



Appeal Decision

Site visit made on 21 May 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/D1265/W/24/3352133

Land east of Ashcombe Lane, Alweston, Sherborne, Dorset DT9 5HZ

- 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 Martin Swain against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/07143.
 - The development proposed is a temporary agricultural worker's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary agricultural worker's dwelling at Land east of Ashcombe Lane, Alweston, Sherborne, Dorset DT9 5HZ in accordance with the terms of the application, Ref P/FUL/2023/07143, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. The second refusal reason relate to the lack of mitigation in relation to the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site. However, a unilateral undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal to secure the installation and management of a package treatment plant and woodland planting. Consequently, the Council has confirmed that the UU addresses this refusal reason. I shall return to this matter later in my decision.

Main Issues

3. The main issues are whether there is an essential need for the dwelling to accommodate a rural worker; and the effect of the development on European sites.

Reasons

Essential need

4. The appeal site comprises an area of land which forms part of Holt Farm. The holding covers 278 hectares, and includes land owned by the appellant at Ashcombe Lane, and rented land nearby at Holt Farm, Rue Farm, and Folly Farm, which includes buildings, and additional informal winter grazing, including land at Ashcombe Lane and Sherborne Castle Estate.
5. In terms of the planning policy context, the site lies in an area of open countryside. The National Planning Policy Framework (the Framework) states that the development of isolated homes in the countryside should be avoided unless specific circumstances apply. This includes 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.
6. Policy HOUS6 of the West Dorset, Weymouth and Portland Local Plan 2015, adopted October 2015 (the LP) sets out the circumstances in which residential development outside defined development boundaries will be permitted, including new housing for rural workers (full-time workers in agriculture, horticulture, and other rural businesses), located outside the defined development boundaries, provided that it can be demonstrated that there is an essential need for a worker to live at or near their place of work.
 7. The appellant's Agricultural Business Appraisal¹ indicates that the agricultural enterprise, which is operated by the appellant and his wife, comprises 500 spring lambing breeding ewes and 11 breeding rams which lamb twice a year, in February and April. This triggers a requirement for at least one full-time worker to live on site to meet the needs of the enterprise in terms of animal welfare. In addition, there is no dispute that the business is not financially viable², subject to the retention of the periodic and annual tenancies, which there is no clear evidence would not continue to be available.
 8. The appellant and his wife, along with his mother, Mrs Swain Senior, who is now retired, currently reside in the existing dwelling at the holding, Holt Farmhouse. The farmhouse has historically met the functional needs of the business. However, the property, which is subject to an agricultural occupancy condition, is owned by the appellant's mother, Mrs Swain Senior. While it is no longer the intention to sell the farmhouse to fund her care provision elsewhere, due to personal circumstances, and the need for live in carers, Mrs Swain Senior requires sole occupation of the farmhouse. Consequently, the appeal proposal is sought to provide temporary living accommodation in the form of a mobile home, for the appellant and his wife, to enable the ongoing operation of the enterprise.
 9. The Council suggest the need for additional accommodation could be met either through the existing garage/annex at the farmhouse, or alterations to the internal layout of the property. However, there is no substantive evidence that either of these options would be achievable. Furthermore, it is not unreasonable for the appellant to seek separate accommodation from an elderly parent. Consequently, based on the evidence before me, the farmhouse cannot reasonably be considered to be available.
 10. Moreover, the appellant indicates that there are no alternative properties for sale or rent in the area which would meet the need for additional accommodation in-lieu of the appeal site. While it has been brought to my attention by the Council that the neighbouring property, Holt Cottage, was previously in the ownership of Mr and Mrs Swain Senior, I have not been presented with any clear evidence as to the reason it was sold or when the sale took place.
 11. The proposed temporary dwelling would be positioned close to an existing storage barn on land owned by the appellant at Ashcombe Lane. The appellant indicates that the siting of the temporary dwelling is such to enable outdoor lambing of the Welsh Mule breed on the land at Ashcombe Lane, which is more sheltered than land elsewhere at Holt and Folly Farm. Even if this location was not considered to

¹ by AssetSphere Ltd dated December 2023

² Temporary agricultural worker's dwelling appraisal by Reading Agricultural Consultants dated 6 February 2024

be the most appropriate siting for a farmhouse longer term, if it were the sole dwelling on the holding, given the temporary nature of the accommodation, based on the particular personal circumstances of the appellant, rather than the specific locational needs of the enterprise, it is considered to be appropriate in this case.

