
Appeal Decision

Hearing held on 5 February 2025

Site visit made on 5 February 2025

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/M2840/W/24/3350146

Eckland Lodge Farm (land south of existing farm buildings), Desborough Road, Braybrooke, Market Harborough LE16 8HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Howes of Stuart Howes and Son against the decision of North Northamptonshire Council.
 - The application reference is NK/2023/0765.
 - The development proposed is a farm dwelling, vehicular access and associated external works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. At the hearing, an application for costs was made by the appellant against the Council. While a written copy of the claim was provided, this was added to in the oral submission. The Council provided a response at the event. This costs application is the subject of a separate decision.

Preliminary Matters

3. Prior to the hearing, I was provided with revised drawings E/AFM/23/SK1, then revised drawing E/AFM/23/SK2, both relating to visibility splays at the junction of the proposed access with the highway, as well as a traffic survey and visibility splay calculations. The Council confirmed at the hearing that they had had the opportunity to consider this information and they raised no concerns with my accepting it. I have thus considered these further documents as part of the appeal submissions.
4. Albeit referenced in the decision notice, the Council also confirmed at the hearing that Policy HOU1 of the Kettering Site-Specific Part 2 Local Plan, Adopted December 2021 and Policy H6 of the Braybrooke Neighbourhood Plan 2022 – 2031 are not relevant to the refusal reason and so they were not seeking to rely on these policies as part of their case. The appellant raised no concerns with the Council's position and so I have not considered these policies further.
5. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. It was agreed by the main parties that the revisions to the Framework did

not materially impact on the consideration of the proposal. Nevertheless, I have had regard to the latest version of the Framework in determining this appeal.

6. The Council is in the early stages of preparing a North Northamptonshire Local Plan. No draft Plan has been published and it is an agreed matter¹ that no weight is to be afforded to this review in the determination of this appeal. I have no reason to disagree.

Main Issue

7. The main issue is whether there is an essential need for a rural worker to live permanently at the appeal site.

Reasons

Background

8. The submissions indicate that the Howes family has farmed at Eckland Lodge for three generations. The holding comprises 300 acres of freehold land and 344 acres of rented land in and around the area, held on Farm Business Tenancy arrangements. The farm enterprise presently combines arable farming and beef rearing.
9. Historically, the farm had decreased its reliance on livestock, due in part to the outbreak of Foot and Mouth disease. Over time, uses at the farm diversified, culminating in the establishment of a business park alongside retained farm buildings to the east of the A6, including offices, industrial and warehouse units, and a solar park. I am advised that the business park is allocated as an employment zone.
10. The beef suckler herd was re-introduced in 2017. Initially, livestock buildings were rented at Wooden House Farm, Griffin Road, Braybrooke. However, since 2019, the livestock has been housed at the present location to the north of the appeal site and to the west of existing development at Eckland Lodge. At the time of its preparation in July 2023, the submitted Agricultural Appraisal² stated that there were 105 animals, comprising a suckler herd and their progeny, although I heard that the present number is between 80-90.

Appeal Site & Surroundings

11. The appeal site comprises agricultural land which forms part of a wider field, along with a farm access track that extends from Braybrooke Road. It lies to the south of the livestock building housing the suckler herd, and neighbouring manure/hay store. The land holding associated with the farming enterprise extends to the east, southeast and southwest, bisected by the A6. Land to the east of the A6 is the location of the existing dwelling, Eckland Lodge, some other buildings associated with the farm enterprise, as well as the business park and a solar farm.

Policy Considerations

12. The proposed dwelling would provide accommodation for a rural worker engaged in the management of this suckler herd. There is no dispute between the main

¹ Section 10, Statement of Common Ground, November 2024.

² Arboricultural Appraisal, Arthay Associates, July 2023.

parties that the appeal site lies within the countryside. It is physically separate and remote from any settlement.

