



Appeal Decision

Hearing held on 21 October 2025

Site visit made on 21 October 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2025

Appeal Ref: APP/Y2003/W/25/3364298

Owston Ferry Fisheries, Owston Ferry Road, Owston Ferry, DN9 1AW

- 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 Gordon Teale against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/447.
 - The development proposed is a rural worker's dwelling and detached garage (with all matters reserved) in connection with the existing fisheries business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. There is no evidence before me to indicate that the appellant agreed to the amended description on the Council's decision notice.
3. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as illustrative insofar as they relate to layout of the proposed development.
4. An appeal should not be used to evolve a scheme, and it is important that I consider essentially the same proposal as the Council. However, as the Council and interested parties had the opportunity to consider and respond to the appendices provided with the appellant's appeal statement, I am satisfied that that no party would be prejudiced by my consideration of them.
5. At the Hearing the Council submitted a recent judgment concerning the grant of prior approval in respect of agricultural permitted development rights¹. Whilst that case involved different circumstances, the judgment indicated that good practice guidance, specifically Planning Policy Statement 7 (PPS7), does not cease to be relevant because the document has been withdrawn and replaced by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). It can continue to serve as a useful reference in the administration of certain applications. As the Council had referred to PPS7 in its officer report and the judgment supports the relevance of its guidance, the judgment was accepted.
6. The appellant was unrepresented at the Hearing but was provided with a hard copy of all the relevant appeal documents prior to its commencement. The

¹ Rickards, R (On the Application Of) v East Hertfordshire District Council [2025] EWHC 2278 (Admin).

appellant was also given the opportunity to review relevant documents including the judgment during adjournments in the proceedings. I am satisfied that no prejudice has occurred.

Main Issues

7. In light of all that I have read and the discussions at the Hearing, I consider that the main issues in relation to this appeal are;
 - i) Whether there is an essential need for a dwelling in the countryside to accommodate a rural worker, having regard to the functional need and viability of the enterprise; and
 - ii) The effect of the proposal on the character and appearance of the area.

Reasons

Functional Need and Viability

Development Plan Policy

8. Policy CS1 of the North Lincolnshire Core Strategy (NLCS) 2011, establishes the spatial strategy for the area, including support for rural communities and a vibrant countryside. To deliver this strategy, Policies CS2 and CS3 seek to restrict development in the countryside to that which is essential to its function, which may include uses that require a countryside location. It is common ground between the parties that the appeal site is within the countryside, outside any of the Council's identified settlement boundaries.
9. Policy RD2 of the North Lincolnshire Local Plan (NLLP) 2003 restricts development in the countryside to a closed list of exceptions and subject to specified criteria. These include development that is essential to the efficient operation of agriculture or forestry or the provision of outdoor sport, countryside recreation or local community facilities.
10. These policies are consistent with paragraph 84 of the Framework, which seeks to avoid the creation of isolated new dwellings in the countryside, unless particular circumstances apply. This includes the essential need for a rural worker to live permanently at or near, their place of work in the countryside.
11. At the Hearing the parties agreed that, in light of the Rickards judgment, PPS7 continues to provide useful guidance on assessing proposals for agricultural or similar rural workers' dwellings. In any event, the considerations within PPS7 broadly align with those in the PPG for assessing homes in the countryside for essential rural workers. These include but are not limited to, evidence of necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of a land-based rural enterprise, and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future. The appellant considers that there is an essential need for him to be present on site 24 hours a day in the interests of animal welfare, customer care and security.

Essential Need

12. Owston Ferry Fisheries comprises 2 fishing ponds used for course and match fishing, alongside 4 fenced off paddocks and a field shelter. The appellant purchased the land in 2009 and has operated the fishery commercially since

around 2014. During the Hearing, he confirmed that the whole holding comprises 9.28 acres, rather than the 8.93 acres specified in the Agricultural Justification Report (AJR).

