

Our Ref: 5273sl-1
Your Ref: AL/49/11
AL/50/11

8 August 2011

For the attention of Mrs S Leeson

Arun District Council
Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
BN17 5LF

Dear Mrs Leeson

Application Nos: AL/49/11 and AL/50/11
Proposals: Temporary agricultural worker's dwelling
Agricultural building
Location: Sheepwash Farm, Aldingbourne

I write further to your email of 16th June 2011 instructing Reading Agricultural Consultants Ltd (RAC) to undertake an independent assessment of the above planning application in the context of the current planning policy advice for dwellings in the countryside - and in particular to that provided in Annex A to Planning Policy Statement 7. The appraisal has been undertaken by Peter Williams (Director of RAC) and is an independent assessment of the planning application; the report does not make any recommendation for, or against, the application.

In preparing this response I have had regard to:

- the documents submitted with the planning application - including a supporting statement and budgets prepared by Philip Pollard of Symonds and Sampson; and
- observations and comments made during a site visit undertaken on 14th July 2011.

Numbered paragraphs are used for ease of reference.

Background

1. Sheepwash Farm extends to approximately 10.0ha (24.7 acres) and is all laid to permanent pasture, grazed mainly with cattle and sheep. The owned land is augmented with rented land extending to approximately 16.2ha (40 acres) including 6.1ha (15.1 acres) "over the road", 8.1ha (20 acres) at Burnham and 2.0ha (4.9 acres) at Chichester, all of which is rented on an insecure, but annual renewal basis.
2. The owned land was purchased in a series of transactions including 3.6ha (8.9 acres) in 2002; 3.2ha (7.9 acres) in 2003; and a further 3.2ha (7.9 acres) in 2005. The owner, Mr Ashburner,

although previously engaged mainly in commercial building works, has been involved in agriculture since leaving school and has built up a sizeable agricultural contracting business which he operates from the site.

3. An agricultural barn (15.6m x 12.2m) was erected at the site in 2004 and provides secure storage and workshop facilities along with a mezzanine floor with an office and restroom.
4. The agricultural contracting business appears to concentrate mainly on hay, haylage and straw baling with over 3,000 large round bales produced each year. Hay and haylage is also made on the owned and rented land for sale.
5. In terms of historic agricultural activity at the site I viewed the Livestock Movement Books from 2004 onwards and the Medicine Book from 2009 and can report that cattle and sheep sales have certainly been occurring since 2004 though with a considerable upsurge in trading activity occurring in 2011.
6. In the future, there is a desire to expand the livestock rearing activities. This will ensure the farm can provide full-time employment for Mr Ashburner and part-time work for members of his family. The plans for the farm include:
 - buying-in approximately 20-40 week-old calves from a local calf dealer every month or so (subject to availability) and rearing these on for onward sale at approximately 12 weeks of age; some 15 animals are to be retained and reared to finished weights each year.
 - approximately 220-250 calves are to be reared each year for onward sale to Peter and Simon Taplin, Beechwood Farm, Curdridge. (You have provided me with a letter of commendation from Mr Taplin in support of Mr Ashburner's calf rearing skills);
 - the sheep flock will be expanded from the current 40 ewes to 100, with lambs sold either as stores or finished. Lambing will take place in March and April;
 - the small pig enterprise (presently 1 sow and a few piglets) will be expanded to 5 sows with piglets sold at weaning (12 weeks);
 - a new turkey raising enterprise with 100 turkeys reared for the Christmas market; and,
 - 100-200 free-range laying hens will be established.
7. In order to accommodate these increased levels of stock, permission for a new agricultural barn is also sought (check AL/50/11). The barn measures 20m x 10m and is open fronted with four bays for calf rearing.
8. In order to enable the proper development of the livestock enterprises the applicant considers it essential that he and his family can live on site and has submitted this planning application for temporary accommodation. The applicant presently lives about 2 miles from the site in a residential suburb of Aldingbourne.

Policy Background

9. There are no saved policies that deal with agricultural workers' dwellings so regard is to be had to the national guidance provided in Planning Policy Statement 7 (PPS7).

10. Paragraph 9 states:

"In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

- (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and*
- (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans."*

11. Paragraph 10 develops the guidance of restraint noting:

"Isolated new houses in the countryside will require special justification for planning permission to be granted. Here the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS."

12. Paragraph 1 of the Annex provides the background to the policy of constraint concerning new dwellings in the countryside which is based on the premise that it will often be *"as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside."* Occasionally, however, it is recognised that there will be circumstances where it is necessary for a worker to be more closely on-hand and where this is proven to be *essential for the proper functioning* of an enterprise, this premise of constraint may be re-examined and set aside. Of particular importance, however, the Annex states that the need to live on site will have to be essential for the needs of the enterprise concerned, and not based on the personal preferences or circumstances of the individuals involved.

13. Paragraph 2 of the Annex notes that all applications for new dwellings should be *"scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings"* and to ensure that the stated intentions to engage in a farming activity are *"genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time."*

14. Paragraph 12 of the Annex, which sets out the tests to be examined for temporary accommodation, states:

"If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned;*
- (ii) functional need (see paragraph 4 of this Annex);*
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*

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

(v) *other normal planning requirements, e.g. on siting and access, are satisfied."*

15. Paragraph 4 of the Annex (referred to above) states:

"the functional test is necessary to establish whether "it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

(i) *in case animals or agricultural processes require essential care at short notice;*

(ii) *to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems."*

16. It is against this policy background that the application is assessed.

The Appraisal

Clear evidence of a firm intention and ability to develop the enterprise concerned

17. This test is often the most difficult to determine when a new enterprise, or significantly expanded operation, is proposed. In this case it is clear that the applicant owns sufficient land to develop the operation and has established a good track record with a local farmer for the production of quality calves. Sheep have been kept for a number of years, with presently 40 ewes.

