

Town and Country Planning Act 1990 – Section 78

Appeal by Mr P. Kerry against the decision of Buckinghamshire Council to refuse planning permission for the erection of a temporary rural workers dwelling and agricultural building with access and parking at Land at Magpie Lane, Amersham Road, Coleshill, Buckinghamshire.

Grounds of Appeal and Statement of Case on behalf of the Appellant

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Buckinghamshire Council Ref:

PL/21/0130/FA

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MW/Kerry/Magpie Lane

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1. Introduction and Background

- 1.1 The site currently comprises an agricultural field, which extends to 5.5 hectares (13.5 acres) and is planted with vines/old soft fruit bushes. The nearest neighbouring properties are a public house and a few residential dwellings which are located along Magpie Lane and opposite the site. The unit is located off the main A355 road linking Amersham and Beaconsfield, just outside of the settlement of Coleshill. The site falls within the Green Belt and the Chilterns Area of Outstanding Natural Beauty.
- 1.2 The proposal is to develop the free-range rabbit farm enterprise described in the business plan/agricultural assessment prepared by Reading Agricultural Consultants which accompanied the planning application. The report concluded that there is an essential need for a worker to be available at the site at all times in connection with the proposed enterprise and that the enterprise has been planned on a sound financial basis.
- 1.3 The proposals will see the development of a 250-doe, free-range rabbit production unit over the next three years. The projected annual sales of meat rabbits after three years will be approximately, but less than, 10,000 units per annum.
- 1.4 Fundamentally, the enterprise will require and sustain a full-time worker but in order to be successful – and to operate properly – there is an essential need for staff to live on site to provide for the welfare and security of the livestock. The Council agricultural consultant agreed that there would be a need for a worker on site for this type of operation.

2. Relevant planning history

2.1 An application (LPA ref. CH/2018/0573/FA) for the erection of a temporary rural workers dwelling and an agricultural building was submitted to Chiltern District Council by the applicant on the 11th April 2018. The application was refused on the 21st December 2021 for the following reasons:

1. The application site is located within the open Green Belt wherein most development is inappropriate and there is a general presumption against such development. The National Planning Policy Framework (NPPF) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Specifically in respect of new housing in the countryside, paragraph 79 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst other things, the essential need for a rural worker to live permanently at or near their place of work in the countryside. In this case, it has not been adequately demonstrated that the intentions of the Applicant to engage in farming are likely to materialise and are capable of being sustained over a reasonable period of time, in line with the requirements of Local Plan Policy GB17 and therefore the new dwelling constitutes inappropriate development, which is harmful by definition to the Green Belt. It would also erode the openness of the Green Belt and the siting of the proposed dwelling is not considered to be appropriate within the site. The development is therefore contrary to the provisions of the National Planning Policy Framework, Policies CS1, CS4, CS20 and CS22 of the Core Strategy for Chiltern District Adopted November 2011 and Policies GC1, GB2, GB17, GB27 and LSQ1 of The Adopted Chiltern District Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 and November 2011.

2. The application does not include a Preliminary Ecological Appraisal to establish the ecological value of the site and the site's potential to support European or nationally protected species. Without adequate survey information it is not possible to assess the impacts of the development on any potential species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to Policy CS24 of The Core Strategy for

Chiltern District, Adopted November 2011 and the provisions of the NPPF.

3. The application does not include an assessment of surface water drainage impacts of the development and no Drainage Strategy has been submitted. Surface water flooding is a serious local issue and there is insufficient information contained within the application to demonstrate that the proposed development would not contribute to, or intensify, the risk of flooding on the site or surrounding areas. As such, the proposal is contrary to Policy GC10 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS4 of The Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted 25 February 2015.

2.2 The appellant sought to address the objections by resubmitting the application along with a revised Agricultural Appraisal, Foul and Surface Water Drainage Strategy and Preliminary Ecological Appraisal (Appendix 1, 2 and 3, respectively). This was following correspondence with the planning officer (Appendix 4) in which they advised that if we were able to submit additional information in relation to the other similar units and the full business operation, then it was considered this would give merit to an application at the Coleshill site. They went on to set out that figures can be supplied to demonstrate the success and functioning of the other units, then this will provide reassurance that the intentions of the appellant to engage in farming are likely to materialise and are capable of being sustained over a reasonable period of time, in line with the requirements of Local Plan Policy GB17.

