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PLANNING STATEMENT AND AGRICULTURAL APPRAISAL

**TO SUPPORT A PLANNING APPLICATION FOR THE
CONSTRUCTION OF A PERMANENT FARM WORKERS
DWELLING ON LAND AT MASON HOUSE FARM,
CLITHEROE ROAD, BASHALL EAVES, BB7 3DD.**

Applicants: Mr & Mrs J Hartley
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Date: December 2016
Our ref: Har/774/2175/GH



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1. INTRODUCTION

- 1.1 This Planning Statement and Agricultural Appraisal has been carried out to support a planning application that we have submitted on behalf of John and Sarah Hartley of Mason House Farm, Clitheroe Road, Bashall Eaves, BB7 3DD for the erection of a permanent agricultural workers dwelling on land situated at Mason House Farm. The dwelling is required in order to accommodate Mr and Mrs Hartley's son, Ben, who works full time on the holding with his father as he is currently living part time in the farmhouse and part time with his partner to whom he is engaged to be married next year when he will no longer continue to reside with his parents.
- 1.2 We set out in this report why the dwelling is required and demonstrate that the dwelling is required for a worker who is engaged full time in agriculture to support the functional requirements for at least two full time workers to be readily available at all times of day and night to attend to the welfare requirements of the livestock enterprises operated at Mason House Farm.
- 1.3 Mason House Farm where the proposed dwelling will be built if approved does not belong to Mr and Mrs Hartley it is a tenanted holding which they occupy on a full agricultural tenancy, which forms part of the Bashall Eaves Estate owned by the Worsley Taylor family. The Hartley family have farmed Mason House Farm since 1956 and Ben Hartley is the third generation of family to farm at the holding. The Bashall Eaves Estate is managed by Strutt and Parker and Mr and Mrs Hartley have agreed terms with their Landlord through the managing agents for the dwelling to be built on the tenanted holding. If planning permission is granted and the property is built it will not belong to the applicants but will remain part of the holding when their tenure of it ceases. The Landlord is aware that if planning permission is granted an agricultural occupancy condition will be imposed on the proposed new dwelling.
- 1.4 We set out within this report full details of the farming enterprises undertaken by the applicant and demonstrate that the proposed development is justified and acceptable in terms of both local and National planning policy.

2. PLANNING HISTORY

- 2.1 We set out below details of the recent planning history of the farm.
- 2.2 Planning application 3/2016/0181 was a full planning application for a building to cover a cattle feeding and storage area which was submitted on the 23 February 2016 and approved with conditions on 12 April 2016. The building which measures approximately 30m x 10m is currently under construction.

- 2.3 Planning application 3/2015/0034 was a prior notification application for a proposed extension to an existing building to house slurry handling equipment. The application was submitted on 13 January 2015 and the applicants were advised that permission was not required on the 29 January 2015.
- 2.4 Planning application 3/2014/0144 was a non material amendment application in respect of application 3/2010/0989 for a 10Kw wind turbine. The application was submitted on 10 February 2014 and approved on 6 March 2014.
- 2.5 Planning application 3/2013/0020 was a prior notification application for an animal feed store (measuring 28m x 14m) which was submitted on 2 January 2013 and applicants were advised that permission was not required on the 29 January 2013.
- 2.6 Planning application 3/2012/0402 was a planning application for a 50Kw wind turbine which was submitted on 23 April 2012 and refused on 19 October 2012 and an appeal was subsequently dismissed.
- 2.7 Planning application 3/2010/0989 was a planning application for a 20Kw wind turbine which was submitted on 6 December 2010 and approved with conditions on 18 March 2011.
- 2.8 Planning application 3/2008/0566 was a planning application for an extension (measuring 25m x 18.5m) to an existing agricultural building (applied for as agricultural permitted development under application 3/2008/0455N) it was submitted on 4 July 2008 and approved with no conditions on 19 August 2008.

3. PROPOSED DEVELOPMENT

- 3.1 This combined Agricultural Appraisal and Planning Statement has been prepared to support an outline planning application for the erection of a permanent farm workers dwelling with access being the only issue to be approved at this stage with the size of the proposed dwelling and its design being matters reserved for future determination. However it is anticipated that the new dwelling will be a single storey property which is reflected in the indicative dimensions that are shown on the site plan which are a width of 10m a length of 20m to include garage and an eaves and ridge height of 2.6m and 5.5m respectively.
- 3.2 The proposed development would be sited on a parcel of land owned by the applicant's Landlord which forms part of the tenanted holding Mason House Farm. The application site immediately adjoins the farmyard and as a consequence the proposed dwelling if approved will be well located to meet the functional need for the full time worker to live at their place of work.

4. THE AGRICULTURAL HOLDING

4.1 Description

- 4.1.1 The application holding extends to approximately 330acres (133.55Ha) or thereabouts of grassland all of which is rented from the Bashall Eaves Estate. Approximately 200acres (81Ha) of land are held on a secure Agricultural Holdings Act 1986 tenancy and 130acres (52.55Ha) are held on medium term farm business tenancies. Of the 130acres held on FBT's 100acres (40.4Ha) have been farmed by the applicants for over thirty years and the remaining 30acres (12.15Ha) have been farmed by them for approximately 10 years.
- 4.1.2 The farm has one main group of farm buildings which are located at Mason House Farm which is the farm held on a secure AHA 1986 tenancy where the applicant and his family also live. The farm buildings comprise a mixture of traditional stone built buildings and modern portal frame buildings and they are described in more detail in Section 4.2 below.
- 4.1.3 All of the land is down to grass and the applicant's farming enterprise is a dairy enterprise and they have a milking herd of 200 cows and 160 followers which they calve at twenty four months old. The applicants rear their own replacements and are in the process of expanding the herd over the next couple of years to 250 cows.

4.2 The Farm Buildings

- 4.2.1 We describe below the range of farm buildings located at Mason House Farm using number referencing which corresponds with the plan attached at Appendix 1 for identification purposes.

Building 1 - traditional stone built farmhouse

- 4.2.2 This is a listed farmhouse which provides the following accommodation a kitchen, pantry, lounge, dining room, hallway, four bedrooms and a bathroom. The farmhouse is occupied by John and Susan Hartley.

Building 2 - traditional stone built barn adjoining farmhouse (21m x 15m)

- 4.2.3 This is a part two storey height traditional stone built building which is currently used to accommodate a biomass boiler and wood chip store and cow calving boxes.

Building 3 - traditional detached stone built barn (14m x 7m)

- 4.2.4 This is a two storey height traditional stone built building which is currently used to accommodate isolation pens at ground floor and a room that is used by the estate shoot at first floor.

Building 4 – lean-to adjacent to Building 3 (6.1m x 3.6m)

- 4.2.5 This is a steel frame lean-to adjacent to one of the traditional buildings and is used to accommodate the bulk tank in which the milk is stored until collected.

Building 5 - timber storage building and lean-to (10m x 20m)

- 4.2.6 This is a collection of buildings constructed from telegraph poles and tin sheets which provide storage areas for straw and machinery and pens for calves.

Building 6 - youngstock building (10m x 12m)

- 4.2.7 This is a modern steel portal frame building which is clad with part concrete panel walls with timber space boarding above. The building houses between 20 and 30 calves depending on their age and weight.

Building 7 - cattle building (33m x 11m)

- 4.2.8 This is a steel portal frame livestock building with a central feed area in part of it with scraped passages either side and 26 cubicles, for dry cows, centrally with scraped passages in the rest of the building.

Building 8 - cattle building (14m x 29m)

- 4.2.9 This is another steel portal frame livestock building which has four rows of cubicles and scraped passages, there are 76 cubicles in this building for milk cows.

Building 9 - cattle building (17m x 25m)

- 4.2.10 This is another steel portal frame livestock building which has three rows of cubicles and scraped passages, there are 54 cubicles in this building for milk cows. At the end of the building is a mono pitch lean-to which houses two of the robotic milking machines.

Building 10 – muck separation unit (6m x 6m)

- 4.2.11 This is a small mono pitch building which has concrete block and concrete panel walls and a corrugated fibre cement sheet roof which is used to store the dry matter from the slurry after it has been separated.

Building 11 - cattle building (14m X 23m)

- 4.2.12 This is another steel portal frame livestock building which has one row of 20 cubicles for milk cows and scraped passages either side of a feeding area.

Building 12 - cattle building (16m X 30m)

- 4.2.13 This is another steel portal frame livestock building which has one row of 20 cubicles for milk cows and scraped passages either side of a feeding area. There is one of the robotic milking machines located at the north eastern end of the building.

Building 13 - cattle building (10.4m x 29.6m)

- 4.2.14 This building is currently under construction with the steel frame having been erected and the roof cladding of corrugated fibre cement sheets having been fitted and the floor has been partly concreted. The building will provide an additional cattle housing and feeding area.

Building 14 - Silage Clamp (15m x 20m)

- 4.2.15 An uncovered silage clamp with part concrete part earth banked walls.

Building 15 - Silage Clamp (15m x 20m)

- 4.2.16 An uncovered silage clamp with earth banked walls.

Building 16 - Silage Clamp (15m x 25m)

- 4.2.17 An uncovered silage clamp with concrete walls.

Building 17 - Slurry Lagoon

- 4.2.18 An earth bank slurry lagoon.

4.3 The Land

- 4.3.1 The holding extends to approximately 330acres (133.55Ha) all of which is down to grass and 230acres (101Ha) is mown for three cuts of silage and 80acres (32Ha) is grazed by youngstock.

- 4.3.2 The land is all well fenced and well maintained and it is all located in reasonably close proximity to the farmstead. We attach at Appendix 2 copies of the applicant's Rural Land Register Maps.

4.4 The Farming System

- 4.4.1 The applicant operates a dairy enterprise and currently have a herd of 200 pedigree Holstein dairy cows and they also rear their own replacements and at any time have approximately 160 head of youngstock approximately 80 from 0 -12 months and 80 from 12 months to 24 months. The applicant's also have approximately 400 breeding ewes agisted on the farm from September to January and they look after the sheep for this period of time in addition to looking after their dairy stock.

- 4.4.2 The applicant's have invested significantly in the infrastructure at the farm over recent years and this investment is ongoing with the building that was approved earlier this year currently under construction. The expansion and investment in the farm was triggered by Ben's decision to return to the farm after studying mechanical engineering at University. Ben who is twenty nine years old has worked full time on the holding since finishing his university studies in 2008 at the age of twenty one. They have been steadily increasing the size of their dairy herd and over the next couple of years will be increasing the size of the herd from 200 cows to 250 cows together with a corresponding increase in the number of replacements from 160 head to 200 head. All of the cows are artificially inseminated and presently a higher number of cows are being served to dairy bulls than would normally be the case so that they can increase the size of the herd from home bred cattle.
- 4.4.3 The cows are high yielding and need close and effective management and supervision to maintain their health and productivity. The cows calve all year round and frequently cows will require assistance calving particularly heifers calving for the first time. The cows are milked by four robotic milking machines which operate 24 hours a day 7 days a week 365 days of the year, they can require the attention of the applicant or his son at any time of day or night.
- 4.4.4 Although the applicants do not breed their own sheep they do have responsibility for managing the welfare of 400 breeding ewes from September to January each year for another farmer on an agistment basis.
- 4.4.5 In terms of the level of investment that the applicant's have made in the business these are as follows:
- 2007 Construction of a new silage clamp – cost £25,000
 - 2008 Purchase and installation of two robot milking machines – cost £230,000.
Erection of an extension to the cattle housing to accommodate the robot milking machines - £80,000
 - 2010 Erection of new livestock building to replace a dilapidated timber structure - £30,000
 - 2011 Purchase of a third robot milking machine (second hand) - £70,000
Construction of a new silage clamp – cost £15,000
 - 2014 Purchase of a fourth robot milking machine (second hand) - £50,000
Extension and alteration of farm buildings – £30,000
 - 2015 Erection of new calf building - £11,000
Purchase of larger bulk tank - £20,000
 - 2016 Erection of a new livestock building – ongoing.

- 4.4.6 The applicant's have expended circa £560,000 between 2007 and 2015 expanding and improving Mason House Farm which demonstrates a clear commitment to the continued farming of the holding and very clear viability of the farming business. It is important to note that all of this investment has been made on a tenanted holding and not on an owner occupied farm.

4.5 Labour Requirements

- 4.5.1 We have calculated the labour requirement at the holding using the two usual methods of standard man days (Nix Farm Management Pocketbook 2015) and Standard Labour Requirement based on hours per annum (SAC Farm Management Handbook 2013/14). The calculation using both methods are detailed below.

