



Appeal Decision

Hearing held on 15 July 2025

Site visit made on 16 July 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/C1435/W/25/3363710

**Little Harness Farm, Cowbeech Road, Rushlake Green, Heathfield,
East Sussex TN21 9QA**

- 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 Mrs Carol Alderson of Sheherezade Fruit Farm against the decision of Wealden District Council.
 - The application reference is WD/2024/2327/FR.
 - The development proposed is described as 'to retain the existing log cabin as a permanent residential dwelling for agricultural occupancy.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the commencement of the Hearing, the appellant advised that she would be seeking an award of costs against the Council. However, the appellant confirmed at the Hearing that she no longer wished to pursue this.

Main Issue

3. Whether there is an essential need for a permanent agricultural worker's dwelling on the appeal site, having regard to policies which seek to restrict development in the countryside.

Reasons

4. The appeal site lies within the countryside, some distance away from the nearest settlement boundary. It is common ground between both main parties that dwellings are not generally permitted in the countryside, except in certain circumstances. One such circumstance is where there is an essential need for a rural worker to reside on site. Policy DC2 of the Wealden Local Plan, December 1998 (the Local Plan) requires that a number of criteria are met in order to justify the provision of a new dwelling for an agricultural or forestry worker. The Council argues that the proposal would conflict with criterion 1), which requires a clearly established existing functional need to be met and criterion 3) which requires that the enterprise has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so.

5. It is common ground between both main parties that the proposal complies with the other criteria set out in Policy DC2.

Functional need

6. In respect to rural worker's dwellings, the National Planning Policy Framework (the Framework) refers to an 'essential', rather than a 'functional' need. Nonetheless, I find that Policy DC2 of the Local Plan is broadly consistent with the Framework and provides the Council's steer for assessing applications relating to dwellings for agricultural and forestry workers.
7. The appellant advises that she has been living on the site full-time since 2018. In 2017, the appellant sought planning permission for a log cabin for residential occupancy in association with the existing agricultural use of the land. The Council granted a temporary consent for a period of three years in March 2020.¹ The appellant submitted a subsequent application in 2021 and another temporary consent was granted in December 2023² for a two year period.
8. The appellant contends that there is an essential need for an agricultural worker to permanently reside on site for animal welfare and security reasons, including to deter fox attacks. I am advised that there are approximately 100 sheep and 220 hens within the small holding and a small number of pigs. The appellant also has geese. The animals require feeding twice a day and mucking out.
9. The appellant advises that lambing typically occurs during the spring time; however, a lamb was born in July this year. A litter of piglets was born in February 2025 and the appellant is hoping that there will be another litter in the autumn. However, this is not guaranteed due to the difficulties the appellant is experiencing in finding a boar.
10. I appreciate that during the lambing season, when the sow's are farrowing and when young animals are present, having a permanent on-site presence is required to care for the animals. However, this is not all year round. There is no compelling evidence before me that animal welfare issues would arise that would justify a permanent and full-time year round presence on site.
11. In respect to the security issues, the appellant advised at the Hearing that produce, such as eggs have been stolen from the roadside table. In the past, the appellant reports that animals have been stolen and/or killed and that people have been trespassing on her land and threatening to chop down trees within the orchard. While I am advised that these incidents have been reported to the police, there is no substantive evidence, including police reports and/or the dates and the frequency of such incidents before me. The appellant has installed CCTV, lighting and fencing around the site in order to deter intruders. Electric fencing has also been installed around the hen house in order to prevent fox attacks.
12. The appellant advises that security related issues have improved since she started residing full-time on site. However, it is unclear from the evidence before me whether this is solely due to having a permanent on-site presence or whether the CCTV, lighting and fencing has also been a deterrent.

¹ Application ref: WD/2017/1481/F

² Application ref: WD/2021/1689/F

13. I also appreciate that having an on-site presence is convenient for running the camping business and helps to keep the animals and machinery secure while members of the public are on site. Nevertheless, the camping business alone does not justify a new agricultural worker's dwelling within the countryside.

