

Appeal Decisions

Hearing held on 28 April 2026

Site visit made on 28 April 2026

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2026

Appeal Ref: APP/U2750/W/25/3377421

Butterwick Alpaca Retreat, Boynton Lane, Butterwick, Malton YO17 6PS

- 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 & Mrs C Ramsey against the decision of North Yorkshire Council.
 - The application Ref is ZE25/00314/FUL.
 - The development proposed is described as the siting of a temporary rural workers dwelling and dog kennel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already been carried out, and so I have dealt with the appeal on that basis.
3. This appeal was initially linked to an appeal against an Enforcement Notice, reference APP/U2750/C/25/3376826. Following discussions at the hearing, the Appellants confirmed the withdrawal of that appeal. Accordingly, the enforcement appeal is no longer before me, and my determination is confined solely to this appeal against a refusal of planning permission.

Main Issues

4. The main issues are:
 - (i) Whether there is an essential need for a temporary dwelling to accommodate a rural worker at this location;
 - (ii) The effect of the development on the character and appearance of the surrounding area; and,
 - (iii) Flood risk.

Reasons

Background

5. The appeal relates to a small holding located in the open countryside, with the holding extending to approximately 2.5 hectares of predominantly grazing land. In addition to the proposed dwelling and dog kennel, the wider site comprises a storage barn, fenced-off grazing paddocks, picnic tables and benches, small animal pens/hutches, other agricultural style buildings and shelters, and areas of hardstanding to facilitate vehicular access and circulation.

6. It is understood that the appellants purchased the land with the sole intention of establishing a viable agricultural enterprise utilising alpacas, goats, pigs, sheep and other small animals and fowl for use in special educational needs and care settings. The existing enterprise was granted planning permission on appeal¹ for alpaca trekking and visitor experience activities in conjunction with the agricultural enterprise.
7. The current proposal, to which this appeal relates, seeks consent for the siting of a rural worker's dwelling for a period of three years, during which time it is the Appellants' intention to establish a viable and sustainable rural enterprise.

Policy Context

8. The National Planning Policy Framework (the Framework) supports a prosperous rural economy. In relation to rural housing, paragraph 84 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply. This includes an essential need for a rural worker to live permanently at or near their place of work in the countryside. This policy position is expressed locally in policies SP1 and SP2 of The Rydale Local Plan Strategy 2013 (the Local Plan). These policies restrict development in the open countryside to that which is necessary to support a sustainable, vibrant and healthy rural economy, and only supports new dwellings where they are necessary to support the land-based economy where an essential need for development in that location can be justified.
9. Furthermore, Policy SP21 states that proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere.
10. The Planning Practice Guidance (the PPG) sets out detailed considerations that may be relevant to take into account when applying the provisions of paragraph 84 of the Framework. This includes evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural enterprise; the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; and, in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Essential need

Operational requirements

11. The current enterprise has been operating since May 2022. At the hearing the appellant confirmed the current stock levels on site to be:
 - 17 breeding female alpacas (many of which are pregnant and due to give birth in June, July and early August this year);
 - 2 cria² alpacas;
 - 7 'walking boys' alpacas
 - 3 stud male alpacas

¹ Appeal Reference: APP/U2750/W/24/3343211, dated 5 December 2024

² A **cria** is the term for a baby camelid, which includes llamas, alpacas, guanacos, and vicuñas

