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## Appeal Decision

Hearing held on 4 October 2011

Site visit made on 4 October 2011

**by N Harrison BA (Hons) MRTPI**

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

Decision date: 10 October 2011

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**Appeal Ref: APP/R2330/A/11/2153472**

**Lighthurst Farm, Haslingden Old Road, Oswaldtwistle, Accrington,  
Lancashire, BB5 3RT**

- 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 Mark Nelson against the decision of Hyndburn Borough Council.
  - The application Ref: 11/10/0450 dated 6 October 2010, was refused by notice dated 21 March 2011.
  - The development proposed is a temporary (3 years) agricultural workers caravan.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of the development above is based on the Council's decision notice. Although it differs from that given on the application form, I consider it more concisely describes the proposal.
3. The caravan the subject of this appeal has already been erected, and has been occupied by the appellant for about 18 months. However, as part of the application it is proposed to re-locate it in a new position nearby as shown on the submitted plans.

### Main Issue

4. The main issue is whether the proposal constitutes inappropriate development within the Green Belt, and if so, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### ***Does the proposal constitute inappropriate development in the Green Belt?***

5. National planning guidance in PPG2: *Green Belts* states that a new building in the Green Belt will be inappropriate development unless it is for one of several purposes, including agriculture. Although the caravan would support such a use, it would not in itself be for agricultural purposes. Nor would it fit into any other category of development which may be permitted in the Green Belt, set out in PPG2 and Policy S1 of the *Borough of Hyndburn Local Plan (LP)*. As such

I consider the proposal amounts to inappropriate development in the Green Belt. PPG2 makes it clear that such development is by definition harmful to the Green Belt and I attach substantial weight to that harm.

**Other considerations: - Agricultural justification**

6. The appellant farms 10.5ha of owned land together with about 12.14ha of rented grazing land in several parcels in the locality. PPS7: *Sustainable Development in Rural Areas* makes it clear that isolated dwellings in the countryside require special justification for planning permission to be granted. One of the few circumstances they may be justified is where there is an essential need for an agricultural worker to live at or near his place of work. However PPS7 stresses that it will often be as convenient, and more sustainable, for such workers to live in nearby towns or villages or in suitable existing dwellings.
7. Paragraph 12 of PPS7 Annex A sets out criteria that proposals for temporary agricultural dwellings must meet. Criterion (i) says there must be clear evidence of a firm intention to develop the enterprise. The farming business, which is mainly based on breeding ewes and keeping store lambs, has been developed by the appellant Mr Nelson since 2004. He works full time as an HGV driver but spends many hours in the mornings, evenings and weekends tending to the animals and carrying out other farming duties. He is assisted by his partner, who also works full time elsewhere. His aim is to further develop the farm business so that it can be operated on a full time basis and provide the main source of income.
8. At the time of the appeal about 60 breeding ewes were kept, together with two breeding sows. All lambs produced are sold finished and the majority of piglets produced sold as weaners. The number of sheep has fluctuated greatly but has recently declined to its present level largely due to funds being diverted to finance the new farm building. Now this is complete Mr Nelson says he is in a position significantly increase the number of breeding ewes, possibly to as many as 150 over the next three years. Further diversification proposals include the rearing of chickens and turkeys and development of a horse-drawn carriage service, although it not disputed that these activities would be small in scale compared with the sheep enterprise.
9. However, in order to increase the numbers of sheep to the levels envisaged, considerably more grazing land would need to be found. I was advised that some land is likely to be available to rent from an adjacent holding in the short term although no evidence was supplied as to when that would be. Nonetheless, even if this (or other) land was secured, the use of land rented on a renewable short-term basis could be terminated at short notice, and this is a significant material concern. Therefore, although I recognise that capital has been invested on the farm building, and do not doubt Mr Nelson's intentions to expand and diversify, I find the evidence of a firm intention to develop the enterprise is inconclusive.
10. Criterion (ii) of Annex A says there must be a functional need for the accommodation, and paragraph 4 explains this may arise for example where a worker needs to be on hand day and night to deal quickly with emergencies or where animals require essential care at short notice. The appellant says that a permanent presence is needed during lambing and when the pigs give birth, as this often occurs during the night or in inclement weather.

