South Staffordshire Council

Enforcement Notice Appeals by

Mr G S Anning & Mrs C Anning

at

Willow Farm, Hollies Lane, Pattingham, Staffordshire, WV6 7HJ

Council's Statement of Case

Planning Inspectorate References: APP/C3430/C/22/3306177 & APP/C3430/C/22/3306178

Local Planning Authority Reference: 18/00676/UNCOU

November 2022

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&

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(Midwest Planning Ltd)

on behalf of South Staffordshire Council

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1. Introduction

- 1.1 This Statement is submitted in response to the appeals made by Mr and Mrs Anning against the South Staffordshire Council's Enforcement Notice dated 2nd August 2022, served in relation to alleged breaches of planning control consisting of:
 - Without planning permission, the making of a material change of use of the Land, to a mixed use for residential and agricultural use together with the siting of a caravan with a wooden extension to facilitate that material change of use.
 - (ii) Without planning permission, unauthorised operational development consisting of an earth bund.
- 1.2 A copy of the Enforcement Notice was provided for the Inspector alongside the Council's submitted appeal questionnaires and is also attached to this statement for ease of reference, as **Appendix B**.

2. Site and Location

- 2.1 The site lies within a rural area and within the Green Belt, approximately 0.6 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton and is accessed via Hollies Lane.
- 2.2 The site comprises of an approximately 0.1 hectares area of land which has been fenced off from the associated arable land, located off Hollies Lane, adjacent to Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The site forms a small part of the wider total 6.7 hectares (16.5 acres) of agricultural land.
- 2.3 The site's northern boundary consists of the established mature hedgerow which runs along Hollies Lane itself. The appeal site is elevated above the wider adjoining arable land which falls to the south and east. The topography is such that the site is not readily visible from the Wolverhampton Road (to the south) which lies beyond the associated land which is understood to be in the Appellant's ownership.

3. Planning History

- 3.1 It is understood that the Appellants have been farming the 16.5 acres (6.7 hectares) at Willow Farm since 2007, initially on a Farm Business Tenancy and more recently as owners since 2017. The Appellants are understood to rent additional grazing land elsewhere.
- 3.2 It is the case that the existing static caravan, and its use as a dwelling, which is the subject of the Enforcement Notice was first moved onto site and occupied as a residential dwelling without the benefit of planning permission, in 2017.
- 3.3 A retrospective planning application (Council ref: 19/00462/FUL, as summarised below) was subsequently submitted to the Council in June 2019 for the stationing of the static caravan as a temporary (3 years) agricultural worker's dwelling which was refused and dismissed on appeal.
- 3.4 The planning application history for this site is all relatively recent and consists of:
 - 19/00462/FUL Temporary agricultural worker's dwelling Refused (07/20/20) and dismissed on Appeal (PINs Ref: APP/C3430/W/20/3253786).
 - 19/00462/FUL Agricultural building and associated hardstanding Refused (07/02/20).
 - 20/00223/AGR Agricultural building for the storage of hay, straw, machinery and equipment (under Part 6 of GPDO) – Approved (30/04/20).
 - 18/00676/UNCOU Previous Council Enforcement Notice which was subject to Appeal (Pins Refs: APP/C3430/C/21/3288846 & 3288847) – Appeal Quashed (28/07/22).

4. Previous S.78 Appeal (PINs Ref: APP/C3430/W/20/3253786)

- 4.1 The previous S.78 appeal decision (PINs Ref: APP/C3430/W/20/3253786) is of particular relevance in the context of the current appeal being made under Ground A and the Inspector's Decision Letter in that case is attached to this statement as Appendix C.
- 4.2 In that case, the Inspector considered the stationing of the existing static caravan as a temporary worker's dwelling in connection with the existing lambing enterprise (with

the exact same number of breeding ewes as present/proposed) and a procurement enterprise, that the appellant's agent indicates is no longer operating from the appeal site (para 7.3 of appellant's statement - dated August 2022).

4.3 The agent's current appeal statement fails to acknowledge that proposals for a socalled beef finishing enterprise (BFE) were introduced by the appellants during the previous appeal, and that proposal was also considered and referred to by the Inspector in the Decision Letter (paras 26-28 – Appendix C).

5. Planning Policy

Local Planning Policy

- 5.1 The Development Plan for South Staffordshire Council consists of:
 - Core Strategy (Adopted December 2012)
 - Site Allocations Document (SAD) (Adopted September 2018)
- 5.2 The following Policies of the Core Strategy are considered to be of direct relevance to the Appeal and were relied upon by the Council when refusing the previous planning application for the use of the static caravan as a temporary agricultural worker's dwelling (ref: 19/00462/FUL) and the subsequent S.78 Appeal, which was dismissed, as summarised above:
 - GB1 (Development in the Green Belt)
 - EQ4 (Protecting and Enhancing the Character and Appearance of the Landscape)
 - EQ11 (Wider Design Considerations)
 - EV8 (Agriculture)
- 5.3 The full text of these policies has been provided alongside the Council's submitted appeal questionnaire but is again provided for ease of reference under Appendix D. However, it is worth restating sub-paragraph g) of Policy EV8 which is of direct relevance to the current appeal being made under Ground A (i.e. *That planning permission should be granted for what is alleged in the notice*).

5.4 Policy EV8 sub-paragraph g) reads:

"The Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

g) supporting proposals for temporary and permanent agricultural and occupational workers dwellings provided that they satisfy the following criteria:

Temporary Dwellings:

- there is <u>clear evidence</u> of a firm intention and ability to develop the enterprise concerned;
- there is a <u>clear functional need</u> which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- <u>clear evidence</u> that the proposed enterprise has been planned on a sound financial basis; and
- the proposal satisfies all other normal planning requirements." (Author's emphasis)

National Planning Policy

- 5.5 The National Planning Policy Framework (NPPF), taken as a whole, is of relevance to this appeal, and in particular Sections 6, 12, and 13.
- 5.6 The Inspector will be well aware that Para 148 (NPPF) sets a high bar and makes it clear that local planning authorities should: "ensure that <u>substantial weight</u> is given to any harm to the Green Belt. '*Very special circumstances*', <u>will not exist</u> unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is <u>clearly outweighed</u> by other considerations." (author's emphasis).
- 5.7 Para 80 of the NPPF states that the development of isolated homes in the countryside should be avoided except in specific circumstances including where there is <u>an</u>

<u>essential need</u> for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work (author's emphasis).

6. The Council's Case

Background

- 6.1 The Council is aware that the Appellant's previously owned and lived in a private residential property in Marlbrook Lane, Pattingham, which is little more than 1.3 miles or approximately a 5-minute drive from the Appeal site. It is understood that they lived in that property until 2017, when they sold the property and moved onto the Appeal site, without first securing planning permission. They have been living on the site ever since without the benefit of the necessary planning permission.
- 6.2 Having previously not made any such claim or reference within the two previous appeals, the Appellants Agent now claims that before moving onto site the Appellants spoke to an unnamed person at the Council and claim that they were verbally advised that there were no (planning) issues and accepted this advice at face value (as claimed at para 7.2 of the appeal statement). With the greatest respect, were this truly to have been the case then surely the Appellants would have raised this previously. They have not. In any event, claiming to have relied on verbal advice for their decision to move onto site carries no weight whatsoever. The decision to move onto the site was the appellants' alone, and having taken such a risk, the potential consequences must have been understood. The Appellants cannot reasonably look to "point the finger" at anyone else but themselves for the decision to move onto site without the benefit of planning permission.
- 6.3 Regardless, until the point the Appellants unilaterally decided to move onto the site, the proximity of the aforementioned house in Pattingham was clearly deemed to meet their needs and that of the business enterprises(s), which are stated to have commenced in 2007.
- 6.4 Whilst it might be dismissed as merely hearsay, the Council has been advised that the Appellants' stated intention was to build a house on their previously rented land (but subsequently purchased) at Hollies Lane (i.e. the Appeal site). A site no doubt bought on the basis of agricultural land values rather than a residential building plot.

Grounds of Appeal

- 6.5 The Appellants' have appealed against the Enforcement Notice as served under the following grounds:
 - **Ground A**. That planning permission ought to be granted for what is alleged in the Enforcement Notice.
 - Ground F. That the steps required to be taken by the (Enforcement) Notice, or the activities required by the Notice to cease, exceed what is necessary to remedy the alleged breach.
 - **Ground G**.- That the time period specified in the (Enforcement) Notice falls short of what should reasonably be allowed.
- 6.6 Taking each of these grounds in turn, the Council makes the following comments.

Ground A: That planning permission ought to be granted for what is alleged in the Enforcement Notice.

Inappropriate Development

- 6.7 The Appellant's Agent has previously accepted that siting of the static caravan and its use as a temporary agricultural workers' dwelling amounts to inappropriate development within the Green Belt which is harmful, by definition. This was confirmed by the Inspector in the previous S.78 Appeal Decision (see Para 4 of **Appendix C**) and is also again conceded at para 8.30 of the Appellant's current appeal statement.
- 6.8 Inappropriate development should not be approved except in very special circumstances (Para 147 NPPF). Such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. (Author's emphasis) (Para 148 NPPF).
- 6.9 The Appellant's Agent comments at para 8.30 that: *"the LPA went to some lengths to highlight that the development is inappropriate development in the Green Belt"* but then comments: *"there are numerous examples of planning permission being granted for*

rural workers dwellings as the essential need is considered to create the VSC (very special circumstances) to overcome policy objections".

6.10 Whilst there will be such examples, the Inspector will be acutely aware that any essential need must be clearly demonstrated and evidenced, on a case-by-case basis. The Council's case centres upon the lack of essential need in this case. Such matters are highlighted and considered later in this statement.

Impact upon openness and the character and appearance of the landscape

- 6.11 At this point it is necessary to highlight the Appellants' references to the intention, at some point, to replace the existing static caravan with a log cabin alternative (at paras 8.42 to 8.44 of their appeal statement in particular). With respect, this being an Enforcement Appeal, and with the Appeal being made under Ground A (i.e. that planning permission ought to be granted for what is alleged in the Enforcement Notice) this is not an opportunity for the appellants to promote alternative development proposals (i.e. the suggested log cabin). The Enforcement Notice, and thereby the Appeal, is concerned with what has already taken place, not with some future alternative proposal.
- 6.12 The impact of the physical structures, and in particular the static caravan and its residential use has previously been examined via the original Officer Report in respect of the earlier, refused, retrospective planning application for a temporary agricultural worker's dwelling (LPA ref: 19/00462/FUL) and this report is attached at Appendix E. It was further considered via the Inspector's Decision in respect of the subsequent Appeal (Appendix C) who commented that the caravan is: "… out of keeping with the surrounding rural character and context. Consequently, it is a discordant feature that is not sympathetic to its surroundings." (Para 7 of Appendix C)
- 6.13 The Inspector went on to observe that: ".... The scheme harms the rural character and appearance of the countryside. It conflicts with Policies EQ4 and EQ11 of the CS (Core Strategy). These require, among other things, that development should be of high-quality design, making a positive contribution, taking account of the local character and distinctiveness of the landscape and its surroundings, and respecting and safeguarding visual amenity. It would also conflict with the policies in the Framework that require development to add to the overall quality of the area, to be visually attractive, to be sympathetic to the local character including landscape setting, and to maintain a strong sense of place." (Para 9 of **Appendix C**).

- 6.14 The residential use of the land is a form of encroachment into this part of the countryside, and conflicts with one of the purposes of including land in the Green Belt as identified in Para 138 of the NPPF. The presence of a static caravan combined with the associated timber extension erodes the openness of the Green Belt which constitutes clear and demonstrable harm to the Green Belt.
- 6.15 The surrounding area is generally open countryside, albeit pepper-potted with agricultural and residential buildings. Against this backdrop, the static caravan and associated timber extension appears alien within its surroundings and has a materially harmful visual impact on the character and appearance of the countryside. For these reasons the development fails to accord with Policy EQ11 of the Core Strategy which, amongst other things, requires that: *"proposals should respect local character and distinctiveness including that of the surrounding development and landscape"*. The Inspector with regard the previous S.78 Appeal concurred and commented that: *"the scheme harms the rural character and appearance of the countryside. It therefore conflicts with Policies EQ4 and EQ11 of the CS* (Core Strategy)." (para 9 of Appendix C). That remains the case to this day.
- 6.16 As previously stated, the Inspector will be well aware that Para 148 (NPPF) sets a high bar and makes it clear that local planning authorities should: *"ensure that <u>substantial</u> <u>weight</u> is given to any harm to the Green Belt. 'Very special circumstances', <u>will not</u> <u>exist</u> unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is <u>clearly outweighed</u> by other considerations." (author's emphasis).*
- 6.17 Para 80 of the NPPF relates to the avoidance of isolated homes unless, amongst other stated circumstances: *"there is an essential need for a rural worker to live permanently at or near their place of work in the countryside."* It is the Council's opinion that given the appeal site's location and proximity to existing longstanding residential properties that this location is not an isolated location.
- 6.18 The Appellant's substantive case under Ground A is that, in line with Paras 147 and 148 of the NPPF, very special circumstances are at play which revolve around the claimed essential need for on-site residential accommodation in relation to both the lambing and calf rearing enterprises now being presented.
- 6.19 Policy EV8 of the Core Strategy (See **Appendix D**) sets out criteria against which proposals for temporary and permanent agricultural workers dwellings will be assessed, which includes considerations of functional (essential) need for a dwelling

not just on the unit but also that which is suitable and available in the area; and evidence that the enterprise has been planned on a sound financial basis.

