



Appeal Decision

Hearing held on 6 February 2025

Site visit made on 6 February 2025

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/K0235/W/24/3345789

Hill Farm, Melchbourne Road, Riseley, Bedford MK44 1BY

- 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 S Hodson against the decision of Bedford Borough Council.
 - The application Ref is 23/02188/OUT.
 - The development proposed is an agricultural workers dwelling.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. Applications for costs have been made by Mr Hudson against Bedford Borough Council, and by Bedford Borough Council against Mr Hodson. These are dealt with under a separate decision.

Preliminary Matters

3. The proposal seeks outline permission, with details of access and scale submitted for consideration. I have considered the appeal on this basis and have treated any plans in relation to matters of appearance, layout and landscaping as illustrative.
4. During the course of the appeal, a new National Planning Policy Framework (the Framework) has been published. The main parties were invited to comment on the implications of this change and those responses have been taken into account in determining the appeal.

Main Issues

5. The main issues are:
 - Whether there is an essential need for an agricultural worker's dwelling at the site as such to justify the provision of an isolated home in the countryside;
 - The effect of the proposal on the character and appearance of the area;
 - Effects on highway safety;
 - Ecological effects, and;
 - Whether the proposal would provide acceptable methods of foul disposal and arrangements for waste and recycling collection.

Reasons

Need for an agricultural worker's dwelling

6. The site is in the countryside for the purposes of assessment against the Bedford Borough Local Plan 2030 (the LP) and as such, Policy 7S applies to the appeal. The main parties agree that the site is not well-related to a defined Settlement Policy Area, Small Settlement or the built form of other settlement. Given the findings of my site visit I agree with those conclusions. Accordingly, Policy 7S states that development in this location will be permitted if it is appropriate in the countryside in accordance with Policy 68, which relates to accommodation for rural workers.
7. The Framework at paragraph 84 states that decisions should avoid the development of isolated homes in the countryside unless one of the circumstances listed applies. The main parties agreed the proposal should be considered under this paragraph and again, given the site's distinctly rural location and distance from other buildings and uses, it is appropriate that the site be considered as isolated for the purposes of assessment against the Framework. One of the criteria listed in paragraph 84 and where isolated homes may be acceptable, is where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
8. The first part of Policy 68 of the LP lists the circumstances where planning permission will be granted for rural worker's dwellings in the countryside. Its wording suggests all of the first three criteria should be met where the proposal is in connection with an established use. Point i) states that the dwelling should be necessary to sustain the functioning of an established economically viable enterprise. There are therefore two principal considerations under point i), whether the enterprise is economically viable and, whether this is reliant on the provision of a dwelling to sustain it.

Whether Economically Viable

9. The appellant currently operates a mixed farming unit comprising grazed grassland and livestock, as well as newly planted woodland and an education facility. It is reported that the farm experienced a loss in the first year of trading, but a small profit in the subsequent years ending March 2021 and 2022. It was discussed in the hearing that there is currently no significant income arising from the farm. As profits are less than the reported average earnings of an agricultural worker, this position does not demonstrate an established economically viable enterprise, as set out in LP Policy 68i).
10. Nonetheless, it is intended to grow livestock numbers as well as introduce new enterprises to the farm. The proposed dwelling is therefore intended to serve a business which is notably different to that which currently exists, which would comprise a vibrant mix of projects across the site as a whole, overseen by the appellant.
11. The appellant has set out a three year forecast net profit, which equates to well over four times the annual salary of an agricultural worker, even when production of spa products and building rentals are discounted. The increase in breeding sows would arise from rearing of existing animals, thereby removing the need for the purchase of stock, and much of the existing infrastructure on the farm could continue to be used without the need for significant investment over the forecast period. Hens, goats, sheep and rare breed poultry would need to be purchased and

are intended to be funded by business reserves and profits from years 1 and 2. This presents an optimistic picture of the farm's finances in future years.

