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## Appeal Decision

Hearing Held on 30 July 2019

Site visit made on 29 July 2019

**by Felicity Thompson BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> September 2019**

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**Appeal Ref: APP/Y2003/W/18/3216854**

**Coulbeck Farm, West Hann Lane, Barrow Haven, Barrow-upon-Humber, DN19 7HD**

- 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 Mr John Roe against the decision of North Lincolnshire Council.
  - The application Ref PA/2018/1073, dated 29 May 2018, was refused by notice dated 8 October 2018.
  - The development proposed is the erection of an agricultural workers dwelling.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of an agricultural workers dwelling at Coulbeck Farm, West Hann Lane, Barrow Haven, Barrow-upon-Humber, DN19 7HD in accordance with the terms of the application, Ref PA/2018/1073, dated 29 May 2018, subject to the conditions in the attached schedule.

### Procedural Matters

2. The planning application was submitted in outline with all matters reserved for determination at a later date. I have considered the appeal on this basis.
3. I carried out an unaccompanied site visit prior to the hearing and both main parties agreed at the hearing that a further accompanied visit was not required.

### Main Issue

4. The main issue is whether there is an essential need for an additional dwelling to accommodate a rural worker.

### Reasons

5. Paragraph 79 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid development of isolated homes in the countryside unless 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.
6. Policies CS2, CS3 and CS8 of the North Lincolnshire Local Development Framework Core Strategy Adopted June 2011 (Core Strategy) and Policy RD2 of the North Lincolnshire Local Plan including Policies for Minerals and Waste

Adopted Plan May 2003 (Local Plan) set out the Council's spatial aims for development including housing development across North Lincolnshire and largely reflect the approach taken in the Framework, with housing development in the open countryside being limited to that which is essential to the functioning of the countryside, such as that related to agriculture.

7. Coulbeck Farm comprises around 386 acres of land and is operated as a mixed livestock and arable farming enterprise with the land being split between 120 acres of grassland and 266 acres of arable crops. The livestock enterprise consists of breeding of replacement dairy cows and beef rearing and finishing and operates a continuing calving policy, calving all year round. At the hearing the appellant confirmed that there are around 450 cattle on the farm with around 10 a week going to slaughter.
8. The submitted Agricultural Dwelling House Appraisal calculates a labour requirement for 4 full time workers at the farm. It also concludes that the enterprise needs a full-time worker to reside on the holding for the 24-hour supervision of livestock including regular checks day and night for both animal husbandry purposes and security. Both parties are agreed on these matters and also concur that the existing business is financially sound. Based on the evidence before me I see no reason to disagree with these findings.
9. The labour for the business is provided by the appellant and his wife together with 2 full-time employed livestock workers. The appellant and his wife own the farm, with the farmhouse being occupied and 50% owned by the appellant's 84-year-old mother. The appellant's father died around 6 years ago and his mother who previously worked on the farm is now retired. The appellant and his wife live around 2km away in the settlement of Barrow-upon-Humber and commute to the farm from there each day.
10. At the hearing the appellant explained that up until 2017 his nephew had lived in the farmhouse with his grandmother and had been able to carry out the necessary supervision, and that whilst the enterprise is currently operated without the 24-hour presence of a full-time worker on site, this arrangement has now become untenable due to animal losses.
11. The appeal proposal would provide a new dwelling for the appellant and his wife to manage the business from. In refusing planning permission, the Council considers that the functional need at Coulbeck Farm could be met by the existing farmhouse.
12. The main area of disagreement is therefore whether or not the farmhouse can reasonably be considered to be available. The appellant refers to the high court judgement in the case of *Keen v Secretary of State for the Environment and Aylesbury Vale District Council*<sup>1</sup>. This found that it was insufficient for accommodation to merely exist, rather it is necessary to determine whether or not it can reasonably be held to be available. This approach is also reflected in the appeal decisions referred to by the appellant<sup>2</sup>. The Council does not dispute the relevance of the Keen judgement or cited appeal decisions but considers that each case should be considered on its own merits.

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<sup>1</sup> Keen v Secretary of State for the Environment and Aylesbury Vale District Council [1996] JPL 753

<sup>2</sup> APP/N6845/A/09/2106131, APP/W1850/A/10/2129273, APP/W9500/A/08/2087370