Whether an Essential (or Functional) Need exists

- 6.20 In this regard, the Inspector's attention is drawn to Appendix A (in particular paragraphs 3.6 to 3.12) which forms an integral part of, and should be read in conjunction with, this Statement of Case. It consists of an assessment of the rural enterprise at the Willow Farm in connection with this enforcement appeal.
- 6.21 With regard the sheep rearing/lambing enterprise, the previous Appeal Inspector made it abundantly clear that: "... there simply cannot be an essential need for a rural worker to live permanently to manage the flock." (Para 16 of Appendix C). That was on the basis of the exact same flock numbers (existing and proposed) as the current appeal.
- 6.22 As with the previous S.78 Appeal, the Council accepts that there is likely to be a <u>seasonal need only</u> for a rural worker to be present during the lambing season (as also acknowledged by the previous Appeal Inspector), but no year round essential functional need for a worker to live at Willow Farm in that regard.
- 6.23 The Appellant's case is that the introduction of the calf rearing enterprise alongside the existing sheep rearing enterprise tips the balance in terms of functional need. As indicated at Para 3.11 of the Midwest Assessment (Appendix A), the calves should be fit and healthy on arrival at Willow Farm. Regular checks of the calves during the normal working day will indicate if any are starting to get sick or "doing badly". Observation during feeding times will often be the best indication of a calf not doing well, and this will take place during the normal working day. Night-time checks of calves should not be necessary as a matter of course.

Other Suitable Dwellings

6.24 In this regard, and notwithstanding the Appellant's claims, as is evidenced within the accompanying Midwest Assessment (**Appendix A**) at Paras 3.29 to 3.33, and set out within the associated figures four, five, six and seven, there are numerous affordable dwellings available for sale or rent within a five-minute drive of Willow Farm. This is the same approximate travel time that would have occurred when the Appellants were residing at their previous property in Pattingham, and which was clearly found to be acceptable for the 10 years that the farm business was claimed to have been operating prior to the unauthorised occupation of the site for residential purposes following the siting of the static caravan in 2017.

Has the Enterprise has been planned on a sound financial basis?

- 6.25 As highlighted at Para 3.26 of the Midwest Assessment (Appendix A), The Appellants have provided enterprise gross margin budgets for calf rearing and for breeding sheep enterprises, for years 1 to 3, and forecast profit and loss accounts for the same period. These figures are not attributed to any particular source. Neither are the Appellant's budgets based on previous trading accounts that have been submitted with this appeal. No such trading accounts have been submitted with the Appeal documents.
- 6.26 The Appellant's submitted budget details fail to take into account several fundamental considerations, including (but not restricted to) the lack of information about the other land farmed, (including the location, the type of tenure etc.), the outdated letter from Mr Manning about calf rearing (contained at Appendix 10 of the Appellant's current appeal statement), unattributed financial data and the resultant profit and loss forecasts.
- 6.27 On the basis of standard published data for 2023, the farming operation will not make any profit in years one, two or three as explained at Paras 3.27 and 3.28 of the Midwest Assessment (**Appendix A**). Indeed, even if the Appellant's own fixed costs, (not attributed to any particular source), were adopted, the business cannot sustain the cost of even one full time agricultural worker on the current minimum wage, let alone the annualised cost of a permanent agricultural worker's dwelling.
- 6.28 Furthermore, there appears to be no realistic prospect that the business could generate a reasonable income for even just one worker, let alone two. In this regard little appears to have changed since the previous S.78 Appeal with the Inspector having made similar observations (at Para 38 of Appendix C).
- 6.29 In addition, even if the Inspector were minded to allow the current Appeal under Ground A, it appears to the Council that the Appellants would be unable to finance the cost of even the most modest of permanent dwellings (as further commented at Para 3.28 of **Appendix A**). Were that to be the situation, it is respectfully suggested that a further potential temporary period would be completely unacceptable, especially given the length of time that the static caravan has already been present and occupied as a dwelling and the previous failed attempts to present a sound financial business case.
- 6.30 It appears to the Council that despite having changed the nature of the business with the introduction of the calf rearing enterprise, the Appellants, as with the previous S.78

Appeal, are unable to present a robust and fully evidenced case that the business is planned on a sound financial basis.

Appellants other stated claims

6.31 At para 8.39, the Appellants Agent makes reference to the social objective of para 8 of the NPPF, with particular reference to *"ensuring that a sufficient number and range of homes can be provided ….."*; before going on to suggest that the unauthorised static caravan, the subject of this Enforcement Appeal, would provide affordable housing *"and will enhance the rural community in the locality"*. With respect, it is flawed to suggest that the static caravan, which is claimed to be needed by the Appellants in association with their agricultural business, also somehow meets a local affordable housing for what it is – nothing short of nonsense.

Inaccurate submitted plans

6.32 It is important to note that the plans which have been submitted to accompany the Appellant's case, and specifically the temporary dwelling plans and elevations at Appendix 8, and the block plan found under Appendix 9 (of the Appellant's Statement) do not accurately reflect what is located on site. These plans appear to relate to the Appellant's suggested alternative form of development which, it is respectfully suggested, is not a matter for this Enforcement Appeal.

Ground F: That the steps required to be taken by the Notice, or the activities required by the notice to cease, exceed what is necessary to remedy the alleged breach.

6.33 The appellants' agent suggests (at Paras 9.11 to 9.12 of the Appeal Statement) that a seasonal requirement for a caravan exists during the lambing season. Such a seasonal need was recognised by the Inspector in the previous Appeal (at Paras 16 and 46 of the Decision Letter – Appendix C). The Council does not dispute this, but there simply is no reasonable case for the retention on site of the current static caravan all year round and its permanent removal as stated within the Enforcement Notice is entirely justified.

6.34 A touring caravan, brought onto site at the start of the lambing season, and removed from site once lambing has concluded, would more than suffice for this managed and accepted seasonal lambing requirement.

Ground G: That the time period specified in the Notice falls short of what should reasonably be allowed.

- 6.35 It is the Council's position that there is no reasonable argument for extending the compliance period of 6 months, as is stated within the Enforcement Notice.
- 6.36 The Appellants' Agent appears to suggest, at Para 10.2 of their Appeal Statement, that a greater period (18 months) should be permitted to *"allow further negotiations with the LPA"* (i.e. the Council) and the submission, and determination, of a further application with regard the calf rearing business, and a potential further S78 Appeal.
- 6.37 With respect, having appealed under Ground A within this current Appeal, there is absolutely no argument or basis for the Council to entertain a further application for essentially the same proposal as the current Ground A appeal.
- 6.38 Having failed to convince the Inspector with an earlier S.78 Appeal and associated business case, the Appellants are now seeking to present a different business case. Nevertheless, the case now being presented with regard the combination of the lambing enterprise and the calf rearing enterprise is still found wanting.

7. Conclusion

- 7.1 The Council maintains that the development amounts to inappropriate development in the Green Belt which is harmful, by definition. Very special circumstances do not exist in this case. The case for on-site living accommodation has not been sufficiently made and there is no essential need for a temporary agricultural worker's dwelling in connection with either the Lambing and/or Calf Rearing Enterprises. The evidence submitted with the Appeal under Ground A fails to demonstrate that the enterprise has been planned on a sound financial basis.
- 7.2 Furthermore, the static caravan and associated timber extension is considered to be an alien feature in the landscape and of detriment to openness and the character and appearance of the local landscape.

7.3 The Council respectfully requests that the Appeal under Ground A be dismissed in line with national and local Green Belt policy (GB1), as well as local policies EV8, EQ4, and EQ11.

8. Draft Conditions

- 7.1 Notwithstanding the above, should the Inspector be minded to allow the Appeal, the Council respectfully suggests that it would be appropriate to attach the following conditions to any permission that were forthcoming, along with any other conditions that the Inspector considered appropriate:
- 1. The development hereby approved shall be completely removed from the site and the land restored to its former condition on or before three years from the date of this decision.

REASON 1

The development would otherwise be inappropriate development in the Green Belt contrary to policies GB1 and EV8 of the Core Strategy.

2. The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly employed, or last employed, locally in agriculture, as defined in Section 336(I) of the Town and Country Planning Act 1990 (as amended); or in forestry; or other similar rural based work, employment or enterprise; or, a dependent of such a person residing with him/her (but including spouse, widow or widower of such a person).

REASON 2

The temporary permission granted is on the basis of the very special circumstances that have been advanced by the Appellant. The occupation of the temporary dwelling for other purposes would represent inappropriate development in the Green Belt contrary to Policy GB1 of the adopted Core Strategy and the National Planning Policy Framework (NPPF).

3. The temporary planning permission hereby granted relates to the retention and use of the existing static caravan as located on site only, and as specifically referred to in the Council's Enforcement Notice. The permission hereby granted does not authorise the replacement of that existing static caravan with an alternative and/or larger form of temporary residential accommodation.

REASON 3

To define the permission granted. The permission sought under Ground A related to the retention of the current static caravan only and not alternative forms of accommodation.

APPENDIX A

AGRICULTURAL WORKER'S DWELLING ASSESSMENT

FOR THE

FARMING BUSINESS OPERATED FROM WILLOW FARM HOLLIES LANE PATTINGHAM WV6 7HJ

OPERATED BY

MR & MRS ANNING

PREPARED ON BEHALF OF SOUTH STAFFORDSHIRE DISTRICT COUNCIL

IN CONNECTION WITH

APPEAL TO SECRETARY OF STATE

PLANNING INSPECTORATE REFERENCE: APP/C3430/C/22/3306177

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NOVEMBER 2022



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ASSESSMENT OF THE RURAL ENTERPRISE AT THE WILLOWS IN CONNECTION WITH THE ENFORCEMENT APPEAL

1. INTRODUCTION

- 1.1 Philip Plant is the Managing Director of Mid West Planning Limited, and is a former employee of ADAS and Acorus Rural Property Services. Philip Plant has been employed in the position of Senior Consultant at the aforementioned companies for approximately twenty-one years during which time he has provided rural planning advice to both applicants and to many Local Planning Authorities including Shropshire Council, Stafford Borough Council and South Staffordshire District Council.
- 1.2 Philip Plant holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management from Harper Adams University, and is a Rural Practice member of the Royal Institution of Chartered Surveyors.
- 1.3 This assessment is carried out on behalf of South Staffordshire District Council, without the benefit of a site visit or interview with the appellants.
- 1.4 This assessment is in response to Mr & Mrs Anning's Ground (a) appeal against the enforcement notice served on the appellants on 8 August 2022 by South Staffordshire District Council. The enforcement notice requires the appellants to:
 - i) Cease the use of the Land for domestic residential purposes.
 - ii) Remove the caravan and wooden extension from the Land, (shaded blue in the approximate position shown on the red line plan).
 - iii) Remove from the Land all materials and waste arising from compliance with requirement ii) above.

iv) Remove the unauthorised operational development consisting of the earth bund from the Land, (shaded green in the approximate position shown on the red line plan).

- 1.5 This assessment is therefore concerned with the retention of the existing static caravan and wooden side extensions, and associated domestic items for use as a temporary agricultural worker's dwelling. This assessment is not carried out in connection with the proposed log cabin accommodation that the appellants' appeal statement refers to (Appendix 8 'Elevations and Floorplan').
- 1.6 I have reviewed the Appeal Statement, and the Planning and Supporting Statements, dated August 2022, submitted with this enforcement appeal. This appeal is lodged on grounds a, f, and g.

2. DESCRIPTION OF THE FARMING ENTERPRISE

2.1 The farming enterprise trades as Mr and Mrs G. S. Anning. The enterprise was first established at the appeal site, now known as "The Willows" in 2007 when the

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appellants rented the land. The Willows is located off Hollies Lane, Pattingham, within the West Midlands Green Belt.

- 2.2 Mrs Caroline Anning subsequently purchased the land in 2017 which extends to approximately 6.68 Hectares (16.5 acres) of grassland. The appellants' Appeal Statement states that an additional 32.78 Hectares (81 acres) of land is farmed on other arrangements in the local area. The Local Planning Authority has not been provided with any tenancy agreements, location plans, or precise details of the type of tenure this other land is occupied under.
- 2.3 The business previously operated a livestock procurement enterprise that sourced lambs and cull sheep for W. & G. Yates Ltd' abattoir, at near to Bloxwich. The farming enterprise currently concentrates on finished lamb production from approximately 270 breeding ewes for the meat trade. The current proposal is to develop a calf-rearing enterprise which will, after three years, produce 300 reared calves to be run in conjunction with the sheep enterprise.
- 2.4 The land at Willow Farm is all laid down to grass and used to graze sheep and cattle with fodder conserved on the other rented land, which is also grazed.
- 2.5 Willow Farm is the centre of operations. In 2020 an agricultural prior notification was made to the LPA which resulted shortly thereafter of an agricultural storage building being erected on the northern field boundary alongside Hollies Lane. This building is approximately 28m from the nearest protected dwelling curtilage, and as such it cannot be used for continual livestock accommodation, however there are limited exceptions to this rule, one being, if there are no alternative buildings available, to temporarily accommodate animals that are normally kept out of doors if they are giving birth, or newly born.
- 2.6 Willow Farm is the location of the static caravan with timber side extension, the storage container, the earth bund, fencing and domestic paraphernalia, all of which are required to be removed by the enforcement notice. The appellants' ground (a) appears to focus on the Council's refusal to determine the planning application that was submitted after the previous planning appeal. It does not concern the retention of the steel container unit, the wooden and mesh fencing, the earth bund and other domestic items associated with the change of use of the land to site the caravan with the wooden extension.

Calf Rearing

- 2.7 The calf rearing enterprise is proposed at Willow Farm where they will be accommodated in calf 'igloos and verandas'. Please refer to Appendix two for full details. It is proposed to build this enterprise up over a three-year period to 150 calves reared at year one, 240 calves reared at year two, and 300 calves reared at year three. Calves will be purchased either directly from local livestock markets, or through local livestock supplier D.P. Manning of Minsterley, near Shrewsbury. Mr Philip Manning has provided a letter, dated 9 December 2021 confirming that he will supply Caroline Manning with the required calves at two weeks of age in bunches of 60 calves at a time, starting in the spring of 2022. No confirmation that this has occurred is provided by the appellant.
- 2.8 The calves will arrive at Willow Farm at around 2-3 weeks of age and will be reared on replacement/substitute milk to around 8 weeks old, and then weaned over a couple of weeks. They will then be reared for another 4 weeks on dry food before

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being sold at around 14 weeks of age, at a weight of around 130kg. Based on this timeline calves will be on the farm for approximately 11 weeks.

