

CHERRY TREE FARM, CHIPPING ROAD, CHAIGLEY BB7 3LX.

**REPORT ON A PROPOSED PERMANENT AGRICULTURAL WORKER'S
DWELLING.**

APPLICATION NUMBER 3/2022/0269



CHERRY TREE FARM, CHIPPING ROAD, CHAIGLEY BB7 3LX.

**REPORT ON A PROPOSED PERMANENT AGRICULTURAL WORKER'S
DWELLING.**

1. Introduction

- 1.1. Ribble Valley Borough Council asked on the 4 August 2022 if I would report on the need for a proposed permanent agricultural worker's dwelling at Cherry Tree Farm, Chipping Road, Chaigley.
- 1.2. The National Planning Policy Framework [NPPF] last revised in July 2021, under the section "supporting a prosperous rural economy", states at paragraph 84 that planning policies and decisions should enable:
 - 1.3. a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings:
 - 1.4. b) the development and diversification of agricultural and other land-based rural businesses.
- 1.5. However, paragraph 80 of the revised NPPF will also apply to this application.ie "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- 1.6. a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;”
- 1.7. I understand that Ribble Valley Borough Council’s own policies will also apply to this application.
- 1.8. I will therefore base my report on the advice contained within the revised NPPF. I will consider the following aspects to establish if there is an essential need for a new permanent dwelling on these land holdings in relation to the existing enterprises i.e. 1) Existing functional need 2) Labour requirement 3) Financial viability and 4) The availability and suitability of existing dwellings to meet the existing functional need.
- 1.9. I met with [REDACTED] the applicant on the 15 August 2022 and inspected the farm steading at Lower Lees Farm and then went on to inspect the application site at Cherry Tree Farm. Also present was [REDACTED] [REDACTED] Agent. The following information was provided on behalf of the applicant:-

Part 1 – The Existing Situation

2. Land Occupied

- 2.1. The applicant occupies the following areas of land:-

- 110 ha [272 acres] of land at Lower Lees Farm. This land forms part of the Estate of the Duchy of Lancaster. It is a tenanted farm. [REDACTED] advised that he occupies the farm on a [REDACTED] Tenancy. He initially took the tenancy on a term of 15 years. A few years ago, in part consideration of the tenant providing additional buildings on the farm, a revised arrangement was negotiated to extend his tenancy to [REDACTED] retirement date in about [REDACTED] years time.
- 40 ha [100 acres] rented in the vicinity of Lower Lees Farm. The charge for occupying this land is based on a headage payment per livestock unit. [REDACTED] [REDACTED] has occupied this land for around 20 years on this basis.
- 20ha [50 acres] taken from a [REDACTED] at Kirkham near Preston. This land is used to make silage which is stored at Kirkham and then carted back to Lower Lees Farm as and when required over the winter months.
- 0.8 ha [2 acres] at the application site. This land was formerly part of Cherry Tree Farm which was split up and sold in lots around 2016. [REDACTED] purchased this land on the sale of Cherry Tree Farm.
- The total area currently farmed is therefore 170.8ha [424 acres]
- Support payments will be claimed on most of this land under the Basic Payment Scheme.

3. Livestock

3.1. The following livestock are currently kept on these land holdings:-

- 450 breeding ewes lambing each spring. The lambs from these ewes [about 800] are sold fat.
- 1200 store lambs are purchased each year and fattened on the holding. This will usually be over the autumn and winter months.
- Between 450 and 500 cattle are finished fat on the holding each year. As cattle are sold, younger animals are bought in to replace them. There will usually be about 300 head of cattle on the farm at any one time.

4. Cropping

- 4.1. This is an all grass farm with about 49ha [120 acres] of grassland cut up to three times each year for silage for winter feed for the livestock.
- 4.2. The remainder of the farm is in grass for grazing the livestock.

