
Appeal Decision

Hearing Held on 10 December 2020

Site visit made on 11 December 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/N2345/W/20/3247034

Adamson's Farm, Eaves Lane, Cuddy Hill, Woodplumpton, Preston PR4 0BP

- 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 Allan Peter Thornton against the decision of Preston City Council.
 - The application Ref 06/2018/1320, dated 1 December 2018, was refused by notice dated 15 August 2019.
 - The development proposed is the change of use from agricultural to residential land and the erection of a new farmhouse.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. At the Hearing applications for costs were made by Mr Allan Peter Thornton against Preston City Council and vice versa. These applications are the subject of separate Decisions.

Main Issue

3. The main issue is whether there is an essential need for a farm worker to live on site, bearing in mind the long-term viability of the farm holding, its operation and security.

Reasons

The long-term viability of the holding

4. At Cuddy Hill, the buildings are scattered over a wide area, segregated by large open fields. Whilst there are a couple of neighbouring dwellings by Adamson's Farm, it is within the countryside.
5. The appellant has been in charge of this farm holding since 2015, running it from his home on the outskirts of Preston. It has acquired the 'Red Tractor Assurance' award.
6. The unit is based on a farmyard at Adamson's Farm, which is compact and enclosed and includes a traditional stone barn, several outbuildings, polytunnels and a static caravan. There is a listed farmhouse within the centre of the farmyard, which is under separate occupation. Aside from the farmyard,

- the other parts of the holding are fragmented, including distinct fields which are used for grazing, once the animals are old enough to be left in the open.
7. Both parties agree that the farm holding is financially sound with established outlets for the produce. There has been sufficient profit for several years to support one agricultural worker and this is also the current position. The proposed new farmhouse would be funded from sources outside of the farm operation.
 8. The main farmyard and immediate land, 18.53 acres, are owned by the appellant, with a further 75.88 acres on a long-term lease. However, the rest of the holding, approximately 200 acres, is rented and it was confirmed at the hearing that this is on the basis of an annual agreement. Whilst this has been ongoing for many years, there is no guarantee that it will continue. Indeed, various social and economic pressures will influence the landowners and the use for the land and the prospects would be more complex rather than simply relying on goodwill.
 9. If this annual tenancy land was lost, the holding would be substantially reduced; the grazing capacity of the farm would be constrained, and stocking levels would not be maintained. The profit of the holding would be reduced as well as the operational need for a full-time worker.
 10. I therefore conclude that both the future prospects and viability of the holding are uncertain.

The operation of the farm

11. The farm rears sheep and beef cattle: typical stocking is 300 breeding ewes and 30-40 calves. Both parties agree that this amount of stock warrants a full-time worker. However, the pertinent question is whether there is an essential need for this worker to live on site.
12. The lambing is acknowledged as a time when the presence on site can be regarded as essential. The lambing is pre-planned and takes place between January and May. There is provision in the planning system for use of a temporary caravan to cover such times, and indeed there is one on site. Although it is understood that this is not satisfactory accommodation, this caravan could be replaced with one providing better living conditions. The submitted evidence does not clearly show that a good quality caravan would not be conducive to meet the temporary needs of lambing.
13. Additionally, the farm brings in typically 3 to 4 week old calves for rearing. They are fed 3 times a day and need to be checked for pneumonia and other illnesses. However, it was clear at the hearing that the feeding and checking do not take place late at night, but during the daytime, which avoids the necessity to live on site.
14. It was also clear based on the written submissions and evidence at the hearing that statutory animal welfare requirements can be met here without the dwelling.
15. The absence of toilet facilities was also suggested as justification for the proposal. However, these could be provided independently of a new dwelling.