12. The provision of temporary accommodation would enable the appellant, who, due to personal circumstances cannot reside in the existing farmhouse, to live on the holding to meet the needs of the enterprise for a temporary period. It would also enable the appellants and their family to continue discussions regarding succession planning of the farming business.
13. In light of the above considerations, I am satisfied that, given that the existing farmhouse is not available, and in light of the need for the appellant to reside at the holding to operate the enterprise, that there is an essential need for a dwelling to accommodate a rural worker in this case. Consequently, the proposal would not conflict with Policy HOUS6 of the LP.

European sites

14. The appeal site is within the hydrological catchment of the Somerset Levels and Moors Special Protection Area and Ramsar Site (European sites). The sites are designated for their internationally important wetland habitats and species, including wintering waterbird populations. There is potential that the appeal proposal, for an additional residential unit, in combination with other development, could contribute to the unfavourable condition of the European sites through an increase in foul water produced in the catchment area, leading to excessive levels of phosphorous.
15. The proposal would utilise a package treatment plant (PTP). In addition, to mitigate the phosphorus load, the appellants Nutrient Neutrality Assessment and Mitigation Strategy proposes 0.66ha of woodland planting. A signed UU provides for the installation and management of the PTP and carrying out of the woodland planting scheme, including future management and maintenance. While I recognise the Council's concern regarding the loss of agricultural land, there is no compelling evidence that the provision of the woodland planting would have any meaningful effect on the operation of the agricultural enterprise.
16. The Council advise that mitigation in the form of new woodland and the installation of a suitable PTP, can offset the phosphorous arising from the development. I have had regard to the response of Natural England, which indicates that it agrees with the Council's appropriate assessment and has no objection to the granting of planning permission, subject to mitigation measures to avoid adverse effects being secured. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am satisfied that adverse effects on the integrity of the European sites will be avoided.

Conditions

17. The conditions set out in the accompanying schedule are based on those suggested by the Council should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance. A condition is required to specify the relevant plans, in the interests of certainty.

18. To safeguard against flooding and to ensure nutrient neutrality so as to protect the designated sites, conditions are necessary to secure the installation and maintenance of the PTP, before the temporary dwelling is first occupied, and measures to restrict future water usage.
19. A condition restricting the permission for a temporary period only, is required given the temporary nature of the proposal. In addition, given that the mobile home is located in a countryside location where new residential development would not normally be supported, and that the mobile home is allowed in light of the specific circumstances of the case, a condition to restrict the occupation of the temporary dwelling to a rural worker, is necessary. In the interests of highway safety, conditions are necessary to secure the provision of turning/manoeuvring and parking areas, in addition to visibility splays to serve the development, in accordance with the submitted plans. A condition to agree details of the hard and soft landscaping of the site is necessary to safeguard the character and appearance of the area.

Conclusion

20. I therefore conclude, having considered all other matters raised, that the appeal should be allowed.

E Worley

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: 421_01 Location Plan, 431_03 Proposed Site Plan, 432_05 Proposed Drainage Plan, 431_06 Visibility Splays and 223027-02 Floor Plans & Elevations. The appearance and location of any log cabin hereby permitted to be stationed on the site shall be in accordance with the approved plans.
- 2) Prior to the first occupation or use of the development hereby approved, the foul drainage scheme PTP as shown on Proposed Drainage Plan 432_05 (Graf One 2 Clean Package Treatment Plant as described in NNAMS Document Ref: PMS01 – ENV23053 Rev: 03, dated 22/09/2023) for the site shall be installed, fully implemented and operational, and thereafter maintained in perpetuity in accordance with the Graf one2clean operation and maintenance schedule. Prior to replacement of the Graf One 2 Clean Package Treatment Plant with any new, replacement or different foul water treatment system, details must be provided to and approved in writing by the Local Planning Authority. Any future new and/or replacement package treatment plant must achieve the same effluent phosphorus concentration or better, i.e. < 1.60 mg/l TP.
- 3) Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 120 litres per person per day as measured

in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

- 4) The occupation of the mobile home hereby approved shall be limited to a person solely, or mainly, employed, or last employed, in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower or surviving civil partner of such a person, and to any resident dependents.
- 5) This permission shall be limited to the period of 3 years from the date of this permission, when the use of the land for the stationing of the mobile home shall cease, the mobile home and any associated structures/works shall be removed and the land restored to its condition before the development took place.
- 6) The development hereby permitted shall not be occupied until the turning/manoeuvring and parking spaces have been provided in accordance with drawing number 431_03 Site Plan. Thereafter, these areas shall be retained and kept free from obstruction and available for the purposes specified.
- 7) Prior to the first occupation of the development hereby permitted the visibility splay areas as shown on drawing number 431_06 Visibility Splays shall be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions in perpetuity.
- 8) Prior to the first occupation of the mobile home hereby approved, a hard and soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved planting scheme shall be implemented in full during the planting season November - March following first use or occupation of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years, and any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

*******end of conditions*******