
Appeal Decision

Hearing held on 24 November 2015

Site visit made on 24 November 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 January 2016

Appeal Ref: APP/L3245/W/15/3130903

Goose Green, Chapel Lane, Alveley, Bridgnorth, Shropshire WV15 6NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Julie Moorhouse against Shropshire Council.
 - The application Ref 15/00164/FUL, is dated 13 January 2015.
 - The development proposed is described as 'erection of one new two storey 3 bedroom with basement under essential needs agricultural dwelling'.
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Decision

1. The appeal is dismissed and planning permission for erection of one new two storey 3 bedroom with basement under essential needs agricultural dwelling at Goose Green, Chapel Lane, Alveley, Bridgnorth, Shropshire WV15 6NG is refused.

Procedural Matters

2. The Council states that had it been in a position to determine the application, it would have refused planning permission on the grounds that the proposal would be inappropriate development in the Green Belt and the harm caused would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.
3. The appellant has raised concerns about the handling of the planning application by the Council, but this would need to be raised with the Council in the first instance. I confirm in this respect that I have had regard only to the planning merits of the proposal.
4. Since conducting the Hearing the Shropshire Allocations and Management of Development Plan has been adopted (17 December 2015) (DP). I therefore consider this appeal on this basis.

Main Issues

5. The appeal site is located within the Green Belt. The main issues in determining this appeal are therefore:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
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- The effect of the proposal on character and appearance of the surrounding countryside; and
- If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

6. Goose Green is a small agricultural holding of one field of around 3.67 acres comprising of a poultry and bee keeping business. The site is located close to the village of Alveley within reasonable walking and cycling distance. The appeal site forms the north-eastern corner of the field which currently contains a small brick built stable block and a touring caravan. There are small poultry houses, pens and bee hives within the field but is mainly open grassland. The site is immediately adjacent to Chapel Lane, a narrow country lane which provides access to the adjacent country park and is surrounded by open countryside.

Whether inappropriate development

7. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that, except for a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this include buildings for agriculture or where an extension or alteration to a building does not result in disproportionate additions over and above the size of the original building.
8. Paragraph 90 also sets out other forms of development that are not inappropriate in the Green Belt, which includes the re-use of buildings, provided the development preserves the openness and does not conflict with the purposes of including land within the Green Belt.
9. The proposed dwelling would provide residential accommodation for the appellant. Whilst this would support the purposes of agriculture, the house would not be a building for agriculture. Furthermore, whilst the proposal would re-use an existing stable building it would also include the construction of another building which would be linked to the stables by a predominantly glazed walkway. This would be substantially larger than the existing stables and would therefore be a disproportionate addition to the existing building.
10. Consequently, the proposal would be inappropriate development in the Green Belt. The Framework states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I regard this harm as substantial. The development would also not comply with the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) Policy CS5 which accords with the Framework in seeking to protect the Green Belt from inappropriate development.

Openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the Framework. It is clear from the evidence before me that the bulk of the original building would be substantially and disproportionately increased by a large extension which would inevitably reduce openness. I

therefore find that overall the development would reduce the openness of the Green Belt, resulting in material harm. As openness is one of the key attributes of the Green Belt, I find this harm is significant and, taken together with the harm arising from inappropriate development, carries substantial weight in accordance with paragraph 88 of the Framework.

Character and appearance

12. On visiting the site I saw that it is situated on a steeply sloping field from which there are wide ranging and far reaching views from the site, particularly to the west over the valley. The field is mainly open permanent pasture with a small area of orchard. Whilst hedgerows surround the field and would screen the development to some extent from the adjacent road, it would be prominent from other vantage points including views from across the valley. Although the development would convert the existing small stable structure, it would introduce development of a substantially dominant scale and bulk into what is currently a visually open part of the countryside, with prominent views across the valley.
13. Whilst the house would be designed so that the smallest elevations of the main building would face east and west and there would be mainly glazing between the two buildings to form the entrance hall, I do not consider that this would significantly reduce the overall mass and visual dominance of the overall structure within the site. The development would therefore appear as an intrusive and isolated form of residential development within the countryside, which would be of a dominating scale and mass that would not be in keeping with the open character and appearance of the surrounding area. This impact would be increased when patios, pathways, the basement entrance area, parked vehicles and other resultant domestic paraphernalia associated with a residential use are also taken into account.
14. The appellant has drawn my attention to other development visually prominent from the site, including a caravan park. However the existence of these other forms of development does not mean that a proposal that would be harmful should be allowed.
15. I therefore conclude that the proposal would result in material harm to the character and appearance of the surrounding countryside which would be contrary to CS Policy CS5 which also includes seeking to protect the countryside. This harm carries substantial weight.