13. The appellant's AJR and appeal statement indicate that the enterprise comprises the fishery and the keeping of livestock, specifically highland cattle, and that the work generated from those activities necessitates the need for him to reside in a permanent dwelling on the appeal site. However, at the Hearing, the appellant advised that although there were 2 ponies present in the field shelter, no highland cattle have been kept at the appeal site since they were sold in 2023.
14. The AJR states that the labour requirements for the holding are over 1.64 labour units, based on standard man-day figures derived from the Farm Management Pocket Book. However, the appellant's appeal statement acknowledges that specific 'man day' figures for fisheries are not formally defined. It is not clear therefore, how accurate the man-day figure calculation can be in relation to the fishing enterprise.
15. Even if the methodology used to calculate labour units was considered appropriate, there are discrepancies within the calculations. These include the holding being described as comprising 365 hectares, substantially more than the 9 acres owned, and the inclusion of 3 cattle that were sold a year prior to the calculation being made. Despite the appellant's contention that the labour requirement would still exceed 1.64 labour units if the livestock related tasks were removed from the calculations, the discrepancies undermine confidence in the accuracy of the figure presented. Furthermore, even if cattle were reintroduced, it is unclear whether they would materially contribute to the labour demands of the holding given the likely low stock numbers.
16. Irrespective of the above, the fishery is open to visitors 24 hours a day. The written evidence indicates that summer is the peak period and the appellant confirmed at the Hearing that business activity slows considerably during the winter months. It was suggested that some visitors prefer extended fishing periods of 24 or 48 hours and winter visits do still occur. However, the appellant does not maintain visitor logs and no data has been provided to demonstrate the number of users or to illustrate seasonal or daily variations. In the absence of such information, the overall scale of the business remains unclear.
17. Table 1 of the AJR outlines the appellant's daily tasks, indicating activity on site from 06:30 until 20:15. While the appellant has a duty of care to customers including those fishing overnight, again without evidence of visitor numbers it is difficult to assess the extent of time spent or required to assist them.
18. Although visitors may arrive at any time of day or night and some may prefer to pay in cash, the appellant's oral evidence confirmed that pegs can be booked and paid for online in advance. An honesty box and a QR code for electronic payments are also available in the car park for more spontaneous visitors. It seems to me that there is not a compelling need for the appellant to be on-site solely for the purpose of collecting payment. Whilst I understand there is a risk that visitors may not pay if the fishery is not obviously attended, there is no evidence of why other management measures such as CCTV or key coded entry could not adequately deal with this issue.

19. Even if I could accept that there is a need to explain particular fishing practices to visitors, there is no obvious reason why this could not be provided through signage at the appeal site or incorporated into the booking process. Similarly, the provision of the appellant's phone number within the car park as I observed during my visits, would allow spontaneous visitors to raise any queries or concerns remotely.
20. All of that said, deoxygenation events pose a particular risk to fish stocks which include carp, trench and other types of fish including large specimens. Such events may arise due to factors including algal blooms or particular weather conditions, for example storms. In the event of deoxygenation events, oxygen levels must be restored promptly to avoid distress or mortality among the fish.
21. The appellant checks oxygen levels at dawn, midday and dusk, although Environment Agency (EA) guidance suggests that late afternoon checks may suffice. While dawn checks during midsummer would be outside of typical working hours, that would not be the case all year round. The Council suggested that someone could be employed to carry out such checks for a seasonal period and this has not been adequately addressed by the appellant. Although the appellant maintains that these are the minimum number of checks required, there is no indication that additional checks are carried out more frequently. Nor have I been presented with logs of the oxygen records to demonstrate how often oxygen depletions are occurring at the fishery or how often the pump is required. Whilst it was suggested that such records are not necessary, they would nonetheless offer a clearer understanding of how often such events occur.
22. The appellant explained that in the event of low oxygen levels, he must travel 13 miles to home to collect a portable diesel-powered water pump before returning to reoxygenate the water. This may take an hour or more. Whilst I acknowledge that this may be inconvenient, there is nothing in either the oral or written evidence to suggest that such a delay would be significantly harmful to the fish stock. The Council's Natural Environment Policy Specialist suggested that reoxygenation can take place over hours or days and that there is a balance to be struck between the risk of fish kill and the need to restock, and that businesses should plan accordingly. This was not disputed.
23. Moreover, adverse weather conditions can often be anticipated through forecasts, and the appellant confirmed that he monitors these regularly. Appropriate measures could be implemented in advance of predictable weather events. Whilst other events such as algal blooms may be less predictable, EA guidance indicates steps that can be taken to reduce the likelihood of them occurring. Although this would not rule out all events it would nonetheless reduce the likelihood of occurrences.
24. I understand that automated water quality monitoring systems are available which can measure dissolved oxygen, temperature and ammonia levels. Such systems could offer an alternative means of reducing the need for an on-site presence. No evidence is before me to indicate that such equipment would be unreliable or prohibitively expensive compared to the construction of a dwelling.
25. I do not doubt that the fish kill incident in 2021 was highly distressing for the appellant and financially damaging to the business. However, the email from the EA², indicates that the incident was likely caused by a combination of factors

