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PLANNING STATEMENT AND AGRICULTURAL APPRAISAL

TO SUPPORT AN OUTLINE PLANNING APPLICATION
FOR THE CONSTRUCTION OF A PERMANENT FARM
WORKERS DWELLING AT THORNLEY HALL FARM,
THORNLEY, LONGRIDGE, PR3 2TN.

Applicants: Mr & Mrs G Airey
Prepared by: Gary Hoerty BSc (Hons) MRICS FAAV
Date: March 2022
Our ref: Air/1024/3060/GH



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1. INTRODUCTION

- 1.1 This Planning Statement and Agricultural Appraisal has been prepared to support a planning application that we have submitted on behalf of Mr Graham and Mrs Gill Airey of Thornley Hall Farm, for the erection of a permanent agricultural workers dwelling at Thornley Hall Farm.
- 1.2 Graham Airey used to farm with his brother, and they traded as H E Airey & Sons, however they decided that they wanted to go their separate ways and as a consequence the farm was split with each brother retaining a dwelling, part of the buildings and part of the land. The farming partnership ended nearly two years ago. A large number of planning applications were submitted to the Council for the development of agricultural buildings at Thornley Hall Farm between 2017 and 2020 and we have listed them in Section 2 below, however the applications all relate to the part of the farm that was taken on by Graham's brother Derek. Graham and his wife retained the older range of buildings. Prior to the partnership split the brothers milked about 300 cows between them.
- 1.3 The proposed dwelling is required in order to provide accommodation at the farm for Mr and Mrs Airey's son, Christopher and his wife and three children. Christopher who works full time on the farm currently lives in Longridge. Christopher's brother Daniel also works full-time on the farm and he and his family are currently living in the farmhouse with his parents Gill and Graham. Graham is sixty four years old and is reducing the amount of time he spends on the farm as he works towards his retirement as a consequence a further dwelling is required on the farm so that Christopher can live on site to fulfil the functional need of the existing farming enterprise which requires two full time workers to live on the holding. Prior to the split of the partnership between Graham and Derek there were two dwellings on the holding, however since the split there is only one dwelling on each of the new holdings.
- 1.4 Full details of the applicants' agricultural enterprises and activities are set out within this report. However, by way of a brief introduction the applicants currently farm approximately 340 acres of land and operate a dairy enterprise which comprises of 170 Holstein milking cows, together with approximately 120 followers at various ages. In addition to this they also keep 270 store lambs.
- 1.5 This application seeks outline permission for a dwelling to accommodate a second farm worker at Thornley Hall Farm to meet a functional need for two farm workers to be readily available at all times of day and night to meet the welfare needs of the applicant's livestock.
- 1.6 We set out within this report full details of the agricultural 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 planning history shown on the Council's website for Thornley Hall Farm.
- 2.2 Application number 3/2020/0108 was for an extension to a previously approved general-purpose store to adjoin an existing agricultural building. This was approved with conditions on the 6/4/2020.

- 2.3 Application number 3/2019/1073 was to construct an agricultural general-purpose storage building to adjoin existing farm building. This was approved with conditions on the 13/1/2021.
- 2.4 Application number 3/2019/0118 was for extensions to an agricultural building to house livestock. This was approved with conditions on the 19/03/2019.
- 2.5 Application number 3/2019/0096 was for a new agricultural building for livestock and storage. This was approved with conditions on the 19/03/2019.
- 2.6 Application number 3/2019/0095 was to construct a further extension to an approved agricultural building to provide storage and livestock housing. This was approved with conditions on the 19/03/2019.
- 2.7 Application number 3/2018/0879 was to construct an extension (lean-to) to an approved agricultural building. This was approved with conditions on the 07/11/2018.
- 2.8 Application number 3/2018/0620 was for a new storage facility for surface water, wash water and diluted liquid manure from agricultural buildings. This was approved with conditions on the 31/08/2018.
- 2.9 Application number 3/2018/0412 was for a discharge of condition number 3 (roof materials) from planning permission 3/2017/0874. This was approved with conditions on the 06/06/2018.
- 2.10 Application number 3/2018/0338 was for extensions to approved agricultural livestock buildings. This was approved with conditions on the 08/06/2018.
- 2.11 Application number 3/2018/0146 was for an agricultural livestock building. This was approved with conditions on the 11/04/2018.
- 2.12 Application number 3/2017/1218 was for an extension to an agricultural building approved under ref 3/2017/0874. This was approved with conditions on the 29/01/2018.
- 2.13 Application number 3/2017/0874 was for an agricultural building. This was approved with conditions on the 09/11/2017.
- 2.14 Application number 3/2017/0584 was for an agricultural field track 140m long, 3.85 wide, surfaced with crushed limestone. This did not require permission on the 20/07/2017.
- 2.15 Application number 3/2008/0022 was for a replacement agricultural livestock building to house a new milking parlour and collecting/handling facilities. This was approved with conditions on 14/03/2008.
- 2.16 Application number 3/2004/0594 was for a two-storey side extension on Thornley Hall Cottage. This was approved with conditions on 22/07/2004.
- 2.17 Application number 3/2002/0067 was for a building for livestock housing. This was approved with conditions on the 07/03/2002.

- 2.18 Application number 3/1997/031N was for the erection of sheep/machinery shed. This was approved with no conditions on the 14/10/1997.
- 2.19 Application number 3/1995/0347 was for the erection of an agricultural feed store. This was approved with conditions on the 10/08/1995.
- 2.20 Application number 3/1991/0735 was for the erection of a feed building for dairy cattle. This was approved with conditions on the 24/01/1992.
- 2.21 Application number 3/1990/0214 was for the erection of lean-to for housing young stock and dry cows. This was approved with conditions on the 01/05/1990.

3. PROPOSED DEVELOPMENT

- 3.1 The planning application is in outline and proposes the erection of a 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. The dwelling will be sited to the west of the existing group of agricultural buildings, and it will be accessed by a proposed new access off the main road as shown on the plans that accompany the application. The proposed dwelling will be sited in very close proximity to the farmstead where it will be well placed to meet the functional needs of the farming enterprise. It will also be seen as part of a group of buildings and not in isolation.

4. THE AGRICULTURAL HOLDING

4.1 Description

- 4.1.1 The application holding extends to approximately 340 acres (137.6ha) or thereabouts of grassland which comprises 270 acres (109ha) owner occupied land, 50 acres (20.22ha) rented on an annual basis and 20 acres (8.09Ha) which is available for summer grazing only. Full details of all of the land that is occupied by the applicants is set out in Section 4.3 below. We attach at Appendix 1 an OS map extract which shows the farms general location.
- 4.1.2 The farm has one main group of farm buildings which are located at Thornley Hall Farm which is where the applicant and his wife live in the existing farmhouse, currently together with their son Daniel and his family. The farm buildings at Thornley Hall Farm are described in more detail in Section 4.2 below.
- 4.1.3 All of the land is down to grass and the applicants' farming enterprises comprises of 170 Holstein milking cows, together with approximately 120 followers at various ages. In addition to this they also keep 270 store lambs. Full information about the livestock enterprises is set out in Section 4.4 below.
- 4.1.4 The farmhouse is a detached two storey property with the following accommodation: five bedrooms, two kitchens, three living rooms and two bathrooms. It has mains electricity and water with oil heating and foul drainage is to a septic tank. The farmhouse is occupied by Graham and Gill Airey who have been sharing the house with their eldest son Daniel and his family, which includes his wife and two children for the last three years.

4.2 The Farm Buildings

4.2.1 We describe below the range of farm buildings located at Thornley Hall Farm using number referencing which corresponds with the plan attached at Appendix 2 for identification purposes.

Building 1 – A traditional stone barn 9.8m x 26.7m

4.2.2 This two storey height barn is constructed of stone with a grey slate roof, part of the building is used as a brew room and rest. The rest is used for general agricultural storage and for housing calves.

Building 2 – Lean-to off building 1 13.7m x 33.3m

4.2.3 This building which has stone walls and a corrugated asbestos cement sheet roof houses youngstock.

Building 3 – cubicle shed 17.4m x 33.3m

4.2.4 This building which is a lean-to off Building 4 has stone walls and a corrugated asbestos cement sheet roof and has cubicles for 110 cows.

Building 4 – covered silage clamp 9.3m x 33.3m

4.2.5 This building is a steel portal frame building with 2.5m high shuttered concrete walls with corrugated fibre cement cladding above and to the roof.

Building 5 – feed store 8m x 30m

4.2.6 A steel portal frame building

Building 6 – silage clamp 15m x 30m

4.2.7 This silage clamp does not have a roof over it

Building 7 – calf shed 11m x 35m

4.2.8 This is a modern steel portal frame building which has concrete block walls with timber space boarding over and a corrugated fibre cement sheet roof. The building is used to house calves and young cattle.

Building 8 – stone barn 6.6m x 10m

4.2.9 This small traditional two storey height stone building which is used for storage.

Building 9 – youngstock building 13m x 19m

4.2.10 This building is constructed from a timber frame with a corrugated tin sheet roof.

Building 10 – Dutch Barn 7.2m x 17.4m

4.2.11 This building has a steel frame and tin cladding to the end elevations and the roof and is used for storing straw.

Building 11 – Feed Passage 5m x 20m

4.2.12 This building is a lean-to off the Dutch Barn and provides a feeding area for the cattle housed in the nearby buildings.

Building 12 – Cubicles 11.4m x 22.3m

4.2.13 A brick-built building with a corrugated asbestos cement sheet roof which provides cubicles for 40 cattle.

Building 13 – A traditional stone barn 5.5m x 19.7m

4.2.14 This two-storey height barn is constructed of stone with a blue slate roof, part of the building is used for storage and as a workshop.

Building 14 – collecting yard, parlour & calving area 15m x 60m

4.2.15 This is a modern steel portal frame building which was built in 2008, the building has concrete block walls with a small area of timber space boarding above on the dairy part of the building and is open fronted with feed barriers on the part of the building used for calving cows. In the dairy part of the building there is a bull pen next to the parlour, a race with a roll over crush and individual pens for cows that need attention.

Building 15 – cubicle shed 12m x 54m

4.2.16 This is a modern steel portal frame building with part concrete walls with timber space boarding over and a corrugated fibre cement sheet roof. The building has cubicles for 60 cows and a calving area.

Building 16 – cubicle shed 16m x 45m

4.2.17 This is a modern steel portal frame building with part concrete walls with timber space boarding over and a corrugated fibre cement sheet roof. The building has cubicles for 100 cows.

Building 17 – youngstock building 9.5m x 13.8m

4.2.18 This is a modern steel portal frame building which is open fronted and has shuttered concrete walls to a height of approximately 1.5m with timber space boarding over and a corrugated fibre cement sheet roof. The building is used to house calves and youngstock.

Building 18 – youngstock building 11m x 18m

4.2.19 This is a modern steel portal frame building which is open fronted and has shuttered concrete walls to a height of approximately 1.5m with timber space boarding over and a corrugated fibre cement sheet roof. The building is used to house calves and youngstock.

4.3 The Land

4.3.1 The applicants farm a total area of approximately 340acres (137.6ha) or thereabouts of land, all of which is down to grass. Approximately 270acres (109ha) is owner occupied, 50acres (20.22ha) is rented on an annual basis (and has been for the last 15 years) and 20acres (8.09Ha) is available for summer

grazing only. Of the 270acres (109ha) of owner-occupied land approximately 78acres (31.6ha) comprise the applicants half share in a block of moorland. Plans of the land are attached at Appendix 3.

4.3.2 In an average year three cuts of silage are made on 156acres (63ha) and in a better year a fourth cut can also be taken. The fodder is ensiled at the farmstead in the two silage clamps. The land is otherwise grazed by the applicant's livestock.

4.3.3 All the land is well fenced and well maintained and the applicants claim Basic Payment on the majority of the land that they farm.

4.4 The Farming System

Dairy

4.4.1 The applicant's main farming enterprise is the production of milk from their herd of 170 Holstein dairy cows with all of the milk produced being sold off the farm, by contract, to 'Tesco'. The applicants are increasing their herd to 200 cows and have sufficient cubicles to enable them to do this without the need for any more buildings. The herd increase will be delivered in part by buying in cows and also by using sexed semen to ensure a high number of heifer calves. The heifers calve at 24-26 months of age.

4.4.2 In addition to the 170 head of dairy cows the applicant's rear their own replacements and will have in the region of 120 head of youngstock on the farm at any given time 60 0 – 12 months of age and 60 12 -24 months of age. The bull calves are sold at two months of age and the heifer calves are retained as replacements and to expand the herd. As the cow numbers increase so will the number of youngstock.

