



Appeal Decision

Site visit made on 16 February 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 31 March 2026

Appeal Ref: APP/L3245/C/25/3368306

Land at Woodview, Newcastle on Clun, Shropshire SY7 8PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr. Richard Knight against an enforcement notice issued by Shropshire Council.
 - The notice was issued on 3 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission:
 - i. Material change of use of land to a mixed use of agriculture, residential and keeping of equines.
 - ii. Operational Development (building operations) including the erection of a dwelling house and associated external patio areas/steps ('B1'), erection of grey shed building ('B2'), erection of (electrical generator room) building ('B3'), erection of timber building (located on concrete slab) ('B4') and partial erection of entrance boundary wall ('B5') identified in the approximate locations on the attached plan.
 - iii. Operational development (engineering operations) including excavation of land, importation and laying of hardstanding material to form a vehicular access track, parking area and pedestrian walkways.
 - iv. Installation of septic tank, fuel storage tank and ground mounted solar PV panels with associated hardstanding.
 - v. Operational development (engineering operations) including re-grading of land levels to form levelled land, formation of retaining structures and concrete floor slabs ('B6').
 - vi. Operational development (engineering operations) by way of land excavation works to form a waterbody and re-grading of land levels ('B7') in the approximate locations on the attached plan.
 - vii. Operational development (engineering operations) including excavations, re-grading of land ('B8') in the approximate locations on the attached plan.
 - viii. Alterations including replacement roof to existing building.
 - The requirements of the notice are to:
 - a) Cease the use of the land for residential purposes.
 - b) Demolish the buildings and associated works including fuel storage tank, boundary wall, retaining structures and concrete slabs identified and referenced B1, B2, B3, B4, B5 and B6, including disconnection, removal of services, removal of slab foundations and waste arising from the demolition of the buildings and structures from the land.
 - c) Remove the septic tank, solar PV panels and associated hardstanding from the land.
 - d) Remove the water body B7 and vehicular access track, parking area and pedestrian pathways from the land.
 - e) Remove all domestic paraphernalia brought onto the land in connection with the residential use including but not limited to, the touring caravan and vehicles.
 - f) Restore the land to a condition before the breach took place including operations identified at B8.
 - The periods for compliance with the requirement are: 2 (two) months for step a) and 6 (six) months for all other steps.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Preliminary Matters

2. Prior approval ref. 24/02675/AGR was granted by the Council in 2024 for the erection of an open sided barn for the storage of hay. A building subsequently constructed in the approximate approved position is referred to as building B1 in the enforcement notice and is in use for residential purposes.

Ground (a) and the Deemed Planning Application

Main Issues

3. The main issues are:
 - whether there is an essential need for a dwelling to accommodate a rural worker to live on the land;
 - whether the development conserves and enhances the natural beauty of the area having regard to its location within the Shropshire Hills National Landscape; and
 - the effect of the development on the integrity of the River Clun Special Area of Conservation.

Reasons

Essential need for a dwelling

Policy context

4. The appeal site measures approximately 8.5 hectares and occupies an elevated position with land rising steeply towards the adjoining wooded area. It lies in a rural location, outside of the settlement hierarchy set out in adopted local planning policies. In accordance with Policy CS5 of the Core Strategy 2011 (CS), new housing in the countryside is strictly controlled, with support only for dwellings that meet an identified essential need for agricultural, forestry, or other rural workers. The policy intent is to ensure that residential development occurs in recognisable settlements or where it directly supports an established rural enterprise.
5. Policy MD7a of the Site Allocations and Management of Development Plan 2015 (SAMDev) reinforces this approach by resisting open-market housing outside settlements unless it meets a proven local need or serves a legitimate operational requirement for an essential rural worker. Under this policy, proposals for rural workers' dwellings must satisfy both functional and financial tests, demonstrating long-term business viability and that the cost of the dwelling is capable of being met by the enterprise it serves. These requirements align with national policy at paragraph 84 of the National Planning policy Framework (Framework), which allows isolated dwellings only where there is an essential need for a rural worker to live permanently at or near their place of work.
6. Although the Framework does not prescribe detailed assessment criteria, applying functional and financial tests is long-established and remains a reasonable and proportionate means of determining whether an essential need exists. Local and national policy therefore operate cohesively in requiring a clear, evidence-based justification for rural workers' dwellings.

