



Appeal Decision

Hearing held on 26 March 2025

Site visit made on 26 March 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/D1265/W/24/3358016

Brewery Farm, Ansty Lane, Ansty, Dorset DT2 7PN

- 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 and Mrs Wallis against the decision of Dorset Council.
 - The application Ref is P/OUT/2023/05987.
 - The development proposed is the construction of a rural workers dwelling (as part of this outline application, approval is being sought for the matter of access).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a rural workers dwelling (as part of this outline application, approval is being sought for the matter of access) at Brewery Farm, Ansty Lane, Ansty, Dorset DT2 7PN in accordance with the terms of the application, Ref P/OUT/2023/05987, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline with matters related to appearance, landscaping, layout and scale reserved. I have dealt with the appeal on that basis.
3. The appeal has been accompanied by a signed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) to mitigate the impacts from future occupiers on the Poole Harbour Special Protection Area and Ramsar site (SPA). Although the Council have confirmed that it has approved the UU and that it adequately addresses the second reason for refusal, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a main issue.
4. During the course of the appeal and following submission of a Drainage Statement¹, the Council confirmed that this addresses the third reason for refusal. As a result, the Council confirmed that it is not defending this reason for refusal. As I have no reason to disagree, I do not need to consider this matter further.
5. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed with the main parties referring to the latest version at the Hearing. I am

¹ By Aquatech Drainage Consultants Ltd dated 22 November 2024

satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.

Agreed Matters

6. Before the Hearing the parties submitted a statement of common ground (SOCG). This describes the appeal site, planning history, planning policy context and indicates matters agreed and not agreed. Following the completion of the SOCG, the appellant accepted that the Council's 5.02 years supply of deliverable housing sites is fixed until 31 October 2025. As stated above, the parties agreed before and at the Hearing that the impact on the SPA was no longer in dispute. As a result, the outstanding matter not agreed reflects the first reason for refusal.

Main Issues

7. In light of the preliminary and agreed matters above, the main issues are:
 - whether there is an essential need for a second dwelling to accommodate a rural worker living permanently at the appeal site; and,
 - the effect of the proposed development on the integrity of the Poole Harbour Special Protection Area and Ramsar Site with particular regard to the discharge of nitrates.

Reasons

Background

8. The appeal proposal seeks outline planning permission for residential accommodation to support a family enterprise/business (the enterprise) comprising a farm, public house with letting rooms, commercial units, camping and caravan pitches, holiday lodges, caravan storage, plant hire, log sales and a farm shop with post office.
9. At the Hearing, Mr Dyke confirmed that they are not relying upon the farm shop/post office, commercial units, plant hire or log sales element of the enterprise to justify the dwelling. This is due to the farm shop/post office being leased to a third party with the commercial units, log sales and plant hire not requiring 24-hour management.
10. Mr Wallis explained at the start of the Hearing that since the refusal of planning permission, The Fox Inn public house is now managed as part of the wider enterprise, mainly by Mrs Immy Wallis. Mr Will Wallis also confirmed that the ownership of the family enterprise as a whole is split equally between himself, his parents/the appellants (Mr Adrian Wallis and Mrs Carol Wallis) and his brother Mr Rob Wallis.
11. At the Hearing, the appellant's outlined that the farm comprises approximately 48 cattle, 85 sheep, 2 rams and 50 chickens. The public house also comprises 12 bedrooms for let, live-in staff accommodation, has approximately 100 covers and employs approximately 10 full-time staff, 12 part-time staff plus and seasonal staff. The 19 pitches include 10 pitches with electric hook-up with the pitches available for use all year round. The three holiday lodges are also available for booking 365 days a year with a fourth granted planning permission but not yet constructed. There is covered storage for approximately 10 caravans. Finally, I was advised by

both main parties that planning permission is likely to be granted very shortly for two shepherds huts for use as holiday accommodation and that other events take place throughout the year under permitted development rights.

