
Appeal Decision

Hearing Held on 6 October 2020

Site visit made on 7 October 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/A3010/W/20/3251589

Farleys Farm, Ollerton Road, Tuxford NG22 0PG

- 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 David Mark, Moy Park against the decision of Bassetlaw District Council.
 - The application Ref 19/01181/FUL, dated 9 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed is the erection of a Poultry Managers House (Agricultural Workers Dwelling).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a Poultry Managers House (Agricultural Workers Dwelling) at Farleys Farm, Ollerton Road, Tuxford NG22 0PG in accordance with the terms of the application, Ref 19/01181/FUL, dated 9 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan IP/MP/01 – dated Sept 19, Site Layout Plan IP/MP/02 – dated Sept 19, Elevations and Plans IP/MP/03 – dated Sept 19.
 - 3) No construction above ground level shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
 - 4) 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.

- 5) 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 extension, external alteration or enlargement of the dwelling hereby approved shall be carried out.
- 6) 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 garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than those expressly authorised by this permission.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and whether there is an essential need for a rural worker in this location.

Reasons

Character and appearance

3. Policies DM4 and DM9 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD (December 2011) (the LP) seek to ensure that, amongst other matters, new developments respect their wider surroundings and are sensitive to their landscape setting.
4. The appeal site is located within the rural open countryside, characterised by gently undulating agricultural fields often ringed by hedgerows and with some established woodland and plantations. The site is situated in close proximity to the existing poultry enterprise, comprising large and numerous sheds. Within the local area are a number of farmsteads.
5. The proposed dwelling is shown on the submitted plans as being a modestly proportioned bungalow, albeit with three bedrooms, and detailed by the appellant as having a floor area of approximately 120 sqm. Existing tree planting to the west provides an effective screen to the wider landscape and otherwise the proposed bungalow would be viewed in the context of the poultry enterprise which it would serve.
6. At the Hearing the Council acknowledged that the design and appearance of the proposed dwelling is acceptable, while noting the countryside location of the appeal site.
7. On the basis of the evidence before me I find that the proposed development by virtue of its design and appearance, and close association with the poultry enterprise, would not harm the character and appearance of the area. As such, the proposed development is not contrary to Policies DM4 and DM9 of the LP.

Essential need

8. It is not at dispute between the parties that, for the purposes of paragraph 79 of the National Planning Policy Framework (the Framework), the proposal is an isolated home in the countryside. It is the appellant's case that, referring to

- one of the specific circumstances allowed by paragraph 79, there is an essential need for a rural worker (the Poultry Manager) to live permanently at the poultry enterprise to provide animal welfare and security protection.
9. Policy DM3 C) of the LP largely echoes the provisions of the Framework, specifically with regards the requirement to demonstrate that the dwelling is necessary and that suitable alternative sites are not available.
 10. The enterprise is currently operational, and the Poultry Manager role is being fulfilled by an employee living in rented accommodation in the nearby village of Tuxford. The appellant confirmed at the Hearing that this location was within 5 minutes travel time of the appeal site. I note that this would therefore meet the appellant's target response time as set out in the submitted statements; clearly this supports the Council's case that the role could be fulfilled from accommodation in a nearby settlement.
 11. However, the appellant identified that the use of off-site accommodation carried with it the risks associated with reliance on motor transport, with the associated risk of traffic and weather delaying the arrival of the Poultry Manager on site and resultant increased animal welfare issues, specifically including significant loss of life. Furthermore, the appellant referred to a recent incident at another site where a significant number of birds died and the Poultry Manager residing off site was identified as a contributory factor.
 12. I note that while many of the poultry shed systems are alarmed and remotely monitored issues resulting from, for example aircraft or weather, cannot readily be remotely monitored. As such an onsite presence is necessary to ensure animal welfare and safety.
 13. At the Hearing the appellant referred to site security issues including concerns relating to the theft of animals and incursions from animal rights activists. This is a matter I give some weight to and it weighs in favour of the proposal.
 14. On the basis of the evidence before me, I find that it has been demonstrated that there is an essential need for a rural worker to live permanently at the poultry sheds. As such, the appeal proposal meets the specific circumstance a) allowed by paragraph 79 of the Framework. The proposal is therefore not contrary to policy DM3 of the LP in so far as it relates to development in the countryside in relation to an agricultural enterprise.

Conditions and Conclusion

15. For the reasons given above I conclude that the appeal should be allowed subject to a condition listing the approved plans for the purposes of clarification and a condition relating to external materials in the interests of good design and protecting the character and appearance of the area.
16. I have included a condition to restrict the occupancy of the dwelling to persons working in agriculture and forestry to prevent the development of an isolated home in the countryside without satisfying the necessary exceptions detailed in the Framework. While being mindful of the advice set out in the Planning Practice Guidance¹, as a result of the isolated countryside location of the appeal

¹ paragraph 21a-017-20190723

site, I have included a condition removing specific permitted development rights in the interests of protecting the character and appearance of the area.

Mark Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Pick

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Broadhead