierarchy. There is no dispute between the parties that the appeal site is located in the countryside for planning purposes. Part 8 of Policy S1 states that, unless permitted by any other specific policy in the LP or a relevant policy in a neighbourhood plan, development in the countryside is restricted to, amongst other development types, that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
9. The thrust of this policy is consistent with paragraph 84 of the Framework which seeks to avoid the creation of isolated new dwellings in the countryside unless particular circumstances apply.
10. Part C of Policy S5 of the LP is clear that applications for temporary and mobile homes will be considered in the same way as applications for permanent dwellings. Part D of this policy goes on to state that such dwellings will only be acceptable where they are essential to the effective operation of the rural operations listed in Part 8 of Policy S1 set out above. Whilst the appellant seeks a three year temporary permission in terms of the amount of time the caravan would be sited on the land, it would be used for year-round residential accommodation.
11. Neither national nor local planning policy specifically defines 'essential' need. However, the Planning Practice Guidance (PPG) sets out what may be relevant to take into account when considering the need for an isolated home in the

countryside for rural workers. It suggests, amongst other things, this could include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural business, for instance, where farm animals or agricultural processes require on-site attention 24-hours a day, and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of products.

12. The appellant's enterprise began when the site was purchased in 2022. Briefly, the stock and activities on the land at the time of the hearing were claimed to be as follows: 35 Saddleback pigs, 28 Lincolnshire Longwool sheep and 50 egg-laying chickens. I saw these animals and fowl on my site visit and had no reason to doubt the claimed number. The animals are bred and reared for the selling of meat produce to several local butchers, restaurants and hotels. The chickens are used for egg production which are sold locally. I saw various timber animal shelters, containers, metal sheet structures, an old touring caravan, timber railway carriage, polytunnel and piles of wood and bricks on the site as well as numerous vehicles, trailers and a large pond. Tree planting and fencing had been undertaken, associated with the present and proposed activities on the land.
13. In addition to livestock, the appellant operates a microgreens business from home, also selling to local businesses. It is proposed to relocate and expand the microgreens enterprise at the appeal site.
14. The appellant currently lives in Newark, some 45 minutes drive from the site. It is argued that this is too far away to be able to realistically undertake regular health checks on the animals in the interests of good animal welfare. It is also claimed that the operation of the whole enterprise from two places (Newark and the appeal site) is physically untenable and is preventing the business from expanding any further. The business plan indicates that the enterprise would expand in future years to include growing fruit and vegetables to be sold locally, the production of honey from bee hives and an increase in stock numbers reaching over 200 pigs, up to 75 sheep, 240 chickens, 50 quail, 50 turkeys and 30 ducks. Additionally, it is anticipated that the developing enterprise will return a profit after five years sufficient to provide a notional charge for labour and return on capital invested.
15. The appellant outlined at the hearing that the original business plan had altered significantly since the application was made because elements of the enterprise have progressed faster than forecast. This has been particularly evident in the sale of meat and microgreens to local high-end restaurants and hotels. As such, the business has evolved and camping facilities are no longer part of the current business plan, despite bell tent accommodation being advertised on the Vintage Croft website.
16. Routine daily labour in the business is currently undertaken by both the appellant, Mr Marshall, and his partner, Ms Shorrock with occasional help from their son. It was explained orally that the tasks involved in the enterprise included twice daily feeding and monitoring the water supply of the animals, checking their health, collecting eggs, administering medication and hand

sowing and monitoring various microgreen crops which are delivered weekly to customers. I also heard that farrowing would take place every 2 weeks throughout the year but has not yet taken place. However, lambing through the spring months occurred in 2024 during which the appellant resided temporarily at the site.

17. Mr Marshall's oral evidence at the hearing confirmed that the main source of household income is obtained from his full-time employment as the director of a company specialising in landscaping and civil engineering. Should the Vintage Croft business grow as projected, he confirmed he would commit more time to that and less time to his current employment, eventually working full time on the farm. Comments in the business plan suggests the microgreens side of the enterprise provides full-time employment for Ms Shorrock. Although care of microgreens is time-consuming and requires hand sowing, picking, watering and monitoring with strict controls on air flow and humidity, little evidence has been provided to substantiate this claim. Furthermore, when asked how many daily hours labour were currently required on the enterprise, Mr Marshall advised orally that it was less than full-time but would be more once the business had the opportunity to grow.
18. From the discussions it was clear that Ms Shorrock grew up on a livestock farm and Mr Marshall has horticultural qualifications. Both therefore displayed knowledge of farming and horticulture, whilst also showing passion for working with pigs and microgreens and as also demonstrated by the relatively quick expansion of the business. It seems credible that this is a long-term lifestyle choice for the appellant and his partner.
19. On the basis of the information before me, even if I were to determine that the theoretical Standard Man Day assessment² were to fall slightly short of the requirement of a full-time worker, it would still represent a sizable number of working days. Moreover, the theoretical total labour requirement is not the same as demonstrating an essential need for a rural worker to live at or near their place of work. Instead, based on the evidence presented, in this case I find that the essential need for a worker to live at the site hinges upon the husbandry activities associated with the pigs, particularly ensuring that there are no complications during farrowing along with the need to manage and monitor microgreens. As lambing is a seasonal activity and having regard to the relatively small flock, even in future years, a permanent on-site presence is not warranted for this element of the business.
20. In terms of microgreens, the loss of a significant proportion of microgreens could harm the ability to provide regular weekly deliveries to customers and the resultant income. I give credence to the argument put forward regarding the need to act quickly to tend to delicate microgreens. However, while I understand the need to respond to malfunctions in watering, humidity, light and other factors with some urgency, the use of remotely controlled equipment and monitoring would provide an opportunity to address any problem before it occurs. I heard nothing to convince me that, were crops to be relocated to the appeal site, they would be ruined within the 45 minute time it could take to reach them from the appellant's current home, or less if

