

LAND ADJACENT TO WOODSIDE FARM, CONONLEY, SKIPTON.

**REPORT ON A PROPOSED PERMANENT AGRICULTURAL WORKER'S
DWELLING**

PLANNING APPLICATION REFERENCE 21/2015/15681

AG & P Jackson
Chartered Surveyors & Land Agents
Haythwaite House
Raughton Head
Carlisle
CA5 7DE

Tel: 016974 76 345

alan@agp-jackson.co.uk

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1. Introduction

1.1. This report has been prepared at the request of Craven District Council [CDC] who on the 12 May 2015 asked if I would report on the agricultural need in relation to a proposed permanent agricultural worker's dwelling on land adjacent to Woodside Farm, Cononley, near Skipton.

1.2. Paragraph 55 of the National Planning Policy Framework [NPPF] will relate to this application. ie "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the **essential need** for a rural worker to live at or near their place of work in the countryside." I will therefore base my report on the NPPF. I will consider the following aspects to establish if there is an essential need for an additional dwelling on this holding i.e.

1) Existing functional need 2) Labour requirement 3) Financial viability and 4)

The availability and suitability of existing dwellings to meet the existing functional need.

1.3. Paragraph 28 of the NPPF will also apply in that it states:- Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:-

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land- based rural businesses:

1.4. I met Mr Steven Leeming on behalf of the applicants on the 14 May 2015 and inspected the farm steading and application site on the land adjacent to Woodside Farm, Cononley.

1.5. The following information was provided on behalf of the applicants:-

Part 1 – The Existing Situation

2. Land Occupied

2.1. The applicants occupy the following areas of land:-

- 22 ha [54 acres] of land and farm buildings adjacent to Woodside Farm, Cononley. This land has been owned by the applicants' family for about 30 years. The existing farm steading is located on the eastern edge of this land with the existing access from the public road along an unsurfaced track.
- 10 ha [24 acres] of accommodation land at the west end of the village of Carleton in Craven. This land has also been owned by the applicants for over 30 years.

- 61 ha [152 acres] of land to the north and north-west of the owned land at Cononley Woodside. This land is in several dispersed parcels and has been rented for around 25 years on short term licenses. Mr Leeming advised that he envisages continuing to occupy these parcels of land.
- The applicants therefore currently farm around 93 ha [230 acres] of land of which 32 ha [78 acres] are owned and 61 ha [152 acres] are rented on short term licenses.

2.2. The applicants have established entitlements and claimed under the Single Payment Scheme {SPS} [to become The Basic Payment Scheme {BPS} in 2015] on all of the owned and some of the rented land. They are also able to claim for Stewardship Payments on the land they own. Both these schemes provide financial support payments to agriculture.

3. Livestock

3.1. The following livestock are currently kept on these landholdings :-

- 250 breeding ewes lambing each year from January to April. The lambs from these ewes are sold fat off the holding. The ewes are housed in batches shortly before lambing and lambed inside. The ewes and new born lambs are then returned to the pastures.
- 50 gimmer shearlings are kept each year. These are the young female sheep which are retained for breeding to replace the older ewes.
- 8 tups.

- 75 purchased store lambs for fattening.
- 20 suckler cows mostly spring calving. Some female offspring are retained as replacement heifers with the remaining calves being sold as store cattle at about 15/18 months of age.
- 10 calves bought in to rear as store cattle.

4. Cropping

- 4.1. This is an all grass farm with about 15 ha [36 acres] mown for silage for feeding to the livestock in the winter months. There are about 30 ha [74 acres] of permanent pasture and 49 ha [120 acres] of moorland for grazing.

5. Farm Buildings

- 5.1. At the farm steading on the owned land adjacent to Woodside Farm, Cononley is a 4 bay [90 ft x 30 ft] general purpose portal framed agricultural building currently used for housing the suckler cows in cubicles and the younger cattle in pens bedded on straw. Slurry is stored in underground tanks.
- 5.2. There is a poly tunnel [60 ft x 20 ft] adjacent to this building used for housing and lambing the ewes. Mr Leeming advised this will have to be removed to accommodate the proposed dwelling and he therefore proposes to extend the portal framed building in the future to house and lamb the breeding ewes.
- 5.3. There are 3 stable/calving boxes. There is also a small range of dilapidated buildings across the field to the west which are to be removed.

6. Domestic Buildings

6.1. There are no dwellings on the land holdings.

7. Labour and Residence

7.1. Mr Steven Leeming works on the land holdings. He lives with his wife and family in a 2 bedroom dwelling they own in Cononley, about 1 mile to the south of the farm steading.

7.2. Mr Peter Leeming also works on the holding but he is now of retirement age. He lives in the village of Carleton, about 1 mile north of the farm steading.

7.3. Contractors are used for specialist tasks including silage making. Family members help at busy times.

8. Other Information

8.1. Mr Leeming advised that he and his father had built up the farming business over a number of years, increasing the area farmed and building up livestock numbers. He now wishes to live on site to be able to be on hand to deal with lambing ewes and calving cows outside normal working hours and to provide security of his livestock and equipment at the farm steading.

Part 2 - Guidance in Relation to the requirements of the NPPF and the test for essential need.

9. Instructions

9.1. I am to consider four aspects to establish if there is an essential need for a new permanent dwelling on land adjacent to Woodside Farm, Cononley to enable a full time farm worker to live at or near his place of work as per the guidance in paragraph 55 of the NPPF. These aspects are 1) to assess if there is a functional need for workers to be resident on the holding, 2) to assess how many workers are needed to operate the holding and of those workers, how many need to be resident on the holding 3) to assess if the business is financially viable and has a clear prospect of remaining so and 4) to assess the suitability and availability of existing dwellings to house those workers that need to be resident on the holding. I have therefore considered these four aspects and set out below under each heading the requirements to be met and my assessments.

