



Appeal Decision

Hearing held on 16 February 2021

Site visit made on 17 February 2021

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2021

Appeal Ref: APP/N2535/W/20/3263121

Hall Farm Park, Caistor Road, South Kelsey, Market Rasen LN7 6PR

- 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 T Knapton against the decision of West Lindsey District Council.
 - The application Ref 140686, dated 21 February 2020, was refused by notice dated 27 May 2020.
 - The development proposed is the erection of an agricultural worker's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural worker's dwelling on land at Hall Farm Park, Caistor Road, South Kelsey, Market Rasen LN7 6PR in accordance with the terms of the application Ref 140686 dated 21 February 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is in outline with matters regarding means of access, layout, scale, appearance and landscaping reserved for later determination.

Main Issue

3. The main issue is whether there is a need for a second agricultural worker's dwelling on the farm.

Reasons

4. The proposed development would be located adjacent to Hall Farm Park just south of Caistor Road and not far from the village of South Kelsey in Lincolnshire. Hall Farm Park is a visitor attraction and sits within Hall Farm which is operated by KC & VF Knapton & Son and extends to about 480 acres. The farmhouse at Hall Farm is about 600 metres from the visitor attraction. However, the two entities are separate business enterprises with each run as a partnership.
5. Hall Farm Park was established in 2006 as a farm diversification initiative. The facility includes an animal barn, a play barn and a tearoom / giftshop together with outdoor attractions such as animal pens and paddocks, crazy golf, go-carting and a fort. There is also quite a large visitor car park.
6. In 2019 the facility attracted over 35,000 paying visitors. This figure excludes under-2s, free birthday entrants and season-ticket holders. The facility provides 6-7 full time jobs and, according to the season, around 25

part-time jobs. The play barn was extended some years ago and planning permission has been granted for the erection of a second play barn close to the car park of the visitor attraction.¹

7. The animal barn accommodates breeds such as goats, donkeys, alpacas, llamas and pigs as well as smaller mammals such as rabbits, poultry and parrots. Furthermore, the Appellant also keeps sheep in the fields surrounding the facility.
8. The proposed development comprises a detached dwelling to be used as an agricultural worker's dwelling. It would be located on a broadly rectangular shaped site about 200 metres from Caistor Road and close to the animal barn on the eastern part of the Hall Farm Park visitor attraction. The site is largely screened from Caistor Road by a small standing of trees.
9. Government policy as expressed at Paragraph 79a) of the National Planning Policy Framework ('the Framework') allows for the construction of a rural worker's dwelling provided that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This essential need can include those taking majority control of the operation of the business.
10. An earlier proposal for an agricultural worker's dwelling submitted by KC & VF Knapton & Son was dismissed on appeal in January 2019.² The Inspector accepted that it was necessary that the farmer be within sight and sound of the livestock and that 2 people would be required to restrain and treat an animal. At that time the Appellant lived with his parents and grandparents in the farmhouse. The Inspector considered that the farmhouse was within sight and sound of the animal barn and therefore concluded that there was not an essential need for an additional dwelling.
11. The Appellant is not a partner of either business although he expects to become so soon as part of the farm succession process. His father has primary responsibility for managing the arable component of the enterprise which accounts for about 360 acres of the land at Hall Farm. The father anticipates stepping down his level of engagement in the farm in the near future.
12. The Appellant's grandparents are also partners in both enterprises, and live at the farmhouse. However, due to their advancing years they are no longer meaningfully involved in the running of either Hall Farm or Hall Farm Park.
13. The Appellant is responsible for managing the livestock associated with the Hall Farm Park facility. The fact that he is not a partner in the farm does not undermine his importance to the operation of the enterprise. The size of the livestock operation has not changed to any material degree since January 2019 when the previous appeal was determined. However, from the site visit it was evident that the animal barn is at, or is very close to, full capacity.

¹ See planning application reference 140571 granted permission 27 March 2020.

² See planning appeal reference APP/N2535/W/18/3208922

14. The Appellant also has a significant responsibility for looking after the 90 or so beef cattle at Hall Farm. During the winter months the beef cattle are accommodated in a barn adjacent to the farmhouse. Again, it is understood that the scale of this operation has not changed to any degree since January 2019.
15. Using the methodology set out in the John Nix Farm Management Pocket Book 2019 the two business enterprises generate a requirement for just over 2 full-time workers, with a near 50-50 split between arable and livestock. This corresponds closely to the current arrangement with the Appellant managing the livestock and his father managing the arable acreage. Accordingly, this methodology seems credible.
16. Since the previous appeal the Appellant has moved away from the farmhouse, finding the shared arrangement with parents and grandparents unsatisfactory. Currently the Appellant lives about 5-7 miles away in Caistor with his partner. The journey by car, including unlocking the security gates, takes about 20-25 minutes and possibly longer in winter with the need to de-ice windscreens. This time delay could be critical in the context of an ill animal.
17. On a typical day the Appellant is at Hall Farm Park from early in the morning until about 11pm when he performs final checks on the livestock in the animal barn and the beef herd at Hall Farm. However, when any of the animals are sick, he will need to attend during the night. In addition, he will need to be present at night during lambing in late April and to look after cade lambs. Finally, if any of the beef herd are taken ill it is likely that the Appellant will be called out by his father.
18. The animal barn has a CCTV facility. However, even with many cameras this technology does not provide good coverage of all the pens. Consequently, this technology does not guarantee the welfare of all the animals within the Appellant's control.
19. The Appellant is planning to expand the scale of the visitor attraction with the construction of the second play barn. There is also the intention to expand the number and the variety of livestock. Furthermore, the Appellant intends to extend the lambing season into summer which would increase the number of visitors further. However, the Appellant is unable to commit to this at present because of the constraints imposed by living away from the visitor attraction.
20. Neither the current financial health of the enterprise nor the expansion plans are evidenced by business accounts or a business plan. Nevertheless, visitor and employment numbers provided by the Appellant attest to the business's previous performance and its current health. The pandemic has not affected the plans.
21. These facts lend considerable credence to the expansion plans sketched out in the Functional Need Statement. The planning permission for the new play barn is further evidence of an intention to expand the business. Consequently, the information provided is sufficient to confirm that the