12. It was also explained by Mr Will Wallis, Mr Dyke and Mr Tregay that the proposal relates to succession planning for the family and majority control of the enterprise transferring from the appellants to Will Wallis/Immy Wallis and Rob Wallis in due course. As a result, it is intended that the proposed dwelling would comprise a new single storey dwelling for occupation by the appellants, to aid Adrian Wallis' health needs, with the existing farmhouse occupied by Will and Immy Wallis.

Whether essential need

13. Policy 2 of the North Dorset Local Plan Part 1 January 2016 (LP) sets out the Core Spatial Strategy for development. It defines the countryside as the areas outside of the defined boundaries of the four main towns, Stalbridge and the larger villages. There is no dispute between the main parties that the site lies in the countryside outside of the settlement boundaries for the four main towns, and outside of Stalbridge and the larger villages. I have no reason to disagree.
14. LP Policy 20 states that in the countryside development will only be permitted if it is of a type appropriate in the countryside as set out in Figure 8.5, that includes occupational dwellings.
15. LP Policy 33 relates to occupational dwellings. It states that a new permanent dwelling for an agricultural, forestry or rural worker will only be permitted if it relates to a full-time worker; there is an essential existing functional need to live at the site; it satisfies the 'financial test'; the functional need could not be fulfilled by other means; it is the minimum site and design commensurate with the requirement and financial projections; and, it is sited so as to meet the identified functional need.
16. At the Hearing, Mr Collins clarified that the Council considers that LP Policy 33 relates to rural as well as agricultural and forestry workers. It was further confirmed in the Council's written evidence and orally at the Hearing that the Council have no concerns in relation to the appeal with regard to the economic viability of the enterprise, the size and design of the dwelling (as this can be adequately addressed at reserve matters stage), or to its siting. As I have no reason to disagree, I will focus on the areas in dispute between the main parties. These concern whether the proposal relates to a full-time worker, whether an essential existing functional need to live at the site has been demonstrated and whether the functional need could be fulfilled by any other means. I will deal with each in turn.

Full-time worker

17. At the Hearing, Mr Dyke confirmed that the appellants acknowledge that the running of the farm on its own does not equate to a full-time rural worker. Mr Dyke further explained that it is a combination of the different elements of the enterprise that result in a full-time rural worker and need for the dwelling.
18. I was further advised at the Hearing that the farm is mainly run by Immy and Carol Wallis, assisted by Rob Wallis, that Immy, Will and Rob Wallis manage the public house, and that Immy and Carol Wallis manage the camping and caravan site and holiday lodges. My attention was also drawn to paragraph 6.1.15 of the appellant's Statement of Case that details 8 other employees, plus seasonal help, and to the

public house employing approximately 10 full-time, 12 part-time and additional seasonal staff.

19. The evidence from the appellant's clearly demonstrated that Immy Wallis works the enterprise on a full-time basis, alongside Carol Wallis who works approximately 30 hours a week mainly dealing with bookings. Furthermore, Will Wallis works on the enterprise before and after carrying out his day job elsewhere, and also working on the enterprise at weekends with a considerable number of other staff, and Rob Wallis, assisting.
20. I therefore have no doubt that the enterprise as a whole relates to a full-time worker. This is supported by the findings of Reading Agricultural Consultants in their first appraisal dated 7th December 2023 where it was acknowledged that the enterprise is transferring from Adrian and Carol Wallis to Immy, Will and Rob Wallis and that as a result of the family's involvement and number of staff employed, the keyworker's role would be considered full-time.

