



Appeal Decision

Hearing held on 14 December 2021

Site visit made on 14 December 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/V0510/W/20/3262596

Hurst Farm, West Fen Road, Ely CB6 2BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by AJ Lee and Sons against the decision of East Cambridgeshire District Council.
 - The application Ref: 20/00641/FUL, dated 20 May 2020, was refused by notice dated 30 June 2020.
 - The development proposed is a new agricultural worker's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issue

3. The main issue in this case is whether there is a demonstrable need for the proposed dwelling, with particular regard to whether there is an essential functional business need for an additional agricultural worker to live on-site, considering: a) staffing requirements and capacity for care of livestock and the running of the farm's facilities, including 'out of hours' night time cover; and b) availability of alternative residential accommodation.

Reasons

4. The appeal site comprises part of a field located to the south-west of Hurst Farm, and part of its access lane. It is situated in the countryside, a short distance beyond the development envelope of the city of Ely. The farm business operated by the appellants is a well established suckler cow beef farm. The proposed two-bedroom bungalow would be in addition to two existing dwellings at the farmstead.

5. Policy GROWTH 2 of the East Cambridgeshire Local Plan (LP) requires the majority of development in the district to be focused on its market towns, including Ely. The policy requires development outside defined development envelopes to be strictly controlled, and proposals to satisfy other policies including Policy HOU 5 of the LP. Policy HOU 5 restricts new permanent dwellings in the countryside for full-time workers in agriculture to special circumstances. One of HOU 5's criteria is demonstration 'that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times)'.
6. The appellants wish to develop a beef fattening unit (BFU) at the farm, utilising recently acquired land in the vicinity of the appeal site. However, no substantive delivery strategy, with a business plan and planning permission for such new facilities, for example is presented to substantively indicate the BFU's pending realisation. Furthermore, it is not shown that the continuation of the farm business would be dependent on such an expansion. As such, potential staffing requirements for an aspirational BFU are not part of the existing business need.
7. The parties' Standard Man Day Calculations indicates that there is sufficient work for an approximately additional 0.7 full time equivalent agricultural worker role on the farm (the 0.7 FTE role), to meet the existing farm business need. The role's duties are likely to include stock-keeping for the suckler cow herd and bulls, and assisting with other farm work such as hay, silage and straw collection and carting, grassland management and facilities upkeep. The role would include being available to assist with more intensive intervention in up to around 25 difficult calvings that apparently typically take place, mainly during a core period of about half the year with some 'straggler' births beyond that. Also assisting with care of livestock's health conditions such as pneumonia is likely to feature.
8. I therefore anticipate that much of the 0.7 FTE role's work would take place during daytime working hours, with some availability needed to assist with a relatively modest number of night-time emergencies.
9. The presence of an additional worker living on-site in the proposed dwelling, would assist with speedy response times for urgent situations involving difficult calvings and sick cattle, more quickly than if they lived a short drive away in Ely. Also, recruiting to this role would lessen the strain on the business partner who functions as the primary farm manager and worker, as the other business partner's farm labour input reduces as they get older. The 0.7 FTE role is necessary and would substantially assist the appellants, who are the farm's business partners and existing workers, with the functioning of the business.
10. However, there is not substantive detailed evidence presented, in the form of timesheets and a record of cattle health emergencies for the existing farm operation, for example, to decisively show that adequate care for the suckler cow herd, including for out of hours emergencies,

could not be provided from the existing residential accommodation on the farmstead. Furthermore, the identified 0.7 FTE need is for less than a full time worker.

