



Appeal Decision

Hearing held on 21 May 2025

Site visit made on 21 May 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th of June 2025

Appeal Ref: APP/U2615/W/25/3358661

Highfield Farm, Heath Road, Rollesby, Norfolk NR29 5HJ

- 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 Paul Thain against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/24/0299/F.
 - The development proposed is the siting of a static caravan occupied as a single dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made against Great Yarmouth Borough Council by Paul Thain. This application is the subject of a separate decision.

Preliminary Matters

3. At the time of my site visit, I saw that the development described in the banner heading above was complete and the caravan was occupied. I also note the application has been submitted retrospectively. I have therefore dealt with the appeal on that basis.
4. Both the main parties refer to policies in the emerging local plan (ELP), currently in examination. It is stated that policies RUR1 and RUR4, to which my attention has been drawn, have no unresolved objections. In accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I therefore give these ELP policies considerable weight. It is stated that the other policies to which my attention has been drawn are subject to minor objections or have outstanding unresolved objections. Given the extent of unresolved objections I give all other ELP policies to which my attention has been drawn limited weight.

Main Issues

5. The main issues are:
 - whether it has been demonstrated that there is an essential need for an additional permanent dwelling to accommodate a rural worker having regard to the functional need and viability of the enterprise;
 - the effects of the proposed development on the integrity of European sites, with particular regard to nutrient pollution and recreational pressure;

- whether the development provides adequate living conditions for the intended occupiers; and
- whether the proposal makes appropriate provision for infrastructure, with particular regard to off-site open space provision.

Reasons

Essential need

6. The appeal site comprises part of Highfield Farm, a mixed farm which covers approximately 46 acres. In addition to various agricultural buildings, Highfield Farm accommodates a farmhouse, which is occupied by the appellant and his wife. The appellant is involved in the operation of the farm and also operates a container storage business and a haulage company, both of which are located at Highfield Farm, in addition to a seasonal campsite. Retrospective planning permission is sought for the siting of a static caravan for an agricultural worker. The caravan is located on an area of hardstanding close to the farm yard, haulage sheds and container storage units.
7. As the appeal site is located outside the development limits of the district's settlements, for the purposes of the development plan the site lies in the open countryside. Policy H5 of the Great Yarmouth Local Plan Part 2 (2021) (LP) states that outside of development limits new permanent dwellings for rural workers will be permitted subject to satisfactory demonstration that specified criteria are met. The appellant seeks to demonstrate that it is essential, for the functioning of the farm, that an additional permanent dwelling is located on site.
8. Based on the submitted profit and loss accounts¹, the financial years ending 31 March 2023 and 31 March 2024 show a steady annual income and modest profits, demonstrating a continued viability for the business. The profits posted would appear to be adequate to financially support a full-time agricultural worker, in addition to the salary drawn by the appellant, and there is no suggestion that these profits would not have a reasonable prospect of continuing to do so. On the basis of the evidence before me I am satisfied that, in accordance with the requirements of criterion b of LP policy H5, the business has been established for at least 5 years, has been profitable for at least 2 years, is currently financially sound, and has a clear prospect of remaining so.
9. Nonetheless, criterion a of LP policy H5 requires the demonstration that there is a clearly established functional need to live at the immediate area of their work 24 hours a day through the majority of the year. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need for an additional rural worker to be on-site at most times of the day and night. The Planning Practice Guidance² (PPG) indicates that in considering Paragraph 79a of the Framework, it may be relevant to consider 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 enterprise. It refers to examples 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

¹ P R Thain Accounts for the year ended 31 March 2023 and P R Thain Accounts for the year ended 31 March 2024

² Paragraph: 010 Reference ID: 67-010-20190722

or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.