4.4.3 The cows need close and effective management and supervision to maintain their health and productivity. The cows calve all year round to provide a constant supply of milk. Cows can calve at any time of the day or night and often need assistance to calve safely and to prevent problems that might result in the death of the calf and/or the cow. Assisting cows calve is a physical activity that requires someone with experience and physical strength.

4.4.4 The cows are predominantly served by AI straws using sexed semen to produce female replacements for the dairy herd, but as well as this naturally serviced by the two on-farm Holstein dairy bulls. The keeping of dairy stock bulls requires two stockmen to be present on site when handling the animals as per Health & Safety Executive guidelines set out in "Handling and Housing Cattle" a copy of which is attached at Appendix 5. It is also recommended that two stockmen are present on the farm in terms of animal welfare requirements.

4.4.5 The cows are milked three times a day in the 20/40 herringbone parlour at 6am, 2pm and 9pm with each milking taking approximately two hours to complete. The cows have an average milk yield of 10,000litres per cow.

Sheep

4.4.4 The applicant's other enterprise is a sheep enterprise, they purchase approximately 170 store lambs each year which graze the land through the winter months keeping the sward tidy and producing another source of income.

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 2022) and Standard Labour Requirement based on hours per annum (SAC Farm Management Handbook 2020/21). 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 2022 by John Nix as follows:

170 dairy cows @ 4 days/head	=	680
60 dairy cattle 12-24 months @ 1.9 days/head	=	114
60 dairy cattle 0-12 months @1.2 days/head	=	72
2 Bulls @ 3.5 days/head	=	7
270 store lambs @ 0.3 days/head	=	81
Meadow Land 63ha @ 1.6 days/Ha 1 cut	=	100.8
Meadow Land 63ha @ 2.8 days/Ha 2 cuts	=	176.4
Grazing land 42.71ha @ 0.4 days/Ha	=	17.08
Rough grazing 31.65ha @ 0.2 days/Ha	=	6.33
total	=	1,254.61 days

4.5.3 We have calculated the labour requirements of the holding using standard figures from the SAC Farm Management Handbook 2020/21 as follows:

170 dairy cows @ 28 hours/head	=	4,760
60 dairy cattle 0 -12 months @ 12 hours/head	=	720
60 dairy cattle 12 - 24 months @ 12 hours/head	=	720
2 Bull @ 12 hours/head	=	24
270 lambs @ 2.9 hours/head/annum	=	783
Meadow Land 63ha @ 12 hours/Ha 1st cut	=	756
Meadow Land 63ha @ 10 hours/Ha 2nd cut	=	630
Meadow Land 63ha @ 8 hours/Ha 3rd cut	=	504
Grazing land 42.71ha @ 3.1 hours/Ha	=	132.4
Rough grazing 31.65ha @ 1.5 hours/Ha	=	47.48
total	=	9,076.88 hrs/annum
@ 8hrs/day =	=	1,134.61 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 5 full time workers on the holding according to the Farm Management Pocketbook by John Nix and 4.5 full time workers according to the SAC Farm Management Handbook.

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 often less than these calculations suggest.

4.5.6 The applicants farming activities are currently undertaken by three full time workers Graham, Daniel and Christopher Airey. Although at certain times of the

year, seasonal workers are contracted in to help with silage making and they have had apprentice's in the past.

4.5.7 The labour requirement will increase as the size of the dairy herd increases.

4.6 Functional Need

4.6.1 Livestock enterprises require a high level of supervision, often through a twenty-four-hour period to ensure that the welfare needs of the livestock are properly catered for and that the business can continue functioning viably. A high standard of animal welfare, stockmanship and supervision is required to ensure that farming businesses operate effectively from both a financial viability perspective and in terms of health and safety. This is particularly the case where there are breeding livestock and there is a need for at least one full time worker to be readily available throughout a twenty-four-hour period to administer treatment to ill or injured animals, to deal with animals that are calving/lambing and to ensure proper management of livestock. Examples of the supervision that can be required are as follows:

- Supervision and monitoring of breeding cattle leading up to and during calving. It is vital that the cattle are regularly inspected during this time. Failure to do so may result in the cows and first-time calving heifers having difficulties giving birth and essential human intervention may be required to avoid unnecessary loss of the calf and/or the cow/heifer. The applicant calves all year round;
- After giving birth dairy cattle require very close supervision as they have the tendency to suffer from "milk fever" (calcium deficiency) which can result in death unless the symptoms are recognised early and treatment administered quickly. It is also essential to ensure that the calf has milk which will contain colostrum which contains high concentrations of leukocytes, protective white cells which can destroy disease-causing bacteria and viruses;
- The sheep graze all the various land parcels across the holding, hence there is a significant management burden on the applicant each day in inspecting all the animals, providing supplemental feed, and where necessary, medication.
- Unwell livestock often require isolating from other livestock to avoid the spread of disease. Once isolated the animal must be regularly monitored and many require treatment around-the-clock;
- Regular inspections need to be carried out to detect illness and provide essential care for the livestock. The importance of this has been highlighted with the foot and mouth and blue tongue outbreaks that have occurred in Britain in relatively recent years. Guidance provided by DEFRA states that vigilance and good stockmanship are vital in the fight against animal disease. This is reiterated by the legislation and regulations contained within the Animal Welfare Act 2006 and by the Farm Welfare Council;
- It is essential that 24-hour supervision is in place to protect livestock against theft, predators and intruders. Likewise, if livestock escape from the farm buildings or fields, someone needs to be on hand to gather the livestock up and return them to the buildings or fields;

- The animal's welfare in terms of the "five freedoms" is considered. The five freedoms as provided by the Farm Animal Welfare Council (FAWC) comprise:
 - Freedom from Hunger and Thirst – by ready access to fresh water and a diet to maintain full health and vigour.
 - Freedom from Discomfort – by providing an appropriate environment including shelter and a comfortable resting area.
 - Freedom from Pain, Injury or Disease – by prevention or rapid diagnosis and treatment.
 - Freedom to Express Normal Behaviour – by providing sufficient space, proper facilities and company of the animal's own kind.
 - Freedom from Fear and Distress – by ensuring conditions and treatment which avoid mental suffering.

4.6.2 The examples set out above of the type of things that give rise to a functional need to be present on site demonstrate just some of the reasons why it is essential for Christopher to reside at Thornley Hall Farm and any one of the examples given above can occur during a 24-hour period.

4.6.3 The proper functioning of the livestock enterprises at Thornley Hall Farm requires Christopher to reside on the farm so that he together with his brother Daniel are able to provide the 24 hour, 7 days a week supervision that is essential to ensure that appropriate welfare standards are maintained. This has been possible on a temporary basis since the farming partnership between Graham and Derek ended by Daniel and his family sharing the farmhouse with his parents, however as Graham is working towards his retirement, he will no longer be available to meet the functional need for two full time workers to be available.

5. REASONS FOR THE APPLICATION

5.1 The reason for the application is that there is a functional need for two fulltime workers to reside at Thornley Hall Farm, this was the case before the partnership between Graham and Derek Airey ended and it remains the case for that part of the farm that is now operated by Graham and his two sons. Since the split of the partnership the need has been fulfilled by Graham and Gill Airey sharing their house with their son Daniel and his family, however Graham is now sixty four years old and he is not as physically able as he used to be and wants to retire in the next year or two which means that Christopher will need to be on site to meet the functional need alongside his brother Daniel.

5.2 We do not consider there to be any practical alternative to Christopher residing at Thornley Hall Farm in order to meet the identified functional need, there are no properties in the immediate vicinity that are both suitable and available to meet the identified functional needs of the business. In this respect we consider the Inspectors comments in the decision regarding an appeal for a farm worker's dwelling at Park Brook Farm, Copster Green, a copy of which is attached at Appendix 5, to be relevant. The inspector stated:

The settlements of Copster Green and Salesbury are relatively close. However, there is no evidence before me as to the availability of suitable dwellings in those locations and, for the Appellants and their family to live there, would involve a considerable number of vehicular trips on a daily basis. In the light of my later conclusions on the question of functional need, I am not satisfied that the provision of accommodation off-site would be appropriate.

- 5.3 The need to live on site is also highlighted in the more recent case at Demesne Farm, Paythorne, the decision for which is also included at Appendix 5, the inspector at paragraph 33 stated:

The Council argued that William Oldfield lives on site, and that if his brother lived for instance in Gisburn – which is about 3 kilometres from the farm – he could be called upon to attend to out-of-hours emergencies. However, in many situations – such as calving problems that would require William to assess the situation, and then alert his brother. While the journey from Gisburn may be only a matter of 10 minutes the object of the exercise would have been defeated, since both brothers would effectively be on duty. It was also suggested that a rota could be devised whereby one or other brother would be on duty on any given day. However, this would entail Michael being on site and away from home, without proper accommodation on the farm during his allocated shifts.

Regarding the possibility of other nearby suitable dwellings being available, I heard that at the time of the Council's response to the appellant's hearing statement there were 4 houses available in Gisburn at what I consider could be reasonable prices. However, for the reasons above I do not consider that to be a location that would satisfy the requirement to attend to many of the emergency situations. Although it was claimed there were properties within about 400 metres of Demesne Farm available for as little as £24,000, no detail of these was put forward. Some examples in nearby Paythorne put forward by the Council were, on inspection of the details, houses restricted to holiday use.

As to the suggestion that use could be made of the blue caravan for the second worker, this would be available only when unoccupied by the additional seasonal worker and could not therefore provide the degree of cover needed. In terms of functionality, I consider the need for a second permanent on-site presence has been demonstrated.

- 5.4 Given the relatively isolated location of Thornley Hall Farm there are very few other residential properties in the immediate locality, and none close enough to be within sight and sound of the farm. The majority of nearby properties are expensive detached properties the price of which it would be unreasonable to expect any farming business to consider affordable.

6. PLANNING CONSIDERATIONS

6.1 General

- 6.1.1 Local planning authorities are required to determine planning applications in accordance with the 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 20 July 2021 and the relevant policies of the Council's Core Strategy 2008/2028 - A Local Plan for Ribble Valley, which was adopted on 16 December 2014.
- 6.1.2 The Council's Core Strategy contains several 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 and 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 National Planning Policy Framework 2021 (The Framework) is now the main national planning policy guidance influencing planning decision making in England. It sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally-prepared plans for housing and other development can be produced. The NPPF replaced 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 environmental objectives (protecting and enhancing the natural and built environment) requirements."*

- 6.2.3 The National Planning Policy Framework (The Framework) says, in Paragraph 7, that there are 3 overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). 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).

- 6.2.3 Paragraph 11 says that proposals that accord with the development plan should be approved without delay. It states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

- 6.2.4 Paragraph 11 - 14 of the NPPF highlight the presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory powers of the Development Plan as a starting point for

decision making and therefore proposed development which accords with an up-to-date Development Plan should be approved: unless other material considerations indicate the Plan should not be followed.

- 6.2.5 Paragraph 83 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.
- 6.2.6 Section 5 of the NPPF contains policies for the delivery of a wide choice of high-quality homes and paragraph 79-80 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, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Therefore, once an essential need has been established the principle of constructing a new dwelling in the countryside to meet that need is acceptable.
- 6.2.7 The policies of the NPPF clearly support the approval of the application that we have submitted on behalf of the applicants.

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 16 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:

"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 Airey 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 application 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, 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.

Policy DMG1: General Considerations

6.3.8 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

6.3.9 Policy DMH3 sets out a limited number of circumstances under which residential development in the open countryside or the AONB 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.

6.3.10 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 already in this report, the functional test referred to above. The applicants require the Council to approve the application so that they can maintain and grow their farming business and meet the welfare standards required of people keeping livestock.

6.3.11 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 applicants have operated a farming business all their working lives until recently this was through

a partnership, between Graham Airey and his brother Derek, now with his wife and sons. The previous partnership was financially strong enough to be able to provide one of the partners with a new extensive range of farm buildings so that both partners could continue dairy farming independently of each other.

- 6.3.12 We are only able to provide accounts for one completed year for the new business, however we are firmly of the opinion that this demonstrates that the new business is viable, profitable and has every prospect of remaining so, the new business has been planned on a sound financial basis.

7. RELEVANT APPEAL DECISIONS

- 7.1 We attach at Appendix 4 three planning appeal decisions which we consider support the approval of the planning application for a permanent agricultural workers dwelling at Thornley Hall Farm and we set out below why we consider this to be the case.

