



Appeal Decision

Site visit made on 20 January 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 29th April 2026

Appeal Ref: APP/J1915/W/25/3375099

Roughground Farm, Old Hall Green, Levens Green SG11 1HB

- 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 Roger Melbourne against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0131/FUL.
 - The development proposed is an agriculturally tied dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a number of amended documents as part of this appeal which were not available at the application stage. This includes information relating to site security and crime, personal circumstances, agricultural damage caused by deer, financial accounts, a market assessment of alternative accommodation, letters of support, ecological information, and self-build housing data. They seek to have the appeal determined on the basis of this additional information.
3. In determining whether it is appropriate to accept the updated plans, the Inspectorate has published the 'Procedural Guide: Planning appeals – England' guidance. It advises that the appeal process should not be used to evolve a scheme, as it is important that what is considered at appeal is essentially the same scheme that was considered by the Council and by interested parties at the application stage. Where amendments are proposed during the appeal process, I am required to consider whether, exceptionally, to accept them.
4. This additional information does not fundamentally alter the nature of the proposal, nor does it change the substance of the reasons for refusal set out in the Council's decision notice. The Council has had the opportunity to make representations on this material through its appeal statement. Although it is unclear whether statutory consultees or third parties were formally consulted, the submitted information largely provides further detail and clarification in relation to matters already in contention. On the basis of the evidence before me, I therefore consider it fair and reasonable to accept and take this evidence into account.

Main Issue

5. The main issue is whether, having regard to local and national planning policies that seek to avoid isolated new homes in the countryside and to limit development

in the Rural Area beyond the Green Belt, there is an essential need for a rural worker to live permanently at or near their place of work.

Reasons

6. The proposal is for the erection of a detached, three-bedroom dwelling of 1.5 storeys. It would be served by an air source heat pump and would incorporate an electric vehicle charging point, dedicated cycle store, and an extended parking area providing space for up to three vehicles. It occupies a small section of the larger farm, which extends to around 203 acres. The proposed site lies in relatively close proximity to existing agricultural buildings, including a barn and grain silos.
7. Policy GBR2 of the East Herts District Plan 2018 (DP) seeks to maintain the 'Rural Area Beyond the Green Belt' as a considerable and significant countryside resource, which is highly valued by residents and visitors for its open and largely undeveloped nature. It is maintained by concentrating development within existing settlements. Certain forms of development are permitted within this area, which includes (a) buildings for agriculture and forestry; (e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where the development is appropriate to the character, appearance and setting of the site and/or the surrounding area.
8. Although the proposed development would be associated with the agricultural operation of the farm, the primary purpose of the building would be to provide new residential accommodation. As such, it would not be used for agricultural purposes and would therefore fall outside the scope of criterion (a).
9. Limited infilling is most commonly understood to relate to development of a small gap within a built-up frontage, which is evidently not the case at the appeal site. While there are agricultural buildings, including barns and silos, within the wider farmyard, there is a notable degree of separation between these structures and the appeal site. Furthermore, the appeal site is currently undeveloped land and has not been occupied by a permanent structure, nor does it contain associated fixed surface infrastructure. With reference to the National Planning Policy Framework (the Framework) it cannot reasonably be regarded as previously developed land. As such, the proposal does not fall within the scope of criterion (e).
10. Consistent with the Framework, Policy HOU5 of the DP states that special circumstances may justify the construction of new dwellings in the countryside where it can be demonstrated that (a) the dwelling is essential to the needs of the business; (b) the enterprise has been established for at least three years and is financially viable; (c) there is no other accommodation in the locality which is currently suitable and available, or could be made available.
11. The appellant states that continuous monitoring of grain storage is required to control humidity, temperature and moisture levels in order to prevent spoilage and comply with quality assurance standards, such as the Red Tractor Assurance Scheme. Harvested grain is initially stored wet and must be dried using gas burners and fans until moisture levels fall below 15%, a process that requires regular checks and adjustments, including during the night. They state that these conditions can change rapidly due to weather, wind or equipment malfunction, and any failure to intervene promptly could result in crop damage, non-compliance with

the relevant standards and unsaleable produce. For these reasons, the appellant maintains that he and/or his son must be readily available to respond at short notice throughout the year.

