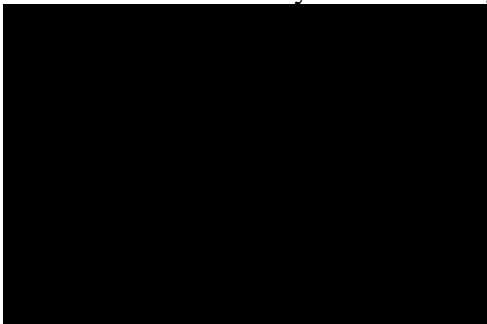


WOOD TOP FARM, CHIPPING ROAD, CHAIGLEY. PR3 2TS.

REPORT ON A PROPOSED PERMANENT FARM WORKER'S DWELLING.

APPLICATION NUMBER 3/2023/0620

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September 2023

WOOD TOP FARM, CHIPPING ROAD, CHAIGLEY. PR3 2TS.

REPORT ON A PROPOSED PERMANENT FARM WORKER'S DWELLING

1. Introduction

- 1.1. Ribble Valley Borough Council asked, on the 21 August 2023, if I would report on the need for a proposed permanent farm worker's dwelling at Wood Top Farm, Chipping Road, Chaigley PR3 2TS.
- 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 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 the applicants Mr John and Mrs Kathleen Moon on the 8 September 2023 and inspected the farm steading at Wood Top Farm and the application site. The following information was provided by and on behalf of the applicants:-

Part 1 – The Existing Situation

2. Land Occupied

- 2.1. The applicants occupy the following areas of land:-

- About 147 ha [326 acres] of land and farm buildings at the application site.

The farm was originally held on a tenancy from 1954 with the family purchasing the farm as sitting tenants in the 1980’s.

- Farm support payments are claimed under the Basic Payment Scheme.

3. Livestock

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

- 190 Holstein x Friesian dairy cows currently in milk producing around 10,000 litres of milk per cow per year.
- These cows calve all year round with the female calves being reared as replacements for the older cows. Male calves are either sold at a few weeks of age or reared on and sold as store cattle.
- At the time of my visit there were about 170 head of young cattle of varying ages on the farm.
- About 400 feeding lambs are taken on over the winter months to eat off surplus grass. These sheep belong to others.

4. Cropping

4.1. This is an all grass farm with up to 90 ha [220 acres] of grassland being cut for silage as a first cut reducing to around 40 ha [100 acres] for a fourth cut as 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 Wood Top Farm steading there is a small range of traditional stone built farm buildings currently used for general storage.

- 5.2. Adjacent to the traditional farm buildings is an extensive range of modern portal steel framed farm buildings. These include a building to house the dairy cows in cubicles. This building has a central feeding passage. A milking parlour and dairy are adjoining.
- 5.3. Young cattle are both loose housed and in cubicles.
- 5.4. Silage is stored in covered barns and slurry in a covered slurry store..
- 5.5. Mr Moon advised that plans are being drawn up to provide a new building for the dairy cows along with a replacement milking parlour.
- 5.6. The existing building at the application site is a small stone built building in a very poor state of repair and appears to have been unused for some time.

6. Existing dwellings on the holding

- 6.1. There is a 3/4 bedroom main farm house with rendered elevations under a slate roof.
- 6.2. There is a stone built farm worker's dwelling called Wood Top House situated to the west of the main farm steading. It has a date stone of 2007. It is understood that this dwelling is subject to an occupancy condition for a farm worker.

7. Labour and Residence

- 7.1. The applicants Mr and Mrs Moon work full time on the land holdings. They live at Pennine View, Bleasedale about 5 miles from Wood Top Farm.

- 7.2. Mr Moon's uncles [REDACTED] work full time on the farm. [REDACTED]
[REDACTED] One uncle occupies the main farm house and the other occupies Wood Top House.
- 7.3. A worker is employed for around 40 hours per week. That worker lives off the holding.
- 7.4. Part time help is utilised to deal with farm administration.
- 7.5. Contractors are used for specialist tasks including for making silage, spreading slurry, hedge cutting etc.

8. Other Information

- 8.1. The applicants advised that due to their uncle's advancing years they can not be expected to undertake the more arduous tasks on a farm.
- 8.2. They also advised that they are now the key workers on the farm and as both uncles have no successors, they will take majority control of the farm business in the future.

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 Wood Top 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.

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 dairy cows 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 190 dairy cows and the replacement heifers will all calve at some point in the year. Many of these births will occur outside of normal working hours and some may need assistance from a worker.
- 10.3. The in milk cows will require milking twice per day each day of the week.
- 10.4. The new born calves will need special attention for the first few weeks of their lives.
- 10.5. All the animals on the farm will require regular health checks and some may need treatment, possibly outside of normal working hours.
- 10.6. Security of the livestock and of farm equipment will be a consideration.
- 10.7. The store lambs will require regular checking over the winter months.
- 10.8. 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 remainder of the livestock.

