



## Committee Report

**Planning Committee North – 13 September 2022**

**Application no** DC/22/1891/FUL

**Location**

G Engineering Ltd  
Malt Office Lane  
Rumburgh  
Halesworth  
Suffolk

**Expiry date** 12 July 2022  
**Application type** Full Application  
**Applicant** G Engineering Ltd

**Parish** South Elmham All Saints and St Nicholas  
**Proposal** Construction of rural workers dwelling  
**Case Officer** Iain Robertson  
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### 1. Summary

- 1.1. Planning permission is sought for the construction of a two-storey detached residential dwelling, occupied in association with G Engineering Ltd who have relocated to the site following the grant of planning permission (Ref: DC/18/5021/FUL) for the construction of a replacement workshop building.
- 1.2. The applicant, G Engineering Ltd., is a family run business, providing maintenance and breakdown services for agricultural machinery in Norfolk, Suffolk, Essex, and some parts of Cambridgeshire.
- 1.3. Officers are of the view that an essential need for a rural workers dwelling has not been demonstrated and therefore recommend refusal of the application, contrary to the view of the Parish Council and Ward Members who are in Support of the application.

- 1.4. The application was referred to Planning Committee by the Referral Panel in order for further discussions to take place in relation to the key policy consideration, WLP8.8 – “Rural Workers Dwellings in the Countryside”.

## **2. Site Description**

- 2.1. The site is situated outside of the settlement boundary of Rumburgh approximately 200m from the settlement edge, separated by an agricultural field.
- 2.2. The site is on an area of land in front of the newly built industrial building which replaced dilapidated buildings of similar scale.
- 2.3. Malt Office Lane terminates at Blooms Hall Farm to vehicular traffic; however, there are a number of public footpaths in the vicinity of the site accessed off Malt Office Lane.

## **3. Proposal**

- 3.1. The application seeks permission for the erection of a new 4-bedroom, two storey dwelling on the frontage of the G Engineering site for the applicant and his family, as well as workers and business associates, as and when required.
- 3.2. The need for a residential property is proposed on the basis of security of machinery on the site and the need to be close to the site to attend to call outs, which can occur 24/7.

## **4. Consultees**

### Third Party Representations

- 4.1. Five representations have been provided in support of the application from clients of the applicant who have stated the importance of his business to their agricultural businesses.

### **Parish/Town Council**

Consultee	Date consulted	Date reply received
South Elmham All Saints and St Nicholas Parish Council	30 May 2022	2 June 2022
“SUPPORT  At TSPC meeting on Wednesday 1st June 2022:  Councillors agreed unanimously to SUPPORT this application with the following comment: 'As a rural community it is important, that we support and encourage local businesses and employers.”		
Consultee	Date consulted	Date reply received
Rumburgh Parish Council	24 May 2022	No response
Summary of comments: No comment received		

**Ward Members:**

Consultee	Date consulted	Date reply received
Ward Councillor – Cllr Ritchie	N/A	19 July 2022
<p>“I wish to comment. I am out of time, but I understand that this application will not come to the referral panel until next week. I have read the details on the planning portal. I have spoken to the applicant and to the agent.</p> <p>I am David Ritchie, one of the two district councillors for the Bungay and Wainford Ward.</p> <p>I write in support of the application.</p> <p>This application is for a cottage adjacent to an engineering business. It appears to hinge on whether it qualifies for the rural workers exemption. I contend that it does for the following reasons.</p> <p>This is an engineering business that provides a service to local farmers. It is ideally located to provide this service. It provides a call-out service. The harvest is going on at present. Callouts are likely anytime, night or day. (At present the owner lives in the only nearby property but is under notice to quit).</p> <p>Living nearby is an important security consideration. It is in an isolated location and the workshop contains millions of pounds worth of equipment.</p> <p>Sustainability. The business may not survive in its present location if the application is refused. It is an ideally placed rural business with five employees.</p> <p>Finally, even if it is considered that this application does not qualify for the rural workers exemption, I would like it to be considered as an exception to policy. Common sense suggests to me that it is the right house in the right place for the right reasons. We have already allowed other rural workers exemptions where livestock are not involved. I do not think that this application would provide any further precedent.”</p>		

Consultee	Date consulted	Date reply received
Ward Councillor – Cllr Cloke	N/A	25 July 2022
“Support – In agreement with the comments made by Cllr Ritchie.”		

**Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Highways Department	24 May 2022	24 May 2022
<p>Summary of comments:</p> <p>No objection subject to conditions</p>		

**Non statutory consultees**

Consultee	Date consulted	Date reply received
SCC Rights of Way	24 May 2022	27 May 2022
Summary of comments: Standard comments provided.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	24 May 2022	27 May 2022
Summary of comments: Contaminated Land conditions required		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	24 May 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	24 May 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	24 May 2022	No response
Summary of comments: No comment received		

## 5. Site notices

General Site Notice

Reason for site notice:

New Dwelling

Date posted: 10 June 2022

Expiry date: 1 July 2022

## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.

6.3. The East Suffolk Council (Waveney) Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 - Scale and Location of Growth
- WLP1.2 - Settlement Boundaries
- WLP7.1 - Rural Settlement Hierarchy and Housing Growth
- WLP8.8 - Rural Workers Dwellings in the Countryside
- WLP8.21 - Sustainable Transport
- WLP8.29 - Design
- WLP8.35 - Landscape Character

## **7. Planning Considerations**

### Principle:

- 7.1. Policy WLP1.2 defines settlement boundaries and restricts the development of new residential, employment and retail uses outside of settlement boundaries. Rumburgh is classified as a smaller village within Policy WLP.71 - "Rural Settlement Hierarchy and Housing Growth". The development requirements elsewhere in other rural settlements in the Countryside will come forward through Neighbourhood Plans and windfall sites in accordance with Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 of this Local Plan
- 7.2. Of these exceptions highlighted, policy WLP8.8 - "Rural Workers Dwellings in the countryside" is of relevance to this proposal.
- 7.3. This policy sets out that proposals for permanent dwellings in the Countryside for rural workers where they are to support an existing and viable rural business will only be permitted where:
- There is a clearly established functional need and this could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so;
  - The need relates to a full-time worker, or one who is primarily employed in the rural sector, and does not relate to a part time requirement;
  - The unit and the rural activity concerned has been established for at least three years, has been profitable for at least one of them and is financially sound and has a clear prospect of remaining so; and
  - The proposed dwelling is sensitively designed, landscaped and located to fit in with its surroundings and of a scale that reflects its functional role to support the agricultural activity.
  - Where a rural dwelling is permitted, the occupancy will be restricted by condition to ensure that it is occupied by a person, or persons, currently or last employed in local rural employment.
- 7.4. Paragraph 80 (a) of the NPPF describes that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking most control of a farm business, to live permanently at or near the place of work in the countryside.

- 7.5. Although the applicant refers to his business as Agriculture; the definition of agriculture for planning purposes is contained within Section 336 of the 1990 Act which includes *"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land) the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes."*
- 7.6. Given national support for rural enterprise and farm diversification, even if it cannot be shown that a business is agricultural in the strict legal sense, planning policy allows leeway for dwellings connected with other land-based enterprises which have a locational need to be within a rural area, subject to a thorough evaluation of essential need.
- 7.7. Further guidance on assessing essential need is provided within the Planning Practice Guidance Paragraph: 010 Reference ID: 67-010-20190722, which states the following:
- "How can the need for isolated homes in the countryside for essential rural workers be assessed?*
- Considerations that it may be relevant to take into account when applying paragraph 80 (a) 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".*
- 7.8. Paragraph 010 of the PPG highlighted above includes the prevention of crime as a reason why a 24-hour presence *may* be necessary on a land-based rural enterprise. However, it only states that this is a consideration that may be relevant.
- 7.9. Development Control Practice (DCP) is a resource used by the Planning Industry to compare similar cases against appeal decisions. This highlights that past cases have demonstrated that security has not been deemed sufficient justification, on its own, for a dwelling and, in any case, security is in the context of animal welfare and theft. Security needs may increase

in weight where the farm is near a built-up area, or the animals kept are particularly valuable. Heightened security problems may also be argued where an establishment might be liable to attack by animal rights activists.