Appeal Reference: APP/T2350/A/06/2011048
Address: Land at Park Brook Farm, Copster Green, Clayton-le-Dale.
Appellant: Mr & Mrs S Eddleston
Local Authority: Ribble Valley Borough Council

- 7.2 This appeal, which was dealt with by Gary Hoerty, relates to a planning application for a temporary dwelling on an agricultural holding that extended to 100 acres of owner/occupier land and a further 50 acres of rented land. The activities undertaken on the holding were different to those at Thornley Hall Farm, however the purpose of including this appeal is that it considered whether or not the functional need once established could be met by somebody residing nearby rather than on the holding. It considered the appropriateness of alternative accommodation off the holding in the settlements of Copster Green and Salesbury which were relatively close to the appeal site and we consider that the comments are relevant when considering how best to meet the functional need for someone to be present at Thornley Hall Farm.

- 7.3 The Inspector acknowledged that living off site would involve a considerable number of vehicle trips on a daily basis and that he was not satisfied that the provision of accommodation off site would be appropriate and for the same reasons and because there is a need to be within sight and sound of the livestock we are firmly of the opinion that the same conclusion must be drawn in respect of this application.

Appeal Reference: APP/Y1138/A/13/2200238
Address: North Hollacombe Farm, Crediton, Devon, EX17 5BS
Appellant: Mr David Searle
Local Authority: Mid Devon District Council

- 7.4 This appeal has been referred to because it relates to a farm operating the same type of farming enterprise as that undertaken at Thornley Hall Farm, albeit at a smaller scale. The appellants had a dairy herd of 105 cows together with 82 followers at the time they made the application and the dairy cows had increased to 126 at the time of the Hearing. The inspector accepted that given the scale of the enterprise an individual worker would not always be able to deal with these

situations alone and therefore a need existed for more than one full time worker to reside at or near the farm.

- 7.5 The inspector went on to consider the availability and suitability of nearby accommodation and he found that although there were some dwellings nearby as close as five minutes away he accepted the argument that the worker concerned needed to be within sight and sound of the of the farm and consequently there was no alternative to a second dwelling on the farm.
- 7.6 It is clear that the commentary within these two paragraphs sits comfortably alongside the arguments we have made in respect of the need for Christopher Airey to reside at Thornley Hall Farm.

Appeal Reference: APP/T2350/C/17/3180028
Address: Demesne Farm, Newsholme, Gisburn, BB7 4JF
Appellant: W & M Oldfield
Local Authority: Ribble Valley Borough Council

- 7.7 This appeal which was dealt with by Gary Hoerty concerned a second farm workers dwelling on a large stock farm which had a dairy herd of circa 300 cows and a lambing flock of 400 breeding ewes. We have included this appeal because it highlights the fact that when a functional need has been established often that need can only be met by a worker physically living on the farm and we are firmly of the opinion that that is the case in respect of the application for Thornley Hall Farm. In this case the Council argued that the functional need could be met by a dwelling ten minutes away which the inspector acknowledged was not the case.
- 7.8 The outcome of these appeals clearly supports our firm opinion that the functional need for two full time workers to reside at or very close to Thornley Hall Farm can only be met by providing Christopher Airey and his family a dwelling at the farm.

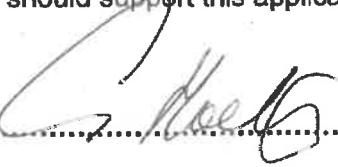
8. SUMMARY & CONCLUSION

- 8.1 This report has been prepared to support a planning application for a permanent farm worker dwelling on land at Thornley Hall Farm to accommodate a second full time worker at the farm.
- 8.2 We have demonstrated quite clearly and in our opinion beyond doubt that the scale and nature of the agricultural enterprises that are undertaken at Thornley Hall Farm generate a functional need for more than one full time worker to be readily available at any time of day or night. The worker is required to deal with emergencies at short notice, to enable the enterprises to operate safely and for the welfare and wellbeing and safety of the worker concerned. This need is currently being met by Graham and Daniel Airey who both reside in the farmhouse, however Graham is planning to retire and leave his sons to run the farm and he cannot do so until Christopher is living on the farm.
- 8.3 The applicants have farmed at Thornley Hall Farm for decades and they are experienced farmers and although the structure of their farming business has changed recently this is not a situation where a new business has been established from scratch and a temporary dwelling to prove viability would be appropriate. The application is therefore for a permanent dwelling to meet the established need which has been met until now by the existing house.

8.4 We have in support of the application referred to a number of planning appeal decisions which we consider provide compelling support for the approval of the application that we have submitted.

8.5 The planning application arises out of a genuine requirement, and we believe the Council should support this application and approve it.

Signed



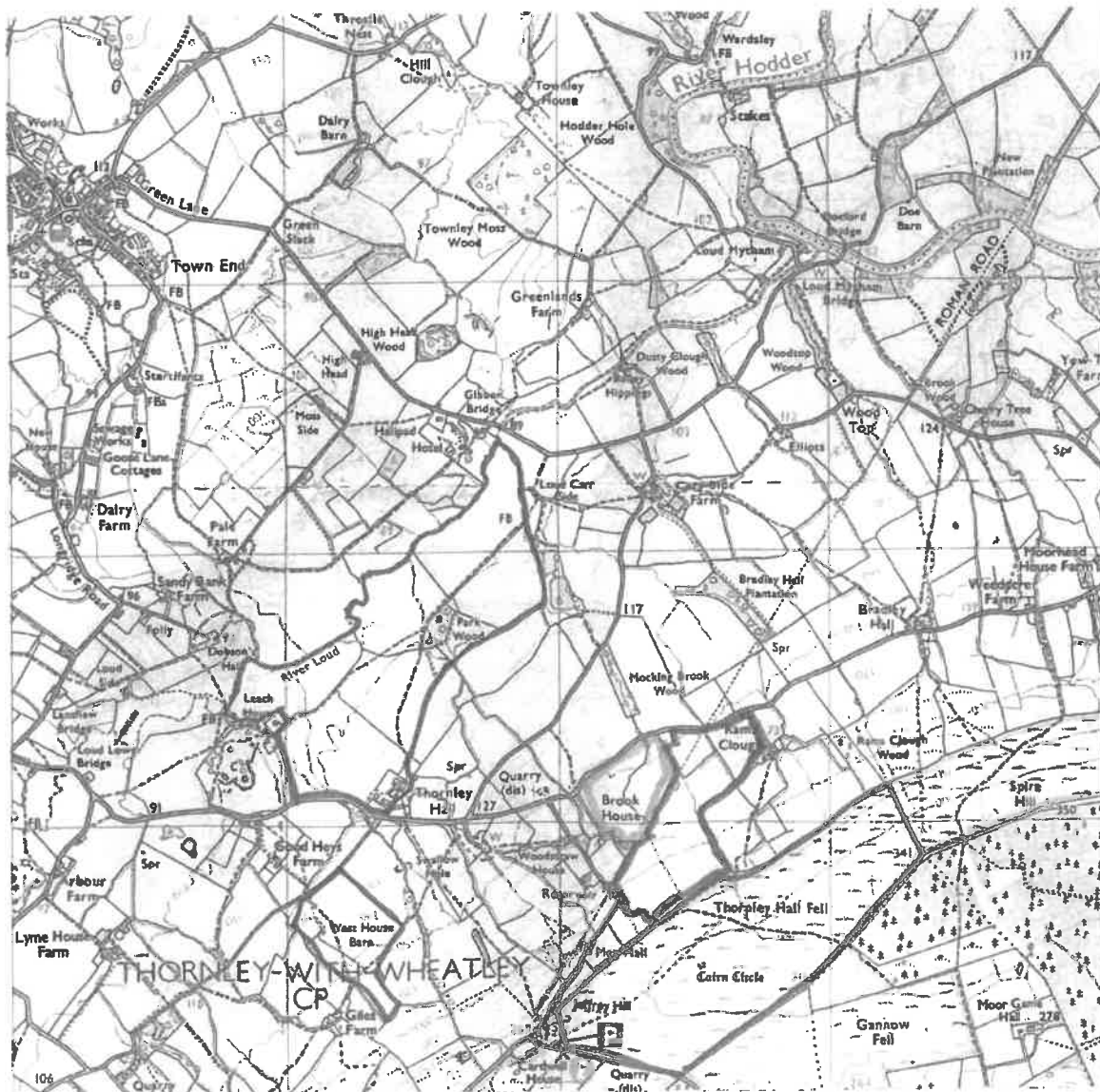
Date

11 - 3 - 2022

Gary Hoerty Associates Ltd

APPENDIX 1

Ordnance Survey Plan



Gary Hoerty Associates

Gary Hoerty Associates Chartered Surveyors
 Suite 9 - Grindleton Business Centre
 The Spinney
 Grindleton
 Clitheroe
 Lancashire BB7 4DH

T: 01200 449700
 Email: info@ghaonline.co.uk

Drawing No: Air/1024/3060/04

Project: (Air/1024/3060)

Farm Workers Dwelling at

Thornley Hall Farm
 Thornley
 Longridge
 PR3 2TN

Title: OS Area Map

Notes:

All work is to be carried out to the latest current British standard Codes of Practice and recognised working practices. All work and materials should comply with Health and Safety legislation. All dimensions are in millimetres except where explicitly shown otherwise. The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies. Do not scale off the drawings, if in doubt ask.

Client: Mr C Airey

Drawn: RCB

Date: 21/10/2021

Scale: NTS

Amendments:

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APPENDIX 2

Plan of Farm Buildings

APPENDIX 3

Maps of Land

Legends

-  Your RLR Parcel(s)
-  SPS Permanent Ineligible Features
-  Adjacent Parcel Boundary
-  Unconfirmed Boundary

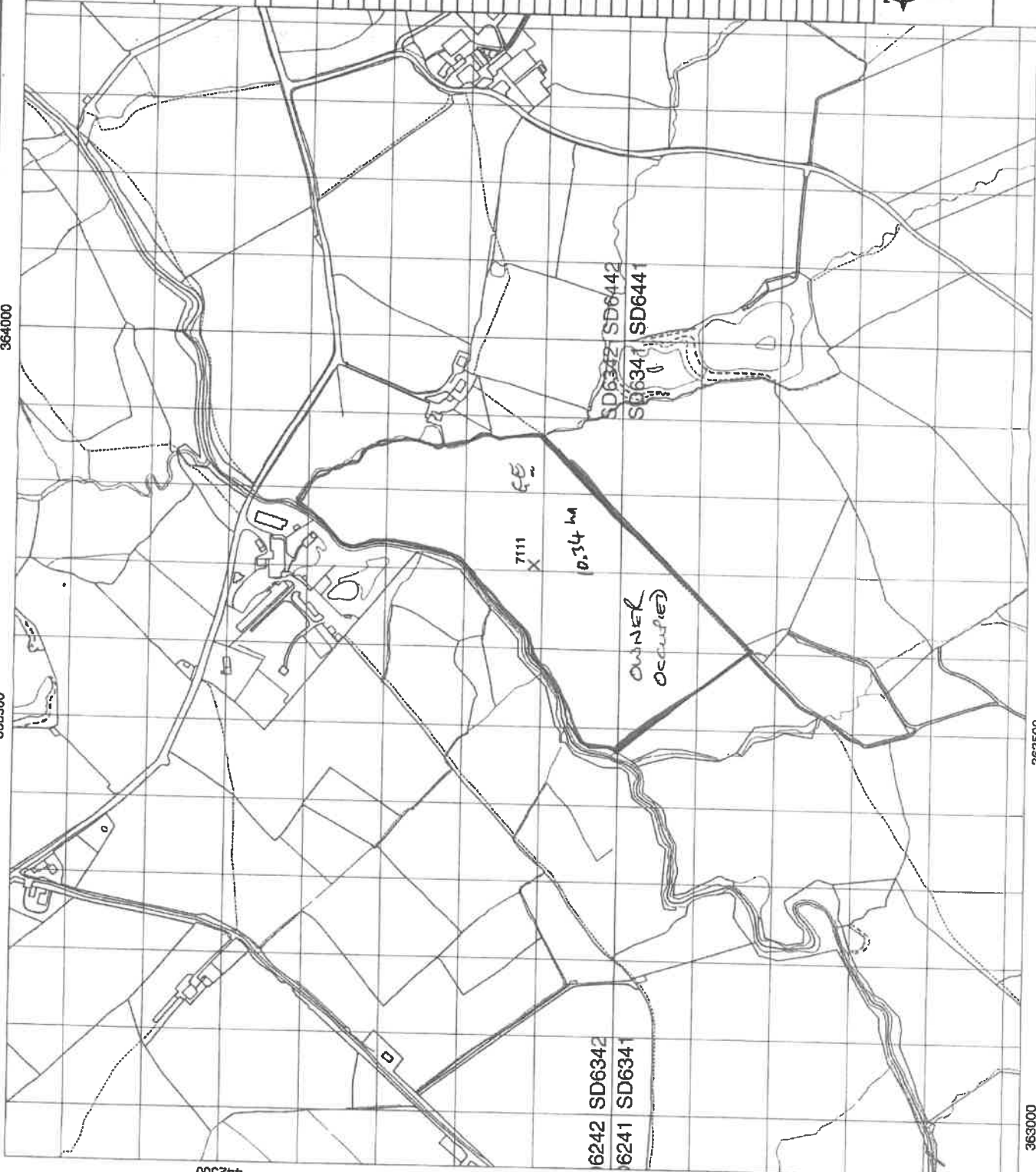
RLR Information

Sheet ID	Parcel ID	Total Area (ha)	SPS Recorded Eligible Area (ha)	English Region
SD6342	7111	10.34	10.34	N