- 4 sheep, that have recently lambed; and,
 - 2 female goats.
12. The primary focus of the existing enterprise is the provision of alpaca trekking and sensory experiences for children and adults with Special Educational Needs or Disabilities. Mrs Ramsey explained that alpacas are particularly well suited as care animals due to their calm and gentle temperament, which helps to put people at ease. These characteristics are especially beneficial for individuals with additional support needs, including autism, mental health conditions, anxiety and visual impairments. As a result, the sensory experiences offered can provide significant therapeutic benefits for those who may otherwise feel overwhelmed by emotional or physical challenges.
13. It is clear that the Appellant has a great deal of experience in this area, and the trading accounts show that, in the 2023-2024 financial year, alpaca trekking and sensory experiences accounted for 69% of total income.
14. Nevertheless, the LPA is of the view that this activity, and the current operations of the enterprise, do not give rise to an essential need for a worker to live on site. At the hearing, the Appellants' Agricultural Consultant accepted that the existing alpaca trekking and visitor experience activities do not, in themselves, demonstrate a functional requirement for a worker to reside permanently on the holding. However, in addressing the hearing directly, the Appellant was of the firm view that a 24-hour presence on site was currently required to provide good animal welfare and, in particular, to assist with birthing and the care of cria.
15. In any case, the Appellants propose to expand the enterprise by increasing stock numbers and to diversify the business activities. Accordingly, the appeal turns primarily on whether the proposed expansion and diversification of the enterprise would create an essential need for a rural worker to reside on the holding and whether there is a reasonable prospect that such an enterprise would become financially sound during the temporary permission period.
16. The Appellants' Agricultural Appraisal by Reading Agricultural Consultants (the RAC report) sets out their intention to establish a commercial herd of alpacas with wethers and breeding stock (the alpaca breeding enterprise). The RAC report also details the Appellant's intentions to supplement the alpaca breeding enterprise with goats, sheep, pigs, various rabbits, guinea pigs, and free-range chickens and ducks producing eggs for sale. In addition, bee hives would also be established with honey being harvested and sold.
17. By year three of the Appellants' business plan³, once fully established, alpaca stock numbers are projected to be:
- 21 breeding females;
 - 2 stud males; and,
 - 33 cria.
18. Set against this context, the business plan envisages four main sources of income:

³ As set out in the RAC Report

- 1) alpacas – the breeding and rearing alpacas for sale – the sale of alpaca yarn and products;
 - 2) alpaca trekking and visitor experience activities;
 - 3) the use of the alpacas in care and SEN settings; and,
 - 4) the sale of free-range eggs and honey.
19. The RAC report estimates the labour requirement to run the enterprise, once fully established, to be approximately 280 standard working days (SWD) per year, and therefore equivalent to one full-time worker. The LPA dispute this and suggest that the Appellants calculation of 8 SWDs per year per breeding female is overinflated. Either way, this on its own does not demonstrate an essential need for a rural worker to live on site all year round to ensure the effective operation of the proposed agricultural enterprise – a functional or operational need for a 24-hour presence must be established.
20. Therefore, even if I were to accept the Appellants' labour calculations in full, a requirement for a full-time worker is not synonymous with an essential need for that worker to live on the holding. The key consideration is whether the nature of the enterprise gives rise to husbandry requirements that necessitate a continuous on-site presence.
21. The Appellants state that the functional need to be on site at all hours of the day and night, and all year round, stems from the need to care for livestock and ensure high standards of welfare. In particular, a presence is considered essential to assist with the birthing of cria and bottle feeding newborn cria, which can continue for several months after birth.
22. However, advice from The British Alpaca Society (BAS) states that most alpaca birthing (parturition) occurs during the daylight hours between 8am and 2pm. This allows the cria to dry, stand and suckle before the temperature drops. While the quoted gestation period of 330 days +/- 30 days can give rise to a degree of unpredictability as to when parturition may occur, the Appellants confirmed that a managed breeding programme means that birthing would generally occur during the summer months between May and August.
23. Furthermore, the BAS state that the rate of difficult births for alpacas is low (2%-5%), but in such cases immediate assistance is generally required. In this regard, the appellant was only able to recall two occasions over the last 4-year period when immediate assistance was required.
24. Occasionally a lack of milk, including colostrum, following birth can give rise to some cria requiring bottle feeding at very frequent intervals, throughout the day and night, up to eight weeks following birth, after which this drops to only three feeds daily to four months. However, bottle feeding will not apply to all cria and, as with any livestock breeding programme, nursing directly from the mother is always preferred and is most common.
25. Whilst these operational activities undoubtedly require careful management during specific periods, they are episodic rather than continuous in nature. Consequently, they do not demonstrate a year-round functional or operational requirement for a worker to reside on the site.