12. Some elements of the farm's expansion, in particular the introduction of aquaponics equipment, can be easily costed as discussed at the hearing. However, the financial information provided is otherwise fairly rudimentary, and lacks details of the farm's accounts and costs. Importantly, it was accepted that there is uncertainty surrounding the figures in the future, and the timing of increasing livestock, given the lack of certainty resulting from factors including the timescales associated with the planning process and delivery of the proposed dwelling. While I appreciate these circumstances, this uncertainty casts doubt on the long term prospects of those enterprises, which is largely speculative at this stage.
13. In terms of the funding of the proposed dwelling, the written evidence refers to the provision of a temporary dwelling, or structure which would meet the definition of a caravan, which I return to below. However, the costs associated with a permanent dwelling were discussed at the hearing, and would come at a much greater cost to the business. While it is alleged this could still be achieved if at the lower end of the cost scale, it is not clear how this could be accommodated in the short term, given the current forecasts, and uncertainties discussed above. Given these factors in combination, it cannot be established with certainty that the proposal would support an economically viable enterprise.

Need for the dwelling

14. The appellant accepts that it is livestock which create the main need for the new dwelling. The information submitted suggests that over a three year period numbers of sheep would increase to 20, breeding sows to 10 and goats to 10. Free range and rare breed poultry stocks are intended to increase more significantly. Based on the evidence, care of young chicks would require frequent visits at approximately every two hours. Poultry may also require additional care when first arriving at the site, although this would not be an ongoing requirement, based on the evidence. Having a resident on the site would undoubtedly provide benefits to the care of those animals through allowing more frequent visits, in particular during birthing and times of severe weather. Nonetheless, given the quantum of those animals proposed, together with the reported frequency of births, I am not satisfied that a resident is necessary or that occasional or seasonal accommodation would not satisfactorily address those matters. While there may be a risk from predators for poultry, the evidence suggests they would be shut away at night and it has not been demonstrated how appropriate protection could not be provided to their enclosures, or how a constant presence within a dwelling on the site would necessarily diminish that risk.
15. The proposed aquaponics enterprise could be subject to primarily mechanical failures, including from leaks and power failures, as well as nitrate spikes, which could cause health problems, or fatalities in fish, and failure of green salad crops. Similarly, while acknowledging that these elements may require frequent testing, it has not been demonstrated that the number of instances would be so significant to warrant a permanent on-site presence and could not be dealt with by an individual living within a reasonable distance of the site. Even if some loss would occur, given the quantum of tanks proposed and the frequency of crop harvesting, this would be unlikely to undermine the viability of the enterprise as a whole. There may be a need to monitor the fire pits associated with biochar production.

However, given its intended frequency, being twice a week for forty weeks of the year, this would also not meet the test of necessity for the dwelling.

16. There is not substantive evidence that the site is at risk of crime at present, or the extent crime would become a significant risk following the introduction of new plant and equipment in the future. As such it has not been substantiated that this represents any significant threat and could not be dealt with by other means. Trespassing on the site by walkers could cause disturbance and stress to animals, however this could similarly be addressed by alternative means and it is not apparent this would compromise the viability of the business or that a full time resident is essential on this basis. I have no strong reason to doubt that the amount of labour input across the site as a whole would equate to labour hours exceeding those of a full time worker. However, this does not in itself demonstrate the essential need for a dwelling on the site.
17. With all of the above considerations, having a resident on site would undoubtedly allow a fast response time to any issues and would be valuable to the farm's operation. However, for the reasons set out and taken in combination, it has not been demonstrated that the test of necessity or essential need, set out in the relevant development plan policy and the Framework, would be met. Neither is it apparent that the ability of the farm to expand in the intended way could not be achieved without the delivery of the proposed dwelling.
18. For the above reasons, the proposal would not meet the first criteria set out in Policy 68, or the test set out in the Framework. Given that the policy requires all three criteria to be met, it is not necessary to reach a conclusion on parts ii) and iii) of the policy, since they would not alter the conclusion against that part of the policy overall. Even if I were to agree with the appellant on parts ii) and iii), that would not weigh in favour of the development, given the absence of an established need for the accommodation.

Temporary dwelling

19. Policy 68 provides for circumstances where accommodation may be sought in connection with new rural enterprises. It states that in those circumstances, the dwelling should take the form of a caravan or other type of temporary accommodation for the first three years.
20. Notwithstanding the above conclusions regarding the necessity of an agricultural worker's dwelling on the site, there is doubt as to whether the proposal would represent a type of temporary accommodation. While the application and appeal documents refer to the provision of a caravan and temporary accommodation, the application form makes clear that outline permission was sought for a dwelling. Even if the appellant were to submit details at a later stage of a structure which could be considered a caravan by definition, the appeal before me relates to a dwelling, and it is that which I must consider.
21. Given the need for subsequent approval of reserved matters, and the timescales involved in compiling those details and for the Council's consideration and approval, it could be many months until the dwelling could first be implemented, even if timescales for the approval of reserved matters and implementation were reduced as suggested by the appellant. Together with the nature of the proposal, which would entail operational development, I am not satisfied that it would be reasonable to grant planning permission for a temporary period, or require the

removal of the building after a period of three years. For these reasons I am not convinced that a temporary permission would be appropriate or reasonable, given the relevant tests for conditions.