² Contained at appendix G of the appellant's statement.

including a thunderstorm, algal activity and high stocking density in the pond. The EA made several recommendations including the purchase of water quality monitoring equipment, implying that such apparatus was not in use prior to the incident. Further guidance was also provided on controlling algae and managing dry weather conditions³. There is no suggestion that the appellant has not complied with this guidance and there is no evidence to suggest that any further fish kill incidents have occurred since 2021.

26. The appellant states that 15 incidents occurred between January to 6 April 2025 where the pump was required to maintain the ponds safely⁴. However, no logs or records of these events have been kept and it is therefore unclear as to how reliable this information is. It is also not evident why these incidents occurred, whether they could have been prevented, or what, if any, consequences arose for the fish stock or the business.
27. Notwithstanding the above, of particular concern is the appellant's admission during the Hearing that he holds a full-time job as a digger driver. I do not doubt that this is necessary to support his family financially, given the limited profit generated from the fishery, a matter I will come back to later in my decision. However, this contradicts the written evidence, specifically Table 1 of the AJR, which asserts that the appellant undertakes all of the fishery related tasks himself on a daily basis between the hours of 06:30 and 20:15.
28. At the Hearing, the appellant explained that as a sole trader he is able to fit his digger driving work in around the operation of the fishery. However, this employment is markedly absent from Table 1 of the AJR. It seems improbable that the appellant could work full-time at both the fishery and as a digger driver, while also being the sole carer for his children.
29. The appellant's son also referred to the presence of a bailiff at the fishery during the Hearing. The appellant clarified that this was a friend who occasionally checks on the fishery when passing. If the appellant is present from morning until night as claimed, there would be no apparent need for even informal assistance. This undermines the reliability and transparency of the evidence presented.
30. Furthermore, Table 1 of the AJR indicates that the appellant can be alerted to deal with emergencies out of hours at unsociable times. I do not doubt this to be the case. However, no records or other corroborative evidence has been supplied to demonstrate the frequency of such events. Whilst the appellant's appeal statement refers to night-time activities including security walkovers, oxygen level checks, bird watch and welfare checks on visitors, the appellant's oral evidence and Table 1 confirm that such activities are not routinely undertaken at night. Even if these activities were required throughout the night, it would not be feasible for the appellant to also carry out the full range of daytime duties without assistance, as this would leave no time for rest, family responsibilities or his main employment.
31. Crime and animal predation are identified as potential risks to the business. However, there is no substantiated evidence that bird, mink or otter predation, or poaching, has or is having a significantly detrimental effect on stock levels. The presence of customers including overnight anglers is likely to offer some deterrent, albeit I accept that they are there to fish and cannot be consistently relied upon to

³ As supplied within Appendices G and I of the appellant's appeal statement.