12. Owing to its isolated location and limited natural surveillance, the appeal site is described as being particularly vulnerable to crime. The appellant has referred to three criminal incidents occurring between 2022 and 2024, including the theft of a tractor, to support the contention that static security measures such as CCTV and locked gates are of limited effectiveness in the absence of an on-site presence. The appellant has identified the site as being vulnerable to large-scale fly-tipping, which can be expensive and time consuming to clear up.
13. Reference is made to a 'Police Secured by Design' assessment of the farmyard (Appendix F of the appellant's planning appeal statement), which was undertaken following a theft in 2022. This assessment confirms the site's isolated location, the lack of street lighting, the absence of public CCTV coverage and the presence of secluded access points. However, it also identifies deficiencies in on-site surveillance measures, including the absence of operational private CCTV and external lighting at the main access gate. The assessment provides a number of recommendations relating to improving these security measures and the appellant indicates that these improvements were made. However, while the appellant refers to two additional security breaches occurring in 2023 and 2024, no incident reports or other documentary evidence have been submitted to enable an assessment of the adequacy and effectiveness of any installed security measures.
14. The appellant has also referred to advice purportedly received from Hertfordshire Constabulary that a physical presence should be available on site given the prevalence of rural crime in the area. This advice is reflected in the Council's officer report. However, the only relevant correspondence from the Constabulary referred to as evidence (Appendix I of the appellant's planning appeal statement) does not appear to substantiate this advice. Rather, it appears to be a standard notification confirming that a burglary had been reported and would be investigated by a local officer. In particular, it does not explicitly recommend on-site residential presence as a security measure. Supportive correspondence has also been provided by the National Farmers Union (NFU), which highlights the wider challenges facing the agricultural sector in relation to rural crime. However, while this representation is noted, the NFU is not a statutory consultee, and its support cannot, in itself, be afforded determinative weight in establishing an essential functional need for an on-site dwelling.
15. While I recognise that a degree of monitoring is required for both crop management and site security purposes, there is limited evidence before me to robustly demonstrate that this necessarily requires a continuous on-site residential presence. In particular, there is no substantive evidence to demonstrate how modern technologies - such as automated moisture and temperature sensors, remote monitoring systems, alarmed equipment, or motion-activated security measures - have been explored or fully deployed as part of the current operation. In the absence of such evidence, I cannot be satisfied these identified needs could not be adequately addressed through a combination of technological solutions and regular, responsive site visits, rather than by the construction of a permanent dwelling. Whilst I acknowledge that certain tasks may arise intermittently and at short notice, this does not, of itself, demonstrate that a worker must be resident on the site at all times.

16. In respect of site security, I recognise that Hertfordshire has been identified as being nationally significant for fly-tipping incidents. However, while there may be some general benefit from a human being present on the site, large-scale fly-tipping would, in any event, likely require intervention by the police. Moreover, given the dispersed nature and scale of the farm, it is unlikely that the presence of a single dwelling would fundamentally deter incidents such as fly-tipping across the holding as a whole. There is no substantive evidence before me to demonstrate what security measures have been installed or their effectiveness. Furthermore, it has not been demonstrated that alternative security solutions, such as enhanced CCTV coverage, alarmed access points or remotely monitored systems, have been fully explored. On this basis, I cannot be satisfied that continuous on-site residential supervision is necessary to address these identified security concerns.
17. I recognise that deer populations can have a damaging effect on crops and that deterrence can form part of effective farm management. However, there is an inconsistency in the appellant's evidence regarding the financial impact of this damage, which is variously estimated at around £6,500 in some documents and in excess of £65,000 in others. This discrepancy reduces the certainty with which the scale of the issue can be assessed. In any event, given that the buildings around the appeal site are principally used for crop storage and related operations, it is unclear how the provision of a permanent residential dwelling would be necessary to address deer activity, rather than through alternative management or deterrence measures. Moreover, there is no evidence before me to demonstrate that this issue is unique or exceptional to this holding, as deer-related impacts are widely experienced across the agricultural sector.
18. While I also acknowledge the current absence of on-site facilities such as toilets, washing areas and office accommodation, it has not been satisfactorily demonstrated why these needs could not be met through the use of portable units, rather than the construction of a permanent residential dwelling.
19. For these reasons, I am not persuaded that it has been adequately demonstrated that the proposed dwelling is essential to the needs of the business, such that it would justify the erection of a new residential development in the countryside. Accordingly, the proposal fails to meet the relevant threshold required by criterion (a) of Policy HOU5.
20. There is no dispute between the parties that the agricultural enterprise has been established for at least three years and is financially viable. Based on the evidence before me, I see no reason to disagree with the assessment that the proposal would meet criterion (b) of Policy HOU5.
21. There is some inconsistency in the appellant's evidence regarding the distance between Moles Farm, Benington and the appeal site. The appellant has referred to the distance as being approximately 8 miles, while the Parish Council has suggested it is around 12 miles. However, the appellant's own statement indicates that the distance is approximately 5.3 miles, representing a journey time of around 15 minutes by car. In any event, notwithstanding these discrepancies, the distances referenced are broadly comparable.
22. In a rural context, such distances can be considered as reasonably proximate, and there is no evidence before me to demonstrate that living at Moles Farm has

significantly impeded the effective management of the agricultural enterprise to date. While I acknowledge the appellant's intention to sell the buildings at Moles Farm, it is understood that it has been proposed to convert this site into residential use. Given this context, it is unclear why the appellant could not continue to occupy this property, particularly having regard to the relatively short commuting distance and the fact that it already serves as the appellant's established place of residence. This remains the case notwithstanding that modern combine machinery might be too large for continued use at Moles Farm.