Sheep Enterprise

2.9 There is an established sheep breeding enterprise with approximately 270 breeding ewes and 12 breeding rams, producing finished lambs for the meat trade. Sheep are grazed at Willow Farm and at the other land used near to Pattingham and Bobbington. The appellants lamb their flock at Willow Farm during February to April period. Early lambing takes place inside the agricultural building. It is not clear whether or not the main lambing takes place inside the building or outside.

Fieldwork and Fodder Production

2.10 The appellants will have an element of fieldwork to carry out each year including harrowing, rolling and fertilizing the grassland. The appellant's Supporting Statement contains labour requirements for grassland management, re-seeding of grassland, and fodder production (haylage), however there are no details, for example of what land is re-seeded each year, or if agricultural contractors are used for some tasks.

3. ASSESSMENT AGAINST LOCAL PLAN POLICY

Relevant Planning Guidance

3.1 Guidance is provided in the government planning guidance website; -

"How can the need for isolated homes in the countryside for essential rural workers be assessed? Considerations that it may be relevant to take into account when applying paragraph 80 of the NPPF could include:

• 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, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*



Paragraph: 010 Reference ID: 67-010-20190722 Revision date: 22 07 2019 Published 22 July 2019

National Planning Policy Framework

- 3.2 The National Planning Policy Framework (NPPF) came into effect in March 2012, and was last updated in July 2021. There remains the presumption in favour of sustainable development and the obligation to approve applications that accord with up-to-date Local Development Plans, within the Framework.
- 3.3 Paragraph 80, Section 5 of the Framework, is particularly relevant to new agricultural worker dwellings, and states that the development of new isolated dwellings in the countryside should be avoided unless certain circumstances apply. One such circumstance is 'delivering a sufficient supply of homes' includes provision for dwellings in rural locations where 'there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'.

Local Planning Policy

- 3.4 The Development Plan for South Staffordshire Council consists of:
 - Core Strategy (Adopted December 2012)
 - Site Allocations Document (SAD) (Adopted September 2018)
- 3.5 The following Policies of the Core Strategy are considered to be of direct relevance to the Appeal and were relied upon by the Council when refusing the previous planning application for the use of the static caravan as a temporary agricultural worker's dwelling (ref: 19/00462/FUL) and the subsequent S78 Appeal, which was dismissed, as summarised above:
 - GB1 (Development in the Green Belt)
 - EQ4 (Protecting and Enhancing the Character and Appearance of the Landscape)
 - EQ11 (Wider Design Considerations)
 - EV8 (Agriculture)

Assessment of Essential Need

- 3.6 The essential, or functional need as it is otherwise known, is the need for a rural worker to live permanently at, or near to their place of work, where the said need arises. In this instance the essential requirement for onsite accommodation relates to the breeding sheep and calf rearing activities and the need to react at short notice to avoid unnecessary stress or pain to livestock in the care of the applicant.
- 3.7 The need for a dwelling for rural workers, usually arises where the worker concerned needs to be on hand both night and day, sometimes at short notice. The appellant's case is that the need arises throughout the year in connection with the new calf rearing enterprise and the breeding sheep enterprise.

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- 3.8 With regard to the sheep enterprise, the appellants Supporting Statement provides an overview of the sheep enterprise with an outline of the annual management requirements of the flock. Due to the limited land available to the appellants at Willow Farm, the sheep have to spend much of their time on the rented land away from Willow Farm. I find it hard to accept that it is necessary to bring the sheep back to Willow Farm to carry out routine stock tasks such as worming, foot trimming and sorting out lambs for market. Clearly not all of these activities will have taken place at Willow Farm, because it is not practical to move sheep back and forth for the annual health check for example. These activities can take place in the field which will result in less time input, less stress on the animals and less cost in moving the sheep. Regular stock tasks and even dipping and shearing can guite easily take place by gathering the flock in the relevant off-lying fields. Therefore, I consider that the essential or functional need for someone to be on hand both night and day, sometimes at short notice will be a seasonal requirement at lambing time only, when ewes are giving birth and may need assistance, and when lambs are very young and susceptible to bad weather, need the first milk, (colostrum), may not be bonding with the ewe etc. and assistance is required throughout the day and night.
- 3.9 The limited land area The Willows means that the farmer will need to move the ewe and lambs off the site as quickly as possible to keep the land as fresh as possible for the next lot, therefore young lambs and ewes will be moved to the rented land after a couple of days from birth if they are considered healthy.
- 3.10 As yet there is no infrastructure for the calf rearing operation at Willow Farm. The calf rearing enterprise is designed to be a year-round operation, although initially it will be for 2.5 batches of 60 calves, and therefore occupy around 36 weeks of year one rising to 300 calves, (5 batches) per year in year three. The calf rearing operation would give rise to an essential need when fully established, and is planned to be a year-round operation, however in itself does not relate to a full-time worker requirement.
- 3.11 The purpose-built calf igloos and verandas are an ideal environment for calf rearing, being well-ventilated and easily cleaned and disinfected for each new batch of calves, both of which will minimise disease and sickness in the calves. There is no significant risk of fire or flooding of the igloos and verandas. Combine these features with the fact that the calves arrive at the farm at between 2 and 3 weeks of age, mainly from local markets and from livestock dealer, D.P. Manning and Co. they should be relatively fit and healthy on arrival. Regular checks of the calves during the normal working day will indicate if any are starting to get sick or "doing badly". Observation during feeding times will often be the best indication of a calf not doing well, and this will take place during the normal working day. Night-time checks of calves should not be necessary as a matter of course.
- 3.12 It is considered that there is little essential need for a new dwelling at Willow Farm connected with the keeping of livestock on the rented land away from Willow Farm. Many farmers graze sheep (and cattle) away from home successfully and can operate by making temporary penning to gather sheep for routine stock tasks and for annual events such as dipping, shearing and introducing rams to the flock at the appropriate time.

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Assessment of labour requirement

- 3.13 The appellant's agent has prepared standard labour calculations for each of the three years required to develop the enterprise with the current change in direction, as part of the business planning exercise. There are a number of anomalies in these calculations that need to be addressed. These include the separate calculation for the lambs produced, the use of Standard Man Days (SMDs) relating to hectares when acres figures are used, resulting in higher labour requirements.
- 3.14 The labour assessment below is based on current Standard Man Day figures from the 53rd edition (2023) John Nix Pocketbook for Farm Management. The separate lamb SMD figure has been eliminated because it should be included with the breeding ewe figure. (Most lambs are sold within 6 months of birth winter finishing of store lambs is different). The 'acres' land area figures in the appellants' labour calculation have been converted into hectares and apportioned the reseeding figure to one fifth of the annual requirement to take account of the quinquennial reseeding event.
- 3.15 The published calf rearing SMDs provided are for calf rearing for 0-6months, and consequently have been amended to reflect the much shorter calf rearing period proposed at Willows Farm which is from 2-3 weeks from birth to 12 weeks of age.
- 3.16 The result is an over-all labour requirement of 1.12 full time worker equivalents in year one, 1.34 in year two and 1.49 full time worker equivalents in year three including both the livestock enterprises and the fieldwork with 15 percent added for general maintenance management and repairs. Please refer to figures one to three below for full details.



Figure One: - Standard Labour Calculation for Year One.





Figure Two: - Standard Labour Calculation for Year Two.



Figure Three: - Standard Labour Calculation for Year Three

Source: - The John Nix Pocketbook for Farm Management 53rd edition 2023.

* Calf rearing SMD 1.2 is for rearing calves to 6 months, therefore I have halved it to reflect rearing from 3wks to 12 weeks.

Assessment of sound business planning

3.18 It is important that the decision-maker has confidence that the enterprise has been planned on sound basis, and that the appellants have demonstrated that they have the firm intention and ability to develop the enterprises concerned; and that the



business will become, and remain viable for the foreseeable future if a new dwelling is to be granted planning consent, particularly in the green belt.

- 3.19 The business has operated on this site since 2007, and the appellant has owned the site since 2017. A series of applications, have all resulted in refusal, and a planning appeal for a temporary dwelling dismissed in March 2021. The recent enforcement notice was quashed (Appeal A Ref: APP/C3430/C/21/3288846/7).
- 3.20 The appellants have changed direction in light of Brexit, market volatility and the reduction in agricultural support payments by introducing a calf rearing enterprise to the farm with the sheep breeding enterprise despite not having any infrastructure to do so. There is no detailed explanation about how these events have or will impact the business. It would be helpful to have received some evidence about how the business is impacted by these events.
- 3.21 The erection of the agricultural building appears to be in breach of the restrictive covenant entered into by the appellants when the land was purchased in 2017, and the appellants have not provided any information to confirm that they are not in breach. This calls into question the appellants' ability to develop the business as described. Please refer to Appendix One.
- 3.22 The appellant's supporting statement explains that the calves will be loose-housed in groups of between 15 and 30 calves in calf igloos and verandas, rather than in individual calf pens. The following extract from the CalfIgloo.com website provides key information about the calf igloo and veranda system that is proposed for Willow Farm. More details at Appendix Two.

Calf Igloo specification: -

- Houses up to 15 calves
- Diameter 4.4m
- Height 2.2m
- Door height 1.4m
- Space under the Igloo 14 sqm
- Accommodates up to 15 calves
- Constructed from 3 segments
- Central hook for suspending from a loader, during mucking out.
- 3.23 There will be a requirement for four calf rearing igloos at the farm and they will need to be moved around the field to new ground for each batch of calves, therefore from year three, there will be 20 new sites used for igloos and verandas. There could be times in the year when the relocation of these igloos and verandas, and removal of the manure could be difficult due to wet weather.
- 3.24 This housing arrangement suggests that the calves will be fed milk substitute collectively, rather than individually.
- 3.25 The exception to the 400m restriction for livestock buildings, relied upon, found at GPDO Part Six, Class A, paragraph D.1 (3) (ii) "*in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions"*. I respectfully suggest that the purpose and intention of this exception to the general rule is to allow farmers to provide

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emergency, temporary shelter for animals meeting the criteria, and is not intended for a planned, seasonal requirement to house breeding sheep or for rearing calves.

Financial Planning

- 3.26 The appellants have provided enterprise gross margin budgets for calf rearing and for breeding sheep enterprises, for years 1-3, and forecast profit and loss accounts for the same period. These figures are not attributed to any particular source and do not appear to be related to the latest published data in the 2023 53r^d edition of the John Nix Pocketbook for Farm Management. Neither are the appellant's budgets based on previous trading accounts that have been submitted with this appeal, and therefore they cannot be verified, other than by preparing budgets from the latest published data.
- 3.27 Standard published data from the 2023, 53rd edition of the John Nix Pocketbook for Farm Management is summarised at Appendix Three. According to the published data the farming operation will not make a profit based on the enterprises concerned. In year one, the farm will lose in excess of regime In year two this is reduced to a loss of the set of the losses are reduced to just over
- 3.28 Whilst the appellant can argue that some of the standard published data is not representative of their particular circumstances, it is clear that taken in the round the published data is a reliable quide to the likely success or otherwise of the farming business. Furthermore, the appellants have not provided their latest trading accounts to justify the budget put forward. Even if the Appellant's own fixed costs are applied, which do not include labour costs, the profits are insufficient to cover even one full time worker's salary. In years one to three The UK National minimum profits are . wage is currently One full -time worker on minimum wage would currently cost plus pension and NI contributions per year. The year 3 labour requirement projection of 1.49 full time workers would cost per year at the 2022 rate.
- 3.27 Should the Inspector decide to allow the appeal to retain the existing caravan for a temporary period of three years, it will be on the basis that the business can succeed, and that an application for a permanent dwelling will be submitted in around two and a half years' time.
- 3.28 The business is unlikely, in my opinion to be able to generate a wage for one worker, let alone the two workers concerned, and will almost certainly not be able to finance the cost of a new, even modest dwelling on an annualised basis. For example, assuming a maximum, say 100m² floor area two-, or three-bedroom dwelling is sought by the appellants in due course, based on 2021 build cost figures the capital cost could be anywhere between **and therefore**, and therefore I consider that there is a substantial risk that the appellants will seek subsequent extensions to the temporary planning permission for the temporary dwelling at Willow Farm. Please refer to the information at Appendix Four Checkatrade Website 3 November 2022 Other suitable dwellings
- 3.29 The availability of other suitable dwellings in the locality, and on the farm need to be considered before planning permission is considered for a new build agricultural

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worker's dwelling can be considered. The appellants currently reside at Willow Farm in a static caravan, which is the subject of this appeal.

- 3.30 The proprietors of the farming enterprise previously resided at Leaton Lodge, Crab Lane, Bobbington, DY7 5DZ at the time the land was purchased, according to the land registry entry. This is located some 17 minutes from Willow Farm.
- 3.31 It is understood that the appellants sold a property at Marlbrook Lane, in Pattingham within the past four years. This property is within 1.6 miles and 5 minutes' drive of Willow Farm. It is considered that this property is sufficiently close enough to Willow Farm to allow proper management of the farm, when combined with seasonal overnight accommodation during the lambing season.



Figure Four: - Google Maps image showing the distance from Marlbrook Lane to Willow Farm.

3.32 A property search carried out for properties with at least two bedrooms, currently for sale within 3 miles, which represents approximately a five-minute drive to the farm, identified 6 homes currently for sale at less than £300,000 asking price.





Figure Five: - Rightmove map showing the properties currently for sale within 3 miles of the appeal site.

3.33 A search for properties for rent current has identified 25 properties with at least two bedrooms for rent at less than \pounds 1,000 per month. This is a snap-shot of what is available now, and illustrates how many properties will have been rented since 2017. Please see figures six and seven below.



Figure Six: - A property that is currently available within1.55 miles of the appeal site.





Figure Seven: - Rightmove map showing the 25 properties currently for rent within 3 miles of the appeal site.

