



November 2023

*Northfield Alpacas,  
Northfield Farm, St Mawgan, Newquay, Cornwall*

Rural Worker's Dwelling Appraisal

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1	INTRODUCTION AND INSTRUCTIONS .....	1
2	BACKGROUND.....	1
3	RELEVANT POLICIES AND GUIDANCE.....	3
4	APPRAISAL .....	7
5	CONCLUSION.....	21

APPENDIX 1

APPENDIX 2 - APP/P1133/A/12/2188539, LITTLE PARK FARM

APPENDIX 3 - APP/Y3940/W/21/3270044, LAND AT STOKES MARSH LANE

APPENDIX 4 - APP/E2205/W/22/3297749, PARK FIELD

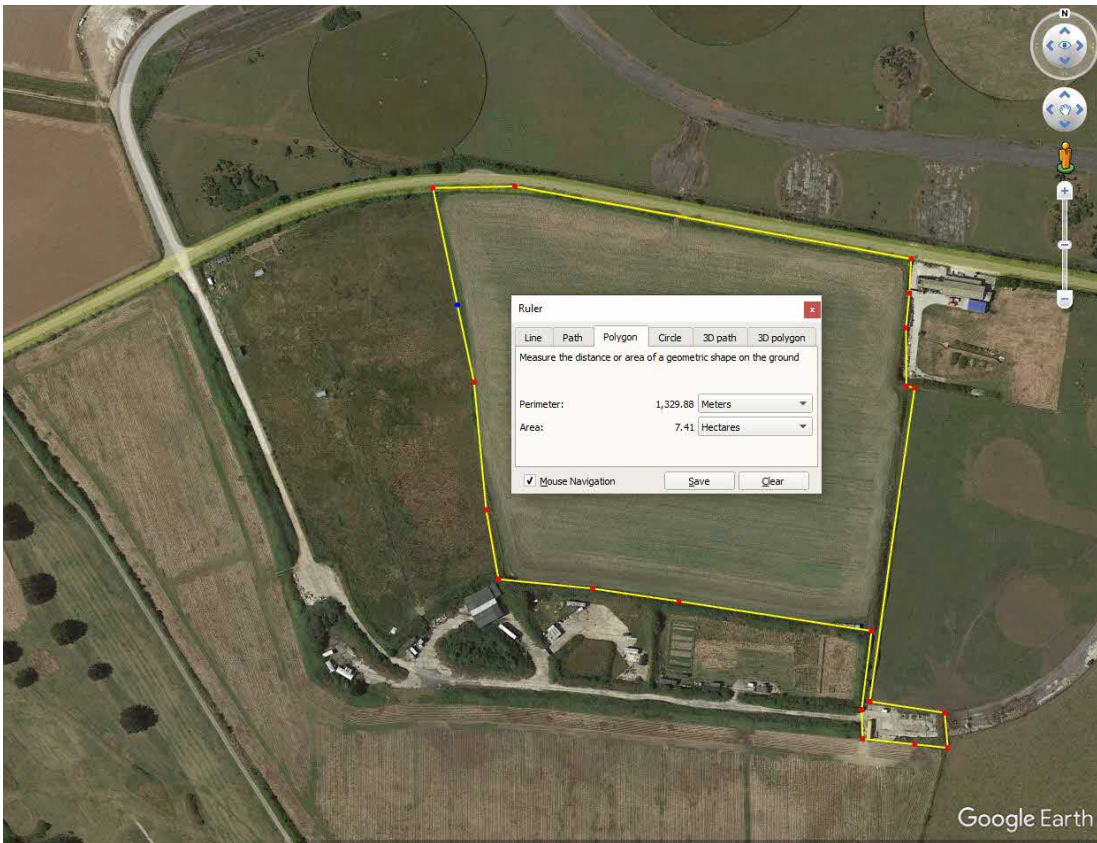


## 1 Introduction and Instructions

- 1.1 Reading Agricultural Consultants (RAC) is instructed by Rob Burnage and Brenda Lancaster (the Applicants), trading as Northfield Alpacas, to prepare a report detailing the agricultural and rural activities (alpaca breeding and rearing, free-range egg production and dog breeding) that they are developing at their property at Northfield Farm, St Mawgan, Newquay, Cornwall.
- 1.2 It is intended that this report will accompany a planning application for permission to site a dwelling on the land so that they can provide for the welfare needs and security of the livestock, poultry and dogs.
- 1.3 The appraisal has been undertaken by Peter Williams, who is an agricultural and rural planning consultant with over 30 years' experience of preparing assessments of planning applications for new dwellings in the countryside. Peter Williams is an Associate (and former Director) of Reading Agricultural Consultants and holds an Honours Degree in Agriculture from the University of Reading and is a Fellow of the British Institute of Agricultural Consultants. Throughout his professional career, he has been engaged by farmers and local planning authorities to appraise a wide range of enterprises in the context of planning applications for new rural workers' dwellings and buildings and is a regular advisor to local planning authorities in Cornwall, Devon, Dorset, Somerset, Hampshire and Sussex.

## 2 Background

- 2.1 Northfield Farm, St Mawgan extends to approximately 7.4ha and has been purchased by the applicants to enable them to establish a viable and sustainable rural business with alpacas, chickens and dog breeding. The land was used for arable production but has since been sown to grass and a crop of haylage was taken in 2023. There is also a concrete pad (yard) used for the storage of machinery and out buildings and will provide the location for the dwelling.
- 2.2 The plan is to develop an agricultural holding with the breeding and rearing of alpacas which will be sold with some used for ancillary tourism activities (trekking/petting). In addition, a small flock of hens will be kept with eggs sold at the farmgate; chickens may also be sold along with wooden poultry coops that Mr Burnage makes. The applicants also own three Labrador brood bitches that they breed.



2.3 The plan for the holding is to:

establish and maintain a herd of approximately 20-30 breeding females with breeding and other stock being sold, along with fleece and fleece and other by-products. The alpacas will also be used for ancillary activities (petting/trekking) drawing on the high numbers of tourists who come to the area on a year-round basis;

establish and maintain a flock of up to 225 hens with eggs sold at the farm gate;

breed and sell Labrador pups.

2.4 In furtherance of their goals they have:

purchased the land and registered it as Northfield Farm;

established the agricultural business and started farming the land. In 2023 a crop of haylage was taken whilst the alpacas were agisted in Dorset;

purchased a nucleus herd of alpacas from Inca Alpacas comprising 13 pregnant females of which 9 have already produced cria with the remaining 4 due to calve shortly). These animals are currently at Inca Alpacas in Dorset until their welfare can be assured at Northfield Farm;

instructed consultants to assist in the development of the project.

- 2.5 Whilst agriculture will provide the main source of revenue for the holding, additional income will be derived the breeding of the three Labrador bitches.
- 2.6 At this stage the budgets are considered conservative but still demonstrate that a healthy, viable and sustainable rural business can be developed using these outputs. In due course it is intended that permission for a permanent dwelling will be sought at which point profitability will need to be proved.
- 2.7 The labour for the holding will be provided by both applicants sharing the workload. In terms of background Mr Burnage has served 25 years in the army and is retired from that service. Since then he has worked in various employment roles including as a tree surgeon (he has a Level 3 Subsidiary Diploma in arboriculture); and in construction (with a Level 3 Subsidiary Diploma in Bricklaying/Construction) – he was employed by Cormac from 2017-2021; Ms Lancaster runs the home and looks after their children.
- 2.8 The aspiration to move to Cornwall and develop a viable rural business only really become possible following military retirement and the receipt of a lump sum to finance the land purchase. This has now been achieved and the couple are keen to develop the business as outlined. However, in order to do this it is essential that the applicants can live on the holding to manage and monitor properly the processes and livestock on the unit; living off site does not afford the necessary protections to livestock, or investments and cannot be undertaken properly.

### 3 Relevant Policies and Guidance

- 3.1 A detailed examination of the planning policy framework against which this application will be tested is set out in the planning statement, and only a summary of the policies concerning the rural worker's dwelling is provided here.
- 3.2 This application will be determined in accordance with the requirements of the Cornwall Local Plan 2010-2030 was adopted in November 2016. Policy 7 deals with Housing in the Countryside and states:

“The development of new homes in the open countryside will only be permitted where there are special circumstances. New dwellings will be restricted to:

1. replacement dwellings broadly comparable to the size, scale and bulk of the dwelling being replaced and of an appropriate scale and character to their location; or

2. the subdivision of existing residential dwellings; or
3. reuse of suitably constructed redundant, disused or historic buildings that are considered appropriate to retain and would lead to an enhancement to the immediate setting. The building to be converted should have an existing lawful residential or non-residential use and be ten years old or greater; or
4. temporary accommodation for workers (including seasonal migrant workers), to support established and viable rural businesses where there is an essential need for a presence on the holding, but no other suitable accommodation is available and it would be of a construction suitable for its purpose and duration; or
5. full time agricultural and forestry and other rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location”.

3.3 Paragraph 2.37 states:

“Development, particularly providing homes that meets needs arising from activities that require an essential, functional presence in the rural environment will be supported”.

3.4 The national guidance is set out in the National Planning Policy Framework (2021). The fundamental principles of the NPPF are about promoting sustainable development. Paragraph 7 states:

“...The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

3.5 Paragraph 11 sets out the core land-use planning principles that should be adopted, and expressly includes:

a presumption in favour of sustainable development;

positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

provide for objectively assessed needs for housing and other uses;

approving development proposals that accord with an up-to-date development plan without delay; and,

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission...”

3.6 Paragraph 38 requires that decision makers:

should approach decisions on proposed development in a positive and creative way;  
work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area;  
seek to approve applications for sustainable development where possible.

3.7 Paragraph 78 deals with housing in the countryside and notes:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

3.8 However, paragraph 80 maintains the presumption against isolated new dwellings in the countryside unless they are essential, noting:

“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...”

3.9 Guidance on the NPPF is provided in the Planning Practice Guidance. The updated text relevant to 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...”

3.10 As such it is considered appropriate to examine whether there is:

an essential functional need for:

a full-time worker to reside on the holding;

as opposed to nearby; and,

whether the project is planned on a sound financial basis.



## 4 Appraisal

### Essential Need

- 4.1 It is essential that those farming alpacas at a commercial scale are readily available at most times to provide for the animals' needs and their security.
- 4.2 Those farming alpacas commercially are governed by legal requirements, such as the Animal Welfare Act, 2006; the Welfare of Farmed Animals (England) Regulations 2007; and industry-adopted Codes of Recommendations for the welfare of livestock. These all require that the welfare and safety of livestock is proactively managed to ensure their proper management is assured. Fundamentally, livestock should "enjoy" 5 basic freedoms:

Freedom from hunger and thirst - by ready access to fresh water and a diet to maintain full health and vigour;

Freedom from discomfort - by providing an appropriate environment including shelter and a comfortable resting area;

Freedom from pain, injury or disease - by prevention or rapid diagnosis and treatment;

Freedom to express normal behaviour - by providing sufficient space, proper facilities and company of the animals' own kind;

Freedom from fear and distress - by ensuring conditions and treatment to avoid mental suffering.

- 4.3 In this case there is an essential need to be readily available to provide for the needs of the alpacas. This need is widely accepted that in order to establish a commercial breeding herd of alpacas properly it is necessary to live close to the animals to ensure their well-being. Specific issues are known to include:

Birth - alpacas have a peculiar gestation insofar as there is no closely-defined gestation period: the quoted period is 330 days  $\pm$  30days. Such timing makes it difficult to predict the timing of the birth with any accuracy and if assistance is required at parturition this would only be apparent if the animal was observed to be in difficulty; living on site would mean the likelihood of spotting such a difficulty would be considerably higher, than if living off site.

Unlike sheep, which can only breed at specific times of year, alpacas can be bred throughout the year and calving can occur at any time of the year. Whilst batch calving (in spring) may be ideal from a labour-use perspective, deliberately not breeding from females that fail to conceive at the “right time” is poor commercial practice and is not practiced by the industry. Should a female fail to conceive (or aborts a foetus) she will become receptive to a male shortly thereafter (by not spitting them off) and will hopefully take to a subsequent service event. However, this will result in an extension to the calving window and the dams and cria will require appropriate supervision for a longer period.

Rearing - lack of milk - including colostrum - following the birth is not uncommon and can require artificial rearing. This is a time-consuming activity that requires 2-hourly feeds day and night for the first two weeks; 3-hourly feeds to eight weeks; and 3-times-daily to four months.

Again, whilst batch calving might be the ideal, it is not guaranteed and a lengthened calving window will necessarily extend the rearing period.

Mating - alpaca mating is an intricate, managed process and not as straight forward as other conventional farm animals. Specifically, the animals are induced ovulators and do not display "normal heat" activity. In order to ensure that fertilisation occurs at the right time it is necessary to: plan carefully and make appropriate preparations; put the male in one pen and the female in an adjoining pen and observe the level of interest; observe and possibly assist with mating; remove the female post mating; and, repeat for the following 2-3 days to ensure fertilisation has occurred.

Whilst living on site is not essential for this activity, living close to the animals and understanding their behaviours will assist in optimising mating events.

Abortions and still-births can be caused due to stress-related factors from 30 days after conception and a presence on site to identify problems and reduce stress is clearly important. Again, abortions and still-births will necessarily extend the calving window and the need for an on-site presence.

Day-to-day management - simply looking after these animals on a regular, hands-on manner will help ensure that many health or welfare issues arising are spotted promptly and can be dealt with. Alpacas are notorious at hiding the symptoms of illness and close vigilance is required to spot subtle changes in behaviour. Travelling to the site periodically

(especially at weekends, and during the long summer days) will inevitably mean the time spent watching the animals will be reduced and in such circumstance problems are more likely to develop, and animals will suffer. Being herd animals and naturally prey, they deliberately seek to hide signs of illness/weakness.

4.4 All of these issues have been considered by Planning Inspectors on numerous occasions and for one unit in Teignbridge District<sup>1</sup> where importantly veterinary surgeons appeared for both the appellant (advocating the need) and third-party objectors (opposing the need), the Inspector concluded:

“...the case for an essential need for someone to be on hand at most times, day and night, is compelling, and that the proposal complies with the requirements of the Framework...”

4.5 More recently in Wiltshire<sup>2</sup> (September 2021) the Planning Inspector, in allowing the appeal for an alpaca enterprise allied to dog breeding – similar to here – reported:

“...The appellant’s evidence refers to alpaca having a number of different characteristics in comparison to other livestock, which make it necessary to live close to the animals to safeguard their well-being. According to the RAA<sup>3</sup> alpaca breeding is an intricate and managed process where intervention may be required to assist with mating for up to a week. The month following conception is also a sensitive time when stress related factors can cause abortions and still births, and on this basis the appellant emphasises the importance to be present on site to identify and address those eventualities.

For Alpaca there is a gestation period of around 11 to 12 months and breeding females can produce one cria per year. The timing of the birth itself is difficult to predict and a high degree of observation is required during this time in order to identify if the animal is in any difficulty. Given that births could take place at any time of the day or night, living on site would mean the likelihood of spotting birthing difficulties would be considerably higher, than if living away from the site. Similarly, close vigilance of the animals is required daily to spot any changes in behaviour, as prey animals such as alpaca, can deliberately seek to hide signs of illness and weakness.

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<sup>1</sup> APP/P1133/A/12/2188539: Little Park Farm, Doddiscombsleigh, Exeter, Devon, EX6 7PZ – See Appendix 2

<sup>2</sup> APP/Y3940/W/21/3270044 Land at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ Appendix 3

<sup>3</sup> Reading Agricultural Consultants appraisal

Following the birth of cria, I understand that hand rearing is not uncommon, normally involving 2 hourly feeds day and night for the first two weeks; 3- hourly feeds to eight weeks and 3 times daily to four months. To my mind this would represent an intensive period where there would need to be a presence at or close to the site for most of the day, especially if there are several cria requiring hand rearing.

I note that the security of the alpacas adds to the balance of factors that warrant an on-site presence. With a value of between [REDACTED] the theft of a well-bred female alpaca could have a significant financial impact on the enterprise, particularly during its early years when the viability of this part of the business is predicated on small margins.

The security of the herd through mobile surveillance was discussed at the Hearing. Yet given the close attention required to spot changes in behaviour, CCTV cameras, in my view, may not prove to be an effective means of checking on the health of the herd remotely.

4.6 And most recently, in Kent (September 2022) in granting permission for a dwelling on another similar-sized, alpaca enterprise, the Inspector opined:

“...On balance, I consider that the successful and proper management and ensuring the welfare of the mix of livestock proposed would reasonably require the close presence of a rural worker, including overnight, for much of the year. The AA [RAC’s agricultural appraisal] additionally refers to an on-site presence as a deterrent to vandalism and theft of stock or equipment, and that it would support being able to deal with fire risk. I was also provided with details of past break-ins at the site, and while interested parties commented at the Hearing that crime rates are generally low in this area, I also heard of a large number of break-ins that had occurred at a local farm. I accept that security is likely to be a concern for any rural business, and from the evidence before me I do not consider that this factor would in itself justify a dwelling. Nevertheless, the loss of stock and/or equipment would be likely to affect the business, and lends further support to my view that a close presence would support the success of the enterprise.