- 7.10. DCP also considers Quasi-agricultural activity such as this and has a section which considers Agricultural servicing/engineering operations and references appeal cases.
- 7.11. It is highlighted that an activity based on servicing agriculture or forestry is unlikely to justify a dwelling as there is no linkage to particular land. For example, retention of a mobile home justified by an egg grading machine service use was rejected. While an inspector conceded that the use provided a valuable service to the poultry industry, he felt that there was too tenuous a relationship with agriculture to warrant a dwelling, see Chichester 13/11/1996 DCS No 036-643-580.
- 7.12. Although providing around the clock engineering service to those engaged in farming may be useful, an inspector upheld enforcement action by a council and refused permission for a permanent dwelling at an agricultural machinery services business offering a 24hour call out service from buildings in the open countryside. The inspector accepted that the business providing a repair and fitting service, including fabrication work, for agricultural and forestry machines which necessitated a rural location, but held it was not essential for a worker to be permanently resident on site. Evidence of the frequency and location of callouts did not alter the inspector's conclusion that the appellant's case for a permanent residential presence was based more on convenience than functional necessity, and he dismissed the appeal for retention of a dwelling. (See Pembrokeshire 25/01/2017 DCS No 200-006-051).
- 7.13. The most recent appeal decision in East Suffolk for a rural workers dwelling (Appeal Ref: APP/X3540/W/21/3267880 Land and barn known as Buttons Meadow, Charsfield, IP13 7QE) was dismissed against a consideration for an equestrian worker's dwelling to provide care and security to horses essential to an equestrian business. In that case, heard thoroughly by way of an informal hearing with the Inspector the decision states:

*"36. The appellant's agent has referred to the need to take a leap of faith in considering whether to grant a temporary permission, as if the business is not successful after three years, then the appellant would not be able to justify a permanent dwelling. However, it is not a leap of faith but a planning judgement that must be made as to whether the proposal before me accords with planning policy and taking a view based on the evidence presented.*

*37. Whilst a temporary permission can be appropriate for new enterprises, this is so that confidence can be gained as to whether a viable business can be built, before allowing for a permanent dwelling. This does not remove the need to demonstrate a functional need for someone to live on the site in connection with the proposed rural enterprise.*

*38. In conclusion there is insufficient evidence to demonstrate that there is an essential need for a rural worker to live at the appeal site for a period of three years. Therefore, in this regard the development conflicts with policies SCLP3.3, SCLP5.3 and SCLP5.6 of the LP"*

Justification of essential need:

- 7.14. The pre-application report highlights that the applicant and family live nearby, however the tenancy is coming to an end. It is stated that it is essential for the applicant to live

permanently at or near their place of work (G Engineering Works) to ensure fast 24/7 on call emergency services for agricultural machinery. It is also considered to be essential to have on site surveillance.

