

Statement of Appeal

Proposed Farmhouse Dwelling
Land at Rue Hill, Cauldon Lowe, ST10 3EY

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by Indigo Architecture (hereafter 'The Agent') on behalf of Mr Farooq (hereafter 'The Appellant') in response to the delegated decision taken by Staffordshire Moorlands District Council (hereafter 'SMDC') to refuse to grant outline planning permission with all matters reserved for the proposal to provide a farmhouse dwelling to land on Rue Hill in Caudon Lowe with postal code ST10 3EY (hereafter 'The Appeal Site').
- 1.2 It is the Appellants desire to develop a family agricultural operation with the initial intent to farm livestock. The agricultural operation is not anticipated to be contentious, thus the strategy adopted was to seek outline permission to confirm the principle of providing the farmhouse to allow development of wider site plans accordingly.
- 1.3 Planning Application no. SMD/2021/0547 was submitted to SMDC on the 17th August 2021 and validated on the 26th April 2022. The Application was for Outline Planning Permission with all Matters Reserved.
- 1.4 The delay in validating the application results from SMDC's insistence that an ecological survey and tree survey be provided to register the application as valid.
- 1.5 The Application was refused by SMDC on the 21st June 2022 citing the following reasons for refusal:
 - 1.5.1 *The proposed development, in principle, due to its isolated and unsustainable location in the open countryside, would only be supported by adopted Local Plan Policy and by the NPPF if it could be demonstrated that the development was required in order to meet an essential need to accommodate a rural worker at or near their place of work in the countryside. No such need has been demonstrated in the application. Moreover, it is judged by the Local Planning Authority extremely unlikely that this modest area of farmland meadow / pasture could viably sustain the living of a rural worker, as their place of work. The application is thus found contrary to Policies SS1, SS2, SS10 and H1 of the Staffordshire Moorlands Local Plan 2020 and contrary to the National Planning Policy Framework.*
 - 1.5.2 *Due to the prominence of the development when viewed both from the public road and from the rural footpath network, the development would bring significant harm to landscape character and appearance of the area undermining how it is enjoyed for recreation including by tourist visitors. The harm to the character and appearance is further exacerbated by the significant length of the new vehicular access route required and the cut-and-fill earth movements which would inevitably be required to achieve the*

access and the dwelling. In this exposed and prominent location the inevitable significant ground works would bring significant harm to the character and appearance of the locally distinctive landscape. The application is thus found contrary to Policies SS1, SS2, SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan 2020 and National Planning Policy Framework.

1.5.3 In the absence of an ecological survey, the Local Planning Authority are unable to assess the impact of the development on the biodiversity interests of the site, particularly as the site is within land designated as a County Site of Biological Importance. The application is therefore contrary to Policies SS1, SS10 and NE1 of the Staffordshire Moorlands Local Plan 2020 and the National Planning Policy Framework.

1.5.4 Insufficient visibility splays would be provided to achieve a safe means of access to the public highway from the application site, to the detriment of highway safety. Accordingly, the application is found contrary to Local Plan Policies SS1 and T1 of the Staffordshire Moorlands Local Plan 2020 and the National Planning Policy Framework.

1.5.5 Insufficient information has been submitted to demonstrate that the proposed development would not suffer from noise disturbance from the camping and quarrying activities, which are located in close proximity. As such the Local Planning Authority is unable to assess the impact on the amenity of future occupiers of the proposal dwelling. The application is thus found contrary to Policies SS1 and DC1 of the Staffordshire Moorlands Local Plan 2020 and the National Planning Policy Framework.

1.5.6 Although the Council are unable to demonstrate a 5 year supply of housing land, the benefits of this application are confined to the provision of a single dwelling which in the context of the overall housing requirement of the Staffordshire Moorlands District would make a very small additional contribution. The benefits of the development are significantly and demonstrably outweighed by the harm of the development, when assessed against the policies in the Framework taken as a whole. Accordingly, this refusal complies with NPPF paragraph 11 and specifically 11(d) (ii).

1.6 This statement seeks to provide further background context to the proposal, provide narrative on the site and its context, appraisal of relevant policy matters and provide the Appellant's case in response to the reasons cited for refusal.

1.7 Section 38(6) of the Planning & Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the

development plan unless material considerations indicate otherwise. The Framework provides further reiteration of this statutory requirement.

- 1.8 For the purpose of this appeal, the SMDC Development Plan is considered to comprise the following documents:

- 1.8.1 Staffordshire Moorlands Local Plan (2020)

- 1.9 As part of the assessment process, we will highlight any other relevant documents and material considerations as deemed relevant to the determination of this appeal.

2.0 SITE LOCATION & CONTEXT

- 2.1 The Appeal Site is located on Rue Hill in Caudon Lowe and sits under the Local Planning Authority area of Staffordshire Moorlands District Council. The site currently comprises a rural parcel of land which provides grazing land for limited livestock.
- 2.2 The Appeal Site is within the wider land under the Appellants ownership which is well defined by existing hedgerows and low-level stone walling generally forming its boundaries on all sides.
- 2.3 The image below shows the location and general shape of the Appeal Site in its immediate context.

