



Appeal Decision

Hearing held on 30 November 2021

Site visit made on 30 November 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/R0660/W/21/3279995

Red Hall Farm, Alveston, Nantwich, Cheshire CW5 6PE

- 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 P Vaughan (P A J E & J Vaughan) against the decision of Cheshire East Council.
 - The application Ref 21/0094N, dated 6 February 2021, was refused by notice dated 12 July 2021.
 - The development proposed is described as an additional agricultural workers dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural workers dwelling at Red Hall Farm, Alveston, Nantwich, Cheshire CW5 6PE in accordance with the terms of the application, Ref 21/0094N, dated 6 February 2021, subject to the conditions in the attached Schedule.

Procedural Matters

2. A garage is shown on the proposed location and block plans, but no elevation and floor plans for it were provided with the appeal planning application. The appellant has confirmed that the garage does not form part of the application. I have determined the appeal accordingly.
3. A written application for costs submitted with the appeal did not include any grounds on which the appellant was seeking costs against the Council. At the Hearing the appellant confirmed that no application for costs was being made. Consequently, there are no applications for costs before me.
4. The Council's emerging Site Allocations and Development Policies Document has not yet been formally adopted, and no policies from it have been referred to in the Council's decision notice. At the Hearing the Council further confirmed that it was not relying on policies of the emerging plan in their case. Accordingly, I have considered the appeal against the development plan currently in force.

Main Issues

5. The main issues are:
 - (i) the effect of the development on the character and appearance of the area, including the Green Gap designation; and
 - (ii) whether there is an essential need for a second agricultural worker's dwelling on the farm.

Reasons

Character and appearance

6. The appeal site lies within open countryside, and a designated 'Green Gap' which seeks to maintain the separate identities of Crewe and Nantwich by, among other things, protecting the open and visual character of the landscape between the settlements. It is part of a patchwork of flat, open agricultural fields separated by hedgerows with mature trees. The farm complex lies a short distance to the south. Being open and undeveloped, the appeal site maintains the function of the Green Gap and contributes positively to the rural character of the area.
7. The dwelling would have limited visibility from the A530 Middlewich Road due to the distance involved and the partial screening from trees and hedgerows. However, it would be seen more clearly from a number of public rights of way surrounding the site. Although modestly sized and appropriately designed, the dwelling and its associated domestic curtilage would, by reason of its siting beyond the existing farm complex and its domestic nature, lead to an urbanising incursion into the field. It would also result in the loss of a short section of hedgerow to facilitate access and parking. Thus, the inherent open and undeveloped character of the locality would be harmfully eroded. New tree and boundary planting, together with use of appropriate materials, could soften some of the impact, but would not completely remove it.
8. Overall, I find that the dwelling would moderately harm the open, rural character of the area, and in turn, would cause a minor degree of harm to the purposes of the Green Gap. In this regard, the proposal conflicts with the countryside and Green Gap protection aims of Policies PG5 and PG6 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (2017) (the CELP), as well as Policy GG1 of the Wistaston Neighbourhood Plan: 2015-2030 (WNP). There is also conflict with saved Policy RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan (2011) (the CNRLP) in respect of its requirement for the dwelling to be sited within a farm/building complex.

Essential need

9. Red Hall Farm is a holding of 500 acres supporting an established dairy farm. The herd comprises around 350 milking cows and 150 young stock. The farm is run principally by the appellant in partnership with his son on a full-time basis. It is the intention that the appellant's son will eventually take over the majority control of the business. Day-to-day assistance on the farm is currently provided by 3 other full-time workers and a part-time field worker.
10. The appellant resides at the existing farmhouse, which lies adjacent to the farm building complex. He is now the only full-time worker who lives on the farm. The proposed dwelling would be to accommodate the appellant's son who currently resides in the nearby village of Shavington. Previously he also lived at the farmhouse while working on the farm, but now as a young adult with his own family he requires independent accommodation, which I am informed is what necessitated the move away.
11. In terms of planning policy, Policy PG6 of the CELP, saved Policy RES.5 of the CNRLP, and Policy H4 of the WNP, collectively seek to restrict development in the open countryside to that which is essential for specific purposes. This

includes the need for a full-time agricultural worker to live permanently at or near their place of work, subject to meeting certain criteria. These policies are consistent with paragraph 80 of the Framework insofar as it seeks to avoid isolated homes in the countryside unless there are special circumstances, including an essential need for a rural worker.

