The Planning Inspectorate

Appeal Decision

Hearing Held on 18 November 2020

Site visit made on 19 November 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/Y2620/W/20/3249813
Strawberry Farm, Langham Road, Field Dalling, Norfolk NR25 7LG

- 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 Simon Turner (Sharrington Strawberries) against the decision of North Norfolk District Council.
- The application Ref PO/19/1249, dated 24 July 2019, was refused by notice dated 10 February 2020.
- The development proposed is an agricultural dwelling.

Decision

1. The appeal is allowed and planning permission is granted for an agricultural dwelling at Strawberry Farm, Langham Road, Field Dalling, Norfolk NR25 7LG in accordance with the terms of the application, Ref PO/19/1249, dated 24 July 2019, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. The application was made in outline with all detailed matters reserved for later consideration. I have dealt with the appeal on the same basis.

Main Issues

3. These are:

   - whether there is an essential need for the agricultural worker's dwelling proposed, having regard to the requirements of local and national planning policy, and
   - should there be such an essential need, would the proposal be acceptable in relation to highway safety and accessibility.

Reasons

Whether there is an essential need for the agricultural worker's dwelling

4. The appellant resides at Strawberry Farm, just outside the small village of Field Dalling, in a dwelling allowed in 1998 on an agricultural need basis. This house is centrally placed within the 80-acre land holding which is used for fruit and vegetable growing. The appellant runs this operation with the support of a full-time manager and full-time supervisor. The business supplies directly to local businesses and has its own retail outlets.

5. Much of the produce is grown under polytunnels with various irrigation, fertilizer application, temperature control and ventilation requirements, some of which are automated. At the centre of operations there is a pack house building, with cold storage facilities, where produce is packaged for onward distribution. Whilst the holding is of a relatively small size in terms of area, the evidence shows the business to be an intensively run horticultural operation, employing over 40 seasonal workers, mainly in the months February to November. The variety of husbandry tasks involved with the horticultural business, required to be undertaken between early and late hours of the day, are summarised in the agricultural report prepared for the appellant[1] and the appraisal[2] of this produced for the Council.

6. The proposal is for a second dwelling to accommodate the full-time manager, who currently lives in a mobile home located next to the pack house building. In addition to this, eight other mobile homes are sited elsewhere on the holding which are used to house temporary workers. None of these have the express consent of the Council but may have been in place for more than 10 years. The plot for the new dwelling is immediately behind the pack house building and so, like the existing farmhouse, would be sited centrally to the operations.

7. Policy SS1 of the Council's Core Strategy[3] (CS) focusses the majority of new development into North Norfolk's towns and larger settlements, with a lesser amount into those smaller villages with services. Elsewhere is deemed countryside, where CS Policy SS2 limits new development to that requiring a rural location for specific reasons, including agriculture. In the context of this spatial strategy, CS Policy HO5 permits agricultural occupational dwellings in the countryside subject to a number of criteria.

8. In respect of the above, the CS is broadly consistent with the aims of the National Planning Policy Framework (the Framework) for achieving sustainable development. This is through the planning system delivering a sufficient supply of homes by focusing significant development in locations which are or can be made sustainable whilst, in rural areas, being responsive to local circumstances and supporting housing developments that reflect local needs. Policy HO5 reflects the Framework's advice to avoid 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.

9. The Planning Practice Guidance[4], which underpins the Framework, provides further advice over the need for isolated homes in the countryside for essential rural workers and the considerations that may be relevant in applying Framework policy. Appropriate to this case is evidence of the necessity to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural enterprise, including where processes require on-site attention 24-hours, where otherwise there would be a risk from crime or where there might be a need to deal quickly with emergencies to avoid a serious loss of crops. Another is whether the provision of an additional dwelling on site is

[1] By Roland Thomas MRICS, Rural Planning Consultant, Acorus Rural Property Services Ltd – July 2019.
[2] Appraisal on behalf of North Norfolk District Council by Landscope Land and Property – December 2019.
[3] North Norfolk Local Development Framework Core Strategy incorporating Development Control Policies – September 2008.
[4] Paragraph: 010 Reference ID: 67-010-20190722, revision date: 22 07 2019.

essential for the continued viability of a farming business through the farm succession process.

10. I concur with the parties that two of the criteria in CS Policy HO5 are shown to be met. This is in respect of Strawberry Farm having been established considerably longer than three years and operating on a firm financial basis. Furthermore, the proposal does not represent the replacement of another dwelling on the site that has been sold on the open market in the last five years. Another criterion is that the proposed dwelling would be no larger than that required to meet the functional needs of the enterprise, nor unusually expensive to construct in relation to the income it could sustain in the long term. The scale of the dwelling might be controlled through the approval of suitable reserved matter details and a condition over its size could be applied to any outline permission.

