



Appeal Decision

Hearing held on 1 December 2021

Site visit made on 1 December 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/H0520/W/21/3269764

North Fen Farm, Warners Drove, Somersham PE28 3WD

- 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 & Mrs S Cornwell against the decision of Huntingdonshire District Council.
 - The application Ref 20/00419/OUT, dated 25 February 2020, was refused by notice dated 20 November 2020.
 - The development proposed is application for outline planning permission with all matters reserved for a permanent farm manager's dwelling to supervise an agricultural enterprise.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fourth reason for refusal relates to effects on biodiversity. At the Hearing, the Council accepted the appellants position, that as the proposal is in outline, relates to an area of cultivated arable farmland with no evidence of ecological value and with scope to provide enhancement, biodiversity matters could be addressed by way of a planning condition if I were minded to allow the appeal. As such, the Council is not seeking to defend its fourth reason for refusal.
3. A unilateral undertaking (UU) made under Section 106 of the Town & Country Planning Act 1990 was submitted by the appellants in advance of the Hearing relating to a wheeled bin contribution. The Council agreed that this would satisfy their concerns in relation to their fifth reason for refusal. However, the UU was incomplete. I allowed a final UU to be submitted after the close of the Hearing. The Council is satisfied that the final UU is adequately drafted and would fulfil its purpose and is not seeking to defend its fifth reason for refusal as a result.

Background and Main Issues

4. North Fen Farm (the farm) is located a short distance from the settlement Somersham. It includes an existing dwelling and a range of buildings utilised for, amongst other things, grain drying/storing and more general storage of equipment, machinery, and fertilisers. The business currently comprises of approximately 255 hectares (ha) of arable land including cereal crops, potatoes, sugar-beet, and oil seed rape. The farmland is split with 70ha around the farm and Somersham with the remainder, near Old Hurst and Ramsey Heights several miles away. The business has also diversified with a haulage

business that operates from the site, however this does not form part of the appellants case.

5. The proposed dwelling is to allow the appellant to live on site at the farm as the new farm manager as his father (who currently resides in the existing dwelling at the farm), is retiring. There is no dispute between the parties that the business is well established, financially sustainable, nor any dispute with regards to the labour requirements of the holding. Ultimately the Council contends that all the tasks, referred to by the appellants as necessitating a dwelling on site, could be undertaken from a dwelling off site, such as in Somersham. Both parties agreed at the Hearing that, as the appellant lives in Somersham, the availability of other properties nearby is not a determinative matter in the appeal.
6. Having regard to the above, the main issues are:
 - Whether there is an essential need for a rural worker to live permanently at their place of work;
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the site represents an appropriate location for the proposed development with regards to its flood zone location;

Reasons

Essential need

7. Paragraph 80 of the revised National Planning Policy Framework (the Framework) stipulates, amongst other things, that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. This is reinforced in the online Planning Practice Guidance (PPG), which outlines considerations that may be relevant to take into account when considering such applications including, amongst other things, crime, dealing quickly with emergencies that could cause serious loss of crops and farm succession.
8. The business has grown over the years during the appellants father's management. Although there is an existing dwelling on site, it does not mean that the presence of this dwelling is the reason for this growth rather than, for example, the astute management of the business. In essence, although the proposals are to allow the succession of the farm business, even if the existing dwelling was not available to the business, it remains necessary to demonstrate that there is an essential need to live on site to satisfy the requirements of paragraph 80 of the Framework.
9. In summary, it was explained to me that the essential need derives from the dwelling being the central hub of the farm and tasks relating to crop spraying, supervision of labour during the night, managing grain dryers, pest control, security, managing deliveries/collections and providing an office.
10. The spraying of crops takes place during the spring and summer and is a reactionary process depending on the weather. Although the fields associated with the farm are spread out in the area, the equipment is set up at the farm

and could commence very early in the morning or finish late at night, depending on the weather.