4. CONCLUSIONS

- 4.1 The Ground (a) appeal is made on the basis that there is a need for at least one full-time agricultural worker to reside on the farm, and this is the justification to retain the existing static caravan at Willow Farm.
- 4.2 If the business is developed as planned, with the introduction of the calf rearing enterprise, as planned, in addition to the existing sheep enterprise it would give rise to an essential need for the key worker to live at, <u>or close</u> to their place of work. However, it is considered that this need can be met by a dwelling within the locality, and with the use of a seasonal worker's touring caravan at lambing time if necessary.
- 4.3 It is considered that the appellant has failed to demonstrate a clear intention or ability to develop the enterprises concerned. The fact that the calf rearing enterprise has not yet materialised, and the letter from Mr Manning is dated December 2021 has not been updated for this appeal leaves a degree of uncertainty about the venture. Furthermore, the existence of the restrictive covenant on the land barring the erection of the agricultural building, whilst not a direct planning matter, does pose a real threat to the farming business. Also, the reliance on the agricultural building for the accommodating of livestock, when it was clearly not granted for such use on a regular basis, puts the appellants' ability to develop the business at risk.
- 4.4 The forecast budgets put forward by the appellants for the enterprise do not appear to be based on standard published data, and no accounts have been received to substantiate the figures contained. It is considered that the most upto-date standard published data is a realistic measure of the likelihood of the business to succeed or not, and these figures indicate losses for all three years. Notwithstanding this, an assessment of the standard gross margins and use of

the appellant's own fixed costs by comparison, result in modest profits, but these profits are insufficient to cover the minimum wage of a full-time worker let alone the annualised cost of a new dwelling at Willow Farm.

4.5 For the reasons set out above it is clear that the enterprise could operate from an existing dwelling in the locality, and that the business, based on published enterprise gross margin and fixed costs data, is unlikely to be profitable over the next three years. Therefore, it is considered that appellants have failed to demonstrate the very special circumstances required for allowing the retention of the caravan at Willow Farm based on agricultural need.

Phil Plant BSc (Hons) MRICS Mid West Planning Ltd.

November 2022



APPENDIX ONE

LAND REGISTRY ENTRY WITH PLAN OF LAND



Title Number : SF509545

This title is dealt with by HM Land Registry, Birkenhead Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete. Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. This extract shows information current on 14 FHB 2022 at 17:16:44 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

RECISTER EXTRACT

Title Number	: SF509545
Address of Property	: land adjoining Fairhaven Cottage, Pattingham Road, Pattingham, Wolverhampton (WV6 7AE)
Price Stated	: E165,000
Registered Owner(s)	: CAROLINE ANNE ANNING of Leaton Lodge, Crab Lane, Bobbington, Stourbridge DY7 5DZ.
Lender(s)	: None

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Title number SF509545

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 14 FKB 2022 at 17:16:44. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : SOUTH STAFFORDSHIRE

1 (08.02.2006) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land adjoining Fairhaven Cottage, Pattingham Road, Pattingham, Wolverhampton (WV6 7AE).

NOTE: A two yard strip of land from the existing fence between points A and B on the title plan is excluded from the title.

- 2 (08.02.2006) A Deed dated 5 October 1990 referred to in the Charges Register contains the following provision: -"IT IS HEREBY DECLARED that a Strip of land measuring two yards from the existing fence between points marked A and B on the plan annexed hereto (intended to be retained as part of Grange Farm) is excluded from the Conveyance hereby made."
- 3 (08.02.2006) The land has the benefit of the following rights granted by the Beed dated 5 October 1990 referred to in the Charges Register: -

"TOGKTHER WITH the right to pass and repass over and along the said farm cart road for the purpose of access to and egress from the land."

4 (23.03.2010) By a Deed dated 1 February 2010 made between (1) Catherine Mary Jackson and John Robert Jackson and (2) Mary Margaret McLean and John Robert Jackson the right of way referred to in the above Deed has been varied

NOTE: - Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- (18.06.2018) FROPRIETOR: CAROLINE ANNE ANNING of Leaton Lodge, Crab Lane, Bobbington, Stourbridge DY7 5DZ.
- 2 (29.05.2018) The price stated to have been paid on 10 May 2018 was £165,000.
- 3 (20.05.2018) RESTRICTION: No disposition of the registered estate (other than a charge) by the proprietor of the registered estate is to be registered without a certificate signed by John Robert Jackson and Catherine Mary Jackson of Silver Birches, Far Cross Drive, Arnside, LAS OBG or their conveyancer that the provisions of Clause 3 of the Overage Agreement dated 10 May 2018 and made between (1) John Robert Jackson and Catherine Mary Jackson and (2) Caroline Ann Anning and Gary Steven Anning have been complied with or that they do not apply to the disposition.
- 4 (18.06.2018) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

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Title number SF509545

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (08.02.2006) By a Conveyance of the land in this title and other land dated 22 April 1966 made between (1) Laurence McLean (Vendor) and (2) Mark McLean (Purchaser) the land was conveyed subject as follows:-

Subject as to the parts thereof to the right of way and the covenants contained or referred to in the said Conveyances of the Seventeenth day of April One thousand nine hundred and forty four and the slighth day of June One thousand nine hundred and fifty one so far as the same are still subsisting and capable of taking effect and effect the property hereby conveyed.

NOTE 1: The 1944 Conveyance was made between (1) Harold William Hunt and (2) John McLean. The 1951 Conveyance was made between (1) Gwendeline Gladys astley and (2) John McLean.

NOTE 2: No certified copies or abstracts of the above deeds were lodge on first registration.

2 (08.02.2006) The land is subject to the rights granted by a Deed dated 23 January 1969 made between (1) Mark McLean (Grantor) and (2) The Midlands Electricity Board (Grantee).

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

3 (08.02.2006) A deed of variation dated 26 March 1979 made between (1) Mark McLean and Margaret Mary McLean and (2) The Midlands Electricity Board is supplemental to the Deed of Grant dated 23 January 1969 referred to above.

NOTE: Copy filed.

4 (08.02.2006) A Deed dated 5 October 1990 made between (1) Mark McLean and Margaret Mary McLean(Donor) and (2) Catherine Mary Jackson (Donee) contains the following covenants: -

"The Donee with intent to bind the land into whosever hands it mat come hereby covenants with the Donors that during the lifetime of the Donors or either of them no building or structure of any kind shall be erected on any part of the land which is hatched blue on the said plan without the previous consent in writing of the Donors or the survivor of them"

NOTE: The land hatched blue has been reproduced on the title plan.

5 (08.02.2006) The land is subject to the rights granted by a Deed dated 17 Pebruary 1992 made between (1) Catherine Mary Jackson (Grantor) and (2) Midlands Electricity Pic (Grantee).

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.

6 (08.02.2006) The land is subject to the rights granted in a Deed of Grant dated 7 July 2005 made between Mark McLean and Margaret Mary McLean (Grantors) and (2) Central Networks West Plc.

NOTE: - No cerified copy or examined abstract was lodge on first registration.

7 (29.05.2018) A Transfer dated 10 May 2018 made between (1) Catherine Mary Jackson and John Robert Jackson and (2) Gary Steven Anning and Caroline Anne Anning contains restrictive covenants.

NOTE: Copy filed.

End of register

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APPENDIX TWO

CALF IGLOO AND VERANDA PRICE INFORMATION







Emma and Joff Roberts

Uphampton Farm Shobdon, Leominster, Herefordshire, HR6 9NE 01568 780380 07595 894602

info@calfigloo.com

www.calfigloo.com



Call Igloo Ltd are Authorised Dealers of Official Holm and Laue Products





Price List from August 2021

H&L Igloo

£2,250

Extras:	
PVC Curtain	£165
Headstock Carrier	£145
Lifting Eye	£35
Ventilation Chimney	£55
Arc	£65



Technical Specifications

Recemmended on of calves	15	
Renting area	opprox. 14mP	
Longth J Width: / Height	39m/44m/22m	
Holght of enknowe	1.46m	
Valume	approx.20 m ³	
Neight	200 kg	
Visiterial	Hand-Jam Isaled glass fibre reinforced plastic	
Standard equipment	4 sir auflet hoods, transport hook	
Dyliana	warup og tarps at the side of the entrance for beiter weather postection during extreme conditions	

£270

£270

£205

£510

£590

£295

£150

H&L Igloo Veranda

£5,900 (with trough)

Extras:

Hayrack

£5,000 (without trough)

Tested Bucket Support (7) Ringtype Bucket Holder (7)

Concentrate Dispenser

(without L bracket support)

Displaced Wheel Hub

Wind protection for Veranda

Bedding Door for Igloo-Veranda



(Please note: Picture includes igloo which is not included in price)

Technical Specifications

Recommended to. of only es-	14
Basic set up demandors	Sx Sm max height 2.5 m
tarface area of rooting	782818 887.519
Recting area	25 erf ander exol. 14 erf ei glao (2.78 of per call)

*Technical specifications subject to sharped



Call Igloo Ltd are Authorised Dealers of Official Holm and Laue Products PLEASE NOTE ALL PRICES EXCLUDE DELIVERY AND VAT



APPENDIX THREE

FARM GROSS MARGIN AND PROFIT AND LOSS FORECASTS



Source: - The John Nix Pocketbool * Average Flock Performance gros		3rd edition 2023.	
Lambs sold per every 100 ewes pu			
Cost of replacement ewes and ran		preciation	
	1		

Source: - The John Nix Pocketbook for Farm Management 53rd edition 2023. *Contract rearing charge to 3 months

PLANNING











income, and appellant's own fixed cost assessment, excluding all labour costs.

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APPENDIX FOUR

HOUSE BUILD COST INFORMATION



What's the average building cost per sq m?

	Low cost	High cost	Average cost
Building cost per sq m	£1,775	£3,000	£2,387.50
Average cost to build 2 bedroom house	£168,625	£285,000	£226,812
Average cost to build 3 bedroom house	£213,000	£360,000	£286,500
Average cost to build 4 bedroom house	£266,250	£450,000	£358,125

In the UK, the average building cost per sq. m is between $\pm 1,775$ and $\pm 3,000$. The prices in the table do not include VAT. For new builds, VAT is zero-rated.

Source: - Checkatrade Website 3 November 2022

(Copyright Checkatrade. https://www.checkatrade.com/blog/cost-guides/building-cost-per-sq-m/)



APPENDIX B

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED

BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTH STAFFORDSHIRE DISTRICT COUNCIL

(1) THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. It considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important information.

(2) THE LAND AFFECTED

Land at Willow Farm Hollies Lane, Pattingham, Wolverhampton WV6 7HJ ("the Land") outlined in red for identification purposes on the plan attached to this Notice.

(3) THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

- Without planning permission, the making of a material change of use of the Land, to a mixed use for residential and agricultural use together with the siting of a caravan with a wooden extension to facilitate that material change of use.
- ii) Without planning permission, unauthorised operational development consisting of an earth bund.

(4) **REASONS FOR ISSUING THIS NOTICE**

Located within the Green Belt, the Land lies within what is a rural area, approximately 1 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton.

The area of Land where the unauthorised development has taken place comprises of approximately 6.7 hectares (16.5 acres) of land area of land which is located at a sharp bend in the road on Hollies Lane, adjacent to Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The caravan and wooden extension is located to the upper northern area the site.

The material change of use of the Land together with the siting of a caravan with a wooden extension to facilitate that material change use took place less than ten years ago and is not immune from enforcement action.

The unauthorised operational development consisting of the earth bund located on the Land took place less than four years ago and is not immune from enforcement action.

The Land is situated in an area of open countryside located in the South Staffordshire section of the West Midlands Green Belt.

On 7th February 2020, a retrospective planning application was refused by the Council for the stationing of the static caravan as a temporary agricultural workers dwelling under application reference 19/00462/FUL. The refusal to grant planning permission was the subject of an appeal.

On 15th March 2021, the Planning Inspectorate dismissed the appeal against the decision of the Council to refuse an application for the proposed stationing of a static caravan as a temporary agricultural workers dwelling reference APP/C3430/W/20/3253786). ("the Appeal").

The National Planning Policy Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Para 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed use would have no material effect on the openness of the Green Belt.

Policy EQ4 sates that the intrinsic rural character and local distinctiveness of the south Staffordshire landscape should be maintained and where possible enhanced and that throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views.

Policy EQ11 states that the design of all developments must be of the highest quality and that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4.

The static caravan with wooden extension and earth bund are incongruous to their surroundings and have a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape that conflicts with the purposes of the Green Belt and are therefore contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.

Policy EV8 of the Core Strategy Development Plan states that the Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

- a) encouraging farm diversification, which is complementary to, and helps to sustain the existing agricultural enterprise;
- c) guiding development, including the design and siting of new agricultural buildings, including agricultural workers dwellings to the least environmentally sensitive locations.

The dismissed Appeal found that the needs of the business do not outweigh the harm to the Green Belt with no other considerations that would amount to the 'very special circumstances' necessary to justify the unauthorised development. As such the development is by definition harmful to the Green Belt and does not accord with policy EV8 of the adopted Core Strategy and the relevant paragraphs of the National Planning Policy Framework.

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development outlined in the dismissed Appeal.

(5) WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land for domestic residential purposes.
- ii) Remove the caravan and wooden extension from the Land, (shaded blue in the approximate position shown on the red line plan).

- iii) Remove from the Land all materials and waste arising from compliance with requirement ii) above.
- iv) Remove the unauthorised operational development consisting of the earth bund from the Land, (shaded green in the approximate position shown on the red line plan).

The periods for compliance

Within six months from the date the notice takes effect.

(6) WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3rd September 2022 unless an appeal is made against it beforehand.

Dated: 2nd August 2022

Americlebents

Signed :

On behalf of Corporate Director Planning & Infrastructure

On behalf of South Staffordshire District Council Council Offices Wolverhampton Road, Codsall, Staffordshire WV8 1PX

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises on Land at Willow Farm Hollies Lane, Pattingham, Wolverhampton WV6 7HJ.