- 7.15. Importance of out of hours service: - It is highlighted that G Engineering supports at least 315 farming clients across East Anglia and is one of very few companies offering an out-of-hours callout service. The applicant considers the speed with which he is able to reach his customers to be G Engineering's competitive edge, and the pace of growth of the business demonstrates the market demand for this excellent service.
- 7.16. The business attended 586 callouts in the last year, 110 (20%) of which were out-of-hours, with staff travelling an average distance of 56 miles per round trip, and the furthest destination some 106 miles (i.e., 212 miles in total) from the site. Callouts require the attendant to travel to G Engineering to collect any necessary parts before attending the incident, and this mileage is additional to the distance to the client.
- 7.17. It is said that if Mr Gowing, who carries out most of the callouts himself to avoid the need for staff to carry out this function, were required to live further afield this may no longer be possible.
- 7.18. Furthermore, it is said that G Engineering regularly receives visits from business partners, as far afield as Devon, who at times operate from G Engineering's workshop before returning to Devon; accommodation would be available for them within this property.
- 7.19. On site surveillance: It is highlighted that it is not uncommon for G Engineering Ltd. to house up to £10m worth of farming equipment and technology at one time. With Agri theft on the rise, it is said to be important to be nearby, on watch, to reduce risk of potential burglary.
- 7.20. Mr Gowing's current residence at Dandy Hall Cottage is less than 100m from the site, allowing him and his family to see the business premises from their home. This has proven invaluable during two recent incidents, which Mr Gowing was able to intercept these attempts in the early hours.
- 7.21. Mr Gowing has already taken as many security measures from NFU Guidance as he reasonably can, including installing automatic lighting and zoned CCTV (which notifies him of any movements on site). However, Mr Gowing is very concerned that his business will be vulnerable to theft if he is not on site or within view of his premises.
- 7.22. As highlighted by other similar such examples, it is not considered that reasons of security and the convenience of living on site to provide an out of hours service offered to the agricultural sector demonstrates an essential need for a rural worker to live at the site. This would be contrary to criterion one of Policy WLP8.8, and the NPPF.

#### Financial test:

- 7.23. Since PPS 7 was superseded some years ago there has been no guidance to determine the size of a dwelling which an agricultural unit can sustain, known as the financial test. Policy WLP8.8 requires that the unit and the rural activity concerned have been established for at least three years, has been profitable for at least one of them, and is financially sound and has a clear prospect of remaining so. Guidance within the NPPG highlights that



consideration should be given to whether the provision of an additional dwelling on site is essential for the continued viability of a farming business.

- 7.24. In this case the financial information provided (on a confidential basis) highlights a clear prospect of remaining profitable and has been for at least 3 years. However, there is no evidence to suggest that a dwelling on the site would be essential for the continued viability of the business.

Assessment of available property:

- 7.25. In addition to an essential need being demonstrated, the first criterion of Policy WLP8.8 also requires accommodation to be on or close to the site and could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so.
- 7.26. It is highlighted that the current property, albeit of small scale, is ideally located for the purposes of the business as it is close to the site, situated 85m to the southwest of the premises. It is said that it had been anticipated that the family would reside there for the foreseeable future. Within the planning statement, there is no explanation of why this property is to become unavailable.
- 7.27. The applicant proposes to carry out the majority of the building works himself, reducing the build cost to around £250,000, and this would be the Applicant's budget for purchasing a home.
- 7.28. It is highlighted that there are no properties offering the same accommodation within the vicinity for the same cost as the construction costs of the proposed dwelling.
- 7.29. Although there is an assessment of the current availability of properties in Rumburgh and the surrounding area, these have all been discounted, by the applicant, on the basis that they are far in excess of the budget set. Within the financial information submitted the business is shown to be very profitable and there are no details of why this figure has been set which would appear to be unrealistically low. Furthermore, there is no assessment of dwellings in the area that already hold an agricultural restriction, which would be available at a reduced purchase price.
- 7.30. It is therefore considered that it has not been demonstrated that there are no other properties within the vicinity that are available, contrary to the requirements of criterion one of Policy WLP8.8.

Design/landscape:

- 7.31. Criterion four of Policy WLP8.8 highlights that the proposed dwelling is sensitively designed, landscaped, and located to fit in with its surroundings and of a scale that reflects its functional role to support the agricultural activity.
- 7.32. Policy WLP8.29 also requires high quality design.
- 7.33. It is not considered that the property has been designed in a way that responds to its local context. The site is removed from the settlement boundary of Rumburgh in an area which is

characterised by modern agricultural buildings. Instead, a residential property will be seen within this flat landscape with no opportunity for planting of any significance around it due to the limited size of the plot.

7.34. Furthermore, this area was shown within the previous approval as a landscaped area to help assimilate the workshop building into the surrounding landscape, the details of which were agreed within the discharge of condition application Ref DC/21/3780/DRC as shown on drawing no. DRS-MAL-L-001 Rev B. Given that officers are of the view that a functional need is not demonstrated, the provision of a building and associated residential curtilage in this location would be an unnecessary visual intrusion in the countryside without justification and running contrary to the Development Plan.