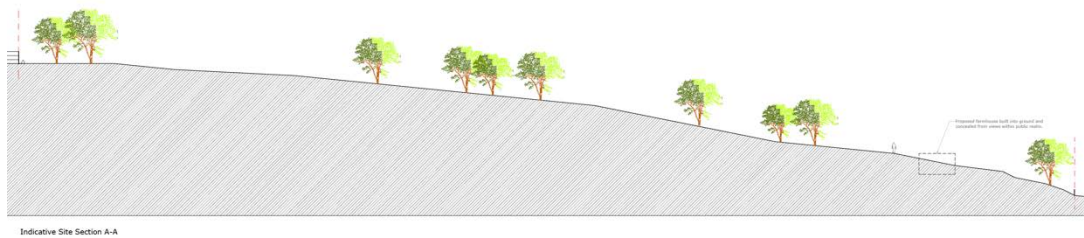


Surrounding Area

- 2.4 The site is bordered immediately to the north-east by the Rue Hill Campsite.
- 2.5 The site is bordered on other sides by further rural fields with the Wardlow Quarry broadly to the south-east.
- 2.6 The village of Caudon Lowe is approximately 0.8 miles away by car and broadly 800m as the crow flies.

Site Characteristics

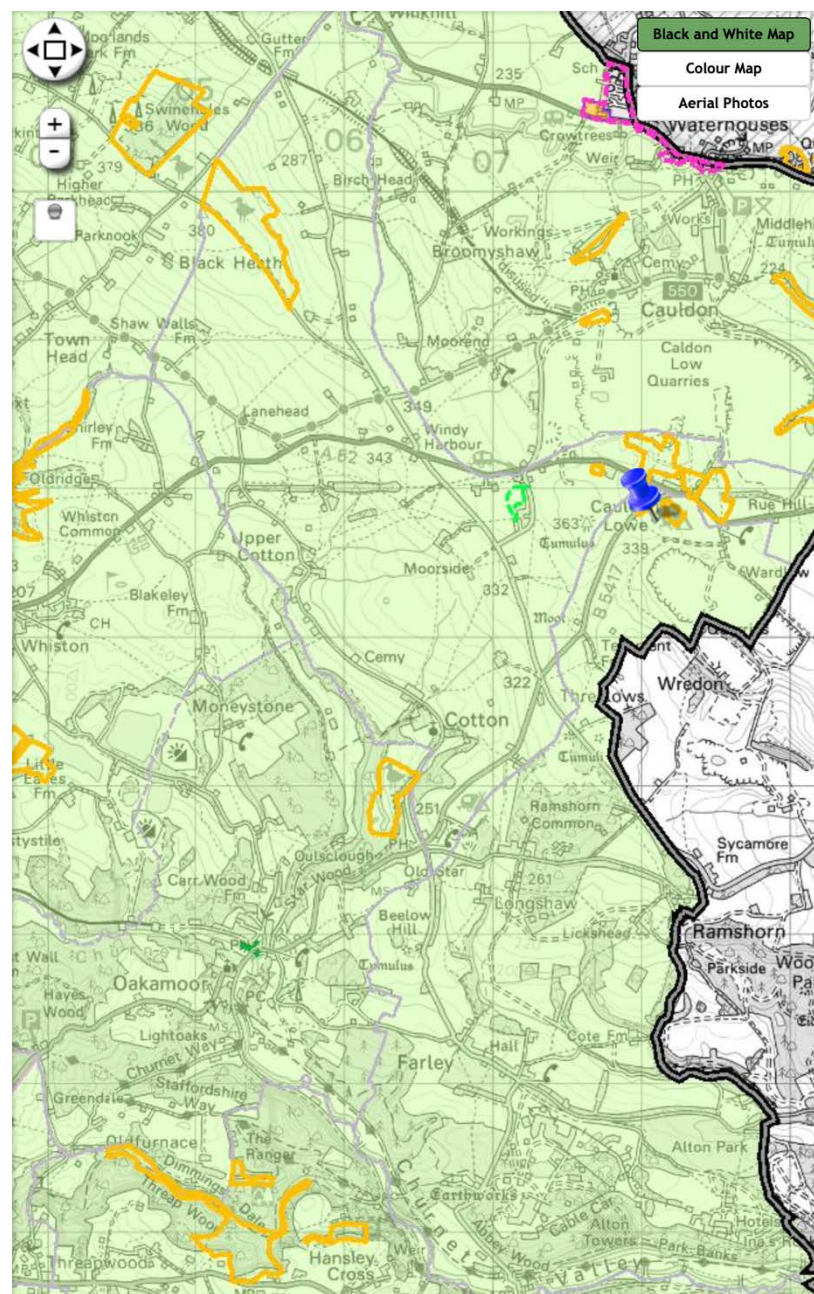
- 2.7 Site topography is visibly sloped, generally falling from the public highway to the southern corner of the site. A topographical survey (Appendix A) was undertaken to inform other surveys requested by SMDC in order to validate the planning application which confirms a fall of c.15m from the highway to the area identified for the proposed farmhouse dwelling, thus serving to confirm the ability for the proposal to sit into the natural topography of the site without any significant visibility from any publicly available vantage point, particularly since the prescribed concept design intent presented in the planning application was to construct the farmhouse into the natural topography of the site with a green roof provided to further blend the proposal into the countryside setting. The image below is taken from the planning application documents and shows the concept intent thus.