23. In relation to alternative accommodation in the locality, the appellant has submitted a market assessment covering properties within a 3-mile radius of the farm. This represents a significantly more restricted search area than that associated with the appellant's existing home. The assessment indicates that the lowest-priced house is approximately £337,500, with the least expensive apartment priced at around £260,000. While the appellant contends that the apartment would be unsuitable due to its limited size, there is no substantive evidence before me to explain why the least expensive house would be unacceptable for their needs. While it is uncertain whether the appellant would ultimately have been successful in securing this particular property, there is no evidence before me to demonstrate that a genuine or sustained attempt was made to pursue it.
24. While I recognise that the average property value within the defined search area is reported to be approximately £767,730, it is unclear what range of property types is included within this calculation and whether higher-value dwellings have inflated this average figure. This is particularly relevant when compared with the significantly lower prices identified for the least expensive properties referred to above. Although I acknowledge that no dwellings appear to be available at discounted rural housing prices and that the rental market may be limited by the number of properties currently available, this does not, in itself, demonstrate that suitable accommodation is unavailable or would not become available in the future.
25. In reaching this view, I have taken into account the appellant's reference to average agricultural earnings of approximately £25,000 to £30,000 per annum. Nonetheless, there is no substantive evidence before me to show that access would be precluded to the least expensive properties capable of providing suitable alternative accommodation in the locality.
26. For these reasons, I am not persuaded there is no other accommodation in the locality, which is currently suitable and available, or could be made available. Accordingly, the proposal fails to meet the relevant threshold required by criterion (c) of Policy HOU5.
27. In summary, it has not been sufficiently demonstrated that there is a genuine and essential need for a worker to live in close proximity to the business, or that suitable residential accommodation is unavailable nearby. The proposal therefore fails to satisfy the relevant functional and financial tests required to justify the erection of a new dwelling in the countryside. In the absence of such justification, the proposed development would be unacceptable as an isolated new home in the countryside, beyond the Green Belt.
28. Policy TRA1 of the DP sets out several criteria intended to promote sustainable transport in the district. Of particular relevance for this appeal is the requirement

for development to be primarily located in places which enable sustainable journeys to be made to key services and facilities, and ensuring that a range of sustainable transport options are available to occupants.

29. While I acknowledge that the rural nature of the area means that sustainable transport options are inherently limited, the proposed development would result in a single isolated dwelling within a purely agricultural farmyard setting. This is materially different from the provision of a dwelling within an existing village, where some services, facilities or limited public transport options may be available. Here, the site would be entirely disconnected from shops, schools and public transport, and would lack basic pedestrian infrastructure such as footpaths or street lighting. In these circumstances, future occupiers would be almost wholly reliant on the private car to meet their day-to-day needs. While the residential occupation of the site would reduce commuting journeys, this would be partially offset by an increase in other trips from the farmyard to access services and facilities elsewhere. As such, I cannot be satisfied that the proposed development would promote sustainable transport and accordingly, would fail to support the transition to a low carbon economy.
30. The appellant has referred to the appeal decision at Lysander Park (APP/J1915/A/09/2118550 and 3/09/0625/FP) in support of the proposed development. In that case, the Inspector accepted the principle of a rural worker's dwelling on an arable agricultural holding in East Hertfordshire, having regard to functional requirements, site security and welfare considerations, and the lack of suitable alternative accommodation. However, that appeal was determined in 2010 under a policy framework that is no longer in force and within a materially different national planning context. Moreover, even at that time, the Inspector acknowledged that many aspects of the agricultural operation were capable of a degree of automation, with intervention required within a matter of hours rather than immediately. There is no evidence before me to suggest that technological capabilities have not advanced since then to further increase the scope for automated monitoring and response.
31. In any event, given that the appellant's current residence is located approximately 15 minutes' travel time from the appeal site, I consider it reasonable to conclude that a timely response to operational issues could still be achieved without the need for a permanent on-site dwelling. Notably, the Lysander Park appeal decision does not record the travel time to the existing manager's residence. Taking these significant factual and policy differences into account, it is not considered possible to draw meaningful comparisons between the two schemes, or that it could be concluded that the impacts of the current proposal would be acceptable. Each site should be assessed on its own merits, having regard to the prevailing policy framework and site-specific circumstances. In this case, the cited appeal decision does not justify the development or outweigh the harm I have identified.
32. The appellant has referred to other decisions in support of the proposed development, including the appeal decision at Punchley, Mill Lane (APP/J1915/C/12/2190207) and the grant of planning permission at Field Farm, Levens Green (3/24/2150/FUL). However, the Punchley proposal appears to have involved the conversion of an existing storage barn rather than the erection of a wholly new dwelling and would therefore have had a materially different effect on the rural locality. The Field Farm decision related to the expansion of an existing use through an increase in the number of caravans and associated development,