2.3 Application PL/21/0130/FA, which sought to address the previous reason for refusal and is the subject of this appeal, was refused by Buckinghamshire Council on the 11th May 2021 for the following reasons:

1. The application involves the construction of a new temporary worker's dwelling and agricultural building on a site located within the open Green Belt. The erection of these buildings in this location would erode the openness of the Green Belt and their siting would not be

appropriate within the site. The proposal would result in the new buildings being visible from outside of the site, with the associated fencing, hutches, pens, lighting, access track and removal of hedgerow further eroding the openness of the Green Belt. The Applicant has not presented an adequate case to establish why the business must be located on this land, and why a more suitable, less-constrained site was not chosen. Alternatively, it has not been demonstrated that there is a demand for this proposal in this location. Notwithstanding the economic benefits of the scheme, these are not considered to outweigh the harm identified. Consequently the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. Furthermore, the structures would result in harm to the openness of the Green Belt, both in spatial and visual terms. The proposal is therefore contrary to Policy GB2 of The Adopted Chiltern Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 and November 2011 and the provisions of the NPPF.

2. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving the landscape and scenic beauty of the area. The site is in a fairly isolated rural location and within the "Penn Rolling Farmland" Landscape Character Area, as defined in the Chiltern Landscape Character Assessment, 2011. The surrounding landscape is a large scale landscape, with a rolling topography and farmland land cover with limited settlement, which contributes to a well balanced and uniform landscape. The proposed dwelling and agricultural building, together with the associated paraphernalia necessary for this business would be highly visible in the landscape. This clutter of buildings and associated fencing, hutches, pens, lighting, access track and removal of hedgerow would not conserve or enhance the special landscape character of this protected area. The development would fail to accord with the Landscape Guidelines for this Landscape Character Area, as it would fail to conserve the open views across arable farmland, it would not conserve the intact, remote and peaceful character formed by the absence of modern development, it would not maintain a visually attractive landscape and would not ensure new buildings are sensitively integrated into the landscape through careful siting. As such it would harm the AONB and is contrary to Policies GC1 and LSQ1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District - Adopted November 2011, and the aims of the National Planning Policy

Framework, 2019.

3. The submitted ecological information is inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species. In the absence of this information it is not possible to establish the ecological value of the site and the site's potential to support European or nationally protected species and ensure that there is not a net loss of biodiversity. Without adequate survey information it is not possible to assess the impacts of the development on any potential species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the NPPF.

3. Relevant Planning Policy Guidance

3.1 This proposal falls to be determined in accordance with policies GC1, GB2 and LSQ1 of The Adopted Chiltern Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007, Policies CS20, CS22 and CS24 of the Core Strategy for Chiltern District - Adopted November 2011, and November 2011 and the provisions of the NPPF.

3.2 It is considered that there is no dispute between the parties in relation to the other policies that are relevant to the development, meaning that this appeal statement will only focus upon these policies. These will be set out below.

National Planning Policy Framework

3.3 The NPPF encourage local planning authorities to support sustainable development in the countryside. The following paragraphs from the NPPF are considered to be particularly relevant to the determination of this planning application.

3.4 Paragraph 8 of the NPPF sets out that, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

3.5 Paragraph 11 goes on to state that "Plans and decisions should apply a presumption in favour of sustainable development". It suggests that planning permission should be granted unless any adverse impacts would be so significant as to outweigh the benefits of the development. This paragraph requires a presumption in favour of sustainable development. It is considered that the proposed development accords with this paragraph.

3.6 The NPPF encourages local planning authorities to support sustainable development in rural areas (particularly when the NPPF is read together

with Planning for Growth).

3.7 Paragraph 80 relates to rural housing and sets out that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) 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;

3.8 Paragraph 84 of the NPPF sets out national guidance in respect to supporting the rural economy, and states:

Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

3.9 The NPPF saw the revocation of Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004) including Annex A, which set out the well-established and detailed guidance for the determination of applications for rural workers dwellings.

3.10 Paragraph 111 sets out with respect to highways that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.11 Paragraph 130 sets out 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);***
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.***

3.12 The site is located within the Green Belt. Section 13 of the NPPF sets out the government guidance on protecting Green Belt land. In paragraph 147 it sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3.13 Paragraph 148, goes on to set out 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.

3.14 In terms of what is considered to be inappropriate development in the Green Belt, the NPPF sets out in paragraph 149 that local planning authority's should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is the erection of buildings for agriculture and forestry.

3.15 Paragraph 174 requires that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

3.16 Paragraphs 176 goes on to set out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within all these designated areas should be limited.