The need for close presence of a rural worker arises because of the mix of intended activities, but many rural enterprises diversify and rely on a mix of income streams, and I do not consider its derivation from a combination of factors is in itself a reason to discount the need...my conclusions are consistent with those of the Council’s agricultural advisor at the time of the planning application (Rural Planning Limited) who commented that ‘in terms of overall functional need, I would accept, on balance, that the successful and proper

management of the proposed mix of activities indicated in the RAC Appraisal, including the care of a variety of animals and poultry, and overall security, would warrant the provision of on-site accommodation'.<sup>4</sup>

4.7 Numerous more examples are available – and many have been brought to the Council’s attention in the recent past.

4.8 Crucially though two applications for alpaca enterprises in Cornwall have been reviewed by the County Land Agent and were permitted. Specifically:

Lowley Brook Farm, Rezare, Launceston, PL15 9NZ PA12/03778

4.9 The CLA supported the application and the planning officer’s report noted:

“In order to gauge the essential need for a temporary dwelling on this site in accordance with development plan and national planning policy, the Councils Land Agent has been consulted. An appraisal and business plan of the proposed alpaca business has been submitted with the application and this has been presented to the Land Agent. The Land Agent has supported the proposal for a temporary agricultural workers dwelling for the holding...”

Applejack Farm, St Keyne, Liskeard, PL14 4QS PA19/09487

4.10 The application for the temporary dwelling for alpacas and chickens was supported by the CLA. The officer’s report noted:

“The submission has been assessed by the County Land Agent (CLA), and following clarification over the proposed stock numbers, has raised no objection to the proposal. The CLA considers a maximum of 30 alpacas along with 300 hens would justify a functional need on the site, although they advise that additional land would need to be secured with these stock numbers. With regards to the financial test, whilst it is clear the figures provided with the business plan are only projections, provided the stock numbers are increased quickly after approval is granted, the business would have the ability to meet the financial test”.

4.11 Insofar as the CLA clearly accepted the need to live on site and provide for the welfare needs of alpacas in these cases – and as all applications should be examined and tested on the same policy

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<sup>4</sup> APP/E2205/W/22/3297749 Park Field, New Road Hill, Bonnington, Ashford, Kent TN25 7BA - Appendix 4

and assessment basis - it must be clear the case that the same needs will be supported by the CLA in this instance.

4.12 In addition, there will be needs arising from the keeping of the free-range (FR) laying hens. The hens will have access to runs in the day and are locked up at night. During daylight hours there is need to ensure that the birds have access to food and water and are not injured and they will need to be let out in the morning and shut up as dusk - which can be as late as 10pm in the summer. But, unexpected emergency situations can also occur necessitating swift action, such as:

fright from foxes prowling;

birds of prey;

sudden loud noises – the location close to the airfield is noted;

adverse weather; and,

intruders - human or wildlife – and the potential for stock worrying.

4.13 The dogs also add to the essential need as well – albeit, mainly due to security reasons, but also of ensuring their well-being. Whilst the potential value of a litter of puppies is not inconsiderable, the value of the breeding stock is significant. But specific issues include:

whelping – it is clearly essential that a responsible person is on hand during the whelping process to ensure the bitch and the puppies are delivered of safely. Gestation is 63 days +/- 2 days with a maximum three bitches giving birth;

security - whilst in the past security has been considered less important in terms of assessing the appropriateness of rural workers' dwellings, it is becoming of more concern, particularly with speciality breeds of dogs. The Dog Trust reported:

“Incidences of dog theft have been increasing over the past few years, with the home and garden being the top locations for pet theft. We are urging dog owners to be vigilant and not leave their dogs unattended in public areas, as well as considering a number of small changes they can make to help protect their pet”.

Likewise, the BBC noted:

“Dog theft reports rise 22% in two years in England and Wales. More than 5,000 dogs have been reported stolen to police forces in England and Wales since the start of

2013, a BBC investigation has found. Figures obtained under the Freedom of Information Act show a 22.3% rise in reports in two years. Figures from police forces who replied to the BBC's request show at least 5,288 dogs reported stolen since 2013”.

emergency issues, such as fire is clearly of paramount importance and, the applicant needs to know that his livestock are safe at all times;

control of the animals - barking and noise nuisance can be an issue that needs management – and the best way to control it is with a physical, human presence.

4.14 Finally, security on unmanned units in the countryside is an ever-present problem (as referenced to in the above Wiltshire and Kent appeal decisions). Without someone being on site 24 hours a day the risk to stock and equipment from theft and vandalism is increased; there is also the risk from fire. Whether started by accident or deliberately, if no one is on hand to raise the alarm, tackle the fire (if possible), or evacuate livestock quickly and efficiently, the buildings and the livestock could be destroyed. Overall, security on the holding is relevant to the business as break ins and vandalism can have a direct impact on animal welfare and business profitability.

4.15 Given the above, and the plethora of appeal decisions that support the need for a dwelling, it is hoped that the CLA will be able to support this application as they have others in the county.

#### Labour requirement

4.16 The labour required to run this unit - once fully established - can be estimated with reference to published labour coefficient data such as that published in the John Nix Farm Management Pocketbook, 51<sup>st</sup> Edition (hereafter FMP) and other scientific papers.

	SMD/hd (ha)	Enterprise size	Total
Alpacas (Breeding females)	8 <sup>5</sup>	25	120
Alpacas (other)	4.5	30	135
Poultry	0.06	225	14
Grassland	0.5	7.4	4
Subtotal			272
Management and maintenance (15%)			41

<sup>5</sup> Data indicates a need for 64hrs per female per annum (8 SMDs per female); 36hrs (4.5 SMDs) for other alpacas ('Alpaca, Buffalo and Rabbit Production'; A Report for The Rural Industries Research and Development Corporation, July 2001). In the same way as used for horses, economies of scale are predicted and the labour requirement for the breeding females is reduced by 40%.

Total			313
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4.17 This estimate of 313 standard man days is equivalent to one full-time worker (normally assumed to provide 275 SMDs). The use of the Australian data was endorsed in a research paper<sup>6</sup> produced by the British Alpaca Society which reported:

“International studies including those conducted by the Rural Industries Research and Development Corporation indicate that a Standard Man Day value of 8 days should be allocated to 1 Alpaca breeding female”.

4.18 Fundamentally, if this enterprise is to be developed fully as outlined there are a number of reasons why staff should be readily available at most times. Many of the needs are complementary but with differing types and ages of stock the needs of the unit are such that it would be inappropriate to develop it without an on-site presence.

The degree to which there is confidence that the enterprise will remain viable for the foreseeable future

4.19 It is intended that there will be various sources of income:

alpacas - the breeding and rearing of alpacas for sale, the provision of alpaca trekking/petting activities, the sale of alpaca yarn and products, poop;

the production and sale of free-range eggs; and,

the sale of pedigree Labrador puppies.

4.20 As far as the sale of alpacas is concerned, one of the advantages of buying stock from Inca Alpacas is that the animals come with a widely respected and well recognised pedigree. Tim Hey (owner of Inca Alpacas) has been active in the alpaca business for 25+ years and is very well known. The Inca breed is well known for its fine black yarn and is a sought after commodity.

4.21 The long term plan is to build up and maintain a herd of some 20-30 breeding females. The applicants already own 13 breeding females (from Inca Alpacas) and 9 cria with an expectation that a further 4 cria will be born this year. Thus, in Year 1 (assumed to be 2024) there should already be about 20 breeding females on the holding. Assuming that no more than 80% of the

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<sup>6</sup> Alpacas, Llamas and & Guanaco, Welfare Guide 2014 A welfare guide issued to form secondary legislation. Attached to the Animal Welfare Act 2006



adult females conceive each year and produce male and female cria in a normal 50:50 ratio (with a 5% mortality rate), it can be estimated that herd numbers will be approximately:

	Year 1 (2024)	Year 2	Year 3	Onwards
Breeding females	20	27	31	30
Stud males	1	2	2	2
0-12-month female cria	7	10	11	10
0-12-month male cria	7	10	10	10
Yearling female cria	7	14	14	11
Yearling male cria	6	10	8	11
Cria mortality	1	1	1	1
Breeding female sales	0	10	15	8
Breeding male sales	0	1	1	1
Male cria sales	0	10	6	6
Adults on the holding <sup>7</sup>	34	53	55	54
Total on the holding	48	73	76	74

4.22 Based on average prices achieved on the AlpacaSeller website at the time of preparation of this budget<sup>8</sup>, it is estimated that there should be sales of alpacas worth approximately [REDACTED] in Year 3. One of the benefits of buying from Inca Alpacas is that sales leads are provided and will assist in ensuring good quality sales proceed.

4.23 Sales of alpaca fibre will also be undertaken, initially as wool/yarn, but ultimately as processed products, including crochet hats, soft toy animals and homewares. The working premise is that 66% of all adult fleeces (from the previous year) will be of useable quality and will yield about 2.0kg of useable wool. This will be spun and balls of wool will be sold. Initial estimates suggest that the wool will sell for approximately [REDACTED] per 100g ball, with processing currently costing approximately [REDACTED] per ball. The 53 adult animals in Year 2 should therefore yield some 1,060 balls of wool for sale in Year 3 with a sale value of some [REDACTED] (shearing and processing costs are accounted for in the costs). Once the herd is established value-added products (such as garments, toys and bedding) could be produced and this would improve the profitability of the fibre side of the business.

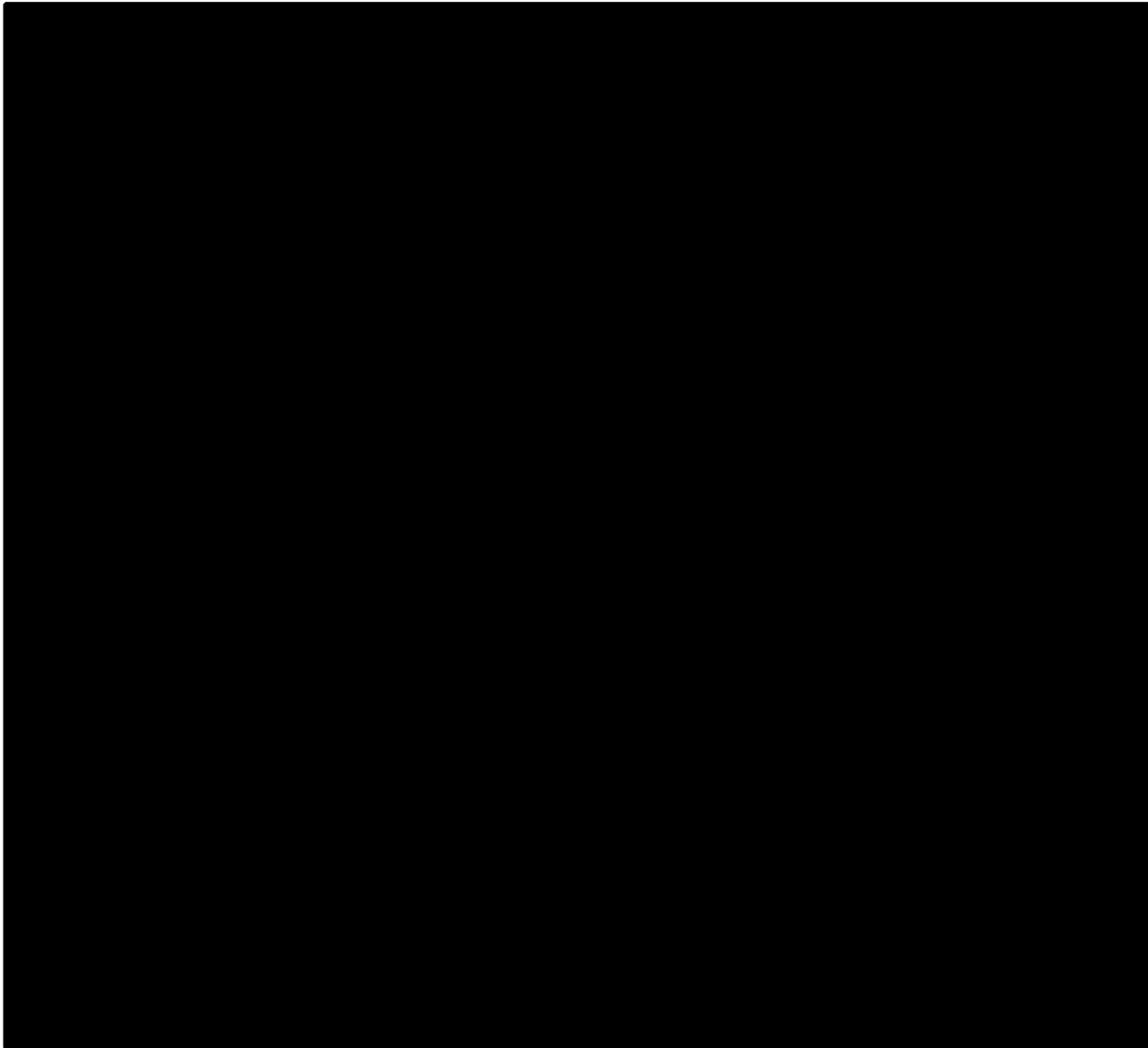
[REDACTED]

4.24 Gross margin data for the farmgate sales of free-range eggs are provided at Appendix 1, with costings taken from the John Nix Pocketbook, 2023 (53<sup>rd</sup> Ed)<sup>9</sup>.

4.25 Bringing these elements together indicates a forecast Gross Margin for the business in Year 3 in the order of [REDACTED] - set out below:

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<sup>9</sup> hereafter referred to as FMP



4.26 Fixed Costs (taken from the FMP), based on the 7.4ha of grassland (lowland Sheep/Cattle land) and doubled to allow for lack of economies of scale (plus a contingency figure), are estimated as:

Labour

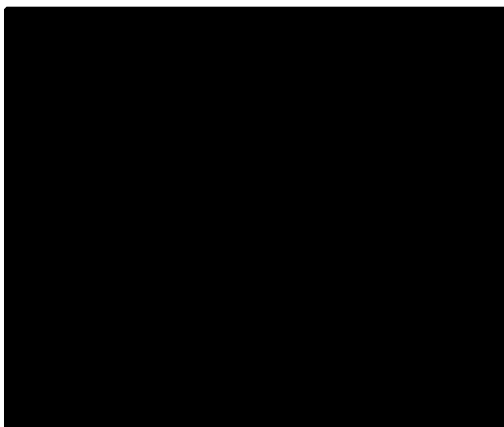
Power and Machinery

Rent and Finance

General overheads

TOTAL

Contingency



4.27 If these Fixed Costs are deducted from the gross margin, the forecast Net Profit is approximately £45,000 in Year 3, and rising as the enterprises become more established.



4.28 Whilst a loss in Year 1 is unfortunate it is not uncommon for new start-up businesses to fail to make profit in the first year. Likewise, once alpaca stock valuation increases are included so the sustainability of the business will be further strengthened.

4.29 In terms of assessing the likely viability - or sustainability - of the business it is necessary that the net profit is sufficient to provide a reasonable return to the inputs deployed in the business - namely, land, labour and capital:

a reasonable return to the land is considered the rental value of the land, say, [REDACTED]

a reasonable return for the labour required to run the unit equivalent to the living wage, presently approximately [REDACTED] to cover the calculated standard labour requirement;

a reasonable return to capital is 2½ percent, which equates to some [REDACTED] for the investment in the planned infrastructure and livestock (set out below); and,



the price of financing a dwelling (in due course) is assumed to be approximately [REDACTED] which would cost approximately [REDACTED] per annum to finance.

<sup>10</sup> Based on figures in the FMP for an FBT [REDACTED]

<sup>11</sup> At 5% over 25 years

4.30 These total [REDACTED] and the budgets indicate that the business ought to be generating sufficient taxable profits to meet the above requirements by Year 3, and beyond.

4.31 Clearly, the success or otherwise of the business - and of the assumptions used - will be tested over the next three years, but based on the information thus far available, there is no reason to suppose that the applicant will not be able to establish a viable rural business at this location.

4.32 The issue of the financial test was tested at the appeal in Kent<sup>4</sup> with the Inspector concluding:

“Drawing these matters together, I consider that the income assumed by the appellants is on the high side, largely as a result of the income assumed from lamb and chicken sales being overstated. I also consider that the assumed costs may be underestimated in relation to alpaca concentrate feed, lamb production and egg production, although not substantially so. Margins would therefore be more borderline than the appellants assert, and I agree with the Council and interested parties that there is uncertainty inherent in the business plan. Even so and allowing for a substantial reduction in income from lamb and egg sales should the anticipated markets not emerge locally, the degree of reduction that I consider would be likely taking a cumulative view across the business plan as a whole and in light of all of the criticisms levelled against it is not so great that I consider there would be no reasonable chance of achieving a net profit by Year 3 of the business plan and increasing thereafter. This would be the case even if it were necessary to increase the reasonable return to allow for some uplift in capital investment”.