- 2.8 The image below is taken from the highway looking south-east towards the quarry and in the direction of where the proposed farmhouse dwelling would sit. It serves to demonstrate the visible slope to the land and evidences the current limited livestock grazing use.



- 2.9 The Appeal Site presents as a rural plot within the designated countryside. It is generally free from structures and trees aside from those to the perimeter and currently provides grazing land for a small number of livestock.
- 2.10 The Appeal Site is outside of any designated development boundary. This is true of much of the SMDC district with most villages and other small settlements, including Caudon Lowe, not being provided with any designated settlement boundaries and thus falling into the countryside and Green Belt designations washing over more than 90% of land within the SMDC boundaries.
- 2.11 The image below captures information from the SMCD Local Planning Map which shows the context of the area bereft of any significant designated settlement boundaries (represented by dashed pink lines) with all existing villages and settlements considered to be in the countryside.



- 2.12 The immediate locality provides several examples of other small farm sites with the image below showing 11no. such sites, all within 2500m of the Appeal site and most within 1000m of the Appeal Site, as follows; 1. Weaver Farm, 2. Walk Farm, 3. Dale Farm, 4. Rue Hill Farm, 5. Red House Farm, 6. Little Rue Hill Farm, 7. School House Farm, 8. Lower Grange Farm, 9. Pompey Lodge Farm, 10. Moorlands Farm, 11. Hay Head Farm. The Appeal Site is highlighted in red.



- 2.13 Images below provide examples of existing farm sites within the immediate locality to provide context for the character and appearance of this part of the countryside. The Appellant's intent is to build a sustainable farmhouse into the natural topography of the site, concealing it from view and thus providing the least impactful and most environmentally sound farmhouse dwelling in the vicinity.









- 2.14 It is quite clear when considering this area that the prevalence of small farm sites and small livestock farming operations are a regular feature and cannot thus be deemed to be inappropriate in this area of countryside.
- 2.15 The Appeal Site is generally open when viewed from the highway although views deep into the site are restricted by the natural topography of the land.
- 2.16 The Appeal Site has a public footpath hugging the north-western border running alongside the Rue Hill campsite. The footpath is to remain unchanged as part of the proposal.

Legal Context

- 2.17 There are no known restrictive covenants, overage clauses or any other legal constraints prohibiting further development to the site.

Planning History

- 2.18 There is no known relevant planning history associated with this site.

3.0 PLANNING POLICY APPRAISAL

- 3.1 Section 38(6) of the Planning & Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 For the purpose of this appeal, the SMDC Development Plan is considered to comprise the following documents:
 - 3.2.1 Staffordshire Moorlands Local Plan (2020)
- 3.3 SMDC currently identify that they cannot demonstrate an appropriate five-year supply of housing land.
- 3.4 Paragraph 11(d) of the framework is therefore a material consideration.

Staffordshire Moorlands Local Plan (2020)

- 3.5 The Staffordshire Moorlands Local Plan was adopted in 2020.
- 3.6 The following policies, notwithstanding Paragraph 11(d) of the framework, would otherwise be deemed relevant to this case.

Policy SS1 – Development Principles

- 3.7 Policy SS1 provides a series of development principles with direct policy support for development undertaken in a way that increases economic prosperity and opportunity, enhances the natural environment character and further support for development securing high-quality, sustainable, and efficient proposals.
- 3.8 This proposal accords with these principles and provides no conflict with any prescribed element of Policy SS1.

Policy SS2 – Settlement Hierarchy

- 3.9 Policy SS2 sets out the strategy to focus development into a settlement hierarchy structure with Leek, Biddulph and Cheadle as the Principal Towns, then Rural Area Larger Villages, Rural Area Smaller Villages and Other Rural Areas. The Appeal site is deemed to be an 'Other Rural Area' which covers the significant majority of land within the SMDC boundaries and is generally deemed inappropriate for development.
- 3.10 The Policy recognises that there are developed areas within the other rural areas which may be appropriate for development or redevelopment. As such, SMDC do not consider all development in other rural areas to be inappropriate as they set out some development or redevelopment may be suitable.
- 3.11 The proposal to develop a farmhouse and associated farming activities in the rural area is not inappropriate development in rural areas and reflects the character of the area with several existing small farm sites prevalent.

