



Appeal Decision

Hearing held on 25 October 2022

Site visit made on 25 October 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/D0840/W/22/3303927

Land at Green Lane Farm, Mawla, Redruth, Cornwall

- 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 Oliver Sawle of J and J Sawle and Son against the decision of Cornwall Council.
 - The application Ref PA22/00142, dated 6 January 2022, was refused by notice dated 26 May 2022.
 - The development proposed is the erection of a timber mobile home to accommodate a farm worker and family on land that forms part of a farming business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development plan comprises the policies of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the policies of the St Agnes Parish Neighbourhood Development Plan (the NP).

Main Issue

3. The main issue in this appeal is whether there is sufficient justification for an agricultural workers dwelling at the site, having regard to national and local planning policies which seek to restrict development within the countryside.

Reasons

4. The appeal site is situated outside of any settlement, in a prominent location with wide ranging views across the surrounding landscape. The site comprises land and recently constructed agricultural storage and cattle sheds, accessed by a relatively long track connecting with the public highway. Notwithstanding a very limited number of dwellings within the surrounding area and the recently constructed agricultural sheds, the appeal site is in an isolated countryside location.
5. The supporting text to Policy 7 of the Local Plan defines open countryside as being the area outside of the physical boundaries of an existing settlement where it has a clear form and shape. As noted above, the appeal site is located within the countryside outside of any settlement and, accordingly, the provisions of Policy 7 of the Local Plan apply. That policy seeks to restrict housing in the countryside. However, criterion 5 of Policy 7 of the Local Plan supports housing proposals for agricultural workers where there is up to date

evidence of essential need of the agricultural business for the worker to live at that specific location.

6. In this regard, Policy 7 of the Local Plan reflects the provisions of paragraph 80 a) of the National Planning Policy Framework (the Framework) which states that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, 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.
7. While neither the policies of the development plan nor the Framework itself define what constitutes an essential need, the Planning Practice Guidance¹ does confirm that there are a number of considerations which may be relevant to take into account when assessing the need for rural workers' dwellings in the countryside. Amongst other matters, these considerations include; evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural enterprise, as well as the degree to which there is confidence that the agricultural enterprise will remain viable for the foreseeable future.
8. The overall farm business is spread out over a number of sites across the area. In addition to approximately 31 hectares of land at the appeal site, the business owns a further approximate 81 hectares at Gover, approximately 40 hectares at Beacon Cottage Farm and further an approximate 32 hectares at Parc Nor. In addition to owned land, the business rents further land within the wider area. The farm business comprises a number of elements to include arable, sheep and cattle, and includes diversification into tourism.
9. Tourism accommodation, including a campsite, is located at Beacon Cottage Farm. A portion of the land at Gover is leased to a solar development. In terms of livestock, the business has a herd of 60 suckler cows plus followers, and further manages a third party owned flock of 200 ewes and 800 store lambs. The Appellant has put it to me that the arrangement for managing the abovementioned third party ewes and lambs is not sustainable in the longer term. As such, it is the Appellant's intention to employ a shepherd and establish his own flock of sheep, to be located at the Parc Nor site where there is existing rural worker's accommodation. It is intended to use the appeal site for the cattle element of the farm business, with the current farmworker who resides at Parc Nor relocating to the appeal site.
10. Overall, and in addition to the holiday lets, there are three agricultural dwellings spread out across the business. As noted above, one is located at Parc Nor. The other two are located at Beacon Cottage Farm and at Gover. I understand that the Appellant's father, who retains an active role in the business, resides at Gover, with the accommodation at Beacon Cottage Farm being occupied by the Appellant and his family and his mother, with that dwelling predominately serving the tourism business located at the Beacon Cottage Farm site.
11. In terms of essential need, the Appellant maintains that the functional need for a dwelling at the site should be considered in isolation from the overall functional need of the business as a whole. Nonetheless, the Council maintains that the combined farms which comprise the agricultural business, their total

¹ Paragraph: 010 Reference ID: 67-010-20190722

need for agricultural workers, their financial footing and availability of other dwellings should be considered holistically. Given that the farms are all in the control of the Appellant, I do not consider that it is simply a case of considering the 'essential need' of the appeal site in isolation. However, that is not to say that I do not think that it is important to consider the needs of the site and factor those considerations into the decision.