4.33 Crucially, the Inspector continued:

“Moreover, the appellants comment that the proposal for a dwelling for a temporary 3-year trial period would allow them to develop and prove the business, including to demonstrate markets for the intended produce and/or to adapt as necessary. To my reading, the guidance within the PPG noting that considerations relevant to assessment of essential need could include whether it is appropriate to consider granting permission for a temporary dwelling for a trial period does not indicate that a temporary permission should always be granted. However, I find on balance from the evidence before me that there is a reasonable prospect that the enterprise could become viable and sustainable by the end of the temporary period, and I do not consider there is a significant risk that it would cease in the very short term. I find that it would in this case therefore be appropriate to allow the enterprise to prove itself.

4.34 Exactly the same reasoning should be applied to this application and there are no reasons to deny the applicants the chance of success before they have had the opportunity to prove the business plan. It is noted that the exact split of sales income in the above budget is intended to be indicative only; the business that will be developed will utilise the core income streams but will necessarily have to adapt according to market conditions (especially in these “unprecedented” times).

Whether the need could be met from any other dwelling locally

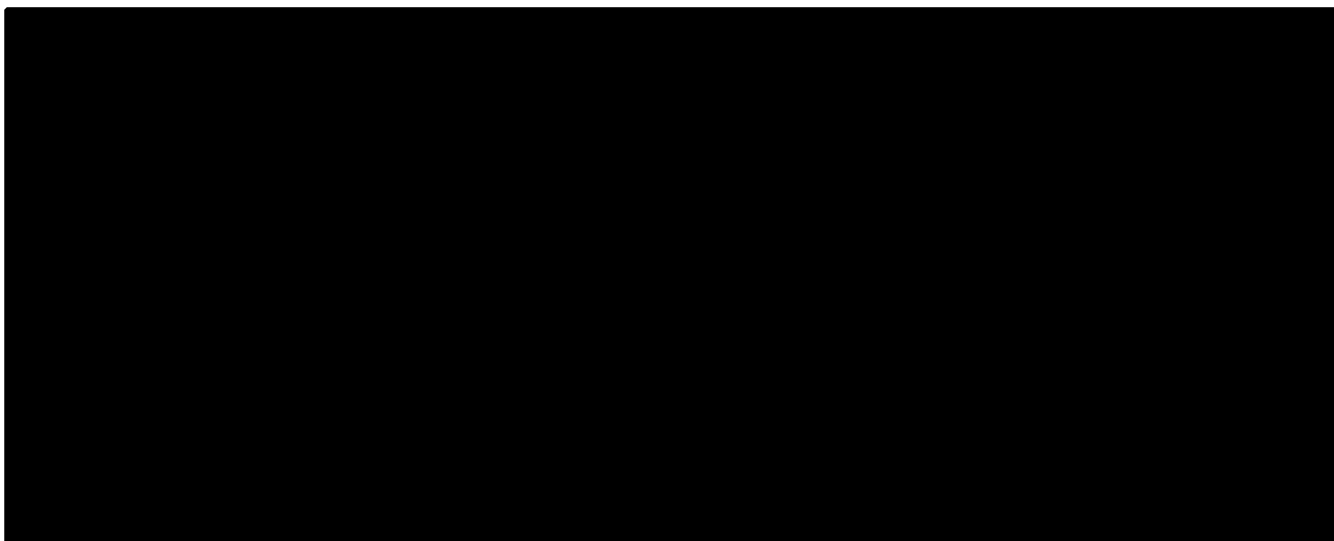
4.35 RAC is not aware of any other dwelling available in the locality which is both suitable (in terms of sufficient proximity to land, size and cost) and available to meet the identified essential need.

4.36 There are 11 properties for sale on the Rightmove website supposedly within 1 mile of the property at the time of preparing this appraisal, but only one is remotely affordable. This is a mid-terrace property in a residential cul-de-sac in St Eval that actually lies 3kms distant from the yard and is simply too far distant to service the needs of the livestock. The property also has a guide price of [REDACTED] which would cost approximately [REDACTED] to service. Given the further other costs required for the development of the business it is unaffordable, especially for a start-up business.

## 5 Conclusion

- 5.1 This appraisal accompanies a planning application for an essential rural worker's dwelling at Northfield Farm, St Mawgan, Newquay, Cornwall to enable the ongoing development of a new alpaca breeding and rearing business with poultry and dog breeding.
- 5.2 In terms of the policies set out in the local development plan, the National Planning Policy Framework and accompanying Planning Practice Guidance, it is concluded that:
- (i) there is an existing, essential need for a full-time worker to be available at the site at most times;
  - (ii) the financial forecasts indicate that the mix of enterprises will be profitable within two years and sustainable within three; and,
  - (iii) the identified need could not be fulfilled by another existing dwelling on the unit and there is no other accommodation in the area that is suitable and available to meet the functional needs of the enterprise.

APPENDIX 1



APPENDIX 2

APP/P1133/A/12/2188539, Little Park Farm

APPENDIX 3

APP/Y3940/W/21/3270044, Land at Stokes Marsh Lane

APPENDIX 4

APP/E2205/W/22/3297749, Park Field





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# Appeal Decision

Hearing held on 1 May 2013

Site visit made on 1 May 2013

by Mike Fox BA (Hons) Dip TP MRTPI

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

Decision date: 17 May 2013

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Appeal Ref: APP/P1133/A/12/2188539

Little Park Farm, Doddiscombsleigh, Exeter, Devon, EX6 7PZ

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 Mrs J Porter against the decision of Teignbridge District Council. The application Ref 12/02342/FUL, dated 24 July 2012, was refused by notice dated 5 November 2012.

The development proposed is the siting of a temporary dwelling for an agricultural worker and an extension to the existing agricultural building.

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## Decision

1. The appeal is allowed and planning permission is granted for the siting of a temporary dwelling for an agricultural worker and an extension to the existing agricultural building at Little Park Farm, Doddiscombsleigh, Exeter, Devon, EX6 7PZ in accordance with the terms of the application, Ref 12/02342/FUL, dated 24 July 2012, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref. 2249/01/B Site Plan and Location Plan, dated June 2012; Ref. 2249/02/B Plans of barn as existing and proposed, dated June 2012; and Ref. 2249/10 Side elevation of temporary dwelling with balustrades omitted, dated September 2012.
  - 2) The occupation of the temporary dwelling hereby permitted shall be limited to a person or persons solely or mainly, or last working in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990 (as Amended)), in the locality or to the spouse, widow or widower of such a person and to any resident dependents.
  - 3) The permission for the temporary agricultural worker's dwelling hereby granted shall expire three years from the date of this permission. Thereafter the building hereby permitted shall be removed and the land restored to its former condition on or before the expiry of three years, in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.
  - 4) Full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority within two months of the date of this decision. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where

appropriate; and an implementation programme and maintenance/management programme. All soft landscape works shall be carried out in accordance with the approved details. Hard landscape works shall set out proposed levels and any areas of hardstanding and access track to include surface finishes associated with the dwelling. The works shall be carried out in accordance with a programme agreed in writing with the local planning authority.

#### Application for costs

2. At the Hearing an application for costs was made by Mrs J Porter against Teignbridge District Council. This application is the subject of a separate Decision.

#### Procedural matter

3. The existing barn contains facilities which the appellant has indicated would serve tourists on the site. The proposed tourism business, however, is not a matter which is addressed by this appeal.

#### Main Issue

4. The proposed extension to the existing barn is not an issue between the main parties, and I see no reason to disagree. The main issue is whether there is sufficient agricultural justification to permit the siting of a temporary dwelling in the countryside, work on which has already been started (but put on hold through a temporary stop notice), in the light of national policy and the development plan.

#### Planning policy framework

5. In March 2012, the direction of national planning policy changed with the introduction of the Framework<sup>1</sup>. This revokes a previous raft of national planning policy documents, including Planning Policy Statement (PPS) 7 Sustainable Development in Rural Areas, which is referred to by both main parties and in several other representations.
6. At the Hearing, it was put to me that the new policy thrust in the Framework, emphasising sustainable economic growth, makes the former PPS7 approach, including Annex A with its 'hurdles' to development, no longer appropriate for decision making in the countryside. Whilst national policy encourages innovation and economic growth in the countryside (and elsewhere), it is clear from reading the Framework as a whole that this is not to be achieved irrespective of any environmental cost. In particular, one of the Framework's core principles states that planning should recognise the intrinsic character and beauty of the countryside (paragraph 17, 5<sup>th</sup> bullet point).
7. The proliferation of dwellings in attractive landscapes, such as in the Teign Valley, would, if unchecked, result in visual harm and prejudice this core principle. The Framework (paragraph 55) also states that new, isolated homes in the countryside should be avoided, unless there are special circumstances, one of which is the essential need for a rural worker to live permanently at or near their place of work.

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<sup>1</sup> Department for Communities and Local Government: National Planning Policy Framework (the Framework); March 2012.

8. The Framework therefore requires a convincing case for essential need to be made, which implies the need for criteria. Although the tests in PPS7 Annex A no longer have the weight of Government policy, they remain in my view appropriate for assessing whether an essential need can be demonstrated. I do not accept that their use within this context is ignoring Government guidance, especially as no other criteria were put forward by any of the parties. My view also appears to be confirmed in the Statement of Common Ground (SCG)<sup>2</sup>, signed by both main parties, which referred to the PPS7 Annex A tests.
9. Although the Council's adopted Local Plan<sup>3</sup> has an expiry date of 2001, policies H7 and P3 are broadly in line with the Framework, and refer to essential agricultural need. The Council's emerging Plan Teignbridge<sup>4</sup> has progressed though its public consultation stage; policy WE9, which covers rural workers' dwellings, is also broadly in line with the Framework, and has not been subject to any objections thus far. However, until Plan Teignbridge has been scrutinised through public examination, little weight can be attached to it.

#### Reasons

10. The appeal site is a holding of about 5.3 ha (13 acres) within the undulating and open countryside of the Teign Valley, an Area of Great Landscape Value. It is located on a hillside, where it can be clearly seen from the village of Doddiscombsleigh, about 0.5 - 1 kilometre to the south and south-west.
11. The appellant farms a herd of 17 alpacas (8 female adults, 2 male adults and 7 crias), and also runs a poultry business, with approximately 250 free range chickens. She lives with her husband, Mr Mark Porter, in a caravan by the access at the northern end of the holding, close to the barn. They have been farming alpacas at Little Park Farm since June 2012. Evidence from consultants and a veterinarian points to the enterprise being well run. Due diligence appears to have been given to health, safety and animal welfare aspects, with every prospect of achieving its Business Plan targets in the near future. The proposal therefore would be in line with the Framework's objectives of supporting a prosperous rural economy (paragraph 28).
12. The SCG indicated that, in relation to the proposed temporary agricultural dwelling, there was no dispute regarding the PPS7 Annex A tests (i) intention and ability and (iii) the financial test. No substantive written or verbal evidence robustly challenged these areas of specific agreement in the SCG. On the contrary, I heard that the appellant's egg production targets have been exceeded, and that the alpaca herd was growing at a steady rate, on course to meet its Business Plan targets.
13. The specific disagreements in the SCG related to (ii) the functional test and (iv) if this test is satisfied, whether the need could be satisfied by the appellant residing at Long Park; this latter test also extends to any other existing accommodation in the area.
14. The Council's Agricultural Need Appraisal<sup>5</sup> concluded that there was no functional need for a rural worker to live permanently at or near Little Park

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<sup>2</sup> Statement of Common Ground between Teignbridge District Council and the Appellant, dated 22/23 April 2013.

<sup>3</sup> Teignbridge Local Plan 1989-2001; adopted 1996.

<sup>4</sup> Plan Teignbridge 2013 to 2033; adoption programmed for 2013.

<sup>5</sup> Agricultural Need Appraisal by Sheamus Machin FRICS, FAAV, for the Siting of an Agricultural Worker's Dwelling and Extension to Agricultural Building at Little Park Farm; dated 26 October 2012.

- Farm. It cites a recent appeal decision at Bird Farm, Dursley<sup>6</sup> where the proposal failed the functional test. The decision referred to a relatively small herd of alpacas (no numbers were given), and locally available dwellings, so I am not persuaded that this decision is directly applicable to the appeal before me. The Appraisal also quotes from the PINS Case Law and Practice Guide 7 Agricultural, Forestry and Other Occupational Dwellings in the Countryside, although this passage has recently been deleted from the PINS Guide.
15. The Council's Appraisal concluded: "I think it has been stated in many quarters that the management and husbandry requirements of alpacas is very similar to sheep and cattle, and therefore the management of a similar number of such animals would clearly not meet the functional need (functional test)".
  16. This conclusion was challenged by the appellant's Statement on Agricultural Need<sup>7</sup> which together with evidence from an alpaca veterinarian, comprehensively addressed key aspects of alpaca husbandry, such as conception, gestation, birthing, after-birth care, hypothermia, illness and the financial value of the animals. The appellant's Planning Statement<sup>8</sup> stated that: "There is a common thread of care with regard to the care and welfare of alpacas, which are accepted as having particular qualities which distinguish them from cattle, sheep and horses" (paragraph 7.2). I comment on these aspects below.
  17. In relation to conception, alpacas are induced ovulators, i.e. they do not display the normal signs of being on heat, and the mating process has to be actively managed. Conception is further complicated by their variable gestation lengths, potentially from around 330 days to 370 days, unlike most other farm species. This requires extended observation.
  18. Whilst the majority of alpacas give birth without complications during the morning and early afternoon, this is not always the case; informed veterinary evidence at the Hearing pointed to around 5-10% of alpacas having difficult births, with a minority born at night. This percentage is probably not significantly different from several other farm animals; however, in my view it is potentially more critical for alpacas, because they nearly always give birth to just one cria, so the loss is proportionately greater than for many other animals, and because they are considerably more valuable than many other British livestock (although I accept that some pedigree breeds of other animals can fetch high prices). I heard that selling prices for alpacas averaged around £7,000 per adult female, a figure that was not challenged at the Hearing.
  19. Although evidence pointed to the theoretical possibility of managing all alpaca births within a window of the year, say between March-September, a relatively high number are still imported from the Southern Hemisphere with the likelihood of births occurring at other times of the year. I was informed that the current number of registered alpacas in the UK, about 30,000, still falls considerably short of an economic 'take-off' figure (estimated by the appellant's veterinarian to be 80,000), so that imports from much larger stocks in Latin America and Australia are set to continue for some time. These

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<sup>6</sup> Appeal decision submitted by the Council: Ref. APP/C1625/A/12/2171046; appeal decision dated 2 August 2012; dismissed an appeal for the siting of a temporary agricultural workers' dwelling with treatment plant for a period of 3 years, at Bird Farm, Stancombe, Dursley, Gloucestershire, GL11 6AY.

<sup>7</sup> Reading Agricultural Consultants: Statement for Hearing; dated 6 February 2013.

<sup>8</sup> Marc Willis & Co. Chartered Town Planners: Statement on behalf of the Appellant; dated February 2013.

- statistics indicate that there are economic reasons to support alpacas birthing all year round, especially given their relatively low rate of reproduction.
20. Regarding immediate after-care following birthing, it is not uncommon for crias to require bottle feeding, for example where their mothers have insufficient milk or have died. During the first month of their lives, crias require feeds every two hours, and for the first 6 months, bottle feeds should still be given last thing at night (at least 22:00 hrs) and first thing in the morning (06:00-07:00 hrs). Unlike calves, with bigger stomachs, it is not possible to reduce the rate of feeds for crias whilst increasing the amount, because 'overloading' causes C1 acidosis, and colic can be life threatening.
  21. Alpacas are more susceptible to illness than many native species, due to wet winter climatic conditions in the UK, and it is not uncommon for them to progress from showing no clinical signs to being found dead within a 24 hour period. Although it is commonly assumed that alpacas are hardy species, having originated from the Peruvian and Bolivian Andean Altiplano, the climate in these Latin American countries is generally drier than in parts of the UK such as Devon. I also note that there is a 75% mortality rate in Peru<sup>9</sup>; which would not be acceptable in the UK on animal welfare or economic grounds. Whereas sheep have natural oils, alpacas have no such defence against a combination of rain and the cold. This all points to the need for a high level of round the clock 'hands-on' care and a close understanding of the animals.
  22. Although several residents, including local farmers and a vet, challenged the appellant's conclusions on alpaca husbandry, health and welfare, none of them provided firm or specific evidence to seriously challenge these conclusions.
  23. The appellant plans to increase the alpaca herd at Little Park Farm from 8 breeding females to around 20 within the next 3-5 years. The size of the holding would enable this number to be accommodated at acceptable densities, and they would require all round day and night care for significantly long periods. This view is reinforced by several of the appeal decisions which have been submitted by the appellant, some of which point to around 15-20 breeding alpacas being an acceptable threshold for requiring care at most times<sup>10</sup>, although appeals have been allowed in relation to smaller herds.
  24. At the Hearing, other options to residential accommodation, such as making use of CCTV and other automatic surveillance equipment, were suggested. An appeal decision in October 2010<sup>11</sup> at Hadenham Farm, Shillingham stated, based on submitted evidence, that the use of remote monitoring systems in the context of an alpaca business was untested; the Inspector at that appeal also made the important point that because alpacas live outside, it would be difficult to use visual monitoring at night due to lack of light.
  25. I was also referred to Newcott Farm on Dartmoor where the farmers live approximately 2 miles away from their alpacas. A security camera checks one of their fields. However, a letter from the farmers states that if the weather is bad they have the option of staying in holiday cottages which they own

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<sup>9</sup> Appeal decision submitted by the appellant: Ref. APP/Y1138/C/11/2144082; dated 23 June 2011; quashed an enforcement notice at Middle Moor Farm, Yeoford, Devon, EX17 5HF; paragraph 27.