26. No evidence has been presented to suggest that managing the mating of the alpacas or general day-to-day management of the enterprise would require overnight attendance or supervision. In addition, the Appellants confirmed that the de-sensitisation training of the alpacas, to support the trekking and sensory experiences, takes place during the day. I also note that alpaca trekking and sensory experiences take place during the hours of 10am and 4pm daily, and there is nothing in this activity to suggest an essential need for a worker to live at the site.
27. Furthermore, no substantive evidence has been provided to demonstrate that the management of the proposed goats, sheep, pigs, rabbits, guinea pigs, poultry or beekeeping enterprise would necessitate a worker residing on the site.
28. It is suggested that a 24-hour presence on site is required to maintain security and to deter predators. However, there is no substantive evidence before me to demonstrate that alternative security measures, such as security gates, secure fencing, and surveillance devices, could not provide an equally effective deterrent in these regards.
29. I have carefully considered the letter provided by the Appellants' veterinary surgeon. The letter confirms the importance of maintaining high standards of animal husbandry and welfare, particularly during breeding periods and where young animals are present. Whilst I afford this evidence weight, it does not demonstrate that the welfare requirements of the livestock are such that a continuous on-site residential presence is essential throughout the year.
30. I recognise and commend the Appellants commitment to maintaining the highest standards of animal welfare and their desire to be available on site at all times. However, a preference to reside at the site, or the convenience and reassurance that such an arrangement may provide, is not synonymous with an essential need for a worker to live there. The evidence before me does not demonstrate that the operational requirements of either the existing enterprise or the proposed expansion give rise to an essential need for a worker to reside on the site on a permanent, year-round basis.

Viability

31. There are several issues arising from the business plan which cast significant doubt and uncertainty over the viability and long-term sustainability of the proposed enterprise. Firstly, to realise the stock levels set out in the business plan it is common ground that additional grazing land, beyond the Appellants current land holding would be required. To address this, the Appellants intend to rent 3.97 hectares of grazing land from a neighbouring landowner. A Grazing and Mowing Licence⁴ has been provided to highlight this arrangement. This agreement runs from 1 September 2026 to 30 August 2027. Beyond this there is no evidence to demonstrate that this neighbouring land would be available to the enterprise. In the absence of such certainty, the three-year business plan cannot be realised.
32. I also note that the agreement does not give the appellant exclusive use of the land and it can be terminated with only 14 days of notice. This does not provide sufficient confidence that the additional grazing land is secure and so this poses a significant risk to the Appellants' aspirations for the enterprise.

⁴ HD1: CAAV Model Grazing and Mowing Licence for England, signed 7 April 2026

33. There are also discrepancies over the cost of renting this additional land. The Grazing and Mowing Licence sets the rental cost at £375, but the projected costs in the business plan have this as £0 in year one and then £100 per year going forward. The Appellants consider this to be a minor error and at the hearing I was advised that, in fact, they do not pay anything for this additional grazing land because the landowner will not accept payment. While these are relatively small sums of money, these discrepancies, and the associated conflicting evidence reduce the level of confidence in the business plan.
34. Furthermore, the business plan indicates a substantial reduction in the alpaca trekking and sensory experiences, identified by a significant reduction in revenue generated from these activities. When this was queried at the hearing, the Appellant confirmed that these activities would be maintained or increased, and that this was an area of growth for the enterprise. If that is the case, then it is unclear how the alpaca breeding business will be established and thrive alongside this competing business interest. The Appellants' Agricultural Consultant puts this down to a further minor error in the drafting of the business plan and suggests that he was not aware how successful these elements of the business were or the levels of income they generated. This inconsistency raises significant uncertainty regarding the intended balance between the breeding enterprise and the established visitor experience business. It further suggests that the business plan has not been prepared with sufficient rigour to provide a reliable basis for decision-making.
35. The identified inconsistencies are not merely isolated drafting errors; they relate to fundamental components of the proposed enterprise, including the availability of additional grazing land, operating costs and projected income streams. These matters are central to assessing whether there is a realistic prospect of the enterprise becoming financially viable. Taken together, the uncertainties regarding access to additional grazing land and the inconsistencies within the business plan significantly undermine confidence in its reliability. Consequently, the evidence does not demonstrate that the proposed enterprise has been planned on a sound financial basis, or that there is a clear and realistic prospect of it becoming viable.
36. In any event, even if the enterprise's future financial viability had been satisfactorily demonstrated, this would not overcome the separate and fundamental requirement to establish an essential need for a worker to reside on site. For the reasons set out above, that requirement has not been met.
37. The Appellants suggest that a lower threshold should be applied because consent is sought for a temporary period. Nevertheless, a temporary dwelling must still be supported by robust evidence demonstrating both an essential need to ensure effective operation, and a reasonable prospect of the enterprise becoming viable.