- 4.5.2 We have calculated the labour requirements of the holding using standard figures from the Farm Management Pocketbook by John Nix as follows:-

200 dairy cows @ 4 days/head	=	800
160 cattle @ 1.1 days/head	=	176
400 ewes @ 0.15 days/head	=	60
Grazing land 32ha @ 0.4 days/Ha	=	13.2
Meadow Land 101ha @ 2.8 days/Ha 2 cuts	=	282.8
total		1,332 days

- 4.5.3 We have calculated the labour requirements of the holding using standard figures from the SAC Farm Management Handbook 2013/14 as follows:-

200 dairy cows @ 26 hours/head/annum	=	5,200
160 cattle @ 9 hours/head/annum	=	1,440
400 ewes @ 1.5 hours/head/annum	=	600
Grazing land 32ha @ 4 hours/annum	=	128
Meadow Land 101ha @ 22 hours/annum	=	2,222
total		9,590 hrs/annum
Equivalent to		1,198 days

- 4.5.4 ADAS defines full time work as 275 days/year there is a clear labour requirement on the basis of employees working standard hours for nearly 4.84 full time workers on the holding according to the Farm Management Pocketbook by John Nix and 4.36 full time workers according to the SAC Farm Management Handbook. These figures do not provide any time for the rearing of circa 120 calves which are kept for two months before being sold at Gisburn Livestock Market. The expansion of the herd will also increase the labour requirement.

- 4.5.5 These figures are only a guide and will differ from holding to holding, part of the labour requirement can in some instances be met by the use of contractors and modern buildings are generally less labour intensive than older buildings. Often on family farms the family members involved in the farming enterprises work extremely long hours for six or seven days a week and take very few holidays and as a consequence the actual number of full time workers is in practice less than these calculations suggest.
- 4.5.6 The figures above do not make any allowance for the fact that some of the silaging operations are carried out by contractors or for the fact that the cows are milked by robots and not in a traditional parlour both of these factors will reduce the overall labour. However the fact that the farm has robots which milk the cows does not reduce the need for out of normal hours work, on the contrary the fact that the cows can present themselves for milking at any time of day or night means that there is more frequently a need for the workers to attend to work out of hours. This is because as with any machine the robots do not always function correctly and when faults occur, which can be frequent at least a couple of nights a week, the machines need to be attended to by the farm workers at short notice to avoid harm being caused to either the cows or the robots.
- 4.5.7 When a fault occurs with one of the robots a message is sent to whoever's mobile phone is programmed into the robots to receive the notification and they are alerted to the problem whenever it occurs and have to be available to attend at whatever time of day or night when they are alerted. On average the applicant gets a couple of call outs during the night each week
- 4.5.8 The applicant's farming activities are currently undertaken by two full time workers Mr John Hartley and Mr Ben Hartley with part time assistance and they also employ a full time placement student on the farm.
- 4.5.9 It is completely unreasonable to expect one worker to be available to attend to all of the out of hours work that is generated at this extensive livestock farm. We have absolutely no doubt that two full time workers need to live at or very close to Mason House Farm in order to meet the functional need that is generated by the extensive livestock enterprise that is being operated. The planned and ongoing expansion of the enterprise will only increase the requirement. Until recently two full time workers have lived at Mason House Farm, however when Ben who already spends part of his time living off the farm with his fiancé gets married next year and he cannot continue to live in the farmhouse on a part time basis with his parents.
- 4.5.10 The provision of a second farm workers dwelling at Mason House Farm would represent a more sustainable solution to Ben having to make frequent journeys to a dwelling located many miles from the farm.

5. REASONS FOR THE APPLICATION

- 5.1 There is a functional need as a consequence of the scale and nature of the applicant's agricultural enterprises for two full time workers to be readily available at all times of day and night to care for the welfare of the livestock that are kept on the holding and in order to respond at short notice to emergencies and in particular breakdowns of the automated milking machines that are used to milk the cows. The cows can calve at any time of day or night and they calve all year round which means that frequently there will be cows calving at night and this will involve them being checked at intervals through the night and assistance with calving being provided as and when required. Post calving it is also important to make sure that the newly born calves are suckling properly so that they get colostrum which is essential for their health within six hours of being born and in order to ensure that the calves get the required colostrum the cows are milked shortly after they have calved and the calves are bottle fed.
- 5.2 The single dwelling on the holding has until recently been able to meet the functional need because the applicant's son, Ben, who works full time on the holding has lived in the farmhouse with his parents. However Ben is now engaged to be married in 2017 and he can't continue to reside part time in the farmhouse at Mason House Farm and as a consequence a new dwelling is required at the farm or in very close proximity to meet this need.
- 5.3 Mason House Farm is situated to the north of the hamlet of Bashall Eaves where there is a public house and a small number of dwellings. There are very few properties in the immediate area and those that there are are too expensive to be purchased by the applicant or are not close enough to Mason House Farm to meet the functional need. The cost of renting a dwelling in the immediate locality would also be high and not affordable. The only practical way of meeting the functional need is in our opinion to construct a new dwelling on the holding.
- 5.4 The issue of the affordability of dwellings in this general locality was a subject for consideration in respect of an appeal that we dealt with for a farm workers dwelling at Old Dairy Farm, Chipping Road, Chaigley which is referred to in more detail in section 7 of this report.

6. PLANNING CONSIDERATIONS

6.1 General

- 6.1.1 Local planning authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise. In order for this planning application to be approved it must satisfy as far as possible the guidance contained within the National Planning Policy Framework (NPPF

Adopted March 2012) and the relevant policies of the Council's Core Strategy 2008/2028 – A Local Plan for Ribble Valley, which was adopted on 16th December 2014.

6.1.2 The Council's Core Strategy contains a number of key statements and policies of which the following are relevant to this application; DS1 Development Strategy; DS2 Sustainable Development; EN3 Sustainable Development and Climate Change; H1 Housing Provision; H2 Housing Balance; H3 Affordable Housing; DMG1 General Considerations.

6.1.3 We set out below extracts from the relevant documents to assess the planning application against all of the appropriate policies and guidance.

6.2 National Planning Policy

6.2.1 The main national planning policy guidance of relevance to the consideration of residential development proposals is set out in the National Planning Policy Framework (NPPF).

National Planning Policy Framework (NPPF)

6.2.2 The adoption of the National Planning Policy Framework in March 2012 means that it is now the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place of particular relevance to this application PPS7 - Sustainable Development in Rural Areas. *"The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied, it sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so."*

6.2.3 The National Planning Policy Framework (The Framework) says, in Paragraph 7, that there are 3 dimensions to sustainable development. These are an economic role (contributing to the economy), a social role (supporting communities) and an environmental role (protecting and enhancing the natural and built environment). Paragraph 8 says that these factors are mutually dependent. Paragraph 9 says that sustainable development includes making it easier for jobs to be created, replacing poor design with better design and widening the choice of high quality homes.

6.2.4 Paragraph 14 says that proposals that accord with the development plan should be approved without delay. It states:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

6.2.5 Paragraph 14 of the NPPF clearly spells out the Government's presumption in favour of allowing sustainable development unless the adverse impacts of doing so would be very significant. There are no such adverse impacts in respect of the development that is proposed in this case.

6.2.6 Paragraph 15 states:

"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally."

6.2.7 Paragraph 17 says that one of the core principles of planning is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. It also says planning should encourage the effective use of land by reusing land that has been previously developed; promote mixed use developments; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

6.2.8 Paragraph 28 says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses.

6.2.9 Section 6 of the NPPF contains policies for the delivery of a wide choice of high quality homes and paragraph 55 advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It indicates that local planning authorities should avoid new isolated homes in the countryside unless there are very special circumstances such as the

essential need for a rural worker to live permanently at or near their place of work. Therefore once an essential need has been established the principle of constructing a new dwelling in the countryside to meet that need is acceptable.

- 6.2.10 The policies of the NPPF clearly support the approval of the application that we have submitted on Mr and Mrs Hartley's behalf.

6.3 Local Planning Policy

Core Strategy Policy

- 6.3.1 The Council's Core Strategy 2008 – 2028 A Local Plan for Ribble Valley was adopted on 16th December 2014 and we set out below our assessment of the proposed development against the relevant adopted policies.

Key Statement: DS1 Development Strategy

- 6.3.2 Key Statement DS1 identifies where the majority of new housing, employment and retail development will be located within the Borough, which will be in the principal settlements, two enterprise zones and the Tier 1 Villages. There will inevitably be forms of development that can take place outside of these areas and exceptions to the general principle of locating development in them and the erection of a farm workers dwelling is such an exception that is covered by other policies of the Core Strategy.

Key Statement DS2: Presumption in favour of Sustainable Development.

- 6.3.3 Key Statement DS2 identifies states:

"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and it will always work proactively with applicant's jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area".

- 6.3.4 Clearly the approval of the application that we have submitted on behalf of Mr and Mrs Hartley will improve the economic and social conditions in the area by supporting the needs of a long established rural business.

- 6.3.5 The policy also states:

"Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be

approved without delay, unless material considerations indicate otherwise.”

- 6.3.6 The proposed development does accord with the relevant policies of the Local Plan and therefore the applications should be approved without delay.

Key Statement EN3: Sustainable Development and Climate Change.

- 6.3.7 Key Statement EN3 “sustainable development and climate change” identifies that construction methods and building design will address both the causes and consequences of climate change and contribute to reducing the Borough’s carbon footprint. If the development is approved then there will be an obligation on the development to provide a certain level of its power requirements through sustainable sources and the dwelling will be built to modern building regulation standard which will restrict heat loss and promote efficient heating sources within it. The development will adequately be able to satisfy the requirements of EN3.

Key Statement H1: Housing Provision, Key Statement H2: Housing Balance and Key Statement H3: Affordable Housing

- 6.3.8 These three key statements principally relate to large scale residential development within the Borough and while the planning applications that we have submitted relate to residential development these policies are not really relevant to the determination of the application.

Policy DMG1: General considerations

- 6.3.9 Policy DMG1 sets out various criteria which all development must conform to under a series of headings which are design, access, amenity, environment, infrastructure and other. The current application is in outline only with all details other than access reserved and in this regard we consider that the access criteria of the policy can be satisfied and in the event that the application is approved we can see no reason why the detailed proposal will not satisfy all of the other criteria.

Policy DMH3: Dwellings in the Open Countryside & the AONB

- 6.3.10 Policy DMH3 sets out a limited number of circumstances under which residential development in the open countryside or AONB’s will be allowed and the first of these is set out below:

1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.

- 6.3.11 We are firmly of the opinion that the proposed development is required to meet an identified local need and the proposal satisfies as we have

demonstrated in this report the functional and financial test referred to above. It is important to note that the imposition of a financial test is not consistent with the NPPF which does not impose such a test. However the applicant and his father before him have operated a farming business based at Mason House Farm for sixty years and has during this time expanded his business through the occupation of additional land and the erection of numerous modern agricultural buildings the latest of which is currently under construction and there can be no dispute that the business is financially sound. In any event the arrangements that have been agreed with the Landlord mean that the tenant will not have to expend any capital sums to fund the construction of the proposed dwelling.

7 RELEVANT APPEAL DECISIONS

- 7.1 We attach at Appendix 3 four planning appeal decisions which we consider support the approval of the planning application for a permanent agricultural workers dwelling on land at Mason House Farm and we set out below why we consider this to be the case.

Appeal Reference: APP/T2350/A/10/2131469

**Address: Old Dairy Farm, Chipping Road, Chaigley,
Clitheroe, BB7 3LS.**

Appellant: Chaigley Farms Ltd.

Local Authority: Ribble Valley Borough Council

- 7.2 This appeal involved a planning application for the construction of a second agricultural workers dwelling on a large beef and sheep unit in Chaigley and we have included it in this report for a number of reasons, it is a fairly recent decision although it predates the introduction of NPPF, it is in the same local authority area as the applicant's holding, it deals with the provision of a second dwelling on an agricultural holding to support extensive livestock enterprises.
- 7.3 Although the livestock enterprises undertaken are different to those at Mason House Farm they both involve calving cows in respect of which there are twice as many at Mason House Farm as there were at Old Dairy Farm based on current cow numbers and the labour requirement at Mason House Farm is one full time worker more than at Old Dairy Farm using the standard labour figures. We consider that this offers clear support for the approval of the dwelling at Mason House Farm.
- 7.4 Chaigley Farms Ltd at the time of their application and appeal actively farmed 274 hectares which equates to 677 acres of land and on this land they kept 400 beef cattle of which 100 were suckler cows and around 1,050 breeding sheep. The activities generated a labour requirement of approximately three full time workers. The Inspector stated, at paragraph 9:

"In my experience the breeding and finishing of cattle, lambing, and calving all require experienced workers to be on site or in very close proximity. Prompt attention is often required to avoid animals suffering unnecessarily and to avoid the loss of valuable stock. I recognise there is a frequent need for on-site presence outside normal working hours, particularly during lambing and calving periods, and to attend to the daily needs of the stock. Therefore, and taking into account the significant scale and nature of this enterprise, I am satisfied that there is a functional need for more than one experienced worker to live within sight and sound of the livestock buildings."