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the other parties listed on the Notice who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 3rd September 2022 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 3rd September 2022.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds: -

- that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by Section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00 This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

If you decide to appeal, when you submit your appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

One appeal form and a copy of the Enforcement Notice together with a cheque for £924.00 made payable to South Staffordshire Council should be sent to the Council addressed to:-

Corporate Director Planning & Infrastructure South Staffordshire District Council Planning Department Council Offices Wolverhampton Road, Codsall, WV8 1PX

If you do not appeal against this enforcement notice, it will take effect on the 3rd September 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 5 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Contact Officer:

Mark Bray Planning Enforcement Consultant

South Staffordshire District Council Planning Department Council Offices Wolverhampton Road Codsall, South Staffordshire, WV8 1PX

Tel: 01902 696900

E-mail: m.bray@sstaffs.gov.uk

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

- CAROLINE ANNE ANNING Leaton Lodge, Crab Lane, Bobbington, Stourbridge DY7 5DZ
- 2. CAROLINE ANNE ANNING Willow Farm Hollies Lane, Pattingham Staffordshire WV6 7HJ
- GARY ANNING Willow Farm Hollies Lane, Pattingham Staffordshire WV6 7HJ

LAND AT WILLOW FARM HOLLIES LANE, PATTINGHAM, WOLVERHAMPTON WV6 7HJ

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE



APPENDIX C



Appeal Decision

Site visit made on 22 October 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/C3430/W/20/3253786 Land forming part of Willow Farm, Hollies Lane, Pattingham WV6 7HJ

- 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 Mr and Mrs Anning against the decision of South Staffordshire Council.
- The application Ref 19/00462/FUL, dated 24 May 2019, was refused by notice dated 07 February 2020.
- The development proposed is stationing of a static caravan as a temporary agricultural workers dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

- 2. The appeal scheme was completed in October 2017. In addition to the static caravan, there is a wooden timber porch attached to the side elevation of the caravan. At the time of my visit, I saw that the location, size and appearance of the caravan and the porch correspond to the submitted details. However, the appeal only relates to the stationing of the caravan, which amounts to a material change of use of land. Therefore, I have determined the appeal on this basis.
- 3. Mrs Anning is named as the appellant in the appeal form, but the applicants are named in the application form as Mr and Mrs Anning. The agent confirmed that the appeal should proceed in the names of both Mr and Mrs Anning.

Main Issues

- 4. The main parties have agreed that that the proposal is inappropriate development in the Green Belt, having regard to Policy GB1 of the South Staffordshire Council Core Strategy Development Plan Document Adopted December 2012 (the CS) and paragraphs 145 and 146 of the National Planning Policy Framework (the Framework). I concur with this position given that the openness of the Green Belt is not preserved and the scheme results in encroachment into the countryside, albeit that it does not contribute to urban sprawl.
- 5. Therefore, the main issues are:
 - i) the effect of the proposal on the character and appearance of the area;

- ii) whether there is an essential need for a rural worker to live permanently at the site; and
- 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 required to justify it.

Reasons

Character and appearance

- 6. Willow Farm is located in an area of undulating countryside comprising generally large open fields with boundary hedgerows and scattered individual trees and small woodlands. It is a typically rural area with sporadic development including farmsteads and detached dwellings, some of which have been created by the conversion of traditional agricultural buildings.
- 7. Although the caravan is partially screened by the hedgerow along Hollies Lane, particularly when the hedge is in leaf, it is visible from locations around the highway access and Nurton Croft. While it would be hidden from these views by the permitted agricultural building¹, this has not yet been constructed. Irrespective, the caravan is visible from more distant locations in the surrounding countryside including the right of way from Pattingham Road along the edge of the golf course. From here, the caravan appears isolated and it is not seen as ancillary to a residential dwelling. It is out of keeping with the surrounding rural character and context. Consequently, it is a discordant feature that is not sympathetic to its surroundings.
- 8. Hedgerow planting and enhancement might provide additional screening benefits from close range, but the existing hedgerow is already well established. Moreover, there are no alternative proposal before me to illustrate how a different form of temporary residential accommodation may result in less harm to the rural character and appearance of the area.
- 9. Therefore, the scheme harms the rural character and appearance of the countryside. It conflicts with Policies EQ4 and EQ11 of the CS. These require, among other things, that development should be of high-quality design, making a positive contribution, taking account of the local character and distinctiveness of the landscape and its surroundings, and respecting and safeguarding visual amenity. It would also conflict with the policies in the Framework that require development to add to the overall quality of the area, to be visually attractive, to be sympathetic to local character including landscape setting, and to maintain a strong sense of place.

Essential need for a rural worker

Policy considerations

10. Policy EV8 of the CS sets out that proposals for temporary agricultural and occupational workers dwellings will be supported subject to meeting a number of criteria including: evidence of a firm intention and ability to develop the enterprise; a functional need which cannot be fulfilled by an alternative dwelling; and that the enterprise has been planned on a sound financial basis.

¹ Ref 20/00223/AGR

- 11. Paragraph 79 of the Framework states that the development of isolated homes in the countryside should be avoided except in specific circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work. This is substantially the same as the provisions in Paragraph 55 of the 2012 version of the Framework. In this regard, my attention has been drawn to the case of Embleton², where it was concluded that the test under paragraph 55 only required an assessment of whether there was an essential need for a worker to be at or near the site.
- 12. Nevertheless, the Planning Practice Guidance (the PPG) sets out that the functional need and the degree to which there is confidence that the enterprise will be viable for the foreseeable future are both factors that may be relevant when considering whether there is an essential need for a rural worker. Moreover, the case law relates to the Framework and not to the development plan which was found sound and adopted subsequent to the publication of the Framework in 2012. Consequently, although the Framework is a material consideration, the starting point for decision making is the development plan.

Essential functional need

- 13. The appellants farm approximately 97 acres spread across several widely separated parcels of land. They have been farming the 16.5 acres at Willow Farm since approximately 2007, initially on a Farm Business Tenancy and as owner occupiers since approximately 2017 when they purchased the land following the sale of Mrs Anning's family home in Pattingham. The remainder of the holding comprises rented grazing land.
- 14. The current agricultural business operating at Willow Farm includes a sheep breeding enterprise (the SBE) and a procurement enterprise (the PE). The PE operates from the top pastures, roughly 2 acres, and the SBE utilises the lower pastures, roughly 14 acres.
 - a) Sheep breeding enterprise (the SBE)
- 15. The SBE has grown from an initial flock of 12 to 270 breeding ewes plus 10 rams. The acreage at Willow Farm is not sufficient to support the entire flock. Consequently, for much of the year, the flock are grazed on the tenanted land away from Willow Farm. The ewes are brought back in batches to the lower pastures from January onwards, where they lamb from February through April before being transported back to the tenanted land. The SBE lambs are finished on the holding at between 3 and 9 months old. Outside of the lambing season, the flock is brought back to Willow Farm for routine husbandry operations including shearing and foot trimming.
- 16. There is clearly a seasonal need for an agricultural worker to be permanently present on site for the 12 weeks or so that cover the main lambing period. However, the flock is not permanently based at Willow Farm and, even during the lambing season, only a proportion of the flock are present at any one time. Therefore, there simply cannot be an essential functional need for a rural worker to live permanently at Willow Farm to manage the flock.
- 17. I acknowledge that the appellants intend to increase the size of the SBE flock to 350 ewes. While this would increase labour requirements, the lambing season would still extend over 12 weeks in the spring with a relatively low

² Embleton Parish Council v Northumberland County Council [2013] EWHC 3631

number of ewes lambing outside of this period. Moreover, an even greater proportion of the flock would be away from Willow Farm on the tenanted land. Therefore, an increase in the flock size would not require a permanent agricultural workers dwelling at the site.

- b) The procurement enterprise (the PE)
- 18. The PE has been operating at Willow Farm since approximately 2009, predominantly utilising the top pastures near to the appeal site. Lambs, cull ewes and rams are bought direct from local farmers or from livestock markets to supply fresh meat to the ethnic meat market. This is largely a reactive operation, meeting short notice orders for fresh meat. However, some livestock are bought speculatively, in order to be able to meet anticipated future orders at times of high demand such as religious festivals. Although numbers vary through the year, approximately 200-220 animals pass through Willow Farm each week in several separate loads.
- 19. Following purchase, the PE livestock are brought back to Willow Farm where they are checked and transferred into holding paddocks with access to food and water until such time as they are graded and sorted and taken to the abattoir. The length of stay on the holding varies from overnight for transport the following day to several days, such as over weekends when the abattoir is closed. Although some stock are held for longer periods of time, the average duration that PE livestock are kept on site is between 2 to 4 days.
- 20. There is a dispute between the parties as to whether the PE is a lawful agricultural use of the land. Clearly, it is not lairage for the purposes of long-distance haulage and export of livestock. Nevertheless, it is not a short-term lamb finishing unit as it is consistently described as a procurement activity. The PE livestock are purchased to order or bought in advance of expected orders from existing customers. The livestock are held on the land for short periods of time for the purpose of meeting and maintaining procurement contracts. Notwithstanding that some animals may be held for longer periods, this remains in connection with the procurement business.
- 21. There is no detailed historic evidence relating to the PE, although it has been operating for several years with apparently no previous or current enforcement investigations. Irrespective of whether or not it is a lawful agricultural use, given the large numbers of animals involved and the nature of the activity I am satisfied that it is a rural use. On that basis, it is appropriate for me to consider whether or not it gives rise to a functional need for a rural worker.
- 22. The PE enterprise involves a lot of paperwork and travelling, often with early starts and late finishes. However, long working days are part and parcel of farming and they do not of themselves demonstrate a functional need for a rural worker to live on site.
- 23. The livestock markets and transport will be stressful for the animals, most particularly any that might already be in poor health. Mr Anning advised that serious injury and health issues such as fly strike and severe calcium deficiency would be apparent upon arrival at the holding and could therefore be treated promptly. The relatively low number of stock displaying signs of stress are marked for ease of identification, put out with the flock to recover and monitored at intervals during the night.

- 24. The historically low number of livestock deaths is attributed to the high standard of husbandry including overnight monitoring. However, no detailed information is available in relation to the numbers of stock that arrive injured or ill or that have required treatment immediately or during the following night. Consequently, it is not possible to establish the number of animals that would have suffered or died if they had not been monitored overnight. In any case, given that the late finishes and early starts, it seems reasonably likely that any unsupervised overnight period would be relatively short.
- 25. While the PE is not a standard agricultural operation, livestock markets, handling and transport are a routine part of livestock farming. Moreover, some of the livestock come direct from farms, thereby avoiding the stress associated with commercial markets. There are apparently no industry guidelines relating to welfare following relatively short domestic journeys from markets or farms. It will be a matter for the individual farmer based on the needs of the stock, but in this case there is not an essential functional need for a worker to be present overnight in connection with non-breeding sheep that are destined for slaughter, in some cases the following morning.
 - c) Beef finishing enterprise (the BFE)
- 26. While the business plan indicates the intention to introduce a calf rearing enterprise in year 3, the appellants previously purchased a small number of calves in 2019-2020, including some that required milk-feeding and monitoring for pneumonia due to their young age. Until they were weaned, the calves were kept on the top pastures, with mobile calf hutches for shelter and they were fed 3 to 4 times a day, including overnight. Following weaning, they were moved to rented pastures for finishing at roughly 24 months.
- 27. There would be a need for a worker to be present to care for the calves during their early weeks, but the overnight husbandry need drops away as the calves age. There are currently no young calves at Willow Farm and there is no detailed plan for a future commercial BFE, including in terms of numbers of livestock or requirements and associated investment in additional land, livestock buildings and equipment such as automated feeders. Moreover, given that the top pastures at Willow Farm are used for the PE and the lower pastures are used for the SBE and hay-making, it is not clear that a BFE could be operated sustainably alongside the SBE and the PE at Willow Farm.
- 28. The evidence is that the business at Willow Farm is primarily sheep-based and there is a seasonal need for a worker to be permanently on site during the lambing season. While the PE is undoubtedly a resource intensive activity, there is little compelling evidence of a functional need for a permanent rural worker to live on site. Associated agricultural activities relating to routine animal husbandry, land management and maintenance of machinery, while time-consuming, do not require a rural worker to live on site.
 - d) Alternative dwellings
- 29. There are no dwellings on the holding or buildings that could be converted to residential use. The market dwellings in the immediately surrounding rural area are not affordable on a rural workers salary. While more distant dwellings may not meet an essential functional need, no information has been provided in terms of the type of dwelling that the business could sustain or in relation to

the affordability and availability of dwellings in nearby settlements including Pattingham and Perton.

Evidence of a firm intention and ability to develop the enterprise

- 30. The appellants have been farming at Willow Farm since 2007. They have also rented land to accommodate the expanding needs of the SBE and they have purchased the land at Willow Farm. They have recently placed an order for an agricultural building to replace the pole barn and they intend to increase the size of the SBE flock and to increase the lambing percentage.
- 31. Except for the land used for haymaking, all of the pasture at Willow Farm is permanently grazed and the high stocking densities are maintained by supplementary feeding. While Willow Farm is only a small part of the holding, it is the focus of activities and it is the most intensively used of all of the land. In this regard, any further expansion of the SBE, the PE or a commercial BFE would inevitably put further pressure on the land at Willow Farm.
- 32. The appellants' have a clear intention to develop the enterprise. However, I share the Council's concerns about whether the business operations at Willow Farm are sustainable in the longer-term, taking into account increasing stocking densities, the competing pressures on the land from the various activities and the need to maintain the land in good agricultural condition.

