

Appeal Decision

Hearing held on 2 November 2016

Site visit made on 2 November 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 1st December 2016

Appeal Ref: APP/L3245/W/16/3152229

Foxhall Farm, Aston, Oswestry, Shrewsbury SY11 4JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by RC & GM & CW Roberts against the decision of Shropshire Council.
 - The application Ref 16/01115/FUL, dated 11 March 2016, was refused by notice dated 4 May 2016.
 - The development proposed is the erection of an agricultural workers' dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the more succinct version of the site address provided on the appeal form in the interests of clarity.
3. A signed Section 106 Agreement setting out the occupational restriction of the proposed dwelling in the event of planning permission being granted was presented at the Hearing. The Council representatives indicated their acceptance of this document and I have no reason to take a different view. I have therefore taken this into consideration in the determination of this appeal.

Main Issue

4. The main issue is whether the proposal would be an isolated new home in the countryside and, if so, whether there is an essential need for a dwelling to accommodate a rural worker.

Reasons

Background and Policy Context

5. The appellants have occupied Foxhall Farm for around the past 30 years. This is a family run business involving both parents and their three children, all of whom currently live in the Farm House. Whilst the appeal documentation states that all five family members work full time on the Farm, it was confirmed at the Hearing that due to health issues one of the daughters, Sally, is no longer working on the Farm. The possibility of the recruitment of an
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- additional worker to replace Sally was discussed at the Hearing, though no firm plans have been made at this stage.
6. This agricultural enterprise extends to just over 200 hectares (ha), around 103 ha of which is owned by the Farm and a further area of around 98 ha is rented under grazing agreements. Most of this land area is used for grass forage and grazing which supports the primary dairy and beef business, though additional income is gained from corn crops. The buildings around the Farm House are the main focus of dairy operations.
 7. The proposed dwelling would be located on part of a grass field which lies adjacent to the access lane leading to the main buildings at Foxhall Farm. It would provide accommodation for one of the younger family members working on the Farm, to enable them to move out of the main Farm House, but still be within sight and sound of the main dairy farm operations. The site is not located within any settlement boundaries and is therefore classed as open countryside for the purpose of interpreting planning policy.
 8. The relevant policies in this case are Policy CS5 and CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the Core Strategy) and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (2015) (the SAMDev). Also of relevance is the Type and Affordability of Housing Supplementary Planning Document (2012) (the SPD).
 9. These policies are consistent with the National Planning Policy Framework (the Framework) in seeking to ensure that residential development in countryside locations outside settlement boundaries is strictly controlled. In this respect the Framework states that one of the special circumstances in which development could be allowed is "*the essential need for a rural worker to live permanently at or near their place of work*"¹.
 10. SAMDev Policy MD7a further defines the circumstances in which exceptions to these strict controls may be made. Of particular relevance to this case, which seeks to provide an additional farm workers' dwelling on this site, is that it must provide for "*a worker who is required to be present at the enterprise for the majority of the time*" and in this respect "*a functional need is demonstrated*"².
 11. I accept the appellants' point that SAMDev Policy MD7a does not require that additional workers' dwellings meet the same tests as those set for primary dwellings. In particular, proposals for additional dwellings are not required to demonstrate that "*the business is viable in the long term and that the cost of the dwelling can be funded through the business*". However, in order to justify an exception to national and local policies requiring that new development in rural locations be strictly controlled, it is necessary to demonstrate *functional or essential need*. My view is that such consideration must include whether or not the business is financially sustainable, including the viability of the business moving forward.

¹ The Framework, paragraph 55.

² SAMDev Policy MD7a, 2c.