5. Farm Buildings

- 5.1. At the Lower Lees Farm steading there are the following buildings:-
- 5.2. A small range of traditional stone built farm buildings situated adjacent to the farm house. These buildings are now used for housing cattle and for general storage.
- 5.3. An extensive range of modern portal steel framed farm buildings providing housing for the cattle over the winter months together with storage for bedding straw and farm machinery. There is a covered silage pit and a grain store for milling and mixing concentrated cattle feed.

5.4. There are no farm buildings available to the applicant at the application site.

6. Existing dwellings on the holding

6.1. At the Lower Lees Farm steading there is a 4 bedroom farm house which has stone elevations under a slate roof. It has a date stone of 1678.

6.2. At the application site, the existing farm house for Cherry Tree Farm was sold to others by the then owners on the split up of Cherry Tree Farm in 2016.

6.3. Visible at the application site are block walls about 450mm wide and about 450mm above ground level, which appear to follow the layout of a planning consent for a farm worker's dwelling which I understand was originally granted in around 1979/80 [REDACTED] advised that he understands that a revised application, but with a similar footprint, was approved around 2004. Shortly after his purchase in [REDACTED] advised that he added a layer of blocks to the built walls to protect those walls from deterioration from the weather.

7. Labour and Residence

7.1. [REDACTED] works full time on his land holdings.

7.2. [REDACTED] also works full time on the land holdings.

7.3. [REDACTED] in the farm house at Lower Lees Farm.

7.4. A farm worker living off the holding is employed for 2 days per week.

7.5. Contractors are used sparingly for specialist tasks including hedge trimming.

8. Other Information

8.1. [REDACTED] operate a heavy goods vehicle to carry their livestock to and from local markets. They also haul livestock and hay/straw for neighbouring farmers as a diversified enterprise.

8.2. [REDACTED] advised that [REDACTED] is now of an age when [REDACTED] requires [REDACTED] own accommodation but needs to continue to live on the land holdings to care for the livestock. He advised that he had approached his land lord to establish if the Estate had any cottages that [REDACTED] could rent but the Estate are not able to make one available.

8.3. He stated that he had purchased the application site in [REDACTED] with the benefit of the existing planning consent, as a means of achieving an agricultural worker's dwelling within reasonable proximity of Lower Lees Farm. [REDACTED] is to occupy the proposed dwelling.

8.4. [REDACTED] is confident he will be able to obtain the agreement of the Duchy of Lancaster to [REDACTED] eventually taking over the tenancy and control of Lower Lees Farm.

Part 2 - Guidance in Relation to the NPPF and the test for essential need.

9. Instructions

9.1. I am to consider four aspects to establish if there is an essential need for a new permanent dwelling at the application site to enable a rural worker to live at or near his/her place of work in the countryside as per the guidance in paragraph 80 of the revised NPPF. These aspects are 1) to assess if there is a functional need for a worker/s to be resident on the holding, 2) to assess how many workers are needed to operate the holding and of those workers, how many need to be resident on the holding 3) to assess if the business is financially sound and has a clear prospect of remaining so and 4) to assess the suitability and availability of existing dwellings to house those workers that need to be resident on the holding. I have therefore considered these four aspects and set out below under each heading the requirements to be met and my assessments. I will also provide my comments on the location of the proposed dwelling.

10. ASPECT ONE – FUNCTIONAL NEED

i) There is a clearly established existing functional need.

10.1. A functional need on a farm is the need for a worker to be on hand to deal with instances that need to be dealt with reasonably quickly, particularly those instances that occur outside of normal working hours. An example of high functional need is breeding ewes giving birth. Consideration of this aspect is reinforced by the planning guidance issued by the Government on the 22 July 2019 under “Rural Housing. How can the need for isolated homes in the

countryside for essential rural workers be assessed?” [Paragraph: 010 Reference ID: 67-010-20190722]

- This guidance states that considerations that it may be relevant to take into account when applying 79a [now paragraph 80 of the July 2021 revision] of the NPPF could include:- “ Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- 10.2. The 450 breeding ewes will lamb each year. Lambing time is usually over a period of around 1 month. A number of these births will occur outside of normal working hours and may require a worker/s to be present so there will be an intensity of need for labour to be available throughout the lambing season.
- 10.3. All the animals on the farm will require regular health checks and some may need treatment, possibly outside of normal working hours.
- 10.4. The 300 store cattle kept on the holding will require regular feeding when they are housed over the winter months. Over the summer months they will graze the pastures.