² As published in the John Nix Farm Management Pocketbook, 52nd Edition.

the appellant resided in a nearby village. Neither has the evidence demonstrated a sufficiently frequent need for working overnight that would justify the appellant residing on the land 24 hours a day, all year round.

21. Whilst farrowing 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 and the appellant advise they would breed a litter of pigs every two weeks. It is unclear to me how this would occur with the relatively small number of gilts or sows currently on the site. Nevertheless, even if Saddleback pigs may be generally hardy animals that are relatively easy to keep, having a worker live on site would increase the likelihood of any birthing difficulties being noticed. The appellant's business plan is largely predicated in future years on the high-value sales of the fattened pig for meat. As such, even the loss of a small number of piglets could therefore be highly damaging to the long-term aspirations of the business.
22. The importance of being within sight, smell, and sound of the pigs, was stressed. Mr Marshall explained how noises made by the pigs alert him to problems with blocked feeders, water supply malfunctions, or other stresses. Reference is made in the written submission to the loss of a flock of poultry, 6 lambs during or shortly after birth and 3 pigs being injured while escaping electric fencing over the last year. Furthermore, a chicken coup collapsed under the weight of snow and water troughs have been frozen. It is unclear how these misfortunes would have been prevented had the appellant resided on the site. Indeed, I heard at the hearing that the appellant temporarily resided in the caravan during the lambing season which suggests the lamb deaths were unpreventable.
23. Earlier detection of illness in the animals may well be more likely with a permanent presence on site, but there would be a limit as to how many extra checks would be possible between the last evening check and a morning check. There is also the potential to explore the use of monitoring technology such as ultrasound to detect pregnancies, along with CCTV and other technology to detect any issues that may arise and to deter predators, to compensate for a lack of on-site presence.
24. Notwithstanding the above, the distance of travel from the appellant's current home to the site is substantial and adds to the time burden on the appellant in tending to the animals. The efficient running of the enterprise and the welfare of livestock and poultry would clearly benefit from closer surveillance, particularly during birthing.
25. However, no evidence has been provided by the appellant whether the needs of the business could be met by alternative accommodation closer to the site, a requirement of Part D (f) of Policy S5 of the LP. The Council conducted a property search using the Rightmove website (December 2024). This identified 28 properties for sale and 6 properties for rent in Metherringham, less than a 10 minute drive from the appeal site.
26. The properties identified were for sale at prices at or less than £250,000, the North Kesteven average and ranged in rent from £825 to £1,100 per calendar month. No robust evidence is before me to indicate that such properties would be unaffordable. This leaves a loose end in the appellant's case as it has not

been demonstrated that there are no available or suitable properties within a reasonable distance of the appeal site that could offer a realistic alternative to the appeal proposal. Without any substantive evidence to demonstrate otherwise, given the potential for the enterprise to be appropriately managed through a combination of living nearby to the site and utilising remote surveillance to detect issues that may arise, I am not satisfied that there are no other alternatives to on-site accommodation, even on a temporary basis.