Essential Need

12. Details of the nature of the current enterprise and plans for its expansion were discussed at the Hearing. I note particularly the increase in the level of calf rearing, now up to 80 calves, and the renting of additional land and buildings at Bromwick Park and Rowe Farm to support this. I also note the plans to re-introduce ice cream making and selling into the business. I therefore accept that, considering the Standard Man Day requirements for such an enterprise, as set out in the appellants' Statement of Case, the current levels of employment are required by the business.
13. Detailed information about the current and projected future financial health of this business was not presented. The accountant's letter presented as part of the appeal documentation confirms that investment has been made in farm facilities over recent years and that profits in excess of £42,000 per annum have been made. It was also stated at the Hearing that it was hoped that annual profits would increase to £60,000 during the current financial year, though no evidence to corroborate this forecast or illustrate how it would be achieved was presented. My view is therefore that insufficient evidence has been presented to demonstrate the sustainability of this business, including how the current workforce, and any future expansion, is and would be supported.
14. Nevertheless, the parties have agreed in the Statement of Common Ground that the nature of this business means that there is a need for more than one worker to live on the site. In this respect it is clear to me that the current dairy operations, which require attention at all times of the day and night throughout the year, may lead to situations in which a second worker is required to be on hand at short notice to deal with medical or other emergencies. The accommodation needs of two farm workers can clearly be met in the existing Farm House.
15. Looking at the need for two or three further farm workers, whilst I accept that additional workers are required to support farm operations during a typical working day, a case has not been made for them to be on hand at all times. In this respect it is not clear why the accommodation requirements of these additional workers cannot be met elsewhere, such as in local villages or the nearby town of Oswestry, located some 4km away. Information submitted by the Council suggests that there is some reasonably priced accommodation available in this area, which in terms of costs is comparable to the cost of constructing a new dwelling on a greenfield site. On this basis a functional need for additional accommodation on this site has not been demonstrated.
16. I recognise that the family has reached the stage where the children, who are now in their early twenties, would like to set up their own homes away from the Farm House. Looking at other opportunities on the Farm itself, I am satisfied that the other buildings on this site are currently in use and therefore not available for conversion into living accommodation. It would clearly be cost effective and convenient to build a new dwelling on land already owned by the business, and living on the Farm would reduce the need to travel to work. However, such considerations do not in themselves justify building in this rural location, recognising that in such areas "*housing should be located where it will*

*enhance or maintain the vitality or rural communities*³, which in Shropshire is focused on the identified community hubs and community clusters⁴.

17. I conclude in this matter that the proposal would, in policy terms, represent an isolated new home in the countryside. I also conclude that an essential need for a dwelling to accommodate a rural worker has not been demonstrated. In this respect the proposal would therefore conflict with Core Strategy Policies CS5 and CS6, SAMDev Policy MD7a, the SPD and paragraph 55 of the Framework.

Other Matters

18. The appellants suggest that even if the proposed dwelling were to be constructed and then at some future stage was no longer required to accommodate farm workers, the Section 106 agreement would secure it as affordable accommodation which would help provide for local needs. However, this outcome would not be consistent with the established criteria for the identification of exception sites for the development of affordable homes in Shropshire. In particular, it would conflict with Policy CS11 of the Core Strategy which permits *"exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity"*. Whilst I accept that this proposed dwelling would meet these criteria in terms of design, scale and affordability, it would clearly conflict with locational criteria. Such considerations are therefore not material to the determination of this case.
19. The appellants also point to the presumption in favour of sustainable development, and the environmental, social and economic dimensions of sustainability set out in the Framework. In this respect, I accept that the proposed dwelling has been designed to integrate with the other Farm buildings and thereby reduce its visual impact. I also accept that such a dwelling could have some social benefits by enabling a young person to live and work in this area. However, as noted above, the economic basis for this development, in terms of both the financial case and specifically the functional need for more than two workers to be present at all times, has not been demonstrated. My view is that these economic considerations outweigh the limited environmental and social benefits.

Conclusion

20. For the reasons set out above I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR

³ The Framework, paragraph 55.

⁴ The Core Strategy, Policy CS1.

APPEARANCES

FOR THE APPELLANT

Mr C Roberts	Appellant
Mrs G Roberts	Appellant
Mr S Thomas	Appellants' Agent

FOR THE LOCAL PLANNING AUTHORITY

Mr P Mullineux	Principal Planner (Not present at site visit)
Mr M Perry	Case Officer

INTERESTED PARTIES

Ms A Newport	Agent's PA (Not present at site visit)
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DOCUMENTS

1. Signed Section 106 agreement, dated 1 November 2016, relating to the occupation restriction of the development which is the subject of the planning appeal.