
Appeal Decision

Hearing held on 9 September 2025

Site visit made on 9 September 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Appeal Ref: APP/P2365/W/25/3360564

North West Turf, Mickering Lane, Aughton, Lancashire L39 6SR

- 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 Ian Mercer on behalf of North West Turf Ltd against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0005/OUT.
 - The development proposed is outline planning permission for the erection of an agricultural workers dwelling (all matters reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with matters of scale, design, layout, access and landscaping reserved for subsequent approval. I have therefore treated the submitted drawings as being indicative only.
3. An Agricultural Appraisal prepared by MacMarshalls (the MacMarshalls Report) was submitted when the appeal was made and had not previously been seen by the Council. However, all parties were given the opportunity to comment within the standard appeal timetable. As the report does not alter the proposal on which the Council made its decision, I am satisfied that no party has been prejudiced.
4. At the hearing, the appellant submitted an email correcting one of the calculations in the MacMarshalls Report. The correction was also confirmed verbally for the benefit of interested parties present at the hearing. As the email clarified an error rather than introducing new evidence, I am satisfied that no party has been prejudiced.
5. The appellant also provided at the hearing a copy of a written response to the Council's position on essential need, including reference to the ADAS Planning reports¹ obtained by the Council. Whilst it contained new evidence regarding pig breeding activity, the Council and interested parties agreed to proceed on the basis that it only summarised the appellant's verbal evidence. All parties present were given the opportunity to respond during the discussion. I am therefore satisfied that no party has been prejudiced.

¹ Dated 9 August 2023 and 14 December 2023

6. Although not a reason for refusal, it is incumbent upon me as the competent authority to consider whether the proposal would be likely to have a significant effect on protected species. This was discussed at the hearing, and I have considered the oral evidence in my reasoning. Therefore, neither party would be prejudiced by this matter being dealt with as a main issue.

Main Issues

7. The main issues are:
- Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the appeal site is a suitable location for the proposed development having particular regard to the development plan;
 - The effect of the proposed development on protected species; and
 - If the proposal would be inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including whether there is an essential need for a dwelling to accommodate a rural worker at the site, so as to amount to very special circumstances necessary to justify it.

Reasons

8. The appeal site comprises part of an agricultural field, accessed off Mickering Lane. The appeal site is located to the south of the yard which contains the central operations of the enterprise, and where there are several large buildings. There are a small number of dwellings immediately to the north of these buildings and a single detached dwelling on the opposite side of the road. The appeal site is surrounded by open agricultural land and a small woodland belt. There are small clusters of residential properties located at the junction of Mickering Lane and Prescott Road and where Mickering Lane becomes Sandy Lane, under the railway. However, surrounding area is predominantly rural in character.

Whether Inappropriate Development

9. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document, adopted 2013 (the Local Plan) advises that development proposals within the Green Belt will be assessed against national policies.
10. Paragraph 153 of the National Planning Policy Framework (the Framework), states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.
11. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in Paragraph 154. These exceptions include (a) buildings for agriculture and forestry. The appellant states that the proposed development would meet the exception in Paragraph 154(a) as a building for agriculture.

12. However, a dwelling for a rural worker in agriculture or forestry is primarily intended for residential use, they are not buildings for agriculture or forestry. Accordingly, it would not fall within any of the listed exceptions stated in Paragraph 154 of the Framework.
13. Therefore, it would represent inappropriate development which is by definition harmful to the Green Belt. It would therefore conflict with Policy GN1 of the Local Plan, and the associated aims of the Framework. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I shall return to this matter later in my decision.

Openness

14. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both spatial and visual aspects.
15. The appeal site is located within the open countryside and currently comprises an open agricultural field, somewhat remote from the main farm complex. The immediate surrounding area is characterised by an open agricultural land, which is devoid of any buildings.
16. I acknowledge that the proposed plan is only indicative, and the details of the proposed dwelling's layout, scale and appearance are reserved for future approval. However, the introduction of a dwelling in principle, combined with the parking areas, gardens and domestic paraphernalia sited outside of the existing farm complex within an area which is currently undeveloped and devoid of built form, would inevitably impact upon openness and appear visually conspicuous in the context of this open agricultural site.
17. Consequently, by virtue of its prominent location, which is highly visible within the surrounding area and would be seen from nearby public footpaths. The proposed development would result in a significant impact on the openness of the Green Belt in both visual and spatial terms. It therefore follows that the proposal would not serve the Green Belt purpose of safeguarding the countryside from encroachment as set out at Paragraph 143 of the Framework. It would also conflict with Policy GN1 of the Local Plan, and the associated aims of the Framework.

