



Appeal Decision

Hearing Held on 1 June, 2017

Site visit made on 1 June, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 4th August, 2017

Appeal Ref: APP/X0360/W/16/3165765

Church Farm, Church Lane, Finchampstead, Wokingham, RG40 4LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by A. E. and C. Bishop against the decision of Wokingham Borough Council.
 - The application Ref: 160706 dated 15 March, 2016 was refused by notice dated 30 June, 2016.
 - The development proposed is erection of a farm workers dwelling, with approval sought at this stage for access, and appearance, landscaping, layout and scale reserved matters.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of a farm workers dwelling, with approval sought at this stage for access, and appearance, landscaping, layout and scale reserved matters at Church Farm, Church Lane, Finchampstead, Wokingham, RG40 4LS in accordance with the terms of the application, Ref: 160706 dated 15 March, 2016 subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The application was made in outline, with access before me now, and appearance, layout, scale and landscaping reserved for future consideration. I have dealt with the appeal on that basis.
3. The Council produced further information at the hearing comprising up-to-date internet searches for larger houses available for rent or sale in the vicinity of the appeal site. I considered whether any party would be prejudiced by my taking it into account in determining the appeal, and concluded that they would not. I have therefore taken them into account in reaching a decision.

Main Issues

4. The Council's third reason for refusal related to whether the proposal provides adequate mitigation for the effect on the Thames Basin Heaths Special Protection Area. A signed and dated S106 Agreement was produced by the appellant at the hearing which the Council had an opportunity to consider. In it the appellants covenant to pay the Council sums towards a Special Protection Area (SPA) Access Management and Monitoring Contribution, and towards a Suitable Accessible Natural Greenspace (SANG) contribution. The agreement appears to me to be
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complete, and the Council has accepted it. The Council has withdrawn this reason for refusal as it believes the proposal would as a result provide adequate mitigation for the effects on the Thames Basin Heaths SPA, and I am satisfied that this is the case.

5. The main issues therefore are:-

- whether the proposal would be an isolated new home in the countryside and, if so, whether there is an essential need for a dwelling to accommodate a rural worker; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Relevant Policy

6. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural area, isolated new homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. The Framework therefore requires us to consider both the physical need for someone to be on site at most times, and also whether the business in question has reasonable long term prospects, so as to be regarded as permanent.
7. Policy CP11 of the Wokingham Borough Local Development Framework Core Strategy 2010 (CS) seeks to protect the separate identity of settlements by not normally permitting developments outside the development limits except where they contribute to diverse and sustainable rural enterprises, do not lead to excessive encroachment or expansion of development away from the original buildings, and are constrained within suitably located, converted buildings, or in replacement buildings which would bring about environmental improvement. These criteria, on the face of it, appear to allow only conversion or replacement of buildings, and therefore to be more restrictive than the Framework, which accepts the possibility of new dwellings in certain exceptional circumstances. The policy also refers to PPS7, now superseded.
8. Thus, although both parties considered that this policy is consistent with the Framework in this respect, I am not persuaded that this is the case. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. This inconsistency therefore lessens the weight I can place on policy CP11 of the CS in relation to this aspect of the proposal.

Whether the proposal would be an isolated new home in the countryside and, if so, whether there is an essential need for a dwelling to accommodate a rural worker

9. The appeal site is on White Horse Lane outside the settlement boundary of Finchampstead. The settlement itself is relatively large and sprawling, and predominantly residential. It is acknowledged by the parties to be subject to pressure for further urbanisation. However, the site itself is surrounded by agricultural land to the north, east and south, with a small cluster of farm buildings and dwellings close by to the west. It is at some distance from any services that the settlement might offer. For those reasons I conclude that the appeal proposal would be to create an isolated new house in the countryside.