Local Planning Policy Guidance

3.17 The reason for refusal identifies Policies GC1, GB2 and LSQ1 of The Adopted Chiltern Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 which are as follows:

POLICY GC1

Throughout the District the Council will permit development which is designed to a high standard and which also complies with other Policies in the Local Plan. Design includes both the appearance of the development and its relationship to its surroundings. Planning applications will be assessed in respect of these matters...

POLICY GB2

Most development in the Green Belt is inappropriate and there is a general presumption against such development. Development which is not inappropriate is set out in this Policy. Planning permission will be refused for inappropriate development in the Green Belt, but may be given for the categories of development set out in clauses (a) to (f) below.

(a) New buildings which are reasonably required for agricultural or forestry purposes. "Agriculture" has the meaning given in section 336 (1) of the Town and Country Planning Act 1990 (as amended)...

POLICY LSQ1

Within the Chilterns Area of Outstanding Natural Beauty, as defined on the Proposals Map, the primary objective is to conserve and enhance the natural beauty of the landscape.

Development should conserve, and where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the Area of Outstanding Natural Beauty.

Development which is not consistent with these objectives will be refused, unless the applicant demonstrates, to the satisfaction of the Council, that very exceptional circumstances outweigh the landscape objectives.

3.18 The reason for refusal does not reference policies GB17 or GB27 of the Local Plan which deal specifically with agricultural dwellings and building in the Green Belt, respectively, and are as follows:

POLICY GB17

In the Green Belt, a new agricultural dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established agricultural holding. In this connection the Council will follow the advice in Annex I of PPG7 (Revised) "The Countryside - Environmental Quality and Economic and Social Development".

Where the need for a dwelling has been proven to the satisfaction of the Council, it should be sited within an established settlement or group of buildings in open countryside which is accessible to the holding. If this is not possible, the dwelling should be sited amongst existing farm buildings. In the event that this is not practicable, the dwelling should be sited in a position which is not prominent in the landscape. A dwelling sited in an exposed position will not be accepted. The dwelling should be no larger than is necessary to accommodate a worker and his or her immediate dependents.

In this Policy "agriculture" has the meaning set out in Section 336 (1) of the Town and Country Planning Act, 1991.

POLICY GB27

In the Green Belt, planning permission will be given for a new agricultural building, or an extension or alteration to an existing agricultural building provided that all of the following criteria are met:

1. It has been demonstrated by the applicant that the proposed building or extension is reasonably required for the functioning of the agricultural enterprise on the unit on which it would be located;

2. That the unit is established, or that the proposed building would enable a fully operational enterprise and unit to be established;

3. No other building which could be used or reasonably converted for use for the purpose of the proposed building exists on the unit; and, in addition, where the above criteria are satisfied:

a. The siting, design, type and colour of materials and landscaping would result in an acceptable visual impact of the development in the countryside; and

b. There would be no significant adverse effects on the amenities of any nearby residential properties; and

c. Other Policies in this Local Plan would be complied with.

For a new building, siting within or adjoining an existing group of farm buildings will be sought wherever possible.

3.19 Policies CS20, CS22 and CS24 of the Core Strategy for Chiltern District - Adopted November 2011 and November 2011 are also referenced in the reasons for refusal and are as follows:

POLICY CS20: DESIGN AND ENVIRONMENTAL QUALITY

The Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local

distinctiveness. All development proposals will be assessed against the design advice set out in national policy, particularly those elements highlighted in paragraph 13.2 above, but also in accordance with the Chilterns Buildings Design Guide and supporting technical papers relating to materials. The Council will also encourage new dwellings to be designed to include "Lifetime Homes" principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly.

POLICY CS22: CHILTERNES AREA OF OUTSTANDING NATURAL BEAUTY

The principles to be followed in the Chilterns AONB are that:

All proposals must conserve and enhance the special landscape character, heritage, a. distinctiveness of the Chilterns AONB;

All proposals must protect the setting of the AONB and safeguard views into and out of the b. area;

Schemes which facilitate the environmental, economic and social well being of the AONB and c. its communities will generally be supported;

Means of access to enable the enjoyment of the area, other than by car, will be encouraged; d.

Applications for development will be assessed against the broad aims set out in the current e. Management Plan;

Development proposals must be in accordance with the Chilterns Buildings Design Guide and f. Technical Papers relating to materials.

4. Grounds of Appeal

- 4.1 This appeal has been submitted on the basis that it is considered that planning permission should be granted given the planning merits of the case and that the development would satisfy local and national planning policy.

Reasons for Refusal 1

- 4.2 The first reason for refusal, as set out in the Decision Notice (Appendix 5), is as follows:

1. The application involves the construction of a new temporary worker's dwelling and agricultural building on a site located within the open Green Belt. The erection of these buildings in this location would erode the openness of the Green Belt and their siting would not be appropriate within the site. The proposal would result in the new buildings being visible from outside of the site, with the associated fencing, hutches, pens, lighting, access track and removal of hedgerow further eroding the openness of the Green Belt. The Applicant has not presented an adequate case to establish why the business must be located on this land, and why a more suitable, less-constrained site was not chosen. Alternatively, it has not been demonstrated that there is a demand for this proposal in this location. Notwithstanding the economic benefits of the scheme, these are not considered to outweigh the harm identified. Consequently the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. Furthermore, the structures would result in harm to the openness of the Green Belt, both in spatial and visual terms. The proposal is therefore contrary to Policy GB2 of The Adopted Chiltern Local Plan 1997 (including alterations 1 May 2001) Consolidated September 2007 and November 2011 and the provisions of the NPPF.

- 4.3 The officer delegated report (Appendix 6), which accompanies the decision notice, sets out that the Local Planning Authority's independent agricultural consultant has reviewed the supporting documentation. They have confirmed that they accept the need for a full-time worker to live on site, given the potential welfare and security issues associated with the rabbit farming enterprise. They have also confirmed that the business proposal is realistic, and they are 'reasonably satisfied' with the

viability/sustainably of the proposed enterprise. However, they go on to set out that although the applicant is proposing an agricultural use of the site, there is no established and viable rabbit-breeding business operating on site at present, and no evidence has been provided to state why the business must be located on this land, other than it is currently owned by the applicant and available.

4.4 Further guidance on the NPPF is provided in the National Planning Practice Guidance (NPPG). The updated text relevant to paragraph 79 (now paragraph 80), published in July 2019, states:

Considerations that it may be relevant to take into account when applying paragraph 79a 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.***

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

4.5 Given this policy framework it is considered appropriate to examine whether:

- there is evidence of an essential functional need for a worker to reside on the holding, as opposed to nearby;
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period; and,
- whether there is existing housing in the locality that could meet the essential functional need.

4.6 It has been established that there is an essential functional need for a worker to reside on the holding and that there is no existing housing in the locality that could meet the essential functional need. As supported in the NPPF, in the case of a new enterprise such as this it need to be considered whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. Given that this is a new business we have sought a temporary permission in order to establish a trial period. That being said, the proposal follows an established business model accepted by the LPA and successfully developed at Granby (in Nottinghamshire) – and replicated at Atlow (Derbyshire), Barnack (Cambridgeshire) and East Bridgford (Nottinghamshire).

4.7 The Council concern is that the business is not currently established upon the site; however, given the identified essential need for someone to be living on site it would not be possible for this to be the case without the securing of the temporary permission. Furthermore, this is not in line with National Planning Policy. The Development Plan needs to be reads as whole and the NPPF and NPPG set out that when considering rural dwellings in the open countryside in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. All the other sites established by the appellant have been established in this manner on existing agricultural land, as have many other agricultural businesses which require an essential worker on site.

- 4.8 It is worth noting, as set out above, that the land in question is already in agricultural use. The application does not propose a change of use to the land but merely seeks small scale operational development in support of a new enterprise which operates within the confines of the established use of the site. Given the agricultural nature of the site the rabbits could be brought on to site without permission, and various small-scale structures, which are not considered to be operational development, could be located within the site. However, given the need to live on site bringing the rabbits onto the land beforehand would be premature and would result in animal welfare issues.
- 4.9 It is noted that the Council question why the development is required in this location and could not be situated elsewhere. Firstly, the land is in the ownership of the appellant and it would be speculative to seek permission on land in someone else's ownership. More importantly however, one of the limitations of rearing free-range rabbits commercially is the risk of bio-security breakdowns. There are several diseases that can destroy a flock over a very short time period and there are also food hygiene rules that need to be complied with. One of the exemptions is that small establishments that produce rabbit meat are exempt from various EU/FSA regulations provided that less than 10,000 packs of meat are produced per annum, and that sales are localised i.e. supplying meat within the county of origin and neighbouring counties. The development at this location will enable the company to supply product into the counties of Buckinghamshire, Berkshire, Oxfordshire, Northamptonshire, Bedfordshire, Hertfordshire and Greater London. Also, the relatively isolated nature of the site offers benefits with respect to transmission of diseases and security, etc.
- 4.10 With respect to the impact of the proposed development on the Green Belt, policy GB17 of the Local Plan sets out that in the Green Belt a new agricultural dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established

agricultural holding. Policy GB27 similarly sets out that in the Green Belt, planning permission will be given for a new agricultural building.