7.35. The proposal is contrary to the aims of Policy WLP8.8, WLP8.29 and WLP8.35.

#### RAMS:

7.36. The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Benacre to Easton Bavents SPA and Minsmere-Walberswick SPA/SAC/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. A contribution has been received in relation to this site.

7.37. The proposal would therefore accord with Policy WLP8.34.

#### Other Matters

7.38. The proposal is acceptable in highways safety terms, and there have been no objections from the County Highways Authority.

7.39. The proposal would provide acceptable living conditions for future occupiers, and would cause no harm to living conditions/amenity for local residents.

### **8. Conclusion**

8.1. The property is outside of the settlement boundary of Rumburgh. The proposal for a dwelling does not meet any of the exceptions that allow for development outside of settlement boundaries as highlighted in Policy WLP7.1.

8.2. The application seeks to demonstrate an essential need for a rural worker to live on the site in accordance with Policy WLP8.8. In this case as the business is a Quasi-agricultural activity carrying out servicing of agricultural machinery, the justification in terms of security of machinery and convenience of being on site to respond to call outs across the region is not considered to demonstrate an 'essential need'. This conclusion is supported by multiple appeal decisions highlighted within the planning considerations of this report. A rigorous application of the essential/functional need test is fundamental to the planning consideration of rural worker's dwellings. It is a well-established planning principle, reflected in the Local Plan, that proposals for new rural worker's dwellings must meet an essential/functional need.

- 8.3. There will of course be instances where it would clearly be of some convenience for an applicant to live on site, and there will be many rural businesses across the District where that may well be desirable for the owners/operators. Officers can appreciate that, but the planning consideration is not about convenience or applicant preference; rather, it is about demonstrating a clear, evidenced, essential need as required by WLP8.8, the NPPF and as guided by national planning practice guidance.
- 8.4. As an essential need has not been demonstrated, the construction of a residential property of the scale and location shown would cause harm to the rural character of the area without sufficient justification. The proposal would not be sympathetic to this rural location outside of the built-up area of Rumburgh.
- 8.5. For the reasons given, the proposal is contrary to the Development Plan, and there are not material considerations that would indicate for a decision other than refusal.

## **9. Recommendation**

- 9.1. Refuse.

The reason for the decision to refuse permission is:

1. The application site is located outside of the settlement boundary of Rumburgh, in an area defined as Countryside as shown in the Policies maps to the Local Plan.

The proposal does not meet any of the provisions within the Local Plan that seek to permit housing in the countryside contained in Policy WLP7.1 of the Local Plan. In the absence of such conformity, the principle of residential development on this site runs contrary to the Development Plan, particularly Policy WLP8.8 which deals with the provision of rural workers dwellings in the Countryside where there is a requirement for a clearly established functional need to be demonstrated of which could not be fulfilled by existing accommodation in the area.

It is not considered that reasons of security and the convenience of living on site to provide an out of hours service offered to the agricultural sector demonstrates an essential need for a rural worker to live at the site, and neither has it been demonstrated that this need could not be fulfilled by other accommodation in the area.

In this case the financial information provided (on a confidential basis) highlights a clear prospect of the business remaining profitable, as it has been for at least 3 years. However, there is no evidence to suggest that a dwelling on the site would be essential for the continued viability of the business, as required by the PPG to paragraph 80 of the NPPF.

Furthermore, this area was shown within the previous approval (DC/18/5021/FUL) as a landscaped area to help assimilate the workshop building into the surrounding landscape. As an essential need has not been demonstrated, it is considered that the construction of a residential property of the scale and design proposed would fail to protect the rural character of the area and would be an unnecessary visual intrusion in the countryside outside of the built-up area of Rumburgh, without adequate justification for such impacts.