13. Policy 11 of the North Northamptonshire Joint Core Strategy 2011-2031, Adopted July 2016 (CS) states that development in rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement. Development other than that specified by the policy, will be resisted in the open countryside, unless there are special circumstances as set out by CS policy 13 or national policy.
14. CS policy 13 states that in the open countryside, away from established settlements, permission will not normally be granted for new build residential development. Exceptions include dwellings for rural workers at or near their place of work in the countryside, provided that the dwelling is required to enable someone who is in full time employment in agricultural, forestry or similar rural businesses to meet the essential need of the enterprise concerned; and it can be demonstrated that the functional, financial and viability tests in paragraph 5.41 of the supporting text have been met.
15. Paragraph 5.41 states that for an isolated rural workers' dwelling to be acceptable, there must be a clearly established functional need, which could not be fulfilled by another existing dwelling or accommodation in the area suitable for occupation by the workers concerned; the rural enterprise concerned must have been established for at least three years, have been profitable for at least one year and is currently financially sound with a clear prospect of remaining so; and the size and scale of the proposed dwelling is commensurate with the established functional requirement.
16. In the circumstances, paragraph 84 of the Framework is relevant. This seeks to avoid the development of isolated homes in the countryside unless one or more of the specified circumstances apply. Of relevance is criteria a) 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.
17. The Planning Practice Guidance states that when considering isolated homes in the countryside for essential rural workers, considerations may 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, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)³.
18. There is no dispute between the main parties that the rural enterprise concerned has been established for at least three years, has been profitable for at least one year and that it is currently financially sound. Nor is there any suggestion that the size and scale of the proposed dwelling would not be commensurate with the established functional requirements of the enterprise. Further, within its Officer Report, the Council states that 'there is no question that there is a need for a farm worker/manager to live on site to provide for welfare issues in relation to the suckler herd'. Consequently, the matter in dispute is whether the essential need for

³ Paragraph: 010 Reference ID: 67-010-20190722

a rural worker to live permanently at or near their place of work in the countryside arising from the functional requirements of the enterprise, can be met by the existing dwelling on the holding, Eckland Lodge, or whether the proposed dwelling is necessary.

Animal Welfare

19. A number of the appellant's submission documents suggest that Eckland Lodge is not available to the enterprise as accommodation for a rural worker. However, it was clarified at the hearing that this property is available to the enterprise and will remain so. The appellant and his family currently reside there. Nevertheless, the appellant maintains that this existing dwelling is unsuitable, because it is physically separate and remote from the livestock buildings, giving rise to unacceptable animal welfare and security issues.
20. The existing dwelling at Eckland Lodge is approximately 1km from the livestock building by road. From here, the appellant presently manages the livestock on a daily basis, with some assistance. I heard from the appellant that this journey takes approximately 3-4 minutes by car, including the need to unlock gates, and that there are three visits each day as a minimum, in the early morning, lunchtime and in the evening. These visits usually take around an hour, or longer when bedding down. However, when calving is taking place, which happens in the spring and autumn for approximately 6-8 weeks, I heard that these visits are likely to increase, with perhaps three visits a night.
21. It was indicated at the hearing that the proposed dwelling would be positioned approximately 200m from the livestock building, and that visits would be undertaken on foot, taking approximately 2 minutes to reach the livestock building. I heard that while it would not be possible to hear the animals from within the proposed dwelling, future occupiers would be within earshot when outside of the proposed house, while the livestock building and surrounding land would be within sight from it. The appellant considers this would change the dynamic at the enterprise. Rather than relying only upon purposeful visits at set times of the day, having the proposed dwelling closer to the livestock would allow for a more natural surveillance and greater awareness of the welfare of the animals, with increased observation resulting also from the day-to-day comings and goings of the family. In addition, the livestock would become habituated to people.
22. I have been provided with detailed information relating to the risks to animal welfare resulting from disease and from difficulties during calving. The appellant indicated at the hearing that over the last few years, 4-5 calves had been lost because problems had not been spotted early enough. The Council did not dispute that the more frequent the observation of the animals, the more likely it would be that any symptoms of disease or difficulties with calving would be picked up by the appellant, which would allow earlier intervention, and avoid potential losses.
23. I also heard why it is particularly important to reduce losses within a closed pedigree herd, such as is the case here. The appellant's veterinary surgeon indicated that a closed pedigree herd would potentially be at greater risk or stress during weaning and more susceptible to disease, while the appellant's agricultural consultant explained the need within a closed herd to plan two to three generations ahead, and the implications on this planning, if a female is lost, in addition to the financial cost.