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Date: 01/04/2010



363000 363500 364000 364500

442500 442500 442500 442500

6242 SD6342
 6241 SD6341

441500 441500 441500 441500

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

Map 5/6

- Legends**
- Your RLR Parcel(s)
 - SPS Permanent Ineligible Features
 - Adjacent Parcel Boundary
 - Unconfirmed Boundary

RLR Information

Sheet ID	Parcel ID	Total Area (ha)	SPS Recorded Eligible Area (ha)	English Region
SD6440	6044	83.3	83.3	MS

Scale 1:5000
0m 50m 100m 150m 200m

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Date: 01/04/2010



SD6441 SD66541
SD6442 SD66540

D634 SD6441
D6340 SD6410

5044 X
50% OWNED

Sheep
Sheep

SD6440 SD66540
SD6439 SD66539

D6340 SD6440
D6339 SD6439

365500

365000

364500

364000

441000

440500

440000

365500

365000

364500

364000

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

Rural Land Register (RLR) Map

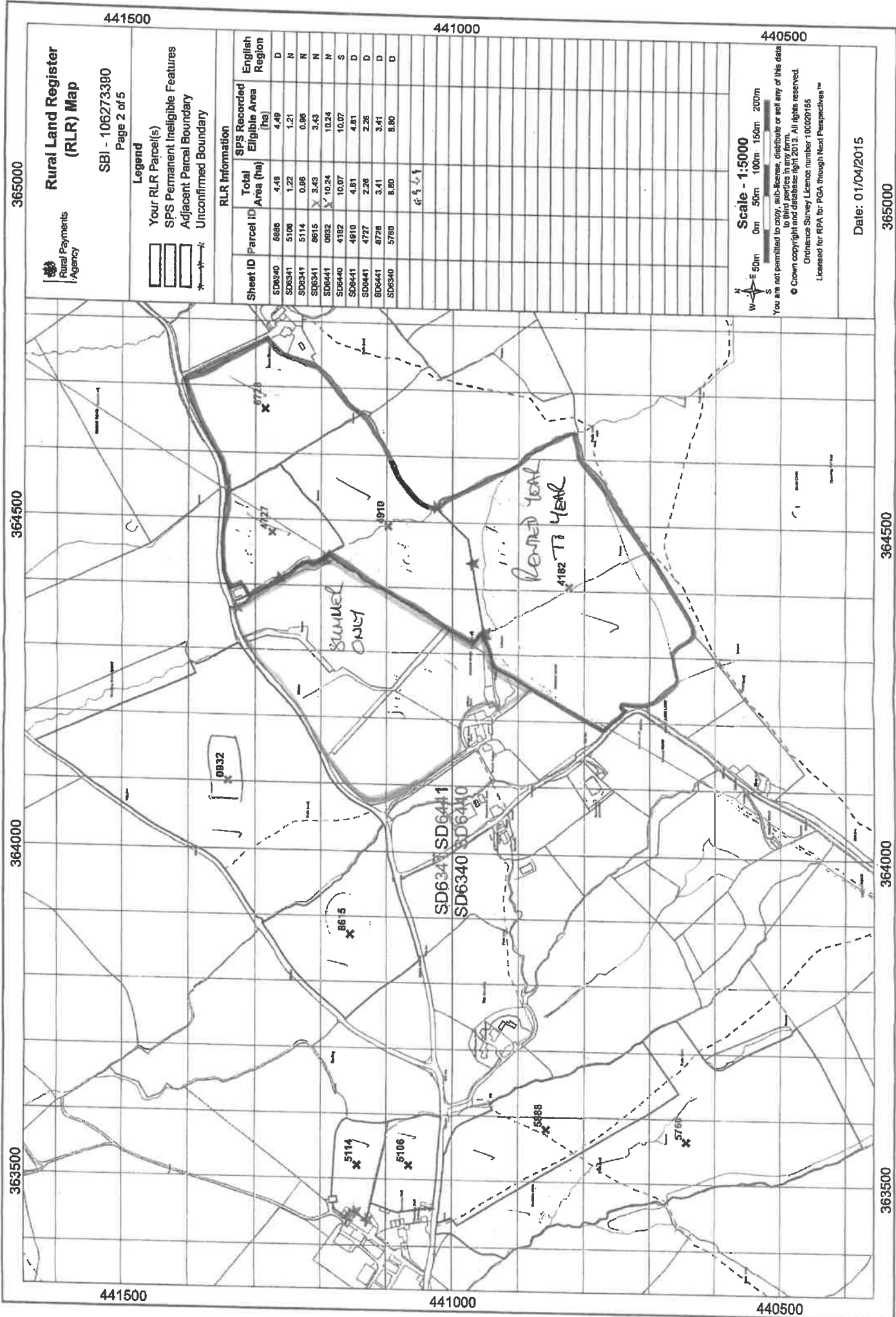
Rural Payments Agency

SBI - 106273390
Page 2 of 5

- Legend**
- Your RLR Parcel(s)
 - SPS Permanent Ineligible Features
 - Adjacent Parcel Boundary
 - Unconfirmed Boundary

RLR Information

Sheet ID	Parcel ID	Total Area (ha)	SPS Recorded Eligible Area (ha)	English Region
SD6340	6886	4.48	4.48	D
SD6341	5106	1.22	1.21	N
SD6341	5114	0.86	0.86	N
SD6341	8616	3.43	3.43	N
SD6441	0632	10.24	10.24	N
SD6440	4182	10.07	10.07	S
SD6441	4910	4.81	4.81	D
SD6441	4727	2.28	2.28	D
SD6441	8728	3.41	3.41	D
SD6340	5760	6.80	6.80	D



Scale - 1:5000
0m 50m 100m 150m 200m

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Date: 01/04/2015

365000

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364000

363500

441500

441000

440500

APPENDIX 4

Planning Appeal Decisions



Appeal Decision

Hearing held, and site visit made, on 21st November 2006

By **R E Watson BA (Hons)**

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

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 4 December 2006

Appeal Ref: APP/T2350/A/06/2011048

Land at Park Brook Farm, Copster Green, Clayton-le-Dale, BB1 9ES.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs S Eddleston against the decision of Ribble Valley Borough Council.
- The application (Ref: 3/2005/0985), dated 9th November 2005, was refused by notice dated 16th January 2006.
- The development proposed is the temporary siting of two mobile homes for a three year period for use as a farm workers dwelling.

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

Development Plan Policy Background and National Guidance

1. The Ribble Valley Districtwide Local Plan was adopted in 1998. Policies G5, H2 and ENV3 have been drawn to my attention. They concern requirements for the location of housing development and the design of development in the countryside. Development essential for the purposes of agriculture is identified as an exception to the strict control of development exercised outside settlement boundaries, an approach designed to protect the character of the rural areas. The thrust of these policies reflects the strategic imperative set by Policy 5 of the Joint Lancashire Structure Plan, adopted in 2005. National guidance on the provision of temporary agricultural dwellings is set out in paragraph 12 of Annex A to PPS 7. If a new dwelling is considered essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, for the first three years it should normally be provided by a caravan or other temporary accommodation which can be easily dismantled.

Issue

2. I consider that the principal issue in this case is whether the agricultural need justifies the siting of the mobile homes in the light of the prevailing Development Plan policies designed to protect the countryside. In assessing this issue, and following the approach adopted by both parties, I have carefully considered the proposal in the context of the advice in Annex A of PPS 7.
-

Reasons

Introduction

3. At certain points during the Hearing, some confusion arose in terms of the tests to be applied to this proposal. The tests set out in paragraph 3 (i) to (v) of the Annex relate to proposals for permanent agricultural dwellings in support of existing agricultural activities on well established agricultural units. Although the Appellants have been actively developing the farming operations here since their purchase of the unit some 3 years ago, in my view, it cannot be considered a well established enterprise. As the development is for the siting of temporary mobile homes, the proper tests to be satisfied are those set out in the 5 criteria listed in paragraph 12 (i) to (v) of Annex A. These are aimed at testing the Appellants' ability and commitment to developing a new enterprise successfully.

Assessment in terms of the Paragraph 12 Criteria

4. The Council do not dispute the Appellants' intentions or ability to develop the enterprise. The Appellants are farmers of considerable experience in stock rearing enterprises. The land at Park Brook Farm was purchased in October 2003. The purchase included land, livestock, machinery and a recently erected farm building. Since then, they have implemented improvements to the numbers and quality of the stock, the condition of the land and the structure of the building. They have secured a 5-year business tenancy on a further 20ha, bringing the total area of the holding to 60.7ha, of which 40ha is owner-occupied. This year they cropped a further 32ha elsewhere for silage. They have received permission for the erection of a further building. They have already invested over £230,000 in the unit. All of the land on the holding is down to grass. They keep some 25 suckler cows and at present have a total of 210 breeding ewes, above the normal level of around 150, from which they expect to obtain in excess of 300 lambs. They propose to double the number of cows and, in addition, to purchase and rear some 20 calves. The Appellants consider that the erection of the permitted second building is an essential requirement if this further development is to be successfully achieved. It is clear to me that they have fulfilled the requirements of criterion (i).
5. In the context of criterion (iv), the holding does not contain a dwelling. The settlements of Copster Green and Salesbury are relatively close. However, there is no evidence before me as to the availability of suitable dwellings in those locations and, for the Appellants and their family to live there, would involve a considerable number of vehicular trips on a daily basis. In the light of my later conclusions on the question of functional need, I am not satisfied that the provision of accommodation off-site would be appropriate.
6. The Council's first reason for refusal explicitly accepts that the proposed agricultural enterprise has been planned on a sound financial basis, in accordance with criterion (iii) of paragraph 12. Certainly, the documentation before me and the information provided at the Hearing provide clear evidence that the Appellants have been giving careful thought to the financial planning of their enterprise. Moreover, the evidence is that they have no bank borrowings at present and that they would be able to undertake the additional investment required without recourse to any borrowing facility. On this basis, I take the view that they have met the test set by this criterion.
7. I acknowledge the Council's concerns about the long-term profitability of the operation and I have noted the contents of the Appellants' financial forecast budget and the farm

- business analysis prepared for the Council. A comparison of the two submissions is not straightforward, as there are differences in the respective approaches. Both result in a potential profit, although the final figure shown in the Council's analysis is relatively small. However, the Council accept that the operation is a commercial enterprise. I recognise that the Appellants are experienced farmers who will be aware of the risks involved. I am satisfied from the evidence that their plans are based on developing an operation which has a reasonable prospect of providing a viable farming livelihood.
8. In paragraph 12 of the Annex the functional need criterion cross-refers to paragraph 4 of the Annex. The purpose of the functional test is whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Of the two examples quoted in the guidance one relates to where workers are needed to be on hand day and night in case animals or agricultural processes require essential care at short notice. The farming activities at the appeal site involve lambing sheep, calving suckler cows and rearing calves. The calving period extends from November to July, with the more intensive lambing season extending between February and May. I also recognise that the need for careful supervision of the newly born stock extends beyond the limits of those time frames. At the Hearing the Appellants explained in some detail the timing and extent of the essential farming tasks undertaken throughout the farming year. It is clear to me that the supervisory and welfare responsibilities are onerous. I have carefully considered the Council's reservations as to the ultimate scale of the enterprise, giving the potential stocking levels on this size of holding. Nevertheless, my judgement is that, on the basis of the evidence, the type of enterprise involved and in order to ensure that the Appellants are able to effectively test their ability to develop a viable farming operation, a temporary residential presence is required.
 9. In reaching this conclusion I have carefully considered the respective arguments surrounding the calculations focused on the standard labour requirement. I acknowledge that this process is, to a degree, theoretical and that the application of the standard data only gives general guidance. In practice, as the Council's evidence demonstrates, family farms in particular operate with a number of workers below the level arising from the requirement calculations due to the long hours worked by the farmer and the contributions from family members. Nevertheless, this does not invalidate the value of the exercise which is the only useful tool to hand. The details of the Appellants' calculation, based on the proposed scale of the farming operation, have not been disputed by the Council. These demonstrate a labour requirement for at least one full-time worker. In my view, this provides a further element of support for the arguments made in support of a functional need.
 10. In terms of the final criterion (v), the Council have not raised any objections on the issue of siting. Because of its valley setting, the appeal site is not conspicuous in the wider landscape. The mobile homes would be placed close to the existing building and, in my view, would not cause serious detriment to the character and appearance of the countryside. However, the Highway Authority has expressed concern at the highway safety implications of the development. The farm access track leads directly to the A59 which is a busy highway. The track serves two other dwellings and, apart from the wider bell-mouth as the access joins the main road, is of single-track width. The junction lies close to a bend where the A59 is turning to the south west as it enters Copster Green. To the east, however, the carriageway is long and straight. I agree that the proposed

residential development would lead to an increase in the number of traffic movements entering and leaving the farm track.