11. This then leaves the further requirements for a dwelling to be permissible under CS Policy HO5. These relate to whether there is a demonstrated essential need for one or more full time workers to be readily available at most times for the enterprise to function properly, with the functional need incapable of being met by another existing dwelling on the site of the enterprise or in the immediate vicinity.

12. It is reasonable for the farm manager to require a family-sized dwelling, and so the currently occupied mobile home, or others on the holding, do not provide suitable accommodation to meet the longer-term need. The appellant occupies the only other permanent dwelling on the farm.

13. Little evidence over the availability of affordable, family-sized farm worker accommodation has been provided. Nevertheless, I consider it reasonable to conclude that in the lowly populated surrounding area, with small villages of a kind where the market for second and holiday homes might skew house prices upwards, affordable accommodation options might be more readily available at some significant distance from the farm, possibly within one of the nearer market towns.

14. The existing dwelling would be sufficient to provide the necessary 'sight and sound' security presence. However, the appellant is reaching an age where he might increasingly wish to take a less active role in managing the day to day farm operations. There remains a need for a full-time worker to be available to maintain a constant managerial role over the activities and the differing amounts of labour required at various seasons for picking and other operations. As these can extend long beyond normal working hours, and at various times of the year will involve early starts and late finishing, this intensive operation could not reasonably be expected to be adequately managed by a full-time worker having to travel to and from the site, potentially at multiple times daily, from a home elsewhere.

15. Therefore, I consider there to be an essential need for the agricultural dwelling to provide permanent family accommodation on-site and to enable the full time manager to continue to be readily available at most times for the proper functioning of this intensive horticultural operation, thereby satisfying the full terms of CS Policy HO5 and complying with both the development plan as a whole and the Framework.

Highway safety and accessibility

16. A dwelling in this rural location would have very poor accessibility to essential services and facilities, other than by means of regular private car journeys. Furthermore, the visibility onto the Langham Road from the existing farm access is substantially below the desired national standards. Coupled with the restricted width of the public highway at this point, the further use of this access would give rise to significant concerns in respect of highway safety, particularly as this is a relatively well-used rural road. However, the opportunity exists under reserved matters for a safer access to be provided onto the Langham Road, one originally intended for the existing dwelling when originally approved, but which is yet to be provided.

17. The location of a dwelling on the holding would offset some of the car journeys a farm manager would otherwise make if living away from the site. Given the functional necessity for a further dwelling on this farm, the proposal would be acceptable in relation to highway safety and accessibility, which otherwise might not have been the case without the agricultural need.

Conditions and Conclusion

18. I have assessed the conditions recommended by the Council against the tests set out in paragraph 55 of the Framework. The standard outline conditions are necessary, including the time limit imposed for the submission of reserved matters. To ensure the dwelling is single-storey and of a suitable scale and position to meet its requirements and those of development plan policy, a condition is needed to establish the parameters for any later reserved matter details. To ensure subsequent control over the future size of the dwelling, a condition removing automatic permitted development rights to enlarge it is appropriate in this case.

19. To reflect the justification for allowing this proposal, a condition is required limiting the dwelling to agricultural occupancy. As the proposal would replace the mobile home currently occupied by the full-time manager, it is necessary this is removed once the dwelling hereby allowed is available for occupation.

20. Subject to these conditions, and as there has been demonstrated to be an essential need for the proposal and upon which basis it would be acceptable in relation to highway safety and accessibility, I conclude that the appeal should be allowed.

Jonathan Price

Inspector

APPEARANCES

FOR THE APPELLANT:

Simon Turner	Sharrington Strawberries
Roland Thomas MRICS	Acorus Rural Property Services Limited

FOR THE LOCAL PLANNING AUTHORITY:

Jamie Smith	Planning Officer
John Shaw	Development Services Manager (Norfolk County Council Highways)
Sam Franklin BSc (Hons) MSc MRICS FAAV MBIAC PIEMA MISoilSci	Rural Planning Consultant, Landscope Land and Property

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 details subject to condition 1 (above) shall provide only for a single storey dwelling located adjacent to the Strawberry Farm packing shed with a gross internal floor area of no greater than 180 square metres.

5) The occupation of the dwelling hereby permitted 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 of such a person, and to any resident dependents.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking, amending or re-enacting that Order with or without modification) no enlargement of the dwelling under Schedule 2, Part 1, Classes A, B, or C shall be carried out.

7) Within one month of the date of the first occupation of the dwelling hereby permitted, the existing caravan within the site of Strawberry Farm currently occupied by the farm manager shall be removed from the site and shall not be re-sited on any other land forming part of Strawberry Farm or under the control of the appellant.