Essential existing functional need

21. It was clear at the Hearing that the family enterprise had changed and grown from that which justified the existing dwelling on the site. Mr Sewill made the point that this had been possible due to the presence of the existing farmhouse that also acts as the focal point to the enterprise.
22. There is no dispute between the parties that the farming element of the enterprise does not in itself provide an existing essential functional need for a worker to live at their place of work. It does however result in the need to be on-site at various times of the year, particularly during the lambing and calving seasons. In light of this, the case was made by the appellant's that there is an essential functional need when considering the demands of the enterprise as a whole.
23. In this regard, I heard that by reason of the 12 bedrooms for let within the public house, this results in Immy Wallis in particular having to attend the site outside of the pub opening hours to deal with matters such as guests being locked out of their rooms, fire alarms and complaints. In relation to this I was presented with evidence stating that the fire alarm had gone off 5 times at night over the last year, with 1972 different guests with 1816 nights let since July 2024. In addition to this, there is the need to cover for staff that may not turn up at 6.30am to start shifts and to provide a 24-hour reception service/contact for guests.
24. I was further advised that the camping and caravan site and holiday lodges place a 24-hour demand on Immy Wallis in particular due to people getting stuck on their pitches, failing toilet, shower, internet and electricity facilities, need to dispose of waste, dealing with security and health matters and late arrivals. Furthermore, the appellants are responsible for caravan storage taking stored caravans in and out of the storage building as and when requested.
25. At the Hearing Mr Bates and Mr Collins advised that the Council understand the demands from the enterprise but consider that the need to live on site is desirable rather than essential. In relation to this the Council stated that demonstrating an essential need is a high bar to meet.
26. I have some sympathy with the Councils case that reliance upon the caravan and camping element of the enterprise in isolation questions the need for a full-time

worker to live permanently at the site, and that it is unlikely that all pitches would be fully occupied every day of the year. However, on balance, given the out of daytime hours examples of demands from a combination of the farm, public house, camping and caravan sites, and caravan storage, the high number of guests at the enterprise at any one time, as I was advised at the Hearing that the enterprise has got to a point where it can no longer grow due to the existing demands on time, and given that the proposal is part of succession planning with Carol Wallis unable to deal with issues on site, I find that an essential existing functional need has been demonstrated.

Fulfilled by any other means

27. Although Mr Bates and Mr Collins did not dispute the demands upon Immy Wallis in detail, they stated that the Council is of the opinion that alternatives to on-site accommodation are available and had not been adequately considered. Such alternatives could include the use of existing staff accommodation within the public house, the fact that Immy and Will Wallis live half a mile from the site and that overnight staff could be employed.
28. In response, the appellant's team stated that as a rural enterprise it suffers from the hire and retention of staff due to shortages and that in light of this, and the rural location, it is very difficult to recruit people who want to work evenings, weekends, or shift work. This is particularly the case in relation to the public house and employing chefs. As a result, the staff accommodation within the public house is needed in order to retain staff working there. Furthermore, I was advised that the size and nature of the staff accommodation with shared facilities does not make it suitable for a live-in manager. The Council stated at the Hearing that they acknowledged these arguments.
29. In relation to employing overnight staff, it was evidenced that it is not financially viable for the enterprise to employ two workers for these hours. As a result, it is more efficient for somebody to live on site and carry out the work of an evening, night and weekends as required. Again, the Council stated at the Hearing that they understood this argument. Furthermore, I acknowledge that such work is essential to the success of the enterprise.
30. I have some sympathy with the Council's case that the management demands could continue to be carried out by Immy and Will Wallis from their existing property fairly close to the site. However, I am convinced by the appellant's case that the constant travelling backwards and forwards is inefficient and stifling the enterprise preventing further growth. Furthermore, and given the difficulty in recruiting staff for such irregular work at unsociable hours and given that the requirement to be on site is for sporadic periods of time throughout the night, the frequency and importance of such periods, cost to the enterprise, and need for management, necessitates somebody living permanently at the appeal site as has occurred up to now.

Succession

31. There was no dispute between the main parties at the Hearing that whilst succession planning is supported by the Council in principle, there is little explanation of its operation, limited planning policy guidance and no defined mechanism in the PPG. In relation to this however, both parties acknowledged paragraph 84a of the Framework in relation to stating that an essential need for a rural worker includes those taking a majority control of a farm enterprise.