Policy SS3 – Future Provision and Distribution of Development

- 3.12 Policy SS3 sets out that 6080 new homes will be constructed in the plan period with sufficient deliverable land identified to maintain at least a five-year supply. SMDC are currently unable to demonstrate such supply.
- 3.13 The proposal will contribute to the shortfall in providing a windfall site for development.

Policy SS4 – Strategic Housing and Employment Land Supply

- 3.14 Policy SS4 sets out that in order to meet housing requirements, 25% of new homes will be provided in rural areas with small site allowance providing 50% of this rural development allowance.
- 3.15 SMDC do not therefore consider all housing development in the rural area to be inappropriate as they set out specific targets to achieve such development.
- 3.16 The proposal will provide one such small windfall site to contribute to this policy provision.

Policy SS10 – Other Rural Areas Strategy

- 3.17 Policy SS10 sets out that development outside of the designated towns and villages, thus falling in the 'Other Rural Area', will be restricted to that essential to be located in the countryside and which supports the rural diversification and sustainability of the countryside.
- 3.18 Specifically, Policy SS10 allows new build homes where they have an essential need to be in the countryside and supports employment use where a rural location can be justified. This proposal is for a farmhouse dwelling where a location other than the rural area would be entirely inappropriate, thus the presence of farmhouse dwellings in rural areas is appropriate. Further, the wider livestock farming will provide the family with their employment with farming activities considered indisputably appropriate for the rural area.

Policy SD3 – Sustainability Measures in Development

- 3.19 Policy SD3 sets out support for developers who propose to exceed thermal efficiency or water conservation standards required by law.
- 3.20 It is the Appellants intent to develop the property as a part sub-terranean dwelling with a green roof and to provide a series of sustainable technologies. As such, it will exceed thermal efficiency and water conservation standards as set out in the Building Regulations.
- 3.21 Design detail to verify such performance can be provided in the Reserved Matters stage where necessary and can be measured and secured by a condition tying it to a particular level under the HQM standards.

Policy H1 – New Housing Development

- 3.22 Policy H1 sets out that housing development will be permitted where it meets an essential local need and where this need cannot be met elsewhere.
- 3.23 The Appellant owns the land identified by the blue line in the Location Plan drawing provided with the Planning Application and intends to utilise this for the farming of livestock. He is currently located c.30 miles from the Appeal Site and thus cannot operate the site from this remote location.
- 3.24 The site is more than large enough to accommodate a small farmhouse dwelling with opportunity to provide the dwelling at the lowest part of the site, away from view and entirely reflecting the pattern and character of development in this area comprising several similar such small farm holdings with farmhouses on site.
- 3.25 Taking into account the number of journeys that would be required each day to care for the livestock and considering the travel time, financial cost and environmental impact of those car journeys, it is clear that the need to live on site is essential to the appellant.

Policy DC3 – Landscape and Settlement Setting

- 3.26 Policy DC3 sets out support for development which respects local character, and which enhances biodiversity quality. The provision of a farmhouse in the rural area, with landscaping and biodiversity enhancement measures to be included as a Reserved Matter, clearly respects the local character of an area characterised by similar small farm sites.
- 3.27 Policy DC3 sets out resistance to development that will lead to a prominent intrusion into the countryside. That the Appellant identified the southernmost corner of the site for the farmhouse, allowing it to be constructed into the hill and at a far higher cost than proposing to site it near the highway demonstrates the Appellants commitment to avoid providing any significant intrusion into the countryside setting. The proposed farmhouse will provide the least impactful such building in the vicinity and thus accords with policy DC3.

Policy T1 – Development and Sustainable Transport

- 3.28 Policy T1 sets out support for development that reduces reliance on the private car for journeys and which reduces travel generally. Allowing the farmhouse to be developed on site allows the management of the farming of livestock to be undertaken without necessitating car journeys and significantly reduces the volume of private car journeys that would be undertaken by the appellant otherwise.

The National Planning Policy Framework (2021)

- 3.29 The relevant Framework under which this application was submitted was published in July 2021 and sets out central government policy for England and how they should be applied in developing policy and making decisions at the local level.
- 3.30 It is clear throughout the Framework that the presumption in favour of sustainable development forms somewhat of a 'golden thread' that runs through all plan-making and decision-making to development proposals to foster such development rather than hinder or prevent it. Local Planning Authorities should approach decisions positively, seeking solutions rather than problems, to allow applications to be approved wherever it is possible and practical to do so. They should also attach significant weight to the benefits of housing growth.
- 3.31 Paragraph 2 states that "*Planning law requires that applications for planning permission be determined in accordance with the development plan*" and that the Framework "*is a material consideration in planning decisions.*" The importance of the development plan in decision making is reiterated regularly through the Framework.