12. The parties agree on a number of matters, including that the farm is a viable agricultural enterprise; has a labour requirement of 6 full-time workers; and that the form and size of the proposed dwelling is appropriate for the enterprise. The dispute lies in whether it is essential for more than one full-time worker to live on site, and related to that is the availability of other dwellings in the area.
13. The labour requirement is an indication of the scale of the enterprise, but it does not, on its own, demonstrate an essential need for more than one full-time worker to live at the site. However, the nature of the dairy enterprise in this case involves the need to care for the welfare of a large number of livestock at all times of the day and night, and to respond at short notice to any emergencies that may arise. In addition to being on hand for calving, there are many other tasks associated with the welfare and care of all the animals on site, including feeding, bedding, checking for illness, administering medications, as well as carrying out evening checks for heat cycles to spot when a cow is ready to get back in calf.
14. With particular regard to calving, it is significant that the business operates an all-year-round calving pattern to ensure a continual milk production. This means that there can be 1 or 2 births every day of the year. I heard from the appellant and his veterinary surgeon that calving can be a tricky and unpredictable process. Skilled workers need to be around to examine and monitor the cow and calf, and in some cases provide emergency intervention. Immediately after birth, the cow would need checking internally for damage, and complications such as milk fever and displaced abomasum can occur. If not attended to quickly, the cow would be highly likely to die within a short time. Also, if the cow is in her first labour, the process could take longer and there is a greater risk of complications arising. This can necessitate as many as 8 to 10 visits to monitor her progress. All of this can happen during the night as well as the day. Living within sight and sound of the livestock is therefore vital.
15. Currently, the overnight demands fall primarily on the appellant as the only worker living on the site. This, he explains, has become increasingly difficult to sustain since his son moved off the farm, and will understandably become more difficult as he gets older. Whilst his son can, on some occasions, travel to the site to provide assistance or cover, this does not always satisfy the requirement for immediate intervention. Indeed, there is compelling evidence that since the appellant's son moved away from the farm, the number of assisted calvings, post calving medical issues, and calf mortality rates have increased significantly and are now all above national averages. It was the firm view of the veterinary surgeon that the most likely factor for this trend was the reduced night time capacity to monitor for early signs of calving and deal with emergencies at short notice, particularly as diet, medicines and vet input has not changed in that period. I also heard of the knock-on financial implications from the cost of drugs and professional interventions, as well as the effect that loss of livestock has on the morale of the appellant and his staff.

16. There was some discussion over whether other measures such as CCTV could be utilised to provide remote monitoring. However, I accept that it would be difficult to get a full overview inside the buildings, or in the fields where problems can also occur. More crucially, it would not replace the necessary physical observations and internal examinations, so would not make a significant difference in this case.
17. The Council questioned the siting of the proposed dwelling in relation to its proximity to the farm complex and whether it could be better sited closer to the existing farmhouse. However, the appellant explained that the siting has been specifically chosen to be within sight and sound of the maternity ward and the adjacent high dependency paddock. It was evident at my site visit that the dwelling would be sited in close proximity to those areas where the welfare requirements are greatest, and in terms of providing direct line of sight, would be an improvement compared to the existing farmhouse. Thus, while I agree that siting the dwelling closer to the farmhouse would be beneficial in visual terms, it would be less effective in meeting the functional need identified.
18. Taking all the above into account, this is patently a well-established enterprise which requires committed hands-on management day and night. There is clear evidence that the current level of overnight supervision is insufficient for the scale and intensive nature of the operations, and if this were to continue, there would likely be increased mortality of cows and calves, along with the serious financial implications that would be associated with this. Consequently, I am satisfied that the proposed dwelling is operationally essential rather than being merely operationally convenient.
19. In addition, paragraph 80a) of the Framework specifically includes reference to 'those taking control of a farm business', and the Planning Practice Guidance (PPG) on Rural Housing refers to the continued viability of a farming business through the farm succession process. It is the clear intention for the appellant's son to succeed his father in taking majority control of the enterprise. Although this would not likely be anytime soon, I am mindful that the transition process in succession planning can be gradual as the older generation move towards retirement but are still involved in some way in day-to-day running of the farming enterprise. The proposed dwelling would likely ensure that this established farming enterprise can viably continue within the family without any unreasonable expectation that the appellant should vacate the existing farmhouse when he eventually retires.
20. It was agreed at the Hearing that there are no other buildings at the site which could fulfil the functional need. Furthermore, even though there may be many properties for sale in Crewe and Nantwich, just a short driving distance away, they would not achieve the necessary sight and sound requirements to provide the essential care and welfare that is required at this farm. The appeal decision¹ referred to by the Council has little bearing on my decision given that it relates to a poultry farm where the nature of the operations, welfare requirements, and remote monitoring options are not directly comparable. It also appears that there were other factors which influenced that decision which are not applicable to this case. In any event, assessments of the essential need for rural worker housing are largely predicated on the individual circumstances of each case, which is the approach I have taken here.

¹ APP/R0660/W/17/3174726

21. I therefore conclude, on this issue, that the essential need for a second agricultural worker's dwelling on the farm has been demonstrated. Thus, the proposal complies in this regard with Policy PG6 of the CELP, saved Policy RES.5 of the CNRLP, Policy H4 of the WNP and the Framework.