Other considerations

16. The Framework advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work. This is also set out in DP Policy MD7a which specifically sets out criteria where development of a dwelling to support a rural based enterprise would be permitted.
17. It was agreed between the two parties that an assessment of functional need and financial viability of the enterprise was an appropriate way to assess whether there was an essential need for the development.
18. It has been put to me by the appellant that there is a functional need for the dwelling for reasons of animal husbandry, security and practicality.

19. Whilst I recognise that livestock requires adequate care and supervision, the poultry and fowl egg production side of the business is small-scale and the low numbers of birds on the site results in a very small annual labour requirement. The appellant specifically refers to the need to deal swiftly with any health conditions in the birds and told me at the Hearing that the poultry had recently contracted a bacterial disease (Document 3), requiring extra care of the birds. However this does not in itself justify a functional need. The appellant's plans to expand this side of the business are noted, but this too does not provide necessary justification for the dwelling.
20. Furthermore whilst the appellant in her statement implies that she needs to live on the site in order to meet legislative requirements for the care of birds, it was confirmed to me at the Hearing that this was in fact not the case.
21. In relation to the bee side of the business this currently includes the production of honey for sale and small bee starter packs. It includes around 240 bee hives located predominantly off the site. A workshop and honey extraction unit are located away from the smallholding at two other separate locations, though I was told at the Hearing that the latter unit was now not available due to the retirement of the owner.
22. There was some discussion at the Hearing around the amount of labour that is required for bee keeping. However based on the appellant's submission it would appear that the existing bee business has a labour requirement of one full time and one part time worker. Notwithstanding this, the majority of the hives are located at other locations off site. Hives would continue to be located away from the site even if a dwelling was allowed. The appellant states that the hives and honey need to be brought back to an isolated location for reasons of safety and security and would need to be supervised overnight. However, whilst this may be the case, this does not demonstrate to me why this would constitute a functional need for the appellant to live on the site.
23. Whilst I acknowledge that future plans for the business would include the more difficult and labour intensive rearing of queens, I was informed at the Hearing that this would mainly occur between late March and August depending on weather conditions. Even acknowledging that other bee related work would occur during the winter months, based on the evidence that is before me I do not consider that a permanent presence on the site would be required for this purpose.
24. Although security against predation, theft, injury or disease is not normally a justification for a permanent dwelling, it can contribute to an overall functional need. There was some discussion at the Hearing about other security measures that could potentially be used at the site including additional fencing (including electric), automated feeding, watering or door opening systems for the birds and surveillance and monitoring systems. The appellant considers that such measures would be costly, particularly as there is no electricity within the site. However I have no costs or evidence that these or any other security measures have been considered by the appellant. Whilst I recognise that it would be likely that some measures would not be financially viable for such a small-scale business, less expensive security measures could potentially be beneficial.
25. I acknowledge that being within 'sight and sound' of the birds would mean that issues such as fox attacks could be dealt with swiftly. I also recognise that two

thefts occurred from the site in 2011 and 2013. However based on the evidence submitted and the small scale of the business I consider the frequency and risk of incidents occurring would be extremely low, particularly if adequate security measures were in place.