business has grown to a point where it is an established enterprise with intentions to develop further.

22. Whilst the business has not grown in the short period since January 2019 there has been a change of circumstances in regard to the Appellant's living arrangements. It would not be reasonable to expect the Appellant and his partner, who intend to start a family, to move back to the farmhouse to live with his parents and grandparents.
23. The livestock operation is the anchor component of the visitor attraction and no doubt helps distinguish it from other family focused facilities in the wider area. The Appellant has built up a significant collection of unusual breeds which will require considerable attention and looking after around throughout the day and night.
24. The farmhouse is not subject to an agricultural worker's occupation restriction and so could be sold on the open market. Nevertheless, it is not possible or necessary to speculate as to whether the farmhouse would be available for occupancy by the Appellant at some point in the future. Consequently, little weight is attached to this matter.
25. There is a redundant Grade II listed building close to the farmhouse which is in a state of some disrepair. This could be converted to a dwelling with the necessary consents. However, it is unclear whether English Heritage would support such a use. Irrespective, it would not be within sight and sound of the animal barn. Consequently, due to the uncertainty concerning the prospects for its redevelopment, and to its distance from the animal barn little weight is given to this conversion option.
26. Any dwelling located more than a short distance away from the visitor attraction would not be within sight and sound of the animal barn. Thus, whilst there might be dwellings available within North Kelsey and South Kelsey which would be within a short drive of the animal barn and might be affordable, they would not be within sight and sound. Consequently, little weight should be attached to the availability of any dwellings in these locations.
27. It would be neither practical nor realistic to require that the Appellant's father performed the role of 'nightwatchman' for both livestock facilities. This would shift both the Appellant and his father away from their respective areas of expertise to the financial detriment of both enterprises. Therefore, little weight is given to this option.
28. Consequently, the need to be within sight and sound of the animal barn means that an agricultural worker's dwelling at Hall Farm Park is operationally essential rather than being merely operationally convenient.
29. The development proposal would therefore accord with Policy LP55 of the Central Lincolnshire Local Plan 2012-2036 2017 which allows residential development in the open countryside where it is essential to the function of an established rural enterprise, where it would be restricted to occupation by a rural worker, where it is supported by adequate business information and where there is no suitable alternative accommodation in the area or on site.

30. Furthermore, it would accord with the advice in Paragraph 79a) of the Framework that agricultural worker's dwellings should be permitted only where there is an essential need to have permanent accommodation close to the place of work.

Other Matters

31. The animal barn was in agricultural use on and prior to 20 March 2013. It appears to be structurally sound and therefore, subject to the installation of windows and doors, could be capable of functioning as a dwelling without fundamentally altering its appearance. Consequently, subject to gaining prior approval, the structure could be converted to a dwelling under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
32. However, use of this building as a dwelling would not be a realistic possibility since it would require construction of a replacement animal barn and the reconfiguration of the site. Consequently, the proposal only seems to constitute a very remote, theoretical possibility with very little likelihood of being implemented.³ On this basis, it does not represent a realistic fall-back position for the Appellant and little weight is attached to it.

Conditions and Conclusion

33. As this is an outline application, a standard condition requiring that the application for approval of reserved matters should be made within 3 years of the date of this decision has been attached. Further, in the interests of good planning and certainty, the development should be implemented within 2 years of receipt from the Council of written approval of the final submitted reserved matter. To ensure that the development has satisfactory surface and foul water drainage, a condition has been included preventing any development from taking place above foundation level prior to the Council's written approval of a drainage plan. Finally, to ensure that the dwelling serves its intended purpose a condition has been attached restricting its occupation to a local agricultural worker.
34. For the reasons given above the appeal should be allowed.

William Walton

INSPECTOR

³ See paragraph 27 of *Mansell v Tonbridge and West Malling BC ex parte Croudace Portland and East Malling Trust* [2017] EWCA Civ 1314.

SCHEDULE OF CONDITIONS

1. Applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
2. No development shall take place until plans and particulars of the appearance, scale, access, layout and landscaping of the site have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.
3. The development hereby permitted shall be begun before the expiration of 2 years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. No development, other than to foundations level, shall take place until a scheme for the disposal of surface and foul waters, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no dwelling shall be occupied until the drainage system approved has been completed.
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 forestry, or a widow or widower of such a person and to any resident dependant.

END

APPEARANCES

FOR THE APPELLANT:

Ms Leanne Pogson MRTPI – Brown & Co, Market Place, Brigg DN20 6HA

Mr Richard Alderson – Brown & Co, Market Place, Brigg DN20 6HA

Mr Tom Knapton – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Green MRTPI - Case Officer

END