



Appeal Decision

Hearing held on 30 April 2025

Site visit made on 30 April 2025

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/U2235/W/24/3355570

Willow Farm, Lughorse Lane, Yalding, Kent ME18 6EB

- 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 & Mrs Trowell against the decision of Maidstone Borough Council.
 - The application Ref is 24/502389/FULL.
 - The development proposed is Retrospective siting of a temporary rural workers dwelling for a temporary period of three years.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective siting of a temporary rural workers dwelling for a temporary period of three years at Willow Farm, Lughorse Lane, Yalding, Kent, ME18 6EB in accordance with the terms of the application, Ref 24/502389/FULL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan (Ordnance Survey 'Buy a Plan' 1:1250 scale); Block Plan (1:500 scale) and Location Plan (1:10050 scale).
 - 2) The occupation of the temporary rural workers dwelling shall be limited to a person solely or mainly working in connection with the rural enterprise at Willow Farm, or a widow or widower of such a person and to any resident dependents.
 - 3) The temporary rural workers dwelling hereby permitted shall be removed from the site no later than 3 years from the date of this decision.

Preliminary Matters

2. I observed on my site visit that the development has been completed in accordance with the submitted drawings. I have therefore determined the appeal on the basis that retrospective planning permission is sought for the development which has already been implemented.
3. The Council's decision notice refers to policy CD3 of the Maidstone Local Plan Review (2024) (MLPR). Having reviewed the policies submitted in relation to the appeal, I understand this to be a typographical error, and that the correct policy is LPRCD3 of the MLPR. During the hearing the main parties confirmed their agreement, and I have determined the appeal on this basis.

Background and Main Issues

4. The appellants have owned and farmed the land at Willow Farm since 2018, and have lived on the farm since then. Planning permission (Council Ref: 22/505714/FULL) was granted in 2023 for retrospective change of use of land for use as mixed agricultural/educational use including siting of a wooden skidded moveable shed for use as a class/rest room and indoor activity room, a skidded wooden animal shelter on a paving slab base, and erection of a polytunnel. The educational element of that permission relates to the enterprise's provision of a care farm which offers children with a defined health, social or educational need the chance to participate in a variety of farming activities for their therapeutic benefit.
5. Based on all that I have read including interested party representations, and the discussions at the hearing, the main issues in relation to this appeal are:
 - Whether there is an essential need for a full-time rural worker to live at the appeal site in the countryside; and
 - The effect of the appeal scheme on the character and appearance of the area, including the setting of the Greensand Ridge Landscape of Local Value.

Reasons

Essential need

6. The appeal site is tightly drawn around an access track from Lughorse Lane, and an area of the farmyard which the temporary dwelling is positioned within. Immediately beyond the appeal site is approximately 26 acres of land which is owned by the appellants and which contains a large L-shaped barn, sheds, shelters and structures associated with the keeping of animals, an indoor learning space as well as open fields and areas of orchard planting.
7. There is no dispute that the appeal site is located outside the nearest settlement boundary, and is in the countryside for planning purposes. Policy LPRCD3 of the MLPR states that there are some instances where temporary housing for a rural worker may be located outside development boundaries, subject to specific criteria. During the hearing it was agreed that the Council's concerns were in relation to criteria a) and b) of the policy, which require that the dwelling is essential for the efficient development and running of the enterprise and that there is need for accommodation for a full-time worker. The thrust of the policy is consistent with paragraph 84 of the National Planning Policy Framework (2024) (Framework) which seeks to avoid the creation of isolated new dwellings in the countryside unless particular circumstances apply.
8. 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 essential 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.