Whether a Suitable Location

18. Policy RS1 of the Local Plan seeks to direct development to sustainable locations within existing settlements. Whilst the policy does provide some circumstances where development outside of settlement will be supported, this is limited within the Green Belt, to very limited affordable housing where it is proven that there are no suitable sites in non-Green Belt areas, in accordance with Policy GN5.
19. Although the proposed dwelling is intended for a rural worker, it does not qualify as affordable housing as required by Policy RS1. The Council also contends that the site lacks convenient access to local services and amenities, with the nearest village Aughton being located approximately one mile away. It is therefore likely that future occupants would be heavily reliant upon private vehicles to access day-to-day services and facilities. Therefore, even when acknowledging that sustainable transport solutions will vary between urban and rural areas, it would not promote

sustainable development in rural areas, and neither would it enhance or maintain the vitality of the immediate rural community.

20. It has also been put to me that by living on site the appellant would reduce the number of car journeys to and from the site each day. However, the level of vehicle movements would be relatively low and therefore any reduction in pollution and positive environmental benefits would be very modest.
21. For these reasons, the appeal site is not considered a suitable location for residential development when assessed against Policy RS1. However, in this instance, the proposal is for a rural worker's dwelling rather than an unrestricted residential unit. Therefore, whilst I acknowledge that this does result in a degree of conflict with Policy RS1, Paragraph 84 of the Framework acknowledges that isolated homes in the countryside may be justified where there is an essential need for a rural worker to live permanently at or near their place of work. I will return to this consideration later in the decision.

Protected Species

22. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether European Protected Species (EPS) would be affected by the development and whether associated mitigation measures would be effective. Circular 06/2005 that sets out that it is essential that the presence or otherwise of protected species, and the extent they may be affected by a proposed development is established before planning permission is granted. The circular further advises that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances.
23. The Preliminary Ecological Appraisal² (the PEA), which accompanied the proposal is dated November 2022. The report concluded that habitats suitable for bats, breeding birds, wintering birds, terrestrial mammals and herptiles are present within the area surrounding the appeal site. As a result, the report³ sets out a number of recommended mitigation measures, as well as suggested biodiversity enhancements.
24. The Council stated in their Officer Report and at the hearing that the PEA is out-of-date and they would expect a new or updated survey to be provided. At the hearing, the appellant stated that there have been no changes in circumstances and would accept a condition to require additional survey work to be undertaken.
25. Nonetheless, the PEA is now more than two years old and the absence of any details indicating that the PEA has been subject to review raises doubt in my mind as to the extent to which the conclusions reached would remain valid. Whilst I have had to regard as to whether a condition could be used to require an updated survey to be undertaken, based on the advice in the Circular and in taking a precautionary approach, an updated PEA should be completed and any necessary avoidance or mitigation measures identified, before planning permission could be granted.
26. Therefore, I find that insufficient information has been provided to demonstrate that the proposed development would not have an unacceptable adverse effect on protected species. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, could be secured. Thus, the proposed development

² Prepared by Tyrer Ecological Consultants Ltd

³ Section 8.0 of the PEA

would be contrary to Policy EN2 of the Local Plan which states that where there is reason to suspect that there may be a priority species or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs.

Other Considerations

27. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. The Framework does not define 'essential need', but the Planning Practice Guidance (the PPG) outlines relevant considerations, including whether a rural worker must live at or near their place of work for the effective operation of the enterprise. Legal judgments such as *Embleton*⁴ and *Suarez*⁵ confirm that the test under Paragraph 84 of the Framework is a matter of planning judgment.
29. The Framework replaced the detailed policy on agricultural, forestry and other occupational dwellings which was previously contained within Annex A to Planning Policy Statement 7: Sustainable Development in Rural Areas (the PPS7). This set out functional and financial tests for permanent and temporary dwellings. I understand that the Council still rely upon this guidance, and the appellants were aware of this and so tailored their submissions accordingly. However, PPS7 has been superseded, and the Framework does not include such tests. Nor does the Council's development plan policies or any relevant adopted guidance. I therefore attach limited weight to PPS7 in this appeal.
30. The appellant's landholding totals approximately 242.82 hectares, primarily used for turf and root crop production, including potatoes. They also keep around 60 rare breed Saddleback Cross Breeding Sows. Since the application, the appellant has acquired an additional 34 hectares of owned land and 18.5 hectares of rented land, all used for turf and crop production. Currently, about 25 hectares of the total holding are used for pigs.
31. The appeal is supported by an Agricultural Appraisal by Wignalls, which calculates a need for 14.96 full-time workers based on an assessment of Standard Man Days⁶. However, no breakdown of this figure has been provided. The MacMarshalls Report submitted with the appeal provides further calculation indicating a labour requirement of approximately 30 full-time workers. The Council and its consultant, ADAS Planning, dispute these findings.
32. It was confirmed at the hearing that the enterprise employs around 30 people across various roles, some of whom are involved in the day-to-day management of the pigs. Nevertheless, whilst the overall business appears to require more than one full-time worker, this does not in itself demonstrate an essential need for a rural worker's dwelling.

