



Appeal Decision

Hearing Held on 16 July 2019

Site visit made on 16 July 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/N4720/W/19/3225417

Intake Side Farm, Mill Lane, Hawksworth, Leeds LS20 8PF

- 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 D Pickersgill against the decision of Leeds City Council.
 - The application Ref 18/05253/FU, dated 15 August 2018, was refused by notice dated 19 November 2018.
 - The development proposed is the construction of an agricultural workers dwelling to serve farming operations at Intake Side Farm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

3. The appeal property is located within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 145 and 146 of the Framework list a number of exceptions to this. This is generally reflected in saved Policy N33 of the Leeds Unitary Development Plan Review (UDP) 2006, which also provides a list of exceptions. In so far as they are relevant to this appeal, these are largely similar to the exceptions set out in the Framework. I find therefore that saved Policy N33 is consistent with the Framework and attribute it significant weight.

4. During the Hearing, the appellant agreed with the Council's position that the dwelling would not fall within any of these exceptions and therefore would be inappropriate development. I concur with that position and find that the dwelling would be inappropriate development under the Framework and saved Policy N33 of the UDP, which is, by definition, harmful to the Green Belt.

Openness

5. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
6. The dwelling would be single-storey in height and would be positioned close to the existing buildings on the farm. Nevertheless, the existing site on which the dwelling would be positioned currently forms part of an open field on which there are no buildings. The introduction of the building on to a parcel of land that is currently absent of any built form would lead to a significant reduction in openness.
7. The site of the dwelling is on a slight incline and therefore the dwelling would be cut into the hillside. As a result, from the nearby public roads it would not be readily visible, with only the roof likely to be visible from the north. Therefore, I do not find that it would be visually intrusive. However, I find that the erosion of three-dimensional space arising from the size of the dwelling would in itself result in an erosion of openness, which would conflict with paragraph 133 of the Framework which identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 134 of the Framework.

Character and appearance

8. The appeal site is located within an open countryside rural setting that is characterised by verdant fields interspersed with farmsteads and sporadic dwellings. It is within a Special Landscape Area as designated in the development plan. To the north of the site is a small settlement that comprises a small number of dwellings set out in a linear pattern fronting Old Lane/Main Street/Hawksworth Lane.
9. The site comprises a large number of fields that surround the main farm building complex that comprises a stone Farmhouse set within a collection of traditional stone and modern buildings that are typically agricultural in their design. The dwelling would be located adjacent to this complex in what is currently a field. The field that it would be located within makes a positive contribution to the openness of area.
10. The dwelling would be single-storey in height and would be cut into the hillside, thus minimising its visibility from public vantage points. However, due to its single-storey design and relatively large rooms, including three bedrooms and an office, it would have a significantly large footprint. As a consequence, its significant bulk would be a dominant feature within the landscape and would result in the farm building complex encroaching further into the surrounding, undeveloped verdant fields. Therefore, as well as

eroding the openness of the Green Belt, it would also erode the openness of the area in general, which is an important characteristic of this open countryside, rural setting.

11. The local highway authority requires improvements to the existing access. These would result in the access having a more 'engineered' appearance, which would be in marked contrast to the more traditional, narrower access. However, I do not consider that this would be so harmful as to warrant the dismissal of the proposal by itself. Nevertheless, it does add weight, albeit limited, to the overall harm the proposal would have on the character and appearance of the area.
12. I find therefore, that the proposal would significantly harm the character and appearance of the area, contrary to Policies P10 and P12 of the Leeds Core Strategy (LCS) 2014, which, amongst other things, seek to ensure that new development provides good design that is appropriate to its location, scale and function and that the character of Leeds' landscapes will be conserved and enhanced to protect their distinctiveness. It would also be contrary to saved Policies N37 and N37A of the UDP, which seek to ensure that new development in Special Landscape Areas do not seriously harm the character and appearance of the landscape and that new development in countryside locations have regard to the character of the landscape. In addition, it would fail to accord with the design objectives of the Framework.