11. The proposed two-bedroom bungalow and its occupants would increase surveillance of the farm and its environs, including the Hurst Lane public right of way. That said, there is already a residential presence in the form of the two existing dwellings at the farmstead, and it is not clear that the proposed third dwelling would significantly increase security at the farm, compared to other measures such as security cameras and guard dogs, for example. As such, I am not persuaded that there is a security justification for the proposed additional dwelling.
12. Consequently, it is not demonstrated that there is a need for an additional full-time agricultural worker to be readily available at most times.
13. Another criterion of Policy HOU 5 of the LP is that there is no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. A variety of housing is located a short drive away from the appeal site in the city of Ely. This includes some dwellings as close as around a minute's drive, on the opposite side of the A10. As such, there is a range of other accommodation located nearby.
14. Living within sight and sound of the farm would make it quicker and easier for an additional worker to respond to livestock in distress compared to living off-site in Ely. However, it is not clear that provision for livestock monitoring and staff changing/showering would be unachievable other than through the proposed dwelling. Given this, and the previous growth of the farm without a live-in worker at a third dwelling, I am not persuaded that the comparative convenience of the proposal is so great as to render nearby alternative accommodation in Ely unsuitable.
15. Housing market evidence indicates prices typically in the region of £250,00 for two-bedroom dwellings in Ely. At around £125,000, the cost of constructing the proposed two bedroom bungalow, would, judging by the estimates provided, be approximately half that. Thus, the new build proposal would be substantially cheaper than purchasing an existing dwelling in Ely. However, based on the limited farm business accounts information presented, I have no certainty whether either of these costs would or would not be affordable to the farm business. Given this uncertainty, the possibility that other suitable accommodation nearby could be made available is not ruled out.
16. Furthermore, even if the proposed new build, but not the purchase of an existing dwelling in Ely, were affordable to the business, it is not demonstrated that there is a need for an additional full-time agricultural worker to be readily available at most times.

17. It is undisputed that 'it frequently is the case that agricultural workers require decent accommodation these days as a part of the job'¹. The appellants indicate that having 'put out feelers' in the area, they consider the local pool of potential, reliable candidates to be limited in quantity. However, be that as it may, no advertising for an additional worker further afield, or consideration of a farm apprenticeship, for example, are presented. Thus, I have no certainty that options other than the appeal proposal have been reasonably explored as potential solutions to meet the identified labour need. Consequently, it is far from certain that absence of the proposed third dwelling at the farmstead is decisively an obstacle to recruiting the labour necessary to meet the functional business need.
18. Therefore, it is not demonstrated that there is a need for an additional full-time agricultural worker to be readily available at most times. Even if there were, it is not demonstrated that the proposed dwelling would be essential to achieve this. As such, the special circumstances to justify the dwelling in the countryside do not exist.
19. I therefore conclude that there is not an essential functional business need for an additional agricultural worker to live on-site, and not a demonstrable need for the proposed dwelling. As such, the proposal would conflict with Policies GROWTH 2 and HOU 5 of the LP, which together seek to focus new permanent residential development within defined development envelopes of market towns including Ely, unless special circumstances apply. This would result in significant harm through undermining the district's locational strategy for sustainable development, and control of housing development in the countryside.

Other Matters

20. The proposal would contribute to local housing supply in the form of one two-bedroom dwelling, within the context of around seven years supply of deliverable housing sites in the district. It would also
- a) assist with speedy response to urgent animal welfare situations on the farm, contributing to animal welfare and protection of the farm's stock,
 - b) reduce the strain of the primary farm manager and
 - c) provide an additional security presence.
- It would also give impetus to the appellants' ambition to develop a BFU at the farm, albeit the identified absence of a substantive delivery strategy limits the certainty of this being realised. These benefits would be limited in scale and not outweigh the significant harm identified.

Conclusion

21. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

¹ As per paragraph 6.6 of the Council's farm consultant's Appeal Statement.

APPEARANCES

FOR THE APPELLANTS:

Sam Franklin
Philip Kratz
Nick Lee

Landscape Land and Property Ltd
GSC Solicitors LLP
AJ Lee and Sons

FOR THE LOCAL PLANNING AUTHORITY:

Rachael Forbes
Barbara Greengrass

East Cambridgeshire District Council
East Cambridgeshire District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Standard Man Day Calculations (Appellants).
2. Right Move website extracts (Appellants).
3. Construction Quotations (Appellants).
4. Housing Options within Ely, with Right Move website extracts (Council).