Achieving Sustainable Development

- 3.32 Paragraph 8 sets out three interdependent dimensions to sustainable development which are: an economic objective, a social objective, and an environmental objective.
- 3.33 The economic objective would be met through creation of jobs for the construction and future maintenance of a dwelling and by further economic growth provided by the development of the livestock farming operation to be implemented to the site including spending by the appellant at other local rural based enterprises.
- 3.34 The social objective would be met through provision of an outstanding bespoke home providing high quality living for the future occupiers.
- 3.35 The environmental objective would be met through provision of a building designed to high environmental standards, through provision of improved landscaping elements and appropriate biodiversity enhancement measures.
- 3.36 Paragraph 11 applies a presumption in favour of sustainable development.
- 3.37 Paragraph 11(d) sets out that where policies which are most important for determining the application are out-of-date, permission is to be granted unless the application of framework policies that protect areas or assets of importance provide clear reason for refusal or where any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessing against the policies in the framework as a whole.

- 3.38 Footnote 8 confirms that for applications involving provision of housing, situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites will deem all local policy most important for determining the application as out-of-date.
- 3.39 SMDC currently identify that they cannot demonstrate an appropriate five-year supply of housing land.

Decision-Making

- 3.40 Paragraph 38 sets the expectation for local authority to approach decisions positively and creatively, to look for solutions rather than problems and states (our emphasis added): "*Decision-makers at every level should seek to approve applications for sustainable development **where possible.***"

Delivering a Sufficient Supply of Homes

- 3.41 Paragraph 60 sets out the government's key policy objective of (our emphasis added) "***significantly boosting the supply of homes***".
- 3.42 Paragraph 78 confirms that decisions in rural areas should be responsive to local circumstances and local needs.
- 3.43 Paragraph 80 confirms that 'isolated' homes in the countryside should be avoided except where there is an essential need for a rural worker, including those taking control of a farming business, and where the design is of exceptional quality.

Building a strong, competitive economy

- 3.44 Paragraph 84 supports a prosperous rural economy and sets out that decisions should enable sustainable growth through well-designed new buildings and the development of agricultural business.

4.0 CASE ON BEHALF OF THE APPELLANT

- 4.1 The focus of this statement is to provide the case in relation to the reasons for refusal and to provide additional supporting documentation and evidence as deemed appropriate to further demonstrate that the appeal should be allowed.
- 4.2 To address the reason for refusal in a policy context, the following key elements will be considered as a preamble:
- i) The principle of development outside defined settlements
 - ii) The principle of development in the Green Belt and Countryside

The Principle of Development Outside Defined Settlements

- 4.3 Settlement boundaries often become somewhat of a battleground for planning applications with LPA's often taking an inflexible stance. This is typically a short-sighted position and generally fails to acknowledge site-specific sustainability benefits and often fails to give the appropriate weight to material considerations. With focus on larger scale strategic land releases, LPA's can miss important local details when drawing settlement boundaries.
- 4.4 In the High Court Judgement in the matter of Wokingham BC V Secretary of State for Communities and Local Government & Taylor Wimpey UK Ltd [2019] EWHC 3158 (Appendix B), it was established that development beyond a defined settlement can be allowed despite being contrary to Local Plan policies and even where there is more than a five-year housing land supply. The Court confirmed that housing need beyond local five-year housing supply is a material consideration with Mrs Justice Lang stating, *"significantly boosting the supply of a sufficient number and variety of homes is a key policy objective of the Framework (Paragraphs 59 and 8b)"*.
- 4.5 In the context of the High Court Judgement and the key policy to boost the supply of homes, combined with SMDC being unable to demonstrate a five-year housing land supply, it would appear illegitimate to refuse permission for any residential development proposal that avoids any significant harm. With all matters reserved, the proposal for a farmhouse dwelling in the rural area would not, in principle, provide any measure of harm that could not be otherwise mitigated.
- 4.6 The underlying aim of defining settlement boundaries is to protect the identities of different settlements, to maintain the quality of the environment and to locate development where there is good accessibility to services and facilities. It is short-sighted to prohibit all development outside of defined settlement boundaries with established case law confirming that the defined settlement boundary is not necessarily determinative and that the key policy of significantly boosting our supply of homes is a material consideration. On that basis, development outside of

a defined settlement boundary is not automatically inappropriate development and can thus be appropriate.

The Principle of Development in the Green Belt and Countryside

- 4.7 Around 22% of England's land area consists of Countryside within 5km of large towns and cities with populations greater than 100,000. Approximately half of this is designated Green Belt land, covering 13% of England's land area, with further Countryside land designated as Areas of Outstanding Natural Beauty or National Parks, but not designated Green Belt.
- 4.8 The tightest development controls are exerted in Areas of Outstanding National Beauty and National Parks with Green Belt Policy seeking to maintain openness rather than specifically seeking to conserve the landscape and scenic beauty.
- 4.9 It can therefore be reasonably concluded that there is a hierarchy applied to the countryside with AONB's and National Parks deemed most valuable, followed by the designated Green Belt and the remaining countryside being of lowest value in the context of this hierarchy.
- 4.10 The Green Belt is a planning term for the belt of open space surrounding many of our cities and towns and exists primarily to protect such land from urban sprawl. The birth of the 'Green Belt' can be traced back to the Ministry of Housing and Local Government Circular 42/55: Green Belts, which followed a statement by the Rt Hon. Duncan Sandys MP in April 1955:

"I am convinced that, for the well-being of our people and for the preservation of the countryside, we have a clear duty to do all we can to prevent the further unrestricted sprawl of the great cities... I am accordingly asking all planning authorities concerned to give this matter further consideration with a view to submitting to me proposals for the creation of clearly defined Green Belts."