- 7.5 In terms of other available accommodation the County Council land agent, whilst accepting that there was a functional need for two workers to be available and present in close proximity to the farm to meet the functional need considered that the need could be met by a dwelling off the holding. The Inspector noted in paragraph 11 of the decision notice that there were no buildings on the holding that might be suitable for conversion to residential use and he considered that the only available properties in the area sufficiently close to meet the functional need were at Chaigley Court, opposite the farm entrance and buildings. He identified that the two properties here that were for sale at the time of the appeal were priced at £300,000 and £375,000 and he accepted that these were not easily affordable on an agricultural wage.
- 7.5 Also of relevance are comments made by the Inspector at paragraph 15 concerning the financial viability of the business. He stated that he had no doubt the enterprise was well established as the family had been farming in the area since the 1930s and at Old Dairy Farm for about 30 years. The county land agent had sought to suggest that due to the level of profit the business was showing that there were some questions over the financial viability of the business and its ability to fund the development of the dwelling, however this was dismissed by the Inspector who could see that the business was expanding and there had been significant investment over recent years in the expansion of the farming enterprises. There are again significant similarities between the circumstances at Old Dairy Farm and those at Mason House Farm.

Appeal Reference: APP/Q9495/A/13/2207717

Address: Land north of Esthwaite View Caravan Park,
Roger Ground, Hawkshead, Ambleside, LA22
0QA.

Appellant: Mr & Mrs M Woodhouse

Local Authority: Lake District National Park

- 7.6 This appeal decision is quite recent, the decision having been issued on 21 March 2014 and I consider it to be relevant to the application at Mason House Farm for a number of reasons, firstly the nature and scale of the farming activities considered to give rise to a need for a second farm workers dwelling, the potential availability of alternative

accommodation off the holding and the fact that the existing farmstead was a tenanted holding.

- 7.7 In this case the dwelling that was proposed was to be constructed on a small parcel of land owned by the appellant unlike our application in respect of which the proposed dwelling will be constructed on the tenanted holding in much closer proximity to the farm buildings. The details of the appellants' farming enterprises was not set out within the appeal decision itself however a review of the agricultural appraisal prepared by A G & P Jackson, land agents on behalf of the Lake District National Park, sets out the extent of the land occupied by the appellants and the details of their farming enterprises. The appellants farmed 140 hectares (345 acres) of land at Howe Farm, Hawkshead, which was a tenanted farm held under a secure Agricultural Holdings Act 1986 tenancy to which the applicants succeeded as a first succession tenant in 1996. In addition they farmed 32 hectares (78 acres) of land at Poole Woods approximately 4 miles from Hawkshead, 6 hectares (15 acres) of land from Hawkshead Grammar School on a secure tenancy and 12 hectares (29 acres) of land owned by them of which 1 acre is the application site with the residue at Hawkshead Hill, approximately 3 miles from The Howe Farm. They appellants were therefore farming a total of 190 hectares (470 acres). The appellants operated sheep and beef enterprises with 500 breeding ewes, 100 hogs and 75 Limousin and Belgium Blue cross suckler cows, half calving in Spring and half calving in the Autumn, the calves being sold and they had 16 in calf heifers. All of their land was down to grass. The labour requirement was between 2.5 and 3 full time workers which is less than that at Mason House Farm.
- 7.8 Notwithstanding the fact that the scale of enterprises at Howe Farm gave rise to a lower labour requirement than those at Mason House Farm the Inspector concluded at paragraph 13 that *"he was satisfied that in this case there is an essential need for 2 full time agricultural workers to live at or near their place of work."* This clearly supports our opinion that there is an existing functional need for a second farm workers dwelling at or close to Mason House Farm.
- 7.9 The decision notice does not make reference to the availability or cost of properties at Roger Ground or in Hawkshead and it has perhaps been taken as read that these would not be in any way affordable to the farm business.
- 7.10 The existing farmhouse at Howe Farm does not appear to have ever been subject to an agricultural occupancy restriction and there is no reference anywhere within the appeal decision as to a requirement for this property to be subject to an agricultural occupancy condition as a consequence of the appeal being allowed. There would clearly therefore in our opinion be no justification for Ribbles Valley Borough Council to make the potential approval of the application for a new farm workers dwelling to support the business at Mason House Farm dependent upon the imposition of an agricultural occupancy condition upon the existing

farmhouse. We consider that this appeal decision lends very clear support to the approval of the application for a second dwelling at Mason House Farm.

Appeal Reference: T/APP/C3620/A/98/289977/P9

Address: Ricketts Wood Farm, Norwood Hill.

Appellant: Mr F Greenwood

Local Authority: Mole Valley District Council

- 7.11 This planning appeal decision relates to an application for a second farm workers dwelling at Ricketts Wood Farm, Norwood Hill the farm extends to 602 acres/244 hectares and there is a dairy herd of 200 cows and a substantial beef and young stock enterprise with a further 190 head of cattle and during the winter months the applicant agists 300 sheep on the farm. The livestock enterprises both in scale and nature are virtually identical to those at Mason House Farm.
- 7.12 At paragraph 15 the Inspector makes the following statement *“on the basis of the submitted evidence it is my judgement that in view of the existing level of livestock supervision, the existing diversity of livestock centred activities and the existing scale of the livestock enterprise this particular agricultural enterprise would be unable to function properly on a sustainable, long term basis with only the single existing farm house. I consider that the needs of about 400 cattle mean that more than one worker should be readily available at most times and on hand day and night.”*
- 7.13 This case is also similar to the situation at Mason House Farm in that for many years the existing dwelling accommodated two generations which meant that two of the full time workers resided in the farmhouse and were both available at all times of day and night but the marriage of the son meant that he could no longer live with his parents.

Appeal Reference: APP/E6840/A/02/1092691

Address: Keepers Lodge Farm, Llanishen, Chepstow

Appellant: Mr C Pritchard

Local Authority: Monmouthshire County Council

- 7.14 This planning appeal decision relates to an application for a third farm workers dwelling at Keepers Lodge Farm, Llanishen, Chepstow (Appeal Reference App/E6840/A/02/1092691). The appellants had a dairy herd of 209 cows together with 300 followers and beef cattle at the time of the appeal and they were intending to increase the dairy herd to 250 cows. The commentary within paragraphs 7 and 8 is of particular relevance to our client's appeal and I quote as follows:-
- 7.15 *“I accept that the cowman and the appellant, both of whom live on the holding, could in theory give the care needed. But I consider that the*

other demands on their time make it impractical for them to give the extra time needed to provide properly for the animals welfare. The cowman gets up at 0400 hours to milk the cows at 0430 which takes around two hours. They are milked again at about 1600 and his working day ends at 1900 hours. He often works seven days a week. It was calculated at the hearing that he works a 90 hour week on average and sometimes exceeds 100 hours. I share the view that it would be unreasonable to expect him to provide care for the animals outside of what is already an excessively long working day. The appellant has all managerial and paperwork responsibilities. There was agreement at the hearing that modern farming involves large amounts of paperwork which has expanded steadily and continues to grow. Much of this has to be completed outside the normal working day. This limits the amount of time the appellant can devote to the animals. Because of the demands on the appellant and the cowman I consider there is a risk that insufficient time will be given to the welfare of breeding stock and newly born calves."

- 7.16 *"With only two people living on the farm holding each has to work inordinately long hours, frequently seven days a week, with no opportunity to take time off for holiday and no cover when one is sick. The former tractor driver left because he was unprepared to work long hours and had a considerable distance to drive to the farm. The present long hours are still necessary even with the third full time worker, Mr Broom. On the evidence of the hours involved the burden is in my view too great for just two people living on the site. There must come a point where the viability of the enterprise would be threatened. Overall I consider that the amount of work involved in running this farming enterprise requires three people to live on site to share the responsibility and the time necessary to provide the essential care for the animals in addition to the normal duties of running the farm."*
- 7.17 Although this was a larger farm than Mason House Farm and the livestock enterprise was larger the number of calving cows and consequently calves was the same as at Mason House Farm and it would have been this part of the livestock enterprises that would have resulted in the highest labour requirement and the need for out of hours work. We consider that it lends significant weight to our assessment that there is a need for a second farm workers dwelling at Mason House Farm.
- 7.18 We consider that all of the planning appeals referred to clearly support the approval of the application for a second dwelling at Mason House Farm.

8. OTHER FARM WORKERS DWELLINGS APPROVED IN THE BOROUGH

Application 3/2005/0029 - Higher High Field Farm, Slaidburn

- 8.1 On the 12 January 2006 Ribble Valley Borough Council granted planning consent for the construction of a second farm worker's dwelling at Higher High Field Farm. In this particular case the farm extended to 250 acres/101.17 Ha and the stock numbers were 115 dairy cows, 76 heifers, a flock of 320 breeding ewes producing in the region of 500 lambs per annum and 9 rams. The dairy herd was increasing from 115 to 150 cows and based on the increased number of cows the labour requirement based upon the same data used in section 4.5 of this report would equate to between three and four full time workers. The county land agent was satisfied that the scale of the enterprise did give rise to a need for two full time workers to be resident at the farm, however he did not support the approval of the application due to the proposed siting of the dwelling. The application was approved at planning committee.

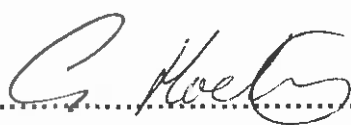
Application 3/2004/0094 - Shuttleworth Hall Farm, Gisburn

- 8.2 On the 2 November 2004 Ribble Valley Borough Council granted planning consent for the construction of a second farm workers dwelling at Shuttleworth Hall, Burnley Road, Gisburn. In this particular case the farm extended to approximately 392 acres/158.64 hectares in size and the stock numbers were 340 head of beef cattle between 12 and 24 months of age (fattening stock only not cows) and 1,000 ewes, together with 30 rams. The labour requirement based upon the same data used in section 4.5 of this report would equate to between three and four full time workers. The county land agent considered that the scale and nature of the farming enterprises undertaken at Shuttleworth House Farm did give rise to a functional need for two people to be readily available at most times.

9 SUMMARY & CONCLUSION

- 9.1 This report has been prepared to support a planning application for a permanent farm workers dwelling on land at Mason House Farm to accommodate a second full time worker at the farm.
- 9.2 We have demonstrated quite clearly and in our opinion beyond doubt that the scale and nature of the livestock enterprises that are undertaken at Mason House Farm generate a functional need for at least two full time workers to be readily available at any time of day or night. These workers are required to deal with emergencies at short notice, to enable safe working with livestock, for animal welfare grounds and for the welfare and well being of the workers themselves.

- 9.3 We have demonstrated that the farming enterprises generate a need for between four and five full time workers and that through the three workers employed at the farm, supported by someone else working part time, working long hours they manage to provide between them the labour required.
- 9.4 The farming business based at Mason House Farm is a long established business which has and continues to expand encouraged by the interest and involvement of the next generation. Although the land that comprises the holding is all rented the largest part is held on a secure agricultural holdings act tenancy and the rest has been occupied by the applicants for many years and will be for many years to come.
- 9.5 The new dwelling if approved will be occupied by Ben Hartley who is now engaged to be married in 2017.
- 9.6 We have in support of the application made reference to a number of planning appeal decisions which we consider provide compelling support for the approval of the application that we have submitted and of particular relevance is the appeal relating to Howe Farm, Hawkshead where a new farm workers dwelling was approved in the Lake District National Park for an eighteen year old farm worker on a smaller livestock farm where there were already two dwellings and a holiday cottage associated with the farm.
- 9.7 We have made reference to several farms within the Ribble Valley where second farm workers dwellings have been approved by the Council under circumstances that are very similar to those at Mason House Farm and again these provide strong evidence in support of the approval of this application by the Council.
- 9.8 The planning application arises out of a genuine requirement and is not a speculative application seeking to exploit the physical or financial advantages of a new house in the countryside. This is clearly confirmed by the fact that the applicants will not be the owners of the proposed dwelling.
- 9.9 We can see no reason why the Council should not support this application and approve both of the applications that have been submitted.

