



Appeal Decision

Hearing Held on 17 May 2023

Site visit made on 17 May 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/F0114/W/23/3315938

Skylark Farm, Braysdown Lane, Peasedown St. John Bath BA2 8NL

- 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 Paul Parton of Parton Poulets Ltd against the decision of Bath & North East Somerset Council.
 - The application Ref 22/01466/FUL, dated 5 April 2022, was refused by notice dated 8 September 2022.
 - The development proposed is use of land for the siting of timber cabin for ten years for an agricultural worker.
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Decision

1. The appeal is dismissed.

Application for Costs

2. At the hearing an application for costs was made by Mr Paul Parton of Parton Poulets Ltd against Bath and North East Somerset Council. That application is the subject of a separate decision.

Procedural Matter

3. The description of development refers to the temporary siting of the timber cabin for ten years. However, at the hearing the appellant confirmed a preference for it to stay permanently. I assessed the proposal on the basis that the cabin could be sited either permanently or temporarily.

Main Issue

4. The main issue is whether there is an essential functional need for the proposal in order to accommodate a second rural worker at or near Skylark Farm.

Reasons

5. Skylark Farm is located within the open countryside to the south of the settlement of Peasedown St John and northeast of the settlement of Radstock. The farmstead largely comprises four chicken houses, together capable of housing close to 190,000 broilers at a time, and a storage barn. The farm produces around 1.4 million broilers a year. There is a farmhouse for the manager, permitted in 2006 on the basis that it is restricted to an agricultural worker¹. The farm further employs a full-time assistant manager who lives a twenty-minute drive away, in a dwelling not connected with Skylark Farm.

¹ Under Ref 06/01221/FUL

6. Policy RE4 of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (adopted 2023) addresses new essential dwellings for rural workers in the open countryside. It states, amongst other things, that they will not be permitted unless there is an essential need for a worker to live permanently at or near their place of work where; i) there is a clear functional need for the worker to live on the holding; iii) the need is for a fulltime worker and; iv) the need could not be fulfilled by existing accommodation in the area.
7. This approach is consistent with Paragraph 80 of the National Planning Policy Framework (the Framework) insofar as the Framework advises us to avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including to live at or near their place of work. 'Near' is not defined by the development plan nor the Framework and 'in the area' is not defined by Policy RE4 either, so I shall attribute these words their normal, straightforward meanings. I note that the Planning Practice Guidance (PPG) employs a different wording in regard to this subject, but the PPG must play second fiddle in this case to the primacy of the development plan, and the Framework as the principal expression of government policy.
8. It is undisputed that Skylark Farm is financially viable and has operated with commercial success with its single farmhouse since 2006. Many of the processes at the farm are run off an automated system. Despite a couple of recent events where the health of broilers, and therefore their final weight, were compromised by temperature loss, there is little evidence that incidents have occurred at the farm that have caused a more severe or consequential level of harm to the crop. At face value this may suggest that only a single worker's dwelling is essential. However, from all I have read and heard, the situation is more complex.
9. Broilers are increasingly genetically fragile and vulnerable to illness or loss due to subtle changes in living conditions². The thinning and catching processes must take place at night when broilers are at their most docile, and feed deliveries also take place around the clock. This means that the management of the farm is an intensive operation both during the day and night even with the automated systems in place. Any issues or emergencies, such as equipment failure, have to be dealt with quickly to protect each broiler crop. It is also important to understand that the automated alarm sounds more often than the occurrence of real incidents; the alarm sounds at least 50-60 times a year. Someone must thus be on hand or on call for 24 hours a day.
10. The workloads of the manager and assistant manager have been compounded by the administrative and practical burden of dealing with the heightened situation around avian flu outbreaks in the UK. The situation is unlikely to subside in the foreseeable future and may actually intensify for periods of time. In these circumstances, it is not reasonable to suppose that the manager, when they are not actively working on the management of the farm, can deal with being on call every night on their own. It is more rational that this responsibility is shared equally by two individuals. Indeed, this is the established situation between the manager and the assistant manager now.
11. The Council's own appraisal agrees it is reasonable that the assistant manager must live within a 'reasonable commuting distance'³ and the Council accepted at the hearing that this commute must take no more than twenty minutes to

² As endorsed by the letter from veterinarian Richard Turner of St David's Poultry Team Ltd

³ Rural Planning Appraisal dated May 2021 by Fox Rural Land and Property Management

avoid potentially significant harm to a crop. On this basis it can be ascertained that the successful operation of Skylark Farm is actually contingent on two workers, both of whom must reside no more than twenty minutes away.