Conclusion on essential need

38. Drawing all of the evidence together, firstly, I have found that the evidence does not demonstrate an essential need for a worker to live on site to ensure the effective operation of the enterprise. Secondly, there is insufficient evidence to provide confidence that the proposed enterprise would become viable within the requested temporary permission period. Accordingly, an essential need for a temporary dwelling to accommodate a rural worker at this location has not been established. The proposal therefore conflicts with Policies SP1, SP2 and SP21 of the Local Plan, paragraph 84 of the Framework, and the relevant provisions of the PPG.

39. Local Plan Policy SP19 sets out a presumption in favour of sustainable development. However, in this case, there is no suggestion that a presumption in favour of sustainable development should apply. Consequently, there is no policy conflict in this regard.

Character and appearance

40. The appeal site is located within the Vale of Pickering National Landscape Area⁵, a predominantly agricultural landscape dominated by arable and feed grains and interspersed with livestock grazing. The landscape is generally low-lying, flat and gently undulating, with built form largely confined to established settlements, farmsteads and other structures directly associated with the rural economy. As a generally undeveloped parcel of land within this wider landscape, the appeal site contributes positively to the rural character and appearance of the area.
41. The proposed mobile home is of a typical design and functional appearance, incorporating light-coloured external cladding and residential features that are uncharacteristic of the surrounding rural landscape. Whilst it benefits from a degree of screening provided by the established boundary hedgerows to the north and east, it is visible, to varying degrees, in views from the west and south, including from the nearby public footpath network. In these views, it appears as a conspicuous and incongruous feature, introducing a distinctly domestic form of development into an otherwise predominantly rural setting. Consequently, it would fail to assimilate into the landscape and would harmfully erode the rural character of the site and its surroundings.
42. The proposed dog kennel would be a more modest structure. Nevertheless, despite its limited scale and relatively unobtrusive design, it would further domesticate the site through the introduction of ancillary residential paraphernalia unrelated to the prevailing character of the landscape. As such, it would add to the visual intrusion caused by the proposed dwelling.
43. Although it has been suggested that the dog kennel may constitute permitted development or otherwise not require planning permission, there is limited evidence to support this assertion. In any event, it forms part of the development proposed and must be assessed on that basis.
44. Consequently, the development is harmful to the character and appearance of the surrounding area. It is therefore in conflict with Local Plan Policies SP13 and SP20, and the associated provisions of the Framework, which together seek to reinforce distinctive landscape character and require new development to respect the character and context of the immediate locality.

Flood risk

45. The appeal site lies within Flood Zone 2, an area with a medium probability of flooding. The proposed mobile home would be occupied as a rural worker's dwelling and therefore constitutes a highly vulnerable form of development for the purposes of national planning policy⁶.
46. The Framework sets strict tests to protect people and property from flooding. In this regard, the Framework requires the application of a sequential, risk-based approach to

⁵ National Landscape Character Area 26, Vale of Pickering, Natural England

⁶ NPPF, Annex 3: Flood risk vulnerability classification

the location of new development. Locally this approach is set out in Policy SP17 of the Local Plan which also states that full account will be taken of flood risk vulnerability and where necessary, the application of the Exception Test.

47. The aim of the Sequential Test is to direct development to areas with the lowest probability of flooding. Where development is proposed in an area at risk of flooding, it must first be demonstrated that there are no reasonably available sites in areas at lower risk capable of accommodating the proposed development. Depending on the flood risk vulnerability classification of the proposed development, the Exception Test may also apply.
48. To pass the exception test it should be demonstrated that:
 - a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
49. In the circumstances of this appeal, the parties agree that both the Sequential Test and the Exception Test are engaged.
50. The Appellants contend that the development can only reasonably be located on the appeal site because it is required to meet an essential need for a rural worker to live at, or in close proximity to, the enterprise. They further contend that, when read alongside the submitted site-specific Flood Risk Assessment, the proposal satisfies both the Sequential and Exception Tests.
51. At the hearing, the main parties agreed that, in the absence of such an essential need, neither the sequential test nor the exception test would be met.
52. For the reasons set out above, I have found that an essential need for a rural worker's dwelling at this location has not been demonstrated. In the absence of such a need, there is no compelling justification for locating this highly vulnerable form of development within Flood Zone 2 rather than in an area at lower risk of flooding. Accordingly, the Sequential Test has not been satisfied.
53. Furthermore, the failure to establish an essential need for the dwelling also substantially weakens the Appellants' case that the proposal would provide wider sustainability benefits sufficient to outweigh the identified flood risk. Consequently, I am not satisfied that the Exception Test has been met.
54. Consequently, I find that the development is not in an appropriate location with regards to flood risk. Therefore, the development is contrary to Local Plan Policy SP17 and the associated provisions of the Framework, which together seek to ensure that development is located in areas with the lowest risk of flooding.