thereby representing a fundamentally different form of development to that which has been proposed. In respect of both examples, there is very limited information before me regarding the site specific circumstances or the policy considerations that informed the decisions. In the absence of detailed evidence demonstrating clear and direct parallels with the appeal proposal before me, I cannot be satisfied that they provide a sound basis for concluding that the current proposal would be acceptable.

33. In conclusion, the proposed development would not be in a suitable location for a new home in the countryside having regard to the Rural Area Beyond the Green Belt. While I recognise the appellant would benefit from a rural worker dwelling being permanently available at the appeal site, it would result in harm which would not be outweighed by other material considerations. It would fail to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, contrary to Policy GBR2 of the DP. It has not been sufficiently demonstrated that it is essential to the needs of the business or that no other accommodation is available within the locality which is currently suitable and available, contrary to Policy HOU5 of the DP. It would not sufficiently promote sustainable transport in the district, contrary to Policy TRA1 of the DP.

Other Matters

34. A letter of support has been received from Little Munden Parish Council. While community feedback is an important aspect of the planning process, the presence of supportive responses does not, in itself, outweigh or justify the policy conflicts and harm identified above.
35. A potential fallback position involving the conversion of the existing large storage barn to residential use was identified in earlier submissions. However, the appellant has subsequently clarified that, due to the adverse impact such a conversion would have on the operation of the business, this fallback position is no longer being relied upon.
36. A separate planning application (ref. 3/25/0124/FUL) for a new, large agricultural crop and machinery storage building has been recommended for approval, subject to the completion of a section 106 agreement. While the implementation of that development may expand the overall scale of the farming operation, there is no evidence before me to demonstrate that it would significantly alter the submitted justifications for the proposed dwelling.
37. The appellant refers to pre-application advice from the Council and states that the proposal was indicated to be acceptable in principle. While I acknowledge that the subsequent refusal may be perceived by the appellant as an unreasonable shifting of position, it is reasonable for the Council's view to evolve as additional information becomes available through the formal application process. This sentiment is reflected in the pre-application advice itself. The appellant has also identified errors within the Council's documentation, including references to the planning history and site acreage. While such errors are noted, they do not materially alter the assessment of the main issues before me. In any event, I have reached my own conclusions based on the evidence before me and these considerations do not have any material effect on my decision.

Planning Balance

38. During a recent appeal decision (APP/J1915/W/24/3340497), the Inspector found that the Council could only demonstrate between 4.2 and 4.49 years of housing land supply. While the Council are currently reviewing their position, they acknowledge that they cannot currently demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. As such, it is not contested between the parties that paragraph 11 d) of the Framework is engaged.
39. I recognise that the proposed scheme could assist in consolidating the operation of the business and residential accommodation on a single site, with potential operational efficiencies and cost savings that may contribute to the longer-term viability of the enterprise. In turn, this may help to support the rural economy. There may also be some personal benefits for the appellant in terms of health and wellbeing, reducing the need for late-night travel or informal overnight presence on site. The proposed dwelling would incorporate low-carbon technologies, which would make a modest contribution towards reducing emissions. In addition, the proposal would deliver biodiversity net gain in accordance with policy expectations. The proposal would also contribute a new dwelling to the housing stock, including within an area where there is an identified shortfall in self-build opportunities. Taken together, these considerations attract moderate weight in favour of the proposal.
40. Nonetheless, these benefits must be balanced against the identified harm. The scheme would not be in a suitable location having regard to local and national policies concerned with isolated new housing in the countryside and in the Rural Area Beyond the Green Belt. This represents a significant failing and a clear conflict with the relevant policies, to which I afford substantial weight.
41. In relation to paragraph 11 d), I have had particular regard to the following considerations and their effect on key policies. The proposal would make an effective use of land and would likely be well-designed. However, it would not be in a sustainable location, nor would it provide affordable housing. I afford substantial weight to these shortcomings. In my judgment, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The scheme would therefore not be sustainable development within the meaning of the Framework.

Conclusion

42. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

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INSPECTOR