- 10.5. The 1200 store lambs will need regular checks and supplementary feeding when necessary.
- 10.6. Most animal management tasks are undertaken during normal working hours although some may need to be undertaken out-side of normal working hours
- 10.7. The fattening of store cattle and store lambs require only a modest functional need.
- 10.8. Most of the functional need is located at the Lower Lees Farm steading, particularly during the times of year when the livestock are housed.
- 10.9. Therefore, I am satisfied that there is a clearly established existing functional need on these land holdings with the intensity of need being in relation to the periods when animals are giving birth and throughout the year for the younger stock.

11. ASPECT TWO – FULL TIME WORKER

ii) The need relates to a full time worker or one who is primarily employed in a rural enterprise and does not relate to a part time requirement.

- 11.1. I have calculated the labour requirement on the land holdings that are made up of Lower Lees Farm from information provided by The Scottish Agricultural Colleges and can confirm that, in my opinion and based upon the current enterprises, it has a calculated labour requirement of about 3 full time workers, with the majority of the labour requirement being applicable to the breeding ewe and fattening cattle enterprise.

11.2. This is currently met by [REDACTED] and [REDACTED] working full time on the holding together with regular part time help and the use of contractors for specialist tasks.

12. ASPECT 3 – FINANCIAL VIABILITY

iii) The unit and the activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.

12.1. This aspect is again reinforced by the planning guidance issued on the 22 July 2019 under “Rural Housing, How can the need for isolated homes in the countryside for essential rural workers be assessed”

- This states that considerations that it may be relevant to take into account when applying paragraph 79a [now paragraph 80 of the July 2021 revision] of the NPPF could include
- “The degree to which there is confidence that the enterprise will remain viable for the foreseeable future”

12.2. I understand that this existing farming family business has been established at Lower Lees Farm for about [REDACTED] years.

12.3. Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. For many years, to establish financial viability, I have required that a net farm income after all expenses such as feed, fertiliser and property maintenance, be at least equivalent to an average agricultural workers minimum wage. However, in October 2013 The Agricultural Wages Board was

disbanded and therefore minimum wages are no longer set for the industry. As an alternative source of evidence, figures are produced giving the current gross earnings of agricultural workers at approaching £24,000 per annum. [Source – Annual Survey of Hours and Earnings (ASHE) published online by the Office for National Statistics November 2020]

12.4. I am aware that the NPPF requires an essential need to be demonstrated but does not specifically require a financial test. It is my understanding that the decision in the judicial review of Northumberland County Council and Embleton Parish Council considered this aspect. In essence this decision stated that the NPPF is less onerous than the former PPS7 and a financial test is no longer relevant, the only formal test being that of essential need. I have therefore been of the view that a Planning Authority may have regard to the financial position to establish if it is a sustainable business but needs to decide how much weight to attach to those financial aspects.

12.5. However, in my view, the recent guidance referred to in paragraph 12.1 above amends this position and requires consideration of the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

12.6. My calculations indicate that this is a viable and sustainable business. In addition, there is clear evidence of substantial recent investment in the provision of fixed equipment on the farm by the tenant.

12.7. Your Council should therefore have confidence that this family operated business based on Lower Lees Farm, will remain viable for the foreseeable future.

13. ASPECT 4 – SUITABILITY AND AVAILABILITY OF EXISTING DWELLINGS ON THE HOLDING

iv) The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area, which is suitable and available for occupation by the workers concerned.

13.1. Today it is only really necessary for specialist workers to live on or immediately adjacent to rural holdings. This is to be available at most times, in case animals or processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products, or in this case losses of livestock, particularly in relation to the care of the cattle and sheep on the holding.

13.2. In assessing the number of full time workers required to be resident on this farm, I have taken into account that the greatest functional need occurs over a relatively short period of time each spring when the breeding ewes are lambing. This will require a worker/s to be present on site throughout the lambing period.