32. With regard to this, I was advised at the Hearing that the enterprise is in the process of being transferred from the appellants to Will/Immy and Rob Wallis as part of the method of succession planning. Although Will, Immy and Rob Wallis do not have currently a majority control of the enterprise, it is clear that Adrian Wallis has retired and that Carol Wallis is reducing her hours and involvement and passing it on as part of the process of succession planning, with the daily management passing to Immy Wallis in particular. I find that it has been demonstrated that the proposal is part of the transitioning of the enterprise from the appellants to their children as part of the succession planning process whereby majority control is passing to Will/Immy and Rob Wallis.
33. In relation to this, it is noteworthy that the succession is partly related to Mr Adrian Wallis's health situation. In this regard, there would be a benefit to his health and wellbeing, and to the future of the enterprise, from the transition and succession planning process and through the provision of the proposed dwelling.

Conclusion

34. Although I acknowledge that the need for a worker to be on site overnight is not continuous, and that in the Council's view the proposal does not equate to an essential need, I find nothing in LP Policy 33 that states that an essential need means 24-hour continuous working. Policy 33 simply states that there is an essential existing functional need.
35. In light of the varied nature of the enterprise, different elements, number of people employed and visiting the enterprise, difficulty in recruiting seasonal and shift/overnight work, need to address events overnight, and current working practices restricting the growth of the enterprise, overall I am convinced from the evidence that there is an essential all year round need for a full-time rural worker to live at the site to support the operation of the enterprise. Such factors exacerbate instances where action might be needed at very short notice, including at night and throughout the year. Furthermore, it has been adequately demonstrated that the functional need could not be fulfilled by any other means and that the proposal is part of the succession planning of the rural enterprise that justifies the second dwelling.
36. It follows that for the reasons given above, I conclude that an essential need for a second dwelling to accommodate a rural worker living permanently at the appeal site has been adequately demonstrated. The proposal therefore complies with LP Policies 1, 2, 20 and 33 that restrict residential development in the countryside to a location that is essential for a full-time rural worker with the functional need not fulfilled by any other means.
37. The proposal would also comply with paragraph 84 of the Framework that requires an essential need to be demonstrated for a rural worker, including those taking a majority control of a farm business, to live permanently at or near their place of work. It also complies with advice contained within the Planning Practice Guidance (PPG)² that, subject to evidence, supports a rural worker living in close proximity to their place of work to ensure the effective operation of a land based rural enterprise and where it is essential for the continued viability of a farming business through the farm succession process.