Signed..........Date.....23.12.2016

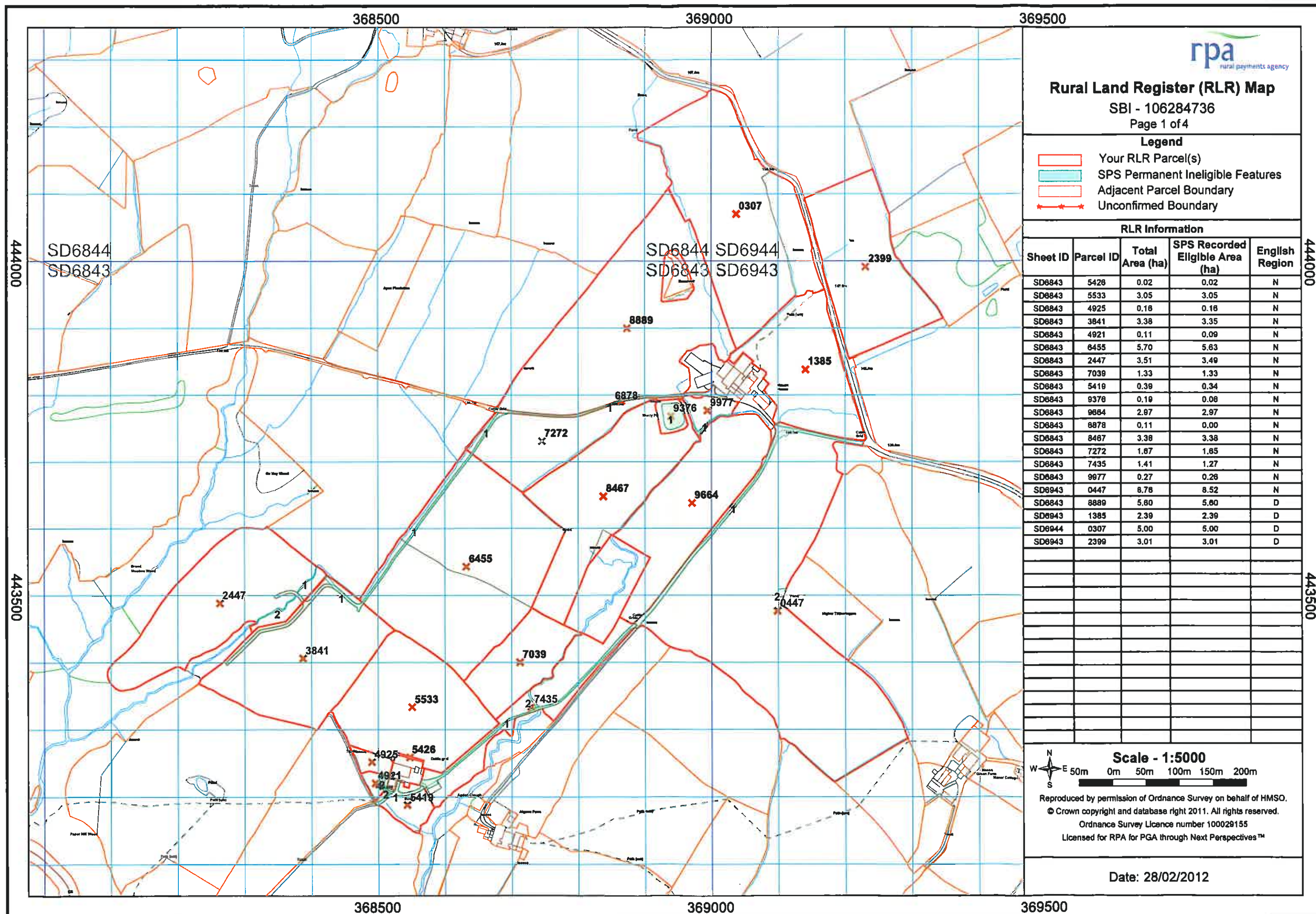
Gary Hoerty BSc (Hons), MRICS, FAAV

APPENDIX 1

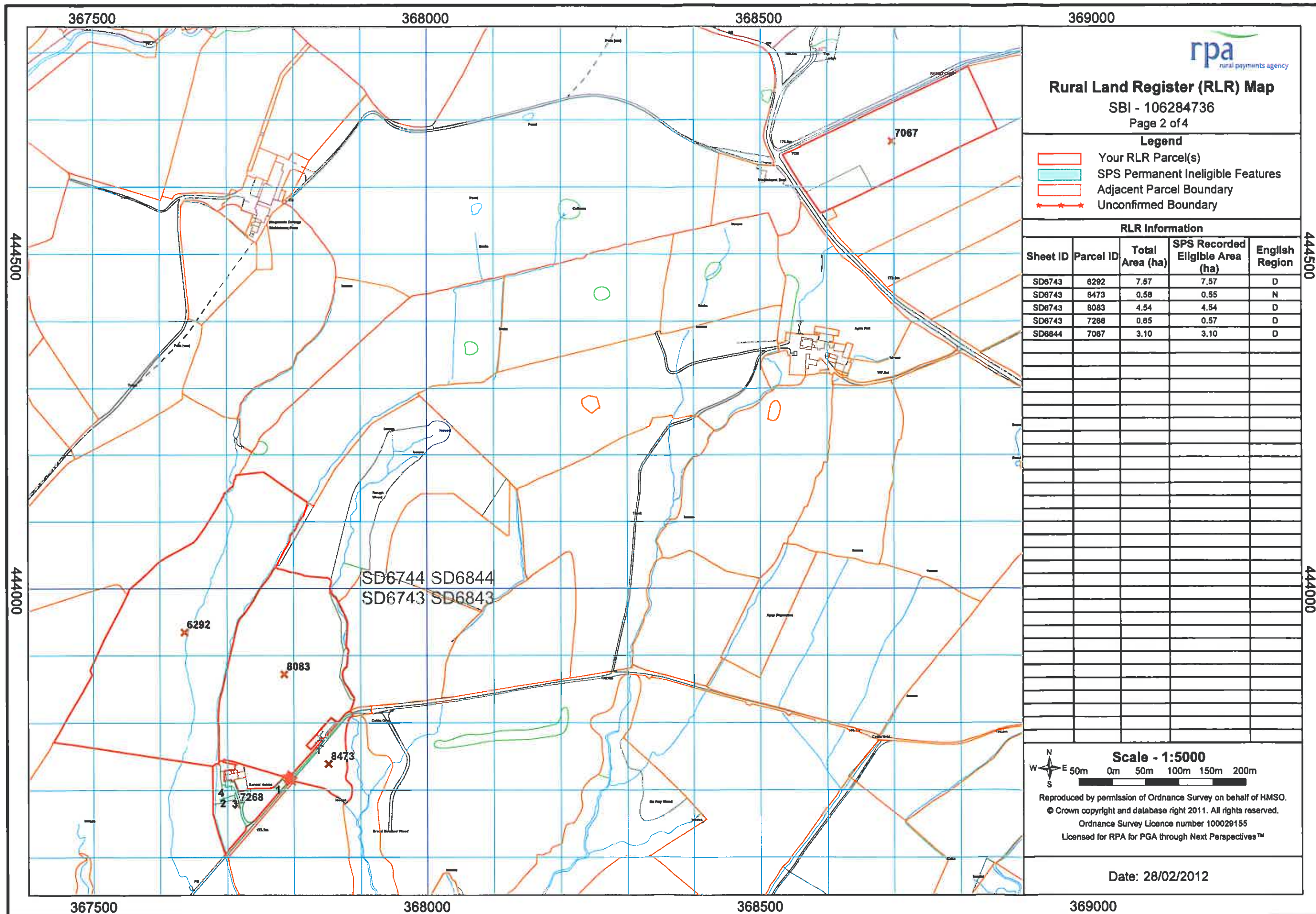
Plan of Buildings

APPENDIX 2

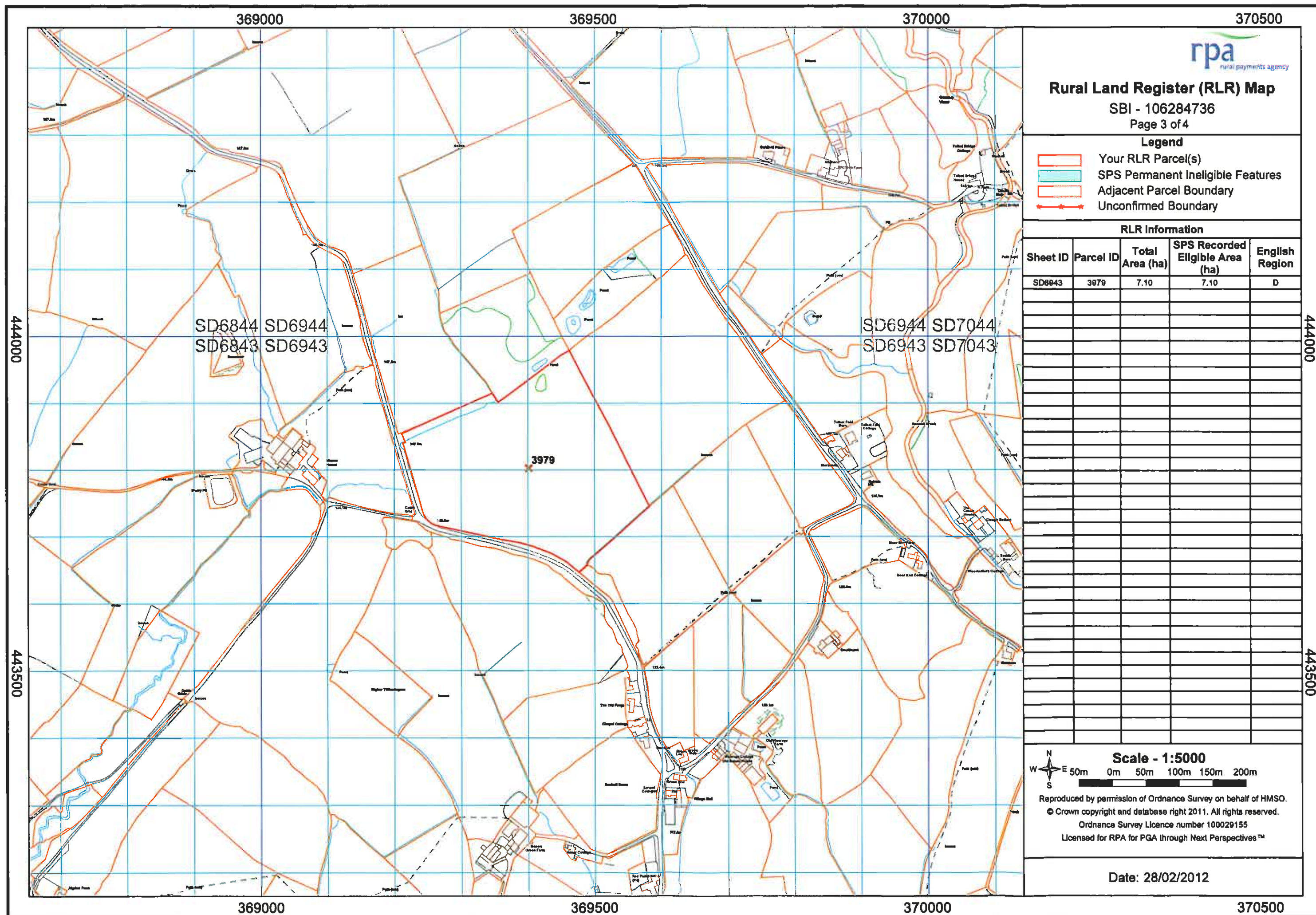
Rural Land Register Maps



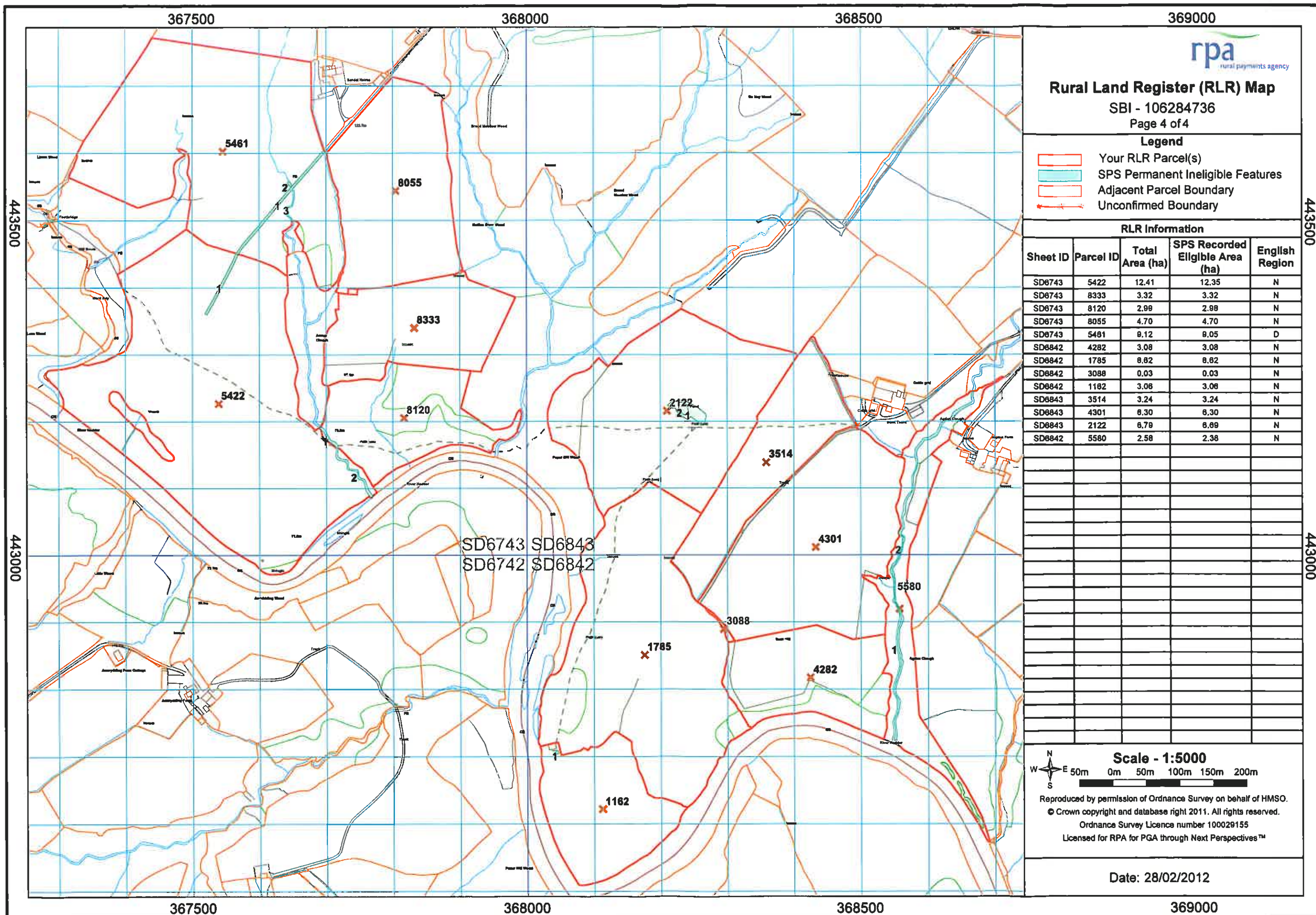
Please return this sheet to us if you want to make any changes to the parcels shown on it.



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APPENDIX 3

Planning Appeal Decisions



Appeal Decision

Hearing held on 23 November 2010

Site visit made on 23 November 2010

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 2 December 2010

Appeal Ref: APP/T2350/A/10/2131469

Old Dairy Farm, Chipping Road, Chaigley, Clitheroe, BB7 3LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Chaigley Farms Limited against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2009/0261 dated 1 April 2009, was refused by notice dated 19 May 2010.
 - The development proposed is a farm worker's dwelling (outline).
-

Decision

1. I allow the appeal, and grant planning permission for a farm worker's dwelling (outline) at Old Dairy Farm, Chipping Road, Chaigley, Clitheroe, BB7 3LS in accordance with the terms of the application Ref: 3/2009/0261, dated 1 April 2009, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The application was made in outline with all matters except appearance and landscaping reserved for subsequent approval. Permission is sought at this stage for access, layout and scale, and this was confirmed at the Hearing.
3. Calvert and Norah Thwaite are the sole carers of their disabled daughter and are finding it increasingly difficult to look after her effectively in the existing two-storey farmhouse. Therefore they intend to occupy the proposed single-storey dwelling, with their son William and family moving into the farmhouse. For this reason, the accompanying Design and Access Statement indicates that the proposed dwelling would be single-storey (eaves height 2.5m/ridge height 5m), with a footprint of 120sqm. I have taken these factors into account insofar as they relate to the single-storey form of the proposed dwelling. However, I have considered the appeal on the basis of whether an additional dwelling is essential for the needs of the enterprise, rather than the personal preferences or circumstances of any of the individuals involved.

Main Issues

4. I consider there are two main issues in this case. The first is whether the proposed dwelling is justified for the proper running of the agricultural enterprise, sufficient to outweigh the aims of local and national policy to restrict new residential development in the countryside. The second is the effect of the proposal on the character and appearance of the surrounding countryside, a designated Area of Outstanding Natural Beauty (AONB).

Reasons

5. The development plan includes the Ribble Valley District Wide Local Plan (LP). Policy G5 seeks to restrict new development outside settlements, with one exception being where it is needed for agriculture or forestry purposes. This is reflected in Policy H2 covering residential development in the countryside, which sets out the circumstances where the need for agricultural dwellings can be justified. LP Policy H3 adds that any dwelling approved under Policy H2 must be subject to an agricultural occupancy condition.

Whether the proposed dwelling is justified

6. Annex A to PPS7: *Sustainable Development in Rural Areas* contains advice on when occupational dwellings for agricultural workers may be justified. The farm enterprise is well established, and the 274ha holding is large for the area. Of this total about 161ha is owned land at The Old Dairy Farm and Higher Side Beet Farm, the remainder is held under tenancies and annual grazing licences. The existing farmhouse occupied by Calvert and Norah Thwaite and their daughter was built about 1990, and is subject to an agricultural occupancy condition. The livestock buildings are all located close to the farmhouse.
7. The agricultural appraisal identifies a labour requirement in excess of three full time workers, and this is not disputed by the Council. Despite this, apart from some seasonal help with lambing, all the farm work is carried out by Calvert and William Thwaite. On this basis there appears to be no dispute between the parties that there is a functional need for two workers to be readily available at most times. However the County Land Agent, acting for the Council, says that this need could more appropriately be met by other suitable accommodation in the area, rather than by a new dwelling on the holding.
8. The farming system involves three enterprises: the fattening of beef cattle, a suckler herd and a sheep flock. The beef enterprise is based on a continuous calving system and bought-in stock for finishing, and at any time of year there is typically about 400 beef cattle on the holding. The suckler cow herd comprises approximately 100 cows and a similar number of calves. Calving takes place mainly in the spring, although to some extent all year round. Since the date of the agricultural appraisal the number of ewes has increased from 600 to 1050. Lambing takes place between February and April with all lambs being sold fat from July onwards.
9. In my experience the breeding and finishing of cattle, lambing, and calving all require experienced workers to be on site or in very close proximity. Prompt attention is often required to avoid animals suffering unnecessarily and to avoid the loss of valuable stock. I recognise there is a frequent need for an on-site presence outside normal working hours, particularly during lambing and calving periods, and to attend to the daily needs of the stock. Therefore, and taking into account the significant scale and nature of this enterprise, I am satisfied that there is a functional need for more than one experienced worker to live within sight and sound of the livestock buildings.
10. Paragraph 3(iv) of PPS7 says a new permanent dwelling can only be justified providing the functional need could not be fulfilled by another existing dwelling on the holding, or any other accommodation in the area which is suitable and available for occupation.

11. There are no suitable buildings on the holding that might be suitable for conversion to residential use, and I consider the only available properties in the area sufficiently close to meet the functional need are at Chaigley Court, opposite the farm entrance and buildings. Two properties here are currently for sale, at prices of £300,000 and £375,000, although I accept the submissions by the appellant company that these are not easily affordable on an agricultural wage.
12. William Thwaite was living in a rented property at Chaigley Court until early 2009. However, following a drainage dispute with the landlord, notice to quit was served and the family moved into a mobile home in the farmyard where they were living at the time of my visit. Although another dwelling at Chaigley Court is currently available to rent, it is owned by the same landlord, and I am advised that he is not prepared to let property to the Thwaites. The Council has raised concerns regarding the background circumstances of the drainage dispute and timing of the notice to quit. However, based on the information given to me, I am satisfied that no possible abuse, as described in paragraph 5 of PPS7, Annex A has occurred.