10. There was no disagreement between the parties that the enterprise that the building would serve, running a pedigree herd of Angus cattle, the Warrenho Herd, and a pedigree herd of Simmental cattle, the Lynfield Herd, is an established and economically sound one. The business is supported by arable crops grown on the business' off-lying land, which is sold and provides straw for bedding purposes. Contract labour is used for this part of the operation. However, a principal focus of discussion was the Appellants' future plans for the business and whether that would generate an essential need for the proposed dwelling.
11. Although Mr and Mrs Bishop intend to take more of a hands-off role in the business, due to their age and health, they are also looking at increasing the Angus herd size in response to growing commercial demand for Angus cattle for beef and for breeding purposes, to seek the continued viability of the business. The intended increase in numbers was originally stated to be ten, although a higher figure was mentioned at the hearing. Nonetheless, the evidence before me indicates that there is currently the need for 1.68 persons to do the work, and that the herd expanded by 10 suckler cows would require, effectively, two persons. These figures are not disputed by the parties. It is my understanding that the Bishops would take up between them the role of one full time worker, engaged on administrative and less physically demanding tasks, requiring an additional worker to carry out the more strenuous physical tasks.
12. Although Mr and Mrs Bishop's son takes an interest and has some practical involvement in the business, he is employed full time in the agricultural finance sector, and it does not appear reasonable to suggest that he should make up the shortfall in labour in the short or medium term. I conclude therefore that an additional worker would be required to continue the successful operation of the business.
13. Turning now to whether it would be essential for this worker to be housed at the appeal site, the appellants have indicated that the outdoor calving of the Angus herd between September and March normally occurs on the field adjoining the appeal site due to the nature of the soil, which is less disposed to flooding and therefore more suited to this purpose than other land within the farm. This was disputed by the Council on the basis of the soil profile map submitted as evidence, but the appellants confirmed that this is the case based on their longstanding experience of the land. Furthermore, they were clear that as the Simmental herd is less suited to outdoor calving, and makes use of the sheds near the main farm buildings, there would be no capacity for the Angus herd to calve there, while open land in the vicinity was considered to be unsuitable due to waterlogging.
14. I have no reason to doubt the appellants' evidence, and saw nothing to contradict it on the site. It appears reasonable to me therefore that the field adjoining the appeal site is the more appropriate place for outdoor calving to occur.
15. The appeal site is between a quarter and half a mile from the main farmhouse. The evidence put before me was clear that outdoor calving requires direct supervision following up the signs of imminent calving in order to ensure the safety of cows and calves. Although AI and embryo transfer are used, it was confirmed by the appellants that there is no guarantee of the timings of calving. As a result therefore, it may also be necessary to inspect the herd at regular intervals during day and night. Further supervision is also required of young calves. It was also clear that the high cost of pedigree cattle means that the loss of a calf or cow would mean a significant loss to the business. The Council

concur that it is good practice to locate a herdsman's dwelling in close proximity to the livestock so that the person is within sight and sound of the stock. This was the conclusion of the Inspector in the appeal decision on Kingswell Farm, Timbsbury, Bath¹, which was put before me and to which I have had regard.