18. Over the past few years a successful agricultural contracting business has been established and the range, age and quality of the agricultural machinery on site appears testament to the success of that enterprise.

19. The proposed expanded enterprise mix will require the provision of a new agricultural building and planning permission is sought for a suitable structure, with one agricultural building having already been erected on the site.

20. In the context of the above I consider it reasonable to presume that Mr Ashburner has the necessary skills needed to develop the proposed range of livestock enterprises on the farm.

The functional test

21. The functional test requires the establishment of an essential need for the proper functioning of an enterprise for one or more workers to be readily available at most times. Annex A cites the case of the delivery of essential care to animals at short notice as an example of relevant circumstances and notes that where such a need does exist that regard be given to the scale and nature of the need in order to determine how many workers are required to meet it.

22. On this unit there will be a functional need for staff to be readily available for:

- the calves. Here there will be mixed batches of calves arriving at the farm every month and each will be individually penned for the initial 2-3 weeks. This mixing and batching of

calves is stressful for the animals and it is under such circumstances that diseases and infections can originate and multiply, especially with animals sharing the same airspace. In young animals this can have disastrous effects on calf health and can lead to a rise in mortality. During this period they have a need for constant supervision to ensure their health and well-being is not compromised. It is well reported that bought-in (mixed) groups of calves are often prone to stress-related and viral illnesses and close supervision and constant monitoring of young calves is an essential part of the management of such a unit.

Staff need to be vigilant and readily available to administer medication, sometimes at intervals of a few hours if a calf is very sick, and this level of care complies with the legislation set out in The Welfare of Farmed Animals (England) Regulations.

- the sheep. It is widely accepted that there is a need for on-site supervision during lambing and on this unit lambing is intended to occur in March and April. During this period the stockworker needs to closely monitor all ewes prior to lambing and be readily available to assist any ewe in need of assistance. It is inconceivable that this could be provided from an off-site location and I understand that Mr Ashburner makes occasional use of the restroom facilities to provide the necessary cover at present; and
- the pigs, will generate a lesser need for supervision with approximately 10 farrowing events per annum. Although the supervisory needs of this enterprise - and the turkeys and poultry - at other times of the year are small, they still contribute to the overall mix on a farm such as this.

23. In the context of the above complementary needs, it is accepted that there is a need for a worker to live close to this unit and be readily available at most times.

The financial test

24. As far as the financial test is concerned, Annex A requires that there is:

"clear evidence that the proposed enterprise has been planned on a sound financial basis."

25. The budgets presented by Symonds and Sampson include:

- calf rearing: 225 calves purchased for £170; sold for £340 and reared at a cost of £81.90 per calf (5% allowance for mortality included).

Although the planned sales price is considerably higher than Mr Ashburner is presently achieving (by about £100) the assumed purchase price is also about £100 higher than at present. The costs of production accord with those in the *John Nix Farm Management Pocket book*, 41st Edition (FMP).

- lamb production: 175 lambs sold from 100 ewes @ £60 per lamb; reared at a cost of £26.15 per ewe (allowance included for flock depreciation).

The planned output of 1.75 lambs sold per ewe per year is higher than would normally be expected in farm budgets, with an average figure 1.45 cited in the FMP. Otherwise the data appears sound.

- pig production. 110 piglets produced from 5 sows per annum and sold as weaners at £35 per head. Cost of production (including depreciation) £425 per sow.

Numbers of weaners sold per sow per year (22) appears high for a small-scale unit such as this, but not excessively so. Cost of production (£425 per sow) is low compared to FMP figures (£664 per annum).

- turkey and egg production. Sales values and cost of production figures appear sound.

26. Overall, although I have some queries over some of the figures used, the budget appears reasonable, and the sale of the product achievable, sufficient to be able to meet the test for a permanent dwelling in three years' time.
27. The one big concern I have is that a large part of the farm's income is likely to be derived from agricultural contracting and possibly hay and straw sales. Should permission for the temporary dwelling be permitted the applicant should be advised that a) paragraph 13 of the PPS7, Annex A advises that successive extensions to temporary permissions will not normally be permitted - usually only if exceptional extenuating circumstance arise; and b) should an application for a permanent dwelling be submitted in three years' time, full transparency will be required to ensure that contracting and straw merchandising sales income and costs are separated in the farm accounts so that the Council can properly determine the viability of the livestock enterprises that generate the need for the dwelling.

The suitability and availability of other possible accommodation

28. In terms of other accommodation it is clearly of note that the applicants live within 2 miles of the site in Aldingbourne. However, this house is not close enough to enable the key worker to identify and respond to issues readily. Added to this, the anti-social hours of working - arriving late and leaving early in farm vehicles - is clearly not appropriate in a quiet residential area.
29. In such circumstance I do not consider the applicant's existing dwelling suitable to monitor the yard.
30. Although I have not investigated thoroughly whether there are any other properties nearby that are suitable and available, I am not aware of any.
31. Finally, it is important to note that the dwelling will not be required until calf numbers rise - and the proposed barn is erected - should the applications be permitted the Council may consider it appropriate to attach a condition restricting residential occupation of the mobile home until the material completion of the barn.

I trust that these comments will assist you in your deliberations.

Yours sincerely

Peter J Williams