



Appeal Decision

Hearing held on 18 October 2011

Site visit made on 18 October 2011

by **Susan Holland MA DipTP MRTPI**

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

Decision date: 1 November 2011

Appeal Ref: APP/T2350/A/11/2157512

Land at Stubs Wood Farm, Rimington Lane, Rimington, Clitheroe BB7 4DP

- 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 Ian Smith against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2010/0959, dated 22 November 2010, was refused by notice dated 2 February 2011.
 - The development proposed is an agricultural worker's dwelling (temporary for 3 years).
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Procedural Matters

1. The proposed agricultural worker's dwelling would be a mobile home, details and elevations of which are included among the submitted application plans.

Decision

2. I allow the appeal, and grant planning permission for an agricultural worker's dwelling (temporary for 3 years) at Stubs Wood Farm, Rimington Lane, Rimington, Clitheroe BB7 4DP in accordance with the terms of the application, Ref 3/2010/0959, dated 22 November 2010, subject to the conditions set out at Annex 1 to this decision.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the countryside, in the light of statutory development plan policies which require agricultural justification for such development.

Reasons

Background and Agricultural Justification

4. Approved by the Council under applications Refs.3/2009/0517P and 3/2009/0518P, the free-range poultry unit in connection with which the current appeal proposal is made has been in operation since April 2010. The 16,000-bird unit was built at an overall cost of around £500,000: the finance for it essentially generated by the Appellant's agricultural livestock-scanning business which he operates on a mobile basis for approximately half the year. Originally a mixed dairy and sheep farm, the Stubs Wood holding now concentrates on sheep and lambs, and on the poultry enterprise into which it has diversified.

5. The poultry unit is a massive, brand-new building incorporating automated egg-gathering systems and a built-in egg-packing plant. The unit produces 400,000 dozen eggs per 'cycle' (roughly a year allowing for a 'rest' period for cleansing between batches of birds). The hens have floor-space inside the building together with elevated roosting space and nesting-boxes where they lay their eggs. They also have the facility, in daylight hours, to leave the building to peck and scratch around a long, fenced yard with a surface of stones and, on fine days, access via gates into a large grassy field. A field area of 15 acres is ring-fenced with electric fences to keep foxes out. The fence around the yard is also electrified against predators, and the 'pop-hole' accesses in the long side of the building have to be opened and closed manually to ensure the protection of the birds at night. There is a 'sick-bay' within the building which at the time of my visit contained 4-5 birds.
6. Lighting, heating, feed and water systems within the building are automated, but other systems involved in the essential care of the birds are not. The birds are dependent upon the fault-free operation of all these systems, both automated and non-automated, for their welfare. There is little margin for error. Faults must be quickly identified and quickly remedied if damage to the stock is not to occur. With so many highly-reactive birds in a limited space, a small change in environment may result in panic crowding and loss of stock. In a recent incident of smothering, about 100 birds were lost. There has also been a recent malfunction of the auto-feed equipment. The combination of an intensive livestock operation with a substantial element of freedom of movement for the 16,000 laying hens creates additional demands over and above those of a conventional intensive enterprise. The demands of the unit fall throughout the year and are not seasonal or limited in time.
7. The poultry unit has been erected alongside a group of existing large agricultural buildings. The group as a whole is set back behind a broad yard. The arrangement enables both generous manoeuvring space, and good vehicular access direct from Rimington Lane. In the location of the unit, however, the provision of good road access has had the effect of isolating the group from the existing residential farmstead of Stubs Wood Farm, which lies lower down in the valley and is reached via a long access track off Rimington Lane. Altogether, there is a separation distance of about ½ mile between the poultry unit and the residential farmstead. No direct access, and no inter-visibility or audibility, is possible across the fields between them.
8. Mr Ian Smith (the Appellant) and his wife live in a converted barn on the Stubs Wood farmstead. Both are engaged in work on the farm, though Mr Smith necessarily spends much time away on his livestock-scanning business, and Mrs Smith is essentially part-time at present, with an input into the sheep element of the farm business. Mr Smith's own parents live in retirement in the main farmhouse. In evidence it was stated that the retirement of Mr and Mrs Smith Senior had been provided for in part by the rental receipts of a bungalow on the outskirts of Rimington; that this bungalow had been bought with the proceeds of the sale of land to the Appellant, and that it attracts a rent of around £850 per month. The bungalow is not owned by the Appellant, the rent is well above that which could be paid by an agricultural worker, and it is located beyond sight and sound of the poultry unit.
9. The poultry unit is run by a full-time manager, supported by 4 part-time egg-packing staff. It is the employed manager who has responsibility for the welfare of the birds and for the systems on the unit, including responsibility for

late evening tasks and night-time incidents. The manager currently lives about 2 miles away in a mobile home, which according to the evidence he owns, on a residential mobile home park at Todber. The situation is therefore that the responsibility for the poultry unit (which is agreed by the Council to be sufficient in terms both of labour demand and income generated to support a full-time worker) is in the hands of the manager. The unit is not run full time by the Appellant or by his wife, both of whom have other substantial farm responsibilities. No Stubbs Wood farm worker lives close enough to be able simply to step outside to close the pop-holes at dusk, to check the 16,000 hens last thing at night, or to notice by looking or listening any unusual sights or sounds which might arise at any time and indicate a problem with the hens or equipment in this large and complex poultry unit.