11. However, there are a number of mitigating factors to be set against this consideration. The junction lies within the 40mph speed restriction zone on the A59 through Copster Green. As the track serves other dwellings, it is regularly used by some service vehicles, such as postal deliveries, and the addition of one family unit would make little difference to those movements. Notwithstanding the caravan currently on site which provides shelter and amenity accommodation, the absence of a full-time residential presence means that, currently, daily movements for farming purposes are likely to be considerable. In my view, the proposed development would assist in moderating this level of movement for those purposes. The approach to the junction along the farm track, because of its initial elevation above the surrounding land, provides good visibility to and from the A59 and along the track and gives motorists the time and opportunity to take sensible decisions in the event of vehicles travelling in the opposite direction. For these reasons, I do not consider that the highway safety implications are decisive. Accordingly, in my view, the requirements of criterion (v) of paragraph 12 are also met.

Conclusions and Other Matters

12. I conclude, therefore, that there is an essential agricultural need for the temporary siting of two mobile homes which overrides the policy imperatives in respect of the strict control of residential developments in the countryside. In reaching this conclusion I have taken account of all other matters placed before me in evidence and raised in the representations, including the various appeal decisions. I accept that these can highlight certain points of interest in dealing with proposals of a similar nature. However, I have assessed this scheme on its own merits in terms of the current and proposed farming operations on this holding. None of these other matters has caused me to alter my conclusions on the principal issue.

Conditions

13. I have carefully considered the conditions suggested by the Council and taken account of the representations made on this matter at the Hearing. Given the exceptional reasons for the siting of the mobile homes, there is a need for an agricultural occupancy condition to ensure that the accommodation is available for meeting the identified need. Notwithstanding the particular circumstances relating to the farming practices on this holding, planning controls are concerned with the use of the land and not the identity of the user. I intend to attach the model condition 45 set out in Appendix A of Circular 11/95. Although the proposal is seeking permission for a temporary period, it is a full application. Consequently, the relevant standard time-limit for the commencement of development must be attached. As the planning permission sought is for a temporary period of 3 years, in accordance with the advice in paragraph 12 of Annex A to PPS 7, in my view, the presence of the mobile homes must be restricted to that timeframe. However, that period must commence from the date when the mobile homes were first sited on the holding. From what I was told at the Hearing, beyond a right of access, the Appellants have no control over the farm track close to its junction with the A59 and are not in a position to effect any physical widening. However, bearing in mind my conclusions on the highway safety implications of the development, I take the view that, in any event, such works are not necessary.

Formal Decision

14. I allow the appeal and grant planning permission for the temporary siting of two mobile homes for a three year period on land at Park Brook Farm, Copster Green, Clayton-le-Dale, BB1 9ES, in accordance with the terms of the application (Ref: 3/2005/0985), dated 9th November 2005, and the plan submitted therewith, subject to the following conditions:-
1. The siting of the two mobile homes shall be begun not later than 3 years from the date of this permission.
 2. The occupation of the two mobile homes shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.
 3. The two mobile homes shall be removed on or before the expiry of 3 years from the date of their first siting on the land and the site shall be restored to its former condition, unless a renewal of the permission has first been granted.

R E Watson

Inspector

APPEARANCES

FOR THE APPELLANT

Mr G Hoerty – BSc: MRICS; FAAV – Agent

Mr & Mrs S Eddleston – Appellants

Mr J Walton – Gary Hoerty Associates

FOR THE LOCAL PLANNING AUTHORITY

Mr C Sharpe – Planning Officer – Ribble Valley Borough Council

Mr I N Bower – MRICS; FAAV; - Lancashire County Council Resources Directorate, Property Group

DOCUMENT SUBMITTED AT THE HEARING

1. Schedule of comparison between Standard Labour Requirement and actual numbers of workers required to operate an agricultural unit based on examples in Lancashire – submitted by Mr Bower.



Appeal Decision

Hearing held on 16 January 2014

Site visit made on 16 January 2014

by **Colin Cresswell BSc (Hons) MA MBA MRTPI**

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

Decision date: 19 February 2014

Appeal Ref: APP/Y1138/A/13/2200238

North Hollacombe, Crediton, Devon EX17 5BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr David Searle against Mid Devon District Council.
 - The application Ref 12/00791/OUT, is dated 28 May 2012.
 - The development proposed is described as "outline planning application for a permanent agricultural workers supervisory dwelling at North Hollacombe Farm".
-

Decision

1. The appeal is allowed and planning permission is granted for a permanent agricultural worker's supervisory dwelling at North Hollacombe, Crediton, Devon EX17 5BS in accordance with the terms of the application, Ref: 12/00791/OUT, dated 28 May 2012, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matters

2. The application was made in outline, with all details reserved for future determination. My consideration of the appeal proceeds on that basis.
3. The *Mid Devon District Council Local Plan Part 3 Development Management Policies* (the Local Plan) was adopted in October 2013, after the appeal was lodged. The appellant's representatives indicated that they were aware of this in advance of the Hearing.

Application for costs

4. At the Hearing an application for costs was made by Mr David Searle against Mid Devon District Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether there is an essential need for the proposed rural workers dwelling and, if so, whether permission should be granted in the absence of a planning obligation which would prevent disposal of the dwelling separately from the land holding of the farm.

Background

6. North Hollacombe was originally part of a larger farm which was operated by the appellant and his brother. The land holding was split between the two

brothers in 2011, with the appellant focusing on dairy farming and his brother focusing on beef farming. The two farms now operate as entirely separate businesses. Since the split, the appellant's son has been working on the farm on a full-time basis. He currently lives at Great Down, which was part of the original land holding transferred to the appellant's brother, but is physically divorced from the main farming operations at North Hollacombe. This has led to an application for a rural workers dwelling on the site.

7. The Council are satisfied that there is an essential need for an additional rural worker's dwelling and agree with the proposed location of the property within North Hollacombe. As such, the draft Officer's Report recommends approval. However, this is conditional on a planning obligation to tie the proposed dwelling to the land holding of the farm in order to prevent it being separated in the future. It is this matter which is the main point of disagreement between the parties and has led to the appeal being made.

Reasons

Whether there is an essential need for the dwelling

8. As the appeal is made on the basis that the Council has failed to determine the application, it will firstly be necessary for me to establish whether the principle of allowing an additional dwelling on the site is acceptable, even though there is no dispute between the parties on this particular matter.
9. North Hollacombe is located in the open countryside, where the *National Planning Policy Framework* (the Framework) states that isolated homes should be avoided, unless special circumstances apply such as the essential need for a rural worker to live permanently at or near their place of work. This is consistent with the objectives of Local Plan Policy DM10 which indicates that rural worker's dwellings will be permitted if certain criteria are met.
10. Criterion (a) of Policy DM10 seeks evidence that the nature of the business is such that a full time worker has an essential need to be permanently resident near their place of work. The appellant has submitted an *Agricultural and Rural Business Appraisal* (the Appraisal) which shows that there were 105 dairy cows, 33 in calf helpers, 39 young stock and 10 calves present on the farm in April 2012. Based on a standard methodology taken from the *John Nix Farm Management Pocketbook*, the Appraisal indicates that this amounts to a need for 2.04 full-time workers on livestock operations alone. It is stated that the farm has plans to accommodate 120 dairy cows in the future, which would require 2.43 full-time livestock workers. At the Hearing I heard that the current total stands at 126 dairy cows.
11. Presently, the appellant (who lives on the farm) and his son (who does not) are the only two full-time workers who care for livestock. The appellant's wife also lives at the farm, but works on a part-time basis dealing with other aspects of the business and also runs a bed and breakfast from the farmhouse. Contractors are also used to carry out particular tasks, although are not continuously involved in livestock care.
12. The appellant explained that the care of livestock may require workers to be available at short notice throughout the day and night for a variety of reasons. This includes the fact that calving takes place throughout the year, that young animals need constant attention, that artificial insemination needs to take place within a very narrow timeframe, and that emergency situations arise such as

when animals are sick or distressed. As such, there needs to be a rural worker within close proximity of the farm to respond to these events as they arise. Considering the scale of the business, I agree that an individual worker would not always be able to deal with these situations alone and therefore a need exists for more than one full-time worker to reside at or near the farm. Therefore, criterion (a) of Policy DM10 is met.

13. Criterion (b) of Policy DM10 tests whether the need can be met within a nearby settlement, or by existing buildings within the site itself. During the Hearing, I heard that the appellant's son only lives 5 minute's drive from the farm and that Crediton, which has a relatively wide availability of housing, is a similar distance away. However, it was emphasised that a rural worker would need to be within immediate sight and sound of the farm in order to detect emergency situations and respond immediately. It was also argued that when there is ice and snow on lanes, it may be difficult to reach the farm and these are occasions when emergency situations are more likely to occur. Therefore, despite there being some housing availability relatively close to the site, I accept that in this particular case there needs to be an additional worker resident within North Hollacombe itself.
14. There are already two permanent dwellings at the farm. Apart from the main farmhouse at North Hollacombe, there is also Hollands. However, whilst Hollands offers potential accommodation for a rural worker, this was part of the land holding transferred to the appellant's brother and therefore is not in the control of the dairy farm. Although the farmhouse at North Hollacombe may be large enough to accommodate an additional rural worker or potentially be extended, it was argued that this would be incompatible with the established bed and breakfast business. There are also some derelict buildings on the farm, but due to their location near the farming operations and general state of disrepair, I agree that they would not be suitable for conversion. I therefore consider a new rural workers dwelling to be the most acceptable solution and consider the terms of criterion (b) of Policy DM10 to be met.
15. Criterion (c) of Policy DM10 concerns the size and scale of rural workers dwellings. However, in this particular case there is no indication of how large the dwelling would be as the application was made in outline. Consequently, this aspect of the policy does not directly apply. Criterion (d) examines whether the enterprise has been established for at least three years and will remain financially sound into the future. These matters are covered by information contained in the Appraisal, including accounting information from before and after the farm was split between the two brothers. All the indications are that the farm, before the split, was profitable in the long-term and that the dairy operations at North Hollacombe will remain so in the future. During the site visit, I also saw evidence of recent investment in the business including the new milking parlour and cow cubicles. Overall, I therefore consider that the terms of criterion (d) of Policy DM10 have been met.
16. I therefore find that the proposal is in accordance with Policy DM10 and the Framework, and that an essential need for an additional rural workers dwelling in this location has been established. In this respect, I agree with both parties. I now turn to the matter of whether a planning obligation is appropriate in order to tie the proposed dwelling to the land holding, which is the main point of contention in this case.