24. The benefits of a rural worker living within sight and sound of the livestock were also considered to include the welfare of those working with the animals. The appellant described the physical dangers posed to lone workers by calving females, as well as bulls. The appellant considers that the proposal would ensure that family members were closer to hand, and so it would be possible to shout for help, if assistance was required.
25. I was also made aware of the appellant's family situation, which includes small children, and the practical difficulties that this has posed, if both he and his wife are required to attend the livestock at the same time. However, it was accepted that the essential need for a rural worker to live at or near their place of work must relate to the needs of the enterprise, not the personal circumstances of the appellant.
26. The Council were critical of why the appellant, clearly experienced in terms of animal welfare, did not anticipate these potential issues when they built the livestock building away from the existing dwelling at Eckland Lodge, rather than closer to it. It was clarified at the hearing that a number of matters influenced this decision. Firstly, the larger portion of the landholding is to the west of the A6 and there would be logistical difficulties moving the livestock from housing at Eckland Lodge across the A6 to this larger area, for grazing. However, it was also confirmed that when the animals were kept at Wooden House Farm, albeit in smaller numbers, they grazed at Eckland Lodge, suggesting that such logistical issues are not insurmountable, if less efficient.
27. The second reason relates to the business park, and the biosecurity risk that could result from having livestock within such close proximity. I heard that it would be problematic to control vehicles entering the business park, which could transport disease onto the farm. The lock-down implications for both the farm and the business park were also explained, if for instance, there was to be an outbreak of disease, such as Foot and Mouth. Consequently, there is some justification for having sited the livestock at the present location away from Eckland Lodge.
28. Nevertheless, I find it difficult to reconcile that an experienced farmer such as the appellant would have chosen to site the livestock building where it would give rise to an 'unacceptable risk' to animal welfare, as suggested within the submitted Agricultural Appraisal, even if this was anticipated only in the short to medium term.
29. Eckland Lodge is not within sight and sound of the livestock buildings. As such, the present situation does not allow for the increased level of awareness as described by the appellant. A closer physical relationship could perhaps alert the appellant to issues that require further investigation. However, it appears from the evidence that it would remain necessary to observe the animals frequently at close quarters to check for any signs of distress. Being at the appeal site would not remove the need for regular attendance of the livestock building when animals are indoors.
30. Furthermore, while I understand the appellant's high standards of animal husbandry and their objectives in providing the best quality of animal care, it would not be practical to expect continuous or permanent observation by a rural worker, and it will not be possible to avoid all risk.
31. It remains the case, that there is an existing dwelling on this holding, and while not next to the livestock building, it is nearby, being only a short journey that can be

made in a matter of minutes by car. The proposed dwelling would be a short walk from the livestock building, and so the difference in journey time between the two scenarios would be small. The journey time from Eckland Lodge could not be considered so burdensome that it would discourage frequent visits. Given that it is only a few minutes away, assistance could be offered in a reasonable timescale, while it remains close enough to offer respite during busy periods. There is no substantive evidence before me to suggest that undertaking this journey at night is particularly dangerous for the appellant, when one might reasonably expect the road network to be less busy.

32. Given how near the existing dwelling is, I am not convinced from what I have read or heard that other options have been fully explored, that could combine with the existing dwelling to provide the same or similar benefits sought from the proposal. Possible options were discussed at the hearing, including temporary welfare facilities on site, or the use of technology, such as cameras and/or microphones. The former was discounted due to the time it would be required on site, however, this would not necessarily be all year round and temporary facilities would not involve the same level of development as the appeal scheme. It was accepted at the hearing that technology could potentially be an aid, albeit not something that could be wholly relied on. However, given that frequent visits are already undertaken from Eckland Lodge, in the circumstances of this case, it would not be the case that this equipment would be wholly relied on, rather it would supplement existing visits.
33. There is no detailed evidence before me that demonstrates that such equipment could not assist in picking up the sights and sounds from within the livestock building, which could alert the appellant to unexpected issues, thereby triggering a further visit, which would involve only a short journey. The size of the herd is not substantial, and so this should not be a constraint to the use of such technology.
34. I appreciate that such equipment would not assist with surveillance of the land, when the livestock are kept outside and so there would still be some risk if animals were to get into difficulty here. However, the evidence before me suggests that the greater risk to animal welfare stems from disease or calving, and that this is usually when the animals are kept indoors.
35. I understand that there is no electricity at the farm presently and so this would be an additional cost associated with installing such equipment. However, the proposed dwelling would most likely require the installation of electricity also, as well as other substantial costs associated with its construction. I would not expect it to be possible to watch any camera footage constantly, but nor would it be possible to watch the animals constantly from the proposed dwelling. Such equipment could also assist with managing welfare risks to the rural worker.

Security

36. It is suggested that there is a high incidence of rural crime in the area. While there is no detailed evidence to demonstrate this, it has not been challenged. At the hearing, the appellant advised that at the enterprise itself, there has been one incident of theft involving the cattle handling system, and numerous thefts of diesel, when farm vehicles have been left at the livestock building. Additionally, there had been an incident of animal cruelty at a neighbouring farm. The cattle handling system is now stored at Eckland Lodge and brought onto site when

needed, which requires dismantling and construction each time. This has time implications, particularly if required in an emergency.

37. At present, the only security measures at the livestock building are locked gates. There would be the potential to increase security through the use of cameras or lighting possibly, or by engaging a security management company. I appreciate that these options would have varying costs and that they may not offer the same level of security as someone living on site. Nevertheless, they would most likely offer an improvement in security over and above the present situation.