Other matters

55. The Council has raised concerns regarding the lack of an up-to-date assessment of alternative accommodation that may be available within the locality and capable of meeting the needs of the enterprise. However, given my finding that the existing and proposed enterprise does not give rise to an essential functional need for a rural

worker to reside at or near the appeal site, it is unnecessary for me to consider this matter further.

56. I have had regard to the valuable work undertaken by the Appellants in providing alpaca-based sensory experiences and activities for children and adults with Special Educational Needs and Disabilities (SEND), together with the therapeutic and educational benefits arising from those activities. Furthermore, I have given careful consideration to the support expressed by local residents and interested parties, including those who attended the hearing and provided oral evidence in favour of the proposal. Their evidence demonstrated the high regard in which the enterprise is held locally and emphasised the educational, therapeutic and community benefits arising from its activities, particularly for individuals with SEND.
57. However, these operations already benefit from planning permission and so are capable of continuing irrespective of the outcome of this appeal. Moreover, they are undertaken during daytime hours and do not, in themselves, demonstrate an essential need for a worker to reside on the site.
58. The proposal forms part of a wider rural enterprise and the planned expansion and diversification activities would support the rural economy. This would accord with the broader policy objectives of promoting a prosperous rural economy. However, there is limited confidence that the business plan could be realised as envisaged, therefore this reduces the weight I attach to these benefits.
59. The Appellants have drawn my attention to a number of appeal decisions relating to rural workers' dwellings. Whilst those decisions demonstrate circumstances in which temporary rural workers' dwellings have been found to be justified, each appeal must be determined on its own merits having regard to the particular facts, evidence and policy context. In this instance, I am not persuaded that the cited examples are directly comparable to the appeal before me, particularly given my findings regarding the absence of a demonstrated essential need for on-site accommodation and the uncertainties surrounding the business plan. Accordingly, whilst I have taken the cited decisions into account, they do not alter my conclusions on the main issues in this case.

Conclusion

60. An essential need for a temporary dwelling to accommodate a rural worker at this location has not been demonstrated. The development is harmful to the character and appearance of the surrounding area, and it is not in a suitable location with regard to matters of flood risk. In these regards, the development is contrary to the above cited policies of the development plan and associated national policies and guidance. The other matters and considerations advanced in favour of the scheme are of insufficient weight to justify a decision other than in accordance with the development plan.
61. For these reasons, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR

APPEARANCES

For the Appellants:

Marc Willis BTP MRTPI FASAg Planning Consultant, Willis & Co.

Peter Williams BSc AASAg Agricultural Consultant, Reading Agricultural Consultants

Anna Ramsey, Appellant

Chris Ramsey, Appellant

For the Local Planning Authority:

Piers Riley-Smith, Counsel, Kings Chambers, instructed by North Yorkshire Council

Judith Norris, Agricultural Adviser, The Rural Planning Practice

Martin MacBeth, Principal Planning Enforcement Officer

Niamh Bonner MPlan Senior Planning Officer

Chantal Brown, Legal Officer

Interested Parties who participated in the hearing:

Mr Philip Tate	Local Resident
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Mrs Kim Harris	Local Resident
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Mr Oliver Wilson	Local Resident
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Dr Andrew Hope	Local Resident
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Miss Susan Brown	Local Resident
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Documents submitted during the hearing:

HD1 CAAV Model Grazing and Mowing Licence for England, signed 7 April 2026

HD2 National Character Area 26: Vale of Pickering – Key Characteristics Document, published by Natural England

HD3 National Character Area 26: Vale of Pickering – Description Document, published by Natural England

HD4 National Character Area 26: Vale of Pickering – Summary and Headline Statements of Environmental Opportunity Document, published by Natural England

HD5 Speaking Notes – Mr Wilson

HD6 Speaking Notes – Mrs Harris

HD7 Closing Submission for the LPA

HD8 Closing Submission for the Appellant