13. The Council has also raised concerns that the proposed dwelling would, in effect, become a retirement home for Calvert Thwaite. However, despite being 74 years old he remains a valued key worker on the enterprise. Although his working hours and daily involvement may reduce in the future, I understand he has no imminent plans to retire, and I have no reason to doubt this intention. Consequently I find no conflict with Paragraph 6 of Annex A, which advises that agricultural needs cannot justify the provision of isolated new dwellings as retirement homes for farmers.
14. In addition to satisfying the functional test, new permanent accommodation cannot be justified unless the farming enterprise is economically viable. Paragraphs 3 (iii) and 8 of PPS7 Annex A require the enterprise to have been established for at least three years, to have been profitable for at least one of them, to be financially sound, and have a clear prospect of remaining so.
15. I have no doubt that the enterprise is well established, as the family has been farming in the area since the 1930's and at Old Dairy Farm for about 30 years. However, the County Land Agent is concerned that the profit shown is modest given the substantial turnover stock and the size of the holding, and questions the financial standing of the business. It is true that the level of borrowing is high, although I understand the assets comprising the farm house, owned land and buildings are available as security to meet the liabilities of the farm enterprise. In any event, the submitted accounts demonstrate to my satisfaction that the enterprise has been in profit for each of the past three trading years from 2007/8, and the retained profit has increased year on year over that period. I also note that significant investment in new buildings and extra stock has taken place recently, and from the information available to me, I have no reason to doubt that there is a clear prospect that the enterprise will continue to remain profitable.
16. Overall I conclude that a need for an additional dwelling to serve the needs of this enterprise is justified, and that the functional and financial tests set out in PPS7 Annex A are satisfied. Nor do I find any conflict with the relevant criteria of LP Policies G5 and H2.

Effect on the character and appearance of the surrounding countryside

17. The site lies within the Forest of Bowland AONB, and LP Policy ENV1 says that the landscape and character of the AONB will be protected, conserved and enhanced. However, I do not consider the site to be particularly prominent within its landscape setting, and any new dwelling would be seen against a background of the existing farm buildings and be well screened by dense hedgerow planting along the road.
18. The supporting text to LP Policy H2 says that new agricultural dwellings should normally be of two-storey form. However, this is not prescriptive, and I am satisfied that subject to careful design, landscaping, and use of natural materials a single-storey dwelling adjacent to the existing farmhouse would be in keeping with its surroundings and would not have a materially harmful impact on the landscape character of this part of the AONB. As such, I find no conflict with LP Policies ENV1 and H2.

Conditions

19. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. In addition to the standard conditions relating to the approval of reserved matters, a condition is needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. The suggested condition withdrawing normal permitted development rights for enlargements and other alterations to the proposed dwelling is reasonable in order to ensure that the size of the dwelling remains appropriate to the established functional requirement. A standard agricultural occupancy condition is necessary to ensure that the dwelling is occupied for the intended purpose in accordance with LP Policy H3.

Conclusion

20. Therefore, for the reasons given above, and having regard to all other matters raised in representations, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Appeal Ref: APP/T2350/A/10/2131469

Old Dairy Farm, Chipping Road, Chaigley, Clitheroe, Lancashire, BB7 3LS

Schedule of Conditions:

- 1) Details of the appearance of the dwelling and landscaping of the site, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details of the reserved matters referred to in condition 1) above shall include plans indicating the design, external appearance and facing materials of the dwelling hereby approved, landscaping of the site, boundary treatment, and parking and turning arrangements for vehicles.
- 5) The development shall be carried out in accordance with the following approved plans: Cha/243/651/02 and Cha/243/651/03 insofar as they relate to matters of layout, scale and access.
- 6) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the provisions of Schedule 2 Part 1 Class A relating to the enlargement, improvement, or other alteration to a dwelling house, shall not apply to the dwelling to which this permission relates.

APPEARANCES

FOR THE APPELLANT:

Gary Hoerty	The appellant company's agent
Norah Thwaite	Chaigley Farms Limited

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Westwood BA (HONS) MA MRTPI	Planning Officer, Ribble Valley Borough Council
Wayne Selway BSc (HONS) MSc MRICS FAAV	Land Agent, Property Group of Lancashire County Council

INTERESTED PERSONS:

Jan Alcock	Ward Councillor, Ribble Valley Borough Council
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DOCUMENTS

- 1 Council's letter dated 3 November 2010 notifying interested parties of the date and venue for the Hearing.
- 2 Directors' report and financial statements 31 July 2010 (supplied by the appellant company)
- 3 Particulars of properties for sale or rent in the area (supplied by the Council)

Appeal Decision

Hearing held on 25 February 2014

Site visit made on 25 February 2014

by Beverley Doward BSc BTP MRTPI

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

Decision date: 21 March 2014

Appeal Ref: APP/Q9495/A/13/2207717

Land north of Esthwaite View Caravan Park, Roger Ground, Hawkshead, Ambleside, LA22 0QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs M Woodhouse against the decision of the Lake District National Park Authority.
 - The application Ref 7/2013/5435, dated 26 July 2013, was refused by notice dated 18 September 2013.
 - The development proposed is an agricultural worker's dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for an agricultural worker's dwelling at land north of Esthwaite View Caravan Park, Roger Ground, Hawkshead, Ambleside, LA22 0QA in accordance with the terms of the application, Ref 7/2013/5435, dated 26 July 2013, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The National Planning Practice Guidance was issued on 6 March 2014. The content of the Guidance has been considered but in the light of the facts of this case it does not alter my conclusions.
3. The application was made in the terms set out in the heading above. However, the appellant suggests that the proposed dwelling could equally be described as a rural worker's dwelling or a local needs dwelling as both of these would serve the purpose of providing accommodation to help sustain the existing rural business at Howe Farm. Nevertheless, the Authority considered the proposal on the basis of an agricultural worker's dwelling and, given that the dwelling is sought to provide accommodation for an agricultural worker at Howe Farm, I have also considered the proposal on this basis.
4. The planning application was submitted in outline with all matters reserved. A layout plan was submitted with the planning application. However, I have taken this into account as being for indicative purposes only. Accordingly, I have considered the appeal on this basis.