Essential need

38. Having considered the evidence before me relating to animal welfare and security, I am unable to conclude that there is an essential need for a rural worker to live permanently at the appeal site. There is an existing dwelling on the holding and while this may not be within sight and sound of the livestock building, it is only a short journey away, allowing frequent visits without being overly burdensome on the efficient operation of the business. While a rural worker living permanently at the appeal site could afford a greater degree of awareness, it has not been robustly demonstrated that there are no other means by which surveillance for both animal welfare and security could be improved and the rural worker could be alerted to unexpected issues. At such a short distance, occupiers of the existing dwelling would then be sufficiently close by to respond quickly.
39. I note the importance of managing the farm efficiently and effectively, particularly in light of other changes, such as the reduction in the Basic Payment Scheme. I appreciate that since 2019 a number of issues with both animal welfare and security have arisen, however, not all risk can be avoided. The submitted evidence suggests that calving regularly happens at night, when observation will be less frequent in any event, and that experienced females can calve quickly, which cannot always be predicted, even by experienced herdsmen. I cannot be certain that all such incidents could have been avoided, even with an onsite presence.
40. These incidents will no doubt represent difficulties for the management of this closed herd of pedigrees, and I can appreciate the mental health implications for farmers of losing livestock. However, there has been no suggestion that calf mortality rates have occurred at a level higher than might be expected, or at such a frequency that it has been financially detrimental to this business. While not determinative in my considerations, I heard from the appellant that the existing business would not fail if the proposed dwelling is not allowed.
41. I note the appellant's intention to expand the beef rearing enterprise and that an increase in livestock numbers will bring increased risk in welfare terms. While the submitted Agricultural Appraisal indicates a gradual increase in numbers, it does not extend beyond 2024/2025, where the number of livestock appears to remain within the capacity of the existing building. I am not aware of any applications or permissions for any further livestock buildings at the enterprise that would allow for a notable expansion in animal numbers. As such, there is not sufficient certainty on this matter at this time to allow me to give the future expansion of the business significant weight.
42. For the above reasons, the necessity for a rural worker to live at the appeal site to ensure the effective operation of this agricultural enterprise, including in relation to

risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss, has not been demonstrated.

43. Consequently, the proposed development would not meet an essential need for a rural worker to live permanently at the appeal site. Therefore, the proposal conflicts with CS policies 11 and 13, the details of which have been set out above.

Other Matters

44. The proposed landscaping measures would provide a net gain in biodiversity, which would be a benefit of the proposal, over the existing situation. It is also indicated that the appeal scheme would incorporate some renewable energy technology and be designed for adaptable living, which would be further benefits. I note the support from BrayBrooke Parish Council.
45. It is suggested that the proposal would reduce reliance on motor vehicles. The proposed scheme would remove the need for multiple daily trips from Eckland Lodge to the livestock building for overseeing the animals. However, part of the appellant's enterprise and other business interests would remain to the east of the A6 and so it seems likely that frequent trips by private vehicle would remain necessary. This is only a short trip in any event. The weight I can give this benefit is therefore modest.
46. The appellant considers that the design reflects the local vernacular, incorporating traditional materials. Relevant standards within Building Regulations and the Nationally Described Space Standards would be met. Existing trees are to be retained and no impacts are anticipated on protected species or habitats. The site lies within flood zone 1, at the lowest risk of flooding and this landscape is not subject to any designations. No public rights of way are to be impacted and no listed buildings have been identified in the vicinity. Following the provision of additional information relating to visibility splays, it appears that the access and parking provision would be to an appropriate standard. These are neutral matters that do not carry any weight for or against the proposal.
47. The appellant raises the point that the Council did not seek any specialist agricultural advice to justify departing from the advice in the agricultural appraisal or the veterinary submission. Nevertheless, I must reach a decision based on the evidence before me. I consider this matter further in the related costs application.

Conclusion

48. The proposed development conflicts with the development plan when taken as a whole and there are no other material considerations worthy of sufficient weight to suggest the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

S Brook

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mark Flood	Planning Consultant	Insight Town Planning Ltd
Alan Brown	Architect	Alan Brown Development Services Ltd
Jess Hulse	Veterinary Surgeon	Farm Veterinary Solutions
Tom Arthey	Agricultural Consultant	Arthey Associates Property and Farm Business Consultants
Daniel Howes	Appellant	Stuart Howes & Son
Janice Howes	Appellant	Stuart Howes & Son

FOR THE LOCAL PLANNING AUTHORITY:

Richard Marlow	Planning Officer	North Northamptonshire Council
Alison Riches	Planning Officer	North Northamptonshire Council

DOCUMENTS SUBMITTED AT THE HEARING

Document titled 'Claim for full costs by the appellant'.