Whether a planning obligation is required

17. The supporting text of Policy DM10 states, in paragraph 2.6, that "*In appropriate circumstances, the Council will also seek Section 106 agreements... to tie the rural workers dwelling to the operation and associated land which has the essential need to prevent the splitting of the dwelling from the operation*". Although what is meant by "appropriate circumstances" is not defined within the Local Plan, any planning obligation would have to meet the tests which are set out in Paragraph 204 of the Framework. This is that it is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind.
18. The appellant's Appeal Statement largely focuses on the effect that the proposed obligation would have upon the operation of the business. It is stated that it would be difficult to buy and sell land to respond to any business opportunities that may arise. One scenario envisaged is that it might, in future, be necessary to sell land to a statutory undertaker in order to enable road or sewage improvements. However, there are no immediate plans to sell land for such purposes and the Council indicate that an application to vary the proposed planning obligation for these reasons would be treated sympathetically. I agree that it may be difficult to vary an obligation in time if land was bought or sold at auction. However, there was a discussion at the Hearing which suggested that it may be possible to overcome this issue if the proposed obligation were more flexibly worded. Although the appellant argues that the proposed obligation would have implications for VAT exemption and the ability of the business to borrow money, these matters would need to be weighed against whether the obligation would be necessary to make the dwelling acceptable in planning terms.
19. The Council draw particular attention to the number of permanent dwellings that were permitted on the original land holding before the business was split between the two brothers. In addition to North Hollacombe farmhouse, these amount to Hollands and Great Down, which were permitted in the 1970s, and three barn conversions which were permitted in 2005 and later sold off. Hence, the appeal proposal would constitute the sixth dwelling built on the original land holding from the 1970s onwards. The Council argue that this shows a clear pattern of sub-division within the holding, contrary to policies which seek to control development in the open countryside.
20. During the Hearing, the appellant indicated that Holland and Great Down served the needs of the farm when originally built, and that the more recent barn conversions were of limited use to the business due to their separation from the farmyard. Whilst I recognise the Council's concerns, it does not necessarily follow that the historical pattern of development within the original land holding will continue. The dwellings that were granted permission in the past would have been approved on the basis of the evidence and planning policies which existed at that time. Of greater relevance to the appeal are the current circumstances facing the business and what is realistically likely to happen to the land holding in the foreseeable future.
21. It is clear that there has been substantial investment in dairy operations at North Hollacombe which are geared at increasing the capacity of the farm commensurate with the current land holding. Were the land holding to be significantly reduced in the future, the infrastructure at North Hollacombe would not be fully utilised. The appellant argued at the Hearing that further

splitting of the farm is unlikely to be viable due to the expenditure that would be needed to establish a separate farmyard. Overall, there is little evidence to suggest that current circumstances are such that the farm will be split in the foreseeable future, despite the history of the site.

22. It is also argued by the Council that the proposed dwelling would be easy to dispose of as it would be physically separated from the farmyard. Although this may be the case, I mindful that *Circular 11/95: Use of conditions in planning permission* advises that it should not be necessary to tie occupation of rural worker's dwellings to workers engaged in one specific farm, even though the needs of that business justified the provision of the dwelling. This is because an occupancy condition would ensure that the dwelling is kept available to meet the needs of other rural businesses in the locality in the event that it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside. Any subsequent applications for dwellings on the farm would need to be assessed on their own merits and the impact of cumulative development could be taken into account.
23. Given the circumstances of the case and the evidence put before me, I do not consider that it has been proven that a planning obligation would be necessary in order to make the development acceptable in planning terms. Therefore, a planning obligation based on the draft that was circulated at the Hearing would not meet the tests set out in Paragraph 204 of the Framework.
24. In reaching this conclusion, I have taken account of the Appeal Decision¹ that was referred to by the Council during the Hearing. In that case, the Inspector considered that it would be appropriate to impose a planning obligation to tie a rural worker's dwelling to the land holding because the proposed dwelling was larger than necessary to meet the needs of the farm. However, the appeal proposal is not directly comparable because it was made in outline with all matters reserved. As such, the size and form of the proposed dwelling is not a matter for consideration at this stage.

Conclusion

25. I therefore conclude there is an essential need for the proposed rural workers dwelling and that permission should be granted in the absence of a planning obligation which would prevent disposal of the dwelling separately from the land holding of the farm. The proposal would comply with policy DM10 of the Local Plan and Paragraph 55 of the National Planning Policy Framework which allow rural worker's dwellings as an exception to policies which otherwise control development in the open countryside. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Conditions

26. I have referred to the conditions suggested by the Council and considered these in light of *Circular 11/95: The use of conditions in planning permission* and the discussion which took place at the Hearing. I have not imposed a condition requiring samples of materials because the application was made in outline. The Council have suggested that reserved matters are received within two years and that development should commence no later than one year following approval of these. However, the usual time limit for submission of

¹ Appeal Ref: APP/C1435/A/13/2192117

reserved matters is three years with two years for subsequent commencement. Although the dwelling is needed to serve the immediate needs of the business, this is insufficient reason to deviate from the usual time limits which I have imposed. There is also a condition to limit occupation of the approved dwelling to those associated with agriculture or forestry because to ensure that it serves a local need as an exception to policies which otherwise seek to control development in the open countryside.

Colin Cresswell

INSPECTOR

SCHEDULE OF 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 two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) 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.

APPEARANCES

FOR THE APPELLANT:

David Searle

D R Searle & Partners

Simon Searle

D R Searle & Partners

Phoebe Millar BSc (Hons) MRICS FAAV

Robert H Hicks & Co

Robert Hicks FRICS FAAV

Robert H Hicks & Co

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Rance DipTP RICS

Mid Devon District Council

DOCUMENTS

SUBMITTED AT THE HEARING:

1. Draft section 106 agreement relating to land at North Hollacombe Farm.
2. Costs application, Mr David Searle.
3. Defence of costs application, Mid Devon District Council.



Appeal Decision

Hearing Held on 10 April 2018.

Site visit made on 10 April 2018.

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 05 June 2018

Appeal Ref: APP/T2350/C/17/3180028

Demesne Farm, Newsholme, Gisburn BB7 4JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is by William Oldfield against an enforcement notice issued by Ribble Valley Borough Council.
 - The enforcement notice was issued on 9 June 2017.
 - The breach of planning control alleged in the notice is the material change of use of the land from a use for agriculture to a mixed use of the land, comprising land used for agriculture and for the stationing of a static caravan on the land for residential use.
 - The requirements of the notice are to:
 1. Cease use of the land for residential purposes.
 2. Remove the static caravans from the land.
 3. Disconnect and make safe all services to the static caravans
 4. Remove the hardstanding beneath and adjacent to the static caravan hatched in green, and all other domestic paraphernalia, and reinstate it to its use as agricultural land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period, and the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fail to be considered.
-

Decision

1. I direct that the enforcement notice be corrected by:

DELETION of the words '*a static caravan*' from paragraph 3 of the notice - 'The Breach of Planning Control Alleged'; and,

SUBSTITUTION of the words '*two static caravans*'.

DELETION of the words '*the Forest of Bowland Area of Outstanding Natural Beauty*' from the third bullet point of paragraph 4 of the enforcement notice 'Reasons for Issuing the Notice'; and,

SUBSTITUTION of the words '*the open countryside*'.

DELETION of the words '*aims and enhancement of the Area of Outstanding Natural Beauty*' from the fifth bullet point of paragraph 4 of the enforcement notice 'Reasons for Issuing the Notice'; and,

SUBSTITUTION of the words '*aims for protection of the open countryside*'.

2. Subject to these corrections, the appeal is allowed with respect to the static caravan hatched in blue on the plan attached to the notice, and the enforcement notice is quashed in that regard.
3. Also subject to these corrections the appeal is allowed with respect to the static caravan hatched in green on the plan attached to the notice, and the enforcement notice is quashed in that regard. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use of the land from a use for agriculture to a mixed use of the land, comprising land used for agriculture and for the stationing of the static caravan for residential use - hatched in green on the plan attached to the notice - on the land shown edged red on that plan, subject to the following conditions:
 - i) The use hereby permitted shall be for a limited period, being the period of 3 years from the date of this decision. The static caravan hatched green on the plan attached to the notice shall then be removed, the use hereby permitted shall be discontinued, and the land restored to its former condition in accordance with a scheme of works, and a programme setting out a completion date for the works, that shall first have been submitted to and approved in writing by the Local Planning Authority.
 - ii) The occupation of the static caravan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Application for costs

4. At the hearing the Council made an application for a partial award of costs against the appellant. This application is the subject of a separate Decision.

The enforcement notice

5. The appellant drew my attention to an inconsistency in the notice, in that the allegation refers to *'the stationing of a static caravan on the land'*, whereas the second bullet point of paragraph 4 of the notice – 'Reasons for Issuing the Notice' – refers to *'two static caravans'*, the third bullet point refers to *'The static caravans'* (plural), as does Step 2 of the Requirements.
6. It was explained that the Council did not become aware of the second caravan on the site until April 2017, when the appellant's response to a Planning Contravention Notice was made. This response made clear that there were two static caravans on the appeal site.
7. The Council accept that this accurately reflects the situation, and that the notice can be corrected by amending the allegation. I intend to make that correction, and do not consider any party would be significantly prejudiced by this action.
8. The appellant also pointed out that the fifth bullet point of paragraph 4 of the notice indicates that the appeal site is within the (Bowness Forest) Area of Outstanding Natural Beauty (AONB). The Council accept this is not the case, but note that the notice should refer to the site being within the open countryside. I consider I can correct the notice by omitting the reference to

the AONB, and substituting a reference to the open countryside, without causing significant prejudice to any party, and I intend to make this correction.

Background matters

9. The appeal site is a substantial area of land of about 20 hectares lying on the north-western side of the A682 Settle Road. The remainder of the land belonging to Demesne Farm – of about 52 hectares – lies immediately opposite, on the south-eastern side of the road.
10. The caravan hatched in green on the enforcement notice plan is to the west of the northern end of the farm buildings. It has been occupied by the appellant's brother, Michael Oldfield since January 2017. The other static caravan stands to the east of the northern end of the farm buildings, and is hatched blue on the plan attached to the notice. It is currently vacant, but was previously occupied by Michael Oldfield from March 2012 until January 2017. For the purposes of this decision I have referred to the caravans as 'the green caravan' and 'the blue caravan'.
11. As noted above, Michael Oldfield lives in the 'green' caravan, which is also occupied by his partner and young son. William Oldfield lives in Whinhill House, about 120 metres to the south-west of the farm entrance next to The Barn.
12. Michael and William Oldfield use the Demesne Farm land under licence from their father John Oldfield. Their total land holding, which extends over both Demesne Farm and land at Painley Farm – some 1.5 kilometres to the south – is about 150 hectares. Demesne Farm comprises about 72 hectares, and Painley Farm, which has been recently purchased, is about 78 hectares. The farm buildings are all on Demesne Farm, and comprise those on the north-western side of the Settle Road, together with modern farm buildings and structures on the opposite side of the road.
13. There is a range of white rendered farm buildings on the north-western road frontage, with wings extending back to form a courtyard. Behind this are two substantial and more modern agricultural buildings and a smaller storage building. The green caravan is close to this storage building. There are two site accesses on this side – one between the white rendered building range and The Barn to its south-west – a stone built traditional barn, owned by the late John Layland. The other access is via a gate directly to the front of an archway leading to the courtyard. At the time of my visit the buildings on this side of the road were mainly in use for keeping sheep and lambs, as well as a shed for about 20 young cows. I understand there are about 400 breeding ewes in total, producing some 640 lambs annually.
14. The buildings on the south-eastern side of the road mainly comprise 3 substantial dairy cattle sheds and smaller lean-to cattle shed, a feed store, a shed for calving and 'dry' cows, a covered silage clamp, a general storage building, and an open silage clamp enclosed by an earth bund. At the time of my visit there were about 300 cows in the dairy sheds, and 10 in the 'dry' cow and calving shed. The entire herd is about 330 cattle.

The ground (c) appeal

15. This ground is that there has not been a breach of planning control. It is argued with respect to the blue caravan. This caravan is on agricultural land,

which is therefore used in part as a caravan site. The Council accept that the caravan is now used for accommodating a seasonal agricultural worker.

16. Class A of Part 5 to Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) permits the use of land as a caravan site in certain circumstances. The circumstances are those specified in paragraphs 2 to 10 of the First Schedule to the Caravan Sites and Control of Development Act 1960 as amended – that is, cases where a caravan site licence is not required. Paragraph 7 sets out that:

'a site licence is not required for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation'.