10. The appellant holds that the need for an additional worker to live on site is as a cumulative result of the work involved in the day to day running of the farm including the care of livestock, as well as the security of the site. It is the appellants' case that no other dwelling within the vicinity could meet this need.
11. In respect of the livestock, approximately 40 large animals are kept on the holding which includes a beef herd of approximately 25-30 cattle. I am in no doubt that the livestock need daily attention, including feeding, that potential animal welfare problems can occur at any time and such events require a quick response to ensure that there is not a loss of livestock. However, although I appreciate that the appellant has plans to grow the business and increase the number of cattle, the number of livestock nevertheless is relatively low in number. Given the limited number of livestock, there is no compelling evidence that the appellant, who resides on the farm and is involved in the farm's operation, could not address animal welfare issues, including those which occur outside of normal working hours. Whilst noting that the general farming and maintenance duties carried out by the rural worker assist in the operation of the farm, I am not satisfied that the nature and intensity of the works outlined are such that they require the presence of an additional agricultural worker on-site at all times. Given this, there is no particular evidence that for animal welfare reasons it is necessary for both the appellant and an additional rural worker to have 24-hours a day proximity of dwelling-place to the farm enterprise.
12. The appellant also argues that there is a need for the proposal for security reasons. It is suggested that the siting of the caravan acts as a deterrent to potential incidences of trespass, theft, damage and anti-social behaviour, and that the caravan has better visibility of the farmyard and areas of the farm where trespass typically occur, than the farmhouse which fronts the road. However, whilst reference has been made to various incidences, I am not in receipt of any police reports demonstrating a particular issue with trespass, theft, damage or anti-social behaviour at the appeal site or in the wider area. There is no compelling evidence that alternative measures, such as by engaging a security management company or additional CCTV cameras, could not be used to improve surveillance of the site. Given this it has not been evidenced that the on-site presence afforded by the proposal is the only means of securing stock and assets. Thus, there is no justification for the dwelling to be located on the site for security reasons.
13. I accept that there are no other established buildings on the farm that could be converted to residential use as those that exist are, as I observed on site, an integral part of the working farm. The appellant also suggests that no other dwelling within the vicinity could meet this need. In support of this a search of housing in the local area is referenced, which, it is stated, found that there are no suitable properties to buy or rent nearby. The appellant's initial search focussed on properties in Rollesby up to £1000 per month rental price and £200,000 purchase price. I acknowledge that the financial search criteria would be limited given the occupier's agricultural worker's salary. However, the application of such a narrow area of search focussing only on Rollesby was unnecessarily restrictive and would not have fully assessed the availability of dwellings in the local area. At the hearing it was suggested that more recent searches (May 2025) which were not as restrictive in terms of the geographical and financial search criteria showed that

there were no suitable available properties nearby, however, I was not provided with any evidence of this. In the absence of evidence to the contrary, I cannot be assured that there are no available properties in nearby settlements which could accommodate the agricultural worker.

14. I don't doubt that the rural worker occupying the caravan makes a valuable contribution towards the operation of the farm. However, it has not been evidenced that the needs of the farm enterprise result in the requirement for an additional agricultural worker to permanently live on the site. Mindful of its location in the open countryside, I conclude that the site is not an appropriate location for housing having regard to the aims of LP policy GSP1, ELP policy RUR1 and policies CS1 and CS2 of the Great Yarmouth Local Plan Core Strategy (2015) (CS) which set out the growth strategy for the district and which seek to ensure that development contributes towards the delivery of sustainable growth and reduces the need to travel by being located within development limits. Conflict arises with those aims of LP policy H5 and ELP policy RUR4 which require that new permanent dwellings for rural workers outside of the development limits will be permitted where there is a clear established functional need for a rural worker to live in the immediate area of their work 24 hours a day through the majority of the year.

Integrity of European Sites

Nutrient Neutrality

15. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires a competent authority, before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in combination with other plans or projects. I am the competent authority for the purposes of this appeal.
16. The appellant has submitted a Shadow Habitats Regulations Assessment (SHRA) and a Nitrate Budget Calculator. The SHRA sets out that the site is within the nutrient catchment of the Broads Special Area of Conservation (SAC), a European Designated Site afforded protection under the Habitat Regulations.
17. The conservation objectives for the Broads SAC are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the favourable conservation status of its qualifying features. The SAC's qualifying features include habitats, such as calcium-rich nutrient-poor lakes, lochs and pools; naturally nutrient-rich lakes or lochs which are often dominated by pondweed; purple moor-grass meadows; very wet mires often identified by an unstable surface; calcium-rich fen dominated by great fen sedge; calcium-rich springwater-fed fens; alder woodland on floodplains; and species such as Desmoulin's whorl snail, otter, fen orchid, and little whorlpool ram's-horn snail. These qualifying features are vulnerable to the effects of development, including through harm to water quality through nutrient pollution.
18. Natural England advises that all types of overnight accommodation within the Council's area can cause excessive levels of nutrients resulting in eutrophication at European sites in an unfavourable conservation status, including the aforementioned SAC. In order for an Appropriate Assessment to conclude that

there are no likely significant effects on the protected sites, I must be entirely satisfied that the development could achieve nutrient neutrality.