22. In conclusion on this main issue, it cannot be concluded that the proposed dwelling is necessary to sustain the functioning of an established economically viable rural enterprise. Neither can it be established that the proposal would represent a type of temporary accommodation such that it should be permitted for a limited period. Accordingly the proposal would conflict with policies 7S and 68 of the LP, as well as the objectives of the Framework insofar as it resists isolated homes in the countryside.

Character and Appearance

23. The farm comprises a cluster of existing buildings, set back a significant distance from Melchbourne Road. These buildings generally have a simple and agricultural appearance and include barns and a stable which appear typical of a rural setting. The existing buildings are visible from Melchbourne Road at the point of access, as well as in views from further south along the road where the hedgerow to the edge of the highway has been removed. There is also some visibility from the Bridleway to the south, although there is a degree of screening provided by a cluster of trees. A significant number of young trees have also been planted between the buildings and the road, which in time would provide further natural screening.
24. While matters of layout are not for consideration of part of the appeal, the red line boundary denotes that the new dwelling would be positioned among the existing buildings. The scale of the building would also be similar to the other farm buildings. Given these factors, I am satisfied that an acceptable solution could be reached at the reserved matters stage and the proposal could integrate successfully into the existing cluster of buildings.
25. The residential use would be likely to introduce paraphernalia to the site, similar to that which currently exists and particularly as the scale of the dwelling proposed indicates it could accommodate a family. This could include play equipment, formal parking areas and outdoor seating. These would inevitably cause a degree of domestication, at odds with the distinctly rural setting. Nonetheless, given the set back of the building from surrounding public view points, and young planting on the site, it would be difficult to perceive these features from beyond the site's boundaries.
26. In conclusion on this main issue, the outline proposal would be acceptable in terms of its effects on the character and appearance of the area, and is capable of delivering enhancements through reinforcing the character of the existing cluster of buildings and through biodiversity enhancements. The proposal would comply with LP policies 28S, 29 and 30, as well as the design guidance set out in the Council's RENDSID¹, which together require development to respect its context and contribute positively to the area's character and identity. The proposal would also comply with the Framework where it refers to the intrinsic character and beauty of the countryside.

Highway Safety

¹ Residential Extensions, New Dwellings and Small Infill Developments: Design Guidance 2000

27. Given the site's isolated location, future occupants of the development would be heavily dependant on cars to carry out their day to day activities. Given the distances involved to the nearest settlements together with the fast and unlit nature of the roads, it is also unlikely that cycling would be a reliable alternative to car use.
28. I understand that the farm operations on the site are unrestricted by any planning condition. The appellant has set out their intentions for the expansion of the farm's activities and I have no strong reason to doubt that they would otherwise go ahead in some form. As such I consider there is a legitimate fall back position which could reasonably occur even if the proposed dwelling were not built.
29. If there were no one living on the site, there would inevitably be the need for people to visit the site on a daily basis to maintain and oversee its activities. The appellant sets out that even just accounting for the feeding and welfare of animals, two visits would be required each day. Consequently, the amount of movements would be similar to that given by TRICS data for the new dwelling. The need for additional visits throughout the day would likely increase as the farm diversifies for the reasons set out by the appellant. It is apparent then that having someone living on the site would reduce the need for many of those frequent movements on and off the site.
30. I appreciate there are a significant number of variations which could occur in vehicle movements from the site, depending on the way in which the farm operates at any time and depending on the circumstances of the intended occupants and their lifestyles. Neither could this reasonably be controlled even if permission was granted. The comparison can therefore only be made on reasonable assumptions. There is not significant evidence which would lead me to doubt the TRICS data used for the proposed house, or evidence of a figure which should be used instead. Given the appellant's comparison against movements for only a basic farm use, I consider the proposal would be unlikely to result in a significant intensification in the use of the access.
31. I note the Council's concerns regarding the visibility surrounding the junction, particularly to the north, and its concerns in respect of the methodology of the speed survey data provided. However, as I have found there would not be a significant intensification of the use of the access, if any, its continued use would not add to, or create additional harm to, highway safety. As such it is not necessary to address those matters further. Details of passing points on the access track could reasonably be secured by condition given the appellant owns the land surrounding it, and this would remove the need for vehicles to wait on, or cause obstruction to, the public highway. Given the site's characteristics, details of parking and turning areas for larger vehicles could also be achieved as part of the reserved matters.
32. I do not have full details of the circumstances surrounding earlier planning applications on the site that may have been refused for similar reasons, or details of their likely effects on the highway. As such these do not provide a reason to alter the above judgement.
33. For the reasons given, the proposal would be acceptable in terms of its effects on highway safety. It would comply with Policy 31 of the LP which requires that development should not have a significant adverse impact on access to the public highway, and the Framework insofar as it relates to impacts on highway safety.