² Reference ID:67-010-20190722

Integrity of protected site

38. The appeal site is within the catchment of the SPA. The Habitat Regulations require that where a project is likely to result in a significant effect on a European site, the competent authority is required to undertake an appropriate assessment of the implications on the integrity of the European site in view of its conservation objectives. Any likely significant effects arising from the development need to be considered alone and in combination with other development in the area.
39. The Qualifying Features of the SPA include overwintering populations of shelduck *Tadorna tadorna*, pied avocet *Recurvirostra avosetta*, Icelandic-race black-tailed godwit *Limosa limosa islandica*, and an overwintering assemblage of waterbirds. Also included are the breeding populations of Mediterranean gull *Larus melanocephalus*, common tern *Sterna hirundo*, and Sandwich tern *Sterna sandvicensis*, and Aquatic Warbler *Acrocephalus paludicola*, and Little Egret *Egretta garzetta* which are on passage. The SPA designation therefor recognises the international importance of the area.
40. The SPA is in an 'unfavourable' condition due to poor water quality as a result of elevated concentrations of nitrogen. This ultimately results in a restriction of the availability of invertebrates that provide food for birds resulting in a severe decline in population numbers. A proportion of the nitrogen entering the SPA catchment is from human sewage discharge. As a result of an increase in overnight accommodation, the development is likely to result in an increase in the discharge of nutrients and contribute to additional nitrogen entering the SPA causing a likely significant effect on the integrity of the SPA.
41. The Council's strategy for avoiding an adverse effect from water quality impacts is ensuring that developments provide nitrogen mitigation. In relation to this appeal, the appellant has provided an estimate of the additional nitrogen loading which will result from the proposed development, using a calculator tool provided by Natural England. Dorset Council have reviewed the calculator submission and agree that the proposed development will result in the discharge of 2.01 kgTN/yr within the Poole Harbour catchment.
42. To mitigate this load the appellant has proposed the upgrading of a septic tank off-site to a Graf One-2-Clean Package Treatment Plant (PTP). This will result in a nitrogen saving of 9.13 kgTN/yr and a net reduction of nitrogen of 7.12 kgTN/yr. The appellant has secured the upgrade to the PTP through the UU to ensure the proposal achieves nutrient neutrality. Furthermore, in accordance with the calculations in the appellants Nutrient Neutrality Assessment and Mitigation Strategy 14 August 2024, the appellants agree to a condition restricting the usage of water from the dwelling to a maximum of 120 litres per person per day.
43. Consequently, subject to the UU and condition restricting water usage, I am satisfied that likely significant effects to the ecological integrity of the SPA would be avoided. I have consulted with Natural England which has confirmed that the UU and condition are sufficient to avoid adverse impacts on the integrity of the European Site and its features. Consequently, I am satisfied that likely significant effects to the ecological integrity of the SPA would be avoided in accordance with LP Policy 4 and the related provisions of the Framework. Amongst other things, these seek to ensure that developers demonstrate that their proposals will not have significant adverse effects, including cumulative effects, on internationally important

wildlife sites, be nitrogen neutral to avoid increasing nitrogen inputs into Poole harbour, and conserve and enhance the natural environment.

Other Considerations

44. The site lies within the Dorset National Landscape (NL), and I am required to have regard to the purpose of conserving and enhancing its natural beauty. Furthermore, paragraph 189 of the Framework requires that great weight be given to conserving and enhancing landscape and scenic beauty in the NL. There is no dispute between the parties that the proposal would conserve and enhance the landscape and scenic beauty of the NL. In light of the location of the site within the main farm complex, partial screening by surrounding planting, and subject to a suitable design of dwelling and layout at the reserve matters stage, I have no reason to disagree.

Conditions

45. I have had regard to the conditions discussed at the Hearing and to the conditions suggested by the Council. I have considered these against the advice in the Framework and PPG. I have amended some conditions in the interests of precision and clarity.
46. In addition to the standard reserved matters details and time conditions, it is necessary for a condition to confirm the approved plans in the interests of certainty.
47. As set out above, any residential use of the land is only acceptable to support the rural enterprise. A condition is therefore necessary to ensure that the development complies with national and local policies for developments in open countryside.
48. Also as detailed above, a condition is necessary to restrict water usage in order to protect the integrity of the SPA in the interests of protecting the natural environment.

Conclusion

49. For the reasons given above, I conclude that the appeal should be allowed.

C Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Edward Dyke	–	Partner, Symonds & Sampson LLP
Andrew Tregay	–	Head of Planning, Symonds & Sampson LLP
Will Wallis	–	on behalf of the appellants
Immy Wallis	-	on behalf of the appellants

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Bates - Planning Officer, Dorset Council

Andrew Collins - Team Leader, Dorset Council

Roger Sewill - Reading Agricultural Consultants

DOCUMENTS submitted at the Hearing:

1. Hard copy of Unilateral Undertaking dated 21st March 2025.
2. Holiday Let Figures March 24-25 and Pub Info.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos: ED/SS727/Loc01 – Location Plan and ED/SS727/Bloc02 – Block Plan.
- 5) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in agriculture, forestry or other rural occupation, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 6) The dwelling hereby permitted shall incorporate measures to limit water use of occupiers to no more than 120 litres per person per day. These measures shall be operational before first occupation of the dwelling and thereafter retained and maintained in perpetuity.

END OF CONDITIONS