



Appeal Decision

Hearing held on 26 March 2024
Site visit made on 26 March 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/F2415/W/23/3325717

Springfield Farm, Broughton Lane, Leire, Leicestershire LE17 5FN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jack Chapman against the decision of Harborough District Council.
 - The application Ref is 22/01471/OUT.
 - The development proposed is the erection of an agricultural worker's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved. I have determined the appeal on this basis.
3. The site address differs across the planning application and appeal documentation, however, at the Hearing the parties agreed that the site address above is the correct version. I have also removed superfluous detail from the description of development above.
4. The National Planning Policy Framework (the Framework) was updated in December 2023. The relevant provisions in respect of isolated homes in the countryside are now contained in paragraph 84 (a) of the Framework. The wording is unchanged from the version which was current at the time of the Council's decision.

Main Issue

5. Whether there is an essential need for a second rural worker to live permanently at the site.

Reasons

6. Springfield Farm is a game bird farm which specialises in the rearing of pheasants and partridges. The large farm complex currently comprises a collection of barns, ancillary buildings/structures and pens. There is existing residential accommodation on the site in the form of a dwellinghouse and a caravan. The extensive site is located between the settlements of Leire, to the south, and Broughton Astley, to the north.
7. Policy SS1 of the Harborough Local Plan 2011 to 2031 (April 2019) (the HLP) sets out the spatial strategy for the district. It aims to direct development to

- appropriate locations in accordance with the settlement hierarchy. This policy notes that in the countryside development will be strictly controlled.
8. Policy GD4 of the HLP states that housing to meet the needs of a rural worker will be permitted in the countryside subject to it meeting a number of criteria. It is common ground that the enterprise has been established for at least three years, is profitable and financially sound, and has a clear prospect of remaining so.
 9. It is not in dispute between the main parties that the site is within the open countryside and therefore subject to policies seeking to avoid isolated new homes in the absence of special circumstances or where it meets certain criteria set out in HLP Policy GD4. Relevant to this case is the criteria set out in sub-paragraph b.
 10. The Council does not dispute that there is an essential need for a worker to live permanently at the site for practical reasons. The Council contend this need is currently met by the existing permanent dwelling on the site, in which the appellant and his wife, who generate their sole income from the farm reside with their family. The matter in contention is the requirement and essential need for a second permanent agricultural dwelling at the appeal site which the Council suggest is not justified due to the purported seasonal nature of the enterprise.
 11. The enterprise has four full time workers which includes the appellant and his wife. One of the full-time workers currently lives in the on-site caravan with his partner. The proposed dwelling is intended to be for this worker and his family. Additional labour in the form of sub-contractors is taken on when required throughout the year as duties at the enterprise vary depending on the season.
 12. At the Hearing I heard that the core duties are typically carried out by the appellant. This often requires early mornings and late nights, particularly in the spring/summer months. During this time duties include incubation, hatching, egg collection and egg washing. The incubators are turned on in April and hatching finishes in the middle of July. These tasks are clearly time critical.
 13. Overnight deliveries also take place from the end of June. This is a duty which can take two days, meaning those limited number of staff members who have the appropriate licence to deliver, including the appellant, are away from the site for some time. Most birds have left the site and gone onto their final customers by the middle of September.
 14. During the autumn/winter months, whilst many birds have left the site, the appellant advised that due to recent bird influenza in Europe he now keeps stock over winter until the following spring. The appellant suggested that the vaccination of the remaining stock is the most intensive duty during these months. Other duties include vermin control, security checks and preparation and maintenance of rearing fields, sheds and pens.
 15. Based on the evidence before me, I do not doubt that there has been an increase in work during winter months compared to when the previous appeal¹ at the site was determined. Furthermore, there is evidently enough work at the enterprise throughout the year for a range of full-time staff and sub-