Main Issues

5. The substance of the Authority's reason for refusal is whether there is an essential need for a new agricultural worker's dwelling in the open countryside.

However, the appellant questions whether the appeal site is within open countryside. Accordingly, as discussed at the Hearing I consider the main issue in this case is whether the proposal would comply with relevant national and local planning policy with regard to the location of new housing.

Reasons

6. The appeal site is part of a small field to the north of an existing caravan/holiday lodge park to the south east of the hamlet of Roger Ground and about 500 metres to the south of Hawkshead within the Lake District National Park. It is about 158 metres to the north of Howe Farm which is a traditional Lakeland farm tenanted by the appellant.
7. The National Planning Policy Framework (the Framework) advises, at paragraph 55, that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It indicates that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.
8. Policy CS02 of the Lake District National Park Core Strategy (Core Strategy) seeks to achieve vibrant and sustainable communities. It identifies a settlement hierarchy and indicates that the level of development will be proportionate to the size and population of the settlement and its capacity to accommodate further development.
9. It was agreed at the Hearing that Roger Ground could be considered to constitute a Cluster Community where, in the terms of policy CS02, only limited small-scale development to meet local needs will be acceptable, provided certain criteria are met. Any such development should firstly, reinforce the distinctive settlement pattern of the area and then, demonstrate an efficient use of previously developed land, buildings and domestic gardens, or help sustain an existing business. In this case the settlement pattern of Roger Ground is clustered around the adjacent roads. The appeal proposal however would be outside and separate from the existing settlement. It would be located on the other side of How Beck to the nearest dwellings in Roger Ground and would have no direct access from Roger Ground, being accessible only through the caravan/lodge park to the south east. Consequently, it would fail the first test of reinforcing the settlement pattern of Roger Ground. Accordingly, there is no need to consider the further criteria of this part of policy CS02 and the proposal falls to be considered by the next part of the policy as development in the open countryside.
10. In such circumstances, policy CS02 of the Core Strategy indicates that development will only be supported where it demonstrates that any one of several circumstances exists. In relation to housing development it indicates that it should provide for a proven and essential housing need. This is broadly consistent with the advice in paragraph 55 of the Framework, as referred to above.
11. The Authority has produced practice guidance¹ which sets out its approach to the consideration of whether there is an essential need for a rural worker to

¹ Practice guidance: Agricultural, forestry and other essential dwellings in the open countryside January 2013

live permanently at or near their place of work in the countryside, as referred to in the Framework and policy CS02 of the Core Strategy. This is useful in the detailed application of the tests in the Framework and Core Strategy policy CS02 to specific proposals.

12. In its assessment of the appeal proposal the Authority commissioned an independent agricultural assessment which found that there is a clearly established existing functional need on the landholdings that make up Howe Farm for a full time worker actively involved in the management of the holding to be resident on or immediately adjacent to it. It also found that the farm is financially viable and has a clear prospect of remaining so. However, there is disagreement between the parties as to whether the labour requirement of the holding is such as to require more than one full time worker to live permanently at or near to it.
13. From the evidence, the labour requirement is somewhere between 2.5 and 2.9 full time workers, depending upon whether the labour required to support the Bed and Breakfast and Holiday Cottage rental, which currently contributes towards the diversification of the farming business, is included. However, it seems to me that, even if the lower figure of 2.5 were to be taken, the labour requirement is clearly approaching the level of around 3 full time workers, suggested by the Authority's adviser as normally being requisite to trigger the need for 2 full time workers to be resident on the holding. Furthermore, whilst I note that the landlords of Howe Farm (The Graythwaite Estate) consider that its size does not justify two dwellings, I am mindful that in this particular case the appellant not only farms the land which is tenanted from the Graythwaite Estate but also additional land to the north of the main farmstead, some of which is in his ownership and some which is separately rented. Accordingly, the land holding farmed by the appellant is somewhat disparate and extensive. In my view this would be likely to increase the requirement for an additional agricultural worker to live permanently at or near their place of work due to the need for skilled workers to be on hand to deal with separate emergencies on different parts of the holding. Therefore, I am satisfied that in this case there is an essential need for 2 full time agricultural workers to live at or near their place of work.
14. The existing farmhouse at Howe Farm meets the accommodation needs of one of those workers and the Authority suggests that in this case, if there was found to be an essential need for another such worker to live permanently at or near their place of work, there are two other dwellings which could serve to meet that need. It suggests that these are the existing holiday cottage at Howe Farm and an agricultural worker's dwelling at Roger Ground which is owned and occupied by the appellant's mother.
15. The scale of the proposed dwelling is a reserved matter. However, from the evidence it would seem reasonable to suggest that the annualised cost of providing it would be similar or slightly more than the rental income which would be foregone from the existing holiday cottage, if it was to be used to provide accommodation for a second worker. However, the holiday cottage and the farmhouse bed and breakfast accommodation provided at Howe Farm are inextricably linked in their operation and to lose the income from one element would be likely to harm the remaining part. In this respect I note that the income from the tourism element of the business provides an important aspect of cashflow for the farm by supplementing the farm income at particular

times of the year. Accordingly, the loss of the holiday cottage would be likely to undermine the viability of the core farm business. This would be contrary to the objectives of policy CS23 of the Core Strategy which supports farm diversification. Therefore, I am satisfied that in this case it would not be appropriate to consider that the holiday cottage should be used as residential accommodation to fulfil the essential need for an additional agricultural worker at Howe Farm to live at or near their place of work.

16. The planning permission for the agricultural worker's dwelling at Roger Ground was granted to the appellant's father, the previous tenant at Howe Farm. However, it is not currently available being occupied by the appellant's mother. The dwelling is not in the ownership of the appellant and the occupancy condition on it does not tie it to Howe Farm. Furthermore, the appellant has a number of siblings one of whom would also qualify to occupy the dwelling under the provisions of the condition. Consequently, there can be no guarantee that on vacation it would become available to meet the need identified above, even in the longer term.
17. From the evidence I am satisfied that there is no other existing accommodation available nearby that would meet the essential need for an additional agricultural worker at Howe Farm to live at or near their place of work. It would not be appropriate, as has been suggested, to expect that the second worker should be accommodated either within the existing farmhouse or the agricultural worker's dwelling at Roger Ground merely because it is a younger family member that currently provides that role. It is the requirements of the enterprise that are relevant in the consideration of the appeal proposal. Therefore, taking all of the above factors into account I am satisfied that in this case there is an essential need for an additional agricultural worker to live permanently at or near their place of work in the countryside.
18. To conclude on the main issue therefore, the proposal would comply with policy CS02 of the Core Strategy in so far as it indicates that development in the open countryside will only be supported where there is a proven and essential housing need. It would accord with the Authority's practice guidance on its approach to proposals for the construction of agricultural, forestry and other essential worker's dwelling in the open countryside. It would also comply with the advice contained in the Framework on promoting sustainable development in rural areas (paragraph 55) and in supporting a prosperous rural economy (paragraph 28). Furthermore, it would not conflict with the advice at paragraph 115 of the Framework in respect of conserving landscape and scenic beauty in National Parks.

Other matters

19. The Authority has referred to a number of other appeal decisions it considers relevant to this case. However, whilst there may be some similarities I have considered the appeal proposal on its own merits and have concluded that there is no conflict with either the Framework or the relevant local planning policies.
20. The details of the proposed dwelling in terms of its scale, appearance and layout will be considered at the reserved matters stage and there is no technical evidence to suggest that another dwelling would adversely affect the water supply system in the locality.

Conditions

21. The Authority has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. Where necessary, I have amended or replaced some of the suggested wording for clarity, to more closely reflect the circumstances of the appeal proposal and to ensure consistency with national policy and guidance².
22. The application was made in outline and it is, therefore, necessary to impose conditions relating to the submission of reserved matters. In the interests of good planning it is necessary to impose a condition requiring development to be carried out in accordance with the approved site location plan. However, I have not included the layout plan titled proposed site plan in this condition because layout is a reserved matter. A condition is necessary to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources. The appeal proposal is justified on the basis that there is an essential need for an agricultural worker to live permanently at or near their place of work. Therefore, it is necessary to impose an agricultural occupancy condition in order to ensure that it remains available in the future to meet that need.
23. A condition requiring the submission of further details in respect of boundary treatment is necessary in the interests of the character and appearance of the area. The Authority has suggested conditions relating to the materials to be used. However, these matters relate to the reserved matters which will be determined at a later date. Conditions restricting permitted development should only be imposed in exceptional circumstances and given that the scale and appearance of the dwelling are reserved for future approval, I do not consider it necessary at this stage to remove permitted development rights for external alterations or extensions. This is a matter which could be dealt with at reserved matters stage if the Authority considers it necessary to withdraw such rights. However, in order to preserve the character and appearance of the countryside, I consider that in this case it would be both necessary and reasonable to impose the conditions suggested by the Council to remove permitted development rights relating to buildings, enclosures, pools or hardstandings within the curtilage of the dwellinghouse and also to preclude the positioning of a caravan within its curtilage.
24. Although not included in the Authority's list of suggested conditions I have also had regard to the consultation response from the utility company regarding drainage and consider that a condition would be required to secure the disposal of surface water and foul sewage.

Conclusion

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR

² National Planning Policy Framework (2012) paragraphs 203 and 206, and National Planning Practice Guidance (2014): Use of Planning Conditions.

CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved site location plan.
- 5) Before the development begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 6) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building, enclosure, container, pool or hardstanding shall be constructed within the the curtilage of the dwellinghouse hereby permitted.
- 9) Notwithstanding the provisions of Section 55 (2)(d) of the Town and Country Planning Act 1990 no caravan shall be positioned within the curtilage of the dwellinghouse hereby permitted.
- 10) No building hereby permitted shall be occupied until surface water and foul drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority.

APPEARANCES

FOR THE APPELLANT:

Christopher Garner	Garner Planning Associates
BA (Hons); BTP; MRTPI	
Susan Whittingham	John Pallister Ltd
MRICS; FAAV	
Michael & Lisa Woodhouse	Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Mairi Lock	Planner
BSc (Hons); DipTP; MRTPI	Lake District National Park Authority
Alan Jackson BSc; FRICS; FAAV	AG & P Jackson Chartered Surveyors and Land Agents

INTERESTED PERSONS:

Malcolm MacLennan	Local Resident
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DOCUMENTS

- 1 Notification letter
- 2 E mail correspondence between appellant's agent and Lake District National Park Authority dated 3 December 2013 and 6 December 2013 regarding agricultural dwellings, affordable and local occupancy dwellings
- 3 E mail correspondence between appellant's agent and Lake District National Park Authority dated 28 January 2013 and 30 January 2013 regarding local need housing
- 4 Lake District National Park Annual Monitoring Report of Planning Performance April 2011- March 2012
- 5 Lake District National Park Annual Monitoring Report of Planning Performance April 2012 - March 2013
- 6 Lake District National Park Authority: Affordable housing
- 7 Extracts from website – Howe Farm and Shepherds Cottage
- 8 AG & P Jackson 6 September 2013: Shepherds Cottage, Howe Farm, Hawkshead - comparison of net rental income with cost of providing new build farm worker's accommodation



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Mr R Perrin
2 Baskerville Road
Donning Common
Reading
Berks
RG4 9LS

Your Ref:

Our Ref:
T/APP/C3620/A/98/289977/P9

Date:

27 JUL 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY F L GREENWOOD AND SON
APPLICATION NO: MO/97/0304/PLA

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of Mole Valley District Council to refuse planning permission for the erection of a dwelling for an agricultural worker, with 170sq m gross floor area, at Ricketts Wood Farm, Norwood Hill. I held a local inquiry into the appeal on 23 and 24 June 1998. At the inquiry, an application was made on behalf of the appellants for an award of costs against the Council. This is the subject of a separate letter.

