
Appeal Decision

Hearing held on 11 February 2025

Site visit made on 11 February 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/K0940/W/24/3353199

Lodge Farm, High Biggins, Kirkby Lonsdale LA6 2NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Mathew Ireland against the decision of Westmorland and Furness Council.
 - The application Ref is SL/2023/0723.
 - The development proposed is erection of rural workers dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a number of revised plans as part of this appeal comprising, Site Block Plan as Proposed; Elevation as Proposed; Ground Floor Plan as Proposed and First Floor Plan as Proposed. The plans show a proposed reduction in size of the dwelling from 313 square metres to 258 square metres. The Council has had the opportunity to comment on the revised plans and it is common ground that the plans submitted with the appeal can be included without prejudice by reason that such represent a minor material amendment to the scheme. I have no reason to disagree with this and I do not find my acceptance of these plans to be prejudicial to any party. I have therefore taken these plans into account in reaching my decision.
3. At the Hearing, the Council requested a copy of the latest 2024 accounts which were provided via the appellant after the Hearing. The Council has had the opportunity to comment on this. Such information does not alter the scheme and my acceptance of this is not considered prejudicial to any party. I have therefore taken this into account in reaching my decision.
4. Concern has been raised by a third party regarding the location of the appeal site. This was checked at the Hearing and the location of the appeal site as set out in the above banner heading is accurate. Biggins Lodge Farm is indeed a separate property.

Main Issues

5. The main issues are:

- Whether the site would be a suitable location for permanent residential development having regard to the Council's development plan policies governing such proposals; and
- The effect of the proposed development on the character and appearance of the site and surrounding area, including whether it would preserve the setting of Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building and wider historic grouping within the settlement.

Reasons

Location

6. The appeal site relates to land located adjacent the northern edge of the settlement of High Biggins. It relates to the steading at Lodge Farm which is located north of and at a significantly lower level to the site with a wooded embankment separating the two.
7. The site is bound to the east by the existing access track and part of the neighbour's domestic boundary wall. To the north by an existing length of post and wire fencing atop the embankment that drops down towards the steading. The site is otherwise open to the west and south. A wooded embankment separates the site from Pit Lane located further to the south. This embankment slopes upwards towards Pit Lane with stone walling atop the embankment.
8. High Biggins is a small rural hamlet. It centres on the junction between Pit Lane and Biggins Lane located to the southeast of the site. The appeal site relates to part of a larger agricultural field and reflects the characteristics of the surrounding landscape through its rolling topography, pastoral fields, trees/hedging and boundary stone walls.
9. The proposed development seeks planning permission for a permanent agricultural worker's dwelling to serve the existing farm business at Lodge Farm which is a holding of approximately 147 acres. It would be accessed through the settlement via an existing access track to the east of the site. The dwelling would be relatively large comprising a 4-bed family dwelling plus additional space required in connection with the operations of the farming business. The principal elevation would face eastwards over the access track.
10. Policy CS1.2 of the South Lakeland Core Strategy, 2010 (CS) sets out the development strategy for the district and explains that development will be concentrated in identified settlements, of which High Biggins isn't one, but that it does allow for development in the countryside where it has an essential requirement for a rural location, is needed to sustain existing businesses, provides for exceptional needs for affordable housing, is an appropriate extension of an existing building or involves the appropriate change of use of an existing building.
11. Policy DM15 of the South Lakeland Development Management Policies Development Plan Document, 2019 (DMP) provides updated local criteria to guide the appropriate location and type of new homes required to meet the needs of rural businesses. It explains that proposals for dwellings in the open countryside

for those working in agriculture or rural businesses who need to live at or near their place of work will be supported where there is a demonstrable essential need in relation to certain criteria. Amongst others, it requires at criteria 3 that the business or agricultural activity has been established for at least three years, has been profitable for at least one of them, is currently financially sound and can demonstrate a clear prospect of remaining so.