<sup>10</sup> Appeal decisions (PINS Nos only) all submitted by appellant: 2154297; 2144082; 2133382; 2124091; 2127860; 2123083; 2083511; 2080523; and 2058051.

<sup>11</sup> Appeal decision submitted by the appellant: Ref. APP/P0240/A/10/2129850; dated 20 October 2010; allowed an appeal for the siting of a temporary agricultural worker's dwelling, at Hadenham Farm, Gravenhurst Road, Shillington, SG5 3HQ.

- (presumably close to the alpacas). I remain to be convinced, however, that visual monitoring at night is effective for the reasons already given.
26. Another suggestion was that a worker could temporarily stay overnight without the need of proper overnight accommodation, to check on the condition of the alpacas during specific periods, such as birthing. The increasing numbers of stock planned over the next 3-5 years, however, would be likely to result in a significant number of overnight stays. Furthermore, the presence of someone on site at most times of the day and night would mean that any animals in distress could be heard, and thus prompt attention could be given.
  27. I therefore conclude that the case for an essential need for someone to be on hand at most times, day and night, is compelling, and that the proposal complies with the requirements of the Framework (paragraph 55).
  28. I now turn to whether the essential need could be met at either the appellant's previous residence at Long Park, or at other suitable and available dwellings in the area. Long Park is no longer available, and would now be unaffordable for the appellant's family, who could not continue their mortgage payments on this property following the loss of Mr Porter's job with the Devon and Cornwall Constabulary, which forced them to sell the property.
  29. The statement by Nash Partnership, on behalf of the Doddiscombsleigh Objection Forum<sup>12</sup>, pointed to several available and affordable properties within a 3.5 miles radius around the appeal holding, which it contended would be sufficiently close to enable the functional needs of Little Park Farm to be met. No justification was given for this distance, and it ran counter to the views of several Inspectors who have conducted alpaca related appeals in recent years.
  30. These decisions (see footnote<sup>13</sup>) included the following comments: (1) "to enable adequate supervision"; (2) "dwellings need to be within 'sight and sound'"; (3) "a 500m radius is the maximum realistic distance for a property search"; (4) "the livestock needs to be highly visible"; (5) "properties should overlook the land"; (6) "properties which could provide clear views of the livestock"; and (7) "one mile...is too far away to provide an appropriate level of supervision". These views, which are in line with the opinions of the alpaca industry and many veterinary and agricultural experts, point to the need for a close relationship between the dwelling and the alpaca herd.
  31. Whilst Long Park, about 350m from Little Park Farm, would be acceptable in relation to the above-mentioned criteria, none of the properties within the Nash Partnership schedule would comply. The nearest, at 9 New Buildings, within the village of Doddiscombsleigh, is about 670m to the south west of Little Park Farm, i.e. well beyond the maximum realistic distance referred to above.
  32. Taking these matters together, I conclude that the 'alternative suitable and available' test has been satisfied.
  33. Concerns were expressed because the appellant and her husband severed the southern part of their farm holding, nearest the village, when they sold Long Park in July 2012; clearly, such circumstances could point to a possible abuse

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<sup>12</sup> Nash Partnership: Hearing Statement of Doddiscombsleigh Objection Forum: Site at Little Park Farm, Doddiscombsleigh, Exeter; dated February 2013.

<sup>13</sup> Appeal refs. (1) 2080523, para 10; (2) 2083511, para 16; 2123085, para 15; and 2128486, paras15-19; (3) 2103514, paragraph 28; (4) 2121583, paras 22-24; (5) 2068527 para 21; and (6) 2115187, para 27; and (7) 2075800, para 17.

of the planning system and lack of agricultural need. Linked to this is the scenario of a proliferation of subdivisions, resulting in dwellings pepper-potting the countryside with the loss of its intrinsic character and beauty.

34. From the answers to questions put to the appellant's husband at the Hearing, I am satisfied beyond reasonable doubt that Mr Porter's loss of employment and economic hardship forced his family to sell Long Park, without an agricultural tie; despite his best efforts to find alternative employment, he had no realistic alternative but to sell. I therefore do not consider that an abuse of the planning system has been committed in this case. Regarding the dangers of proliferation, the Framework requires exceptional circumstances to be demonstrated to show an essential need for a rural worker to live permanently at or near their place of work. This strict planning framework will continue to curtail sporadic, scattered housing development in rural areas.
35. Bio-security issues were also raised, e.g. from badgers carrying TB. Badger proof fencing with deep foundations has been erected around the holding, and I was informed that since then there have been no badger sightings at the farm. In addition, the usual visitor security arrangements, such as disinfectant trays and locked areas, are in place. I am therefore satisfied that there are no compelling bio-security considerations to justify dismissing the appeal.
36. In relation to crime, anti-social behaviour, vandalism and attacks from animals such as foxes and dogs, no recorded incidents were submitted in evidence, although I accept that rural policing is limited. Regarding theft, I note that micro-chipping alpacas is common practice in the UK and given the value of these animals, the employment of such a device is appropriate and practical. I conclude that these security matters, whilst important, do not by themselves make a compelling case for allowing the appeal.

#### Other considerations

37. The highway authority, whilst objecting to the appeal application on access and highway safety grounds, stated that should the local planning authority be minded to grant permission due to the need for the development, its objection should not be overriding. The Council's concerns over vehicular access visibility have been addressed in the appellant's revised plans (Drawing Ref. 2249/01/B). The SCG also stated that highways considerations are not an issue between the main parties. I therefore conclude that access and highway safety considerations do not justify dismissing the appeal.
38. The Doddiscombsleigh Objection Forum and individual local residents raised several additional concerns. The barn and partly constructed dwelling can be clearly seen from several viewpoints in the village. The impact, however, can be mitigated by the effective implementation of appropriate landscaping through a condition. From discussion at the Hearing and the site visit, I note that such landscaping could include screening the proposed temporary dwelling by planting trees and other vegetation, together with trees planted elsewhere to soften the impact of other structures and fencing.
39. The landscaping condition could also secure strategic, advanced planting to ensure that the visual impact of any permanent dwelling, in three years' time, would be mitigated more effectively by (partly established) screening. The lean-to western extension of the barn would be relatively small in relation to the existing structure, and its additional impact on the landscape, and from the

Doddiscombsleigh Conservation Area, about 0.5 - 1 kilometre to the south and south-west, would be minimal. I observed at the site visit that the recent approved extension comprises the same material (Yorkshire boarding) as the original barn, with the difference in colour being a reflection of the lack of sufficient time for the extension to weather to the same colour.

40. No concerns were raised by either the Council on drainage matters or the highway authority regarding the alleged poor surface condition of the local highway network. I can see no reason to disagree on these matters.
41. Concerns were also raised over the sustainability of the appeal development, and in particular its remoteness from services and facilities in urban areas. Whilst I accept, on balance, that the number of vehicular trips generated by the day-to-day needs of the Porters would probably outnumber the journeys saved on commuting, any such considerations would be outweighed by the special circumstances which justify the essential need for the appeal proposal.

#### Conditions

42. The SCG included a list of conditions that both main parties would consider appropriate were I to allow the appeal. These were confirmed during the helpful discussion session held at the Hearing, and I consider them to be in line with the advice set out in Circular 11/95 The Use of Conditions in Planning Permissions.
43. Condition (2) underlines that the development is only acceptable in its locality because of the established agricultural need. Condition (3) is to enable the local planning authority to maintain control over development which is temporary in character and to allow a reassessment of the agricultural need for the temporary dwelling. Condition (4) is in the interests of assimilating and screening the development into the wider landscape.

#### Conclusion

44. I have found that the appellant has made a compelling case to justify the special circumstances required by the Framework to demonstrate the essential need for a temporary agricultural dwelling at Little Park Farm. Furthermore, no alternative suitable and available accommodation in close proximity to the appeal site has been identified. I also consider that none of the other areas of concern are sufficient, either individually or cumulatively, to outweigh my reasons for allowing the appeal. The proposal would also further the economic aims of national policy to encourage the growth of the rural economy. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

  
INSPECTOR



## APPEARANCES

### FOR THE APPELLANT:

Mr Sebastian Head	Of Counsel, instructed by the appellant
Mr Marc Willis	Willis & Co. Chartered Town Planners
Ms Claire Whitehead	Camelid Veterinary Services
Mr Peter Williams	Reading Agricultural Consultants
Mrs J Porter	Appellant
Mr Mark Porter	Appellant's husband

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Helen Shobbrook	Teignbridge District Council
Mr Sheamus Machin	Agricultural Consultant
Mr Steve Hobbs	Teignbridge District Council
Mrs Christine Bolton	Teignbridge District Council

### INTERESTED PERSONS:

Mr Julian Kite	Resident spokesperson for Doddiscombsleigh Objection Forum
Mr Duncan Mitchell	Chair, Doddiscombsleigh Parish Council
Mr Charles Withers	Resident
Mrs Jackie Le Marchant	Resident
Mr Michael Moorhouse	Resident
Mr Stephen Le Marchant	Resident
Mr Tony Porter	Resident
Mr Ivor Smith	Resident
Mrs Teresa Sawyer	Resident

## DOCUMENTS

1. Appellant's Application for a full award of costs: pre-hearing skeleton.
2. Suggested sites to visit the visual impact of the development and the state of transport connections (locations of viewpoints superimposed on aerial photograph).
3. Map showing locations of Little Park Farm and 9 New Buildings, Doddiscombsleigh, scale 1:5,000.
4. Map showing location of Newcott Farm, Poundsgate, Devon.
5. Extract from Planning R: July 2012, P70.38-39.
6. Notification Letter, dated 3 January 2013.
7. Updated Notification Letter, providing details of Hearing, dated 10 April 2013.
8. Attendance List.



## Appeal Decision

Hearing (Virtual) held on 8 September 2021

Site Visit made on 9 September 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

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Appeal Ref: APP/Y3940/W/21/3270044

Land at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ

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 Martyn Elliott against the decision of Wiltshire Council.

The application Ref 20/02756/FUL, dated 16 March 2020, was refused by notice dated 16 September 2020.

The development proposed is retrospective application for the siting of a temporary rural workers dwelling and associated works including erection of kennels and haystore and formation of hardsurface for access and parking.

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### Decision

1. The appeal is allowed and planning permission is granted for the siting of a temporary rural workers dwelling and associated works including erection of kennels and haystore and formation of hardsurface for access and parking at land at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ in accordance with the terms of the application, Ref 20/02756/FUL, dated 16 March 2020 subject to the following conditions in the attached schedule.

### Applications for costs

2. At the Hearing an application for an award of costs was made by Mr Martyn Elliott against Wiltshire Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the 2021 Framework). The main parties have had the opportunity to provide comments, and I have considered the appeal on the basis of the 2021 Framework.
4. Before the Hearing, the appellant submitted details of the availability of dwellings to buy or rent within half a mile of the appeal site. Despite the timing of this submission so close to the event, the Council had nevertheless viewed the content of the document and was able to provide observations on it during the Hearing.
5. Further details indicating the extent of vehicular movements associated with the proposal have been outlined in the appellant's statement of case. Following this, the Council no longer disputes the issue of highway safety, subject to conditions limiting the scale of the dog breeding. I have nevertheless assessed this matter in light of the concerns raised in third party representations.

## Main Issues

6. The main issues are:

- (i) whether or not there is an essential need for a rural worker to live on the site for a temporary period of three years;
- (ii) whether or not the haystore/workshop is reasonably necessary for the purposes of agriculture; and
- (iii) the effect of the development on the living conditions of nearby occupiers, with particular reference to noise and disturbance.

## Reasons

### Background

- 7. The appeal site comprises around 6 acres of land, split between two contiguous field enclosures, bounded mainly by mature hedgerow. The site's eastern boundary adjoins Stokes Marsh Lane, a no through road that serves a small number of farmsteads and dwellings along its length. It lies outside any development boundaries and is regarded as being in the open countryside.
- 8. The appellant's overall proposal is to develop an enterprise that jointly involves the rearing and breeding of Alpaca and the breeding/training of dogs at the appeal site. The larger field enclosure is rectangular in shape and contains a mobile home, kennel building and a haystore/workshop structure. It is here that the Alpaca rearing/breeding part of the enterprise would be undertaken within a small number of large stocking pens enclosed by post and rail fencing. The dog training element will be carried out on the smaller field enclosure to the west, that is separated from the stocking pens by hedgerow and a small watercourse. There are other minor structures on the land, however, these do not form part of the proposal as submitted.
- 9. The appellant and his wife are currently residing in the mobile home. This is positioned close to the appeal site's north east boundary and set close to a hedgerow.
- 10. There is currently an enforcement case open relating to the unauthorised development at the site<sup>1</sup>.

### Policy Context

- 11. Paragraph 80 of the 2021 Framework includes the advice that new isolated homes in the countryside should be avoided unless there are special circumstances. One such circumstance is the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 12. Although not referred to in Paragraph 80, the Department for Levelling Up, Housing and Communities (DLUHC) guidance<sup>2</sup> provides considerations to take into account when applying this part of the 2021 Framework. This 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

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<sup>1</sup> Council Enforcement Ref – 19/00850/ENF

<sup>2</sup> Paragraph: 010 Reference ID: 67-010-20190722, Housing Needs of Different Groups, Department for Levelling Up, Housing and Communities

agricultural processes require on-site attention 24-hours a day). Other considerations include the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

13. The Wiltshire Core Strategy (Core Strategy) was adopted in 2015. Core Policy 48 sets out more detailed criteria for determining dwellings in rural areas. Proposals will be supported where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. Such proposals should be supported by functional and financial evidence.
14. There are some differences between the Core Strategy and the 2021 Framework in terms of rural dwellings. The latter at Paragraph 80(a) refers to rural workers' dwellings as one type of exception to isolated homes in the countryside. The Core Strategy is more specific and lists rural dwellings exceptions to workers engaged in agriculture, forestry or other employment essential to the countryside. Despite those differences, they are generally aligned insofar as they relate to the requirement of there being an essential need for a new dwelling in association with rural employment.
15. Core Policy 34 of the Core Strategy, relates to proposals for new employment uses in the countryside. New enterprises will be supported, amongst other considerations, where they are within or adjacent to settlements, or support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification. The later 2021 Framework provides a more general requirement that decisions should support the sustainable growth of all businesses and enable the development and diversification of agricultural and other land-based rural businesses. It also recognises that sites for local businesses may have to be found beyond existing settlements (Paragraph 84).

Essential Need for a Rural Worker:

a) Alpaca enterprise

16. The appellant's Rural and Agricultural Appraisal (RAA) indicates that the enterprise will accommodate 24-36 alpacas at standard stocking rates at the end of Year 3. These will include up to 15 breeding females, with the remainder comprising stud males, cria (alpaca calves) and yearling cria. The broad economic intention of this element of the business will be to breed alpaca and sell offspring as either pets or breeding stock. Additionally, alpaca wool will be sold, along with associated garments made by the Appellant's wife. At the time of the Hearing it was indicated that the stocking numbers were broadly in line with the timeline of the business plan, although more alpaca would be purchased to drive the business forward.
17. It was also highlighted by the appellant that alpaca could give birth at any time of the year. On this basis his intention is to breed alpaca within the herd in succession rather than seasonally or during a particular time of the year.
18. The appellant's evidence refers to alpaca having a number of different characteristics in comparison to other livestock, which make it necessary to live

close to the animals to safeguard their well-being. According to the RAA alpaca breeding is an intricate and managed process where intervention may be required to assist with mating for up to a week. The month following conception is also a sensitive time when stress related factors can cause abortions and still births, and on this basis the appellant emphasises the importance to be present on site to identify and address those eventualities.

19. For Alpaca there is a gestation period of around 11 to 12 months and breeding females can produce one cria per year. The timing of the birth itself is difficult to predict and a high degree of observation is required during this time in order to identify if the animal is in any difficulty. Given that births could take place at any time of the day or night, living on site would mean the likelihood of spotting birthing difficulties would be considerably higher, than if living away from the site. Similarly, close vigilance of the animals is required daily to spot any changes in behaviour, as prey animals such as alpaca, can deliberately seek to hide signs of illness and weakness.
20. Following the birth of cria, I understand that hand rearing is not uncommon, normally involving 2 hourly feeds day and night for the first two weeks; 3-hourly feeds to eight weeks and 3 times daily to four months. To my mind this would represent an intensive period where there would need to be a presence at or close to the site for most of the day, especially if there are several cria requiring hand rearing.
21. I note that the security of the alpacas adds to the balance of factors that warrant an on-site presence. With a value of between £3,000-£7,000, the theft of a well-bred female alpaca could have a significant financial impact on the enterprise, particularly during its early years when the viability of this part of the business is predicated on small margins.
22. The security of the herd through mobile surveillance was discussed at the Hearing. Yet given the close attention required to spot changes in behaviour, CCTV cameras, in my view, may not prove to be an effective means of checking on the health of the herd remotely.
23. On the basis of the above supporting factors, I find that the claim that a permanent site presence is required for much of the time, including night-time, is justified. This is reinforced by the possibility of stock theft if there were no permanent on-site presence.
24. In its officers' report, the Council states, that after three years the scale of the alpaca business would not generate the need for a full-time worker or an essential need for the presence on site at most times. The RAA indicates that the labour requirements generated by the alpacas, once the business is fully established would equate to approximately 188 standard man days (SMD). I also note that grassland management and other management and maintenance amount to 43 SMDs, which could also relate indirectly to the alpaca element of the enterprise.
25. It is a broadly accepted benchmark that a rural worker may reasonably undertake 275 SMDs of work a year. With that in mind, the level of work generated by the alpaca herd would be somewhere between 188 and 231 SMDs, or around 68% to 84% when taken as a proportion of the days a rural worker may reasonably undertake during a year.