12. It is maintained by the Appellant that the need for a rural worker to live at the site would arise from the necessity to manage livestock effectively and to meet the welfare requirements of animals. At the hearing, the Appellant put it to me that matters such as automated systems would not be sufficient to alleviate the need to be at the site. Having considered the submissions, in my view it appears that labour activities would not just be limited to periods of calving, and that automated systems would not be sufficient in order to meet the welfare requirements of livestock at the site.
13. In considering the site and beef cattle enterprise in isolation and in respect of whether there is an essential need for a rural worker to be at the site, the Appellant has provided extract financial accounts for 2021 and a cattle labour calculation.
14. The Appellant's cattle labour calculation concludes that a full time worker would be required at the site. However, the Council have reached a different view and specifically in respect of the amount allocated to individual activities in terms of the Standard Man Day (SMD) requirements. At the hearing the Council advised that their SMD calculation had used figures from the John Nix Farm Management Pocketbook. The Appellant advised that his beef cattle calculation had been based on the Nix Farm Management Pocketbook and based on those figures included in the Agricultural Budgeting and Costing Book.
15. Whilst there are differences in the SMD figures used by the respective main parties for individual elements and activities of the beef cattle element of the business, there does not appear to be any dispute that 275 SMD is an appropriate figure for the annual quantity of work that could reasonably be expected of a rural worker.
16. In respect of the individual agricultural elements and activities that would generate labour requirement, the main parties disagree as to the SMD requirements, and further disagree regarding the percentage to be added in respect of general maintenance, repairs and management.
17. The Appellant has allocated a greater SMD requirement for the beef youngstock elements than that set out by the Council. At the hearing, the Appellant confirmed that the cattle are pedigree and that therefore the SMD allocated to individual animals would be higher than that as allocated by the Council in respect of youngstock, by reason of the additional documentation that would be required when managing pedigree animals.
18. However, it appears that additional SMD for pedigree youngstock was included in the Appellant's calculation in respect of the percentage to be applied for general maintenance, repairs and management, for which the Appellant has allocated 20%. Therefore, given that the additional SMD for the pedigree status of the livestock has been included as above, I do not agree that the general maintenance, repairs and management figure should be given at 20%, but rather should be given as 15% as per the Council's assessment.

19. Nonetheless, when taking into account the differences in SMD requirements for individual elements and activities, and reducing the SMD amount allocated for general maintenance, repairs and management to 15%, I accept that it could be shown that the proposed activities at the site would generate a need for a full time rural worker.
20. In terms of the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, when the site and its beef cattle activities are taken in isolation from the rest of the farm business, the Appellant has provided extract accounts for 2021 which show that a profit would be made. However, the Council raises concerns regarding the amounts of income generated from the share of the Basic Farm Payment (BFP) that the farm business as a whole receives, and concerns in respect of income amounts given for grass based options and hedgerows.
21. I have carefully considered the Council's submissions that I should disregard the income from the BFP on the basis that that scheme is being phased out by 2027. However, a form of the payment is currently being made and it appears that alternative forms of subsidy could be available once the BFP scheme comes to an end.
22. Notwithstanding the above, and following submissions at the hearing, it is not clear that the amounts allocated for BFP and grass based options in the individual accounts for the Green Lane site, would represent the correct proportion of the overall scheme payment based on owned land area. I therefore cannot be certain as to the level of income that would be generated from the beef cattle enterprise and consequently cannot conclude that, on its own, the beef cattle enterprise would remain viable for the foreseeable future. As such, when considering the site as separate from the rest of the business, the need for an isolated dwelling in the countryside for essential rural workers has not been demonstrated
23. Further to the above, the Appellant has also provided financial accounts for the whole business, and for the years ending 2018, 2019 and 2020. The Council again raises concerns regarding some of the figures included within those accounts, and specifically in respect of subsidy payments and with regards to income derived from 'non-farming related businesses'.
24. I have, as above, already considered the position with regards to the phasing out of certain subsidies over the coming years. In terms of income derived from 'non-farming related businesses', I acknowledge the Council's submissions and reference to a recent appeal decision for a site near Helston.
25. However, the position in respect of that recent appeal is not comparable to that in this instance. In the recent appeal for the site near Helston, a significant portion of the income arose from activities not associated with the farming elements and which was located outside of the agricultural holding. In the present appeal, the additional income from these other 'non-farming related businesses' does not rely on land outside of the holding run as a separate business, and is income generated from the farm business. As such I do not consider that I should disregard those sources of income in the determination of this appeal.
26. Having reviewed all of the financial information supplied, and whilst considering the above points as raised by the Council, even if I were to remove the figures

provided for 'other income' and 'contract work done' for which I agree that insufficient information and details has been provided, it would appear that the farm business as a whole would generate a profit, including a level of profit that could account for the costs associated with the construction of the proposed dwelling. Therefore, the business as a whole could be considered to be based on a sound financial footing which is likely to endure for the foreseeable future.

