



Appeal Decision

Hearing Held on 19 October 2021

Site visit made on 19 October 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/Y2736/W/21/3274942

Leppington Grange, Leppington, Westow, York YO60 7LP

- 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 JC Lister Farms Ltd against the decision of Ryedale District Council.
 - The application Ref 20/00558/FUL, dated 19 June 2020, was refused by notice dated 29 September 2020.
 - The development proposed is Construction of farm manager's accommodation.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Leppington Grange Farm forms part of a larger farming complex of mixed livestock and arable business. The farmstead consists of both modern and traditional agricultural buildings with the farmhouse divided into two separate dwellings. A Grade II Listed Building sits within the farmstead. The site is within the open countryside and within an area of high landscape value.
3. Approximately half a mile from the farm is the modern pig unit that is also associated with Leppington Grange Farm for the large-scale process of breeding pigs. The finishing of pigs takes place at the appeal site.
4. The main issues are whether there is an essential need for a rural worker to live permanently at the appeal site and, if so, the effect of the building on the character and appearance of the area.

Reasons

Essential need

5. The appellant's main justification for the proposed cabin is to allow the farm manager to live on site ensuring a continuous on-site presence given the farming responsibilities involved, in particular, the out of hours duties surrounding livestock welfare.
6. The appeal site lies in open countryside, outside a defined settlement. The National Planning Policy Framework 2021 (the Framework) sets out that local planning authorities should avoid new isolated homes in the countryside unless

there are special circumstances including, amongst other things, the essential need for a rural worker to live permanently at or near their place of work in the countryside.

7. Policy SP1 of the Ryedale Plan Local Plan Strategy 2013 (LP) clearly states a presumption against development within the countryside. Exceptions are where it is necessary to support sustainable, vibrant and healthy rural economy and communities. Local Plan Policy SP2 permits new dwellings in the open countryside specifically where they are necessary to support the land-based economy where an essential need for residential development in that location can be justified. In addition, provided the essential need cannot be met elsewhere, LP Policy SP21 goes on to restrict occupancy of new dwellings in the countryside.
8. There is common ground between the parties that the activities relating to livestock management taking place on the site requires the presence of a rural worker at particular out of hours in order to achieve a high standard of animal welfare. Furthermore, an essential need for a full-time worker has been demonstrated and other considerations regarding the financial viability of the business have been evidenced within the agricultural appraisal by Savills. I have no reason to dispute these findings.
9. The farm manager is responsible for the control of the welfare of the livestock on the farm. By increasing the number of breeding ewes to approximately 500 would bolster the functional need for a worker to be readily available, particularly during lambing season. I appreciate that during this time, the day-to-day management of ewes lambing is not limited to normal working hours.
10. The farm manager undertakes routine checks on the birthing sheep prior to departure to his home in Leppington, some one to two miles away, but returns through the night to make physical checks on the sheep. Further early morning checks largely between the hours of 05:00 and 06:00 are undertaken as part of his first working duties.
11. The appellant pointed to the benefits of appropriate day and night supervision within sight and sound of the livestock. This was explained to be especially pertinent given those currently living in the farmhouse do not have the skills set to manage or understand lambing complications, or have responsibilities for them.
12. However, it was confirmed that the farm manager does not rely on CCTV that can involve both vision and sound to remotely view animals from his home, or other alarm systems to potentially alert him to animal distress that may occur. There is nothing before me to demonstrate that a suitable means of remote supervision to negate the need for the farm manager to perform physical night-time checks, could not be explored on site. Even if he were to live on site, the location of the proposed cabin would not allow direct views into the animal sheds in any case.
13. Out of hours checks of birthing ewes on the grassland may be required in person as CCTV or other remote systems would be unlikely to fulfil the role. This alone would not lead me to the view that on-site accommodation would be classed as essential. This is due to the fact that ewes are scanned before birth and it was explained that those with multiple lambs or those who display

- complications are likely to be taken into farm sheds where closer observation would be required.
14. Even with remote systems considered, I appreciate there would inevitably be occasions when he would be required to be on site should such difficulties arise which could occur at short notice and at any time of day or night during the lambing season. As a solution, the potential for alternative temporary accommodation during times when more regular inspections to ensure animal welfare, could be investigated. However, this was explained to be discounted by the appellant, even when the farm manager has identified a large number of vehicular trips during the lambing season of 2019.
 15. This is due to the appellant's own discussions around re-arranging existing buildings on the farm that was explained to me to be problematic given the circumstances of consolidation, the turn-over of bedding and livestock, as well as the farm machinery and other agricultural paraphernalia stored on site. I agree that the modern agricultural buildings would be more challenging to utilise for residential accommodation purposes.
 16. The appellant explains that the other traditional brick buildings are occupied or not suitable for conversion although no formal advice on the prospect was confirmed by the appellant to have been sought with the Council.
 17. A plan of the farmstead buildings and their functions has been submitted with the appeal. I note that some of these buildings have upper floors, one in particular with independent external steps to an access door at first floor level. No evidence has been satisfactorily presented regarding this space and its potential for residential accommodation. Again, the same would apply to the buildings that I observed on site that were either largely unoccupied, or sparsely occupied by general paraphernalia.
 18. Aside from sheep and lambing checks, out of hours monitoring by the farm manager of newly arrived pigs was explained by the appellant to occur within the first 5-7 days of their arrival to the farmstead in order to assess their behaviours. This is due to potential adjustment issues to their new environment. It was pointed out that those living on the farm would hear distressed animal noise and notify the farmer should this occur outside normal working hours. By the farm manager living on site, he would hear the sound of animals in distress and be immediately available.
 19. I timed the journey from Leppington to the site and agree with the Council that it would take approximately two minutes to drive there. There is nothing before me to demonstrate that, with the assistance of remote technology, taken together with the short time to arrive on site, animal behavioural incidents would escalate to a point where serious harm would arise.
 20. Even though wagons may collect finished pigs at unsociable hours, given the large quantities that were explained to be taken away at any one time from around five months of age, it is a relatively infrequent occurrence. In any case, it would be a planned event. No logbooks detailing collection times at unsociable hours was presented. In addition, it was explained that collection could occur within the farm manager's normal working hours.
 21. Bringing both livestock welfare considerations together, there is no evidence before me to demonstrate that there would be a significant difference between