7. Local guidance within the Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) requires an essential and established need for presence on-site for the majority of the time (24 hours a day, 7 days a week) to be demonstrated, as opposed to it merely being convenient. It also requires evidence that no suitable alternative accommodation exists, and that the enterprise is financially sustainable and capable of supporting the development.

Functional requirement

8. An essential need arises only where a rural enterprise cannot operate effectively without a worker living on or immediately adjacent to the site. Policies CS5 and MD7a allow such dwellings only in exceptional circumstances where functional necessity is clearly demonstrated. The National Planning Practice Guidance¹ (NPPG) sets out what may be relevant when considering the need for an essential rural worker's dwelling in the countryside. It suggests that an essential need may arise where the welfare of livestock or agricultural processes demands on-site, round-the-clock attention, or where emergencies could otherwise lead to animal welfare risks or significant production losses.
9. The appellant describes a wide variety of livestock on site including 7 dairy cows, 6 calves, 1 bull, 9 pigs, 2 donkeys, 4 horses, 3 alpacas, 2 emus, 60 chickens, 34 ducks, 2 peacocks, 8 geese and 10 sheep. The animals were brought to the site in October 2024 and are said to support the enterprise providing dairy, meat, eggs, fibre, and land stewardship services. A work log submitted outlines daily tasks amounting to approximately 9 hours per day, while further claims indicate a labour demand of 98 hours per week, which equates to 14 hours per day.
10. However, the log primarily records daytime activities, with early mornings, and does not demonstrate regular overnight events or welfare scenarios requiring immediate intervention. No veterinary evidence, calving or lambing schedules, or incident records are provided to indicate that night-time supervision is essential.
11. Despite the breadth of species on site, stock numbers are relatively low, and no Standard Man Day (SMD) assessment has been submitted, even though this is customary practice when assessing agricultural dwellings. In the absence of such evidence, the labour requirement cannot be reliably quantified. Furthermore, many listed tasks represent routine or periodic duties rather than critical functions necessitating constant on-site presence. For example, when cattle are turned out to grass during the warmer months, fencing checks, building maintenance, hoof trimming, and general monitoring.
12. Daily tasks such as milking, feeding and health checks can be undertaken without a worker living on site, particularly given the modest scale of the holding. Lambing, where relevant, is seasonal and limited in duration, and could be managed through temporary accommodation during the relevant period. Although there may well be times when hand reared calves would require to be checked and fed twice a day, this would not generate significant man hours and require a permanent on-site presence.
13. While on-site residence may offer beneficial convenience, improved security and more frequent observation, policy requires demonstration of necessity, not desirability. On the evidence presented, the enterprise does not exhibit a scale or

¹ Paragraph: 010 Reference ID: 67-010-20190722

operational structure that would give rise to an essential, year-round functional need for permanent on-site presence.