16. Although evidence submitted suggests that the herd has required few visits from the vets in the past, it is the appellant's contention that this is because of their regular night-time inspection of the herd, which has forestalled problems. These have required them to drive to the site every few hours, a fact supported by evidence from neighbouring parties. I see no reason to doubt this.
17. Technological forms of supervision of calving were discussed, but the appellants were of the view that they provided a poor substitute for direct supervision by an experienced herdsman, and I can see no reason to doubt this either.
18. The hearing considered whether this regular inspection could be carried out by a herdsman living off site but somewhere in the vicinity, and explored alternatives to the placing of a dwelling on the appeal site. The Council supplied evidence of houses for sale in the area at around £200,000 to £270,000, and for rent at around £900 to £1,100 pcm. Although there were houses available within these ranges in the wider area, there were very few within the immediate vicinity of the appeal site. It appears to me likely that they would not be sufficiently close to the appeal site to support the regular supervision of the calving process, including during unsociable hours or in the event of an emergency.
19. Many of these properties were, furthermore, generally relatively small, of one or two bedrooms, and it was suggested that an experienced herdsman might be expected to be mature, and to have a family. This appears reasonable and I conclude that smaller properties would therefore be unlikely to be suitable. For the same reasons temporary accommodation would be unlikely to be acceptable.
20. There was also consideration at the hearing about whether it would be possible to recruit a workers already living locally, but it was agreed by the parties that the surrounding area is a relatively urban one. As equestrian activities are the predominant form of rural activity in the area, it appears to me that a suitably experienced herdsman living locally would be unlikely to be found.
21. It was agreed by the parties that in the light of the judgement on Kingswell Farm and Keen vs SSE & Aylesbury Vale DC and a subsequent judgement², it would not be reasonable to expect the appellants to share their own house, the farmhouse, with a third party. No buildings in the main farm area were identified which would be suitable for conversion, and I noted none.
22. The issue of the need for a presence on site in the interests of security was also discussed. However, although a number of incidents were identified, they appeared to be ongoing despite the presence of houses in vicinity, and this did not emerge as a specific concern, despite the high value of the pedigree cattle.
23. A neighbouring party challenged the budget figures supplied as evidence, suggesting that they do not take into account the costs of development of the proposed dwelling, and that the salary indicated in the projected figures would be

¹ Ref: APP/F0114/A/14/2220728

² [2008] EWHC 433 (Admin) JR Cussons and Son v SoS CLG and North York Moors National Park Authority

too low to attract an experienced herd manager. However, the appellants were clear that the new member of staff would be a stockman rather than a farm manager, and that they would continue to conduct the management of the herds. The salary indicated therefore appears reasonable.

24. The evidence submitted indicates that the annual loan repayment relating to the construction of the proposed house would be adequately balanced by the increase in income from livestock sales, and reduced costs from the use of contractors. I conclude therefore that the figures presented are realistic.
25. I conclude therefore that given the extent of time over which calving occurs, and the need for close supervision of this, and the lack of suitable alternative provision that there is an essential need for a dwelling to be on site to support the operation of the business. The appeal proposal would therefore not conflict with the requirements of Paragraph 55 of the Framework, nor with policy CP11 of the CS to the extent that it is consistent with the Framework.
26. It would not, either, conflict with the provisions of policy CP1, which requires development to support the overall sustainability of the area. As the dwelling would provide accommodation for a rural worker at or close to the place of work, it would not conflict with policy CP6 of the CS, which seeks to manage travel demand.

Character and appearance

27. The appeal site is currently an area of open field, adjoining an open barn, and with a mature hedgerow screening it from White Horse Lane. It shares the site with a large open-sided barn and a telecommunications mast. There is a small group of houses, including new and converted farm buildings a short distance to the west along the lane, and a large livery manege to the north-west at Wheelers Farm. There are glimpses of dwellings and agricultural buildings to the north and east from the site, including the suburban development around Warren Lane.
28. In this setting therefore, of scattered rural and suburban buildings forming a relatively populous rural landscape in the vicinity I conclude that the appeal building would not appear particularly unusual, nor that as a single building it would have a significantly urbanising effect. It would not be particularly visually prominent from White Horse Lane due to the mature hedgerows, and would appear from buildings around against the setting of the existing large barn and rooftops of houses on the southern side of White Horse Lane, and would not therefore appear particularly harmful in this area.
29. The Council is concerned that there is no indication of scale or design in the submitted information, but as details of appearance, landscaping, layout and scale are reserved matters, I conclude that an acceptable size and appearance is capable of being secured through the approval of these matters.
30. The dwelling would not therefore conflict with the provisions of CP3 of the CS which seeks development which integrates with its surroundings, nor with those of policy CP11 of the CS, which seeks development which maintains the quality of the environment.