Has the enterprise been planned on a sound financial basis

- 33. Financial accounts have been provided for the years ending 2016-2019. These show small profits in 2 years, a substantial loss in 2018 and a small loss in 2019. The significant loss in 2018 is attributed in large part to the impact of the severe winter storms that year and also to investment in the business.
- 34. Irrespective, the business accounts are amalgamated for the SBE, the PE and a wider trading activity relating to the purchase and direct transport of livestock to the abattoir without passing through Willow Farm. By the appellants' own admission, the financial accounts are not therefore a reliable indication of the financial viability of the agricultural operations at Willow Farm.
- 35. Although some 6 months have passed since the year end, the financial accounts for 2020 are not yet available. At the Hearing, Mr Anning stated that the business made a substantial profit in the year ending 2020, due in large part to the impact on lamb prices of the coronavirus pandemic lockdown in March. However, it seems reasonably unlikely that many, if any, of the 2020 early lambs would have been ready for finished sale by the end of the financial year. Moreover, no substantive evidence was presented in terms of the numbers of SBE lambs sold at a significantly higher price or the implications of lockdown for the PE or the wider trading activity.
- 36. There was a discussion at the Hearing as to whether or not it would be helpful for the latest accounts to be provided. In this respect, the 2020 accounts will be combined for the various agricultural and wider trading activities. Therefore, as with the previous years' accounts, they would not demonstrate the financial viability of the agricultural business.
- 37. The business plan predicts substantial gross profits from year 1 onwards, but it does not include full details of costs such as labour or transport, legal and bank charges, land rental or capital costs. Notwithstanding the unusually large loss

in 2018, and the proposed increase in SBE flock size, it has not been adequately explained how the business would rapidly go from very modest net profits at best to significantly large sustained profits in future years. Moreover, while the static caravan is already on the site and the appellants live frugally within their means, there is little evidence that the business could sustain 1, let alone 2, reasonable living wages. Therefore, and taking account of the absence of reliable accounts in relation to the agricultural business in previous years, it is not clear that the business has been planned on a sound financial basis.

- 38. The appellants are seeking permission for a temporary dwelling in order to demonstrate that the business can support a permanent dwelling. Nonetheless, the business has been operating for over 10 years and the static caravan has already been on site for 3 years, which would appear to have already been a reasonable amount of time to account separately for the agricultural business.
- 39. Therefore, having regard to the functional requirements of the business and the financial aspects, an essential need for a rural worker to live permanently at Willow Farm has not been demonstrated. Consequently, the proposal is in conflict with the requirements of Policy EV8 of the CS.

Other Considerations

- 40. The nearby Grange Farmhouse Grade II listed building dates from the 17th century. It is timber-framed with painted brick infill and rendered stone or brick with a clay tile roof. The listing building is approximately 40m from the appeal site. It is set in its own grounds which are separated from the appeal site and the Willow Farm by its private access road and the vegetated field boundary. Given the degree of separation, the modest size of the caravan and the nature of the intervening land, the Council considers that the caravan does not harm the listed building or its setting and I see no reason to disagree. The absence of harm in this respect does not weigh in favour of the scheme.
- 41. The agricultural business provides rural employment and economic support for other rural businesses including farm contractors, feed merchants and veterinary surgeons. These benefits would have flowed from the business during the time that it operated without a rural workers dwelling. Therefore, the wider economic benefits do not appear to be dependent on the appeal scheme and therefore they carry limited weight in favour of it.
- 42. There would be no adverse impacts on the safe operation of the highway. Although the development has already been carried out, given the improved nature of the agricultural grassland at Willow Farm and the small scale of the development, adverse impacts on biodiversity appear reasonably unlikely. These are requirements of planning policy and they do not weigh in favour of or against the proposal. I note the concerns in relation to the highway access over third party land. However, this is a private legal matter.
- 43. Following the sale of Mrs Anning's family home, the appellants required alternative accommodation in the area. In this regard, the caravan at Willow Farm will be a convenient and cost-effective form of accommodation. Nevertheless, the appellants' personal circumstances are not related to the needs of the business and they do not weigh in favour of the scheme.
- 44. My attention has been drawn to appeal decisions relating to agricultural worker dwellings elsewhere, including in the Green Belt. The evidence concerning the

alpaca breeding business indicates that alpacas are expensive animals that breed at any time of year with potentially high mortality rates. The site was also in an area subject to thefts and dog attacks and the business was profitable and supported a full-time worker with a reasonable salary. In the case of the horse livery, it was in an isolated location where theft was a problem and there was an established essential functional need. While the livery business was not particularly profitable, the Inspector allowed a temporary log cabin to be occupied on a permanent basis subject to conditions that linked the permission to the appellant as well as to the business. Neither case appears directly comparable to the appeal scheme and they do not provide a justification for it.

Green Belt balance

- 45. The proposal is inappropriate development in the Green Belt and it has resulted in a small but significant loss of openness and conflict with the purposes of the Green Belt. The adverse impact on the character and appearance of the area is a modest harm that weighs against the proposal.
- 46. There is a seasonal need for a rural worker to be present during the lambing season, but there is no essential functional need for a worker to live permanently at Willow Farm either in connection with the SBE or the PE. While the appellants have been farming the land for several years, it has not been demonstrated that the agricultural business is financially sound. Moreover, while the business plan predicts substantial gross profits almost immediately, given that the previous years accounts are not reliable, it is not clear that the enterprise has been planned on a sound financial basis.
- 47. Therefore, the needs of the business do not outweigh the harm that I have found. Consequently, there are no other considerations that would amount to the very special circumstances necessary to justify the development.

Conclusion

48. For the reasons set out above, the appeal is dismissed.

Sarah Manchester

INSPECTOR

APPEARANCES

FOR THE APPELLANT: Mrs Caroline Anning (appellant) Mr Gary Anning (appellant) Mrs Melanie Holt BA (Hons) PgD MRICS FAAV (Moule & Co Ltd, Planning Agent)

FOR THE LOCAL PLANNING AUTHORITY: Mr John Baggott MA MRTPI (Tyler Parkes Partnership) Mr Anthony Atkinson MRICS FAAV (Acorus Rural Property Services)

INTERESTED PERSONS: Mr DeVries (observing from the Council) Ms Jovanovic (observing from the Council) Mr Phillip Collins Mr Norman Levers Mr Mike Powell

APPENDIX D1



Core Strategy

December 2012





Further information can be found at **www.sstaffs.gov.uk**



A Local Plan for South Staffordshire

Core Strategy Development Plan Document

Adopted 11th December 2012

South Staffordshire Council

APPENDIX D2

Policy GB1: Development in the Green Belt

Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:

- A. A new or extended building, provided it is for:
- a) purposes directly related to agriculture or forestry; or
- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
- c) affordable housing where there is a proven local need in accordance with Policy H2; or
- d) limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).
- B. The re-use of a building provided that:
- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.
- C. Changes of Use of Land:
- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.
- **D.** Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

*Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.

APPENDIX D3
these conservation areas. In addition the County Council has completed a series of Historic Environment Character Assessments for 14 of the District's villages. This, together with the Council's own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

Key Evidence

Sustainable Community Strategy 2008 - 2020 Conservation Area Appraisals and Management Plans 2010 Village Design Guide SPD 2009 Buildings of Special Local Interest (on going) Historic Environment Character Assessment 2011 Assessment of Physical and Environmental Constraints 2009 West Midlands Farmsteads and Landscapes Project 2010

Delivery and Monitoring

Through the Development Management process in consultation with English Heritage, the County Council and other partners Conservation and Design advice Conservation Area Management Plans Village Design Guide SPD(or subsequent revisions) Historic Environment SPD LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.

The Council will encourage and support the creation of new woodlands and the management of existing woodlands particularly where they contribute to community forestry. Reference should be made to the Council's Tree and Woodland Strategy.

Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

Proposals should retain and strengthen the components of landscape character and local distinctiveness, with particular attention to the detailing of any proposal and its relationship with existing buildings, features and vegetation. Proposals within the Historic Landscape Areas (HLA) defined on the Policies Map should have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the HLA. The County Council's Landscape Character Assessment and Historic Landscape Characterisation will provide an informed framework for the decision making process.

Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.

Development within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and its setting as shown on the Policies Map will be subject to special scrutiny, in accordance with national policy and any additional guidance, in order to conserve and enhance the landscape, nature conservation and recreation interests of the area.

Proposals that contribute to the objectives of the Cannock Chase AONB Management Plan, the Forest of Mercia and other local initiatives that will contribute to enhancing landscape character will be supported.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

Explanation

- 7.21 The landscape of South Staffordshire is rich and varied and includes part of the Cannock Chase Area of Outstanding Natural Beauty (AONB). It is an important objective of the Core Strategy to protect the character and appearance of the landscape and conserve this heritage for the future. The NPPF states that the highest status of protection in relation to landscape and scenic beauty should be given to AONBs, and the extent of the Cannock Chase AONB, to which the national policy applies, is shown on the Policies Map.
- 7.22 There are 13 historic parklands and gardens in South Staffordshire, at Chillington, Enville, Four Ashes, Hatherton, Hilton, Himley/Wodehouse, Somerford, Stretton, Teddesley, Patshull, Prestwood, Wergs and Weston. The parklands at Chillington Hall, Enville, and Weston Park are of particularly high quality and have been identified as Grade ii* in the National Register of Historic Parks and Gardens by English Heritage. Patshull Hall and Himley Hall have been identified as Grade ii.
- 7.23 Historic parklands are valuable heritage assets and important to the distinctive rural character of South Staffordshire. They may contain avenues of trees, woodlands, individual veteran trees, areas of wood pasture, lakes and other water features, historic earthworks, moats, hedges, banks and green lanes which are all valuable habitats for wildlife. They also have potential for environmental education and tourism, as well as contributing to the attractiveness of the landscape.
- 7.24 The historic parklands and gardens in South Staffordshire, including those designated as Registered Parks and Gardens have been designated as 'Historic Landscape Areas' (HLAs) to protect them from inappropriate development and management. The principle of the HLAs was first established in the 1996 Local Plan and has been carried forward into the new local planning strategy to ensure that these areas are retained for the future.
- 7.25 The Council will encourage and support the conservation, enhancement and sustainable management of these heritage assets through the preparation of conservation management plans. The Council will work with landowners, English Heritage, the Staffordshire Gardens and Parks Trust, the Garden History Society, Natural England, Staffordshire Wildlife Trust and Staffordshire County Council on matters relating to historic parklands and gardens.
- 7.26 The Policy is consistent with the NPPF. Any development which will have an impact on the landscape should address the intrinsic character of its surroundings, and seek where possible to retain and strengthen the intrinsic character of areas. Landscape character analysis will be an important technique in many circumstances, utilising detailed work already undertaken by Staffordshire County Council in the Supplementary Planning Document 'Planning for Landscape Change' and work on historic landscape character in a Supplementary Planning Document.

APPENDIX D4

Village Design Guide SPD 2009 Conservation Area Appraisals and Management Plans 2010 Open Space Strategy 2009

Delivery and Monitoring

Through Development Policy EQ13 LSP Environmental Quality Delivery Plan Conservation Area Management Plans Village Design Guide SPD (or subsequent revisions)

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Development Policies

7.58 The following Development Policies support Core Policy 4.

Policy EQ11: Wider Design Considerations

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

A. Use

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

B. Movement

 c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users; d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

C. Form

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

D. Space

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABE publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

Key Evidence

Sustainable Community Strategy 2008 – 2020 Southern Staffordshire Surface Water Management Plan Phase 1 2010 Planning for Landscape Change – Staffordshire County Council SPG 1996-2011 South Staffordshire Landscape Assessment 2003 Historic Environment Character Assessment 2011 Village Design Guide SPD 2009

APPENDIX D5

Key Evidence

Sustainable Community Strategy 2008-2010 Tourism Strategy 2010 Understanding the Economy of Rural Staffordshire 2009 Staffordshire Rural Forum Strategic Action Plan 2006-2009 Staffordshire Destination Management Partnership Delivery Plan 2008 - 2011 West Midlands Visitor Economy Strategy 2009/2010 WMRSS Evidence Base Rural Evidence Base 2010

Delivery and Monitoring

Through the Development Management process

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EV8: Agriculture

The Council will support proposals for agriculture and related development which is consistent with national policy for the protection of agricultural land and other local planning policies by:

- a) encouraging farm diversification which is complementary to, and helps to sustain the existing agricultural enterprise;
- b) supporting small scale farm shops selling local produce;
- c) encouraging the re-use or adaptation of existing farm buildings including redundant buildings, provided it would not result in a need for further agricultural buildings and is consistent with Supplementary Planning Guidance on barn conversions;
- encouraging sustainable forms of agriculture which include environmentally sensitive, organic and locally distinctive produce, together with its processing, marketing and retailing;
- e) encouraging the management of land for biodiversity;
- f) guiding development, including the design and siting of new agricultural buildings, including agricultural workers dwellings to the least environmentally sensitive locations.

g) supporting proposals for temporary and permanent agricultural and occupational workers dwellings provided that they satisfy the following criteria:

Temporary Dwellings:

- there is clear evidence of a firm intention and ability to develop the enterprise concerned;
- there is a clear functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- the proposal satisfies all other normal planning requirements.

Permanent Dwellings:

- there is a clearly established existing functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- the need relates to a full-time worker;
- the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and
- the proposal satisfies all other normal planning requirements.

Development proposals should be consistent with other local planning policies.

Explanation

- 9.38 Agriculture will continue to be an important part of the local economy of South Staffordshire and one of the most significant land uses. The NPPF provides guidance on the ways of supporting economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. The Council will also support the changing nature of agriculture in order to make it more competitive, sustainable and environmentally friendly. This may involve adaptation to new markets and ways of operation, and diversification of activities including opportunities to grow crops for biomass.
- 9.39 The operational needs of agriculture, as well as the environmental and economic aspects and the need to protect the countryside and amenity of local residents will be taken into account in considering proposals for agricultural development. Should any applications for large scale pig or poultry units come forward, these will have to be subject to the Habitats Regulations Assessment (HRA) process to ensure that there are no significant effects on internationally important wildlife sites. The Policy expands on the guidance contained in the NPPF and provides specific local guidance relevant to

South Staffordshire, to help achieve more sustainable development. Proposals for dwellings for workers associated with agriculture or forestry are an established feature in South Staffordshire, and such development will be supported as far as possible because of their contribution to the local economy. However, the impact of such development on the character and appearance of the countryside and other environmental implications will require careful consideration in accordance with other local planning policies.