17. The Council accept that the blue caravan is used in this way. It follows that its siting should, on the balance of probabilities be regarded as permitted development under Class A of Part 5 to Schedule 2 to the GPDO. There has not therefore been a breach of planning control, and the appeal on ground (c) succeeds with respect to this element of the development. There is therefore no need for me to go on to consider the appeals on grounds (a), (f) and (g) in relation to the blue caravan.

The ground (a) appeal and deemed planning application

18. This ground is that planning permission should be granted for the alleged breach.
19. Development plan policy from the Ribble Valley Borough Council Core Strategy 2008-2028 adopted in 2014. Policy DMG2 sets out strategic considerations for location of development. In the case of development outside defined settlement areas, one of the considerations is whether it is needed for the purposes of forestry or agriculture. Furthermore, within the open countryside development should be in keeping with the character of the landscape, and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.
20. Core Strategy Policy DMH3 includes aims to control dwellings in the open countryside, where residential development will be limited to, amongst other things, residential development which is essential for the purposes of agriculture. Furthermore, a functional and financial test should be applied in assessing any proposal for an essential agricultural workers dwelling.
21. From all that I have heard and read, and from my inspection of the appeal site and surroundings, I consider the main issues to be:
- The effect of the development on the character and appearance of the appeal site and its countryside surroundings; and,
 - Whether the development would be justified by an essential agricultural need for a rural worker to live permanently at or near his place of work in the countryside.
22. The green caravan stands to the rear of the storage shed adjacent to the building in use for lambing at the time of my visit. It is a static structure, with rendered walls and low pitched roof. It has 2/3 bedrooms, living area, kitchen and shower room. It has water and electricity supply, and is attached to a previously existing septic tank.

23. The caravan cannot be seen from the road. Although it stands on the plateau at the top of the steep south-eastern side of the Ribble Valley, it is well-contained by farm buildings in close proximity on its north-eastern and south-eastern sides. As a result it is quite inconspicuous when seen in views further down the valley from Neps Lane, and from Paythorne on the other side of the Ribble. Furthermore, it is of relatively small scale as compared with the adjacent farm buildings in such close proximity. It has little impact in comparison with these very much larger buildings, and in this context has little effect upon the character of the landscape.
24. Although it can be seen from the garden of Demesne House – immediately next to The Barn – views are somewhat oblique, and the caravan is at a distance such that it does not overly dominate the outlook from the house. Furthermore, it is reasonably well screened by trees in the Demesne House garden and a high fence on the north-eastern boundary.
25. Overall, I consider the green caravan has limited impact, and causes no significant harm to the character and appearance of the appeal site and its countryside surroundings. The development accords with development plan policy, in particular with the aims of Core Strategy Policy DMG2 insofar as they relate to the landscape character.
26. Turning to the second main issue, the Oldfield brothers have invested heavily in their enterprise in recent years – principally construction of the substantial new dairy cattle building and the slurry store, and installation of three new robotic milking machines, of which there are now five. The total recent investment is in the region of £1.5 million.
27. The total labour requirement for the holding, calculated using two widely accepted methods, is in the region of 1800 to 2000 man days per year – equivalent to the employment of 6 to 7 full time workers. The Council did not dispute that this was a reasonable estimate. Nevertheless, the appellant accepts that on family run farms such as this, the family members often work extremely long hours, so that fewer full time workers are likely to be needed than the estimates suggest.
28. It is accepted that the appellant himself lives within sight and sound of the main farm buildings, can be aware when out-of-hours emergencies arise, and can be available to respond to them. It is argued that given the size of the enterprise, and the relative frequency of situations requiring attention at unpredictable times, the work is excessive for a single individual and another permanent on-site presence is needed.
29. I understand the critical periods and situations where emergency attention to animals may be needed are the lambing season, which extends through April and May each year; calving, and cattle emergencies. Accommodation for a seasonal worker is already available in the 'blue' caravan, which effectively covers the need for additional help during the lambing season.
30. Calving occurs throughout the year, there are about 300 born each year, and the timing of births is unpredictable. Supervision is required over an extended period, and on frequent occasions.
31. Milking clearly proceeds throughout the year. A principal emergency that arises results from problems with the robotic milking machines, particularly if a

cow becomes trapped in the milking pen, which sets off an alarm. This can occur at more or less any time, since milking is carried out around the clock.

32. It appears to me that, given the number of stock, the out of hours attendance needed is such that a single individual would be unable to cope with the demands, and that another experienced person is required to share the workload.
33. The Council argued that William Oldfield lives on site, and that if his brother lived for instance in Gisburn - which is about 3 kilometres from the farm - he could be called upon to attend to out-of-hours emergencies. However, in many situations - such as calving problems that would require William to assess the situation, and then alert his brother. While the journey from Gisburn may be only a matter of 10 minutes the object of the exercise would have been defeated, since both brothers would effectively be on duty. It was also suggested that a rota could be devised whereby one or other brother would be on duty on any given day. However, this would entail Michael being on site and away from home, without proper accommodation on the farm during his allocated shifts.
34. Regarding the possibility of other nearby suitable dwellings being available, I heard that at the time of the Council's response to the appellants' hearing statement there were 4 houses available in Gisburn at what I consider could be reasonable prices. However, for the reasons above I do not consider that to be a location that would satisfy the requirement to attend to many of the emergency situations. Although it was claimed there were properties within about 400 metres of Demesne Farm available for as little as £24,000, no detail of these was put forward. Some examples in nearby Paythorne put forward by the Council were, on inspection of the details, houses restricted to holiday use.
35. As to the suggestion that use could be made of the blue caravan for the second worker, this would be available only when unoccupied by the additional seasonal worker, and could not therefore provide the degree of cover needed. In terms of functionality, I consider the need for a second permanent on-site presence has been demonstrated.
36. While this enterprise has been in existence for about 10 years, no accounts have been put forward to show profitability in recent years, and it could be expected that these should be provided to show the soundness of the business. There has been very significant recent investment, but little information has been provided about the nature of any loans or security, and how these are reflected in the business accounts. Profitability may have changed radically since the investment was made.
37. It was submitted that the business was well established, and that its size, and recent expansion were adequate demonstration of its continued viability. Nevertheless, the possibility of failure must be taken into account. It was argued that if the business were to fail, this would hardly be a result of investment in the caravan, since that had been provided at relatively small cost, and its loss would not be critical. However, the principal consideration in planning terms is whether the need for a dwelling in a countryside location such as this might no longer exist as a result of business failure.
38. I consider this situation could be accommodated by granting a temporary permission for 3 years, with the use of the caravan tied to the agricultural use

of the land. During that period the financial basis of the operation could be properly demonstrated through submission of annual accounts, and it would be open for the appellant to make an application for permanent planning permission for siting a residential caravan, or as is the stated intention, for a permanent dwelling.

39. I conclude on the second main issue that the appellant has adequately shown that there is an essential agricultural need for a rural worker to live permanently at or near his place of work in the countryside. In those terms the development would accord with the development plan, particularly with respect to Core Strategy Policy DMH3 insofar as it requires application of a functional test. However, inadequate information has been put in to show there is a sound financial basis for permitting a permanent dwelling, and I do not consider the proposal accords with the development plan insofar as Policy DMH3 requires application of a financial test.
40. However, given the functional need for a second permanent agricultural worker on or close to the appeal site, I consider grant of a temporary planning permission would be appropriate in order to give the opportunity to apply the financial test. The appeal on ground (a) therefore succeeds with respect to the caravan hatched green on the plan attached to the notice. I intend to quash the enforcement notice and to grant a temporary planning permission for this part of the development subject to conditions. Given this success on ground (a) there is no need for me to give consideration to the grounds (f) and (g) appeals.

Conclusions

41. For the reasons given above I conclude that the appeal on ground (c) in respect of the static caravan hatched blue on the plan attached to the notice should succeed, and I intend to quash the notice in that regard. I also conclude that the appeal on ground (a) in respect of the static caravan hatched green on the plan attached to the notice should succeed, and I intend to quash the notice in that regard and to grant temporary planning permission subject to conditions.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gary Hoerty BSc MRICS FAAV	Chartered Surveyor, Principal of, Gary Hoerty Associates, Chartered Surveyors.
Michael Oldfield Farrah Burns	Appellant The appellant's partner.

FOR THE LOCAL PLANNING AUTHORITY:

John Macholc BSc(Hons) DipTP DMS	Head of Planning Ribble Valley Borough Council.
Kenny Dhillon BSc(Hons) PGCertTP MRTPI	Principal Town Planner RSK ADAS Ltd.

INTERESTED PERSONS:

Mr Timothy & Mrs Sally Brash John Bower	Nearby residents. Executor to the Estate of the late John Robert Muir Layland, owner of The Barn, Newsholme.
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DOCUMENTS

- 1 Attendance list.**
- 2 The Council's letter of notification of the appeal, dated 9 March 2018, with the circulation list.**
- 3 Letters of representation.**

PLANS

- A Map showing location of the appeal and other sites.**

APPENDIX 5

HSE Guidance: Handling and Housing Cattle

Handling and housing cattle

HSE information sheet

Agriculture Information Sheet No 35 (Revision 1)

Introduction

This information sheet provides general advice for farmers on safe handling of adult cattle, including stock bulls, bull beef, suckler and dairy cattle, and on housing stock bulls and bull beef safely. It also gives advice on preparing cattle for slaughter. It does not include the precautions necessary to protect the public when keeping cattle in fields with public access, which the Agriculture Information Sheet AIS17 *Keeping cattle in fields with public access* covers.

Every year there are deaths and injuries to farmers and other workers while handling cattle. These are often caused by using poor equipment, ineffective methods of moving cattle and an underestimation of the strength, speed or behaviour of cattle.

The risks

Handling cattle always involves a risk of injury from crushing, kicking, butting or goring. The risk is increased if the work involves animals that have not been handled frequently, such as those from hills or moorland, sucklers or newly calved cattle. Certain jobs, such as veterinary work, may increase the risk further. However, proper handling systems, trained and competent staff, and a rigorous culling policy can help make sure cattle handling can be carried out in relative safety. You should never underestimate the risk from cattle, even with good precautions in place.

Familiarity with individual cattle can lead to complacency, especially when handling bulls. A number of accidents, some fatal, happen every year because stockpeople fail to treat bulls with respect. A playful bull can kill you just as easily as an angry one.

General principles of cattle handling

You need to consider the following:

- the person – including their mental and physical abilities, training and experience;

- the equipment available – including races, crushes, loading facilities and bull-handling equipment; and
- the animal – including its health and familiarity with being handled.

The person

Everyone handling cattle should be:

- able to use the handling and other safety equipment provided;
- aware of the dangers when handling cattle and be supervised until they are competent;
- able to work calmly with the cattle, with a minimum of shouting, impatience or unnecessary force; and
- in good health and properly trained in safe work methods. Training in livestock handling is available from training groups, colleges and individual training providers.

Some work with cattle will need two people. Always assess the need for help before beginning the task.

There is no legal upper or lower age limit for cattle handling, as individuals' capabilities vary widely, but children under 13 should not normally be allowed to enter cattle housing or handle cattle. Many incidents involving cattle happen to people beyond normal retirement age, when they are less agile. Consider the risks carefully before anyone over 65 works with cattle, and if so, what they can safely do.

The equipment

Every farm that handles cattle should have proper handling facilities. These should be well-maintained and in good working order. A race and a crush suitable for the animals to be handled are essential. Makeshift gates and hurdles are not sufficient, and will result in less efficient handling as well as risking injury. Never attempt to treat or work on any animal that is held by gates alone, or that is otherwise free to move at will. If you have to attend to 'downer' cattle, or animals in loose boxes or isolation pens, and it is not possible to secure them, make sure you have an adequate escape route and will not be crushed if the animal rolls or stands suddenly. Special equipment is needed for handling stock bulls out of the pen.

The race

Check that:

- animals can readily enter the race, which should have a funnel end, and there is enough room in the collecting pen for them to feed into the funnel easily. A circular collecting pen allows staff to stand safely behind a forcing gate as they move animals into the race, and keeps the animals moving;
- animals can see clearly to the crush and beyond, so they will readily move along the race, which may be curved, but should not include tight turns. Animals will be more prepared to move towards a light area than into the dark;
- the sides of the race are high enough to prevent animals from jumping over them, and they are properly secured to the ground and to each other – sheeting the sides of the race helps to keep cattle moving by reducing visual disturbances such as shadows and shields them from other animals; and
- you can contain the lead animal in the race while it waits its turn in the crush. Hinged or sliding doors are suitable, but be sure they are operated from the working side of the race so the operator does not have to reach across it to close the gate. No one should work on an animal in the crush with an unsecured animal waiting in the race behind.