Conditions

22. I have considered the planning conditions that have been suggested by the Council against advice in the Framework and the PPG. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Where necessary, I have amended the wording of conditions to ensure precision and appropriate trigger points for the submission of any details required, and I have imposed only those conditions which meet the relevant tests.
23. In addition to the statutory time limit, a condition listing the approved plans is necessary in the interests of certainty. However, it is necessary to omit the garage from the approved plans as it does not form part of the application. It would then be open for the appellant to make a separate application to the Council for the garage if desired.
24. Conditions relating to the external building materials, hard and soft landscaping, and boundary treatments are necessary to ensure a satisfactory appearance of the development.
25. Conditions relating to vegetation removal and ecological enhancements are necessary in the interests of protecting and enhancing biodiversity.
26. A condition relating to an electric vehicle charging point is necessary in the interests of reducing carbon emissions from the development and promoting sustainable transport.
27. In the interests of human health, a precautionary condition is necessary to deal with any unexpected ground contamination. However, in the absence of any specific justification, a further condition requiring verification of the testing of any imported soils for contamination seems unduly onerous for a development of this type and scale, so it is not imposed.
28. The Framework advises that conditions should not be used to place a blanket restriction on national permitted development rights unless there is clear justification to do so. Based on the particular circumstances of this case and its location, it is appropriate to remove permitted development rights under Class A, B and E of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development Order) 2015, so a condition is imposed accordingly.
29. Finally, an occupancy restriction condition is necessary to ensure that the dwelling serves its intended purpose and to meet the requirements of the development plan.

Planning Balance

30. The proposal would moderately harm the character and appearance of the area. It would also result in minor harm in relation to the purposes of the Green Gap designation. There would be some conflict with the development plan in these regards.

31. On the other hand, there is clearly an important need to develop this site in order to maintain a viable agricultural business and ensure animal welfare. As a result, the essential need for the dwelling has been demonstrated. This accords with both the development plan and national policy concerning the provision of rural workers to live at or near their place of work and supporting the growth of rural agricultural businesses. I attach very substantial weight to the essential requirement.
32. Accordingly, I find that there are considerations in this case, namely the essential need for a rural worker to live on site, that clearly outweigh the identified harm to the character and appearance of the area and Green Gap, and any associated conflict with the development plan.

Conclusion

33. For the reasons set out above, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phillip Vaughan	P A J E & J Vaughan
Jack Vaughan	P A J E & J Vaughan
Steven Crowe	Nantwich Farm Vets
Tom Selby	Rostons
Alice Kearns	Rostons

FOR THE LOCAL PLANNING AUTHORITY:

Edward Cratchley	Cheshire East Council
Daniel Evans	Cheshire East Council

SCHEDULE OF 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: Proposed Location & Block Plan P004; Proposed Ground Floor Plan P001; Proposed First Floor Plan P002; Proposed Elevations P003; except in respect of the garage indicated on Plan P004, which is not authorised by this permission.
- 3) The external materials to be used in the construction of the dwelling hereby permitted shall be in strict accordance with those specified in the application.
- 4) No development beyond the construction of the foundations shall take place until details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of: the extent and materials of any hard surfaced areas; schedules of the species, sizes, layout, and numbers of all trees and shrubs to be planted (including for hedgerow planting to compensate for the hedgerow to be removed as part of the development); and a programme for implementation. The landscaping shall be carried out in accordance with the approved details and with the programme for implementation.
- 5) If, within a period of 5 years from the date of planting pursuant to Condition 4), any tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, then it shall be replaced by another tree or shrub of such size and species as may be agreed in writing with the local planning authority, and within whatever planting season is agreed.
- 6) No development beyond the construction of the foundations shall take place until details of the positions, height, design and materials of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be carried out prior to the first occupation of the dwelling and shall be retained thereafter.
- 7) No development beyond the construction of the foundations shall take place until details of the provision of an Electric Vehicle Charging Point within the site boundary have been submitted to and approved in writing by the local planning authority. The approved charging point shall be installed prior to the first occupation of the dwelling and shall be retained thereafter.
- 8) No development beyond the construction of the foundations shall take place until details of measures to enhance the biodiversity value of the development, including the provision of features for nesting birds and roosting bats (any external lighting should avoid direct light spill upon bat roost features) have been submitted to and approved in writing by the local planning authority. The approved biodiversity measures shall be carried out/installed prior to the first occupation of the dwelling and shall be retained thereafter.
- 9) If, during the course of development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter, the approved measures shall be implemented in full.

- 10) No removal of vegetation shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any hedgerow, tree or scrub or other habitat to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.
- 11) 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 development permitted by Classes A, B and E of Schedule 2 (Part 1) of that Order shall be undertaken to the dwelling hereby permitted or within its curtilage without the grant of planning permission.
- 12) The occupation of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants.

End of schedule