11. The appellant currently lives 10-15 minutes from the farm and at this distance, would still be able to react to the weather conditions. There would be a short journey time to the farm to set up the equipment, though I accept that, early in the morning or late at night, this would be less convenient than being on site.
12. During the harvesting period the business employs four workers who could be working early in the morning or late at night, or even through the night, if the weather dictates. Given the dispersed nature of the farm holding not all such activity would take place at the farm. However, if an employee is returning to the farm, I was told the manager needs to be available if there are any issues. Whilst I accept that this would be the case, equally during this particularly busy period the farm manager is also likely to be working. Even if not, there is no firm reason why the manager could not be "on call" and notified of any particular issue by telephone, and then respond accordingly from Somersham, given the short journey time.
13. During the period when the grain stores are in use and drying is taking place, I understand that the manager is responsible for undertaking hourly manual samples. During these checks the manager would also undertake visual checks to ensure that there are no equipment malfunctions which could lead to diesel waste and fumes potentially damaging the crops.
14. During the previous year there were three breakdowns which were identified by the manual checks and no contamination resulted. However, I was advised that the equipment is turned off at midnight and turned on again at 6am, primarily due to the noise generated by the equipment. As such, they do not operate continuously and there is no requirement for a continuous presence. Moreover, I am also mindful that such operations do not take place throughout the year.
15. As the equipment is turned off at night the risk of fire during the night would also be lower. Whilst having a dwelling connected to the business would increase the response time to a fire, I have been presented with no firm evidence that there is a high fire risk, limiting the weight I afford this matter.
16. During the period when the grain stores are in use in particular, pest control at the farm, such as from rats and pigeons, is important to protect crops. Living on site would enable the farm manager to have a good overview. However, given the activity of workers at the farm, including the regular checks of the grain when stored, any manager living off site would still have a clear awareness of any pest activity and any further measures necessary.
17. Cumulatively, the farm equipment, fuel and fertilisers have a high value. Security arrangements at the farm currently comprises of flood lights and an alarm system, along with the presence of the existing dwelling. Despite this, the appellants advised that there have been 2 incidents of fuel and tool theft. The positioning of the proposed dwelling along the access road before the farm buildings would be an improved deterrent, increasing the passive surveillance. Moreover, living on-site would allow the farm manager to respond quicker to any incident than living off-site.

18. However, equally, other security systems and measures could also be explored which would improve security. Moreover, even if the existing dwelling is not occupied in connection with the business it would still offer a degree of passive surveillance and the same levels of natural deterrent as currently in place. In my view, potential thieves are unlikely to understand who the occupiers are and whether they are occupied in connection with the business.
19. I accept that not having a dwelling connected with the business on site may increase insurance premiums. However, I have no evidence that this would impact on the viability of the business.
20. The existing office currently forms part of the dwelling on site and the intention would be to have a home office as part of the proposed dwelling. Having an office on site would be beneficial, with paperwork accessible, and potentially needed multiple times a day. Moreover, the farm manager often needs to undertake administration duties in the evening at the end of the day.
21. However, I am not persuaded that it is essential for an office at the farm to form part of a dwelling on site. As other alternatives could still enable the business to function, for example by having a secure office at the farm and working flexibly from home.
22. Deliveries typically occur three times a week and could include fuel, fertilisers, chemicals and machinery and I was told that the appellant would need to be on site to receive and sign for these deliveries. However, these would not arrive unexpectedly, and would typically include a time window for delivery or an advanced call. As such, whilst it would be convenient to have the option to be at home when deliveries arrive, there would be other tasks that could be undertaken at the farm while awaiting a delivery.
23. Overall, I recognise that there is a large amount of work involved in managing the farm. Moreover, reducing the frequent trips back and forth to the site from Somersham would be a big benefit for the appellant personally. However, many tasks at the farm could be undertaken collectively, rather than necessitating multiple trips back and forth.
24. The preceding analysis indicates that there would be functional advantages to the business for a farm manager to be permanently resident on the site, with a dwelling acting as a central hub. This reflects the previous functioning of the business with the main farm dwelling occupied by the manager. However, based on the evidence before me, I have found that there are other ways of managing the business effectively without living on site. I reach this view having considered the elements of need, individually and cumulatively. As such, I conclude that an essential functional need for a worker to be permanently resident on the site has not been demonstrated.
25. I therefore find conflict with the requirements of Policies LP2, LP10 and LP20 of Huntingdonshire's Local Plan to 2036 (2019) (LP). These seek, amongst other things, to restrict new development in the open countryside to specific opportunities, as provided for in the LP. This includes, amongst other things, proposals for a home for a rural worker who is mainly employed for the purposes of the proper functioning of an economically viable agricultural rural business. Moreover, the proposal would conflict with the requirements of paragraph 80 of the Framework and, the PPG, insofar as it relates to this main issue.