16. I therefore conclude that living on site throughout the year is not essential to the operation of the holding.

Security

17. Improved security has also been suggested as a justification for the dwelling. The submitted evidence expressed the general potential risk to farms at regional and national levels, but apart from an incident with a firework, no specific cases were detailed at the hearing or in written evidence to show the potential for a significant problem. It is understood that there have been cases of sheep escaping on to the roads, and sheep worrying and trespass, but these events would not necessarily be prevented or even easily remedied by the proposed dwelling.
18. Furthermore, the land holding is dispersed, and some significantly sized parcels are distanced from the main farmyard. Consequently, such visual and physical separation would mean that a dwelling would not help the awareness and treatment of an emergency.
19. The neighbouring houses overlook the site and would have a perceptible presence to deter potential intruders. Similarly, although the farmhouse, is in independent occupation and could not be relied upon for help, nonetheless this house has a presence which would be a deterrent particularly as it is seen directly facing the site entrance.
20. The farm machinery is stored at the farmyard, away from the site entrance and out of view, which reduce the potential for problems. Moreover, the nature of the farming operation is not particularly reliant upon extensive machinery. CCTV, alarms and other measures would also be available.
21. The appellant lives 6.1 miles away which the parties agree takes 21 minutes (subject to traffic). The evidence in writing and at the hearing did not clearly prove why this would be inadequate for a likely emergency. Whilst alternative accommodation in the Cuddy Hill vicinity would be prohibitively expensive, it was evident that more reasonable accommodation may well be available nearer than the current home.
22. Flooding was raised as a potential barrier to getting to the farm. While I noted the low-lying nature of the roads, no specific occurrences were quoted whereby such events have prevented access.
23. I therefore conclude that the security and access to the site do not justify the proposed dwelling.

Conclusion on essential need and the planning policy requirements

24. Policy HS5 of the Preston Local Plan Site Allocations and Development Management Policies (LP) allows dwellings for rural workers where there is an essential need to live on or in the immediate vicinity of the site. It requires the functional need to be considered as well as the soundness of the operation for the future. Similarly, this essential need is also a requirement in Paragraph 79 of the National Planning Policy Framework (the Framework), whilst the Government publication 'Housing needs of different groups' provides detailed criteria on essential need. This includes 24-hour a day attention, reasons of animal health, the degree to which there is confidence that the enterprise will

be viable for the foreseeable future and the risk of crime and need in emergency. The proposal would be in conflict with these policies.

25. Policy EN1 of the LP restricts development in open countryside and refers to policy HS5. Policy 1(f) of the Central Lancashire Adopted Core Strategy (CS) also restricts development. The Council affirmed at the hearing that policies 1 of the CS and EN1 of the LP aim to concentrate new houses in areas with facilities rather than the countryside. The proposed dwelling would be in the countryside and not being accessible to mainstream everyday services/facilities would be reliant upon private transport. Although travelling to work (the farm) for one of the occupants would be saved, this would not offset other travel demand. Accordingly, the proposal would be contrary to policies EN1 and HS5 of the LP and policy 1(f) of the CS, the NPPF and Government Advice.
26. Paragraphs 80 and 83 of the Framework promote agriculture and the rural economy, but they do not override the clear impetus of paragraph 79.
27. Whilst there is sufficient work (subject to the annual agreement on the land) to support a full-time worker, this does not mean that living on-site throughout the year would be essential. I therefore conclude that there would be not be an essential need for the dwelling.

Other matters

28. The appellant is taking time to commute, which could be better spent at the farm, developing the operation. Similarly, such commuting is also incurring daily expense which could be instead invested in the business. Additionally, it is suggested that the proposal would reduce traffic in/out of the site. Living on site would also reduce isolation from family and provide better health and quality of life. However, these benefits do not justify the dwelling.
29. The farm supports the local rural economy, and the meat is sold in the local farm shop and markets. I note the list of businesses associated with the farm, as well as the letters of support, but they do not override the lack of an essential need.
30. Reference was made at the hearing to the foundations of a former poultry house on the proposed site of the dwelling. However, the existence of the concrete base does not lead me to a different decision.
31. Appendix 11 of the appellant's statement makes references to permitted dwellings in the area which it was suggested would support this proposal. These were discussed at the hearing, and West View Farm and Whinneyfield Farm were added. Some of these cases were market dwellings for infilling and therefore judged on different criteria, in particular the nature of adjacent housing, and indeed there was a shortfall in housing land supply at that time. Some cases also pre-date the current Local Plan. One case was allowed on the basis that it was proven to have an agricultural need. At the hearing it was also explained that in the Whinneyfield Farm case ADAS advised of an agricultural need. In any event, this appeal proposal has to be justified in terms of this farm's specific characteristics and its particular operation. These other cases do not justify this proposed dwelling for this particular holding.

Conclusion

32. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Julie Liddle BSC (HONS), LLM, FRICS, FAAV	Director, Robson & Liddle
Mr Thornton	Appellant
Mrs Thornton	Appellant's wife
Mr Pratt	Neighbour in support

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Evans MCD	Senior Planning Officer, Preston City Council
Kenny Dhillon PgTP, MRTPI	ADAS, Associate Director
James Atkinson BA (HONS)	ADAS, Planning Consultant
Ian Snowden BSC (HONS), PgSM BACCS	ADAS, Senior Agricultural Consultant