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 Wood Top Farm in accordance with labour requirement figures provided by the Scottish Agricultural Colleges and can confirm that, in my opinion and based on the current enterprises, it has a calculated labour requirement of about 4 full time workers.

11.2. This is currently met by the applicants working full time and by the input from [REDACTED] by the employee and by 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 family business has been established at Wood Top Farm since 1954.

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 around £25,000 per annum. [Source – Annual Survey of Hours and Earnings (ASHE) published online by the Office for National Statistics November 2022]

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. The applicants have not provided the farm accounts. However, I have received via the applicants' Agent a letter from their Accountants confirming that it is a profitable business.
- 12.7. This is a long established farming family business. There is clear evidence of substantial investment in new farm buildings in recent years. There are proposals to replace the existing dated milking parlour and provide new dairy cow housing.
- 12.8. Your Council should therefore have confidence that this family operated business 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 on the holding.

- 13.2. 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 Wood Top Farm, that of the total calculated labour requirement of around 4 full time workers, it is essential that 2 of those full time workers, actively involved in the management of this farming unit, should be resident on Wood Top Farm.
- 13.3. At the present time the applicants, John and Kathleen Moon can be regarded as the key workers as they undertake the twice daily milking, however, they do not currently live on the holding.
- 13.4. The main farm house and Wood Top House are currently occupied by the two uncles, [REDACTED] The uncles, despite their advancing years, appear to still be actively involved in the farm business therefore, whereas these existing dwellings may be suitable to house 2 full time workers, they are currently not available to house Mr & Mrs Moon as the key workers.
- 13.5. My understanding is that the occupants of the 2 existing dwellings [REDACTED] [REDACTED] do not intend to vacate their existing dwellings in the future and you will therefore need to consider the availability of the 2 existing dwellings to house full time workers actively involved in the management of the farm unit and in particular availability to key workers.
- 13.6. In this regard I refer you to the long established cases of *Keen v Secretary of State of the Environment and Aylesbury Vale District Council* [1996] and *J R Cussons & Son v Secretary of State for Communities and Local Government and North*

York Moors National Park Authority [2008] regarding the availability of existing dwellings for workers on the holdings.

13.7. It is my understanding that the words “including those taking majority control of a farm business were added to paragraph 80 of the NPPF to aid the smooth transition of one farming generation to the next.

13.8. Therefore, in my view, if reliance is to be placed on paragraph 80 of the NPPF to assist in the transition of this farming business from one generation to the next then evidence needs to be provided that arrangements have been or are being put in place to achieve this transition. In this regard I requested such evidence. I have received a confidential note on these arrangements and I will forward it on to you.

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. It is my understanding that the applicants are the likely successors to this family farming business and as key workers, their ability to live on site will assist in the farm succession process.

14.3. If your Council is minded to support this application, then if approved, there will be 3 dwellings on this holding with a current requirement of 2 full time workers actively involved in the management of the unit to live on the holding. I believe the farm workers dwelling built in 2007 has an occupancy condition attached to it and I anticipate that the dwelling that is the subject of this application will have an occupancy condition, if approved.

14.4. This leaves the existing main farm house which I believe does not have any form of occupancy condition. You may therefore wish to consider if an occupancy condition should be attached to that dwelling as part of the current application [if approved] to ensure that it remains available to workers on the farm in the future.

15. Conclusions

15.1. I therefore conclude by advising as follows:-

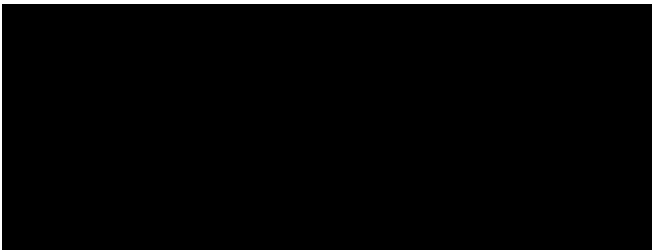
15.2. At the present time there is a clearly established *existing* functional need in relation to the landholdings that are based on Wood Top Farm.

15.3. I have calculated the labour requirement on these landholdings and can advise that they have a total calculated labour requirement of around 4 full time workers which includes the use of contractors for specialist tasks.

15.4. Your Council should have confidence that the overall business will remain financially viable for the foreseeable future.

15.5. 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.

15.6. The main farm house and Wood Top House are currently suitable to house 2 of the existing workers but due to the increasing ages of those workers and their intentions to remain in those dwellings, means that they may not be available to house full time workers, particularly key workers.



24 September 2023

Disclaimer

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

In accordance with the recommendations of the RICS, we would state that the report is provided solely for the purpose stated. It is confidential to and for the use only of the party to whom it is addressed only, and no responsibility is accepted to any third party for the whole or any part of its contents. Any such parties rely upon the report at their own risk. Neither the whole nor any part of the report or any reference to it may be included now, or at any time in the future, in any published document, circular or statement, nor published, referred to or used in any way without our written approval of the form and context in which it may appear.