Viability

14. The appellant has invested a significant sum of money into the enterprise, which has funded new buildings, the construction of the lake, new fencing and tree planting. This money has been derived from her income from overseas. The appellant stated that 60% of the income from the enterprise comes from agriculture, with the remaining 40% from the camping business.
15. The enterprise has been established in excess of three years, as required by Policy DC2 of the Local Plan. I appreciate that the global pandemic and the avian flu outbreak resulted in challenging times for the enterprise. While the appellant's accounts show that the business has produced a small profit in recent years, there appears to be some discrepancies and omissions within the figures. For example, the accounts for the year ending August 2024 fail to include wages. At the Hearing, the appellant provided an average cost for feeding the hens, sheep and pigs per day. The figures provided were far higher than those listed within the accounts. Based on the evidence before me, I am not fully convinced that all costs associated with running the business have been included within the accounts.
16. In this case, given the small level of profit margin, omissions or discrepancies could influence whether the enterprise is viable and can be sustained in the long term. In addition, I am not fully convinced by the evidence before me that the enterprise is and would remain financially viable in the absence of investment from other income sources.
17. The appellant intends to expand the enterprise by establishing a farm shop, constructing a second lake, opening a fishery, planting a vineyard and growing soft fruit within a polytunnel, which she has already acquired. I appreciate that the farm shop is likely to enable the appellant to increase revenue through selling produce directly to customers. While I have no doubt of the appellant's intentions to expand the business, the farm shop and the fishery currently do not have planning permission. Furthermore, there is no business plan before me which sets out the likely income that could be generated from the proposed expansion plans.
18. At present, campsite pitches are positioned adjacent to the lake. The appellant acknowledges that the camping business has the potential to conflict with any future fishery business due to noise and disturbance. As a result, it may not be possible for the two businesses to coexist side by side. Consequently, future revenue from the camping business may be lost.
19. Overall, I find that the proposal has failed to demonstrate that there is an essential or functional need for a permanent agricultural worker's dwelling on site. Furthermore, I am not fully convinced that the enterprise is financially sound and has a clear prospect of remaining so. Accordingly, the proposal conflicts with Spatial Planning Objectives SPO1, SPO13 and WCS14 of the Wealden Core Strategy Local Plan adopted February 2013 and Policies GD2 and DC2 of the Local Plan. These policies among other things seek to direct new residential development to sustainable locations and ensure that proposals for agricultural or

forestry worker's dwellings can demonstrate a clearly established functional need and are financially sound and have a clear prospect of remaining so.

Other Matters

20. The appeal site lies within the High Weald National Landscape. Although there are some residential properties within the locality, the site lies predominately within an agricultural landscape. The surrounding landscape consists of rolling countryside, with fields that are bound with trees and hedgerows. The existing log cabin is small in size and unobtrusive in the landscape. The Council confirms that the appeal scheme preserves and enhances the landscape and scenic beauty of the National Landscape. Based on my site visit and the evidence before me, I find no reason to reach a contrary conclusion to the Council on this matter.
21. Bathurst Farmhouse is a Grade II listed building (Ref: 1043043). Based on the evidence before me and my site visit, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest as an illustration of domestic architecture from around the 17th century. The building's surviving historic fabric, use of traditional materials and its rural setting make important contributions in these regards.
22. The appeal property is modest in size and its character and appearance respect the rural nature of the locality. Furthermore, the appeal property is some distance away from the listed building and separated from it by other built form and vegetation. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building in the determination of this appeal and I am satisfied that there would be no harm to the special interest of the listed building through changes to its setting.

Planning Balance

23. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework advises that planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, there is no objection to the proposal in respect to protected areas or assets of particular importance. It is therefore necessary to consider whether any adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits.
24. The Council confirms that their housing land supply position is 3.68 years, as of April 2024. This figure is not disputed by the appellant. There is a pressing need for housing within the District, when considering this shortfall. The proposal would align with one of the objectives of the Framework, which seeks to significantly boost housing supply.
25. The proposal would provide one new, permanent dwelling, which would make a small contribution towards the Council's housing land supply, which I give limited weight in my decision. The occupant of the dwelling would support local services and facilities, which I give limited weight as an economic benefit. While I appreciate that campers have the potential to support the local village store and public house,

the development is not required to serve the camping business. Accordingly, I give this economic benefit limited weight in my decision.

26. It is common ground between both main parties that the proposal and the wider enterprise, through measures such as new planting and environmental stewardship preserve and enhance the High Weald National Landscape. I give the environmental benefits moderate weight in my decision. The produce from the enterprise also helps to feed the local community. However, there is no substantive evidence before me that the agricultural enterprise would cease in the absence of a permanent dwelling on the site and I therefore give this benefit limited weight in my decision.
27. Overall, I give the social, economic and environmental benefits moderate weight in my decision. However, the proposal would conflict with national and local planning policies which seek to restrict new housing in the countryside and I give this matter significant weight in my decision. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Human Rights Act

28. Dismissing the appeal would result in the appellant losing her home. This would interfere with the appellant's rights to the peaceful enjoyment of their possessions, and to a private life and home, under Article 1 of the First Protocol and Article 8, as set out under the Human Rights Act 1998. However, these are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: to avoid unwarranted proliferation of development in the countryside.
29. In this case, I conclude that it is proportionate and necessary to dismiss the appeal. The protection of the public interest cannot be achieved by means that are less interfering with the appellant's Human Rights.

Conclusion

30. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Carol Susan Alderson	Appellant
Mr Alex Martin MRTPI	Agent - Lyondale

FOR THE COUNCIL:

Mr Rob Bewick BSc, MA	Assistant Team Leader
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