Ecological Effects

34. The Council have accepted that there is not a requirement to secure a 30 year maintenance plan for biodiversity enhancements, and I am satisfied that enhancements could be installed to the site which would achieve the policy requirement.
35. The site adjoins areas likely to be of high ecological value including woodland. However, the area of the appeal site encompasses predominately the existing access track, gravel and mown-grass surfaces, and the Council accept these parts of the site are of very low ecological value. Given the characteristics of this particular area, and in the absence of credible evidence that protected species are likely to be present on, or affected by the proposal, further information in this respect would not be necessary.
36. The proposal would therefore be acceptable in terms of its ecological effects, and it would comply with policies 42S and 43 of the LP and the objectives of the Framework relating to the protection and enhancement of biodiversity.

Waste Collections and Foul Waste Disposal

37. Policies 29 and 32 of the LP require proposals to include, among other things, arrangements for dealing with waste, storage and collection. There is adequate space on the site for waste and recycling to be stored close to the dwelling without causing visual harm. However, the dwelling would be positioned far from the edge of Melchbourne Road and down a narrow and unmade track, which I observed to be uneven and flooded in parts. As such, moving refuse from the dwelling to the road edge would be difficult for future occupants, particularly during dark hours and inclement weather. The Council's Technical Guidance: Waste and Recycling in New Developments 2021 states that residents must not be required to pull their bins a distance further than 25 metres from the bin storage area to the highway, in accordance with Building Regulations. The proposal would clearly breach this guidance.
38. Nonetheless, while it may not be lawful for planning purposes, I understand that a domestic waste collection currently takes place from the site and it would be for the appellant to ensure that bins were presented to the roadside accordingly. While the proposal conflicts with the Council's Technical Guidance in this respect, this is nonetheless guidance, and compliance with any Building Regulations requirements would be considered separately. For these reasons the proposal would be acceptable in terms of its waste collections and would not conflict with the relevant LP policies summarised above.
39. With regard to foul waste disposal, given the size of the site and its existing character, there is no strong reason why a solution to foul drainage could not reasonably be achieved without causing risk of pollution as described in the Framework. Details of any proposed tank and arrangements for its discharge could be secured by condition if the proposal was otherwise acceptable to ensure compliance with the Framework. The proposal is therefore acceptable in this respect.

Planning Balance

40. The Council accept that it is unable to demonstrate a five year land supply for housing. The provisions of paragraph 11d) of the Framework are therefore be relevant to the appeal. The benefits of the proposed development include the provision of one new house, albeit for use only in connection with the farm. Biodiversity enhancements could be secured to the wider site if permission was granted, and there would be some benefit to localised flooding through additional planting. There could also be benefits to animal welfare through having an occupant on the site. Taken together, given the scale of the development, moderate weight is given to these benefits.
41. The enterprises intended for the site would adhere to the objectives of the Framework relating to a prosperous rural economy, including the development and diversification of agricultural and other land-based businesses. They would improve access to open space and education for community groups including vulnerable people and children. Although this is an important benefit, it would not be secured if permission were granted and it is not apparent that the permission is necessary for its delivery. As such limited weight is given to this benefit.
42. The adverse impact of the development would be its isolated location in the countryside, at odds with the Council's spatial strategy for the location of development and the Framework. The effects would be significant and long lasting, and to this harm I give substantial weight. Having regard to paragraph 11d)i) of the Framework, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This view is reached having particular regard to the key policies for directing development to sustainable locations, in particular the provisions of paragraphs 84 and 110, relating to isolated homes and managing patterns of growth to support sustainable transport. Accordingly, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

43. The proposed development would conflict with the development plan as a whole and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR