



Appeal Decision

Hearing held on 10 May 2022

Site visit made on 11 May 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/C3105/W/21/3279531

Manor Farm, Vicarage Lane, Piddington OX25 1QA

- 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 R Priddle against the decision of Cherwell District Council.
 - The application Ref 20/01180/F, dated 5 May 2020, was refused by notice dated 29 January 2021.
 - The development proposed is for the siting of a timber cabin for occupation by a rural worker.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a timber cabin for occupation by a rural worker at Manor Farm, Vicarage Lane, Piddington OX25 1QA in accordance with the terms of the application, Ref 20/01180/F, dated 5 May 2020, and the plans submitted with it, subject to the conditions set out in Annex A.

Application for Costs

2. An application for costs was made by Mr R Priddle against Cherwell District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

4. The main issues in this case are:
 - whether there is an essential need for a rural workers dwelling on the site, and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Essential need

5. Manor Farm is located in open countryside just outside the settlement of Piddington where the built-form is characterised by one and two-storey dwellings that are built in a range of materials, such as, but not limited to, stone, brick, timber and render.

6. The area surrounding the appeal site is typified by hedged and tree-lined fields which are criss-crossed by a number of footpaths. Manor Farm is in the ownership of the appellants' family and is found at the end of Vicarage Lane. The farm consists of a number of barns and a timber-cabin, all of which relate to the care of stock in the nearby fields.
7. The proposal is to construct a timber, single-storey 'Norwegian Log' type dwelling. There would be a post and rail fence, a new hardcore track and two parking spaces.
8. The appellant and his father have farmed the rented land surrounding the nearby Oakcroft Farm for a number of years as a shared enterprise. Following the retirement of his father the appellant wishes to live in the proposed dwelling and continue the farming enterprise at Manor Farm.
9. Policy H18 of the Cherwell Local Plan 1996 (CLP96) is clear that planning permission will only be granted for the construction of new dwellings beyond the build-up limits of settlements when there is an essential need for agriculture or other existing undertakings and no other alternative accommodation or building is available. Moreover, the national Planning Policy Guidance (PPG) requires that the decision maker should be confident that the associated farming enterprise will remain viable for the foreseeable future, and that the proposed dwelling is essential for the continued viability of a farming business.
10. I heard at the Hearing that the main parties agree that there is an essential need for a rural worker at Manor Farm. This need has been established as a number of sheep have already been relocated from Oakfield Farm to Manor Farm which need constant care and attention. At my site visit to Manor Farm I noted many sheep in the surrounding fields as well as signs of animal husbandry; such as active barns, animal fodder and hay bales. The appellant also intends to relocate calves to Manor Farm. Therefore, I see no reason to disagree with the main parties in this respect.
11. However, Oakcroft Farm is rented to the appellants father by Boarstall Farms Limited (BFL) as a life-time tenancy. At the point of retirement or other life event the tenancy would cease with no rights of succession, after which the dwellings at Oakcroft Farm would be re-purposed. The surrounding land would remain available to rent by as set out in evidenced in a 'letter of intent' provided by BFL, dated August 2020.
12. Nonetheless, at the Hearing the Council spoke of concerns that the proposal would be premature as the appellants father continues to live and work at Oakcroft Farm. Moreover, the Council highlighted that any notice period for the tenancy is likely to be in the range of 12-24 months during which the appellant could make plans to relocate the farming enterprise. The Council contend that this period would provide time for the appellant to make arrangements for suitable accommodation for his family on or near to the appeal site.
13. However, in my view, the appellant cannot be certain that circumstances related to the cessation of the tenancy of Oakcroft Farm would remain predictable or indeed there would not be a sudden change in circumstances. For example, in the event of disability or the untimely demise of his father.

14. Therefore, it would be reasonable for the appellant to plan ahead as without pre-emptive succession planning the successful farming enterprise and its associated economic benefits would be at risk. For example, if the appellant needed to make changes to stock location, animal welfare and his own accommodation at short notice.
15. I acknowledge the Council's misgivings that there can be no certainty that the BFL land associated with Oakcroft Farm would be made available to the appellant for rent. Nevertheless, I was persuaded at the Hearing by the appellants' argument that agricultural enterprises are typically dependant on rented parcels of land and 'stubble' or similar type agreements. Indeed, whether the BFL land would be available to the appellant or not, the submitted evidence demonstrates that large quantities of rented land would be likely to be available to the family. In addition, the Hearing heard that the relationship between farmer and landowner is often mutually beneficial. In this case for example, management and farming of the land by the agriculturally qualified appellant would lessen concerns of those who subsequently live at Oakcroft Farm.
16. Furthermore, as the appellant would still have a sizeable area of agricultural land under his control without the BFL rented land, from the financial evidence before me, I am confident that the reduced farming enterprise would be successful for the foreseeable future in its own right. The appellants' experience, recorded capabilities and enthusiasm for the role adds to my confidence in this respect. My opinion is reinforced by the historic track-record of the appellant and his family who have operated a viable farming enterprise on mostly rented land for over 30 years.
17. Turning to the use of existing buildings or other accommodation that would be available to the appellant other than the proposed dwelling, I was reminded at the Hearing that the cost of all property types and tenures in the local area is high. Indeed, I concur that property prices and rents in the surrounding area are likely to be beyond the pocket of most rural workers, including the appellant. Additionally, at my site visit I noticed that the buildings at Manor Farm are fully occupied by farming activities vital to the viability of the enterprise, and therefore do not provide a solution to the appellants housing needs. In comparison, the proposal would provide a relatively cheap and long-term alternative. The proposed on-site dwelling would also negate the need for the appellant to commute, and enable him to be permanently located at Manor Farm to care for the animals and maintain site security.
18. Consequently, given my findings above, in this specific case, I conclude that there is an essential need for a rural workers dwelling at Manor Farm.
19. Accordingly, as there are no suitable or affordable alternatives to the proposed dwelling, the proposal would meet the aims of Policy ESD1 of the Cherwell Local Plan Part 1, 2015 (CLP) and Policy H18 of the CLP96, and the Framework when read as a whole.