19. The proposal results in a net increase in residential accommodation which would generate additional nutrient loads, such as nitrates and phosphates, within the catchment of the Broads SAC. The SHRA includes a nutrient budget assessment and determines that the proposal results in an increase in phosphorus discharging into the surrounding water network through foul water. Given this, the proposal would raise nutrient levels in the Broads SAC and is therefore likely to harm water quality through nutrient pollution which causes adverse effects on habitats through eutrophication and algal blooms, thereby adversely affecting the integrity of the Broads SAC.
20. I may consider measures to secure mitigation with a view to ensuring that the integrity of European sites would not be adversely affected. In identifying potential mitigation measures to remove additional nutrient input, the Nutrient Neutrality Assessment and Mitigation Strategy proposes the use of a high functioning Package Treatment Plant³ (PTP) to treat foul water for the caravan and the replacement of the septic tank to the farmhouse with a high functioning PTP. It is stated that with the benefit of these measures the proposal would achieve nutrient neutrality.
21. However, whilst the appellant's commitment to provide the proposed and replacement PTPs is noted and whilst both PTPs would be located on land within the appellant's ownership, both would be located outside of the appeal site. Given this, there is no mechanism before me to ensure that these mitigation measures would be delivered and maintained in perpetuity. Therefore, I cannot be assured that the proposal would be nutrient neutral for the duration of the development. Without this assurance I cannot be satisfied that the additional nutrient load imposed on the Broads SAC by the development can be effectively mitigated for the lifetime of the development, or that the development could be made acceptable through use of conditions or planning obligations. Without that assurance, I find that the proposal would have a significant effect on the integrity of The Broads SAC.

Recreational pressure

22. The site is located within 2.5km of a number of internationally protected wildlife sites including Broadland Ramsar and Special Protection Area (SPA), Broads SAC, Southern North Sea SAC, Great Wash SPA, Outhorpe Thames Estuary SPA, Breydon Water Ramsar and SPA and Haisborough, Hammond and Winterton SAC, in which it is necessary to satisfy the Council's duty to avoid impacts arising from recreation generated by residential development. The proposal is for one dwelling and the number of additional recreational visitors would be limited. However, in combination with other developments, likely significant effects cannot be ruled out.
23. The Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan sets out that for any development where additional recreational impact is likely to be generated, applicants are required to pay a one-off tariff per unit to pay for mitigation measures at designated wildlife sites in Norfolk as part of the Council's Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS). The Council sets out that a financial contribution of £304.17 would ensure that these requirements are met.

³ GRAF One2Clean PTP

24. An undertaking pursuant to Section 111 of the Local Government Act 1972 has been provided relating to the GIRMAS payment, and the appellant has provided evidence that the Council is in receipt of the necessary sum. The evidence before me indicates that as a responsible public body it will transfer the funds to the organisation responsible for administering the mitigation strategy. I am satisfied that the mitigation measures have been secured and would be used for their intended purposes. Therefore, there would not be an adverse impact on the identified SPA, SAC and Ramsar sites arising from recreation generated by the proposal.

Integrity of European Sites - Conclusion

25. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of European sites. I have found the recreation impacts of the development would be suitably mitigated through a planning obligation to secure a financial contribution to the Council's GIRAMS scheme.
26. However, the proposal would raise nutrient levels in the Broads SAC, thereby adversely affecting its integrity, and I cannot be assured that the proposed mitigation would address this nutrient neutrality issue for the lifetime of the development. Therefore, the proposal fails to demonstrate that the development would not have likely significant effects on the integrity of the Broads SAC. Conflict therefore arises with the Habitat Regulations and the provisions of CS Policies CS11, CP21 and CP22 and LP policies GSP5 and I3 which seek to ensure that development will maintain, enhance and protect biodiversity, including at internationally designated sites.