13.3. Throughout the rest of the year, the various livestock management tasks can usually be completed during normal working hours. This will be particularly relevant to the store cattle and store lamb fattening enterprises.

13.4. Therefore, I am of the opinion, that in the interests of the wellbeing of the livestock, the efficient running of the holding and for overall security at the land holdings centred on Lower Lees Farm, that of the total calculated labour requirement of about 3 full time workers, it is essential that 1 of those full time workers and desirable that a further full time worker, actively involved in the management of this farming unit, should be resident on this farm.

13.5. At the present time, the existing farm house at Lower Lees Farm is housing these [REDACTED] full time workers.

13.6. However, the applicant is seeking to provide independent living accommodation for [REDACTED] so [REDACTED] can continue to be available to care for the livestock on the farm, particularly outside of normal working hours.

13.7. Therefore in conclusion, whereas the existing farm house may currently be available to house 2 full time workers, in my view, it is only suitable to house 1 full time worker.

14. Other advice

14.1. The planning guidance issued on the 22 July 2019 under “Rural Housing, How can the need for isolated homes in the countryside for essential rural workers be assessed” also states that considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF [now paragraph 80 of the revision] could include:- “ whether the provision of an additional dwelling on site

is essential for the continued viability of a farming business through the farm succession process;”

14.2. I understand that the applicant is planning for [REDACTED] to eventually take majority control of the farm business operated from Lower Lees Farm in relation to Paragraph 79 (a) of the NPPF [now paragraph 80 of the revision]. This taking majority control will therefore, in my view, be part of the succession process on this farm.

15. Location of the proposed dwelling.

15.1. As I am required to bring all material matters to your attention, I set out below for you to take into consideration, my comments on the proposed location of an additional workers dwelling on Lower Lees Farm holding.

15.2. Ideally any additional workers dwelling on this holding should be at or very close to the Lower Lees Farm steading as that is where the majority of the functional need is located. A new dwelling at that location would also assist in the security and bio security of that farm steading.

15.3. However, Lower Lees Farm is a tenanted farm. From the land lords point of view [REDACTED] holding extends to 110ha [272 acres]. The tenant occupies another 60ha [120 acres] from other land owners. That additional land allows more livestock to be carried and those additional livestock generate a need for more labour on the farm. Therefore, in my view, the Duchy of Lancaster will probably be unwilling to

provide housing accommodation for a second worker necessitated by the occupation by their tenant of land that is not let as part of Lower Lees Farm.

- 15.4. A tenant of a farm holding, particularly where there is no security of tenure beyond the end of the term of his Farm Business Tenancy, is most unlikely to provide a new dwelling at his expense on his land lord's property. Indeed the land lord may prevent it.
- 15.5. The applicant has advised that [REDACTED] has made enquiries of his landlord about the availability of independent accommodation for [REDACTED] and been advised nothing is available. I have not seen any evidence in the application supporting that position.
- 15.6. A short distance from Lower Lees Farm is Lower Lees Cottage. This would be ideal as a dwelling for a second full time worker on Lower Lees Farm. I understand it has been occupied by the Estate Gamekeeper for around 30 years. Given that it is required to house the Estate Gamekeeper it would seem that it is unlikely to become available but again I have not seen any evidence to this effect in the application.
- 15.7. This leaves the application site to be considered as a suitable location to house a second full time worker on Lower Lees Farm. The PPG of July 2019 requires "Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work"
- 15.8. The application site lies within a 0.8ha [2 acre] field in the ownership of [REDACTED] [REDACTED] having been purchased by [REDACTED] in [REDACTED]. There are no farm buildings

available to the farm business at the site so no housed livestock can be kept there without the future provision of suitable animal housing. I understand none of the tenanted land occupied by [REDACTED] abuts it.