- 4.11 National Policy contained within the National Planning Policy Framework (NPPF) emphasises that to promote sustainable development in rural areas housing should be located within existing settlements or where it will enhance or maintain the vitality of rural communities and isolated new homes within the countryside should be avoided. Paragraph 80 identifies specific exceptions to this approach, including the essential need for a rural worker to live permanently at or near their place of work in the countryside. In relation to the rural economy, paragraph 84 makes clear that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 4.12 The functional and financial requirement for the dwelling has been considered above and is supported by the Council's agricultural consultant, which confirms that the proposed dwelling meets the tests.
- 4.13 Both National and Local Policy set out that the construction of new buildings in the Green Belt will be considered as inappropriate development inappropriate subject to a number of exceptions. One of these exceptions is buildings for agriculture and forestry.
- 4.14 Local policy also supports the erection of rural workers dwellings within the Green Belt, where it can be demonstrated that there is a functional and financial need. This has been considered in detail above.
- 4.15 Overall, it is considered that the development represents appropriate development within the Green Belt and given the agricultural nature of the development it is not considered that it would impact upon the openness of the Green Belt or conflict with the use of the Green Belt.

Reason for Refusal 2

- 4.16 The second reason for refusal is as follows:

2. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving the landscape and scenic beauty of the area. The site is in a fairly isolated rural location and within the "Penn Rolling Farmland" Landscape Character Area, as defined in the Chiltern Landscape Character Assessment, 2011. The surrounding landscape is a large scale landscape, with a rolling topography and farmland land cover with limited settlement, which contributes to a well balanced and uniform landscape. The proposed dwelling and agricultural building, together with the associated paraphernalia necessary for this business would be highly visible in the landscape. This clutter of buildings and associated fencing, hutches, pens, lighting, access track and removal of hedgerow would not conserve or enhance the special landscape character of this protected area. The development would fail to accord with the Landscape Guidelines for this Landscape Character Area, as it would fail to conserve the open views across arable farmland, it would not conserve the intact, remote and peaceful character formed by the absence of modern development, it would not maintain a visually attractive landscape and would not ensure new buildings are sensitively integrated into the landscape through careful siting. As such it would harm the AONB and is contrary to Policies GC1 and LSQ1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policies CS20 and CS22 of the Core Strategy for Chiltern District - Adopted November 2011, and the aims of the National Planning Policy Framework, 2019.

4.17 The officer delegated report asserts that no cogent argument has been put forward to support the need to site the proposed dwelling and agricultural building where they are shown to go on the site plan. The Applicant has stated that the buildings would be sited on a flat area of land within the site; however the Council considers that the siting would be in a prominent location away from the entrance to the site.

4.18 It should be noted that in the previous application (reference CH/2018/0573/FA) did not seek to refuse the application based upon its impact upon the AONB.

4.19 The site forms part of the "Penn Rolling Farmland" (Landscape Character

Area 18.2 in the Chiltern Landscape Character Assessment, 2011 (LCA)). This is described as a large scale landscape, with a rolling topography and farmland land cover with limited settlement, which contributes to a well balanced and uniform landscape.

- 4.20 Local Plan Policy LSQ1 states that development should conserve and, where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the AONB. The NPPF similarly sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.
- 4.21 None of these policies suggest that the continued agricultural use of the land would be out-of-keeping with the character of the area or that it would not represent the best use of the land.
- 4.22 The Chilterns Conservation Board has been consulted on this application and they have confirmed that they object to the proposal. Their principal grounds of objection are based on the status of the site as a Greenfield site in the Chilterns AONB. However, agricultural development by its very nature is Greenfield development. It should be noted that in Annex 2 of the NPPF the definition of previously development land does not include land which was last used for agriculture or forestry.
- 4.23 In general, local and national policy accepts that agricultural development is broadly acceptable in rural and isolated locations. The design and materials of the proposed barn reflect the agricultural nature of the development. Neither the size nor design of the building has been objected to by the Council. The building has been designed to meet the specific operational needs of the enterprise and is justified in agricultural terms given its proposed use. The local planning authority does not claim that the building is not reasonably necessary in connection with the operational needs of the enterprise.