12. The business has been running in excess of three years comprising calving cows, rearing stirks and heifers, and wintering sheep. Several previous years accounts have been provided demonstrating an average net profit of 21,105 over the last 3 most recent years. That said, it has only been recently the issue of need for an occupational dwelling has arisen, and only more recently over the last two years have the accounts reflected a meaningful profit. Prior to that and for a number of years, the business has been making very little profit and barely breaking even across some of the years. This change in profitability is therefore striking and unprecedented.
13. The area of land farmed has generally remained the same over the last few years with the number of suckler cows also remaining fairly consistent at around 30-40 cows producing around 30-40 calves. Even taking into account an additional 12 - 15 calves which have been bought in and reared on, it would be reasonable to expect the farm accounts to reflect a fairly stable picture with similar figures each year with some fluctuations in prices for stock and costs.
14. The accounts provided over a number of years show fairly consistent sales although this has substantially increased for the latest accounts on the previous year. The closing stock valuations (livestock reared on the farm throughout the year but not sold by the financial year were fairly consistent but there was a substantial jump for the 2023 year and a further jump for the 2024 year. This has largely resulted in the spike in income for those years. There has also been a significant decrease in associated costs such as feed, bedding, veterinary expenses, repairs and renewals and accountancy fees. This is despite having more stock. Contractor charges don't appear in the recent year's accounts which I believe is done inhouse. However, several other costs are down despite the additional work such as tractor and machinery expenses. The costs associated with renting land also appears to be decreasing over the years while occupying the same area of land.
15. At the Hearing, the appellant explained that there has been a significant increase in livestock sales and stock valuations as well as a reduction in variable and overhead costs such as feed, crop costs, vet and medical, labour machinery, admin etc. I also heard how the increased focus on feed efficiency and generating productive growth of cattle from home grown feed has increased productivity which is set to continue. Whilst I appreciate such factors and do not dispute some of the fluctuations in prices for stock and costs, I am not sufficiently convinced taking into account the above, that this would lead to such a striking upturn in the most recent year's profits in comparison to previous years.
16. The average profit of the business in the last three years was 49% of turnover which is highly impressive as the benchmark target for a business like this would be 20% as per the evidence submitted. I find this to be a more realistic figure in practice which would mean that the average declared turnover would equate to a lower average profit which would be more consistent with that of previous years

and one that can reasonably be expected for this enterprise which has generally remained the same.

17. Additionally, at the Hearing I asked if the net profit provided in the previous year's accounts included a wage for either the appellant or his father who also helps on the farm, and it was confirmed that this did not include any takings. The appellant and his father share the profits/losses although the appellant's father appears to draw a higher figure for a number of the years which I understand is due to the appellant deriving income from work off the holding.
18. The Agricultural Appraisal submitted on behalf of the Council explains that published figures give the current gross earnings of agricultural workers at approaching £25,000 per annum. On this basis, and even considering the average profits, it is difficult to see how the earnings from the business can currently support a full-time worker and annual cost of providing the dwelling without supplementary income being derived from work off the holding.
19. The appellant has submitted a five-year summary business projection, and a more detailed projection was provided at the Hearing. It is the appellant's intention to substantially increase the herd size and thus sales each year. Such a large increase which will see an average herd size of 87 cows by year 5 producing around 76 calves for sale and 11 heifers as replacements for the older cows. At the Hearing, the Council explained that such an increase would require additional labour demands for the farm and thus highly likely to require another full-time worker to carry out duties/look after the livestock. The labour costs as set out in the projections are inadequate to meet the costs of a full-time additional worker or additional contractors labour eroding profits made from the additional livestock. The appellant explained that this would be met by the appellant and his family and that his wife will be bringing income in from off the holding as supplementary. However, as the dwelling would run with the land, it is important to show that a business can support the cost of the dwelling from income solely earned from the farm over the long term and that the work generates the need for a full-time agricultural worker to live on site.
20. The proposed increase in herd would have a large payment associated with the initial purchasing of more stock and would also require more land either by purchase or renting given the relatively small size of the farming enterprise. Such costs would likely be considerably higher than in the projection particularly when factoring in how much additional land would be needed which would likely be double that of the existing. Additional cows would need to be housed over the winter months and the latest building which was granted planning consent some time ago is yet to be fully constructed. All of these would incur significant costs for the farm.
21. Additionally, the size of the dwelling would generate a significant build cost which would also add additional financial pressure on the farm business. Whilst I appreciate that the appellant could arrange a lot of the work himself and thus reduce the overall cost, there would still be a significant cost associated with this. Moreover, whilst such work is being carried out, this would take away time devoted to work on the farm or the appellant's income generating work off the holding. This in turn would have financial implications for the enterprise.