Other Considerations

13. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness, the conflict with the purposes of including land within it and the harm to the character and appearance of the area so as to provide the very special circumstances required to justify a grant of planning permission.
14. In supporting sustainable development, the Framework seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 79 of the Framework and include reference to situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. I have also had regard to the consideration of functional and financial tests as a key component of former national policy set out in Annex A of PPS7: Sustainable Development in Rural Areas (PPS7 Annex A). This was superseded by the Framework which no longer refers to the functional and financial tests. Nevertheless, both parties confirmed at the Hearing that they were satisfied with the use of PPS7 Annex A as an appropriate yardstick.
15. Intake Side Farm is approximately 89 hectares. The farming enterprise comprises approximately 150 dairy cattle; 25 beef cattle with 2 stock bulls; and, 200 mule store lambs for finishing. Approximately half of the land is used for grazing the livestock with the remaining half used for hay and silage. All work is carried out by the farm workers, with generally no contractors employed to carry out any work. Artificial insemination is utilised on the

farm. Whilst this has a narrow window of opportunity for success, it was confirmed by the appellant at the Hearing that the insemination procedure is carried out during regular working hours.

16. The farm is joint owned by Messrs David and Richard Pickersgill, who both work on the farm. David and his partner live at Intake Side Farm and Richard and his wife live at Sunnyside with their three children, including Andrew, who also works on the farm. All three workers – David, Richard and Andrew – work full-time on the farm.
17. There is no dispute between the parties that there is an essential need for two workers to live on site. Based on the evidence before me, including the oral evidence given at the Hearing, I find no reason to conclude otherwise. It is the Council's case that there are already two dwellings serving the farm – Intake Side Farmhouse and Sunnyside – each of which are occupied by the farm owners.
18. At present, as he lives within the farm building complex, David carries out the majority of out of hours duties, eg monitoring of sick animals or those due to calf. Furthermore, he is the one that primarily responds to out of hours emergencies. At the Hearing, David confirmed that when there is an emergency outside regular working hours, ie at night time, he currently rings his brother, Richard, if he needs assistance.
19. The proposed dwelling would be occupied by Andrew. It would be within proximity of the farm buildings, particularly those used for housing sick animals or those expecting to calf, therefore allowing easier monitoring of the animals. Also, having an additional worker close to the building complex would relieve David of some of the existing out of hours monitoring and attending of emergencies.
20. I acknowledge that some of the emergencies are as a result of David hearing the animals in distress from the farmhouse. However, the existing farmhouse is very close to the buildings used for housing the animals, indeed it is adjoining one of them. The proposed dwelling would be further away from these buildings. Whilst it would still be close to them, given the proposed positioning of the bedrooms to the rear of the dwelling and modern construction methods, eg improved insulation, I find it unlikely that the occupants of the dwelling would be alerted to a distressed animal by way of hearing them late at night. It is more likely that an emergency would be raised by way of monitoring via walking around the buildings.
21. Sunnyside is within proximity of the farm building complex. It is a short walk across a field and approximately half a mile by road. It was confirmed at the Hearing that Richard and Andrew attend the farm, including for out of hours emergencies, via road. However, this is only a very short distance to travel.
22. It was confirmed at the Hearing that calving takes place throughout the year. Therefore, there is a need for regular monitoring throughout the year. However, it would be known when each cow would likely be due to calf and appropriate monitoring could take place over this period, as is the case at present. Given that the three farm workers all live within such proximity of the farm buildings it would not be unreasonable for them to have a rota