Character and appearance

20. At my site visit I noticed that the proposal would be seen from Thame Road as it rises towards the B4011 highway, and that it would also be seen in part by walkers and runners using the surrounding footpaths. However, the main parties agree that the proposal would be partly shielded from view by the surrounding hedges and trees and that Manor Farm has no public access. Nevertheless, the Council argued at the Hearing that the proposal would be incongruous with the stone elevations of the dwellings found in Piddington. In spite of that, I noted at my site visit that the built environment in the surrounding area has a range of materials and finishes that include stone, brick, timber as well as rendered elevations. As such, I find to the contrary. The proposed single-storey rural-type development would successfully blend with the surrounding timber elevations of the nearby barns and accord with the varied materials of the wider built-form, particularly as the timber building would 'weather' and soften over time.
21. Overall, and in the planning balance, while the proposal would be seen from some limited views, given the economic and other benefits associated with the proposed development, including the construction of one dwelling towards the Council's Housing Land Supply, I conclude, that in this specific location, that the proposal would meet the aims of Policy ESD13 and ESD15 of the CLP, saved Policies C28 and C30 of the CLP96, which require, amongst other things, that development will be expected to respect and enhance local landscape character.
22. For similar reasons, the proposal meets the requirements of Paragraph 130 (c) of the Framework which says that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

23. Notwithstanding the suggested condition related to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, I note the Council's concerns that the proposed development might lead to an application for a larger dwelling on the appeal site. However, should an application in this respect be made it would need to be considered afresh by the Council. Therefore, this matter is not a justified reason to dismiss the appeal before me.

Conditions

24. I have considered Paragraph 56 of the Framework and the national *Planning Practice Guidance* and imposed for certainty the following conditions; a standard time condition, a condition requiring that the development is carried out in accordance with the approved plans and a condition related to external materials. In the interests of the character and appearance of the area there is a condition for landscaping and one that limits future development. I have also imposed conditions related to contamination and electric vehicle charging. These conditions are imposed to safeguard health and the environment. A condition is imposed that limits the occupation of the dwelling to use by an essential rural worker or their immediate family. At the Hearing the appellant agreed to the pre-commencement conditions that are set out with the other conditions in Annex A.

Conclusions

25. For the reasons given above, I conclude that the appeal should be allowed.

J E JOLLY

INSPECTOR

Appearances:

For the Appellant:

- Mr Ross Priddle – the appellant
- Mr Richard Priddle
- Mr Peter Williams – Agricultural Consultant – Reading Agricultural Consultants
- Mr Mark Willis – Planning Consultant – Willis & Co
- Mr Chris Popkins – Planning Consultant – Willis & Co

For the Local Planning Authority (Cherwell District Council):

- Ms Sarah Greenall – Senior Planning Officer – Cherwell District Council
- Mr Andrew Coombe – Agricultural Consultant – Sanham Agricultural Planning Limited

Others/Observers:

- Mr Jeremy Charlett – Cherwell District Council (event support)

Annex A: 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 approved plans:
 - Drawing Priddle -JH-O1 Site Location Plan, dated March 2020;
 - Drawing Priddle -JH-O2 Site Location Plan, dated March 2020;
 - Block Plan (02); and
 - Drawing 21894/01, dated November 2018 - Floor plans and elevations
3. No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
5. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
6. A desk study contamination assessment to be carried out, and if;
 - a) risk from contamination is identified, prior to commencement a comprehensive intrusive investigation is to be submitted and agreed in writing by the local planning authority.
 - b) if contamination is found prior to commencement a scheme of remediation/and or monitoring to be submitted and agreed in writing by the local planning authority.
 - c) development shall not be occupied until remedial works have be carried out in accordance with the scheme approved.
 - d) if during development contamination not previously identified is found, no further development is be carried out until full details of remediation to be submitted and approved by local planning authority.
7. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details and the approved ducting system shall be made available prior to the first occupation of the dwelling.

8. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in a rural enterprise, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2 Part 1 Classes A - E (inclusive) shall take place.

***** End of Conditions*****