12. I can envisage that, even if one lives in Peasedown St John or Radstock, the two large settlements near to Skylark Farm, the process of being awoken by the alarm, dressing and traveling to the farm could take a fair portion of that time. This is particularly so if driving conditions are bad or the worker had to, for instance, deice their vehicle. On arrival to the farm there are further hurdles such as having to locate the specific chicken house with the issue and having to change footwear, perhaps twice. If tools are needed, they are locked in a shed which is itself locked in the storage barn; another consequence of avian flu.
13. In my view, therefore, it could feasibly take someone living near to the farm a period of time approaching twenty minutes for this process to play out and for a resolution to any problem to be actioned. It follows that there is an essential need for an additional worker to live permanently at or near Skylark Farm.
14. The notion that a second worker could live in a touring caravan or as part of the existing farmhouse, or an extended version of it, appears fanciful, given the likelihood that either household could comprise a family with children.
15. That said, it has not been demonstrated that there is an absence of suitable housing near the farm that could fulfil the need. The appellant has undertaken a search of potential three-bedroom properties to buy or rent within a 0.5-mile area around Skylark Farm and found nothing available. The area selected is very small and appears largely rural. Given that the farm has self-evidently operated viably with the assistant manager living twenty minutes away, albeit not without a degree of challenge, I consider this search area to be too small.
16. The Council's search area, which is wider at 3 miles and incorporates Radstock and Peasedown St John, is more suitable in my opinion. The search has produced a significant quantum of candidate properties. This is likely to be in part because the Council has sought out one-bedroom properties on the basis that one worker would be required. However, I find such housing unlikely to provide an attractive employment package as it would logically restrict the pool of potential employees to those who do not live or intend to live in a family group. A three-bedroom property is instead more appropriate.
17. The Council's search nonetheless does incorporate two- and three-bedroom properties. The search has an upper property value of £350,000, which the appellant accepts as reasonable. Whilst the results lack a degree of clarity in that they do not specify the number of bedrooms within each resulting property, they do demonstrate that there is potentially suitable housing inside the search area. The proposal therefore falls into conflict with Policy RE4 iv). I see no reason why this policy conflict could be justified or remedied by siting the cabin for only a temporary period, and there is no business case to do so.
18. The appellant has referred to a recent break in at the farmhouse. However, the proposed cabin, within its own grounds, would not necessarily deter such an incidence from happening again. There are other means to secure the site which would likely be more effective, such as the installation of suitable CCTV.
19. I recognise the appellant's desire to provide a further dwelling on site to offer the most attractive working conditions, in what I can imagine is a challenging

job market, and particularly given that staffing changes at the farm are likely in the near future. However, I consider that any potential housing within the settlements of Peasedown St John or Radstock would be functionally close enough to Skylark Farm whilst offering access to local services and facilities that would make employment at Skylark Farm sufficiently appealing and offer the lifestyle and work patterns reflective of modern working preferences.

20. It follows that, whilst a second dwelling sited on Skylark Farm itself would be optimal for its operation and the welfare of its birds, it has not been demonstrated that the essential functional requirements of the farm that generate the need for a second worker could not alternatively be met by an existing property within a reasonable interpretation of the nearby area.
21. Consequently, I conclude that it has not been demonstrated that there is an essential functional need for the proposal in order to accommodate a second rural worker at or near Skylark Farm. The proposal therefore conflicts with Policy RE4 of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update and the Framework in this regard.

Other Matters

22. I accept that having an assistant manager living on site would theoretically reduce carbon emissions as they would be less likely to travel by way of private motor vehicle. This matter carries limited weight in favour of the scheme.

Planning Balance

23. The proposal would conflict with the development plan when read as a whole, and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.

Conclusion

24. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Davies

Daniel Bowden

David Parton

Emma Parton

Clive Miller Planning

Barbers Rural Consultancy LLP

Appellant

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Samantha Mason

Senior Planning Officer

DOCUMENTS SUBMITTED DURING THE HEARING

1. Appeal decision reference APP/C3105/W/19/3240599
2. Appeal decision reference APP/J0405/W/20/3257815
3. Appeal decision reference APP/M0933/W/19/3235528
4. Appeal decision reference APP/F4410/W/19/3243097