Living conditions

27. The appeal proposal comprises a 2-bedroom static caravan with a small veranda decking area. The caravan has a footprint of 43m² and the bedrooms measure 4.4m² and 4.8m².
28. The Council raise concerns regarding the size of the caravan and its bedrooms, which, it is stated, would be below the Nationally Described Space Standard (2015) (NDSS). Footnote 51 of the Framework advises that policies may also make use of the NDSS, where the need for an internal space standard can be justified. It is up to each local authority to make the case for applying the standard through their local plan. The Council has not referred to any other specific requirements or standards for internal floor space requirements set down in existing policies, so I have no information to justify requiring a minimum quantity of floor space. Nonetheless, I must assess the proposal in terms of its functionality as a dwellinghouse.
29. The caravan and its bedrooms are of limited size and, given the restricted internal living space, would be extremely cramped if permanently occupied by more than 2 persons, resulting in an unacceptable standard of living accommodation. The dwelling is located in very close proximity to agricultural land, a working farmyard, a haulage depot and storage units. No detailed noise assessment has been undertaken by the appellant. In the absence of cogent evidence to the contrary, occupiers of the caravan would be harmfully exposed to noise and odours from these uses given their proximity.
30. As an employee of the farm who themselves would be involved in the farming operations causing this disturbance, the noise and odours from the adjacent uses

might not necessarily present harmful living conditions for the rural worker, in particular as they would likely be absent from the caravan when these operations occur. Additionally, whilst the caravan would provide cramped living conditions if occupied as a family dwelling given its limited scale, it would appear to be of a size which could comfortably accommodate up to 2 persons.

31. I note that the caravan is currently occupied by a family, including children, and given the level of occupation and the size of the caravan and bedrooms, the resultant cramped conditions do not provide satisfactory living conditions for the occupants. Nonetheless, it would be feasible to restrict the occupation of the caravan by condition to an agricultural worker and their partner to ensure that the dwelling is not cramped in nature and that occupiers are provided with satisfactory living conditions. Given this, I am satisfied that a restriction on the occupation of the caravan would ensure that occupiers are provided with satisfactory living conditions.
32. In light of the above, whilst the current occupiers of the caravan are not afforded a satisfactory living environment, I am satisfied that this matter could be addressed by a condition in the event that the appeal were allowed. Thus, the proposal is capable of providing adequate living conditions in accordance with those aims of LP policy A1 which seek to promote a high standard of amenity to ensure a suitable living environment.

Infrastructure

33. The proposal results in one additional residential unit. LP Policy H4 states that new residential developments will be expected to make provision for publicly accessible recreational open space. The appellant has submitted a Public Open Space Section 111 Undertaking, along with the required contribution of £1355.80 towards the provision of publicly-accessible recreational open space. I am satisfied that the pressures the development places on public open spaces have been mitigated. The proposal therefore accords with CS Policies CS14 and CS15 and LP Policies GSP8 and H4 which seek to ensure that provision for publicly accessible recreational open space is made through planning obligations.

Other Matters

34. The appellant has asked me to consider granting a temporary permission for the proposal until alternative living arrangements for the current occupiers can be established. However, there is no substantive evidence that the current occupiers would be unable to find another home. My decision would not render the current occupiers homeless in any case, it would simply mean that these occupiers would continue to reside in unauthorised accommodation. Given this, I have not been presented with any compelling reason why this would be necessary.
35. The appellant suggests that the proposal would strengthen the local economy by sustaining the rural workforce. There is however no suggestion that the employment of the rural worker who currently resides in the caravan would cease if this appeal were dismissed or that the operation and viability of Highfield Farm would be compromised if the employee resided elsewhere. Therefore, I attribute limited weight to this as a benefit of the proposal.

36. The proposal makes a contribution towards GIRAMS. However, as this contribution is to mitigate the recreational harm arising from the development, this matter carries neutral weight.

Conclusion

37. For the reasons set out above, the appeal is dismissed.

N Robinson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Thain, Appellant

Jonny Rankin, Director, DKR Rural Planning

FOR THE LOCAL PLANNING AUTHORITY:

Lucy Smith, Senior Planning Officer

Nick Fountain, Strategic Planning Manager

Robert Parkinson, Development Manager

DOCUMENTS

Correspondence between the planning officer and the Council's enforcement officer regarding council tax records

Updated Public Open Space Section 111 undertaking

Updated Green Infrastructure Recreational Avoidance and Mitigation Strategy form

Council's rebuttal to the Appellant's application for Costs