10. With the support of the local National Farmers Union and NFU Mutual (his insurer) the Appellant argues that the dwelling is needed not only for purposes relating to the welfare of livestock, but for the security of the premises and prevention of theft. It is apparent from Rimington Lane that the large group of agricultural buildings is isolated and not overlooked, and that there is no natural surveillance or built-in security. This would have been evident at the time when planning permission was granted for the poultry unit. The vehicular access itself is open and a large vehicle can easily enter and turn in it (one did so, with the Appellant's permission, during the site visit). The evidence is that no CCTV system or theft prevention alarm system is currently installed. Given the inevitable time-lapse between incident and attendance, however, it is doubtful that such measures could be of immediate help in the event of a problem, particularly in the evening or at night.
11. Whilst the on-site presence is no guarantee of complete protection, it is clear that it would substantially assist the manager in fulfilling his responsibilities to the welfare of the birds, and at the same time increase the security of the premises. The unit has been established for sufficient time for its financial viability to have been demonstrated, and the Council accepts this. Temporary planning permission for the mobile home would enable a better level of welfare support to the business - albeit that the Welfare of Livestock Regulations 1994 - Domestic Fowls do not (as the Appellant seems to have sought to suggest) go so far as to require an operator to live on the premises - and would also offer the opportunity to demonstrate to a more conclusive level the necessity (or otherwise) for a residential presence on site. The grant of temporary planning consent for a mobile home does not imply that permission would necessarily be granted for a permanent dwelling. National planning policy at PPS7 Annex A imposes additional criteria to be met by a proposal for a permanent agricultural dwelling.
12. On balance, therefore, I find that the criteria of PPS7 Annex A in respect of a temporary agricultural dwelling are in this instance satisfied. It follows that the relevant statutory policy of the Ribble Valley District Local Plan (saved Policy H2) is also satisfied. Given the details of existing dwellings as put to the Hearing, Policy H5 of the Local Plan in relation to previous history of the holding, is also met.
13. The Council has submitted locational details of 4 poultry units sited at some distance from their respective residential farmsteads. No details were available other than simple location. The possibility could not be excluded that, as in the current case, a proposal might subsequently be made for residential use closer to the unit (and, indeed, Mrs Smith stated in evidence that on one of these 4

holdings, the circumstances of which were personally known to her, the farmer intended to apply for planning permission).

Character and Appearance

14. The proposed mobile home, to be moved by the manager from its existing site, would be 12.4m long and 3.9m wide. As shown in the submitted photograph which shows the mobile home in situ, it would be finished in pale green, with a low-pitched, tiled roof. (The photograph also shows steps to a low balcony along one long side of the mobile home, but this element is not shown in the submitted plan).
15. The mobile home would be sited to the north-west of the existing poultry unit, approximately in line with the much larger structure and about 20m away from it, end to end. The Council suggests that the mobile home would occupy part of the landscaping strip required to be provided by condition on the planning permission for the poultry unit (the landscaping plan submitted by the Council bears the reference number 3/2009/0517P). However, there is an inconsistency, between the current submitted site plan for the mobile home proposal (at 1:2500 scale) and the landscaping plan for the poultry unit (at 1:500 scale). The current site plan shows much more space between the north end of the poultry unit and the highway boundary with Rimington Lane. On the ground it appears that there would be sufficient space for the siting of the mobile home, on the proposed alignment, without encroaching on the landscaping (which has already been implemented); and that the currently-submitted site plan at 1:2500 scale is the more accurate of the two.
16. The site level lies a little over 1m above the level of Rimington Lane at this point. A well-established hedge of hawthorn with some elder and ash borders Rimington Lane on the frontage in the Appellant's ownership and control. The base of the hedge stands some way down the bank, and so the hedge appears higher (about 3m with taller extensions), as seen from the road, than it appears as seen from the site, from the level of which it reaches about 2m in height. There is scope for further growth in height of the hedge. The landscaping strip extends along a broad belt within the hedge, with an intervening gap of about 2m in width. The planted belt also extends along (inside) the field boundary, currently marked by a low, broken stone wall, to the west of the poultry shed. The planted belt currently consists of 'whips' little more than 30cm in height, and could not be expected to achieve full screening potential within the 3 years of the requested temporary permission. Nevertheless, the established frontage hedge would already provide a sufficiently effective screen for the mobile home from Rimington Lane. The lane bends in such a way that the angle of the frontage boundary would cut across the site of the mobile home so as to provide some screening for the long side as well as for the end of the structure.
17. The ground rises from south to north out of the valley, towards the poultry shed, reaching a low crest about halfway along the long side of the poultry unit. The effect would be to screen the mobile home from the valley. I have no doubt that, in longer views from footpaths on the far side of the valley, the effect of distance and perspective would ensure that the mobile home would appear insignificant in the view. The dominant element in any such view would be the poultry shed itself together with the neighbouring sheds in the group. Accordingly, the proposal would not result in a development out of keeping