26. Although this proportion of SMDs would not equate to the annual benchmark figure for a rural worker, it nevertheless represents a sizeable number of working days that would be associated with the alpaca part of the enterprise. Moreover, in spite of the shortfall in SMDs, the unpredictability and intensity associated with the breeding/rearing of alpaca and the size of the herd proposed, would not diminish, in my view, the requirement to have an on-site presence at the site most of the time.
27. Regarding the financial basis of the enterprise, it is clear from the RAA and from my site visit that investment in stock, buildings, livestock enclosures and other equipment has already taken place and the investment in stock would continue up to Year 3. Under these circumstances it is not reasonable to expect the appellant to receive a typical agricultural worker's wage during the early stages of developing the alpaca herd.
28. The total net profit generated by the enterprise would be approximately £50,000 by the end of Year 3. The appellant confirmed at the Hearing that the Alpaca would generate less than half of this figure (the remainder coming from the dog breeding/training). It was qualified that for an alpaca farm to be financially viable, it would need to carry 20-30 breeding females. With 15 envisaged by the end of Year 3, the proposed alpaca element of the business would fall short of that benchmark, albeit not substantially.
29. The shortfall in income would be supplemented by the dog breeding/training part of the business, and whilst this appears to be more lucrative it is not uncommon for agricultural enterprises to rely on other income streams to generate additional revenue. This to me represents a sensible approach that would help endure the enterprise through its early years, as the income generated from the dog breeding/training would help insulate the alpaca side of the enterprise from financial difficulties. Furthermore, as that part of the business develops it could ensure a more robust financial platform moving forward that would be able to respond to failures of the farming enterprise (e.g. miscarriages or deaths, in the alpaca herd) and provide funds for further investment. On the basis of the evidence before me I am satisfied that the enterprise as a whole has been planned on a sound financial basis.
30. The Council has referred to an appeal that was dismissed at Kingston Russell<sup>3</sup> where the Inspector found that the mixed alpaca / equestrian enterprise would be buoyed up by several income streams unrelated to agriculture or requiring a rural location. However, that scheme differs to the one before me in that the appellant was deriving part of the enterprises' income from working elsewhere part-time. In contrast, the evidence before me indicates that the dog breeding/training element of the appeal proposal would take place at the site.

#### b) Dog Breeding and Training

31. At the Hearing the appellant confirmed that there would be four dogs kept at the appeal site at any one time. It is likely that this would be made up from breeding bitches, stud dogs and yearlings. They would be kept in the mobile home and pens within a van parked on-site, although the detached kennel building located close to the site's north east boundary is also available, albeit presently unused.

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<sup>3</sup> APP/F1230/W/19/3220377 – Land at Higher Kingston Russell, Road Past Kingston Russell Farm, Kingston Russell DT2 9ED, dismissed on 14<sup>th</sup> August 2019

32. The smaller field enclosure would be used for the exercise of the breeding dogs, as well as the dog training part of the business. There are no specific details in the RAA in terms of the SMD or profits the dog training would generate. Yet, at the Hearing the appellant confirmed that in his experience most new owners require puppies to be trained soon after purchase.
33. Given that the appellant had largely resided and operated his business successfully in an urban area, it would seem that it has not been essential for him to carry out the business in a rural location up until this point. The register of dog breeders in the county, submitted by the Council, also indicates that many of the properties where dog breeding is undertaken are within settlements, rather than rural locations. Moreover, the dog breeding/training part of the enterprise would not align with the types of businesses, referred to in Core Policy 34, where a countryside location would be acceptable. In addition, there is limited information on how this part of the enterprise would benefit local economic and social needs.
34. Despite the policy conflict, I recognise the benefits of co-locating the dogs close to an area where they will be exercised and trained as this would limit repeat journeys by vehicle to areas such as Salisbury Plain, a location where the appellant has previously taken his dogs. The appeal site would therefore represent a more sustainable location in this respect. Additionally, the income stream generated by the dog breeding/training element of the business would ensure a more robust financial platform that could respond to failures in respect of the farming enterprise, as well as facilitating its diversification.
35. Furthermore, the Council acknowledged at the Hearing that some businesses not listed in Core Policy 34, could be located outside of development limits depending on the circumstances of the case. An example of this relates to a recently issued Council decision to approve a dog day care and kennel establishment (along with a livery)<sup>4</sup>. The officer's report relating to that decision accepted that locating dog kennels away from sensitive noise receptors was preferable.

c) Alternative accommodation

36. The appellant has provided evidence to show that there are no other suitable properties to buy or rent within half a mile of the appeal site. The search area according to the appellant reflects similar distances advocated by experts in animal health and husbandry in the Finchampstead<sup>5</sup> and Doddiscombsleigh<sup>6</sup> appeal decisions. Those distances referred to are short and would in many cases limit the opportunity to source alternative and available properties nearby. I also recognise that the unpredictable and intensive husbandry associated with alpaca farming is likely to require a continuous presence on site or close by to react and respond to emergencies.
37. Conversely, the Council highlights that in the Breach Lane appeal decision<sup>7</sup>, the appellants operated an alpaca farm for a number of years from their home, a 10-minute drive from the location of the herd. The Council have also drawn

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<sup>4</sup> Planning Permission Ref: 20/03181/FUL

<sup>5</sup> APP/X0360/A/09/2103514 - Easter-Wood Alpacas, Finchampstead, Berkshre

<sup>6</sup> APP/P1133/A/2188539 - Little Park Farm, Doddiscombsleigh, Devon

<sup>7</sup> APP/Y3940/C/20/3246154, APP/Y3940/C/20/3246564 - Land known as Breach Lane Orchard, Breach Lane, Wytomsome Street, Southwick, Trowbridge, Wiltshire BA14 9RG

attention to a small number of properties that are available to buy in nearby Coulston.

38. However, in the case of Breach Lane, I do not know the full circumstances of that case and whether or not travelling time and distance presented any animal husbandry challenges or incidents during that time. It also does not justify dismissing this appeal given the more compelling evidence for residing at or close to an alpaca herd, in the Finchampstead and Doddiscombsleigh decisions. Furthermore, whilst the nearest settlement, Coulston, is around 1 mile away, this would still present some delay in response to urgent or unexpected situations. It is therefore not apparent that the functional need identified could be fulfilled by another existing dwelling within the local area.

d) Conclusion on main issue

39. In respect of the alpaca part of the enterprise it is clear from the appellant's submission and what I heard that the specific activities that would lead to the need for an on-site presence would be breeding, birthing and responding swiftly to complications that may arise from those activities. There is also a need to closely supervise and monitor the alpaca herd given the characteristics of the animal during times of illness. Therefore, I am satisfied that an on-site presence is required to undertake those activities for much of the time and that there would be an essential need to live at the site.
40. Regarding the dog breeding/training part of the enterprise, I recognise that there is a tension between this and the preferred locations for new businesses listed in Core Policy 34. However, I have found that operating the dog breeding/training in conjunction with the alpaca herd would enable the development and diversification of the agricultural side of the business, which is supported by Paragraph 84 of the 2021 Framework.
41. Also, it would generate an income that could allow the alpaca side of the business to develop and overcome any initial failures associated with breeding and expanding the herd during the early years of the enterprise. The ability to train and exercise the dogs at the site also removes the need for any repeat journeys by vehicle to outlying sites, which the appellant previously undertook. These factors add significant weight in favour of locating the dog breeding/training at the appeal site. Despite not fully according with Core Policy 34, the material considerations associated with the dog/training part of the enterprise attract significant weight, such that they outweigh the conflict with that part of the development plan.
42. Accordingly, it has been demonstrated that there would be an essential need for a rural worker to live at the appeal site for a temporary period of three years. The proposal would comply with Policy 48 of the Core Strategy, insofar as it requires schemes to meet the accommodation needs required to enable workers to live at their place of work in the interests of agriculture. In terms of the 2021 Framework, the proposal would accord with the exceptions relating to isolated homes in the countryside outlined in Paragraph 80, while also complying with Paragraph 84 of the 2021 Framework, where it relates to supporting the sustainable growth of all businesses that enable the development and diversification of agriculture.



### Hay store / Workshop

43. At the Hearing, the appellant confirmed that the hay store/workshop measures around 6m in length by 5m in width while having a pitched roof measuring 3m to its ridge. These dimensions would be broadly in line with the size of the structure I saw during my site visit. I also saw that around half of the building is open at its front and sides and currently storing hay and animal feed. The other half is used as a workshop and storage area for farm equipment.
44. I have not received any specific details of the quantities of hay / feed required for the current and future alpaca stock, although it would be reasonable to expect the farming part of the enterprise to have a supporting structure of the scale I saw on site, to provide covered storage for animal feed. This would be particularly important to keep fodder dry and protected from the elements and prevent it from ruin. Furthermore, a workshop would provide a practical facility to store and repair equipment and machinery connected to the agricultural use at the appeal site.
45. The Council has raised concerns that the hay store / workshop has a domestic appearance akin to a summerhouse. Whilst I acknowledge that it is a wooden construction and does not appear consistent with larger, metal clad agricultural sheds you would find in a rural area, it still has a functional structural form and the visible presence of stored hay and feed, along with agricultural tools/equipment removes any doubt that it is being used for domestic purposes.
46. Therefore, I conclude that the hay store / workshop would be reasonably necessary for the purposes of the agricultural activities undertaken at the appeal site. It would accord with Core Policy 34 of the Core Strategy where it relates to development that supports sustainable farming.

### Living Conditions

47. The nearest residential dwelling is around 70 metres to the north of the appeal site. A small number of further houses are located within around 300m of the site to the north and south respectively. I saw that these are generally separated from the appeal site by existing fields and hedgerow.
48. Whilst only a snapshot in time I found during my site visit (approximately 1 hour) that the surrounding noise environment was generally quiet. Yet, the tranquillity of the area was occasionally interrupted by the sound of farm machinery, helicopters travelling to and from a nearby RAF base and trains running along the Westbury to London mainline.
49. In this countryside location it would not be uncommon for people to keep a small number of dogs either as domestic pets or as working farm animals. It would also not be unusual behaviour for dogs at properties to occasionally react and bark at passing vehicles or visitors to properties.
50. With a total of four dogs being kept on site, I do not consider that this would be an excessive amount and to my mind would be unlikely to result in any disproportionate or continuous noise intrusion over and above what could be expected from a similar number of domestic or working dogs in a rural location. The distance the appeal site would maintain from neighbouring properties along with the existing hedgerow boundaries enclosing those properties would also help to diminish the transmission of sound from dogs barking.

51. Several objection letters were received in respect of noise from dogs at the appeal property, whilst the Council's Environmental Health division received three complaints relating to dog noise emanating from the site. However, details of the frequency and nature of the noise impact are limited, whilst the complaints received by the Environmental Health division have now been closed. On this basis I have no compelling evidence to convince me that there is an unacceptable level of noise and disturbance from dog activity at the site.
52. If I was to allow the appeal, a condition could be added to limit the number of dogs kept at the site. This would safeguard against potentially harmful levels of disturbance occurring and effecting the living conditions of nearby occupiers.
53. Concerns have also been raised regarding noise emitted from an on-site generator. The generator is located adjacent to the hay store / workshop and positioned close to the roadside boundary lining Stokes Marsh Lane. Although not operating at the time of my site visit, the appellant indicated that it would be active and operating for one to two hours per day. However, he was unable to provide me with any details of noise decibel levels the generator emits.
54. Whilst I do not doubt the appellant's intention to limit the generator's use, and that its operation may not substantially alter the prevailing noise environment in the area, I cannot be sure on whether the nature and audibility of the noise emitted would have a harmful effect on nearby residents. Nonetheless, a planning condition could be imposed that requires the appellant to outline proposals to manage and mitigate the noise emanating from the generator, whilst complying with a schedule of when it would operate so as to avoid times of the day when residents nearby would be most sensitive to disturbance.
55. Therefore, subject to conditions, the development would not harm the living conditions of nearby occupiers, with reference to noise and disturbance. It would accord with Policies 34 and 57 of the Core Strategy which in part require proposals to ensure that the amenities of nearby occupiers are not adversely affected.

#### Other Matters

56. The stocking levels at the appeal site have been questioned and particularly whether the alpaca herd would have sufficient land to graze. During my site visit I saw approximately 11 alpaca within one of the enclosed paddocks. The enclosure appeared sizeable for the number of animals, but I am not able to say with any certainty whether this would be an acceptable amount of land for the current stock. That said, I agree with the Inspector's findings referred to in the Breach Lane appeal decision, where he opined that the stock management arrangements only become critical when the higher stocking rates are reached, which in the case of this appeal would be at the end of the trial period. Furthermore, such concerns would be far more important if a permanent dwelling were sought, which is not the case in this appeal. Given the above, I consider that this matter would require further analysis should an application for a permanent dwelling be sought.
57. Similarly, there are concerns that the appeal site is unsuitable for alpaca farming given that it is poorly drained and susceptible to flooding. However, I have no specific evidence of these incidences, while the Council has not raised any concerns in respect of drainage and flooding of the land. On this basis I

have no compelling information before me to place significant doubt on the land's ability to carry livestock.

58. In terms of the proposal's visual impact, the mobile home, hay store/workshop and kennel block are largely screened from Stokes Marsh Lane and nearby dwellings by a tall mature hedge. Furthermore, these are modest structures that would not appear out of place in the context of the scale and number of other buildings lining the lane. Accordingly, the proposal would not adversely harm the area's character. I acknowledge that there are other structures on the land, however, those do not form part of the proposal before me and assessing whether these are acceptable or indeed require planning permission would be a matter for the Council to pursue.
59. In terms of vehicular movements generated by the proposal, the appellant indicates that the dog breeding element of the enterprise would generate on average around one visit per week, for the collection of puppies. I would also envisage some additional movements associated with the alpaca farm and dog training, although given its scale and stage of development, I do not envisage that these would be excessive. As such the proposal would not generate high volumes of daily traffic movements, nor is there any persuasive information before me to suggest that the proposal would harm the safety of other road users along Stokes Marsh Lane.
60. There is a gravelled access and forecourt area for the parking of vehicles adjacent to the hay store/workshop. No objection has been raised from the Council's Highway advisers in terms of any parking deficiency or shortfall, and from what I saw during my site visit I have no reason to come to a different view.
61. There are concerns regarding the effect the development would have on a local bat colony. I have no specific details of its location and proximity to structures at the site, however, I am mindful that hedgerows surrounding the appeal site could be used for bat feeding and foraging. Given this and considering the comments referred to by the Council's Ecological advisor in respect of the use of sensitive lighting, I consider that a condition controlling the future placement of external lighting would be an effective means to protect bat interests at the site.
62. Several representations have questioned that, if granted, the proposal would set a precedent for similar schemes to come forward in the locality. However, there are no certainties that this would be the case, and even so those proposals would need to be determined on their individual merits. Therefore, this matter has had limited bearing on my decision.
63. Matters relating to animal husbandry certification would be a separate matter to this appeal.

#### Conditions

64. The Council's suggested conditions were discussed at the Hearing and various consequential amendments and additions have since been agreed between the parties. I have considered each of the conditions against the tests set out in paragraph 56 of the 2021 Framework and within the PPG.
65. A condition specifying the approved plans is necessary as this provides certainty. I have also included an additional condition requiring floor and

elevation drawings of the hay store/workshop building. The siting of this building is referred to in the location and site/block plans, however, the additional drawings are necessary in the interests of certainty. I have drafted this condition to include a clause outlining the consequence of the condition not being complied with within the time limit imposed. The omission of such a clause would render the condition unenforceable. The Council has suggested an alternative form of wording however, they have not included a clause that would make it compliant with the test of enforceability set out in the PPG.

66. A condition restricting the permission for a temporary three-year period is required as the business is not yet able to demonstrate that it is able to endure in the long term. As the mobile home is being permitted to support the identified essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary.
67. A condition placing a restriction on the number of dogs to be kept at the site is necessary to prevent any intensification of the dog breeding element of the enterprise that may lead to an unacceptable effect on the living conditions of nearby occupiers, in terms of noise and disturbance. I have also imposed a condition requiring mitigation and management of noise emitted from the on-site generator. This is required to ensure minimum disturbance and avoid nuisance to the locality. A similar implementation clause, to the condition requiring additional drawings, has been included for the same reason.
68. To ensure that the development does not have an adverse impact on biodiversity interests at the site a condition is necessary to restrict the placement on external lighting at the site.
69. I have not included the Council's suggested condition removing permitted development (PD) rights for additional outbuildings or additions at the site. As the size of the agricultural unit is less than 5 Ha, I am satisfied that the permitted development rights that would relate to a holding of this scale<sup>8</sup> place sufficient restrictions on the size and extent of what could be built and would sufficiently safeguard the visual amenities of the area from any unacceptable development.
70. As I intend to control the number of dogs kept at the site, the Council's suggested conditions relating to acoustic management and mitigation of the dog breeding/training element are not necessary to make the scheme acceptable.