The crush

A crush which will allow most straightforward tasks to be carried out in safety (including oral treatments and work from the rear end, **but not** belly or foot trimming) will:

- have a locking front gate and yoke (ideally self-locking) to allow the animal's head to be firmly held. Additional head bars will prevent the animal tossing its head up and injuring people;
- have a rump rail, chain or bar to minimise forward and backward movement of the animal. Make sure this is always used;
- be secured to the ground or, if mobile, to a vehicle;
- be positioned to allow you to work safely around it, without the risk of contact with other animals, and have good natural or artificial lighting;
- allow gates etc to open smoothly with the minimum of effort and noise. Regular maintenance will help; and
- have a slip-resistant floor, made of sound hardwood bolted into place (nails are not suitable), metal chequer-plate, or with a rubber mat over the base.

Consider the need for shedder gates after the crush to allow animals to be sorted into groups. Work around the crush will be more convenient if it is under cover with a workbench nearby (for documentation, veterinary medicines, instruments etc).

Belly clipping

While some abattoirs offer a post-slaughter clipping service, cattle are usually required to be presented to an abattoir in a clean condition. Research has shown that the dirtier the hide, the greater the potential for carcass contamination with bacteria such as *E coli* O157. To achieve the standards needed, farmers may need to:

- change their cattle production practices to keep cattle clean and reduce the need for clipping;
- improve housing and transport arrangements;
- clip the lower parts of the animals before sending them to the abattoir.

The Food Standards Agency has produced advice on husbandry systems farmers can adopt to keep animals clean, *Clean beef cattle for slaughter: A guide for producers* (see 'Further reading').

The husbandry aspects discussed include; finishing cattle at grass, diet, housing, the general health of cattle and the use of a marketing yard. Putting these systems in place will reduce the need to clean cattle before they leave the farm.

Even with good husbandry practices it may be necessary from time-to-time to clip parts of your cattle before presenting them for slaughter. If you do, you will need to take precautions to help control the risk of injury.

The main hazards are from crushing when you move the animal from the pen to the crush and kicking when you access the underside of the animal to clip it. Clipping should only be carried out using properly designed handling equipment and safe working techniques. It is therefore essential that you assess the suitability of your cattle handling facilities and whether you need to modify their design, and to working methods or tools.

Remember that:

- some cattle will be semi-wild and not used to being handled;
- you cannot safely clip the belly of an animal in a crush with enclosed and fixed bottom sides, or which has permanently fixed vertical or horizontal bars close to the belly area of the animal;
- the flanks and legs can be clipped in relative safety standing up and behind the animal, but belly clipping will always involve work forward of, and close to, the rear legs.

In addition to the general guidance on the use of crushes, check that:

- you can fully open the bottom half of the sides of the crush;
- there are no permanent vertical bars when the doors are open which could allow the operator's hand to be trapped if the animal kicks;
- both sides of the crush open and that you have enough room along each side of the crush to work safely. If not, you will have to reach underneath the animal – this is **not** safe practice;
- you can avoid stretching too far from one position during clipping, as this will result in your head moving down and in towards the animal;
- you can work facing the front of the animal, as this will prevent you leaning into the direction of any kick;
- the animal will be adequately restrained from kicking – consider whether you should use an anti-kicking device.

Anti-kicking devices

There are a number of devices on the market designed to minimise an animal's freedom to kick. These include horizontal anti-kicking bars, which can typically be swung and locked into position and anti-kicking aprons, which are tensioned in front of the back legs. The experience of farmers who have used these devices suggests they can work well. However, whatever devices are used, the animal should always be fully restrained at the head and rear.

Artificial insemination (AI) stalls

To prevent injuries to inseminators, use a crush, or some other means of keeping the animal tightly restrained in an area small enough to prevent movement during insemination. Loose stalls in which the animal can move freely are not suitable. Ideally, position the AI facility by the parlour so that animals can move straight into it after milking. If necessary, check that adequate staff are available to help the inseminator move the cattle into the crush safely.

Other equipment

Sticks and prods should never be used to strike an animal – this may breach animal welfare legislation as well as agitating it. Before beginning work on any animal, check it will be adequately restrained from kicking – consider whether you should use an anti-kicking device. For specialist tasks such as foot trimming, use a purpose-designed crush, eg with foot restraints, belly winches and adequate space, especially at the rear end. Check that there are a minimum of trapping points so that if the animal kicks out, parts of your body will not be trapped against the crush.

Halters and ropes may be useful but will normally require specially instructed users. Always use suitable ropes – do not improvise with bale string or similar.

The animal

Many cattle being handled will be familiar with the process – dairy cattle, for instance, will normally be handled daily. Make sure that heifers new to the milking herd, which may be less familiar with the noises, activity and people involved, are allowed to become accustomed to them before they are first milked. Suckler cattle, or fattening cattle kept on hills or moors, may be handled very infrequently and so the risks may be greater. Newly calved cows are very protective of their calves and should be treated with caution.

Bull-beef animals may not have developed all the aggressive traits accompanying maturity, but they can never be regarded as safe. Ensure safe management practices are in place from the start so that you are not put at risk when the low-risk calf becomes a potentially dangerous semi-adult.

If you have an animal that is habitually aggressive or difficult to handle, consider whether you should cull it from the herd. If this is not an option, you should ensure your equipment and systems of work are capable of dealing with it, and that staff, and other people such as vets, are aware of the potential difficulties. Dehorning cattle can temporarily quieten them, but may have welfare implications. Consult a vet before doing this.

Working with cattle in the field

Some tasks may have to be carried out in the field without adequate handling facilities. If you have to separate an animal from the herd, or carry out any work on an animal in the field, make sure you can do so safely. Ear-tagging may pose particular problems as it may arouse the dam's protective instincts, resulting in risks to the stockperson.

Always make sure that:

- there are at least two people present if you have to separate an animal from the herd in the field, or during ear tagging with the dam unsecured;
- you have a vehicle close to where the task is to be carried out;
- the second person acts to dissuade other animals or the dam from approaching too close to the task, and warns when it is necessary to take avoiding action, eg entering the cab of the vehicle.

If you use portable or fixed field tethers for bulls in fields, make sure that:

- the tether allows free movement with a minimal risk of entangling the bull;
- the connection with the tether passes through the nose-ring regardless of whether or not a head collar or chain is used;

- you never make any connection direct to the nose-ring;
- the tether is secured to the ground;
- the bull's temperament is such that you can approach in safety to attach the handling ropes and poles before leading him back to the pen.

Stock bulls

Stock bulls, which are often kept separately from other cattle, may be frustrated by the lack of contact and so be more aggressive. Bulls are more likely to be amenable to handling if, from an early age, they learn to associate the presence of people with pleasant things, such as feeding, grooming and exercise. If you buy, hire or borrow an adult bull, find out how he was handled and the kind of equipment used, and take time to get to know him – remembering to be especially cautious at this stage. Consider whether you should have your bulls ringed at about ten months old – this provides a convenient way of handling them, especially if they are polled. Check nose-rings regularly for wear or damage.

Dairy bulls

All stock bulls of a dairy breed should be kept in a purpose-made bull pen. It is not acceptable to allow these bulls to run through the parlour at milking time, to tether them by neck chains in cow stalls or cubicles, or allow them to run free in yards in which stockpeople may work. The bullpen should:

- be sited where the bull can see other cattle and farm activity, and be large enough and strong enough to contain the animal. A 215-mm-thick wall of reinforced concrete blocks, topped with railings or bars so that he can see what is going on, is suitable. Railings or bars should have a minimum outside diameter of 48 mm;
- have outer walls, fences and gates at least 1.5 m high and be designed to prevent children passing through or over into the bull pen. The bars in gates and partitions should be vertical with spaces between them of no more than 100 mm;
- allow all external doors and gates to be kept locked or otherwise secured to prevent unauthorised access. Catches should be stockproof;
- allow the bull to be fed and watered from outside the pen, eg through a feeding hatch. The feeding area should incorporate a yoke (or a chain and spring hook if the bull is ringed) so that he may be secured without the need to enter the pen;
- include an exercise yard to which entry is controlled by a gate operated from the outside. This will allow bedding up or cleaning the inside or outside area while the bull is contained in the other area;
- have a refuge or emergency escape route which is free of obstruction and impassable to children and

dogs from the outside, eg by fencing a small area on the outside so that a person can escape but nothing else can enter;

- have free-draining and slip-resistant floors, and adequate natural and artificial lighting (you may need to work around the bull at night);
- incorporate a service pen, accessible by the cow from the outside. Provide a yoke or something similar to allow the cow's head to be secured, and also provide good footing for the bull, such as a grooved floor surface. Consider providing service ramps for the bull's front legs. Collecting semen for AI etc should be done outside the service pen, controlling the bull using a bull pole or with a handler on each side using ropes;
- have safety signs warning of the presence of a bull at the entrance to any building where the bull is kept. Use a triangular sign with a bull's head in black on a yellow background with a black border.

Never enter the enclosure when the bull is loose.

Controlling the bull out of the pen

When a stock bull has to leave the pen, you must use suitable equipment to secure and lead him. Consider breed, past handling and temperament to decide which of the following methods to use:

- two people, one using a bullpole attached to the bull's nose-ring and the other using a rope or chain attached to the halter or head chain via the nose-ring;
- two people both using ropes or chains, one rope or chain attached to a halter, the other either attached directly to the nose-ring or via the nose-ring to the halter;
- one person using a bullpole attached to the bull's nose-ring and a rope or chain attached to a halter, or head chain, via the nose-ring. Make sure there is a competent person standing by to help control the bull if necessary.

If the bull has not been ringed, ensure you have another equally effective means of handling, eg a halter and a rope around the base of the bull's horns.

Bull handlers should:

- hold the bullpole, rope or chain firmly without exerting unnecessary pressure;
- keep the bull under observation;
- walk at a steady, slow pace slightly ahead of the bull; and
- keep the bull's head up at all times.

Beef-type stock bulls

If you keep a beef-type stock bull in a bullpen it should meet the standard described for dairy bulls. If you run such a bull, or a dual-purpose bull, with the milking

herd he should, wherever possible, be safely excluded from the cows at milking time and not allowed to pass through the parlour. But, if you do not have adequate handling facilities or enough staff at all milking times to allow this, the bull may be allowed into the parlour, as long as it is large enough, he can be kept quiet during the milking period (eg by feeding) and shows no sign of distress. Alternatively, let the bull into the parlour as you let milked cattle out, so that he can pass straight through. Make sure that you have a safe system of work for this activity and that it is known to everyone likely to be involved.

If the bull runs loose in the cattle housing, make sure other people, such as visitors or casual workers, know he is loose and the precautions they should take.

Bull beef

Although bull-beef animals are often sent to slaughter before full sexual maturity, they can still present a risk to those working with them. Make sure you:

- keep animals in groups of no more than 15–20; and can carry out all feeding, bedding and other routine husbandry tasks without entering the pen. You should be able to open and close internal pen division gates from outside the pen. By making sure you have an empty pen in any arrangement of adjacent pens, you will always be able to move animals out of any pen you need to enter;
- check that pen divisions and gates are strong enough, securely fastened in place and can be kept at a height of around 1.5 m above the floor or bedding. Suitable materials would include tubular steel rails with a minimum outside diameter of 48 mm;
- check that the lower 1 m of the pen divisions fronting on to passageways etc will deter access by children (eg by using mesh or sheet metal, but make sure that ear tags will not be pulled off if cattle rub their heads on the divisions);
- keep the outside doors of any building used for bull beef secured except when access is needed, and put up prominent signs warning of the presence of bulls;
- check that handling, weighing, veterinary treatment and shedding arrangements are safe – and designed for the often greater strength and volatility of a group of young bulls;
- arrange your race, crush and loading areas so that no one ever needs to be in them with the animals. A properly designed loading area will allow you to keep parts of the fixed handling system or the lorry tailboard gates between you and the animals at all times. Keep yard or farm perimeter gates closed when loading bulls to contain an escaped animal within the yard or farm.

Never enter a pen containing, and never allow a lone person to handle, bull-beef animals.

Further reading

Clean beef cattle for slaughter: A guide for producers which is available to download at <http://www.food.gov.uk/multimedia/pdfs/publication/cleanbeefsaf1007.pdf>

BS 5502: Part 40: 2005 *Buildings and structures for agriculture: Code of practice for design and construction of cattle buildings* British Standards Institution

Further information

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