with the character of the landscape area and so would accord with statutory (saved) Policy ENV3 of the Ribble Valley District Local Plan.

Conditions

18. In addition to the standard time condition, it is necessary to impose a condition to limit the use of the proposed mobile home to an agricultural worker. Justification for the development has been made solely and entirely in connection with the full-time management of the poultry unit. However, Circular 11/95 advises at paragraph 103 that *it should not be necessary to tie occupation of the dwelling to workers engaged in one specific farm ... business even though the needs of that business justified the provision of the dwelling*. Given that the permission is a temporary permission for 3 years, and that it will be open to the local planning authority to examine the justification for any future proposal at the time when that permission is about to expire, it is unnecessary to consider further on this occasion the justification for a more restrictive occupancy condition.
19. In the interests of visual amenity conditions are necessary to secure details of siting (given the discrepancy between the appeal site plan and the landscaping plan in respect of planning permission Ref.3/2009/0517P), details of boundary treatment, appearance and landscaping; and also by removing rights of permitted development to ensure control of the local planning authority over the erection of future structures and fences. In the interests of residential amenity it is necessary to impose a condition to secure adequate foul drainage.

Other Matters

20. The Appellant drew attention to the neighbouring residential property to the west, known as Denis Field, currently in course of renovation/redevelopment. As now developed, this is a large and imposing property with elaborate new stone walls and pillars at its entrance onto Rimington Lane. I understand the Appellant's concern at the appearance of this apparently new dwelling of substantial proportions in the open countryside. However, the granting of planning permission for that development does not remove the requirements of national and local policy for new agricultural dwellings in the countryside. In the words of PPS7 at ¶10, *isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house [or as in this case a new temporary dwelling] relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS*. In respect of the draft National Planning Policy Framework I have considered whether this appeal gives rise to any issues bearing upon existing national planning policies, and conclude that it does not.

Overall Conclusion

21. In conclusion, the proposed development would not have a materially harmful effect on the character and appearance of the countryside; and, on balance, would meet the requirements of statutory development plan policies for agricultural justification to support such development.

S Holland

INSPECTOR

Annex 1: Conditions

- 1) 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.
- 2) The use of the mobile home hereby approved as a temporary agricultural worker's dwelling shall cease, and the mobile home shall be removed, on or before a date 3 years from the date of first occupancy of the dwelling hereby permitted, and the site restored to its former condition within 3 months of its removal.
- No development shall commence before detailed plans showing the siting, design and external appearance of the mobile home, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, shall be submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved details.
- No development shall commence before a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed, or connection to such a treatment plant has been made, and completed in accordance with the approved plans.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no future additional structures, hardstanding or fences, gates or walls as defined in Schedule 2 Part I Classes E, F and H, and Part II Class A, shall be built or installed without the formal written consent of the local planning authority.

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APPEARANCES

FOR THE APPELLANT:

Mr J O Steel	of J O Steel Consulting, Bingley W Yorks
Ms Melanie Lawrenson	of ML Planning, Catterall, Garstang, Lancs
Mr Ian Smith	Appellant
Mrs Rebecca Smith	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nicholas Bower	of Lancashire County Council Property Group
Mr Graeme Thorpe	Senior Planning Officer, Ribble Valley BC

INTERESTED PERSONS:

Cllr Richard Sherras	Ward Councillor, Ribble Valley BC
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DOCUMENTS

- 1 Letter dated 15 October 2011 from NFU to RVBC (submitted by the Appellant)
- 2 Planting Schedule re. Planning Permission Ref. 3/2009/0517P (submitted by the Council)

PLANS

- A Application Plans
- B Landscape Plan and Schedule to Planning Permission Ref. 3/2009/0517P (submitted by the Council)

PHOTOGRAPHS

- 1 Photograph of mobile home (submitted by the Appellant)