27. Turning to the number of rural workers that the business as a whole would require, the Council provided an assessment of SMD requirements in respect of farming activities and determined that the SMD requirements of the business would generate work amounting to 719.5 SMD, and that with general maintenance, repairs and management at 15%, the SMD rises to 827.4, and which would equate to three rural workers. The Council's agricultural consultant concluded that, when considering the business as a whole across the various sites, the business has the benefit of three dwellings and there was insufficient justification for a fourth dwelling to serve the enterprise.
28. As noted above, the Appellant has provided a labour calculation for the appeal site in isolation from the rest of the farming business. No substantive details were provided by the Appellant that considered the business as a whole. Whilst I appreciate that the Appellant disagrees with the Council's allocation of SMD to various activities and elements, and contends that the Green Lane site should be considered alone, it is apparent that the potential need for additional rural workers accommodation for the business is dependent upon the new sheep flock at Parc Nor being established.
29. In that regard, I share the Council's concern that in the event that the appeal was allowed, without any form of mechanism that would commit the Appellant to commence such livestock activities at Parc Nor, it could be that the cattle element remained at Parc Nor, resulting in a dwelling at the site for which there was no justification. In that regard, it has not been demonstrated that it is essential that the beef cattle element of the business be located at the Green Lane site. As such, and notwithstanding the above conclusion regarding the financial viability of the business going forward, without the sheep enterprise being established at Parc Nor, it has not been shown that there would be an essential need to locate the beef cattle activities and associated need for a rural workers dwelling at the site.
30. Whilst I understand and appreciate that the Appellant and his family have a long standing connection and commitment to farming within the area and I have no doubt as to the Appellant's intentions to make the farming business sustainable for the future, circumstances can change and consequently I cannot attribute any significant weight to those factors in the determination of this appeal.
31. For the above reasons, I therefore conclude that it has not been demonstrated that there is an essential need of the business for a rural worker to live at the specific location of the site. Accordingly, the appeal proposal would conflict with Policies 3, 5 and 7 of the Local Plan, and would fail to accord with the provisions of paragraph 80 of the Framework.
32. Given the above conclusions with regards to essential need, whilst I acknowledge and have carefully considered the submissions before me, it has not been necessary to examine in further detail whether or not existing

- alternative accommodation at the farm business or within the surrounding area would be available.
33. The Council's agricultural consultant concluded that a temporary consent would not be appropriate in the circumstances. In that respect, the permission which is sought by the Appellant solely relates to a permanent building and I have no details of a non-permanent dwelling before me. Accordingly, I have not determined whether a temporary arrangement would be appropriate with regards to this appeal.
34. With regards to the effect of the proposed dwelling on the character and appearance of the surrounding area, the proposed dwelling would be sited between the recently approved agricultural sheds. As noted above, the site is located within the countryside and whilst I acknowledge that the proposed dwelling would be modestly scaled, given the ridge top prominent location, its domestic appearance and the likelihood of the presence of paraphernalia that would be associated with residential occupation, the scheme would represent a sporadic encroachment of residential built form into the countryside, thereby being harmful to the intrinsic character and beauty of the countryside.
35. Consequently, the proposal would result in harm to the rural setting of the area and its established landscape character and would therefore conflict with Policies 2, 12 and 23 of the Local Plan and would be contrary to Policy 10 of the NP. For the same reasons, the appeal scheme would fail to accord with paragraphs 130 and 174 of the Framework which, amongst other things, requires that development recognises the intrinsic character and beauty of the countryside.
36. Further to the above, the Council's Decision Notice also cites conflict with Policy 27 of the Local Plan. That policy requires that proposals provide safe and suitable access to the site for all and, in part, reflects the provisions of paragraph 110 of the Framework. Access to services and facilities would require travelling along narrow lanes, steeply inclined in places, and which do not benefit from footways or street lighting. Whilst it was noted at the hearing that the site is close to a bus route, services are limited and infrequent. As such it is likely that future residents of the proposed dwelling would be heavily reliant on private motor vehicles to access services and facilities.
37. Consequently, the scheme would conflict with Policy 27 of the Local Plan and would fail to accord with paragraph 110 of the Framework. The Decision Notice also refers to Policy 13 of the NP which concerns 'getting around, sustainable transport and access'. However, in terms of providing good pedestrian and cycle connections to village centres and reducing reliance on vehicles, Policy 13 of the NP only refers to that requirement in respect of developments that contribute to a significant increase in traffic. Given that the scheme is for a single dwelling, it would not contribute to a significant increase in traffic and, consequently, in terms of access to village centres, the provisions of Policy 13 of the NP do not apply in this instance.

Other Matters

38. The appeal site is located within the zones of influence of the Fal and Helford Special Area of Conservation and the Penhale Dunes Special Area of Conservation. In those respects, the Appellant has provided a unilateral undertaking securing financial contributions to mitigate harmful effects from

recreational pressures on those protected sites. While an important issue, I have not found it necessary to examine this matter or the unilateral undertaking in greater detail as, for the reasons outlined above, it does not alter my overall conclusion in relation to this appeal.

Conclusion

39. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Oliver Sawle	Appellant
James Whilding MRICS FBIAC	Acorus
Laura Wall MRICS MBIAC	Acorus

FOR THE LOCAL AUTHORITY

James Holman MRICS MRTPI FAAV	Cornwall Council
Jennie Mason	Cornwall Council
Sophie Rogers	Cornwall Council

INTERESTED PERSONS

John Sawle
Jane Sawle

DOCUMENTS SUBMITTED AT HEARING

1. Agreed Statement of Common Ground dated 25th October 2022,
2. Cornwall Council Grant of Conditional Planning Permission for Application Number: PA22/01020.