10. ASPECT ONE – FUNCTIONAL NEED

i) There is a clearly established existing functional need.

10.1. The main functional need on these land holdings will relate to the care of the livestock, particularly the breeding ewes when they are lambing and the suckler cows when they are calving. The majority of the functional need will be at the farm steading as that is where the ewes lamb and the cows calve.

10.2. There will also be a need to care for the livestock throughout the year, particularly the younger animals on the holding. Livestock will need to be

checked on a daily basis and any sick animals cared for often outside normal working hours. There is therefore a clearly established existing functional need on these landholdings for a worker/workers to be resident on the holding.

11. ASPECT TWO – FULL TIME WORKER

ii) The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.

11.1. I have calculated the labour requirement of the current landholdings and can advise that based on the existing livestock numbers and cropping practices, there is a total calculated labour requirement of about 1.2 full time workers. The current functional need is therefore met by members of the Leeming family plus the use of contractors for specialist tasks.

12. ASPECT 3 – FINANCIAL VIABILITY

iii) The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.

12.1. This family farming business has been established on the land holdings for considerably in excess of 3 years.

12.2. Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. For many years, to establish financial viability, I have

required that a net farm income after all expenses such as feed, fertiliser and property maintenance, be at least equivalent to an average agricultural workers minimum wage which was about £16,500 per annum. However, in October 2013 The Agricultural Wages Board was disbanded and therefore minimum wages are no longer set for the industry. As an alternative source of evidence, figures are produced giving the average income of agricultural workers in the region of £18,000 to £20,000 per annum.

12.3. I have therefore calculated the net annual farm income that this business is likely to achieve, based on the current numbers of livestock and cropping practices and I am able to advise that this farming business may struggle to achieve financial viability in the terms set out in 12.2 above.

12.4. I am aware that the NPPF requires an essential need to be demonstrated but does not specifically require a financial test. It is my understanding that the decision in the judicial review of Northumberland County Council and Embleton Parish Council considered this aspect. I am therefore of the view that a Planning Authority may have regard to the financial position but needs to decide how much weight to attach to those financial aspects.

12.5. Since the introduction of the NPPF there have been some appeal decisions which considered the financial aspects as the development of a permanent dwelling has to be sustainable and one of the three requirements of sustainability is economic. In an appeal for a permanent rural worker's dwelling at Fell View Plant Nursery

at Hethersgill near Carlisle in September 2013, the Inspector agreed with the Planning Authority that the low income generated by the plant business was insufficient to support a permanent dwelling and dismissed the appeal.

[APP/E0915/A/13/2191262]

- 12.6. In a more recent case in March this year at Honeycrook Farm, Redhill, Surrey [APP/L3625/A/14/2220464] the Secretary of State for the Department for Communities & Local Government called in an appeal decision where the Inspector's view was that a permanent dwelling was not justified but a temporary dwelling was. The Secretary of State disagreed and dismissed the appeal. Some of the grounds for dismissal related to the area of land held on short term licenses. In the Cononley Woodside situation the 32 ha owned represents 34% of the land owned but the 61 ha held on short term licenses represents 66% of the land holdings. Although the Secretary of State accepted that a functional need had been demonstrated the need to live permanently on site had not on sustainability grounds. Therefore another reason for dismissal was the low income from the farming enterprise which was considerably less than a target profit of £18,000 agreed at the appeal hearing.

13. ASPECT 4 – SUITABILITY AND AVAILABILITY OF EXISTING DWELLINGS ON THE HOLDING

iv) The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area, which is suitable and available for occupation by the workers concerned.

- 13.1. Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times, in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products, or in this case losses of livestock, particularly in relation to the care of the breeding ewes when they are lambing, the suckler cows when they are calving and the animals throughout the year.
- 13.2. I am therefore of the opinion, that in the interests of the wellbeing of the livestock, the efficient running of the holding and for overall security on these land holdings, it is essential that of the current calculated labour requirement of around 1.2 full time workers, that 1 of those full time workers, actively involved in the management of the landholdings should be resident on or immediately adjacent to them.
- 13.3. At the present time, in my view, the 2 existing dwellings available to this farming business are too far away from the existing farm steading to meet the existing functional need on this farm.

14. Conclusions

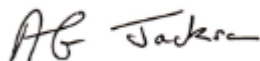
- 14.1. I therefore conclude by advising as follows:-
- 14.2. There is a clearly established existing functional need in relation to the landholdings adjacent to Woodside Farm, Cononley for 1 full time worker,

actively involved in the management of this holding, to be resident on or immediately adjacent to it.

14.3. I have calculated the labour requirement on this farming unit and can advise that there is a total existing calculated labour requirement of about 1.2 full time workers.

14.4. This business has been established for many years, but may struggle to be financially viable in terms of sustainability for a permanent dwelling. Appeal decisions under the NPPF require a business to be sustainable to support a permanent dwelling.

14.5. At the present time the existing dwellings available to this farming business are to far from the farm steading to meet the existing functional need.

A handwritten signature in black ink that reads "A G Jackson". The letters are cursive and slightly slanted to the right.

A G Jackson BSc FRICS FAAV

29 May 2015

COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING AS EXPERT WITNESSES

I hereby declare that my Report complies with the requirements of the RICS Practice Statement “Surveyors Acting as Expert Witnesses” 3rd Edition effective from 1 January 2009 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body’s attention has been drawn to any matter which would affect the validity of that opinion; and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement*; and
- (iii) That the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) ‘I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct’.

Disclaimer

The information provided in this report has been obtained from the applicant and published sources. In particular the figures relating to areas of land and livestock numbers are the applicant’s figures and have not been verified.