- 4.24 The Council identify that the development would result in other ancillary equipment such as pens, fencing, etc. which would result in an intensification of the appearance of the agricultural use which they consider to have an unacceptable adverse appearance on the landscape and setting of the AONB. As previously set out, the site is already in agricultural use and therefore the siting of such small-scale moveable structures would not require planning permission. Furthermore, the erection of any gate, fence, wall or means of enclosure would be permitted development as long as in line with the requirements of Part 2, Class A of the GPDO.
- 4.25 The Council set out that it is considered that the proposed barn would form a conspicuous new element within the open agricultural landscape. Likewise, the presence of a mobile home for use as a temporary workers dwelling would further highlight the presence of this uncharacteristic development in this location. The proposed building has been positioned away from the road and the existing trees along the boundary would help to screen the development. The proposed does not seek the removal of any existing vegetation within the site and the appellant would be happy to accept a condition relating to tree protection. Furthermore, the existing landscaping on the site could be supplemented by additional planting.
- 4.26 The development proposes the erection of a temporary rural worker dwelling and agricultural building in an area characterised identified as an agricultural landscape where agricultural enterprises and development should usually be supported. It should also be noted that dwelling is temporary and therefore the impact it would have would be limited to the time period that it is present on the site.
- 4.27 Given the above it is considered that the landscape character and natural beauty of the AONB would be conserved in accordance with the policy requirements. However, the appellant would be happy to accept a

condition requiring the preparation, submission and approval of a Landscape Mitigation Plan and Landscape and Ecological Management Plan (LEMP) to reduce any potential impact that the development would have on the landscape character and AONB. It is considered that some beneficial effects could arise in the long term from the implementation of an appropriate landscape scheme and landscape and ecological management plan that responds to local landscape character in line with the guidance set out in the AONB Management Plan. This would focus especially on boundaries and tree management.

Reason for Refusal 3

4.28 Reason for refusal 3 states:

3. The submitted ecological information is inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species. In the absence of this information it is not possible to establish the ecological value of the site and the site's potential to support European or nationally protected species and ensure that there is not a net loss of biodiversity. Without adequate survey information it is not possible to assess the impacts of the development on any potential species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the NPPF.

4.29 The appeal is accompanied by ecological information which was submitted with the planning application. It will be noted that there was no evidence of protected species on the site. The appellant has commissioned the ecologists to carry out further survey work and further information will be submitted in due course. However, the proposed rabbit enterprise will occupy only a small portion of the 5.5 hectare site. There will clearly be sufficient space available on the remainder of the appellants land to mitigate any loss of biodiversity.

4.30 We are satisfied that this is a matter which can, if necessary, be dealt

with by a suitably worded planning conditions in respect of further planting, the provision of bat and bird boxes and controls over external lighting.

5. Summary and Conclusion

- 5.1 It has been established that there is an essential functional need for a worker to reside on the holding and that there is no existing housing in the locality that could meet the essential functional need. As supported in the NPPF, in the case of a new enterprise such as this it need to be considered whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- 5.2 The site is already in agricultural use and therefore the rabbits could be brought on to site without further planning permission, and various small-scale structures could also be located within the site without the need for planning permission. However, given the identified essential need for someone to be living on site it would not be possible for the business to already have been established without the securing of the temporary permission.
- 5.3 The reasoning for the location of the business on this site is that it will enable the company to supply rabbits into the counties of Buckinghamshire, Berkshire, Oxfordshire, Northamptonshire, Bedfordshire, Hertfordshire and Greater London. Also the isolated nature of the site offers benefits with respect to transmission of diseases and security, etc.
- 5.4 In general, local and national policy accepts that agricultural development is acceptable in rural and isolated locations, and given the nature of the enterprise it offers certain benefits as previous set out.
- 5.5 With reference to design and impact on the character of the area, including upon the Area of Outstanding Natural Beauty the design and materials of the proposed barn reflect the agricultural nature of the development.
- 5.6 The proposed building has been position away from the road and existing trees along the boundary would help to screen the development. That

being said the development proposes the erection of a temporary rural worker dwelling and agricultural building in an area characterised identified as an agricultural landscape where such development would generally be supported.

- 5.7 The appeal is accompanied by an addendum to the original ecology report which addresses the concerns raised in reason for refusal 3.
- 5.8 If permission were to be granted the appellant would be happy to accept a condition requiring the preparation, submission and approval of a Landscape Mitigation Plan and Landscape and Ecological Management Plan (LEMP), Construction Management Plan and Tree Protection Plan.
- 5.9 For the reasons set out above, we respectfully request that the Inspector allows the appeal and grants planning permission for the proposed development.