- living away from the site, where technology could be in place to assist the farm manager, who is living within a very short distance away and can deal quickly with emergencies, or by living on site. Furthermore, there is no evidence before me to demonstrate that the consequences of him living off-site in his present location, would lead to a serious harm or loss of livestock.
22. Although rural security is a genuine concern, there are no details of thefts or intruders or other incidents occurring at the site or indeed that the site is vulnerable to crime opportunities. In any event, even though the appellant considers CCTV to be limited, I find that the numerous traditional and modern methods of enhancing security, combined with the close proximity of the existing residential accommodations and the opportunity for natural surveillance, would be capable of serving the essential need.
23. Additional manpower on site may be beneficial to help during an emergency situation such as in the event of a fire or moving livestock. However, no evidence of fires has been presented, or indeed other incidents such as dog attacks.
24. I agree with both parties that there would be little opportunity to find alternative accommodation closer to the farm than where the farmer currently lives. However, as I have found, given his living situation with a very close relationship to the site, there is no essential need for a dwelling to house him on the site.
25. Concern regarding protecting the farm from biosecurity risks was brought to my attention, and the threat from the farmer continuously passing other cattle farms on the way to his place of work and the associated risks of disease spreading.
26. However, I heard that the farm manager's responsibilities extend to Nearfield Farm, some two miles away. There was no evidence before me to lead me to the view that he would be at risk from passing other farms outside the control of the appellant during his commute to work. In any event, as there are measures in place to avoid cross contamination from occurring between the appellant's farms, these same practices could be generally employed as necessary.
27. I accept that by living on the site, it could help to reduce the risk of cross contamination by limiting the farm manager's movements. I acknowledge that the local area may have a heavy involvement in the livestock industry, and the consequences of disease on it. However, this is an on-going threat to the farming industry, and furthermore, it was confirmed that there have been no locally reported incidents of serious disease risks to animals. Overall, there is no compelling argument that biosecurity issues would lead me to the view that a new dwelling would be essential.
28. The appellant comments that the farming industry as a whole is suffering from a lack of available livestock workers which contributes to pressures placed on the farm manager. However, no evidence of such has been presented to substantiate this claim. Neither are details of declining subsidies that was brought to my attention, that encourages the appellant's aspirations to expand the business to counteract this.

29. All things considered, even if I were to agree with the appellant that there is an essential need for the farm manager to live permanently at the site, considering LP Policy SP2, and the constraint for new build dwellings in the countryside, the availability of the existing dwellings on site should be explored.
30. I heard there is doubt regarding the tenure circumstances of one half of the original farmhouse and the association of the farm business with its occupants. The availability of this dwelling should be examined in the first instance and therefore it has not been demonstrated that the essential need could not be met elsewhere.
31. I appreciate the appellant is seeking long-term accommodation but, overall, from the evidence put to me and my observations at the site visit, I consider that although the running of the farm requires someone to be on hand at various out of hours times, he is located in close quarters to deal with emergencies. Technology could also realistically play an indirect part of the welfare of the animals. These matters considered, would negate the need for a new dwelling.
32. Therefore, I conclude that a compelling need for permanent accommodation on the site has not been demonstrated and in the absence of any clear indication of an essential need for the proposed cabin, planning permission cannot be justified. The proposal thereby conflicts with Policies SP1, SP2 and SP21 of the LP 2013 as they seek to restrict new development in the open countryside, and the overarching objective of LP Policy SP19 to achieve sustainable development. Finally, the proposal would not meet the objectives of the Framework in its aims to avoid isolated homes in the countryside.

Character and appearance

33. No issues regarding the location of the proposed cabin or its overall scale and mass is in dispute between the parties, and I have no reason to disagree with this. However, given the sensitivities of the site located within an area of high landscape value, including a listed barn, and set amongst other traditional buildings, the proposed finish should be sympathetic in nature to avoid harm arising to the character and appearance of the area.
34. I heard that both parties were in agreement that a suitable finish to complement the local vernacular could be achieved by way of condition. I am satisfied that on this basis, the proposal would meet the objectives of LP Policies SP13, SP16 and SP20 in their combined design aims.

Other Matters

35. Whilst not raised by either of the main parties, I note there is a Grade II Listed Building within the cluster of farm buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
36. Other than the List description, the primary purpose of which is to identify the listed building, no substantive evidence has been provided by the parties in respect of the significance or special interest of the nearby listed building.

However, from what I saw when I visited the site, the degree of separation and intervening buildings, the proposed development would not affect the setting of the listed building.

Conclusion

37. I have found that through the imposition of an appropriate condition, no harm would arise to the character and appearance of the local area by virtue of the proposed cabin being located there. However, I have concluded that an essential need for a permanent home within the countryside has not been demonstrated. This is taken together with the close relationship between the farm manager's living accommodation in Leppington, and his place of work.
38. I find the development would be contrary to the adopted development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it. For the reasons set out above, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Duncan Winspear	Savills
Mr Paul Elm	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Mr Alan Goforth	Senior Planner
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