Key Evidence

WMRSS Evidence Base Rural Evidence Base 2008

Delivery and Monitoring

Through the Development Management process Working with Economic Development partners

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Sustainable Community Facilities and Services

Introduction

- 9.40 Ensuring that local communities in the District thrive and develop in a sustainable way is an important aspect of achieving a sustainable future for South Staffordshire and this is reflected in Strategic Objective 12.
- 9.41 Access to the services and facilities people need is one of the important determinants of quality of life particularly in rural areas. Basic facilities such as local shops/convenience stores, village/community halls, schools, places of worship, public houses, doctor's surgeries, post offices, and banks are important to local communities and have a social and cultural role with other services which are essential to people such as the elderly. Such facilities can add vibrancy to communities and provide a focus for activities and foster community spirit and cohesion.

Core Policy 10: Sustainable Community Facilities and Services

The Council will support proposals and activities that protect, retain or enhance existing community facilities and services or lead to the provision of additional facilities that improve the wellbeing and cohesion of local communities and ensure that communities are sustainable.

The Council will support the co-location of facilities (shared use of buildings) where it

APPENDIX E

19/00462/FUL

PATTINGHAM & PATSHULL

Willow Farm Hollies Lane Pattingham WOLVERHAMPTON WV6 7HJ

Stationing of a static caravan as a temporary agricultural workers dwelling (retrospective)

1. SITE DESCRIPTION AND PLANNING HISTORY

1. BACKGROUND

The application before me appears to have come about as a direct result of the intervention of the Council's Planning Enforcement Officers in respect of allegations of an unauthorised residential static caravan, storage containers, animal shelters and access track.

This application relates to the static caravan ONLY and seeks to regularise the stationing of said caravan which I understand has been stationed on the site since 2017 without the benefit of the necessary permission. This application seeks permission for a temporary (3-year) period going forward.

A separate, but linked, planning application for the erection of an agricultural building (to replace the existing assortment of unauthorised structures) and associated hardstanding has also been submitted under a separate application (Council Ref: 19/00405/FUL).

2. SITE DESCRIPTION AND PLANNING HISTORY

Site Description

Located within the Green Belt, the application site lies within what is a rural area, approximately 1 mile to the north-east of Pattingham and 1.5 miles to the south-west of Perton. The site lies in Flood Zone 1 and is therefore not at risk from fluvial flooding.

The site comprises of an approximately 0.1 hectare area of land which has been fenced off from the associated arable land, located at a sharp bend in the road on Hollies Lane, adjacent to Grange Farm (Grange Farmhouse itself is a Grade II Listed Building). Vehicular access is via a shared driveway with Grange Farm. The site forms a small part of the wider total 6.7 hectares (16.5 acres) of land owned by the applicant.

The site's northern boundary consists of the established mature hedgerow which runs along Hollies Lane itself. The application site is elevated above the wider adjoining arable land which falls to the south and east. The topography is such that the application site is not readily visible from the Wolverhampton Road (to the south) which lies beyond the associated land which is in the applicant's ownership.

Planning History

There appears to be no planning history in respect of the application site apart from the previously mentioned application currently under consideration by the Council for the proposed agricultural building and associated hardstanding (ref: 19/00405/FUL).

3. APPLICATION DETAILS

The application as submitted seeks retrospective permission for the stationing of a static caravan to be occupied on a temporary (3-year) basis as an agricultural workers' dwelling, in association with the applicants' stated agricultural business which is summarised as follows:

A Lambing Enterprise, which has grown over the years with the applicant's now owning their own flock of 270 breeding ewes (and 10 rams), which they lamb between February and April every year. I am advised that this enterprise started with just 12 ewes and the desire is to increase the flock to 350 ewes.

A Procurement Enterprise, which I understand involves the procurement of livestock to fulfil orders for the meat market. In this regard I am advised that the applicants have 20-30 regular customers and that orders received need to be fulfilled within 48 hours, requiring immediate procurement action. Most animals, mainly from livestock markets, are brought back to Willow Farm for grading and sorting before being taken to abattoir - such activities will vary within the week and time of year. Typically, 200-220 animals pass through the holding on the procurement basis each week.

At this point, I must make it clear that I do question whether the Procurement Enterprise as it has been described within the planning submission truly amounts to an agricultural use. I address this issue later within this report.

The total land area as managed by the business amounts to some 39.6 hectares (97.5 acres) which consists of the 6.7 hectares at Willow Farm which is stated as being used for grazing and mowing (hay), along with other land rented at Shipley (22.2 hectares used for sheep grazing); Halfpenny Green (8.7 hectares used for sheep grazing); and, a different site at Shipley (2.3 hectares for grazing and mowing for hay).

The application has been accompanied by, amongst other supporting documents, a Planning & Justification Statement which sets out in more detail the associated management requirements for both enterprises and the claimed essential functional need. The Statement confirms that the applicants have been farming the land since 2007; that they have a registered agricultural business with the Rural Payments Agency (RPA); and, that the land has its own County Parish Holding number (CPH).

The submitted Statement, along with subsequent additional supplemental information (including a confidential Business Plan & Financial Statement), has been assessed and evaluated by the Council's own appointed Agricultural Consultant, and such matters are addressed later in this report.

I noted at the time of my visit that as well as the static caravan, there was a make-shift timber structure attached which appeared to form some type of porch/boot store. There is no mention of that structure on the application forms and the applicants' Agent has acknowledged that this structure does not meet the definition of a caravan and may need to be removed in the event that planning permission were to be granted for the static caravan. The Agent suggests that a suitably worded planning condition would suffice.

3. POLICY CONTEXT

Within the Green Belt

The National Planning Policy Framework (NPPF) taken as a whole, and in particularly Sections 4, 6, 12, 13, 12 and 16. The National Planning Practice Guidance (NPPG).

Adopted Core Strategy Core Policy 1: The Spatial Strategy Policy GB1: Development in the Green Belt Core Policy 2: Protecting and Enhancing the Natural and Historic Environment Policy EQ1: Protecting, Enhancing and Expanding Natural Assets Policy EQ3: Conservation, Preservation and Protection of Heritage Assets Policy EQ4: Protecting and enhancing the character and appearance of the Landscape Policy EQ9: Protecting Residential Amenity Core Policy 4: Promoting High Quality Design Policy EQ11: Wider Design Considerations Policy EQ12: Landscaping Core Policy 9: Rural Diversification Policy EV5: Rural Employment Policy EV8: Agriculture

South Staffordshire Design Guide (SPD) Green Belt and Open Countryside Supplementary Planning Guidance

4. CONSULTATION RESPONSES

No Councillor Comments.

Pattingham and Patshull Parish Council - No comments received.

County Highways - No objection.

Conservation Officer - No objection subject to suitable conditions.

County Ecologist - No objection subject to suggested conditions.

Third Party Representations - 4 no. letters of objection have been received, 3 no. from individual neighbours raising the following concerns:

Applicants sold their house in Pattingham and moved onto site without planning permission and the current occupation of the site is unauthorised;

Hollies Lane is unsuitable for the size of vehicles associated with the business;

There is no justification or need for residential occupancy of the site;

Low numbers of sheep present on site and assume that the keeping of most of the stated flock and associated lambing occurs at other rented sites;

Burning of plastic and general unpleasant smells emanating from the site;

Animal welfare - numerous occurrences of sheep escaping from the site and wandering down Hollies Lane and onto other properties;

General eyesore nature of the site.

Applicants have no rights of access onto the site from the driveway serving Grange Farm (Officer comment: This is a legal matter between the relevant parties).

The 4th, extremely detailed, letter of objection has been prepared by a consultant acting for, and submitted on behalf of, the owners/occupiers 9 no. nearby properties raising the following additional issues to those already summarised above:

Various procedural issues and deficiencies with the application as originally submitted (Officer comment: These matters have since been satisfactorily addressed); Inappropriate development in the Green Belt;

Very Special Circumstances have not been demonstrated or otherwise exist that would clearly outweigh the harm to the Green Belt;

The Procurement Enterprise does not amount to an agricultural use and as such the exceptions listed under paragraph 145 of the NPPF cannot be relied upon; No foul sewerage details provided;

Sheep breeding and rearing enterprises rarely justify the need for an agricultural dwelling; Any functional need is seasonal only (i.e. lambing) and a small temporary touring caravan would suffice;

If permission is refused, would wish to see the Council take prompt action to secure the removal of the static caravan and other unauthorised development.

5. APPRAISAL

The main issues in this case are, in my opinion:

Whether the proposal is inappropriate development in the Green Belt;

The impact on the proposal on the openness of the Green Belt and the character and appearance of the countryside;

If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations which amount to very special circumstances necessary to justify the development;

The impact of the development on the character and appearance of the area and the residential amenities of nearby residents; and

Other material considerations.

Whether the proposal is inappropriate development in the Green Belt

Paragraph 145 of the NPPF indicates that, apart from 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.

The existing enterprise operated from the site comprises of an agricultural use (Lambing Enterprise) along with the Procurement Enterprise which based upon the information before me appears to be a holding or 'lairage' type of operation, taking animals bought from market, sorting them and keeping them on site for a short period of time before transporting them to an abattoir. That is to say animals raised elsewhere, not at Willow Farm. That part of the overall business is not, to my mind, covered by the definition of agriculture as it appears at Section 336 of the Town and Country Planning Act 1990, which defines agriculture as including: 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly'

Given the nature and scale of the Procurement Enterprise, I do not consider that it either amounts to an agricultural use or could be in anyway considered as being ancillary to the agricultural use of the associated land. This view is supported by the Council's Agricultural Consultant, who states that: 'A procurement activity is not a standard farming enterprise' I am of the view that a change of use of the land for that business operation would be necessary. This has not been sought and to my mind that element of the business operation, as with the existing static caravan and various buildings, appears to be unlawful.

As a counter to my expressed view above, the applicants' Agent, within a supplemental statement, claims that the Procurement Enterprise carried out at Willow Farm does not constitute lairage. It is stated that the applicants purchase the animals themselves and whilst done with a number of potential customers in mind the applicants are the keepers of the animals, albeit for a relatively short period in many cases (2-4 days at peak efficiency). Once purchased, the animals are delivered to Willow Farm where they are sorted, checked and put out to grazing until required and taken to the abattoir. The Agent maintains that against this backdrop the enterprise may be considered as a 'short-term finishing unit' and thereby an agricultural use.

However, on the basis of what is before me, and notwithstanding the Agent's references to what they consider to be relevant planning appeal cases elsewhere, I do not share this view. In one of the cases presented by the Agent (PINs ref: APP/F1610/W/3169188), at Paragraph 24 the Inspector states that: 'Lairage can generally be described as a place where livestock (usually cattle or sheep) are held, rested and cared for, either on their way to abattoir for slaughter, or to or from market'. This appears to me to precisely describe the nature of the applicants' Procurement Enterprise.

The static caravan provides residential accommodation for the applicant. Whilst this would in part support the purposes of agriculture, the proposed static caravan would not in itself be a building for agricultural purposes. Consequently, the proposal would amount to inappropriate development in the Green Belt.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 (of the NPPF) advises me that I must give substantial weight to such harm to the Green Belt. In this regard, the development would also not comply with Policy GB1 of the Core Strategy which accords with the NPPF in seeking to protect the Green Belt from inappropriate development.

Impact on the Openness, character and appearance of the Green Belt and the Countryside

Impact on Openness

Openness is an essential characteristic of the Green Belt. The static caravan and associated paraphernalia have been located on site since 2017 without the benefit of the requisite planning permission, however planning guidance allows for the fair and unbiased consideration of this retrospective application in the same way as if the development had not already occurred.

That being the case, I must consider the impact upon openness in the same way as if the static caravan had not already been brought onto site and as such can only draw one conclusion - that the development has an adverse and detrimental impact on openness of the Green Belt.

The residential use of the land is a form of encroachment into this part of the countryside, and conflicts with one of the purposes of including land in the Green Belt as identified in paragraph 134 of the NPPF. I find that presence of a static caravan combined with the associated paraphernalia erodes the openness of the Green Belt, identified in paragraph 133

of the NPPF as one of its essential characteristics. This, to my mind, constitutes clear and demonstrable harm to the Green Belt.

Impact on Character and Appearance of the Countryside

The static caravan is located on the southern side of Hollies Lane, with a mature hedgerow defining the northern boundary of the site adjacent to the highway, such that the site is partly screened from public view. The caravan is visible from the gated access adjacent to Grange Farm and the residents thereof, albeit partially screened by the existing associated unlawful agricultural structures.

The surrounding area is generally open countryside, albeit pepper-potted with agricultural and residential buildings. Against this backdrop, to my mind the static caravan appears alien within its surroundings and has a materially harmful visual impact on the character and appearance of the countryside. For these reasons I have concluded that the development fails to accord with Policy EQ11 of the Core Strategy which, amongst other things, requires that: 'proposals should respect local character and distinctiveness including that of the surrounding development and landscape'.

Do very special circumstances exist

For the reasons already set out above, I find that the static caravan amounts to inappropriate development in the Green Belt and is therefore harmful by definition. Against this backdrop, I must consider whether very special circumstances have been presented or otherwise exist, which might clearly outweigh the substantial harm to the Green Belt (as required by Paragraph 144 of the NPPF).

The Applicants' case boils down to an argument that there is an essential need for them to live on the site, both in terms of the lambing and procurement activities which currently take place thereon (the latter of which, for the reasons I have set out previously, does not appear to me to be an agricultural use of the land).

The NPPF does not provide guidance on what constitutes an essential need. It seems to me that in order to determine whether a need is essential it is necessary to establish whether there is a physical need for someone to be on site most of the time (e.g. to care for animals), and whether the business operation itself has reasonable medium to long term prospects of success.