## Conclusion

71. On the basis of the evidence before me, I have found that the appeal scheme would be acceptable, and therefore the appeal should succeed.

  
INSPECTOR

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<sup>8</sup> Class B (agricultural development on units of less than 5 hectares) of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

### Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Dwg 001; Site/Block Plan – Dwg 002A; Mobile Home Plan – Dwg 003.
2. Notwithstanding the approved drawings referred to in condition 1, unless within 2 months of the date of this decision floor and elevation drawings of the hay store/workshop building as shown on drawing number Dwg 001 and Dwg 002, are submitted in writing to the local planning authority for approval, the occupation and use of that building and the mobile home shall cease until such time as a scheme is approved.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the occupation of the hay store/workshop and mobile home shall cease until such time as a scheme is approved by the local planning authority.

Upon approval of the drawings specified in this condition, that scheme shall thereafter be retained for the duration of the permission. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. Unless within 2 months of the date of this decision a scheme providing sound insulation for the on-site generator along with a management scheme outlining a schedule of operation, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the occupation and use of the mobile home, hay store/workshop and kennels shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the occupation and use of the mobile home, haystore and kennels shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved noise mitigation and management scheme specified in this condition, that scheme shall thereafter be retained for the duration of this permission. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit, shall be removed from the site and the use hereby permitted shall be discontinued with the land restored to its former condition within 3 years from the date of this decision in accordance with a demolition and land restoration scheme that shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the expiry of this temporary permission.
5. The occupation of the temporary mobile home shall be limited to a person solely or mainly working, or last working, in connection with breeding and

keeping of alpacas and breeding/training of dogs at the identified landholding at Stokes Marsh Lane, Coulston, Wiltshire BA13 4NZ (as shown on the cited location and site/block plans), and their spouse and to any resident dependents.

6. No more than four dogs shall be kept on site at any one time (for the purposes of commercial dog breeding).
7. There shall be no external lighting within the site without the prior approval in writing of the local planning authority.

## APPEARANCES

### FOR THE APPELLANT:

Martyn Elliott	Appellant
Sioned Davies	Barrister, No 5 Chambers
Marc Willis BTP MRTPI FBIAC	Willis & Co (Town Planning) Ltd
Peter Williams BSc(Hons) Agric, FBIAC	Reading Agricultural

### FOR THE LOCAL PLANNING AUTHORITY:

Eileen Medlin BA (Hons), PgDip TP	Senior Conservation and Planning Officer
Brett Warren MSc, CEnvH	Senior Environmental Health Officer
Suzie Vowles	Public Protection Officer
Christopher Manns BSC (Hons), MSc	Highway DC Engineer (Level 3)



# Appeal Decision

Hearing held on 23 August 2022

Site visit made on 24 August 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

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Appeal Ref: APP/E2205/W/22/3297749

Park Field, New Road Hill, Bonnington, Ashford, Kent TN25 7BA

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 M Homewood & Ms T Reidy-Wilde against the decision of Ashford Borough Council.

The application Ref 21/01229/AS, dated 2 July 2021, was refused by notice dated 11 November 2021.

The development proposed is change of use of land for the siting of mobile home for use as an agricultural workers dwelling; formation of a vehicular access; erection of agricultural building and ancillary development.

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## Decision

1. The appeal is allowed and planning permission is granted for 'change of use of land for the siting of mobile home for use as an agricultural workers dwelling; formation of a vehicular access; erection of agricultural building and ancillary development' at Park Field, New Road Hill, Bonnington, Ashford, Kent TN25 7BA in accordance with the terms of the application, Ref 21/01229/AS, dated 2 July 2021 and subject to the conditions in the attached schedule.

## Preliminary Matters

2. There were differences in how the appeal site address was given on the planning application form, the appeal form and the Council's decision notice. At the Hearing, the parties agreed that the site address used in the Statement of Common Ground ('SoCG') was correct, and consequently this is the address that I have used in the banner heading and my decision above.
3. The appeal form and the decision notice also gave a different development description to that originally entered on the planning application form. I have used the description as it appears on the appeal form and decision notice since the appellants have provided written confirmation that they agree to this amended version, and it is also on this basis that interested parties were notified of the proposal.
4. The application form indicates that the development applied for commenced in June 2021 but was not complete. At my visit, I saw an access from New Road Hill had been created and a mobile home was on the site, albeit not in use as a dwelling. However, the mobile home was in a different position to that shown on the submitted plans, and the appellant's evidence also confirms that the access currently present is not that which permission is being sought for. For



the avoidance of doubt, I have considered the appeal on the basis of the development as it is shown on the submitted plans.

5. Shortly before the Hearing, the Council provided a written submission prepared by Price Whitehead setting out the Council's position in response to the appellants' business plan ('the PW Submission'). This includes a large number of detailed points and raises concerns which had not been previously clearly articulated within the Council's evidence, and it is regrettable that it was not provided at an earlier point in the process. Nevertheless, the appellants had been able to consider the PW Submission and were in a position to respond to it at the Hearing, and I have therefore taken it into account.

#### Main Issues

6. The main issues are:
  - a) whether or not there is an essential need for the development proposed on the site, including with regard to:
    - i. whether or not it is necessary for a rural worker to live on the site, and
    - ii. whether or not there is a realistic prospect of the enterprise becoming viable and sustainable; and
  - b) the effect of the proposal on the character and appearance of the landscape.

#### Reasons

7. The appeal site is part of a large field with access from New Road Hill. The appeal proposes development including a mobile home to be used as a dwelling for an agricultural worker for a 3-year temporary period, and a general purpose agricultural building. These are intended to support the operation of an agricultural enterprise on the site and wider field. Nevertheless, the use of the wider holding for agriculture is not in itself part of the development that is before me to consider as part of the appeal.
8. Details of how the enterprise is planned to develop are included within the appellants Agricultural Appraisal ('the AA') prepared by Reading Agricultural Consultants ('RAC'). This includes a business plan based on the breeding and rearing of alpacas for sale, with other income streams including the sale of alpaca yarn and products, sale of lamb, sale of free-range eggs, making and sale of hay and camping and alpaca care and experience days.
9. At the time the Council determined the application, it commented that there was no current enterprise. However, activity has since commenced, with preparatory works including the sowing of the wider site with alpaca grass, fencing and provision of field shelters; and purchase of alpacas which I saw grazing at the time of my visit. That said, the appellants advised at the Hearing that bringing forward the business plan laid out within the AA is predicated on planning permission being granted. Notwithstanding the calendar years noted in the business plan, it has not therefore been formally implemented in advance of the appeal being determined, and activity identified in Year 1 remains a future projection.

## Essential Need for the Development

### Mobile Home

10. Bonnington is not one of the listed settlements where Policy HOU5 of the Ashford Local Plan 2030 adopted in 2019 ('the ALP') identifies residential development meeting specified criteria will be generally acceptable, and there is no dispute between the main parties that the site is in the countryside in planning policy terms. However, Policy HOU5 does set out that residential development elsewhere in the countryside may be permitted in situations including accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside. In this regard, Policy HOU5 is generally consistent with the National Planning Policy Framework ('the Framework') which similarly sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more listed circumstances apply. These circumstances include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
11. Neither Policy HOU5 nor the Framework provide further guidance on how 'essential need' should be judged. However, I have been referred to the national Planning Practice Guidance ('the PPG') which identifies considerations that it may be relevant to take into account when considering essential need under the terms of the Framework. These 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; the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; and, in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. The PPG does not impose a requirement to consider these factors. Nor does it specify benchmarks or similar that a proposal should meet in relation to the listed considerations. Nevertheless, I consider the PPG to provide useful guidance in this case, and I have taken it into account.

Whether or not it is necessary for a rural worker to live on the site

12. The primary justification advanced for a rural worker to live on the site is to care for the alpacas which the AA outlines are planned to reach a herd of some 20 breeding females, and 42 alpacas in total, from Year 3 of the business plan, including through the purchase of 10 pregnant females at the start of Year 1.
13. The Council has challenged the appellants' estimated alpaca stock numbers. Accounting for sale of animals, it considers that it would not be possible to reach a herd of 20 breeding females until Year 4 rather than Year 3 as asserted by the appellants. It became apparent at the Hearing that the difference between the main parties on this point largely results from the assumed age at which a female cria can be put to stud; the appellants have suggested that this can occur from 12 months, while the Council based its assessment on an age of 2 years.
14. In support of their position, the Council referred to discussion with a representative at the British Alpaca Society ('BAS'). Full details of the discussion are not before me, but the summary given at the Hearing referred to advice that the representative would not put an alpaca to stud until 14 months or 2 years of age. This differs from the advice on the BAS website

highlighted by the appellants which states that female crias are ready to be put to stud when they have reached 60% of the weight of their mother or are 14 months old.

15. I do not know the reason for this apparent difference in views ostensibly both expressed by the BAS. However, I consider that the advice as published on the Society's website would attract greater weight. Furthermore, both main parties' evidence referred to 14 months as an age that a cria could be put to stud, which would be far closer to the 12 months assumed by the appellants than the Council's 2 years. Moreover, there would seem to be scope for at least some females to reach 60% of the weight of their mother earlier and potentially by 12 months. The Council said that it would not agree with putting a female to stud at 12 months, but did not provide firm evidence that a female having reached 60% of the weight of her mother would be biologically ready as indicated by the BAS website. On the strength of the evidence before me, I therefore find the appellants' position to be more compelling.
16. Of the breeding females, the AA assumes that 80% would conceive each year and produce crias, leaving 20% that would not. In response to criticism that the estimated stock figures do not account for abortion rates, the appellants referred to 'Llamas and Alpacas: A Guide to Management' which indicates that roughly 10% of pregnancies fail between conception and birth. On this basis, I find that the assumed birth numbers would be reasonable.
17. With regard to all of the evidence presented, I consider that reaching a herd of around 20 breeding females and 42 alpacas in total from Year 3 onwards as assumed by the appellants could well be achievable, and that any shortfall owing to delay in putting female crias to stud at 14 months rather than 12 would be very minor overall. Furthermore, the appellants confirm that current alpaca numbers are on track to exceed those that the business plan suggests will be on site going into Year 2. This is likely to further support overall stock increases at least in line with the levels envisaged.
18. The number of alpacas estimated does not in itself show that it would be necessary to live at the site, but provides important context for consideration of the implications of their particular characteristics.
19. The AA indicates that these characteristics include a gestation period of around 330 days with variation by up to 30 days either side. This makes it difficult to predict the timing of births. I also heard that mating is not necessarily straightforward, requiring observation and possibly intervention as each female is put to stud which would not be possible for the whole herd concurrently. Mating may also need to be repeated, including where conception fails or is aborted, and noting the long gestation period, I agree with the appellants that it would be impractical for the business to wait until the following year's cycle to put a female back to stud in these circumstances. Given these factors, I am in no doubt that it would be very challenging to group pregnancies and births, and that with a herd of around 20 breeding females, there would be a wide period through the year over which births may potentially occur.
20. During this period, I heard from an interested party that births mostly occur between 4am and 2pm, but while that may be typical, I have also been provided with evidence that births could occur at any time of the day or night. I have no firm reason to doubt this possibility, nor the appellants' evidence that close observation of animals to identify any problems during pregnancy or a

- need for assistance at parturition is required. The AA also highlights that lack of milk following births is not uncommon and can require artificial rearing of cria. This is said to involve 2-hourly feeds for the first 2 weeks, 3-hourly feeds to 8 weeks and 3-daily feeds to 4 months. In such a situation, it is clear that there would be a need for an intensive on-site presence for at least 8 weeks. Furthermore, this presence could potentially be required for more than one cria, which for the reasons above could be born over a fairly long period.
21. Although it was suggested to me that alpacas are a hardy species, the AA also highlights that they deliberately seek to hide signs of illness or weakness, and that spending regular time with them assists in ensuring that health or welfare issues are spotted promptly and can be dealt with. There was some discussion at the Hearing about potential for monitoring of the alpacas by CCTV. Nevertheless, I have little to indicate that this would be a practical or effective means to monitor their wellbeing, particularly given their characteristics and that they generally live and birth outdoors.
  22. Taking all of these factors together, it seems to me that effective monitoring of the alpacas and prompt action to intervene where necessary would require a worker to be readily available at most times, day and night through the year, in order to ensure their wellbeing and to properly establish and maintain a breeding herd.
  23. Further sources of income identified in the AA include the sale of lamb from a flock of 30 ewes and the sale of free-range eggs from up to 300 chickens. The number of sheep anticipated are fairly low, but would need some supervision at lambing time to ensure the welfare of ewes and lambs, albeit that this is likely to be over a more concentrated period than the alpacas. Similarly, while the number of chickens would be small, an on-site presence would assist in responding quickly to emergency situations such as predators or loud noises.
  24. On balance, I consider that the successful and proper management and ensuring the welfare of the mix of livestock proposed would reasonably require the close presence of a rural worker, including overnight, for much of the year. The AA additionally refers to an on-site presence as a deterrent to vandalism and theft of stock or equipment, and that it would support being able to deal with fire risk. I was also provided with details of past break-ins at the site, and while interested parties commented at the Hearing that crime rates are generally low in this area, I also heard of a large number of break-ins that had occurred at a local farm. I accept that security is likely to be a concern for any rural business, and from the evidence before me I do not consider that this factor would in itself justify a dwelling. Nevertheless, the loss of stock and/or equipment would be likely to affect the business, and lends further support to my view that a close presence would support the success of the enterprise.
  25. The need for close presence of a rural worker arises because of the mix of intended activities, but many rural enterprises diversify and rely on a mix of income streams, and I do not consider its derivation from a combination of factors is in itself a reason to discount the need.
  26. Also in relation to the mix of activities, I have noted concerns that the size of the wider site at around 10.3ha would not be able to support everything proposed. However, there is little difference between the main parties in relation to the area required for the alpacas and sheep having regard to stocking densities, and even taking the Council's figures would result in a

- combined requirement for around 5.72ha. The Council suggests that there would be additional land required for hens, but I have no compelling reason to doubt that these could intergraze with alpaca as the appellants advise, nor that they could be suitably accommodated within mobile huts/runs. I also saw that rights of way crossing the site do not significantly reduce the area of land available.
27. The Council suggests that clean ground would be required for camping and I heard from an interested party that scouting groups would require camping grounds that had not been occupied by animals in the previous 3 weeks. The appellants disagree that clean ground would be required, but it would in any event seem possible to manage areas of the site used for livestock to allow for a 3 week window in advance of any camping given that this is intended to occur over a concentrated and relatively short period in peak season.
28. On this basis, there would seem to me to be sufficient land available to support the suggested livestock and camping, with further land available for hay production. The appellants advise that the site has formerly been used for grazing and has been sowed with alpaca grass, and while I have noted comments by interested parties, I have no compelling information to find that the site could not realistically support the types of livestock and activities proposed. The size and characteristics of the wider site do not therefore undermine my view that the close presence of a rural worker to the site would in this case be necessary.
29. In this regard, I note that my conclusions are consistent with those of the Council's agricultural advisor at the time of the planning application (Rural Planning Limited) who commented that 'in terms of overall functional need, I would accept, on balance, that the successful and proper management of the proposed mix of activities indicated in the RAC Appraisal, including the care of a variety of animals and poultry, and overall security, would warrant the provision of on-site accommodation'. The Council was not bound by this advice or required to reach the same conclusion. However, its report on the application did not offer substantive reasons to depart from this view. At the Hearing, the Council also accepted that an on-site presence would be necessary on establishment of a herd of 20 breeding female alpacas, albeit that it disputed when such a point would be reached.
30. I have already found that it would not be unrealistic for a herd of 20 breeding female alpacas to be established by Year 3 of the business plan. The requirement for a rural worker to be present may not fully materialise until this point. Even so, both main parties refer to a stock level of around 14 breeding female alpacas on the site at Year 2. Even taking the Council's assessment that there would be around 25 alpacas on the holding in total rather than the 30 anticipated by the appellants, this number of breeding females together with the other livestock proposed would still give rise to a need for a fairly considerable presence by a rural worker across the year at Year 2. The lack of such a presence while the enterprise is being established would in my view be likely to hinder its responsible and successful operation.
31. The Council has not argued that there would be other accommodation that could be suitable to accommodate a rural worker. Interested parties have referred generally to properties on the market locally in Mersham, Aldington, Bonnington and Bislington. However, I have not been made aware of any

available dwellings sufficiently close to offer the necessary continuous presence at or very near to the site to enable the proper management and monitoring of the enterprise as an alternative to the proposed dwelling.

