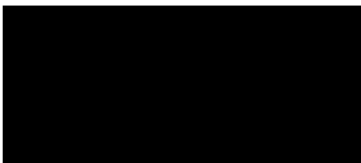


DEMESNE FARM, NEWSHOLME, CLITHEROE. BB7 4JF.

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

APPLICATION NUMBER 3/2022/0411

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May 2022

DEMESNE FARM, NEWSHOLME, CLITHEROE. BB7 4JF.

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

1. Introduction

- 1.1. Ribble Valley Borough Council asked on the 20 May 2022 if I would report on the need for a proposed permanent agricultural worker's dwelling at Demesne Farm, Newsholme, Clitheroe.
- 1.2. I understand that the application relates to the retention of an existing temporary dwelling that was granted consent for a 3 year period at an appeal hearing decided in June 2018. I believe that 3 year period expired in June 2021.
- 1.3. 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:
 - 1.4. 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:
 - 1.5. b) the development and diversification of agricultural and other land-based rural businesses.

- 1.6. 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:
- 1.7. 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;”
- 1.8. I understand that Ribble Valley Borough Council’s own policies will also apply to
this application.
- 1.9. 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 the
proposed 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.
- 1.10. I met with [REDACTED] on behalf of the applicant W & M Oldfield at
Demesne Farm on the 30 May 2022. Also present was Gary Hoerty as Agent for
the applicant. 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:-

- About 72 ha [178 acres] of land and farm steading at Demesne Farm. This land is owned by the applicant and largely lies around the farm steading.
- About 78 ha [193 acres] at Painley Farm. This is a bare land holding with no farm buildings. It is also owned by the applicant.
- The total area currently farmed by the applicant is therefore 150 ha [371 acres]
- [REDACTED] advised that he is in the process of purchasing a further 40 ha [100 acres] of land.

3. Livestock

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

- 347 mostly Holstein dairy cows. These cows calve all year round. They are high yielding cows at over 10,000 litres of milk per cow per year. Robotic milking machines are used so when the cows are in milk, they are housed throughout the year.
- The female calves from the better quality cows are reared on the farm to provide replacements for the older cows. These heifers calve at about 2 years of age. At the time of my visit there were about 230 heifers of various ages on the farm.
- 400 breeding ewes producing fat lambs. The ewes are housed at lambing time.

4. Cropping

- 4.1. This is an all grass farm with about 109 ha [270 acres] of grassland cut up to 3 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 Demesne Farm steading there are the following farm buildings:-
- 5.2. A range of traditional and modern farm buildings to the north of the A682 road, including a range of former horse stables. These buildings are used largely for housing young calves and as covered lambing space in the spring.
- 5.3. To the south of the A682 road there is an extensive range of modern largely portal steel framed farm buildings providing cubicle accommodation for the dairy cows and for the replacement heifers. Within these buildings are 5 robotic milking machines.
- 5.4. There are covered and open silage pits and slurry storage facilities.

6. Existing dwellings on the holding

- 6.1. A short distance to the south west of the farm steading at Demesne Farm is Whinhill House. Adjacent to the farm buildings to the north of the A682 road is the existing temporary dwelling. Both these dwellings are currently suitable and available to the farm business.

7. Labour and Residence

- 7.1. [REDACTED] both work full time in the farm business. [REDACTED]
[REDACTED] works on the holding each spring and deals with the lambing ewes.

7.2. [REDACTED]

- 7.3. Contractors are used for specialist tasks including making silage, spreading slurry etc.

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

8. Instructions

- 8.1. I am to consider four aspects to establish if there is an essential need for a second permanent dwelling on Demesne Farm 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.

9. ASPECT ONE – FUNCTIONAL NEED

i) There is a clearly established existing functional need.

9.1. 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. Examples of high functional need are dairy cows and 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);

9.2. The 347 dairy cows will calve each year. They calve throughout the year. A number of these births will occur outside of normal working hours and may require a worker/s to be present. Some cows can be difficult to handle in such situations and for health and safety reasons it is often wise to have 2 workers present at such calvings.

- 9.3. The 400 breeding ewes will lamb each year. Many births will occur outside of normal working hours and may need assistance from a worker. On this farm the ewes are housed prior to lambing and returned to the fields with their young lambs.
- 9.4. All the animals on the farm will require regular health checks and some may need treatment, possibly outside of normal working hours.
- 9.5. 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. The majority of that functional need is located at the Demesne Farm steading.

10. 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.

- 10.1. Labour requirement from figures provided by The Scottish Agricultural Colleges based on existing livestock numbers and cropping practices indicate a total labour requirement of up to 8 full time workers,
- 10.2. Clearly there are considerable economies of scale as a result of the provision of new farm buildings to house the dairy cows and the introduction of robotic milking machines.

10.3. Therefore, the current labour requirement is currently met by [REDACTED]
[REDACTED] working very long hours, by the use of other family members to help at busy times and by the extensive use of contractors to carry out field work.

11. 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.

11.1. 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”

11.2. I understand that this existing current family business has been established at Demesne Farm for well in excess of 3 years.

11.3. 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]

- 11.4. 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.
- 11.5. 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.
- 11.6. There is clear evidence at the farm of very substantial recent investment in new farm buildings, slurry storage facilities and the provision of robotic milking facilities and farm equipment.

11.7. The applicant has not submitted his farm accounts. However, my calculations indicate that given the types and considerable numbers of livestock kept on this farm, it is a profitable and sustainable family business.

11.8. I therefore have confidence that this family operated business, as an entire unit, will remain viable for the foreseeable future.

11.9. I understand that to secure funding to assist in the purchase of a further 40 ha of land, the applicant's bank will have made a thorough appraisal of the farm's profitability and that the applicant's agent is to request confirmation from the applicant's bankers in this regard.

12. 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.

12.1. 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.

12.2. 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 Demesne Farm, it is essential that 2 full time workers, actively involved in the management of this farming unit, should be resident on this farm.

12.3. At the present time, the existing Whinhill House is suitable and available to house 1 of those full time workers.

12.4. The existing temporary home is suitable and available to house a second full time worker but it is subject to a temporary consent for only a 3 year period which has now expired.

13. Conclusions

13.1. I therefore conclude by advising as follows:-

13.2. At the present time there is a clearly established *existing* functional need in relation to the landholdings that are based on Demesne Farm.

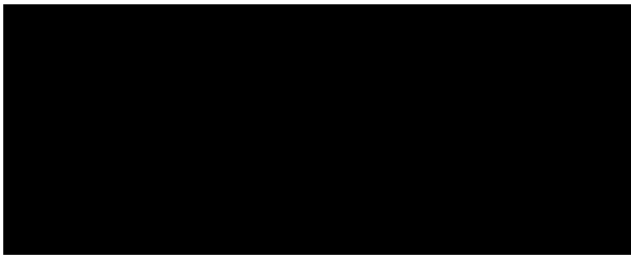
13.3. I have calculated the labour requirement on these landholdings and can advise that they have a total calculated labour requirement of approaching 8 full time workers which includes the use of contractors for specialist tasks. In reality the labour requirement will be reduced due to the provision of new farm buildings, robotic milking machines and the extensive use of contractors.

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

13.5. I am of the view that it is essential that 2 full time workers actively involved in the management of the unit should be resident on this farm to meet the existing functional need.

13.6. The existing Whinhill House is currently suitable and available to house 1 full time worker.

13.7. The existing temporary dwelling is suitable and available to house a second full time worker but it is subject to a temporary consent for 3 years which has now expired.



31 May 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.