⁴ As stated at paragraph 6.25 of the appellant's appeal statement.

prevent unauthorised activities. The crime references provided relate to incidents of burglary and trespass involving the static caravan, with the most recent recorded event occurring in 2017. While I understand the appellant's reasons for not reporting subsequent incidents to the police, the absence of records means I cannot be certain about the frequency or nature of any further criminal activity. There is no indication in the evidence before me that the appellant is having to spend time during the day or night at the fishery regularly, to deter birds or prevent crime.

32. I understand the appellant's concern that leaving the water pump on-site may pose a security risk. It is also suggested that previous unknown visual and audible bird deterrents have been ineffective. However, I am not satisfied that the full range of deterrents including physical measures such as nets, enhanced fencing, CCTV and coded entry have been adequately considered. Nor has it been evidenced that such measures would be prohibitively expensive or impractical.
33. The appellant's evidence with regard to the need for a dwelling to serve the fishery enterprise is vague and inconsistent. For these reasons, it has not been demonstrated that the test of necessity or essential need for a rural worker to live at their place of work has been met.

Viability

34. There is no information before me regarding the number of visitors that have used the fishery for example over the past 12 months, to give an indication of occupancy. In support of the proposal, the appellant has provided an accountant's letter rather than annual audited accounts. It advises that 'the lake' has generated a revenue of £13,200 in the annual period until the 4 April 2024, resulting in a profit of £2714 after expenses. Earnings from the business were therefore meagre. It is unclear to what extent if any, the sale of the highland cattle contributed to this figure. Nor is it evident what the expenses relate to and whether this includes paid staff such as a bailiff or cleaner.
35. Planning policy does not impose income thresholds for rural enterprises. Nevertheless, Annex A to PPS7 advises that there must be an existing functional need that relates to a full-time worker or one who is primarily employed in agriculture (or as in this case a rural enterprise). Although a profit was made in 2024, it was insufficient to enable the appellant to draw a reasonable income or salary, as would be expected for a full-time worker. This is corroborated by the appellant's admission that he is engaged in other full-time employment. Although the business has turned a small profit, I am not satisfied from the evidence presented, that the enterprise is sufficiently viable to support a rural worker.

Conclusion – First Main Issue

36. I recognise the pressures associated with being a single working parent and I acknowledge that the operation of the fishery may, at times, have adversely affected family life. However, planning policy and guidance is clear that new residential development in the countryside requires special justification that arises from the needs of the business required to be in a specific location. It cannot be based on the personal circumstances of the persons involved.
37. The erection of a dwelling at the appeal site may be desirable and more convenient for the appellant. However, I cannot be satisfied based on the limited

and contradictory evidence presented, that the business is currently of a sufficient scale or generates a functional need for a permanent on-site presence that would justify the provision of a new dwelling in the countryside. This would be contrary to both local and national planning policy. While there is no explicit policy requirement to provide logs or records, the PPG is clear that evidence must be provided to demonstrate the necessity for a rural worker to live at their place of work.

38. Neither is it apparent without a business plan, that the intention to expand the fishery could not be achieved without a dwelling on site. In any case, the proposal must be justified on the basis of the need arising from the existing enterprise.
39. I find that the appellant has failed to demonstrate that there is an essential need for a dwelling in the countryside to accommodate a rural worker, having regard to the functional need and viability of the enterprise. Accordingly, the development would conflict with Policies CS1, CS2 and CS3 of the NLCS and Policy RD2 of the NLLP, as set out above.