27. Other enterprise opportunities are also being considered for the future, including the production of honey, fruit and vegetable boxes, mushroom growing, educational and community visits with the potential of employment for 4 members of the community. There was, however, little detail regarding taking these forward. As things stand, these add no weight to the argument for a permanent presence on the land.
28. Rural crime is an important issue for all rural enterprises. No security measures have been considered by the appellant, instead relying on his on-site presence, his partner and their son to deter potential thieves and vandals. Residential accommodation on the site would provide greater potential for passive surveillance of animals and machinery, which could act as a deterrent to criminal activity. However, the entrance to the land is gated and there is already passive surveillance provided by other nearby properties. There is nothing before me to suggest that the surrounding area suffers from notably high crime levels or that there have been incidences of criminal activity on the holding since the appellant purchased the land. Consequently, based on the evidence before me, the level of risk of theft or vandalism is not sufficient to justify an essential need to live on-site.
29. Turning to financial matters, Part D (e) of Policy S5 of the LP requires evidence that demonstrates the commercial viability of the enterprise through the submission of business accounts or a detailed business plan. Having regard to that and the PPG, I cannot be satisfied there is an essential need unless I am sufficiently confident that the enterprise will remain viable for the foreseeable future.
30. The business plan indicates the enterprise should be generating sufficient taxable profits to meet a reasonable return by Year 3 and onwards. However, not all the elements in the expenditure and income accounts have been sufficiently substantiated. Nor is there any contextual information or evidence of arrangements with buyers to explain the changing levels of turnover and profit in the various elements of the business. I observed on site that significant investment had already been made in the enterprise through the provision of a track, fencing, electricity, drainage and a telephone line. Whilst the business made a profit in 2024, missing information, including some of the costs of establishing the business, veterinary costs and the purchase of sheep along with an incorrect expenditure total in 2023 casts doubt over the accuracy of the information.
31. Although I acknowledge a return on fruit and vegetable boxes is not expected until 2027, I am not convinced that a profit of £12,200 in one year is realistic given no outlay for seeds or fruit trees in any previous year has been identified. Furthermore, the business plan indicates a significant increase in

the number of pigs from 2025 onwards and the appellant has indicated that he intends to rent additional land this year to accommodate this increase, although I heard at the hearing that he would not be reliant on additional land to fulfil forecasts in the business plan. Be that as it may, there is considerable uncertainty over the timing and scale of such expansion, and the implications of this on the day-to-day operations of the enterprise.

32. It was also detailed at the hearing that as the business expands there would be an increased need for buildings/polytunnels to accommodate the microgreens and farrowing in a couple of years and potentially other livestock shelters to be used in connection with the enterprise. Planning permission has been obtained for an agricultural storage building on the site³. Nevertheless, as the proposed level of stocking within the business plan is reliant on other agricultural/horticultural buildings for which no permissions exist and the costs of such buildings, other than poultry buildings, have not been factored into the business plan, I am not satisfied, on the basis of the information presented, that there are convincing arguments the enterprise would lead to the forecasts in the business plan being met.
33. On this basis, there is insufficient information before me to have a satisfactory degree of confidence that potential profits have been adequately demonstrated and thus that the enterprise has a viable prospect of being sustainable.
34. Drawing the above matters together, I conclude on this main issue that it has not been demonstrated that there is an essential need for a temporary dwelling in the countryside to accommodate a rural worker, having regard to the local development plan. The appeal scheme conflicts with Policies S1 and S5 of the LP which set out the approach to the delivery of development in the district, including mobile homes in the countryside. I also find conflict with the sustainability objectives of the Framework and the aim in paragraph 84 to avoid the development of isolated homes in the countryside.

Flood Risk

35. The site is part of low-lying fen land located in Flood Zone 3a. The Council's approach to flood risk is set out in Policy S21 of the LP. Amongst other things the policy states that all development proposals will be considered against the Framework, including application of the sequential and, if necessary, the exception test.
36. Paragraph 170 of the Framework sets out that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
37. The appellant's argument that, because a temporary permission is sought for the residential use of the caravan, the development should be classified in terms of Annex 3 of the Framework as 'more vulnerable', is flawed. Annex 3 is clear that caravans and mobile homes intended for permanent residential use are to be regarded as 'highly vulnerable' to flood risk. While the period of time

³ LPA Ref: 22/0808/PNAGR

the proposed residential use of the caravan would exist on the site may be temporary, written and oral evidence confirms that the caravan would be lived in during that time on a permanent basis by the appellant and his family. The appellant's own site-specific flood risk assessment (FRA)⁴ required by footnote 63 of the Framework, classifies the development as 'highly vulnerable' at page 2 (although subsequently, and mistakenly, considers the proposal as holiday use and thus 'more vulnerable' at page 9).