- identifying who would monitor the animals at night. It seems to me that it is more of a choice that David currently carries out these duties, rather than a necessity.
23. Having an additional dwelling closer to the buildings than Sunnyside would make life easier for David and Andrew. However, I do not consider that the very minimal saving of time it would take for Andrew to attend the site from the proposed dwelling than it would from Sunnyside is essential to the future success of the farming operations.
24. Paragraph 79 of the Framework, which is similar to the previous paragraph 55, states 'there is an essential need for a rural worker, *including those taking majority control of the farm business*, to live permanently at or near to their place of work in the countryside.' The appellant states that this revision supports retiring rural workers who want to continue to live on site. The inclusion of '..., including those taking a majority control of the farm business...', supports a worker who is taking majority control of a farm business to live on the site, providing there is an essential need. I do not agree with the appellant's assertion that it allows a retired farmer with a majority control to continue to live on the farm. The word 'taking' indicates that it is aimed at someone who is about to take majority control, not someone who already has it.
25. At the Hearing, it was confirmed by the appellant that the dwelling would be occupied by Andrew and then potentially by David in the future when he retires, with Andrew working towards becoming the 'Head of the Holding'. Whilst there are clearly plans for Andrew to take on a more leading role in the farm business in the future, there is no indication that he would be taking 'majority control' anytime soon.
26. The dwelling would be occupied by Andrew, who is single with no children. The dwelling would have three bedrooms. Dwellings that are justified on the basis of an essential need are permissible as exceptions to the presumption against dwellings in such locations. As such, the size of the dwelling should be commensurate to the identified need. I acknowledge the personal circumstances of Andrew, in that he would be living in the dwelling by himself. However, the proposal has been assessed on the basis of whether there is need for an additional dwelling on the site to be occupied by a farm worker; not whether it would meet the specific needs of Andrew, or indeed David and his partner in the future. Therefore, I do not consider that it must be designed with their particular needs in mind, but the needs of a rural worker in general.
27. The appellant contends that the dwelling has taken design cues from typical rural bungalows and that it should not have to provide the bare minimum of floor space. Be that as it may, the rooms would very large, in particular the lounge and bedrooms. Overall, if I was to find that there was an essential need for the dwelling, its size would be overly excessive to meet that need.
28. I acknowledge that the existing buildings on site are fully utilised and any potential conversion of them would require the construction of a new building to replace them. Furthermore, I acknowledge that there is no other suitable accommodation within the locality.

29. I acknowledge that the Framework does not require a financial test as part of the assessment of essential need¹. However, based on the evidence before me, the business appears to be financially sustainable.

Other Matters

30. The appellant has referred me to a previous appeal decision in Cheshire East Council². Whilst the Inspector found that there was an essential need for a second dwelling, the circumstances are very different to the proposal before me and therefore I draw little comparison between the two.
31. I have also been referred to other case law³ by the appellant. However, there is no suggestion that accommodation should be made within the existing Intake Side Farmhouse for an additional rural worker or that David and his partner could/should relocate.

Planning Balance

32. The proposal has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. Whilst the overall loss of openness would be moderate, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Furthermore, the development would significantly harm the character and appearance of the area.
33. From the evidence presented to me, both written and orally, there is a compelling case that the proposed dwelling would improve the work/life balance of the appellant and Andrew. I also consider that there is an essential need for a second worker, in addition to David, to live within proximity of the farm building complex. However, I consider that this need is already met by Sunnyside, which is currently occupied by two of the three farm workers. Therefore, I am not satisfied that it has been demonstrated that there is an essential need for a further additional dwelling on the site for a rural worker to live permanently in. Consequently, the very special circumstances necessary to justify the development do not exist. As such, it fails to comply with saved Policy N33 of the UDP and paragraphs 79 and 144 of the Framework.

Conclusion

34. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ R (Embleton Parish Council and David Ainsley) vs Northumberland County Council and Ivor Gaston [2013] EWHC 3631 (Admin)

² Appeal Ref: APP/R0660/W/17/317446

³ JR Cussons and Son v Secretary of State for Communities and Local Government ([2008] EWHC 443) Keen –v- Secretary of State and Aylesbury Vale District Council ([1996] JPL)

APPEARANCES

FOR THE APPELLANT:

Gemma Kennedy	Planning Consultant
David Claxton	Planning Consultant
David Pickersgill	Appellant
Lynn Dacre	Appellant's Partner

FOR THE LOCAL PLANNING AUTHORITY:

Patrick Bean	Planning Officer
Roger Henderson	Agricultural Surveyor

DOCUMENTS SUBMITTED AT THE HEARING:

- 1 Search of alternative accommodation in the locality, submitted by the appellant