Character and Appearance

40. The appeal site comprises an area of grassland adjacent to the 2 fishing ponds set within a relatively flat rural landscape, characterised by wide open fields and expansive views. While some landscaping exists behind the post and rail fence along the southern boundary of the appeal site, there is currently no physical or visual separation from the fishing ponds to the north. Although built development is present in the wider landscape, it is sporadic and infrequent. As a largely undeveloped and verdant parcel of land, the appeal site contributes positively to the local distinctiveness of the area.
41. The appeal site is a significant parcel of land measuring approximately 1100sqm⁵. Although indicative, siting the dwelling centrally would result in a substantial area of land becoming residential, leading to harmful domestic encroachment into the countryside. Whilst reference is made to a 1.5 storey or dormer bungalow the scale of the proposed dwelling would be determined as a reserved matter.
42. The appeal site lies within Flood Zone 3a and is therefore in an area with a high probability of flooding. The appellant's flood risk assessment (FRA) advises that the finished ground floor level of the building should be set no lower than 4.1m above ordnance datum (AOD)⁶. The EA has recommended that this be prescribed in a planning condition attached to any planning approval⁷. However, the submitted plans indicate that the datum level of the area to be built upon is at circa 2m AOD.
43. Although the landscaping to the southern boundary would help to filter views of the appeal site, it is likely the proposed dwelling would be visible from Owston Ferry Road and the footpath along Warping Drain when the trees are not in leaf. Even if the resultant dwelling was to be single storey, the raised floor level (approximately 2m) required to address flood risk would add significant mass and bulk to the scale of the dwelling. The resultant building would therefore stand out conspicuously and intrusively within the landscape. Without drawings to demonstrate otherwise, I am not convinced that an appropriate appearance that responds sympathetically to the

⁵ As stated on the planning application form.

⁶ As stated at paragraph 3.17 of the AAH Consultants FRA dated January 2024.

⁷ As per the EA consultation response dated 4 November 2024.

rural character of the area could be achieved for the proposed dwelling at the reserved matters stage.

44. While a reduced site edged red would be preferable, I am satisfied that the precise extent of residential curtilage could be controlled by condition. This would be necessary to check the sprawl of domestic garden and paraphernalia into the countryside. However, it would not mitigate the overall scale of the proposed development nor would the use of materials such as brick, slate and wood as suggested by the appellant offset the conspicuous loss of openness arising from the need to significantly elevate the dwelling above ground level.
45. I find that the proposed development would be harmful to the character and appearance of the area. Accordingly, there would be conflict with Policy RD2 of the NLLP which seeks to ensure that development would not be detrimental to the character or appearance of the countryside in terms of siting, scale and design.

Other Matters

46. The availability of other properties within the area is not pertinent to the consideration of this case as I have found that an essential need for a dwelling at the appeal site as contended by the appellant has not been demonstrated.
47. I have considered the appeal decisions submitted by both parties. While they relate to similar proposals to that before me, the justification for each must stand up to individual scrutiny. In contrast to the Lakemore Fisheries case⁸, the appellant has not provided detailed evidence of deoxygenation incidents, or explored alternative solutions to permanent on-site accommodation, to demonstrate that managing the site from a remote location, results in an unsustainable level of resourcing and commitment.
48. The Cool Acres decision⁹ concerned a temporary rather than permanent dwelling. However, a similar lack of evidence occurred regarding the need for a 24/7 presence of a worker on-site to deal with out of hours emergencies and wildlife predation. My findings are therefore consistent with those of the Inspector in that case. Irrespective, I have determined this appeal on the evidence presented.
49. Visitor emails demonstrate that the fishery is a well-regarded venue. However, such expressions of support do not equate to an absence of harm and there is no suggestion in the correspondence that the lack of a permanent on-site presence has negatively affected the visitor experience. This does not affect my findings.
50. The Council has acknowledged that the second reason for refusal should have referred to flood risk, but that the first reason was duplicated in error. As I have found harm in relation to the main issues, it is not necessary for me to consider flood risk further, as it would not affect the outcome of the appeal.

Conclusion

51. The proposal conflicts with the development plan and no material considerations have been identified that would outweigh this conflict. The appeal is dismissed.

M Clowes - INSPECTOR

⁸ Appeal decision APP/R0660/W/21/3288270.

⁹ Appeal decision APP/R0660/W/19/3220282.

APPEARANCES

FOR THE APPELLANT:

Gordon Teale

Appellant

George Teale

Appellant's Son

FOR THE LOCAL PLANNING AUTHORITY:

Jennifer Ashworth

Senior Planning Officer

Andrew Taylor

Natural Environment Policy Specialist