Intent and financial soundness

14. While the test for functional or economic viability of a rural enterprise is no longer specified as a requirement by the Framework, the NPPG provides that the degree to which there is confidence that the enterprise will remain viable for the foreseeable future is one of the considerations that may be relevant. It also refers to considering whether it may be appropriate granting permission for a temporary dwelling for a trial period in the case of new enterprises.
15. The financial information submitted by a chartered accountant refers to the smallholding being a genuine farm business, which is an income generating agricultural enterprise with current trading activity and clearly defined plans for further development and growth.
16. The accountant's letter identifies current revenue streams which include egg sales (around 60 per week) to a local café, commencing raw milk sales (about 40 litres/day at £3 per litre), and projected calf and piglet sales with suggested estimated revenue which is evidenced by the Council as being over inflated. The activities as proposed in the letter are claimed to indicate a viable and actively managed farm business. The scale and nature of operations, particularly livestock management, raw milk production, and breeding, are considered to necessitate daily direct involvement and round-the-clock supervision, thus justifying the need for permanent on-site presence and support the case for a temporary dwelling to house an agricultural worker.
17. I acknowledge the appellant's belief that the enterprise will become profitable in at least the next three years. However, I am not persuaded that the appellant's suggestions regarding increasing stock levels month by month is legitimate due to the limited size of the land holding and the nature of the landscape.
18. The supplied evidence to support financial viability of the enterprise, which is said to have been established for one year provides headline revenue figures only and lacks business accounts, cash-flow forecasts, costings for feed, equipment and veterinary bills, purchase costs for animals, capital/replacement, or any other evidence of any commercial activities associated with the agricultural enterprise. Furthermore, significant investment has already occurred on the land in the form of the construction of the dwelling, buildings to house animals and for storage purposes, boundary walls, engineering works, and areas of hard surfacing.
19. While there is no defined threshold of how to demonstrate that an enterprise is viable, there is no indication of any income arising from the enterprise to fund the day-to-day living arrangements for the appellant and his family and to sustain the cost of building works to date and maintenance of the animals on the land. There is also no business plan, or costings to demonstrate the potential growth and viability of the operation and an absence of details regarding the level of commercial productivity.
20. On balance, I conclude that it has not been demonstrated that relevant financial and functional tests are met, that the business is viable in the long term and that the cost of the dwelling could be funded by the business. This is contrary to MD7a

of the SAMDev and the aims of Framework, Policy CS5 of the CS and guidance contained within the SPD.

Alternative accommodation

21. The appellant claims that there were no existing buildings on site that could have provided the necessary accommodation, through re-use of a redundant building. They also say that there are no properties for sale in the immediate vicinity that would allow the level of security that the existing dwelling affords the owner. However, they provide no evidence to support this claim and there is no indication that the appellant sought to buy or rent property in the area before commencing the development, for example by making enquiries or registering on waiting lists with local estate agencies.
22. The Council disputes that there were no suitable affordable alternatives and have provided examples of residential properties which were available for sale and rent at the time of compiling its submissions. The council claims that the properties are affordable and possibly comparable to the investment associated with the creation of the unauthorised dwelling and structures.
23. In the absence of evidence of searches undertaken, availability constraints, or reasons why nearby residential properties cannot meet the need, the proposal conflicts with Policy MD7a, as it has not been demonstrated that there are no other existing suitable and available affordable dwellings within the surrounding area capable of meeting any accommodation need.

Temporary dwelling

24. Although the dwellinghouse on the appeal site is complete and occupied by the appellant and his family, they consider that it could be deemed as temporary residential accommodation for the purposes of the fledgling enterprise.
25. The NPPG recognises that there may be a degree of uncertainty with new enterprises and indicates that it may appropriate to consider granting permission for a temporary dwelling for a trial period. This is so that confidence can be gained as to whether a viable business can be built, and whether an on-site presence is genuinely required long-term. It does not, however, remove the need to demonstrate a functional need for someone to live on the site in connection with the proposed rural enterprise.
26. Where a dwelling is essential to support a new rural based activity and diversification of the rural economy, whether on a newly created agricultural unit or an established one, it should, for the first three years, be provided by a form of temporary accommodation. Proposals for temporary accommodation should satisfy the criteria for permanent rural workers dwellings, except for requiring activity to have been established for three years. At the end of the temporary period a reassessment of the functional need would be required.
27. Taking account of the appellant's evidence to support their case for an occupational dwelling, I have concluded that there is insufficient justification in the form of a functional need for a 24/7 presence on the land for the agricultural enterprise as presented. I am also not persuaded that the agricultural enterprise is economically viable, or capable of sustaining the proposed temporary

accommodation. Accordingly, the proposal fails to satisfy the tests required by Policy MD7a, nor does it reflect the expectations of the Framework.