⁴ *Embleton Parish Council v Northumberland County Council* [2013] EWHC 3631

⁵ *Rafael Suarez v SSCLG v Forest of Dean District Council* [2017] EWHC (Admin) 1552

⁶ A standard may year is 2,200 hours, which equates to 45 weeks of work at 39 hours per week, with an allowance for overtime of an average of 10 hours per week. This is converted into 275, 8-hour SMDs.

33. The appellant states they work long hours, averaging 80 hours per week, alongside family members, to manage the pig enterprise. They state that pig farming is labour-intensive and that an on-site dwelling would support animal welfare, particularly outside normal working hours, and aid the enterprise's development. The pigs are kept outdoors and roam freely within woodland and adjacent fields, requiring daily care. DEFRA guidance⁷ confirms that pigs must be inspected at least once per day, with more frequent checks needed in certain circumstances, such as around farrowing. The appellant argues that this justifies a constant on-site presence.
34. However, limited evidence has been provided regarding the current scale of these operations, including the number of breeding sows and frequency of litters. At the hearing, it was confirmed that around 60 sows are currently kept, which produce approximately 1,500 piglets annually. However, I have no substantive evidence on how often interventions are required during or after farrowing.
35. Whilst the appellant disputes the ADAS Planning report's conclusions, I am satisfied that its assessment gives an accurate reflection due to the pig breeding activities having only recently commenced. Although operations may have expanded since these reports, much of the activity has taken place at another farm, and there remains insufficient evidence to demonstrate an essential need for a permanent on-site presence.
36. My attention has been drawn to an appeal decision⁸ in Rugeley where a functional need was accepted based on evidence of farrowing frequency and piglet numbers from around 60 sows. I accept that there are similarities with the current proposal, including the number of breeding sows. Nonetheless, the appeal before me lacks substantive evidence to demonstrate that farrowing activity at the site generates a need for a permanent on-site presence. I therefore conclude that an essential need has not been demonstrated in relation to the pig breeding element of the enterprise.
37. It is not disputed that the turf and crop production element of the business is clearly the most significant in terms of both hours worked and income generated. The appellant highlights that arable farming often involves unsociable hours due to weather unpredictability. Whilst examples were given of losses caused by travel delays, system failures and/or human error, there is insufficient evidence in this appeal to demonstrate that these risks necessitate a permanent on-site presence. Moreover, the business has operated successfully for several years without residential accommodation at the enterprise.
38. In respect of security concerns, the appellant has cited repeated incidents of trespassing and break-ins. They contend that a dwelling would improve site security through on-site surveillance and deterrence. I acknowledge that alternative systems may have been considered and discounted, I have no substantive evidence to suggest that the security concerns would be exceptional. Moreover, the proposed dwelling would be physically and visually separated from the main complex, limiting its effectiveness in overseeing the site. Additionally, nearby residential properties already provide some degree of passive surveillance. Therefore, I am not persuaded that an essential need for a dwelling on security grounds has been adequately demonstrated.

⁷ The Code of Practice for the Welfare of Pigs (updated 5 October 2023)