9. During the hearing the appellant confirmed that the care farm currently has 16 sheep, 24 chicken, 2 goats, 2 geese, guinea pigs and a horse. There are also 20 hen eggs and 9 quail eggs undergoing incubation. On the evidence of my site visit, I have no reason to dispute these numbers. In due course, the appellants plan to increase the number of animals on the site to approximately 50 sheep, 6 goats and 120 chickens. However, the appellants explained that, due to the uncertainty of their future living arrangements, which rest on the result of this appeal, they have felt unable to make further investments in additional animals.
10. The care farm runs two or four hour sessions for small groups of children with a range of physical, special educational and mental health needs, who often cannot be educated in schools. I heard that the care farm supports students from both special educational needs schools, and from special educational needs units within mainstream schools. Some children are also referred to the care farm by local authorities.
11. At present, the appellants generally operate seven sessions across the week. The intention for the future is to significantly increase the number of sessions across the week, which would require an additional member of staff. However, the appellants have felt unable to commit to employing a member of staff until they have more certainty stemming from the outcome of this appeal.
12. The Council indicated that a full-time rural worker is assumed to provide 275 Standard Worker Days (SWD) of labour per year. I have not been provided with detailed calculations as to the worker days which are required to run the various aspects of the enterprise. However, the Council's agricultural advisor indicates that as the appellant's livestock numbers are low, the SWD for the enterprise would fall appreciably short of the 275 required for a full-time worker. While not disputing this, at the hearing the appellant maintained that the SWD calculation is not appropriate for care farms.
13. The children attending the care farm have a hands-on experience of farm work. They are closely supervised to assist in a range of tasks including cleaning, feeding, giving medications, feet trimming, dagging and shearing. Given the high-level of supervision required throughout, tasks are significantly more time consuming than they may be on a more conventional farm enterprise. In addition, it is often necessary to repeat the tasks once the children have left.
14. Furthermore, other routine livestock tasks which the children cannot assist with, need to be undertaken out of the hours when children are in attendance. The livestock are grazed within relatively small paddocks, so that they can be accessed by the care farm, therefore increasing maintenance required within these. Given sanitation concerns the appellants also undertake cleaning more regularly than other rural enterprises may.
15. In addition, I saw for myself that there are a variety of crops and fruit trees being grown on the site at different stages of growth and it is quite clear that the work involved maintaining and harvesting these is substantial. The appellants indicate that their typical working days run from the hours 07.30 and 20.00 daily, although some tasks take a significant amount of time and lead to long working days.

16. The key driver for the keeping of livestock and maintenance of orchards is to facilitate the needs of the care farm. Therefore, it is my view that, the labour associated with both farming and care farm operations cannot be distinct from each other when considering the number of working hours required to sustain the enterprise.
17. The activities presented during the Hearing broadly correspond with the details set out within the appellant's written evidence. Overall, it seems to me that it is not reasonable to use the typical SWD assessment for the labour on the holding, particularly in regards to the livestock. Given the nature of operations within the enterprise, especially the tasks associated with the care farm, the application of SWD figures associated with commercial scale agriculture would be unlikely to reflect the true labour requirements in this appeal. Therefore, based on the evidence presented during the Hearing and the information before me, together with my observations on site, I conclude that the enterprise has an operational need for a full-time worker.
18. This does not mean, however, that there is an essential need to be on-site on a 24-hour basis. From the appellant's explanations, eggs within their incubators are checked every two hours throughout the day. However, these are not checked at regular intervals throughout the night.
19. I understand that hatching chicks require checks approximately every two hours to ensure no crowding or smothering, for temperature checks, and to ensure sufficient feed and water supply. There are clearly ways of securely fencing the animals to reduce the chances of predation. Further measures could potentially be taken to monitor the birds remotely with temperature gauges or a CCTV system. Whilst incidents such as poultry crowding and smother events could result in the death of birds, I have very little evidence on the frequency of such occurrences at the appeal site or their consequences. Overall, the amount of poultry on the site is very modest at present and I am not convinced that this element requires a round the clock presence all year round.
20. I understand that the appellant's Coloured Ryelands are a heavy fleeced, compact sheep which are prone to getting stuck on their backs, which can lead to their deaths. However, risks to livestock are inherent to any farming operation and the appellants do not undertake routine nightly checks of the sheep. I have limited substantive evidence of an abnormally high mortality rate of Coloured Ryelands which would necessitate a 24-hour on-site presence.
21. During lambing, round the clock monitoring is required and it is necessary to be on hand rapidly to assist with difficult births, and to ensure satisfactory welfare of young lambs. This justifies an on-site presence. Whilst the appellants confirmed that they have had a single lambing season since 2018, they have plans to increase sheep numbers in the future, and therefore are likely to have future lambing seasons. However, the submitted evidence indicated that this would be on a seasonal basis as opposed to requiring year-round oversight. It does not therefore demonstrate a need for a year-round on-site presence.
22. The appellants have significant concerns about the security of both their animals and farming equipment, and the Council acknowledge that crime is a serious concern to all rural enterprises. I heard about incidents of trespassing and coursing on Willow Farm, the most recent incident taking place last year. There are

particular concerns about the animals on the farm, as their familiarity with people from the care farm operations, leads them to gravitate towards rather than away from strangers. I also understand that the care farm is unusual in that a wider range of people visit, unlike some other rural enterprises. Furthermore, in the event of animal theft, the animals could not be easily replaced as they require significant investment of time and training to be comfortable with the level of human interaction necessary for the care farm.