- 4.11 Whilst the Green Belt serves to protect the character of rural communities and our agricultural activities, and to provide a buffer to mitigate the increasing environmental and nature conservation issues in modern society, it is not a legal construct and is based entirely on planning policy and policy documents. Whilst case law provides guidance on what may or may not be permissible in the Green Belt and the countryside, there is no 'statutory law' of the Green Belt or countryside in this respect.
- 4.12 Circular 42/55 published in August 1955 set out initial Green Belt policy:

"Inside a Green Belt, approval should not be given, except in very special circumstances for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture, sport, cemeteries,

institutions standing in extensive grounds, and other uses appropriate to the rural area.”

- 4.13 Circular 42/55 has since been succeeded with the relevant policy now set out in the Framework.
- 4.14 Despite central policy retaining great importance to the Green Belts, some consider it a socially pernicious policy in the current climate which serves to inflate housing costs and force intensified development within existing settlements leading to lower quality homes and lifestyles. Indeed, some Ministers have called for reform to allow a million new homes to be constructed on the Green Belt.
- 4.15 Recent research suggests we need to be building 340,000 new homes every year. In doing so, it is important to continue to protect the countryside and the CPRE rightly identify that Brownfield sites must be developed first. They further acknowledge that even if we were able to develop every brownfield site in the country, the anticipated yield would be c.1million homes and thus we run out of land within 3yrs. Developing brownfield sites alone simply won't address the long-term needs.
- 4.16 Careful development in the Green Belt and particularly in the remaining countryside is therefore a necessity and can, and should, be done without causing harm to the countryside rather than considering all areas outside defined boundaries to be sacrosanct without regard to context
- 4.17 It is not disputed that our countryside character should be cherished and, whilst the principals of relevant policy are generally sound, each case needs to be considered in isolation in the context of the site and the proposal brought forward without unnecessarily restricting or arbitrarily prohibiting development where it does not conflict with the purposes of designating land as countryside.
- 4.18 Rural areas are those which are sparsely populated and where farming is a dominant economic activity. The proposal for a small farmhouse dwelling as part of a small farm holding would be inappropriate in any other setting, thus it is appropriate development in the Green Belt or Countryside and expressly contributes to the retention of its agricultural character.

Reason for Refusal no.1

- 4.19 Reason for refusal no.1 alleges that the proposal fails to demonstrate an essential need for a rural worker and further alleges that the wider site would not be sufficient to sustain the living of a rural worker. The reason for refusal alleges conflict with Policies SS1, SS2, SS10 and H1 of the SMDC Local Plan and states it is conflict with the framework.

- 4.20 It is acknowledged that the livestock farming enterprise is not yet established and that we find ourselves in somewhat of a 'chicken and egg' situation. The Appellant cannot sustain the livestock farming operation if living remotely as the operation would be simply unsustainable. The Appellant sought in the Outline Application with all matters reserved to seek agreement of the principal of the farmhouse to enable the wider development of the farm enterprise in earnest. It is assumed that agricultural functions in the countryside won't be contentious and that there will be an agricultural tie attached to the farmhouse and thus the LPA can exert control over the use of the dwelling, restricting it to the relevant rural worker condition. It is far beyond the reaches of the LPA to base decisions on the future economic performance of the Appellants livestock farming enterprise, thus this statement is deemed immaterial to the decision-making process.
- 4.21 As SMDC acknowledge, the site is relatively modest, thus it is further essential for the appellant to live on site to ensure the farming operation is sustainable.
- 4.22 The Countryside is the home of our agricultural economy, thus the existence of any farming operation, new or existing, should not be subject to any in principle objection within the rural area and thus the proposal at this stage cannot be deemed to have significant conflict with Policies SS1 and SS2 which set out overarching development principles and settlement hierarchies.
- 4.23 Policy SS10, to which SMDC allege conflict, provides policy support for sustaining the rural economy by enabling development of rural business. Whilst this application does not directly deal with the farming enterprise, the granting of outline planning permission with all matters reserved simply agrees the principle of a farmhouse to support a farming operation. It is not inconceivable that, beyond an agricultural tie, the LPA could condition the submission and approval of the farming enterprise and any other required agricultural buildings as a pre-commencement condition to suitably control development of this site into a legitimate and appropriate farming enterprise.
- 4.24 SMDC further allege conflict with Policy H1, yet this policy provides support for housing development in the rural areas where it meets an essential local need. As above, the appellant expressly needs to live on site to ensure the sustainability of the farming enterprise and there is no other logical location that is developable and deliverable where the appellant might locate their home that is in close enough proximity within any designated settlement as the entire area is washed over by the countryside designation.
- 4.25 SMDC allege conflict with the framework to substantiate the reason for refusal, yet the framework sets out 3 key central government policies to which this proposal would accord, those being the presumption in favour of sustainable development,

the need to significantly boost the supply of homes and the need to support a prosperous rural economy.