22. There are substantial funds to be incurred by this relatively small size farming business that until the last 2 years has been making very little profit. Whilst I appreciate that some of these associated costs have been factored into the projections going forward, I am not sufficiently satisfied that this has factored in all likely costs which would be incurred. This would inevitably have a bearing on the projected profits. At the Hearing, I heard that the projections were likely a worst-case scenario based on higher interest rates, built in flexibility etc. Even so, I do not find the evidence submitted to be sufficiently unambiguous and convincing to be confident of the viability of the enterprise in terms of sustaining meaningful levels of profitability. Costs/problems may change/arise and thus have a bearing on the overall outcome/profits which are difficult to project for given such large expansion proposals along with the proposed dwelling. I do not dispute the appellant's commitment to the farm business, investments made and expansion plans but the provision of a permanent dwelling on a farm is a long-term commitment where a degree of certainty is needed over the long term.
23. The appellant explained at the Hearing that in order to grow the business, a dwelling was needed onsite, and I appreciate the difficulties of not having a dwelling onsite in order to do this. That said, the Council has previously suggested a non-permanent accommodation on a temporary basis. It is explained that this is where business projections would have their place opposed to assessing a permanent worker's dwelling on proposals that may or may not come to fruition. Whilst not a requirement of policy and looking ahead would indeed require some form of projection basis, the projections in the particular circumstances of this case are based on large expansion proposals where there remains considerable doubt. We discussed the difficulties associated with a non-permanent structure at the Hearing which included the family circumstances of the appellant with small children. Whilst I do not dispute these difficulties, the onus remains with the appellant to present a sufficiently reliable and convincing case for permitting what is an exceptional development in the countryside. I am not sufficiently satisfied that this has been achieved and I am not therefore confident of the ongoing soundness of the business. Consequently, the proposed development cannot therefore be seen to comply with criteria 3 of Policy DM15 of the DMP.
24. Criteria 7 of Policy DM15 of the DMP also requires that the proposed dwelling is normally located within or adjacent to the existing farm or business. As set out earlier, the proposed dwelling would serve the steading at Lodge Farm which is located to the north of the appeal site at a significantly lower level with a wooded embankment separating the two. It is common for farmsteads to have buildings and service areas associated with the farm and a house belonging to the farm along with the surrounding buildings. This cohesive layout defines their overall functional-visual legibility. The proposed dwelling would however sit at an elevated position with its principal elevation facing eastwards over the access track. It would appear distant and divorced from the farm despite sharing an access and thus would fail to relate legibly to the steading. It would lack the appreciable operational purpose of such an occupational dwelling in the countryside as well as its surveillance utility.
25. The Council has previously discussed the possibility of land adjacent the agricultural buildings or nearer the existing buildings should there be the required justification for a farm worker's dwelling. This option was discussed at the Hearing whereby the appellant set out a number of difficulties in providing a dwelling on

this land including operational requirements of the farm, being further from the settlement as well as safety issues for the appellant's small children. Whilst I appreciate such factors and the preference for the appeal site over land to the north, the proposed location is still one which would appear divorced from the farm buildings, lacking the appropriate physical, associative visual legibility of a component of the farm complex. The proposed development cannot therefore be seen to comply with criteria 7 of Policy DM15 of the DMP.

26. Policy CS1.2 of the CS explains that no development boundaries will be identified for the smaller villages and hamlets such as High Biggins. New small-scale infilling and rounding off development will be permitted outside the service centres, in order to satisfy local need across the numerous smaller villages and hamlets scattered across the District. Policy DM13 of the DMP sets out a revised approach to small scale development on the edge of small villages and hamlets, based on a series of criteria. This is to ensure new development is appropriate to the form of the village, enhances or maintains the vitality of the rural settlement and does not result in an unacceptable intrusion into open countryside.
27. To benefit from the provisions as set out in Policy DM13 of the DMP, it is a requirement amongst others, that 1. the scale and design of the proposed development is appropriate to the scale, form and character of the existing settlement, including taking account of the cumulative impact of incremental development. It also requires 3. the site to be well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside.
28. The appeal site primarily relates to part of a larger agricultural field to the north-west of High Biggins which is viewed as part of the surrounding landscape given its matching characteristics. The proposed development would result in a dwelling being introduced into this undeveloped field which would be physically separated from the main rural hamlet. At the Hearing, we discussed the defensible edge of this part of the settlement with the appellant being of the view that this is not clearly defined. However, at my site visit, I found there to be a clear and robust defensible edge to the settlement and a sense of containment which wraps around the properties to the east of the site. Land to the north and west of this built form is viewed in a more agricultural context comprising wider open countryside with the presence of agricultural buildings such as those located at Lodge Farm.
29. The proposed development would be outside of this clear and robustly defensible edge of this part of the settlement despite its relatively close proximity to other properties and thus marks an incursion into the host field and the wider open countryside. The existing access to the east provides accessibility and some physical connection to the settlement and the site does provide for a level of containment due to its boundary features and topography. However, the appeal site is otherwise isolated from the settlement within a parcel of land which is open to the west and south lacking the necessary settlement consolidation and overall landscape containment. As a result, the proposed development would not relate well to the settlement appearing as a visual expansion of High Biggins at the expense of the open countryside. The presence of existing buildings further south would not alter my findings as these are separated by Pit Lane and do not appear to extend into an open parcel of land unlike the appeal site. Their relationship with the settlement is read differently when viewed in context.