32. From the evidence before me, the dwelling would be reasonably required to support the agricultural enterprise, and I find on balance that it would be necessary for a rural worker to live on the site.
33. In reaching this view, I have noted an appeal decision for a site at Heinz Orchard in Maidstone referred to by the Council where a proposed alpaca enterprise was not found to necessitate a presence on site at most times of day and night throughout the year. I do not have full details of the circumstances which led to this conclusion, but note that the decision indicates that the enterprise was predicated only on sale of alpacas and fibre/finished garments from them. The circumstances are not therefore directly comparable to the appeal development, and it does not alter my conclusions on the proposal which are based on the specific evidence before me. I have also been provided with details of planning permissions that were subsequently granted on the Heinz Orchard site for a temporary dwelling, and then for a permanent dwelling, but given that these would also turn on their specific merits, they are not determinative.

Whether or not there is a realistic prospect of the enterprise becoming viable and sustainable

34. The sale of alpacas is the largest income source identified within the appellants' business plan. The Council's evidence suggests that sales of alpacas are largely limited to other breeders, as domestic pets or the tourism leisure market, and I note comments referring to alpaca breeding stock values as the result of a speculative bubble which would only be sustainable as long as there were new breeders prepared to buy stock. Be that as it may, the appellants' evidence indicates that the market has persisted in this country for some time now and that prices have been fairly consistent since 2011, and there is little substantive evidence before me to suggest that this will not continue.
35. I have found that the alpaca herd growth numbers suggested by the appellants, and consequently the number of animals that would be available for sale, would not be unrealistic. In terms of the assumed sale prices, these reflect average asking prices on the Alpaca Seller website at the time the AA was prepared. The Council accepts that the price for non-breeding male alpacas is fair and reasonable, and I have no firm reason to take a different view. The Council also accepted at the Hearing that the prices for breeding males and females could be achieved by a well-established herd, but considers that this would not be realistic for an unproven new herd, and referred to examples of lower asking prices from review of a sample of sellers. However, the information before me also points to a large range in prices for breeding males and females, with some substantially higher than even the average prices assumed by the appellants.
36. In this case, the appellants confirmed that stock bought into the holding has and would have a proven lineage, and that appearances at shows would further provide opportunity to demonstrate provenance. They also indicated that the assumed prices were consistent with the existing stock purchased and with receipts from other enterprises, although details of these purchases are not before me which limits somewhat the weight that I can afford to this comment.

In my judgement, realising the average selling prices assumed in the business plan for breeding alpacas would be ambitious, particularly in the earliest years of the business before a reputation has been established, and I cannot be sure that sales would be made at the numbers envisaged by the business plan. Based on all that I have seen and heard though, I am not persuaded that there is no reasonable prospect of achieving these sales prices within the life of the business plan.

37. Drawing these factors together, I find that the appellants' assumed income from sale of breeding alpacas would be optimistic, but not beyond the realms of reasonable possibility, certainly by Year 3 of the business plan and onwards.
38. With regard to the other sources of income identified by the appellants, I heard that prices for alpaca wool vary according to the colour of fleeces and the quality of fibres. The appellants indicated though that fibre sampling has been done for all alpacas bought, and it seems to me that there would be scope to manage the herd for fleece colour and quality. In addition, the business plan does not assume that all fleeces would be of usable quality, providing some allowance for wastage. I also heard that the appellants have been able to sell unprocessed fleeces from the existing herd, and while few in number to date, these sales have brought in much higher prices per kg than assumed in the business plan. I further note that the PW Submission commented that the headline figures in the business plan for fleece/wool sales appear broadly acceptable, and in my assessment, overall income from wool sales at or close to that assumed by the business plan would be realistic.
39. The intended lamb sales would come from Romney sheep. The Council suggested that a lambing percentage of 130% (rather than 150% assumed by the appellants) would be more realistic for this breed, referring to experience of other clients with pure breeds, the small size of the holding and the appellants' lack of experience. The appellants' figure reflects percentages quoted in the John Nix Farm Management Pocketbook ('the JNP'), and although I see no reason in principle that a small holding with requisite experience and/or support could not achieve these levels, I agree with the Council that it may be challenging for a new enterprise. Nevertheless, the small size of the flock means that the difference between the parties in the number of lambs produced that would then be available for sale would be small.
40. In the absence of evidence demonstrating a local demand for produce and noting comments made by the Council and interested parties regarding existing producers in the area, I am however concerned that sales of lamb and particularly free range eggs at the level suggested may not be achievable. That said, I do not doubt that it would be possible to find some market and make sales providing a source of revenue which could be pursued, albeit that this could result in a lower income than assumed by the business plan.
41. There is limited detail in the business plan to explain the suggested income from camping and experience days, and I note comments regarding existing camping/glamping and alpaca experiences that are available locally. I was also advised that a previous application for a Freedom Camping licence on the site was rejected. However, the appellants outline that camping would occur under permitted development rights, and is intended to comprise a low number of high value 'glamping' pitches in place during peak demand periods with potential also for camping by participants on Duke of Edinburgh award scheme

activities. Given these characteristics, it seems to me that likely occupancy levels may not be directly comparable to existing camping sites in the area where I was advised of low overall occupancy rates of around 22%. The Council also suggested that the income stated from Year 4 of the business plan onwards would require 7 guests for every night that camping would be possible under permitted development rights. However, it is not clear that the quoted typical campsite pitch fee that this is based on would reflect the glamping proposed. Moreover, this does not take into account income from alpaca care and experience days which the appellants indicate has already generated interest. Overall, I am satisfied that the income suggested from camping and experience days would not be unreasonable.

42. I have already found that there would be likely to be land available within the wider site that could be used for hay making. The business plan does include an allowance for income for hay which reduces in later years as livestock numbers increase. However, this is not a significant contributor to profit overall, and even if it was the case that no hay was produced for sale, the loss of this income would not significantly affect the overall viability of the enterprise. The plan also allows for purchase of hay to feed the proposed livestock which I consider further below, and is not therefore reliant on production from the site.
43. At the hearing, the appellants confirmed their entitlement to claim Government grant in the form of basic payment. The PW Submission notes that the allowance assumed in the business plan for basic payment grant is broadly in line with published rates, but that the scheme is scheduled to end and cannot be relied on in the longer term. That may be, but I was informed that it would be replaced by other schemes. The detail of future schemes and the level of grant that the site would be eligible for is currently unclear, but I do not consider this income should be wholly discounted, and I further note that it is a small element of the overall income stream.
44. Interested parties have referred to one of the appellants continuing other outside employment, but this is not income relied on by the business plan to support the enterprise.
45. Turning to consider costs, the appellants figures are generally based on figures taken from the JNP. The Council prefers the Agricultural Budgeting and Costing Book ('the ABC'), but both are published industry standard reference books.
46. The costs assumed by the appellants reflect figures at the time the business plan was prepared. Given current economic trends, it is likely that these costs would have increased since that time and may well continue to increase further in future. However, I have no firm reason to doubt that the prices for produce would also be likely to increase, albeit that there may be some lag, and I note comments that alpaca sales remained buoyant after the 2008 recession. It is also not possible to predict with any certainty how the economy may change in future. As a consequence, I consider it reasonable to assess the business plan on an inflation-neutral basis which also reflects the approach taken in an appeal decision at Sienna's Valley Farm that was drawn to my attention, and I do not find that recent inflation and price rises undermine the business plan overall.
47. With specific regard to feed for alpacas, the greatest difference between the parties reflects the cost of supplying hay, with the Council suggesting an



annual need for nearly 4 times more hay than assumed by the appellants. In support of this, the Council refers to published hay requirements for sheep. However, there are published figures available for alpacas, including in the JNP on which the appellants' hay allowance is based. I accept that figures for sheep may be supported by more extensive real-world data given their greater prevalence. Even so, that does not mean that the published figures for alpacas are inaccurate, and to my mind, these would be likely to offer a more realistic guide according to the specific characteristics, digestion and requirements of alpacas. I also heard from the appellants' representative that the quoted figures are in line with their experience of alpacas elsewhere. Notwithstanding the intention to produce hay on site, the appellants' costs also allow for the full hay requirement to be brought in. On this basis, I find that the costs for hay feed for the alpacas assumed by the appellants would be reasonable.

48. There is also some disagreement over the costs associated with alpaca feed concentrate. The Council refers to a requirement for 150-300g per day, while the appellants advised that costs in the business plan were based on a requirement for around 100g per adult per day in line with the JNP. I am unable to say with any certainty that either parties figure would be more preferable than the other as a general guide, but I heard that the feed product used by the appellants indicates 70g per day should be provided. The assumed requirement would therefore seem to me to be reasonable, but even if it were a little low, the consequent difference in overall costs would be small.
49. The Council suggested that vet, medication and sundry costs for the alpacas would ultimately depend on the skills of the appellants, but I do not consider it unreasonable to base these on typical costs indicated in the JNP. The Council also accepted that the identified costs associated with processing alpaca wool would appear broadly acceptable. It comments that there are no details of how wool would be packaged, stored, marketed and sold, but I was informed that marketing and sales would be mostly online incurring little cost, and that wool could be stored in the general purpose building. The business plan also allows for higher shearing costs per adult alpaca than the Council's figures quoted in the PW Submission, and I have already referred to opportunity for sale of unprocessed fleeces which would incur very limited production costs. It therefore seems to me that overall costs incurred in relation to the alpaca wool would be unlikely to be significantly higher than assumed in the business plan.
50. The costs allowed for lamb sales are based on the JNP. The Council asserts that the assumed slaughter and butchery costs are unrealistically low based on current butchers offering this service, but this would only affect private lamb sales, and packing and storage of lamb would not take place on the site, avoiding a requirement for refrigeration. Even if I were to accept the Council's figures for slaughter and butchery, I do not find that there is compelling evidence to show that the other lamb costs have been significantly underestimated, and the overall impact on total variable costs assumed would be minor.
51. The costs allowed for egg production are similarly based on the JNP. The Council suggests that feed costs would be higher, and that the mortality rate figure should also be increased with reference to figures from the ABC and rising costs. I have little clear evidence to favour either the JNP or the ABC figures on these points, and it would seem reasonable to take a position some way between them. However, the Council's evidence refers to recent and future

- cost increases which I have dealt with above as informing their view of these costs, and I therefore consider the position would appropriately sit closer to the appellants' figures.
52. There would however be likely to be some additional distribution costs which are not accounted for in the business plan given that the appellants have referred to potential for some deliveries and sales at farmers markets in addition to sales of eggs at the farm gate. The appellants also acknowledged that supply egg boxes for customers would add some further costs, although I share their view that these would be far less than the packaging cost suggested by the Council which seems to me to be unrealistically high if purchased in any kind of volume. Based on the evidence before me, I find that the costs associated with egg sales would be likely to be higher than assumed by the appellants, but not as high as the Council suggests.
53. There is an allowance in the plan for general overheads based on the JNP which I heard would cover aspects such as farm maintenance, water and electricity, insurance, fees and subscriptions. It seems to me that this would cover many of the other costs which the Council and interested parties suggested had been omitted from the plan including those associated with pest control, biosecurity, utilities, registration fees and meeting regulatory and legislative requirements.
54. There is also an allowance for capital investment which would cover elements such as costs of infrastructure and livestock. In the absence of a full break down of what would be covered by the allowed investment figure, I am unable to say with any certainty that it would be sufficient to cover all likely capital costs. However, additional capital investment would not substantially increase the required return to investment figure.
55. In addition to a return to capital, the business plan includes labour, a return to the land, and the cost of the temporary dwelling as inputs requiring a reasonable return that the enterprise should turn a sufficient net profit to provide in order to be viable. The evidence before me does not offer compelling challenge to the suggested returns to land or labour, and while interested parties questioned the availability of a mortgage for a temporary dwelling, I see no reason to doubt the appellants' suggestion that a loan would instead be available.
56. Drawing these matters together, I consider that the income assumed by the appellants is on the high side, largely as a result of the income assumed from lamb and chicken sales being overstated. I also consider that the assumed costs may be underestimated in relation to alpaca concentrate feed, lamb production and egg production, although not substantially so. Margins would therefore be more borderline than the appellants assert, and I agree with the Council and interested parties that there is uncertainty inherent in the business plan. Even so and allowing for a substantial reduction in income from lamb and egg sales should the anticipated markets not emerge locally, the degree of reduction that I consider would be likely taking a cumulative view across the business plan as a whole and in light of all of the criticisms levelled against it is not so great that I consider there would be no reasonable chance of achieving a net profit by Year 3 of the business plan and increasing thereafter. This would be the case even if it were necessary to increase the reasonable return to allow for some uplift in capital investment.

57. Moreover, the appellants comment that the proposal for a dwelling for a temporary 3-year trial period would allow them to develop and prove the business, including to demonstrate markets for the intended produce and/or to adapt as necessary. To my reading, the guidance within the PPG noting that considerations relevant to assessment of essential need could include whether it is appropriate to consider granting permission for a temporary dwelling for a trial period does not indicate that a temporary permission should always be granted. However, I find on balance from the evidence before me that there is a reasonable prospect that the enterprise could become viable and sustainable by the end of the temporary period, and I do not consider there is a significant risk that it would cease in the very short term. I find that it would in this case therefore be appropriate to allow the enterprise to prove itself. Actual performance and ongoing prospects and requirements for a dwelling could then be fully tested should a future application be made for a permanent dwelling after the temporary period.

#### Agricultural Building

58. The general purpose agricultural building would be multipurpose, with uses including storage of equipment and hay; fleece sorting, working and storage; and occasional livestock use including shearing and lambing. It would be fairly typical of agricultural buildings, and while not annotated on the plans, the appellants' confirmed that the timber cladding to the upper walls would be hit and miss boarding.
59. With regard to its suitability for the intended purposes, I note that the building is not proposed to be routinely used for housing livestock, with field shelters and chicken huts provided for this purpose elsewhere on the site. An interested party referred to experience of alpacas being kept under shelter, but the appellants describe that it is not necessary for them to be inside and I have no firm reason to find that field shelters would not offer adequate protection. There would be briefer periods when livestock may be inside the building including at shearing or lambing time, or when unwell. During these periods the hit and miss boarding together with the transparent roof panels would offer light and ventilation, even with a container for equipment storage and a partial mezzanine which the appellants suggest could be installed under permitted development rights.
60. The Council's report on the application commented that the building is considered to be of reasonable size for the identified requirements, and I have no firm reason to disagree. As a consequence, and given my findings above, I am satisfied that the agricultural building would be suited and reasonably necessary to serve the agricultural use of the wider site, and it would be essential for the development to be located in the countryside.

#### Conclusion on First Main Issue

61. For these reasons, I am satisfied that the general purpose agricultural building would be necessary. It would also be necessary for a worker to live at the site, and on the strength of the evidence before me, I find on balance that I have sufficient confidence that the enterprise could become viable so as to sustain this need in the longer term. The evidence before me shows continuing investment in the enterprise, and while I have noted comments regarding the reason for the proposal, I have no firm basis to question the appellants' intentions.

62. I appreciate that services, facilities and access to public transport in the vicinity of the site are very limited, and that it is not a location where a new dwelling would generally be supported. However, I conclude for these reasons that there is an essential need for the development proposed on the site to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside. I therefore find that this is a circumstance in which a new home may be provided in the countryside in accordance with the terms of Policy HOU5 of the ALP and the Framework.
63. The Council has also referred to Policy EMP5 of the ALP which relates to proposals for employment development on new sites in the countryside. Based on the supporting text which refers to employment premises, it seems to me that this policy is directed more to proposals for more traditional employment uses rather than in agriculture as is proposed by the appeal. In any event though, for the reasons above I see no conflict with Policy EMP5 insofar as it includes a requirement that it is essential for development to be located in the countryside.

#### Character and Appearance

64. The field including the appeal site is within the Low Weald National Character Area, and the Bonnington Wooded Farmlands Local Landscape Character Area ('LLCA') as identified by the Landscape Character Supplementary Planning Document 2011 ('SPD'). Both the SPD and the appellants' Landscape and Visual Analysis ('LVA') note key characteristics of the LLCA as including an undulating landform, mixed farmland with small fields, deciduous and evergreen enclosing woodland blocks, native hedgerows with large standard oak trees and a strong sense of enclosure. Equestrian grazing and land use, narrow and hedge lined roads and the non-nucleic settlement of Bonnington with traditional houses and stone farm buildings are also highlighted.
65. In keeping with these characteristics, I saw that the area near to the appeal site predominantly comprises a broad agricultural landscape. It includes dispersed buildings, farmsteads and small, generally loose groups of buildings which appear typically to be in residential, agricultural or equestrian use set amongst open agricultural fields, paddocks and woodland blocks. This contributes a distinctly rural character to the area which together with the undulating form of the land makes for an attractive landscape, albeit one that is influenced by the uses taking place upon it and which I agree with the LVA would reasonably be described as 'working'.
66. The field including the appeal site is largely open, with tree and hedge-lined boundaries. The proposed buildings would result in some loss of openness, but the development applied for would occupy only a relatively small part of the wider field with which it would be associated, and would not harmfully disrupt the pattern and overall composition of the field boundaries or landform.
67. The buildings themselves would also be arranged around a farmyard, and would not be unusual features within the surrounding landscape which often includes scattered farmsteads. Both would be of simple form and relatively functional appearance, and I am satisfied in view of the mixed styles of other nearby buildings that their architecture and external materials would not be incongruous.