Conclusion on essential need

28. Having regard to the presented evidence, the supporting information does not provide robust, quantified, or credible evidence of livestock husbandry requirements, emergency supervisory needs, or operational practices that would necessitate a 24-hour on-site presence. There is also an absence of information properly detailing the nature of the business and the scale and structure of operations. Without a long-term business plan, an agricultural appraisal with SMD calculations and accounts, or financial business projections to establish the potential viability and sustainability of the enterprise, there is no clear justification as to why a worker must live on-site in either a temporary or permanent capacity.

Landscape and visual impact

29. The site lies within the Shropshire Hills National Landscape. National Landscapes are landscape designations of national importance and have the highest status of protection in relation to landscape and scenic beauty. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
30. The site occupies an elevated and visually prominent position and the array of development across the site is prominent and discordant. The extensive hardstanding, solar panels, trackways, and earthworks produce an expansive and intrusive cluster of development which includes equine and domestic structures and residential paraphernalia, within an otherwise open rural agricultural landscape.
31. Buildings B2–B4 appear domestic in form, materials, and proportions, poorly related to the rural character of the agricultural landscape, and unjustified in functional terms. The earthworks forming level platforms cut sharply across natural hillside contours, creating an engineered, artificial appearance, contrary to National Landscape design guidance. Access paths and tracks radiate across the land in straight lines, rather than following field edges, creating increasing visual intrusion and the pond with its decorative edging and lighting reinforces the domestic character throughout the site. While the appellant asserts minimal landscape effects, no landscape assessment, LVIA, or visual appraisal accompanies the appeal to support their view. Furthermore, there is limited information regarding the necessity of most of the built form for agricultural purposes. I have had regard to the appellant's suggested amendments; however, it remains that the development is not considered to be of an appropriate form or reasonably justified to support a demonstrated functional agricultural need.
32. Policy MD7b of the SAMDev provides that agricultural development will be permitted where it can be demonstrated that the development: is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve; is well designed

and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and will have no unacceptable impacts on environmental quality and existing residential amenity. In this respect there is conflict with the policies that guide appropriate agricultural development. There is also conflict with Policy CS17 of the CS and Policy MD12 of the SAMDev which among other matters, requires that development be designed to a high quality, and is consistent with national good practice standards.

33. Overall, I consider that the operational development that has taken place across the land is visually discordant in this rural setting. Furthermore, the engineering operations including retaining structures, land regrading, and concrete slabs introduce substantial and unjustified alteration to ground levels. These works cause significant harm to the landscape character and lack agricultural necessity. The development has an urbanising effect and fails to conserve or enhance the protected landscape. The development causes significant harm to the scenic qualities of the Shropshire Hills National Landscape, contrary to Policy CS17 of the CS and Policy MD12 of the SAMDev.

River Clun Special Area of Conservation (SAC)

34. The site lies within the catchment of the River Clun SAC, designated for the presence of the freshwater pearl mussel, a species highly sensitive to water quality. The septic tank serving the unauthorised dwelling is positioned on sloping land within close proximity to an open watercourse which could be compromised by discharge from the tank. No evidence has been provided to demonstrate compliance with Natural England's criteria for avoiding adverse effects arising from: phosphate and nitrate enrichment; effluent discharge or infiltration; and cumulative hydrological impacts. There is thus the potential that the development, alone or in combination with other plans or projects, could have a significant effect on the integrity of the SAC, a European Site subject to the Conservation of Habitats and Species Regulations 2017 (the Habitats regulations).
35. It is not possible, on the evidence available, to determine whether an adverse effect on the integrity of the SAC can be ruled out beyond all reasonable scientific doubt. Nor, in these circumstances, is this a matter that can be resolved by the imposition of a condition. In the absence of evidence that an adverse effect can be ruled out, and where there are no other compelling reasons for granting permission, permitting the development would be contrary to the Habitats Regulations, Policies CS6, CS17 and CS18 of the CS and Policies MD2 and MD12 of SAMDev, which seek to conserve and enhance the natural environment.

Conclusion

36. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan read as a whole. There are no other considerations which alter or outweigh these findings. Accordingly, I conclude that the appeal should be dismissed. I therefore uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

S A Hanson

INSPECTOR