Character and appearance

26. The appeal site forms part of an area of expansive flat arable land between Somersham and the A141. The site is highly visible in the local landscape, including from parts of Warners Drove, Parkhall Road and from the public footpath network west of the allotments in Somersham.
27. Although the proposal is in outline with all matters reserved and, as such, full details of the dwelling are not before me, the proposed dwelling would result in development where there is none. This would result in the loss of a small area of arable farmland. As such, the proposal would erode the open countryside that characterises this part of the landscape. Moreover, having regard to my findings in relation to the first main issue, there is no essential need for a dwelling in this location.
28. Whilst I recognise the desire to safeguard the future expansion of the farm business, the harm would be exacerbated by the somewhat detached positioning of the proposed dwelling away from the other farm buildings. Given the exposed views across the landscape, particularly from Warners Drove and Parkhall Road, the proposal would result in harm to the distinctly flat and open qualities of the landscape.
29. I therefore find that the proposal would harm the character and appearance of the surrounding area. As such, there would be conflict with the requirements of Policies LP2, LP10 and LP12 of the LP which stipulate, amongst other things, that all development in the countryside must recognise the intrinsic character and beauty of the countryside. The proposal would also conflict with the requirements of paragraphs 130 and 174 of the Framework, which amongst other things, also recognises the intrinsic character and beauty of the countryside.

Flood risk

30. The appeal site is located within Flood Zone 3 according to the Environment Agency's published flood risk mapping and Flood Zone 3a in the Council's Strategic Flood Risk Assessment (SFRA). In such a location, the proposal falls to be assessed against the requirements of Policy LP5 of the LP, the Cambridgeshire Flood and Water SPD (SPD) (2017) and paragraph 162 of the Framework. These stipulate, amongst other things, that a Sequential Test (ST) should be undertaken, and planning permission should not be granted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding.
31. The aim of the ST is to steer new development to areas with the lowest risk of flooding from any source. It is put to me that, as the proposal seeks a farm manager's dwelling, which must be located at the appeal site, there are no reasonably available sites elsewhere. However, I have found, in the first main issue, that there is not an essential need to live on site in connection with the farm business. As such, even allowing for a pragmatic approach to the availability of alternative sites, there has been no analysis of alternative sites beyond the appeal site.
32. It follows, therefore, that the proposal fails the ST. As such, it is not necessary for me to go on to consider whether the Exception Test is met for the purposes of making my decision.

33. I therefore find that the site does not represent an appropriate location for the proposed development with regards to its flood zone location. As such, the proposal conflicts with the requirements of Policy LP5 of the LP, the SPD and paragraph 162 of the Framework.

Other Matters

34. Ecological enhancement measures would have the potential to improve the biodiversity value of the site. However, this is unquantified at this outline stage, limiting the weight I can afford such measures and does not outweigh the harm I have previously identified.
35. I have no substantive evidence that a fallback position of converting an existing building under permitted development rights exists, particularly given the sites location in a flood zone. Even if it did exist, I have no firm evidence that there is a significant probability that it would be undertaken if the appeal was dismissed. Therefore, I give limited weight to such considerations.
36. Although the Council are satisfied that the submitted UU addresses its concerns, section 1.1 and 1.2 which defines who the parties are, is not completed and the site plan unsigned and dated. However, as I am dismissing on other grounds, I have not pursued these matters further.
37. The absence of harm in relation to other matters, including the access to the site, are neutral matters that weigh neither for, nor against, the proposal.
38. Concerns regarding the processing of the application, including matters relating to communication and the instructions of the Council's agricultural consultants, do not affect the merits of the case.

Conclusion

39. To conclude, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Henry Doble	Acorus Rural Property Services Ltd
Stuart Cornwell	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Tim Hartley	Huntingdonshire District Council
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DOCUMENTS:

1. Map showing areas of land associated with the farm
2. Map showing the public footpath network around the farm