30. There may be limited views of the site due to the levels and boundary treatments/landscaping, but the development would still be visible from a number of public viewpoints including from certain points along Pit Lane and from surrounding properties. I cannot agree that a large dwelling in this location would be viewed as part of the existing built-up area or be a logical extension to the settlement. It cannot reasonably be regarded as rounding off development.
31. Reference has been made to other dwellings which have been granted planning permission. However, I have limited details of these approvals particularly the context in which they were approved to be able to comment further. I have determined this appeal based on its own merits.
32. For the above reasons, I conclude on this issue that the site would not be a suitable location for permanent residential development having regard to the Council's development plan policies governing such proposals. It would therefore be contrary to Policies CS1.1 and CS1.2 of the CS and Policy DM15 of the DMP which together, amongst other matters, explain that it is vital to protect the countryside for its intrinsic beauty, diversity and natural resources and also for its ecological, geological, cultural and historical, economic, agricultural, recreational and social value.

Character and appearance

33. The settlement of High Biggins comprises a number of traditional buildings, including large houses and farmhouses of individual and collective architectural and historic interest. A number of these buildings are located within close proximity of the site including Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building.
34. I have a statutory duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 216 of the Framework also explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
35. At my site visit, it was clear that High Biggins has an impressive character and appearance which is viewed in an agricultural context. The surrounding agricultural landscape and woodland which includes the appeal site therefore contributes positively to the setting of the settlement and the listed farmhouse. It also contributes to the collective heritage asset value of the wider grouping within the settlement including its component designated and non-designated heritage assets. Such convey a discreet and well-defined relationship with and respect for the surrounding countryside.
36. The proposed development would result in an extension of the settlement into the open countryside which would fail to establish a legibly functional relationship with

the related farm steading. This unwelcomed incursion would dilute the well-defined historic relationship with the settlement and the countryside leading to harm to the setting of Biggins Lodge Farmhouse. I recognise that the Granary sits between the appeal site and Biggins Lodge Farmhouse providing some physical separation, but this would not alter my findings as it would still alter the way in which the Farmhouse is read as part of a wider agricultural context.

37. For the above reasons, the proposed development would fail to preserve the setting of Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building. This would result in less than substantial harm to the significance within the meaning of the Framework.
38. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant explained at the Hearing that the public benefits associated with the scheme includes sustaining a rural business and I am aware of local and national support for such. Given the relatively modest scale of the business then such associated benefits would also be modest. I am also not convinced that the land without a dwelling onsite would jeopardise its long-term future particularly given that it has only been recently that the issue of need for an occupational dwelling has arisen having been established for a good number of years. Overall, I do not find the public benefits to be sufficient enough to offset the identified harm to the setting of the listed building to which I have attached great weight given the requirements of the Framework.
39. In a similar way to the above, the proposed development would also affect the collective heritage asset value of the wider grouping within the settlement, including its non-designated heritage assets. As set out earlier, these have individual and collective historic and architectural value, conveying a discreet and well-defined relationship with and respect for the surrounding countryside which would be undermined by the proposed development with harm to the landscape quality and character of the area.
40. The size of the dwelling was discussed at the Hearing, and I understand the reasoning for this is to accommodate the appellant's family which I do not find unreasonable. I appreciate that farmhouses within the district are typically long and narrow although the properties in High Biggins do vary in size and shape. The proposed dwelling has been reduced in size and this, together with its overall design, materials and detailing means that I do not find the dwelling to appear bulky in comparison with others nearby. The absence of harm in this respect is however a neutral factor in my decision.
41. Overall, the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would fail to preserve the setting of Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building and wider historic grouping within the settlement. It would therefore be contrary to Policies CS1.1, CS1.2, CS8.2 and CS8.6 of the CS and Policies DM1, DM2 and DM3 of the DMP which together, amongst other matters, supports the safeguarding and, where possible, enhancing of historic environment assets, including their characteristic settings and any attributes that contribute to a sense of local distinctiveness.

Other Matters

42. I am aware of the changes made to the scheme in relation to design and position etc as well as noting those matters not in dispute. This would not however alter my findings in relation to the above main issues.
43. Reference has been made to the dwelling being self-build and I am aware of local and national policy providing support for such. Even so, the proposed development would still need to comply with the above relevant policies which this scheme does not.

Conclusion

44. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Mathew Ireland	Appellant
Mr Harry Tonge MRTPI	Director at MWT Planning
Mr Andrew Suddes MBIAC	Your Farming Future

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Willison-Holt MRTPI	Principal Planning Officer
Alan Jackson BSc FRICS FAAV	External Agricultural Consultant

DOCUMENTS

Five-year summary business projection submitted by Mr Andrew Suddes.