38. Table 2 in the PPG advises that highly vulnerable development, including that proposed in this case, should not be permitted in Flood Zone 3.⁵
39. Even if a sequential test was applicable, none has been undertaken as the appellant believes that there is an essential need for a residential presence at the site. However, for the reasons I have set out above, it has not been demonstrated there is an essential need for the appellant to live on the site or that the appellant could not reside close to the site within Flood Zone 1.
40. Evidence indicates that the site is at risk of flood levels of approximately 2.5m above Ordnance Datum (OD) in a breach event for the 0.1% annual exceedance probability scenario. The FRA concludes that the proposed development would not be at significant flood risk, and would not increase flood risk to others, subject to the implementation of mitigation. This would entail the floor level of the caravan being set at 2.8m above OD, anchoring the caravan to the ground, the occupier of the caravan receiving early flood warnings from the EA in the event of a flood and the implementation of the evacuation plan (EP).⁶
41. The PPG states that when assessing the safety implications of flood risk for development in terms of whether it would be safe for its lifetime, the safety of people within a building if it floods and also the safety of people around a building and in adjacent areas, including people who are less mobile or who have a physical impairment, should be considered. This includes the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood (0.1% annual probability of flooding with allowance for climate change).
42. The EP indicates that occupants of the caravan evacuating in the event of a flood incident would be required to walk a considerable distance before reaching safety. Evidence at figure 2 of the EP suggests the evacuation route would be along Metherringham Fen Lane, which also lies within Flood Zone 3, before reaching Car Dyke and areas at low flood risk beyond. Future residents, particularly those with more limited mobility, would potentially have significant difficulty evacuating a site where pedestrian and vehicle routes could be inundated. The lengthy evacuation route would be across areas identified as a maximum hazard with a potential depth of water in the event of a flood, greater than 2 metres. Walking or driving through moving water at this depth would present a 'danger for all' and would not be safe, even, as suggested by the appellant, in a tractor.

⁴ Flood Risk Assessment, RM Associates, December 2023 Version 1

⁵ Paragraph: 079 Reference ID: 7-079-20220825

⁶ Flood Warning and Evacuation Plan, RM Associates, December 2023 Version 1

43. Even if future occupants were encouraged to sign up to the EA flood warning service, warnings would not be guaranteed to work if the flood event occurred during the night when future occupants could be asleep. Moreover, EA evidence indicates that they are unable to provide prior warning of breaches in flood defences occurring as these can happen without warning. In such instances, future occupants may become stranded and require emergency assistance. It would place future occupants at greater and unnecessary risk from flooding and its consequences.
44. The PPG states that proposals that are likely to increase the number of people living in areas of flood risk require particularly careful consideration, as they could increase the scale of any evacuation required. The provision of an additional residential unit at the appeal site would increase the burden on emergency services were a flood to occur.
45. I note the EA have not objected to the proposal. Nevertheless, the EA confirm that they do not comment on the adequacy of flood emergency response procedures and that ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe in respect of the ability of future residents to safely evacuate during design and extreme flood events. The PPG advocates that the emergency services are unlikely to regard developments that increase the scale of rescue that may be required as being safe.⁷
46. To conclude on this main issue, the occupants would be safe from flooding within the caravan, and the proposal would not increase flood risk elsewhere. However, evidence indicates that there would not be appropriate evacuation procedures and flood response infrastructure in place to manage the residual risk associated with an extreme flood event at the site. The development would therefore not be safe for its lifetime. The proposal would conflict with Policy S21 of the LP, which, amongst other things, requires development proposals to demonstrate that it will be safe during its lifetime. It would also not comply with guidance in Section 14 of the Framework concerned with planning and flood risk.

Other Matters

47. The business supplies produce to local shops, hotels, restaurants, college and other organisations, thereby providing economic benefits to the area. Through the sale and delivery of produce locally, the business is seen as providing a local service. There would also be benefits to biodiversity, as evidenced by the planting of trees and hedges. Nevertheless, these benefits are not reliant on the appellant living on the site.
48. There is support within the Framework at paragraph 88 for the development of agricultural businesses. In addition, paragraph 89 recognises that it may be necessary to develop sites within rural locations to meet local business needs. However, these paragraphs do not set aside the need to avoid isolated homes in the countryside. Furthermore, it has not been demonstrated that the development would be safe for its lifetime.

⁷ Paragraph: 044 Reference ID: 7-044-20220825

49. The proposal would be for a temporary period of three years. The reason given for seeking a temporary permission is to allow time for the business to grow before seeking to apply for and provide a permanent agricultural worker's dwelling. Whilst the temporary nature of the proposal reduces the magnitude of harm, it would not avoid or justify the harm I have identified in this case.
50. The appellant highlights that new houses have been built in parts of the county, including Boston and Market Rasen. I have limited details on the background to these examples, including whether they related to agricultural workers dwellings in the countryside or were within Flood Zone 3. As such, I cannot be certain these cases are directly comparable to the appeal scheme. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
51. Concerns regarding the advice of the Council at the time permission was granted for the agricultural storage building has no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

52. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, which indicate that a decision should be made otherwise in accordance with it.
53. Accordingly, the appeal is dismissed.

A Veevers

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Hey FRICS	Planning Agent
Robert Marshall	Appellant
Paula Shorrock	Appellant's Partner

FOR THE LOCAL PLANNING AUTHORITY:

Steven Watson	Principal Planning Officer
Tom Siddows	Planning Officer
Amanda Higgins	Observer, Technical Planning Admin