Reason for Refusal no.2

- 4.26 Reason for refusal no.2 sets out allegations of significant harm to the character and appearance of the countryside on account of alleged "*prominence of the development*", "*significant length of the new vehicular access route*" and the "*significant ground works*" required.
- 4.27 Noting that all matters are reserved, thus rendering any discernment of the 'prominence' of development premature, the Appellant clearly set out the concept intent to build the farmhouse dwelling into the southern tip of the site, c.15m below the highway, and with a green roof further concealing it from view. Whilst design is a reserved matter, it is clear the intent is to provide a farmhouse that nestles into the landscape without any particular prominence whatsoever.
- 4.28 Regarding access, again noting that this is a reserved matter, there are several examples of such "*significant length*" of vehicle access to other farm sites in the immediate vicinity. Images below serve to confirm that such features are a natural part of the countryside here and thus cannot be deemed harmful to it.





- 4.29 It is not disputed that in forming a part sub-terranean farmhouse dwelling that there would be significant groundworks required. However, such groundworks are a natural part of any development and would not necessitate any harm to the character of the landscape and, in any event, it is premature to assert such harm with all matters reserved.

Reason for Refusal no.3

- 4.30 Reason for refusal no.3 sets out that the LPA are unable to assess biodiversity impacts owing to "*the absence of an ecological survey*".
- 4.31 SMDC wrote to the Appellants agent on the 18th August 2021 insisting that the application was invalid as it did not include such a survey.
- 4.32 It is to be noted that the sites designation within a Site of Biological Importance is not identified in one of SMDC's publicly available planning maps. It is acknowledged that is correctly identified on other publicly available planning maps on further inspection. However, at the time of submission of the original application, this designation was not known as a result of the incorrect map, hence the ecological report had not previously been commissioned and hence the lack of acknowledgement of this designation in the Design and Access Statement.
- 4.33 The ecological survey was instructed by the Appellant and submitted to SMDC on the 23rd December 2021. A copy of the relevant email is included as Appendix C to this statement with the survey included separately as Appendix D.
- 4.34 As the application was later validated, SMDC were clearly satisfied that the requested surveys had been issued and no further comment was provided by SMDC in this respect.
- 4.35 That it was issued and the application subsequently validated verifies they received this survey.
- 4.36 To identify its absence as a reason for refusal is, with the necessary respect, incompetent and the reason for refusal is illegitimate.
- 4.37 If further ecological surveys or information are required beyond that submitted, these can reasonably be secured as a condition to be submitted as part of the Reserved Matters.

Reason for Refusal no.4

- 4.38 Reason for Refusal no.4 states that insufficient visibility splays would be provided.
- 4.39 Access is a Reserved Matter and no such visibility splays have yet been presented for assessment. It is entirely premature to conclude that insufficient splays can be achieved and is a reserved matter to be assessed in the future.

Reason for Refusal no.5

- 4.40 Reason for Refusal no.5 states that insufficient information is provided in regard to potential noise disturbance and impacts to the future occupier's amenity.
- 4.41 SMDC at no time requested any such detail or information during the application.
- 4.42 Further, the acoustic design would be a reserved matter and cannot reasonably be assessed at outline stage.
- 4.43 Notwithstanding, the concept intent is to provide the farmhouse dwelling into the topography of the site at its southernmost tip. It can be reasonably assumed that there would be no noise disturbance from the Rue Hill campsite and any impact from the quarry can be considered and mitigated appropriately in the future design process with no reason to expect that any such disturbance could not be reasonably mitigated.

Reason for Refusal no.6

- 4.44 Reason for Refusal no.6 alleges that the benefits of the development would be significantly and demonstrably outweighed by the harm of the development.
- 4.45 SMDC provide no assessment of harm nor any demonstration of any harm that stands up to basic scrutiny.
- 4.46 At the current stage, that being an outline application with all matters reserved for what is a rural workers dwelling in a rural area, similar, but with a concept intent to be less impactful, to several other such farm houses and farm enterprises in the immediate vicinity, there is simply no significant harm that can be assessed and certainly not demonstrated.