23. Depending upon the degree of theft or damage caused, the ability of the business to continue would be compromised, particularly given the role of animals in the care farm's activities. However, the likely consequences of these types of events have not been evidenced. Other options to prevent incidents, would be possible through the use of CCTV or fencing as alluded to by the Council. No other security measures have been considered by the appellant, instead relying on their on-site presence to deter potential thieves and vandals. Therefore, the evidence before me does not demonstrate that this has been fully explored and discounted by the appellant. 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.
24. I have nothing before me to demonstrate how living on site would minimise the stress associated with incidents such as fireworks, whilst I accept that the appellant would know why the animals had become stressed. It would not prevent the situation occurring and the outcome may still be the same.
25. I conclude that, whilst there is an operational need for a full time worker, it has not been demonstrated that there is an essential need for a temporary dwelling in the countryside to accommodate a rural worker. Consequently, the proposal would not comply with policy LPRCD3 of the MLPR insofar as it requires a temporary dwelling for a rural worker to be essential for the efficient development and running of the enterprise.

Character and appearance

26. The appeal site is accessed from Lughouse Lane, a narrow lane which is generally lined by tall, mature hedgerows. Both sides of the lane are bordered by open fields often with hedge or tree lined boundaries, and there is limited, sporadic built development on either side. The appeal site and the nearest settlement of Yalding are located at the foot of the Greensand Ridge scarp, which is a dramatic, steep landform, allowing expansive views from its summit. Consequently, the appeal site is located within the Greensand Ridge Landscape of Local Value (LoLV) and the Linton Greensand Ridge landscape character area (LCA).
27. The Maidstone Landscape Character Assessment (2013) (MCLA) identifies the key characteristics of the LCA as, amongst other things, the scarp face of the Greensand Ridge; extensive views across the Low Weald to the south; orchards set within small scale field patterns and the series of narrow lanes that run against the contours.
28. At the time of my site visit, the appeal building was not visible through the very dense hedgerow marking Willow Farm's boundary with Lughouse Lane. I accept that in winter months the hedgerow is likely to be less dense. However, from most points along the lane, the dwelling is also screened by the large L-shaped barn which sits between the appeal building and Willow Farm's boundary with Lughouse Lane. As a result, the dwelling is not a prominent or harmful feature in

views from Lughorse Lane, and it would not affect views of the Greensand Ridge from the south.

29. I viewed the appeal site from public right of way KM191 (PROW) which runs along the top of the Greensand Ridge scarp, approximately 500 metres from the appeal building. From this vantage point the group of buildings on Willow Farm is visible in distant views. Whilst visible, the appeal building is seen against the backdrop of the large L-shaped barn, and as part of a group of structures including a polytunnel and other ancillary farm buildings which are positioned around the farm yard. The building's wood panel elevations are appropriate to the rural setting and reduce its prominence. Within this viewpoint, it is not visually distinct from the surrounding farm buildings, nor is it discernible as a residential building. Consequently, the building does not have a harmful effect on the visual openness or character of the countryside in views from this elevated position.
30. During the hearing, the Council confirmed that their concerns about domestic paraphernalia related to items such as washing lines and garden furniture. Currently there are no prominent domestic items surrounding the appeal building. I note the Council's concerns that paraphernalia could increase over the years. However, it seems unlikely that there would be a significant increase over a temporary three year period, and the appeal site is very well enclosed, meaning that close-range views are extremely limited. Given that views of the dwelling from the PROW are long-distance, any future domestic paraphernalia would be largely indistinguishable from agricultural paraphernalia within the adjoining farm yard.
31. Therefore, the proposal does not have an unacceptable harmful impact on the character and appearance of the area, including the Greensand Ridge LoLV. Consequently, the proposal accords with policies LPRSP9, LPRSP15, LPRQD4 of the MLPR, and the MCLA insofar as they collectively require development proposals to not result in significant harm to the rural character and appearance of the area, conserve and enhance the distinctive landscape character of the Greensand Ridge LoLV and create high quality design.
32. The proposal would also comply with the requirements of paragraph 187a of the Framework which outlines that planning decisions should protect and enhance valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan).

Other Matters

Public Sector Equality Duty

33. In considering the appeal proposal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
34. Amongst other things, for the purposes of the Equality Act, protected characteristics include disability and age. Whilst I have not been provided with supporting medical information, I am satisfied that the purpose of the appeal is to provide a temporary dwelling for the operators of the care farm which accommodates children who may have protected characteristics for the purposes of applying the PSED.