Policy EV8 of the Core Strategy sets out a set of criteria which proposals for temporary agricultural and occupational workers must satisfy, which provides a useful starting point in this regard, these being:

There is clear evidence of a firm intention and ability to develop the enterprise concerned; There is a clear functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area;

Clear evidence that the proposed enterprise has been planned on a sound financial basis; The proposal satisfies all other normal planning requirements.

I start my assessment of essential need with some more general observations. It is the case that the applicants, whilst owning the application site and adjoining land at Willow Farm (amounting to 6.7 hectares/16.5 acres), are heavily reliant upon rented land elsewhere, as previously summarised under Section 3 of this report, for grazing and hay production.

At the time of my visit to the application site, I witnessed only a very small number of sheep on the land - certainly nowhere near the existing number of ewes (270 no.) as stated within the application submission. I was advised by Mrs Anning that the majority of the flock were located on the alternative rented land at the time of my visit.

I accept that the number of sheep kept on the land at Willow Farm will fluctuate, with peak numbers likely to be at lambing time. Setting that aside for the time being, the Council's Agricultural Consultant has suggested that given the area of land at Willow Farm it could only accommodate approximately 66 breeding sheep if used for grazing/rearing purposes only. That is before the Procurement Enterprise is factored-in, which I understand from the submitted information only operates from the land at Willow Farm and not from the other land rented elsewhere. The Council's Agricultural Consultant suggests that it would be unrealistic to accommodate both breeding sheep AND the animals brought to site associated with the Procurement Enterprise. This being the case, to my mind that seriously calls into question the actual extent of grazing of the applicants' own flock at Willow Farm throughout the year, with only the lambing season likely to see a significant number of the applicants' flock grazing on the land. Furthermore, whilst the other sites are not owned by the applicants, there appears to be no reason why lambing could not take place at those sites as well/instead. In my opinion, all of this has significant implications for the consideration of the essential need for an agricultural worker's dwelling when considered against Core Strategy Policy EV8.

Is there clear evidence of a firm intention and ability to develop the enterprise

The application has been accompanied by, amongst other things, a 3 year Business Plan and Financial Statement which includes both the aspirations to grow the existing Lambing Enterprise with the flock increasing from the current 270 breeding ewes to 350 ewes, as well as the aspirations in terms of the Procurement Enterprise. The submitted Statement suggests an anticipated gross profit in year one (actual figure is submitted within confidential papers), with additional growth in years two and three, which it is stated will enable the business to service borrowing to invest in a permanent residence at the site. Whilst noted, it is respectfully suggested that this might be considered somewhat overly aspirational at this stage and, dare I say, rather premature. Notwithstanding this, there does appear to be a stated intention to invest in the development of the enterprises.

All that said, and as I comment further below, the 3 year Business Plan and suggested gross profit does appear to me to be somewhat optimistic against the backdrop of extremely modest profits made in 2016 and 2017 and the more significant losses in 2018, as set out in the confidential Accounts and Balance Sheets provided by the applicants. The Agent puts those losses in 2018 down to what they refer to as 'an unprecedented year for purchase costs of ewes and lambs' and rent increases in respect of the other land used by the applicants for grazing and mowing elsewhere. The Agent appears confident that the costs will have gone down in 2019, but there is no evidence before me to substantiate this view.

Is there is a clear functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area

Paragraph 79 a) of the NPPF makes allowance for rural workers' accommodation in the countryside, with the online (National) Planning Practice Guidance (NPPG) providing some guidance in terms of the assessment and interpretation for a rural worker's dwelling, which calls for, amongst other things:

'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, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products).'

The applicants' Agents state that the functional operations at the site are such that a full time presence on site is now necessary, having previously relied on a touring caravan on the site to assist with seasonal lambing and the applicants' family home at other times of the year. However, the level of activity on the site is such that more comfortable and year around accommodation is required. It is also suggested that the applicants' family home may no longer be available long term due to personal/family circumstances. There is no other existing dwelling on the land owned by the applicants, and I saw no evidence of any other substantial building which might lend itself to conversion to residential accommodation.

In respect of other alternative accommodation, given the confidential financial information which has been provided, and notwithstanding the applicants' anticipated profits in years 1 to 3 of their business plan which I do question, there does not appear to be any available and affordable accommodation in the vicinity of the site which could fulfil the functional requirements of the business.

Nevertheless, it strikes me that, taking the Lambing Enterprise in isolation, the need for onsite year around accommodation must be questionable. It is my understanding that, generally speaking, sheep breeding and rearing would not necessitate the provision of an on-site dwelling, with the only potential need realistically being around the lambing season for obvious reasons. In such cases a touring caravan is often more than adequate, as has been employed on this site previously as I understand it.

Similarly, I do question (regardless as to whether it is considered to be an agricultural use or not) whether the Procurement Enterprise use truly warrants permanent accommodation on the site. As I have highlighted previously, the land at Willow Farm is only capable of accommodating approximately 25 percent of the current breeding sheep owned by the applicants, or the sheep/lambs associated with the Procurement Enterprise, but not both.

The applicants' Agent acknowledges that the essential need associated with the Lambing Enterprise is seasonal, and thereby presumably concurs with my views on this matter. The Agent however seeks to make a case that the Procurement Enterprise requires year around presence on site to prepare, receive, care for, check, monitor, sort and load animals. On site presence is also claimed to be necessary in order to deter would-be intruders from stealing associated equipment and food. However, I am not at all convinced by these arguments.

The Council's Agricultural Consultant has fully considered the evidence submitted, much of which is confidential in nature, and I defer to him as appropriate. His view regarding the residential accommodation provided by the static caravan rests upon the nature and scale of the livestock enterprises, with concern expressed regarding the extent of the land at Willow Farm and the actual amount of livestock it can maintain. It is assumed, and calculated, that the land at Willow Farm cannot be used for both breeding ewes and the procurement activity simultaneously, and it appears to me that the Procurement Enterprise holds sway on this land.

In any event, due to the limited amount of land at Willow Farm and the nature of the livestock operations that can operate from the land this does not to my mind amount to a functional/essential need for residential accommodation at Willow Farm. The application is therefore found to be at odds with Paragraph 79 of the NPPF and Policy EV8 of the Core Strategy.

Is there clear evidence that the proposed enterprise has been planned on a sound financial basis

As touched upon already, I am not convinced that the proposed Business Plan is financially sound based upon the previous 3 years' minor profits and more significant losses, and in the absence of any evidence and/or justification I don't share the Agent's confidence that the costs encountered in 2018 were an anomaly or 'blip' and should be ignored or otherwise treated as unrepresentative.

The business accounts as they have been submitted are not separated out to enable a clear appreciation of the profitability, or otherwise, of the separate enterprises. The Agent has advised that the business accounts include a 'wider business activity' and it must therefore be assumed that some of the sales in the accounts relate to the other trading activity and presumably some of the fixed costs. In any event, as I have previously indicated, on the basis of the information presented it is not clear or evident that the business as a whole will be profitable and sustainable, and I therefore consider it appropriate to conclude that, on the basis of what is before me, the business does not appear to me to be planned on a sound financial basis. Again, therefore, the application fails to meet the requirements of Paragraph 79 of the NPPF and Policy EV8 of the Core Strategy.

Whether the proposal satisfies all other normal planning requirements.

Although there are no saved local plan or national policies concerning the scale of rural workers dwellings, it is still necessary to consider whether the size of the proposed dwelling is commensurate with functional need of the enterprise. It is important to note that it is the requirements of the enterprise, rather than those of the owner or occupiers, that are relevant in determining the appropriate size of an occupational workers dwelling.

The dwelling is a reasonably sized 2-bedroom static caravan. Given the modest scale and nature of the accommodation, this is not considered excessive in this location. However, this does not circumvent or otherwise 'trump' the previously stated issues regarding need and justification.

Conclusion on essential need

It is acknowledged that Paragraph 83 of the NPPF provides support for rural businesses of all sorts, with Paragraph 84 recognising that such business ventures will, in many cases, be located in rural areas beyond a recognised settlement as in this case. Locally, Core Policy 9 and Policies EV5 and EV8 of the Core Strategy provide support for the application, at least in principle.

However, for the reasons set out above, I conclude that an essential need for a full-time worker to reside on the site in connection with the business enterprise as a whole, or taken separately, has not been demonstrated and a question mark remains regarding the financial viability of the business in the medium to long term. That being the case, I conclude that the application falls short of the requirements of Policy EV8 of the Core Strategy and Paragraphs 79 and 143 of the NPPF in this regard.

The impact of the development on the character and appearance of the area and the residential amenities of nearby residents; and

The site lies within open countryside with domestic dwellings and farm buildings pepperpotted within the landscape. The nearest domestic residences are those at Grange Farm, located some 40 metres to the west of the static caravan itself, and immediately adjacent to the application site. These include dwellings created through traditional barn conversions. It is these properties that are, to my mind, most directly impacted upon in terms of their outlook which previously would have been over an open pastureland.

There is no doubt in my mind that the various unauthorised buildings and general paraphernalia on the site have had a detrimental impact upon the visual appearance of the site and in turn visual amenity of the area, however those structures are not part of the current planning application, which as previously stressed is for the static caravan only. Even so, whilst I do not consider there to be a direct adverse impact upon residential amenity (when considered against Policy EQ9 of the Core Strategy), I do find that the static caravan appears as a somewhat alien feature within the landscape and out of character with existing development in the area and the landscape.

The static caravan appears somewhat incongruous within what was previously an open field and fails to satisfy the requirements of Policy EQ4 of the Core Strategy in that no account appears to have been taken of the characteristics and sensitivity of the landscape.

The introduction of the static caravan, to my mind, appears out of character with the surroundings; existing development within the immediate vicinity; and, the local landscape and I find that the application is at odds with Policies EQ4 and EQ11 of the adopted Core Strategy

Therefore whilst the proposal would be acceptable with regard to Policy EQ9 of the Core Strategy, I do find the application fails to satisfy the requirements of Policies EQ4 and EQ11 of the Core Strategy and Paragraph 127 of the NPPF which, amongst other things, seeks to ensure that development is sympathetic to its surroundings.

Other material considerations

Access to the site is via a single gate vie the shared driveway which also serves Grange Farm. I have no details before me regarding the applicants right (or otherwise) to use this driveway. In any event, that would a private matter between the interested parties.

This access is utilised both for access to the static caravan and the pastureland, as well as being relied upon for the Procurement Enterprise. Nevertheless, no objections have been raised by County Highways in respect of the current application for the static caravan. Notwithstanding the comments raised by interested parties, the proposal would therefore accord with paragraphs 108 and 109 of the NPPF and there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Heritage Statement has been provided to support this application (and the application for the agricultural building (Council ref: 19/00405/FUL). which assesses the impact upon nearby statutory and non-statutory heritage assets, including Grange Farm. It concludes that there would be no adverse impact upon such heritage assets arising from the proposed

development. The Council's Conservation Officer concurs and as such, in terms of heritage impact the application is found to be acceptable and in line with the requirements of the NPPF (Section 16) and Policy EQ3 of the adopted Core Strategy.

A confidential Preliminary Ecological Appraisal has also been submitted to serve both applications, with no evidence of protected species having been identified nor any significant adverse impact upon flora and fauna. This has been assessed by the County Ecologist, who is satisfied that the findings of the Appraisal confirm that the development would not be at odds with the NPPF (Section 15) not Policy EQ1 of the adopted Core Strategy.

As I have already mentioned, the Agent has referenced a number of appeal decisions elsewhere which are considered by them to support, in some way or another, the arguments presented with the current application. I do not have the full details and papers for those cases before me and in any event in each case those dwellings which were permitted would have been based on the individual circumstances of each enterprise.

Unlike the dwellings referred to in those appeal decisions, for the reasons set out above, in my view the applicant has failed to demonstrate that there is an essential need for a dwelling on site in connection with the enterprises at Willow Farm. As such, I take the view that there are clear differences between the current application and those cases cited by the Agent.

7. CONCLUSIONS

I am required to give substantial weight to the inappropriate nature of the development in the Green Belt and harm to openness. As such, there is clear conflict with Policy GB1 of the Core Strategy and the NPPF. In such circumstances paragraph 143 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances.

The applicant has advanced a case that there is an essential need for an occupational worker to reside on site in connection with the business enterprise (consisting of the Lambing Enterprise and Procurement Enterprise) at Willows Farm. However, based on the submitted evidence and my own observations, along with those of the Council's Agricultural Consultant, I do not consider that a compelling case based upon essential need has been demonstrated in support of the temporary dwelling (i.e. the static caravan). I do not, therefore, consider that the very special circumstances demanded by paragraph 143 of the Framework have been demonstrated or otherwise exist I this case. That being the case, the harm to the Green belt by inappropriateness has not been clearly outweighed by other considerations and as such the application fails to meet the requirements of Paragraph 144 of the NPPF and Policies GB1 and EV8 of the Core Strategy.

The static caravan is an alien form of development within what would previously have been an open field and has an adverse impact upon the openness of the Green Belt and the character and appearance of the local landscape and is thereby also at odds with Policies EQ4 and EQ11 of the Core Strategy.

7. RECOMMENDATION - REFUSE

Subject to the following condition(s):

Reasons

- 1. The proposed development amounts to inappropriate development within the Green Belt, which is harmful by definition and should not be approved except in very special circumstances. Having assessed the case advanced by the applicant, including confidential financial details and three year business plan, the Council does not consider that there is an essential need for an occupational workers' dwelling (i.e. the static caravan) to be present on site in connection with the Lambing Enterprise and Procurement Enterprise as described within the application submission, either taken individually or combined. Consequently, very special circumstances have not been demonstrated in this case. As such, the development is contrary to Policies GB1 and EV8 of the adopted Core Strategy and the National Planning Policy Framework.
- 2. The static caravan introduces an alien feature into the landscape which has a detrimental impact upon the openness of the Green Belt and the character and appearance of the local landscape, contrary to policies GB1, EQ4 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
- 3. Proactive Statement Whilst paragraph 38 of the National Planning Policy Framework (2018) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2018).