⁸ Appeal Ref: APP/X3405/A/09/2093316/NWF

39. My attention has been drawn to a further appeal decision⁹ where an essential need was accepted based on animal welfare and site security outside normal working hours. A planning application¹⁰ where an essential need had been demonstrated due to the specialist and labour-intensive nature of organic farming. However, whilst these schemes may have been supported by sufficient site-specific evidence, each proposal must be assessed on the individual circumstances of essential need.
40. I recognise the appellant's desire to improve their work-life balance. However, based on the nature of the farming activities and the stock numbers presented, I am not satisfied that the enterprise generates a functional need for a continual on-site presence. Accordingly, I conclude that an essential need, as required by the Framework, has not been demonstrated.
41. Detailed financial information was not submitted with the appeal. However, the Council confirmed at the hearing that during the application process, figures were provided indicating that livestock sales between April 2022 and March 2023 amounted to £35,100. It was set out at the hearing that this was the first year of pig breeding activity and that annual sales have since increased to approximately £200,000 per annum. However, no substantive evidence has been provided to support this claim.
42. Notwithstanding this, there is no dispute that the wider business is profitable and well-established and there is no evidence before me to suggest that the overall enterprise is not financially sound. Based on the figures discussed and the length of time the business has been operating, I am satisfied that there is sufficient confidence that the enterprise will remain viable for the foreseeable future.
43. The PPG states that it may be relevant to consider whether the need could be met through improvements to existing accommodation on-site. In this case, it is not disputed that there are no existing buildings on the holding capable of conversion or adaptation, and that the appellant currently resides approximately four miles away in Ormskirk. Although reference was made to property searches in the surrounding area, these represent a snapshot in time and are unlikely to reflect current availability. In any event, the appellant maintains that only an on-site presence would meet the operational needs of the enterprise. Therefore, based on the evidence before me, I am satisfied that there is no suitable accommodation available on or adjacent to the holding.
44. In such circumstances, temporary permission may be appropriate for new enterprises. This is so that confidence can be gained as to whether a viable business can be demonstrated in the long term. However, notwithstanding the relatively recent addition of the livestock element to the overall business, this is not a new enterprise. Furthermore, a temporary consent would not remove the requirement to establish an essential need for the proposal. Therefore, it has not been demonstrated that there is an essential need for an agricultural worker's dwelling at the site. Therefore, I do not consider that the granting of a temporary planning permission would be appropriate in the circumstances of this case.
45. I have had regard to Paragraph 88 of the Framework which states that decisions should enable the development and diversification of agricultural or other land

⁹ Appeal Ref: APP/X4725/W/15/3087220

¹⁰ Planning Application Ref: 2016/0711/FUL

based rural businesses. However, there is limited evidence to demonstrate how the proposal will support the development of this rural business. Furthermore, the support for rural business does not set aside the need to avoid isolated homes in the countryside, where an essential need to live there has not been established.

46. Although the application has been submitted in outline form with all matters reserved, there are no identified highway concerns, as the site is likely to accommodate adequate parking and turning space in accordance with Policy GN3 of the Local Plan. The site lies within Flood Zone 1 and is not anticipated to be affected by flooding or drainage issues. Whilst detailed surface water drainage proposals have not yet been provided, it is accepted that the site can be sustainably drained. Furthermore, subject to the approval of the final design, the development is not expected to result in any unacceptable impact on the amenity of neighbouring residential properties. However, the absence of harm would be a neutral consideration.

Green Belt Balance and Conclusion

47. For the reasons set out above, the proposal would be inappropriate development in the Green Belt, which is harmful by definition, and which is a matter to which I afford substantial weight. I have also found that the proposed development would reduce the openness of the Green Belt, which gives rise to additional harm, and would not assist in safeguarding the countryside from encroachment.
48. The proposed development would also be in conflict with paragraph 84 of the Framework which requires an essential need to be demonstrated for a rural worker to live permanently at or near to their place of work. There would be some further conflict with Policy RS1 of the Local Plan, which seeks to direct development to sustainable locations which attracts moderate weight. It has also not been demonstrated that the proposed development would avoid unacceptable adverse effects on protected species, a matter which I attribute significant weight. The substantial harm renders the development contrary to the requirements of the Council's Development Plan policies and in conflict with the Framework.
49. Against the substantial harm, the other considerations I have identified are of modest weight in favour of the proposal. As such, the harm to the Green Belt, and other identified harm is not clearly outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
50. For the reasons set out above, the proposal conflicts with the development plan and there are no material considerations including the Framework, which indicate a decision should be made otherwise than in accordance with it. Accordingly, the appeal is dismissed.

K Lancaster

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Thomas Wignall	Land Agent & Chartered Surveyor
Miss Kerry Scanlon	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Kate Jones	Development Management Manager
Mrs Nicola Cook	Principal Planning Officer

INTERESTED PARTIES:

Councillor Ian Rigby	Ward Councillor
Mr Kevin Ward	Local Resident

DOCUMENTS

Document 1: Email from MacMarshalls to Wignalls (dated 8 September 2025)

Document 2: Statement in Response to ADAS Planning Report (provided by Appellant on 9 September 2025)