35. Furthermore, Article 3 of the United Nations Convention on the Rights of the Child requires children's best interests to be a primary consideration. Although a primary consideration, the best interests of a child are not a determinative planning issue, but no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.
36. The Planning Practice Guidance advises that decision-makers need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, it similarly advises that they will want to ensure the approach is proportionate. Decision-makers need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community.
37. During the hearing the appellants indicated that, in the event that the appeal were dismissed, there would be a very strong likelihood that the care farm would cease operations. This would result in the loss of the facility, and its therapeutic and educational benefits for the children. It would also result in the loss of employment and home for the two appellants.
38. In the event that the appeal were allowed, the care farm would be able to continue operating and providing sessions for children with a wide range of disabilities and educational needs, and this would be in their best interests. During the hearing, I heard that there is significant demand and a lengthy waiting list for additional children to enrol at the care farm. The Council has not provided any evidence to demonstrate that there are alternative care farm facilities within the local area, and therefore, there is no guarantee that, in the event that this appeal were dismissed, the children would be able to enrol at another care farm or similar therapeutic facility.
39. I have, therefore, given great weight to the children's best interests, which have been kept at the forefront of my mind, and assessed whether an adverse impact of any decision on the interests of the child is justified and proportionate. Consequently, the collective merits of the case presented are such that I afford the benefits of this development to the best interests of the children, including those with disabilities, and developmental disadvantage, substantial weight.
40. A number of letters were submitted in support of the development including by parents of children who attend the care farm and people working in education and specialist learning support, who have first-hand experience of the care farm, and note the positive effects it has had on the well-being of the children. There is no doubt that the value placed on the provision of the specialist education and therapy provided by the care farm is important, and this is a consideration to which I have attributed moderate weight.

Other issues

41. A number of concerns were raised by Yalding Parish Council. The existence of grazing rights and the potential for flooding of grazing land outside the appeal site does not affect the acceptability of the appeal proposal in terms of its planning merits.

42. It is suggested that there may be similar mobile home properties available for sale within a close distance to the appeal site. The appellant provided an assessment of housing in the vicinity and has concluded that there is a lack of suitable housing in the area. I have not been provided with substantive evidence to indicate that the appellant's conclusions are incorrect.
43. The Parish Council indicate that a larger neighbouring agricultural holding has previously had its agricultural tie removed as the Council concluded it was not a viable size, and another property in Lughorse Lane has applied to have a planning condition removed as there is no deemed demand for rural workers accommodation (Council Ref: 24/502328/LDCEX). I have not been provided with further details of either property. However, I have determined the appeal on its own merits and based on the appearance of the site during my visit.
44. Concerns have been raised about communication between the appellant and other groups who may wish to visit the care farm. However, this issue does not affect the acceptability of the appeal proposal, and has not been determinative in my assessment.

Planning Balance

45. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
46. Consequently, notwithstanding that the scheme would be contrary to the development plan as a whole and would not therefore be a sustainable development, the question remains whether there are material considerations which warrant a decision in this instance other than in accordance with the development plan.
47. These material considerations need to be balanced against the proposal's failure to demonstrate that the dwelling and its siting are essential for the efficient development and running of the rural enterprise.
48. This harm is tempered by the small scale of the single dwelling, and because it is sought for a temporary period of three years. However, I have found that the development conflicts with MLPR Policy LPRCD3, as the proposal would not meet all of the criteria required by the policy. Consequently, the appeal site would not be a suitable location for the appeal proposal when applying the spatial strategy set out in the development plan. This causes moderate harm to the spatial strategy, and I afford significant weight to this harm.
49. Set against this harm is the considerable benefits that the development affords to the children, with a range of disabilities and educational needs, and their parents, by providing educational and therapeutic benefits. Furthermore, there is a lengthy waiting list, indicating a high level of local demand. I am not aware of an alternative provision within the borough. I therefore attach substantial weight to these considerations.
50. The continued care farm use enabled by the appeal proposal would meet many of the economic and social aspects of sustainable development. Indeed, paragraph 98 of the Framework notes that planning decisions should guard against the

unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

51. The appellants indicate that without the temporary dwelling the care farm would be very likely to cease its operations. In the overall planning balance, the benefits of the care farm as outlined above, including that it provides a much needed specialist educational and therapeutic facility, are sufficient in this case to outweigh the harm to the spatial strategy resulting from the temporary location of the dwelling outside a settlement boundary.

Conditions

52. I have considered the Council's suggested conditions against the advice set out in the Framework and the PPG. Given that the development is retrospective there is no need to impose the standard time condition. However, I have imposed a condition to identify the relevant plans in the interest of certainty.
53. I have also imposed the Council's suggested condition which restricts the occupation of the temporary dwelling to a rural worker, or any spouse or dependents as is required by policy LPRCD3 of the MLPR.
54. As the development is for a temporary period of three years, a condition requiring the removal of the dwelling within three years of the date of this decision is necessary to ensure compliance with policy LPRCD3 of the MLPR in relation to temporary dwellings.

Conclusion

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

B Pattison

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Loraine Trowell - Appellant

Nigel Trowell - Appellant

Phillip Richards – Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Richard Timms MATCP MRTPI - Principal Planning Officer, MBC

Roland Thomas MRICS - Consultant, Acorus Rural Property Services Ltd

Angus Bridges BSC Hons - Consultant, Acorus Rural Property Services Ltd

INTERESTED PARTIES:

Andy Sanders, Yalding Parish Council

Dee Stead, Yalding Parish Council