5.0 CONCLUSIONS

- 5.1 The Planning Application was submitted seeking outline planning permission with all matters reserved for the development of a single farmhouse dwelling to the Appeal Site and, as such, is solely concerned with the principle of the proposed development.
- 5.2 SMDC's reasons for refusal can be summarised as follows:
 - 5.2.1 The proposed farmhouse dwelling is not considered essential for a rural worker
 - 5.2.2 The Site could not, in the opinion of the LPA, "*sustain the living of a rural worker*"
 - 5.2.3 The "*prominence of the development*" would cause significant harm to the landscape character and appearance
 - 5.2.4 The "*significant length*" of vehicular access would cause further harm to the landscape character and appearance.
 - 5.2.5 Groundworks required to facilitate development would cause further harm to the landscape character and appearance.
 - 5.2.6 Ecological impacts could not be assessed as no ecological survey was provided.
 - 5.2.7 Insufficient visibility splays would be provided.
 - 5.2.8 Insufficient information provided to allow assessment of amenity impacts for future occupiers.
- 5.3 Local Policy and the framework both support a prosperous rural economy and development of business to sustain the rural economy. The granting of permission for the farmhouse in principle enables the development of the wider farming enterprise which, whilst modest, will provide income for the appellant and support for other rural-based businesses in the locality such as agricultural machinery suppliers and maintenance, livestock food suppliers etc. The scale of the enterprise is modest and aligns to similar other such enterprises in the immediate locality, thus it cannot be deemed inappropriate in principle. As with most farming enterprise, it is essential for the proprietor to live on site and the operation is intended to provide a small family business, supported by all family members living at the property. As such, the need is essential to the appellant and a planning condition can secure an agricultural tie to the farmhouse.
- 5.4 It is assumed to be beyond the LPA's competencies and certainly beyond its jurisdiction to assess the future economic success of the enterprise and to base any decision on any such assessment.
- 5.5 The application is in outline form with all matters reserved but presents the concept intent for a dwelling built into the hillside some 15m below the highway level in the

southernmost corner. The “prominence” of the development is grossly overestimated by the LPA and is, at best, entirely premature and can only be properly assessed in the Reserved Matters process.

- 5.6 The length of the vehicular access will be similar to several other similar sites in the immediate vicinity. Whilst again premature to be assessed in the absence of design information which remains a legitimate reserved matter, there is no reason to expect such access could not be provided entirely in character with other examples in the area.
- 5.7 Whilst groundworks will be undertaken, there is no reason to expect any harm to the landscape setting to result from such normal construction activities.
- 5.8 An ecological survey was provided, and it is the appellants intent to provide a series of landscape and biodiversity enhancement measures as part of the reserved matters. Any further ecological surveys or reports deemed necessary can be secured by way of a planning condition.
- 5.9 Access is a reserved matter with assessment of visibility splays undertaken without any such information having been provided with the application.
- 5.10 There is no current reason for concern in respect of noise disturbance impacts to the amenity of future occupiers that could not be otherwise mitigated in the design process.
- 5.11 Whilst the reasons put forward for refusal can be reasonably argued, there is no particular need to do so in this instance since SMDC cannot demonstrate a five-year housing land supply, thus paragraph 11(d) of the framework applies and the application should be approved except where any harms caused would significantly and demonstrably outweigh its benefits. .
- 5.12 The principle of a farmhouse dwelling in a rural area populated with other similar such properties cannot be deemed to be inappropriate development in the countryside. SMDC cite harm arising from the access yet there are several examples of long access routes to other farm sites locally, thus any such long access would reflect local character and cannot be deemed to provide significant harm. In the absence of design information at this stage, it is premature to assume harm arising from the farmhouse itself, particularly where it is expected to be set into the hillside and further concealed by a green roof.
- 5.13 The proposal would constitute sustainable development in terms of the three objectives set out in the Framework.
- 5.14 The proposal would contribute to the key central government policy of significantly boosting the supply of homes in this country. The High Court Judgement in the matter of Wokingham BC V Secretary of State for Communities and Local Government & Taylor Wimpey UK Ltd [2019] EWHC 3158 is a further material

consideration with Mrs Justice Lang stating, "*significantly boosting the supply of a sufficient number and variety of homes is a key policy objective of the Framework (Paragraphs 59 and 8b)*". The High Court ruling emphasises the importance of this central policy and confirmed this to apply even outside of defined development limits.

- 5.15 The framework supports a prosperous rural economy, setting out that decisions should enable development, growth and expansion of all types of business in rural areas. Whilst the application in hand deals with the farmhouse, securing approval in principle enables the wider development of business in the rural area and it is proposed that the future enterprise is secured by way of planning conditions to include an agricultural tie and the submission and approval of wider applications as necessary in the form of planning conditions.
- 5.16 Therefore, the proposal has several key benefits when assessed against the framework as a whole with no clear conflict with the same. As set out above, the proposal presented in the application would not necessarily present any substantive detrimental impact that could not otherwise be mitigated and cannot therefore be deemed to outweigh the benefits significantly and demonstrably when assessed against the framework as a whole.
- 5.17 In the context of the overarching 'presumption in favour of sustainable development' set out in Section 2 of the Framework (2021), development should therefore be approved without delay.