¹ Appeal Ref: APP/F2415/C/19/3242823

- contractors. I also appreciate that there are times of the week in certain months of the year in which labour requirements are very intensive.
16. The appellant contended that the sharing of duties during the busiest times between resident workers would facilitate efficient management and coordination of the enterprise and allow for a timely response to changing conditions. However, as confirmed by the appellant in their submissions, pheasant rearing is a seasonal undertaking. The duties I have outlined above and the subsequent routines of staff members can largely be pre-determined so as tasks are shared appropriately and cover provided when some staff are unavailable. Biosecurity of staff and visitors could be effectively managed through normal day-to-day operations by workers on site.
 17. At the Hearing, I nevertheless heard about unforeseen emergencies or incidents which may occur at the enterprise. These included incubators and heaters going off in spring months, breeding stock escaping in winter months, theft of equipment, airlocks in water and trolley breaks. I appreciate that some of these incidents would be time critical in respect of the welfare of the birds and the effect on the viability of the enterprise, and a worker would need to tend to unforeseen incidents promptly.
 18. Nonetheless, I was not made aware of the exact number of incidents to date or the frequency of such critical events. Neither have I been presented with evidence relating to crime or theft of equipment taking place. Based on what I heard, these appear to have been limited. Moreover, the presence of the appellant and his family on site ensures appropriate site security as recommended by the police.
 19. There is an alarm system which alerts occupiers of the main dwelling and the existing caravan when parts of the site are too hot or too cold. The appellant nevertheless confirmed that workers are primarily alerted to unforeseen incidents and issues through routine inspections of equipment, pens and stock. I acknowledge that it may take a considerable length of time for one worker to complete a full site inspection, thus there may be times when having an additional resident worker would be convenient. Nonetheless, I consider that the schedule for carrying out routine checks around the site could be planned for.
 20. Moreover, given the low number of incidents which has occurred, the burden for dealing with out of hours or emergency incidents falling solely on the appellant residing at the site would not be unreasonable. This arrangement allows for effective management of the enterprise.
 21. The appellant confirmed that whilst there may be other technology to monitor the enterprise outside of normal working hours, they have a cost and there are practical difficulties. Very little detail is before me thus I cannot rule out that there are no other ways in which the site could be effectively managed and monitored and which this enterprise could support.
 22. Even if out of hours incidents were high, I saw that the planning permission for the mess/meeting room² had been implemented at the time of my site visit. This room was an open-plan extension to the living space of the dwelling rather than a separate work space for the enterprise. I heard that it was used as an

² Council ref: 21/00829/FUL

- area for staff meals and for groups of local children to assist with seasonal wing clipping.
23. The appellant considers this extension to be unsuitable for temporary overnight accommodation, namely as the provision of a permanent dwelling on-site would be one of the benefits of the role and help long-term staff retention. They do not wish for ad-hoc stays by staff but rather someone they can trust residing on site full-time.
24. Whilst I note the appellant's aspirations and ethos for the enterprise, planning policy is clear that there needs to be an essential need, rather than it being convenient or to achieve such objectives.
25. Given my findings above regarding the times of when work on site is more intensive, I can see no reason why this part of the dwelling for which permission was granted specifically for a mess room could not be reconfigured and used as temporary overnight accommodation for a limited period in the year or when the appellant is not available to carry out duties.
26. The appellant's aspirations for the enterprise are also the reason why other properties in the locality have not been thoroughly considered. No precise details of properties for sale or rent are before me. Paragraph 84 a) of the Framework nevertheless refers to the essential need for a rural worker to live permanently at or near their place of work in the countryside.
27. Following the hearing site visit, I was able to visit both Leire and Broughton Astley. The travel time by car to Leire was approximately 1 minute and it was approximately 5 minutes to Broughton Astley. The roads were generally good and I can see no reason why these travel times would be significantly more at other times.
28. I heard how properties in Leire were either not coming to the market in recent times or were unaffordable. Nevertheless, Broughton Astley is designated as a key centre. The Council noted that it is comparative to Lutterworth and anticipated that there would be suitable accommodation available. Indeed, I noted that there were many properties advertised for sale or rent.
29. It has not been put to me why a worker residing in Broughton Astley could not carry out routine site checks and satisfactorily deal with unforeseen circumstances at the appeal site, should the appellant not be available.
30. Taking all the above together, the existing permanent dwelling at the enterprise currently meets the needs of business and it has also not been convincingly demonstrated to me that there are no other residential properties in the locality which may be suitable and available to the worker and to which this enterprise could sustain. Therefore, the appeal proposal would fail to accord with criterion b.iii of HLP Policy GD4.
31. Given all of the above, I conclude that it has not been demonstrated that there is an essential need for a second rural worker to live permanently on the site. The proposal therefore conflicts with policies SS1 and GD4 of the HLP which, along with paragraph 84 of the Framework, seek to avoid isolated homes in the countryside.

Other Matters

32. It was suggested that without a staff member occupying the existing caravan since 2018, the enterprise would not have expanded as it has. Whilst I note the financial details provided during the Hearing, they do not serve to confirm that the presence of an additional resident worker was the sole contributing factor in the increased turnover experienced. This evidence does not persuade me that the removal of the caravan, as required by the previous appeal decision, or the lack of an additional permanent dwelling at the site would affect the financial position of the enterprise going forward, thus I afford it limited weight.
33. The Leire Conservation Area and various listed buildings are within the locality. The Council has raised no concerns in this regard. Given the significant distance, presence of built form and the land uses between the appeal site and the heritage assets, I am satisfied that the proposal would preserve their setting.

Conclusion

34. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Richard Newey	Fox Bennett, Brown & Co
Mr Jack Chapman	Appellant
Mrs Bryony Chapman	Appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Mr Adrian Eastwood	Planning Manager, Harborough District Council
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DOCUMENTS SUBMITTED AT THE HEARING

1. Accounts turnover
2. Leire Conservation Area Plan and Policies Map
3. Decision notices for notifications of prior approval at Springfield Farm