11. I acknowledge it would be more convenient for the appellant to continue live on site and this would help the efficiency of the business. However, given the current scale of the enterprise and the uncertainty of the expansion plans, a continuous need to be on site for lambing and attending sick animals during unsocial hours is unlikely. I accept in this case that the lambing period may start very early in the year and be extended, due in part to the limited indoor facilities. Even so it only occurs in one season and does not in my view warrant a worker being readily available at "most times" as required by Annex A paragraph 4.
12. Most of the other activities on the farm consist of necessary day-to-day management requirements that do not warrant the on-site presence of a farm worker 24 hours a day. I also note that lambing and general welfare of the animals was managed remotely when Mr Nelson lived off-site, even when significantly greater sheep numbers prevailed.
13. The appellant says an on-site presence is also required as a deterrent to trespass, theft and vandalism in this fairly remote location, and these are valid concerns. However, PPS7 makes it clear that whilst security concerns may contribute to the need for a new agricultural dwelling this will not by itself be sufficient to justify one.
14. At present, based on an analysis of the activities on the holding compared to standard industry data, the farming enterprise is clearly unable to support a full-time agricultural worker. If developed along the lines suggested with significantly increased sheep numbers and more land, then the enterprise may then support a full time worker. This in turn may help justify the need for a continuous on-site presence. However I am not persuaded it is essential for a worker to be on hand day and night *at this time*. This is a crucial consideration in this case, and therefore I consider the functional test set out in criterion (ii) has not been satisfied.
15. Criterion (iii) says there must be clear evidence that the enterprise has been planned on a sound financial basis. Unlike the financial test that applies to permanent dwellings, there is however no requirement to show profitability. However, temporary agricultural dwellings are meant to be the first stage in a process that could in time lead to the construction of a permanent dwelling. For this to occur there needs to be evidence, such as a business plan, that the enterprise is capable of growing to financially support the worker and others involved. Although I have been told that all development and growth on the farm will be self-funded and incremental, I have not been provided with any evidence to demonstrate whether or not the enterprise has been planned on a sound financial basis, or indeed whether it would sustain a financially viable business. Therefore I am not persuaded that the proposal meets this test.
16. Criterion (iv) requires an assessment to be made of whether the functional need could be fulfilled by a building on site or from other suitable and available accommodation in the area. From the information available there would appear to be very few readily affordable dwellings currently on the market in the immediate area. However, following on from my conclusion that the functional test has not been met, I have no need to consider this matter further.
17. With regard to the other normal planning requirements referred to in criterion (v) such as siting and access, I am satisfied there is no overriding conflict. I

note that the Highway Authority has raised no objections subject to minor improvements being made to the access.

***Other considerations: Effect on openness and visual amenity of Green Belt***

18. The site is an open and exposed one, although as the proposal is for a temporary period I do not consider the caravan's impact on the openness and visual amenity of the Green Belt and the character and appearance of the surrounding countryside would be sufficiently harmful to justify refusing permission for this reason alone. Although the caravan would be clearly visible from many public vantage points on the road and from nearby public footpaths, its colour and position to the rear of the farm building will mitigate its impact to some degree.

***Other Matters***

19. I have been referred to an appeal decision concerning the retention of a mobile home at a farm in Derbyshire (Ref: APP/B3410/C/10/2137512). Although the appeal was dismissed in part due to the availability of nearby residential accommodation, the Inspector on that occasion found there was a functional need for a worker to reside on site to enable close supervision during the lambing season. However compared with the proposal before me, both the size of the holding (90ha) and number of animals (250-300 ewes and up to 250 bovines), are very significantly greater. Therefore, given the different circumstances this decision has not influenced my reasoning. In any event, each application and appeal must be considered on its merits.
20. I have also had regard to the Draft National Planning Policy Framework, issued for consultation on 25 July 2011. However, as this document is still in draft form and subject to change, I have afforded its policies little weight.

***Conclusion***

21. Whilst I have concluded that the degree of harm to the openness and visual amenity of the Green Belt would be slight, and other normal planning requirements could be satisfied, I do not consider the other agricultural considerations submitted in support of the proposal, taken separately or together, amount to the very special circumstances needed to outweigh the harm caused by reason of inappropriate development in the Green Belt. As such the proposal is unacceptable having regard to the strict policy control relating to new development in the Green Belt and open countryside. I find the proposal conflicts with PPS7 Annex A Paragraph 12 criteria (i), (ii) and (iii), PPG2, and LP Policy S1.
22. Therefore, for the reasons give above and having regard to all other matters raised, including representations in support of the proposal from local residents and other members of the local farming community, I conclude that the appeal should be dismissed.

*Nigel Harrison*

INSPECTOR