2. From the evidence presented at the inquiry and in writing, and from my site inspection, I consider that the main issue in this case is whether there is sufficient agricultural need to warrant the erection of a second dwelling on this farm, in a location in the Metropolitan Green Belt where residential development, not associated with agriculture, would not normally be permitted.

3. The development plan for the area comprises the Surrey Structure Plan 1994 and the Mole Valley (Rural Areas) Local Plan 1988. Structure Plan policy PE2 states that within the Green Belt and outside rural settlements, development which would conflict with the purposes of the Green Belt or adversely affect its open character will not be permitted, except in very special circumstances. The policy further states that subject to the above, development will not normally be permitted except for uses appropriate to the Green Belt including the essential requirements of agriculture. Local Plan policy GBS1 identifies settlements within the Green Belt, and indicates that the appeal site lies outside any identified settlement, the nearest being the village of Charlwood, about one mile to the south-east. Policy GBS5 states that within the Green Belt, the Council will not normally permit development except for the essential requirements of agriculture or forestry. In this respect it reflects Structure Plan policy. Policy ENV12 indicates that permission will not normally be granted for new agricultural workers' dwellings where they are to replace farm dwellings released for occupation by other than such workers.

4. The Council is also preparing a Mole Valley Local Plan, which was placed on deposit in April 1996, and was the subject of a local inquiry in the summer of 1997. Policy ENV2 states that there is a presumption against inappropriate development that would be harmful to

the Green Belt, and that new buildings are inappropriate unless they are for the essential requirements of agriculture. Policy RUD15 indicates that new agricultural workers' dwellings will only be permitted if the Council is satisfied that there is an over-riding need which cannot be met by an existing dwelling; that the farming intentions are genuine and realistic; and that the dwelling is appropriate to the needs of the holding. As the emerging Local Plan is at an advanced stage of preparation, and as these policies reflect adopted Structure Plan and Local Plan policies, I accord them considerable weight.

5. Relevant government guidance is mainly in Planning Policy Guidance 2 (PPG2), Green Belts, and PPG7, The Countryside - Environmental Quality and Economic and Social Development (1997). Paragraph 3.4 of PPG2 indicates that the construction of new buildings inside a Green Belt is inappropriate, unless it is for the purpose of agriculture (amongst others). However, this statement cannot be taken in isolation, but needs to be read alongside PPG7, paragraph 3.21 of which states that isolated new houses in the countryside require special justification - for example, where they are essential to enable farm or forestry workers to live at or near their place of work. Further advice on the special considerations relating to agricultural dwellings, detailed in PPG7 Annex I, is considered later in this letter.

6. Ricketts Wood Farm is situated approximately 1 mile north-west of the village of Charlwood, at the end of a long drive leading off Norwood Hill. It comprises a Grade II Listed farmhouse, plus a number of relatively modern and substantial farm buildings. Part of the farm is also used to accommodate off-site car parking in connection with the nearby Gatwick Airport. An application for a Certificate of Lawfulness for an Existing Use in association with this is currently before the Council for determination, but this is of no direct relevance to this appeal. The appeal site itself has an area of about 0.1 ha, and is located immediately adjacent to the existing complex of farm buildings, served by the existing drive from Norwood Hill. The farm buildings are set in open and attractive countryside, which comprises fields and hedges punctuated with larger areas of woodland. Views into and out of the farm complex are generally restricted by these tree belts and hedgerows. The appeal proposal is for a 2-storey house, sited adjacent to the farmyard and close to agricultural buildings. It would provide accommodation for one of the appellants, Mr Kevin Greenwood (the son and business partner of Mr Frank Greenwood), who is predominantly responsible for the farm, but who married and moved off the farm in June 1997.

7. In order to assess the need for an additional dwelling, in the light of the requirements of the functional and financial tests detailed in PPG7 Annex I, the appellants commissioned a report from ADAS, which was completed in April 1997. In summary, the report concluded that both of these tests were satisfied, and that a second permanent dwelling on the holding was therefore justified. However, when the Council considered this planning application, they sought advice from W S Atkins Property Services, the former agricultural consultants to Surrey County Council. W S Atkins concluded that although there is a functional need for an essential presence on site to assist in calving the cows, milking the herd and to provide security, this could be met through the existing dwelling on the holding, the farmhouse in which Mr Frank Greenwood currently lives with his wife and daughter. The principal areas of dispute in this case therefore relate to the scale of on-site accommodation required to satisfy the functional needs of the enterprise, and the extent to which the existing farmhouse can satisfy these needs.

8. The farm was purchased by the Greenwood family in the early 1960s. At that time the holding included the 2 cottages by the entrance to the farm on Norwood Hill, but these

were sold off almost immediately, and the existing farmhouse has been the only dwelling on the farm since that time. In 1964 the holding comprised 57 ha (141 acres) owned, 24 ha (60 acres) rented and a dairy herd of 100 cows. It has grown in size and scale over the years to its current size of 244 ha (602 acres), of which 95 ha (235 acres), is owned by the appellants, and the remaining 149 ha (367 acres), are rented. The dairy herd now consists of some 200 cows, and there is also a substantial beef and youngstock enterprise, comprising about a further 190 head of cattle. In addition, the holding grows 32 ha (80 acres) of arable crops, and 14 ha (35 acres) of maize for silage. During the winter months, 300 keeper sheep, owned by a third party, are brought onto the holding. You submitted details of the growth of the farming enterprise, and stated that the main changes occurred during the late 1970s and early 1980s, coinciding with the time that Mr Kevin Greenwood began working full time on the farm with his father. Furthermore, you said that the need for 2 full-time workers to be readily available at most times, arose at this time of expansion, but no application for an additional dwelling was made then because Mr Kevin Greenwood was able to live in the existing farmhouse with his parents.

9. Details of the range of duties and responsibilities involved in the proper functioning of the holding were debated at the inquiry. The Council's agricultural witness identified a number of duties which he considered were capable of being dealt with by the on-site presence of the person living in the existing farmhouse. These included any out of hours emergencies involving the 300 keeper sheep; attending to out of hours inspections and assistance with freshly born calves, calving heifers and cows; any out of hours inspections associated with general herd management; other duties associated with the general welfare of livestock; and general issues of the security of both livestock and agricultural plant and machinery. In addition, your own agricultural witness stated that it would be normal for the farm manager or proprietor to be resident on a farm of this size to ensure the effective and efficient operation of the holding.

10. There is no clear-cut guide to the number of workers necessary to satisfy a functional need, but you submitted that some indication can be gained from an assessment of the overall demand placed on the labour requirements by the various aspects of animal husbandry. The holding has an agreed, theoretical labour requirement of 6.4 persons, but in practice, the appellants work long hours themselves, and employ just 2 other regular workers (a part-time student and a full-time tractor driver), with other work being undertaken by contractors. Of this overall requirement, there is a theoretical need for over 5 full-time stockmen, but the herdsman/livestock jobs are, however, primarily undertaken by the 2 appellants and the part-time student. You indicated that since Mr Kevin Greenwood moved off the farm, the proper functioning of the enterprise has been compromised. To assist with night-time calving he has had to return to the farm up to 4 or 5 times a week, but there has still been an increase in the calf mortality rate, which has more than doubled from the rate of the previous 2 years. This evidence is rather limited, and full details of the deaths were not available. However, it was not substantially disputed, and I therefore regard it as a consideration of some importance.

11. The Council suggested that changes could be made to current working practices, such as taking on extra labour, or increasing the size of the milking parlour, and that these could lead to greater efficiency, thereby reducing the pressure on the appellants and getting rid of the need for a second dwelling on the holding. However, no conclusive evidence was submitted to demonstrate that the existing farming practices are inefficient, and in these circumstances I accept your submission that the basic functional test required by PPG7 relates to the proper functioning of the *existing* enterprise, not to a hypothetical enterprise. In any

event I have noted that a significant number of the advertisements for Herdsperson's jobs, submitted to the inquiry, also advertised that accommodation was available. I consider that this adds weight to your submission that recruiting additional labour without the offer of accommodation could prove to be difficult.

12. With regard to the availability of alternative accommodation in the area, your clients indicated that such accommodation could be acceptable, providing it was conveniently located, but stated that no suitable properties have become available at an affordable price. The Council claimed that there would be a number of properties within an 8km radius of the farm, principally in Horley or Crawley, which would be within the price range of Mr Kevin Greenwood, and which would enable him to live close to the farm. However no examples of such properties were presented to the inquiry, and I have had regard to your submission that for such accommodation to be acceptable it would need to be within sight and sound of the holding to ensure its proper functioning.

13. In terms of the financial test, undisputed evidence was submitted which showed that the business could theoretically produce a return, after costs, sufficient to not only provide an income for the appellants, but also to provide capital for future re-investment in the business. In view of this, and the fact that the business has been in existence for more than 30 years I consider the financial test to be satisfied, and this was not disputed by the Council.

14. Paragraph 12 of PPG7 Annex I stresses that whether it is essential for one or more people to live at or very close to the site of their work depends on the needs of the farming enterprise concerned, and not on the personal preferences or circumstances of any of the individuals involved. It is clear from the evidence submitted that Mr Frank Greenwood, aged 61, wishes to reduce his day to day involvement in the running of the farm, although he has no current intention to retire. Equally clear is the fact that it would be more convenient for Mr Kevin Greenwood to live on or in close proximity to the farm, than some 17 miles away at Horsham as he currently does. Although these are personal circumstances, in my opinion they overlap with the needs of the farming enterprise in this particular case.

15. On the basis of the submitted evidence it is my judgement that in view of the existing level of livestock supervision, the existing diversity of livestock centred activities and the existing scale of the livestock enterprise, this particular agricultural enterprise would be unable to function properly on a sustainable, long-term basis with only the single, existing farmhouse. I consider that the needs of about 400 cattle mean that more than one worker should be readily available at most times, and on hand day and night. In coming to this conclusion I have particularly noted that this holding operated with 2 full-time workers involved in livestock activities for many years until Mr Kevin Greenwood married and moved off the farm. I have also noted that the Council's agricultural witness indicated he was not aware of any other livestock enterprise of this scale being operated with only one dwelling. Because of this, and because I consider that all the criteria in paragraph 15 of PPG7 Annex I are satisfied, I conclude that there is an essential need for a second agricultural worker's dwelling on this holding. The appeal proposal would not be inappropriate development in the Green Belt, and would not therefore conflict with adopted or emerging development plan policies. In view of this I propose to allow this appeal, subject to a number of conditions.

16. I have considered the conditions suggested by the Council and discussed at the inquiry, and have made amendments to the wording to reflect the guidance in Circular 11/95, The Use of Conditions in Planning Permissions. A condition requiring details of the materials to be

used is necessary, to ensure the dwelling has an acceptable appearance, appropriate to the area. I agree with the Council that it is necessary to impose a condition requiring further details of the proposed windows to be submitted, to ensure that the dwelling has a traditional appearance as indicated on the submitted drawing. Because the ground levels slope away from the drive, I am imposing a condition requiring details of the finished floor levels to be submitted, to ensure that the new dwelling is not unnecessarily raised. I am also imposing agricultural occupancy conditions on the new dwelling, and on the existing farmhouse, to ensure that both remain available for agricultural workers. I have considered the Council's request that I impose a condition removing permitted development rights relating to future extensions to this property, which you opposed. I note the supporting text to emerging policy RUD15 indicates that agricultural workers dwellings should provide only an appropriate scale of accommodation in relation to the needs of the holding. It further states that unless it can be demonstrated that special circumstances prevail, such a dwelling should not exceed approximately 140 sq m gross floor area. As the appeal proposal exceeds this guideline figure by over 20%, and provides, in my opinion, adequate 3-bedroom accommodation for an agricultural worker, I consider that such a condition is justified.

17. I have taken account of all other matters raised at the inquiry and in the written representations, including the opposition to the proposal by Charlwood Parish Council, who were represented at the inquiry by the Clerk. However, neither this, nor any other matter is of sufficient weight to alter my decision.