- 15.9. The application site is approximately 2 miles by road from Lower Lees Farm steading and it takes about 5 minutes travelling time by the public road.
- 15.10. A second worker living at the application site could be summoned to help with out of hours emergencies at Lower Lees Farm by the worker living there and could respond in a relatively short period of time. However, living at such a distance from the Lower Lees steading, that second worker, in my view, could not provide security or bio security for the farm steading nor it is likely that the second worker would be made aware of any issues with the livestock housed there outside of normal working hours if the main worker is away from the farm because the second worker is not living within sight or sound of any housed livestock
- 15.11. It may be that technology could assist for example by fitting cameras so the second worker can see inside the livestock buildings from the application site but again I have not seen any evidence in the application as to how this might be achieved.
- 15.12. I understand the application site has an extant consent for a farm workers dwelling since around 1979/80 and that a second application to modify the proposed dwelling was approved around 2004. I further understand that the current

application seeks to extend the floor area of the proposed dwelling to provide a 4 bedroom dwelling and improve the symmetry of the main south west elevation.

15.13. I asked the applicant's agent to confirm the floor area of the proposed dwelling. He has stated that the existing approved usable floor area of both floors is 114.45m² but it is not clear if this is the 1979/80 approval or the 2004 approval. He states that the usable floor area of the current proposal totals 165.82m². Most applications for rural worker's dwellings I am asked to report on are in the range of 150m² to 200m² of floor area so it is within that range.

15.14. Given that the location of the proposed dwelling has no farm buildings to house livestock and only about 0.8ha [2 acres] of land, there is very little in the way of functional need for a worker to be resident at that site now that Cherry Tree Farm has been split up and sold off by the previous owners.

15.15. Lower Lees Farm is held on a [REDACTED] tenancy. I understand that tenancy will come to an end in about [REDACTED] years time. I appreciate that the applicant is of the view that he has a good working relationship with his land lord and anticipates that [REDACTED] will be able to secure a new tenancy, but there can be no certainty of that and if another tenancy is not secured, it could be that the proposed dwelling does not have a future connection with Lower Lees Farm.

15.16. I appreciate the other land holdings occupied may still be available at that time but the 40 ha [100 acres] are occupied on a headage basis and the 20ha [50 acres] of land within the family are at some considerable distance from the application site.

15.17. Therefore, I have to conclude that the proposed dwelling at Cherry Tree Farm is not well located to meet the existing functional need or security arrangements at Lower Lees Farm

16. Conclusions

16.1. I therefore conclude by advising as follows:-

16.2. At the present time there is a clearly established *existing* functional need in relation to the landholdings that are based on Lower Lees Farm. The functional need of the cattle and lamb fattening enterprises is limited.

16.3. I have calculated the labour requirement on these landholdings and can advise that they have a total calculated labour requirement of about 3 full time workers which includes the use of contractors for specialist tasks.

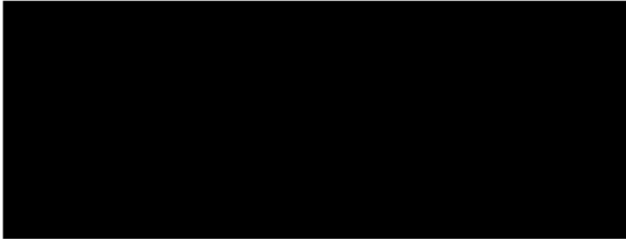
16.4. I have confidence that the overall business will remain financially viable for the foreseeable future.

16.5. I am of the view that it is essential that 1 full time workers and desirable that an additional full time worker, actively involved in the management of the unit should be resident on this farm to meet the existing functional need.

16.6. The existing farm house at Lower Lees Farm is currently available to house the 2 existing full time workers on this farm. However, in my view it is only suitable to house 1 full time worker.

16.7. In my view, the provision of an additional dwelling on this holding will assist in the succession process on this farm.

16.8. In my opinion, the proposed dwelling at Cherry Tree Farm is not well located to meet the functional need and security arrangements at Lower Lees Farm.



23 August 2022

Disclaimer

The information provided in this report has been obtained from the applicant and published sources. In particular the figures relating to areas of land and livestock numbers are the applicant's figures and have not been verified.