13. In this case, the existing farmhouse is occupied by the appellant's 84-year-old mother who has lived in the farmhouse since 1972 and whilst she no longer works on the farm is attached to the property and wants to remain there for sentimental reasons. The Council does not consider that it would be reasonable or necessary for the appellant's mother to leave the farmhouse altogether but thinks that the existing farmhouse could be altered to meet the needs of the farm. Further, that the house could be occupied by a worker employed on the farm when the need arises and explained at the hearing that this could be for example when cows are going to give birth. However, at the hearing the appellant explained that they cannot determine when a cow is going to give birth as the cows are 'covered' by bulls in the field and births could occur at any time throughout the year. As such and as the Council does not dispute the need for an on-site presence, I consider this would not meet the needs of the holding.
14. In the case of *JR Cussons & Son v Secretary of State for Communities and Local Government*<sup>3</sup> referred to by the appellant, it was held that the Inspector's solution involving using the existing building, whilst reasonable and practicable if the stockman only needed to attend intermittently over a few months of the year, could not be so regarded where, as the evidence showed, constant supervision of the stock was called for over the greater part of the year, such are the circumstances in this case.
15. At the hearing there was discussion about whether an annex could be provided to accommodate the appellant's mother such that the appellant and his wife could also live in the farmhouse, thereby avoiding the need for a new dwelling. However, the appellant has considered this option but states that there is no room to accommodate such an annex and maintained that his mother would not leave the house.
16. I viewed the farmhouse from the road, and it is a modest two storey three bedroom dwelling with a single storey extension to one side, surrounded by working agricultural buildings which are in close proximity to the house. At the hearing the Council stated that planning permission was granted in 1977 for the single storey extension for use as an annex. However, the appellant explained that it has never been used as an annex and accommodates the farm office and utility room/rest area for workers on the farm and is in regular use. I agree with the Council that there appears to be room to extend above this space however, the appellant considers that the modest nature of the house and its small room sizes mean that in practical terms, even with an extension, it would be unlikely to be large enough to meet their requirements.
17. Furthermore, any extension or annex would lead to the loss of the office and utility room/rest area which would have to be provided elsewhere as part of any alterations to the farmhouse. Whilst these could be accommodated elsewhere on the farm, no alternative location has been identified and I am also aware that the existing buildings on the farm are already in use.
18. It seems to me that the Council is sympathetic to the personal circumstances of the appellant and his mother and would look favourably on a proposal to alter or extend the farmhouse. Even so, given its relatively modest size and along with the requirement to retain an office and utility/rest area, based on

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<sup>3</sup> *JR Cussons & Son v Secretary of State for Communities and Local Government* [2010] EWHC 2463 (Admin)

the evidence before me I cannot be content that satisfactory accommodation could be provided there for either a full-time unrelated farm worker or both the appellant and his wife and mother.

19. I am mindful that a functional need for accommodation depends on the needs of the enterprise rather than the personal preferences or circumstances of the individuals involved. Nevertheless, the appellant's mother has lived in the farmhouse for a significant period of time and whilst she is no longer actively involved in the running of the enterprise, has no intention of leaving the farmhouse in the foreseeable future and could remain there for some time.
20. On this basis, there is no indication whether or when the farmhouse would be likely to become available. In the absence of any firm evidence to demonstrate that the farmhouse could accommodate the appellant and his wife as well as his mother or that she would be willing to downsize or share her home, and since it would be unreasonable to require the appellant's mother to leave, I am therefore not persuaded that the existing farmhouse is available.
21. Overall, for the reasons given, I am not satisfied that the farmhouse can reasonably be considered to be available to the appellant. This being so, and taking into account the benefits that would arise from the proposal, I therefore conclude that there is an essential need for an additional dwelling to accommodate a rural worker and consequently there is no conflict with Policies CS2, CS3 and CS8 of the Core Strategy, Policy RD2 of the Local Plan or paragraph 79 of the Framework.

### **Other Matters**

22. The Council provided copies of two appeal decisions relating to proposals for an agricultural workers' dwelling at a farm elsewhere in North Lincolnshire<sup>4</sup>. However, it is evident from these decisions that the Inspector considered the need for an additional dwelling was not proved as there was an existing dwelling on the holding which was occupied by a farm worker who could carry out the necessary supervision. In this case whilst there is a house it is not occupied by someone actively involved in the farming enterprise and who could reasonably be required to carry out the required supervision. As such I consider these decisions are not comparable and have little bearing on the planning merits in this case.

### **Conditions**

23. At the hearing we discussed conditions in the event that the appeal was allowed, and the Council suggested a number of conditions which the appellant was agreeable to and which I have considered against advice in the Framework and Planning Practice Guidance (PPG).
24. I have attached the standard conditions for an outline permission including the definition of the reserved matters. I have also attached a condition requiring the development to be in accordance with the approved plan for certainty. A condition limiting the occupation of the dwelling is required to ensure that it is kept available to meet the agricultural need.
25. In addition to the conditions which I have imposed, the Council recommended conditions in respect of highway matters however, no suggested wording has

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<sup>4</sup> APP/Y2003/A/09/2107465, APP/Y2003/A/10/2131408

been provided. In any event, as there is no objection in principle from the highway department and since access is a reserved matter it is not necessary to impose such conditions.

**Conclusion**

26. For the reasons given above and having regard to all other matters raised, subject to conditions, the appeal is allowed.

*Felicity Thompson*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Ian Pick

John Roe

Diane Roe

### FOR THE LOCAL PLANNING AUTHORITY:

Emma Carrington

North Lincolnshire Council

### **Schedule of conditions**

- 1) Details of the access, 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 Location Plan SH dated June 2018.
- 5) The occupation of the dwelling 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.