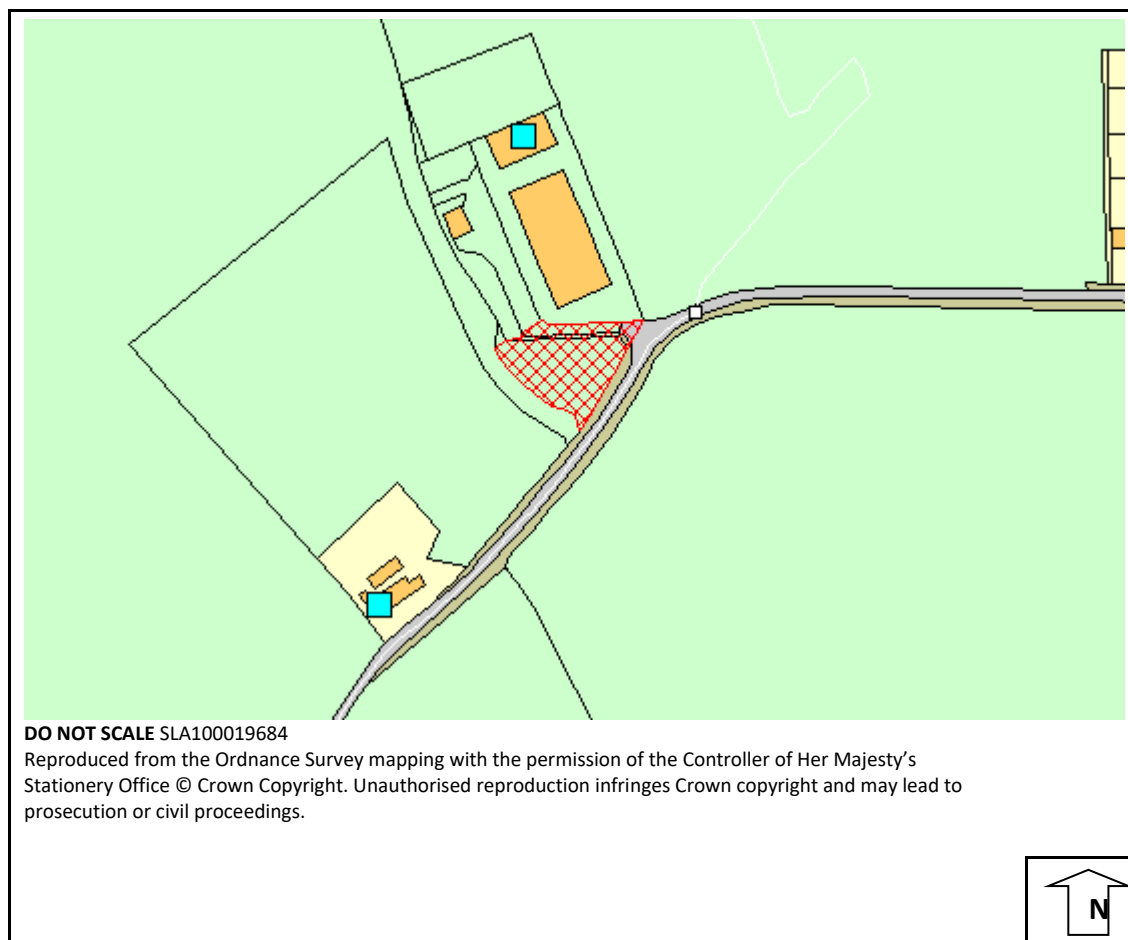
The development proposed would have limited social and economic benefits. The benefit arising from the delivery of this development would not outweigh the harm identified and is not sufficient to set aside adopted policies in this instance.

The development proposal is therefore contrary to policies WLP1.2 "Settlement Boundaries, WLP7.1 "Rural Settlement Hierarchy and Housing Growth", WLP8.8 "Rural Workers Dwellings in the Countryside", WLP8.29 "Design" and WLP8.35 "Landscape Character" of the East Suffolk Council - Waveney Local Plan (March 2019), the Planning Practice Guidance and the Environmental and Social dimensions of sustainable development outlined in the NPPF.

### **Background Papers**

See application reference DC/22/1891/FUL on [Public Access](#)

## Map



## Key



Notified, no comments received



Objection



Representation



Support