26. I recognise that the appellant and her partner travel some distance to the site from their home on a daily basis to look after the livestock and that they also use other sites to extract and process the honey. However whilst the desire to consolidate operations on one site is understandable as this would be more convenient and practical for the appellant, reducing journey times and related travel costs, there would be no functional need for this to occur. The Council states that supervision of the site could be achieved from a dwelling within a short travelling distance and at the Hearing provided evidence of houses available for sale within the locality (Document 2). The appellant states that these dwellings would cost too much and would not be suitable for the purposes required.
27. Although no written costing was provided, the appellant told me at the Hearing that a new dwelling would cost around £186,000 to build on the site. However I have no substantial evidence to demonstrate why properties of a similar value available locally would not be suitable.
28. Taking all the above into account, I therefore consider that it has not been clearly demonstrated that there is a functional need for a worker to live permanently on the site.
29. Financially the appellant has provided profit and loss accounts for three years between 2010 and 2013. Whilst profits are shown for each of those years they are small and do not include wages. Only during 2012/13 was there a profit just above the minimum agricultural workers wage of £15,000 per annum. No further accounts for more recent years have been provided. A business plan with three year cashflow forecasts has been submitted to me, which shows a significant increase of 25% growth in income each year. However no detailed assessment of how this would be achieved has been provided.
30. I recognise that a certain degree of investment in the business has occurred over a number of years through personal contributions. I also note that the construction of the dwelling would be funded through existing personal funds and would not be funded by the business. However DP Policy MD7a clearly states that the cost of the dwelling should be funded through the business. Based on the actual profits achieved between 2010 and 2013 there is insufficient profit to pay for wages and the cost of financing a dwelling. Therefore based on the evidence provided I do not consider that the enterprise is financially sound or viable in the long term. I am also not satisfied that the forecast growth would be achievable, as I have no substantive evidence to support this.
31. Consequently taking all the above into account I conclude that an essential need for a dwelling to accommodate a rural worker has not been demonstrated and the development is not justified. The proposal would therefore be contrary to the Framework in this regard and would also conflict with CS Policy CS5 and DP Policy MD7a. This carries significant weight. Accordingly based on this conclusion, I do not consider that it is necessary for me to consider the Council's requirement for a Section 106 agreement to secure the payment of a

contribution towards affordable housing, in accordance with DP Policy MD7a and the SPD.

32. In relation to concerns that the development would increase traffic on a narrow country lane that is used to access the adjacent country park, I note that the Council and Highway Authority do not object on these grounds. I also note that the appellant considers that use of the lane would mainly be during evenings and at night when the transportation of bees and honey would occur. Whilst I acknowledge that increased traffic would be likely I have no substantive evidence to indicate that this would cause significant harm to highway safety. In relation to wildlife I also have no significant evidence that the proposal would cause an adverse effect. However these are 'absence of harm' factors rather than positive attributes of the appeal scheme and therefore carry limited weight.
33. I recognise the appellant's to develop the business and to live and work from one site. However although she argues that the reduced need to travel and move livestock would improve the sustainability of the enterprise, I have little objective evidence to show the extent of any improvements in that regard. I recognise that the house would be off-grid, would be energy efficient and be built of predominantly sustainable materials. However these factors carry only minimal weight within my decision.
34. The field is part owned by Miss L Moorhouse, the appellant's sister, who objects to the proposal. I see no reason why the proposal would negate any private legal rights regarding land ownership and as such this has had no bearing on my assessment of the planning issues in this appeal.
35. Finally I have considered all representations made, including the letters of support for the proposal.

Conclusion and Planning Balance

36. I have found that the development would be inappropriate and would reduce the openness of the Green Belt which carries substantial weight in accordance with paragraph 88 of the Framework. Moreover there would be material harm to the character and appearance of the surrounding countryside which also carries substantial weight.
37. I have also concluded that functionally and financially the proposal does not demonstrate an essential need for the appellant to live permanently at the site. This carries significant weight. Other factors as set out above carry only limited weight. I therefore conclude that the harm by reason of inappropriateness and the effect on openness and character and appearance, would not be clearly outweighed by any other considerations and therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. The appeal proposal would therefore be contrary to the Framework and the Council's development plan.
38. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms J Moorhouse	Appellant
Mr K Gorman	Planning agent
Mr P Cooper	Agricultural consultant (Farm Consultancy Group)
Mr G Baker	Bee keeper
Mr T Heywood	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Cannaby	Planning Officer, Shropshire Council
Mr Williams	Agricultural consultant

INTERESTED PARTIES:

Mr M Philpotts	Alveley Green Belt Preservation Group
Councillor T Woodward	Shropshire Council
Mr G Hurry	Clerk of the Alveley and Romsey Parish Council
Miss L Moorhouse	Part owner of the appeal site

DOCUMENTS SUBMITTED AT THE HEARING:

- 1 Copy of Policy MD7a of the Shropshire Allocations and Management of Development Plan
- 2 List of available properties for sale in Alveley
- 3 Information on Mycoplasma Gallisepticum