Other Matters

31. Although the issue of highway safety has been raised by a neighbouring party, it was not a reason for refusal given by the Council and no technical evidence has been put before me to indicate that it would be compromised. It appears to me that White Horse Lane is a relatively quiet one, with little traffic, and I conclude that highway safety would not be compromised as a result of the proposed development.
32. Although wildlife may make use of the appeal site, no convincing evidence has been put before me to suggest that it is a significant habitat for a protected species, and I conclude that the appeal proposal would not cause harm in this respect. It has been suggested by a neighbouring party that the proposal presents an opportunity to improve bridleways in the area, and while this may be desirable, it is not a matter which is sought or required by policy, and so is not determinative in my considerations.

Conclusion

33. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Conditions

34. The council has supplied a list of suggested conditions, on which the appellant has had an opportunity to comment. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. In the interests of clarity, I have added a condition requiring implementation of the scheme in accordance with the approved plans.
35. Details of existing and proposed levels on site and of external materials are required in the interests of protecting the character and appearance of the area. For the same reasons and in the interests of highway safety, details of boundary treatments are required by condition. Also in the interests of highway safety, conditions are added in relation to the design of the access to the site. A condition is added relating to contamination in the interests of the living conditions of future occupiers of the site. As landscaping is a reserved matter, a further condition requiring landscaping details is not necessary, however conditions are added relating to the approval and implementation of a landscaping scheme, including the retention of existing trees and hedgerows, in the interests of protecting the character and appearance of the area. As it has been concluded that the development would not have a harmful effect on wildlife, I conclude it is not necessary to impose a condition requiring wildlife enhancements.
36. An agricultural occupancy condition is added in order to make the development acceptable. A condition is attached to achieve compliance with the Council's parking standards and with internal space standards to comply with national requirements. As the site will have access to space and covered agricultural buildings, I do not consider it necessary to add a condition securing cycle parking. As the approved development is a relatively small one which would not be carried out directly adjoining residential dwellings, I do not consider it necessary to apply a condition requiring a construction method statement.

S J Buckingham INSPECTOR

Schedule of Conditions

- 1) Details of the 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 takes place 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Map 1:1250, Proposed Site for farm dwelling 1:500 received by the local planning authority on 23 March, 2016.
- 5) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 6) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 7) No development shall commence until details of all boundary treatments to be used in relation to the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples and shall be retained in the approved form for so long as the development remains on site.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected at, or within 10 metres of, the vehicular access onto the highway.
- 9) The approved dwelling shall not be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.

- 10) The approved dwelling shall not be occupied until visibility splays of 2.0 metres by 2.0 metres, have been provided at the intersection of the driveway and the adjacent footway. (Dimensions to be measured along the edge of the drive and the back of the footway from their point of intersection). The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres.
- 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 13) The occupation of the dwelling hereby approved 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.
- 14) The Reserved Matters shall be submitted in accordance with the following details and principles of the development as per the submitted plans received by the Local Planning Authority on 23rd March, 2016:
 - (i) Car Parking provision - to be designed to comply with Wokingham Borough Council Parking Standards
 - (ii) Internal Space Standards – to comply with national internal space standards

APPEARANCES

FOR THE APPELLANT:

Alan Bishop	Appellant
Christine Bishop	Appellant
Rob Bishop	Son of the Appellants
George Drewitt	Farm Business Consultant
Paul Oakley	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Angus Farqhar	Agricultural Consultant to the Council
Pooja Kumar	Planning Officer

INTERESTED PARTIES:

David Evans	Local Resident
Paddy Greenwood	Local Resident
Councillor Roger Marshallsay	Finchampstead Parish Council

DOCUMENTS:

1. Planning Obligation between Wokingham Borough Council and Alan Edward Bishop and Christine Bishop, dated 1 June 2017
2. Rightmove search 31.05.17. Houses under £270,000 within 3 miles of the appeal site.