18. For the above reasons and in exercise of powers transferred to me, I hereby allow your clients' appeal and grant planning permission for the erection of a dwelling for an agricultural worker, with 170sq m gross floor area, at Ricketts Wood Farm, Norwood Hill, in accordance with the terms of the application (No MO/97/0304/PLA) dated 6 March 1997 and the plan submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of five years from the date of this permission;
2. no development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority; development shall be carried out in accordance with the approved details;
3. no development shall take place until full details of all windows, and their openings, have been submitted to and approved in writing by the local planning authority; development shall be carried out in accordance with the approved details;
4. no development shall take place until details of the finished floor levels and slabs have been submitted to and approved in writing by the local planning authority; development shall be carried out in accordance with the approved details;
5. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be made to the dwelling hereby approved unless otherwise agreed in writing by the local planning authority;

6. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants;
 7. The occupation of the existing farmhouse known as Ricketts Wood Farmhouse shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
19. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
20. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



David Wildsmith BSc(Hons) MSc CEng MICE FIHT
Inspector



Penderfyniad ar yr apêl

Gwrandawriad a gynhaliwyd ar 20/08/02

Ymweliad â safle a wnaed ar 20/08/02

Appeal Decision

Hearing held on 20/08/02

Site visit made on 20/08/02

gan/by John Davies BSc MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date

11 -09- 2002

Appeal Ref: APP/E6840/A/02/1092691

Site address: Keepers Lodge Farm, Llanishen, Chepstow

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Clive Prichard against the decision of Monmouthshire County Council.
- The application (Ref. M/5835), dated 5 April 2001, was refused by notice dated 13 February 2002.
- The development proposed is the erection of an agricultural worker's dwelling.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Planning Policy

1. The development plan is comprised of the Gwent Structure Plan and the Monmouth Borough Local Plan. Structure Plan Policy H7 restricts new dwellings in the open countryside to that required on the site of an existing agricultural or forestry enterprise. Local Plan Policy H6 permits new dwellings in the open countryside only where they cannot be located in a nearby settlement and it is necessary for them to be in the operational centre of an agricultural or forestry enterprise. Policy H6 refers to the Government's functional and financial tests as the basis for determining whether a dwelling is necessary. These tests are currently set out in Technical Advice Note 6 (TAN6) published in June 2000. The appeal site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB) in which the landscape is protected by Structure Plan Policies C3 and C4 and Local Plan Policy C2.
2. The appeal site adjoins the complex of farm buildings at Keepers Lodge Farm, which lies in open agricultural land about 0.36 km outside the defined boundary of the nearest settlement, Llanishen. The site is therefore physically and in terms of planning policy in the open countryside. Consequently, a new dwelling in this location would be contrary to Structure Plan Policy H7, Local Plan Policy H6 and the policies designed to protect the natural beauty of the AONB unless justified in terms of agricultural need. The appellant accepted this at the hearing.

Main Issue

3. From the above therefore, the main issue is whether the agricultural arguments in support of the need for the proposed dwelling are sufficient to justify an exception to local and national policies for the protection of the surrounding countryside.

Reasons**Functional Test**

4. TAN6 states that a functional test is required to establish whether it is necessary for the proper functioning of the enterprise for one or more workers to be readily available at most times, for example if workers are needed day and night to provide essential care for animals. The enterprise is a dairy farm, but includes beef, arable crops and potatoes. At the time of the inspection by the agricultural consultant acting for the Council there were 180 milking cows. Currently there are 209 cows with 300 followers and beef cattle. The size of the farm has increased to 206 ha (509 acres), of which 112.91 ha is owned. The appellant now owns 980,000 litres of milk quota. Last year he produced 1.2m litres and will be seeking to lease additional quota this year. Calves are reared all year round to be introduced into the milking herd or sold as store/fat animals. The dairy herd has been expanded to maintain profitability and the appellant intends to increase to 250 cows.
5. The labour requirement calculated by the Council's consultant is 6-8 full time employees. Currently the appellant runs the farm with 2 full time employees, Mr David Totty who is principally responsible for the milking herd and Mr Kevin Broom, who started working on the farm in April 2002. Additional part-time labour is employed at harvest and other occasions of high demand. However, whilst the total labour requirement exceeds 3 people, it does not necessarily follow that there is justification for 3 dwellings. The Council's consultant concludes that 2 people need to live on the farm to deal with the essential needs of a milking herd of 200 cows, particularly to provide care for the animals when calving. A letter of support from a local Veterinary Surgeon points out that young calves need attention and prompt action to deal with pneumonia and scouring. The appellant confirmed that pneumonia has been a problem. The Council's consultant agreed that diseases such as scouring, which can strike rapidly, require prompt action but maintained that this could be provided by a cowman and 1 other person living on the site.
6. At present there are 2 permanent dwellings on the holding, the original farmhouse and Jubilee Bungalow, occupied by Mr Totty, which was formed by the conversion of a former Land Army hostel following a 1977 permission. There is also a caravan in which Mr Broom lives. But this does not have planning permission and, since the application does not seek its retention, I have proceeded on the basis that the enterprise is served by 2 dwellings. The Council's consultant does not consider that 3 people are needed on the site 24 hours a day and there is therefore no functional need for a third dwelling.
7. Although the enterprise includes arable crops, potatoes and some contracting, the appellant accepted at the hearing that the need for a 24-hour presence on the site relates to the stock. He argued that looking after the animals is a full-time job, particularly when they are calving; around 40 heifers and cows have calved in the last month. I accept that the cowman and the appellant, both of whom live on the holding, could in theory give the care needed. But I consider that the other demands on their time make it impractical for them to give the extra time needed to provide properly for the animals' welfare. The cowman gets up at 0400 hours to milk the cows at 0430, which takes around 2 hours. They are milked again at about 1600 hours and his working day ends after 1900 hours. He often works 7 days a week. It was calculated at the hearing that he works a 90-hour week on average and sometimes exceeds 100 hours. I share the view that it would be unreasonable to expect him to provide care for the animals outside of what is already an excessively long working day. The appellant has all the managerial and paperwork responsibilities. There was agreement at the hearing that modern farming involves large amounts of paperwork, which has expanded steadily and

continues to grow. Much of this has to be completed outside the normal working day. This limits the amount of time the appellant can devote to the animals. Because of the demands on the appellant and cowman, I consider there is a risk that insufficient time would be given to the welfare of the breeding stock and newly born calves.

8. With only 2 people living on the farm holding, each has to work inordinately long hours, frequently 7 days a week, with no opportunity to take time off or for holidays and no cover when one is sick. The former tractor driver left because he was unprepared to work long hours and had a considerable distance to drive to the farm. The present long hours are still necessary even with the third full-time worker, Mr Broom. On the evidence of the hours involved, the burden is in my view too great for just 2 people living on the site. There must come a point where the viability of the enterprise would be threatened. Overall I consider that the amount of work involved in running this farming enterprise requires 3 people to live on the site to share the responsibility and the time necessary to provide the essential care for the animals in addition to the normal duties of running the farm.
9. TAN6 sets out a number of tests where a functional need exists. One of these is that another dwelling in the area could not fulfil the need. The farm is adjacent to Llanishen where someone could live and be close enough to provide essential care. But I saw during my visit that there are no houses for sale in the village. A further problem highlighted by the appellant is the cost of houses locally. A house has recently been sold for £100,000, but it was agreed at the hearing that this was unusual and that the price of houses in Llanishen ranges from £150,000-£200,000. The village is in a highly attractive part of the countryside, in the heart of the Wye Valley AONB, and I am in no doubt that houses here are in demand. The only new houses I saw were large detached dwellings that would probably have been priced at over £200,000. It is highly unlikely that an agricultural worker would be able to buy a house in this village and the Council was not aware of any affordable housing in the area. The cost of renting is £5-600 per month and Mr Broom confirmed that he could not afford to rent a house locally. I accept that affordability is not mentioned explicitly in TAN6, but paragraph 41(d) refers to existing accommodation that is suitable and available for occupation. I fail to see how a dwelling can be regarded as either suitable or available unless it is affordable.
10. This leads to the second argument advanced by the appellant to support the need for an additional dwelling, the need to offer accommodation to attract staff. Mr Broom moved here from Cambridgeshire and was only able to take the job because accommodation was available, in the caravan. The appellant stated at the hearing that he advertised in Farmers Weekly but received only 2-3 applications, whereas he had about 40 a few years ago. Mr Knight, a lecturer at Usk Agricultural College, stated that they only had 4 agricultural students last year. The Council's consultant confirmed that employment in agriculture has been in decline for many years as efficiency has increased. But he also accepted that the industry is not drawing in new people because it is seen as being in decline. The appellant stated that he had advertised the job with the mobile home and that everyone who enquired had asked what accommodation was available.
11. I recognise that the proposal is not for an affordable dwelling as meant by national policies or Policy H9 of the Local Plan. But affordability is a relevant consideration in view of the high cost of housing locally and the low wages in the agricultural industry. The recent problems encountered by the appellant in recruiting a new worker demonstrate the importance of accommodation. I therefore accept that in this particular case the benefits of being able to provide an affordable dwelling on the holding lends support to the functional need.

Financial Test

12. The second test set out in TAN6 is financial, to demonstrate that the enterprise is economically viable. Paragraph 41(c) requires that the unit has been established for at least 3 years, has been profitable for at least one, is currently financially sound and has a clear prospect of remaining so. The appellant has run the farm since 1990. The Council's consultant initially calculated on standard rates that the farm is operating at a loss and is not necessarily viable. His report concludes that the enterprise's ability to generate a profit is due to the appellant's considerable time input and tight fiscal control. He therefore expressed some concern at the hearing about the long-term sustainability of the enterprise. The appellant pointed out that the Council's figures did not include arable land payments, amounting to around £8,938, beef cattle payments of £15-20,000 and slaughter payments, which would amount to a minimum of £2,400. He estimated that around £35,000 income was not taken into account in the Council's financial assessment. When the hearing adjourned to the farm I was shown Profit and Loss Accounts for recent years. These show profits of £5457 in 1998, £10,070 in 1999, £6408 in 2000 and a provisional loss of £5667 in 2001, after allowing for drawings exceeding £20,000 each year. The final figure for 2001 would change to a profit of about £5000 when the sale of a tractor was shown. The appellant's accountant has advised that the farm is currently showing a profit of £5-10,000.
13. As to the long-term viability, the accounts show steadily increasing income from milk sales and the appellant has added to his milk quota. The appellant enlarges his herd by breeding his own cows and produces all his own bulk feed from maize. There is an extensive collection of well-maintained farm buildings and I was shown new milking equipment that cost £35,000. The appellant has also invested in additional buildings, using second-hand materials where available to keep costs down. The Council's consultant commented on the tight fiscal control and describes this as a well-run farming business. From the evidence I see no reason to take a different view. The enterprise has regularly shown a profit after drawings. The Council's consultant accepted, after seeing the appellant's accounts, that on balance the financial test was passed and that if this farm did not pass this test, not many would, a view I endorse. The appellant has run this enterprise successfully since 1990 and there is nothing to indicate that it will not prove viable in the longer term.

Conditions

14. The application was in outline and the standard conditions are therefore required. Because the dwelling is required for agriculture, an occupancy condition is needed. This will include the existing farmhouse since the justification for the proposed dwelling is on the basis that 3 dwellings are required to serve the needs of the holding. I have used the model condition in Circular 35/95 for clarity. I am also satisfied that a condition requiring details of foul sewage to be submitted for approval is necessary since mains drainage is not available.

Conclusions

15. I am therefore satisfied on the evidence that it is essential for the proper functioning of this farm that 3 people live on the site so that the responsibility of caring for the large number of animals and calves can be shared. The farm is economically viable and has every prospect of remaining financially sound in the long term. The dwelling is to be sited alongside the existing group of farm buildings, not in a location where it could be easily sold separately from the farm holding. It is clear to me that this is a case of genuine agricultural need and not an attempt to abuse the concession made by the planning system. The dwelling therefore accords with Structure Plan Policy H7 and Local Plan Policy H6. For these reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

16. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of an agricultural worker's dwelling at Keepers Lodge Farm, Llanishen, Chepstow in accordance with the terms of the application Ref. M/5835 dated 5 April 2001 and the plans submitted therewith, subject to the following conditions:
- 1) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision.
 - 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this decision, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 4) The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
 - 5) The occupation of both the proposed dwelling and of the existing house known as Keeper's Lodge Farm shall be limited to persons solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

Information

17. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
18. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
19. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the National Assembly for Wales if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.



Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Clive Prichard	Appellant
Ms Melanie Banfield	Partner

FOR THE LOCAL PLANNING AUTHORITY:

Mr Martin Davies BSc BA DipDBE MA MRTPI	Planning Officer
Mr Richard Brogden	Consultant, Bruton Knowles

INTERESTED PERSONS:

Community Cllr Ron Hempstead	Trellech United Community Council, 13 Waine Close, Llanishen, Chepstow, NP16 6QJ
Mr Christopher Knight	Lecturer, Greenlands, Llanishen, Chepstow, NP16 6QG
Mr Kevin Broom	Employee, Keepers Lodge Farm
Ms Emma Robinson	Partner

DOCUMENTS

- 1 List of persons present at the hearing
- 2 Council's Notification Letter
- 3 Letter dated 4 August 2002 from Appellant
- 4 Council's Hearing Statement & Appendices
- 5 Extract from Monmouth Borough Local Plan
- 6 Council's list of suggested conditions

PLANS

- A Site Plan
- B Plan showing Keepers Lodge Farm holding at 1:6000
- C Settlement Boundary of Llanishen: Monmouth Borough Local Plan