68. In addition, the mobile home is of modest footprint and single-storey height, and its scale would not stand out against other dwellings nearby. The general purpose agricultural building would be larger, and the Council suggested in discussion on this main issue at the Hearing that its size had not been justified. However, it has not advanced compelling reasons to depart from the view expressed in its report on the application that the building would appear broadly of a reasonable size for the identified requirements, and there is no substantive evidence before me to suggest that the building's size would be excessive to accommodate the intended uses. In any event, its scale and massing would not be out of keeping with other agricultural buildings that I saw in the vicinity. These include at neighbouring Goddard Farm where I observed a farmyard with a group of barn-style structures, including a fairly substantial barn with a barrel curved roof that is a prominent feature close to New Road Hill and the site.
69. In my judgement, the development on the site would therefore respond sensitively to the defining characteristics of the landscape. Moreover, the buildings would occupy a fairly discreet position close to the boundary with New Road Hill towards the lower part of the field.
70. I acknowledge that there would be public views of the development, including from New Road Hill and Cherry Orchard Lane and from rights of way in the area, as well as some private views from nearby properties. However, the fact that the development would be visible is not in itself evidence of harm. In the most immediate and unobstructed views from public rights of way AE467 and AE514 which cross the wider site to the west, the development would largely be seen against the backdrop of the neighbouring two-storey dwelling and prominent curved roof barn at Goddard Farm which would significantly reduce its visual impact. Based on my observations at my visit and given the scale of the structures, trees and hedgerows both at the appeal site and in the wider surroundings, and the buildings at Goddard Farm, would provide for significant screening of the development, and the general fall in topography of the closest land to the south east away from New Road Hill would further restrict potential near views from this direction. Other short to mid-range views of it would generally therefore be glimpsed or only partial, and the distances involved further mean that the site would make up only a very small component of any longer-range views. In addition, the development would be seen and read together with the cluster of buildings at Goddard Farm from many viewpoints, even where it would not be seen directly against them.
71. The appellants have also proposed that additional planting could be provided within the wider site, and details could be secured by planning condition to ensure any landscaping would be appropriate to its surroundings. Without firm details, the weight that I can afford to this planting is limited, but it would nevertheless be likely to help to further soften views of the development from at least some points including from the rights of way to the west, even without offering full screening.
72. Given these factors and my findings above that the proposal would not be uncharacteristic, I find that the visual impact of the development would be limited, and it would not be conspicuous or intrusive within the landscape. It would therefore sit comfortably within its surroundings.

73. I recognise that the boundary of the Kent Downs Area of Outstanding Natural Beauty ('AONB') is a little over 200m to the east of the appeal site beyond Goddard Farm on generally rising ground. The Council has not asserted that there would be harm to the AONB. Nevertheless, I am mindful of the requirement under Section 85 of the Countryside and Rights of Way Act 2000 for relevant authorities to have regard to the purposes of conserving and enhancing the natural beauty of AONBs when performing their functions.
74. In this case, the development would be apparent in some views towards the AONB, but these views would generally already include the intervening Goddard Farm buildings. Similarly, the development would be set beyond the Goddard Farm buildings in any views of it from within the AONB. Having regard to these relationships as well as the compatibility of the development with its surroundings, I find that the proposal would not appear striking or jarring in views either towards or out of the AONB and it would not detract from the setting. I am accordingly satisfied that the special qualities and natural beauty of the AONB would be conserved.
75. For these reasons, I find that the siting and scale of the development would be appropriate to its surroundings, and I conclude on this main issue that the proposal would relate sympathetically to the prevailing character and appearance of the landscape. I therefore find no conflict with Policies SP1, SP6, ENV3a or HOU5 of the ALP insofar as they together broadly seek high quality design and development that conserves and enhances the Borough's natural environment and landscapes and that responds to landscape characteristics and to the prevailing character of the area. For the same reasons, the proposal would accord with requirements within the Framework including seeking development that is sympathetic to local character including the surrounding landscape setting. Notwithstanding my reservations about the relevance of Policy EMP5 in this case, I also find no conflict with the requirements within this policy for development to integrate sensitively into its context and to respect the landscape setting.
76. At the Hearing, the appellants made submissions to the effect that the stationing on the site of a caravan used for agricultural rather than residential purposes would not require planning permission, and that an agricultural building sited further from New Road Hill could also be permitted development. However, these suggestions do not alter my conclusion above that the effect of the proposal on the character and appearance of the landscape would be acceptable.

#### Other Matters

77. The Council's third reason for refusal related to highway safety, stating that insufficient information had been submitted to allow a full assessment of impacts of the development. However, the Council's appeal statement and the SoCG confirm that this reason for refusal is no longer contested following review by the Council's highways consultee of further information including the results of seven-day speed survey and identification of visibility splays from the site access and subject to a number of suggested conditions.
78. I have noted concerns raised by interested parties that stated vehicle movements of no more than 7 per day is unrealistic given the mix of activities that are suggested to take place on the wider site. However, the evidence before me does not suggest that use of the appeal or wider sites for agriculture

would require planning permission. Camping is also proposed to take place utilising permitted development rights. In any event, there is no substantive evidence to suggest that highway safety would be compromised by additional traffic from the site, nor that impacts on the surrounding road network would be severe so as to lead me to take a different view from the Council. Indeed, based on my observations at my visit, I agree with the appellants that visibility from the proposed access would be improved in comparison to the existing access to the wider site that it would replace given its greater distance from the bend in New Road Hill to the south.

79. The proposal also includes provision for parking and a yard within the site, and subject to the positioning of gates back from New Road Hill which could be secured by planning condition, vehicles accessing the site would be able to draw clear of the highway, reducing likely obstruction.
80. In the context of paragraph 111 of the Framework and subject to planning conditions, I am satisfied that the proposal would not unacceptably harm highway safety or the local road network. I also find no conflict with Policies TRA5 or TRA7 of the ALP which include requirements broadly for development to demonstrate safe pedestrian access and movement routes, that new accesses or intensified use of accesses does not give rise to clear risk of traffic accidents or significant traffic delays, and that traffic movements can be accommodated, resolved or mitigated to avoid severe cumulative residual impacts.
81. There would be views of the development from neighbouring properties, including from Goddard Farm opposite, but given the scale of the buildings and the separation that would be provided, the relationship would not lead to unacceptable loss of outlook or privacy for neighbouring occupiers. I also consider that the separation would be sufficient to avoid unacceptable noise or disturbance from use of the buildings themselves.
82. Furthermore, I have already noted that it appears that activities associated with agricultural use of the site and camping under permitted development rights would not require planning permission. While the proposal would support the agricultural enterprise and the specific intended activities, I have no firm reason to consider that other agricultural activity or camping could not take place without the proposal. In this context, it is not clear that the development would result in a significant increase in the number of comings or goings to the site or traffic movements, nor a distinct change to the nature of activity over and above that which could otherwise occur on the wider site so as to give rise to materially greater noise or disturbance to neighbouring occupiers. The limited duration of camping under permitted development rights would further reduce the effect of potential noise or disturbance on neighbouring living conditions.
83. Lighting on the site could be controlled by a planning condition to avoid unacceptable harm to dark skies and wildlife in the area, and there is no substantive evidence before me indicating that protected species on the appeal site itself would otherwise be harmed by the development. The discharge of drainage from the site would also be a matter for other regulatory regimes, and I have no firm evidence to demonstrate that the proposal would be likely to unacceptably exacerbate flood risk. Based on the information before me, drainage from the site would not therefore justify dismissal of the appeal.

84. I have considered arguments that the grant of planning permission would set a precedent for other similar developments. However, there is no certainty that this would be the case, particularly given that each application and appeal must be determined on its individual merits which is what I have done here with regard to the specific circumstances of the appeal proposal and the evidence that is before me. The fact that some works on the site were undertaken in advance of an application being made for planning permission is also not a reason in itself to dismiss the appeal.
85. I acknowledge comments regarding the operations and profit levels achieved by other enterprises and smallholdings locally, and that a nearby smallholding including varied ventures does not have a dwelling onsite. However, it is not clear that these examples would be directly comparable to the appeal proposal including in terms of the mix of activities carried out and the number and types of livestock present. They do not therefore alter my conclusions which reflect the particular circumstances of the development that is before me and the evidence put forward.
86. None of the other matters raised by interested parties, either individually or collectively, result in a level of harm that would justify dismissal of the appeal, and they do not alter my findings on the main issues. I have also considered other appeal decisions referred to by the appellants, but they are not determinative given that they each turn on the particular circumstances of the enterprises concerned and the evidence presented. The Council has further commented that many of the enterprises referred to by the appellants have not reached long-term viability, but some have, and whether or not this includes diversified enterprises, I can draw no firm comparisons from the information provided as to whether they would not otherwise have survived.
87. The Council accepts that it is unable to demonstrate a 5 year supply of housing. In accordance with footnote 8 to the Framework, the policies which are most important for determining the application would therefore be deemed out-of-date, and the presumption in favour of sustainable development at paragraph 11d) of the Framework would be engaged. This sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
88. The proposal would contribute one dwelling to the supply of housing, albeit for a temporary period, and would help to support a rural business. These benefits would be very limited given the small scale of the proposal, and the contribution to housing supply would be short-term. Nevertheless, the evidence before me does not indicate that the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In view of my conclusions on the main issues that there is an essential need for the development and that the character and appearance of the landscape would not be harmed, I further find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Framework Paragraph 11d) therefore indicates that permission should be granted.



## Conditions

89. The SoCG included an agreed list of suggested conditions which were discussed at the Hearing resulting in some amendments and additions. I have considered (and, where necessary, amended) these in light of the Framework and in the interests of clarity, consistency or brevity.
90. As the development has commenced, a standard time limit condition is not necessary. I have however imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty.
91. A condition restricting the occupancy of the dwelling is required since it is to support an essential need in the countryside where residential development would not generally be permitted. I have also imposed a condition restricting the permission for the dwelling to the temporary three-year period sought by the appellants which is necessary to allow the essential need for it to be reassessed in future following the trial period.
92. Conditions requiring details of the access, provision for vehicle loading, turning and parking including provision for electric vehicle charging are necessary in the interests of highway safety and environmental sustainability. A condition to require details of how construction will be managed is also required in advance of works to the access commencing to safeguard the living conditions of neighbouring occupiers and highway safety. Further conditions to control external lighting on the site and to secure a landscaping scheme are necessary in the interests of the character and appearance of the area and biodiversity.
93. At the Hearing, the Council suggested a condition to remove permitted development rights from the general purpose agricultural building relating to extensions and changes of use to dwellinghouses. This had not been previously identified by the Council as necessary, and I am mindful that the Framework requires that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
94. Although there is currently insufficient basis for me to conclude that the proposed enterprise would be able to endure for the long term so as to justify a permanent dwelling in the countryside where residential development would not generally be permitted, I am satisfied having regard to my findings on the first main issue that the agricultural building would be reasonably necessary for the purposes of agriculture and essential to its location. I further note that Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) includes a limitation that change of use of agricultural buildings to dwellinghouses is not permitted in the case of a site brought into use after 20 March 2013 if the site was not used solely for an agricultural use as part of an established agricultural unit for a period of at least 10 years before the date development under Class Q begins. Even if that were not the case though, I am not persuaded from the information before me that there are sufficiently compelling reasons why it would be necessary or reasonable in this case to remove national permitted development rights that would otherwise apply to agricultural buildings, and I find that the suggested condition would not be clearly justified. I have not therefore imposed it.
95. Interested parties have also suggested that a condition to prevent use of the site for non-agricultural activities should be imposed. However, a grant of planning permission would be required if there were a material change of use

of land in future, and I do not therefore consider that such a condition would be necessary. The fact that the wider site could already be used for grazing in the absence of the appeal proposal also means that I do not consider a condition to require installation of stock fencing on the wider site would be reasonable.

### Conclusion

96. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

*J Bowyer*

INSPECTOR

### Schedule of Conditions

- 1) Unless otherwise amended under the conditions below, the development shall be carried out in accordance with the following approved plans: MH-JH-01 (Location Plan), MH-JH-02A (Block Plan), MH-JH-03 (Floor Plan & Elevation of the Proposed Mobile Home) and MH-JH-04 (Floor Plan & Elevation of the General Purpose Building).
- 2) Full details and plans in respect of the access arrangement shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission. The submitted details shall include:
  - i. provision for and maintenance of visibility splays to the access to the site of 91 metres (north) x 2.4 metres x 56 metres (south) with no obstructions over 1.05 metres above carriageway level;
  - ii. details of gates which shall open away from the highway and be set back a minimum of 10 metres from the edge of the carriageway;
  - iii. use of a bound surface for the first 10 metres of the access from the edge of the highway; and
  - iv. provision of measures to prevent the discharge of surface water onto the highway.

The access shall be implemented in accordance with the approved details before the development hereby permitted is first occupied, and shall be permanently maintained as such thereafter.

- 3) Prior to the commencement of works in respect of the general purpose agricultural building or the occupation of the mobile home as a dwelling, whichever is sooner, details and plans demonstrating vehicle loading/unloading and turning facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and plans before the development hereby permitted is first occupied and permanently maintained as such thereafter.

- 4) Prior to the commencement of works in respect of the general purpose agricultural building or the occupation of the mobile home as a dwelling, whichever is sooner, details and plans demonstrating vehicle parking spaces within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and plans before the development hereby permitted is first occupied and permanently maintained as such thereafter.
- 5) Prior to the commencement of works in respect of the general purpose agricultural building or the occupation of the mobile home as a dwelling, whichever is sooner, details and plans demonstrating provision of an Electric Vehicle Charging Point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and plans before the development hereby permitted is first occupied and permanently maintained as such thereafter.
- 6) Prior to the commencement of works in relation to the access arrangement as approved under Condition 2, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
  - i. routing of construction and delivery vehicles to/from the site;
  - ii. parking and turning areas for construction and delivery vehicles and site personnel;
  - iii. provision of wheel washing facilities; and
  - iv. temporary traffic management/signage.

The development shall be carried out in accordance with the approved details.

- 7) There shall be no external lighting installed on the site other than in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details.
- 8) A landscaping scheme to include details of new planting, retention of existing planting or a combination of both on the site and wider site as shown outlined in blue on plan no MH-JH-02A shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. Thereafter, all details of the approved landscaping scheme shall be carried out fully within a period of 12 months of the substantial completion of the agricultural building hereby permitted. Any trees or other plants which within a period of 5 years from the date of approval die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 9) The mobile home hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. On or before the expiry of this period, the use of the mobile home hereby permitted as a dwelling

shall cease, and all buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use of the mobile home shall be removed, and the land restored to its former condition.

- 10) The occupation of the temporary mobile home hereby permitted shall be limited to a person solely or mainly working in the locality in connection with agriculture or forestry (as defined in Section 336 of the Town and Country Planning Act 1990), or to the spouse, a widow or widower or surviving civil partner of such a person, and to any resident dependants.

#### APPEARANCES

##### FOR THE APPELLANTS:

Howard Leithead	Barrister, No 5 Chambers
Marc Willis	Willis & Co
Peter Williams	Reading Agricultural Consultants
Jaquelin Clay	JFA Environmental Planning
Mark Homewood	
Tess Reidy-Wilde	

##### FOR THE LOCAL PLANNING AUTHORITY:

Olawale Duyile	Ashford Borough Council
Helen Whitehead	Price Whitehead

##### INTERESTED PARTIES:

Estrella Guy	Local resident
Linda Harman	Councillor, Ashford Borough Council
Matt Judge	Judge Architects
Dr H Stebbings	Local resident
Christine Stebbings	Local resident

#### DOCUMENTS SUBMITTED AND ACCEPTED AT AND AFTER THE CLOSE OF THE HEARING

##### ON BEHALF OF THE APPELLANTS:

- 1 Maidstone Borough Council planning decision notice and report for application ref 15/506408/FULL for 'change of use of land for the siting of a mobile home' at Heinz Orchard, Wierton Hill, Broughton, Monchelsea, Kent.
- 2 Maidstone Borough Council planning decision notice for application ref 19/501787/FULL for 'erection of permanent agricultural dwelling' at Heinz Orchard Farm, Wierton Hill, Broughton, Monchelsea, Maidstone, Kent.

- 3 Copy of article from MailOnline dated 21 August 2022 'Moment masked burglars creep around mobile home at alpaca farm after smashing their way in before they steal 100-year-old machete'.
- 4 Copy of updated alpaca stock tables (Year 1, Year 2, Year 3, Ongoing) prepared by Mr Williams and marked up at the Hearing.
- 5 Copy of extract from Llamas and Alpacas: A Guide to Management by Gina Bromage concerning pregnancy loss quoted by Mr Williams at the Hearing.
- 6 Copy of extract from the website of The British Alpaca Society referred to by Mr Williams at the Hearing concerning the age at which female alpacas are ready to be put to stud.

ON BEHALF OF THE LOCAL PLANNING AUTHORITY:

- 1 Screen print of 'Property History' showing applications made at Heinz Orchard, Maidstone.
- 2 Copy of Animals on Farm stock table (Year 1, Year 2, Year 3, Year 4, Year 5) prepared by Mrs Whitehead and marked up at the Hearing.