

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	18/01470/FULD Bucklebury Parish Council	27 February 2019	Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non compliance with condition 12 of approved 13/03014/FUL. Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW Mr and Mrs J Plank

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01470/FULD>

Recommendation Summary: To **DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**.

Ward Members: Councillor Graham Pask
Councillor Quentin Webb

Reason for Committee determination: Called in by Councillor Pask to allow Members the opportunity to consider the need for a dwelling.

Committee Site Visit: 30 January 2019

Contact Officer Details

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APPENDICES

Please note the following documents have been attached as appendices to this report:

Appendix 1: Appeal Decision from the Planning Inspectorate on application 16/01784/FULD.

Appendix 2: Assessment of need report by Kernon Consultants.

Appendix 3: Approved permanent dwelling plans and elevations under approved application 13/03014/FULD showing bedsit for temporary worker/student.

Appendix 4: Design and Access Statement under approved application 13/00331/FULD outlining bedsit with ensuite will be used for temporary worker/student.

Appendix 5: Design and Access Statement under approved application 13/03014/FULD outlining timber lodge will be removed and land restored to agriculture.

Appendix 6: Approved block plan 1 under approved application 13/03014/FULD shows that timber lodge will be removed.

Appendix 7: Approved block plan 2 under approved application 13/03014/FULD shows that timber lodge and fencing will be removed.

Appendix 8: Approved decision notice description under approved application 13/03014/FULD showing that timber lodge will be removed and condition 12.

1. PLANNING HISTORY

- 1.1** Application not required on Prior Notification: 07/02456/AGRIC: Building for housing cattle after Christmas and turkeys before Christmas
- 1.2** Approved application: 08/01628/FULD: Agricultural workers dwelling (temporary permission).
- 1.3** Approved application: 09/01244/FUL: Section 73 - Application for removal or variation of condition 4 of planning permission 08/01628/FULD
- 1.4** Application Required on Prior Notification: 11/02444/AGRIC: Pole Barn.
- 1.5** Approved Application 11/02731/FULD: Agricultural worker dwelling for temporary period. (request for additional temporary period)
- 1.6** Refused Application 12/02025/FULD New agricultural workers dwelling to replace existing temporary dwelling.
- 1.7** Approved Application: 13/00331/FULD: New agricultural workers dwelling to replace existing temporary dwelling.
- 1.8** Approved Application: 13/03014/FULD: Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.
- 1.9** Application Required: 16/01116/AGRIC: Agricultural barn
- 1.10** Refused Application 16/01784/FUL: Retention of existing timber lodge as farm worker accommodation. Noncompliance with condition 12 of approved 13/03014/FUL. Dismissed at Appeal following an Appeal Hearing.
- 1.11** Local Planning Authority declined to determine application 18/00643/FULD: Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non-compliance with condition 12 of approved 13/03014/FUL.

2. PUBLICITY

- 2.1** A site notice was displayed on 17th July 2018 and expired on 07th August 2018. The Council has therefore complied with the publicity requirements of the Town and Country (Development Management Procedure) Order 2015 and the Council's Statement of Community Involvement.

2.2 CONSULTATION

Bucklebury

Parish Council: Summary recommendation

Bucklebury Parish Council has taken the unusual step of supporting this application. BPC feels that the research supports the evidence submitted by Mr Plank and his agents, and find it difficult to see or propose any alternative solution. BPC believes the reasons for the inspector's refusal in 2016 have been addressed and therefore can see no reason for refusal to this application. Any approval must be subject to there being a continuing agricultural need.

Stanford Dingley Parish Council

(Conclusion): Stanford Dingley Parish Council believes that there is a strong commercial justification to retain the Finlodge indefinitely because of the need for another experienced person to live on the farm site and because of the lack of alternative accommodation in the immediate vicinity. The viability of the business is fragile, and Jeremy Plank has worked very hard to grow the business in order to maintain its viability. Livestock farming has significantly reduced in this area, and the countryside will be a very much poorer place if it reduces further. All livestock farmers have had to scale up to survive, and those that have not have generally gone out of the business. Jeremy Plank's business was a start-up venture 12 years ago and requires support to sustain its early success in what has become a tougher business environment driven by low farm gate prices, higher operating costs and the uncertainties for livestock farming following the 'Brexit' vote.

The demolition of the Finlodge would be very hard to justify, and a highly unpopular move, given the absence of affordable and alternative accommodation in the immediate area. The resultant loss of an experienced worker on site could put the farming operation in jeopardy through having to downsize its operations to a level that may not be viable.

Highways

No Objection: Adequate parking is provided and vehicle movements would be relatively low

Natural England

No Objection

2.3 Representations

Total: 25

Object: 0

Support: 25

The representations received provided the following points:

- a) The scale and nature of the enterprise ,with the numbers of breeding animals involved and the nature of the available “rapid response “make it essential for a stock-person to live on-site.
- b) If permission is refused then the present occupier is likely to successfully seek employment elsewhere, with on-farm accommodation
- c) Essential for shepherdess to be on site and available for long days, early mornings and the need to be on hand for emergencies.
- d) Mr Plank would find it impossible to source a competent replacement in the absence of housing on the farm.
- e) Surrounding farm land is grazed under licence by the Plank brothers
- f) Shepherdess requires accommodation provided for her in the immediate vicinity of the farm.
- g) Shepherdess is often called out to attend to problems with sheep during unsociable hours
- h) Very little affordable accommodation to buy or rent in Stanford Dingley or surrounding parishes
- i) A refusal is an obstacle in the path of a small but important rural business
- j) The Council is actively blocking the ability to sustain a local rural economy.
- k) Retention of the cottage is integral to the business success and to remain viable.
- l) There is no adverse visual effect made by the wood cabin/lodge.
- m) Promotes a strong rural economy, high standards of husbandry and environmentally sound farming practice.
- n) The future of agriculture is of particular importance to the Parish, as a landscape supported by viable agriculture.
- o) Applicant demonstrated essential need for the provision of accommodation for this key rural worker.

3. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as

amended). The proposed development is not EIA development and therefore an Environmental Statement is not required.

4. PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

4.3 According to paragraph 213 of the revised NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- Policy CS1: Delivering New Homes and Retaining the Housing Stock
- Policy CS4: Housing Type and Mix
- Policy CS10: Rural Economy
- Policy CS13: Transport
- Policy CS14: Design Principles
- Policy CS15: Sustainable Construction and Energy Efficiency
- Policy CS 17 Biodiversity and Geodiversity
- Policy CS 18 Green Infrastructure
- Policy CS19: Historic Environment and Landscape Character

4.5 The Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of the new West Berkshire Local Plan. It allocates non-strategic housing sites and sites for gypsies, travellers and travelling show people, and provides updated residential parking standards and a set of policies to guide housing in the countryside. The following policies from the HSA DPD are relevant to this development:

- GS1: General site policy
- C1: Location of new housing in the countryside
- C3: Design of housing in the countryside
- C5: Housing related to rural workers

- P1: Residential parking for new development

4.6 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy. The following saved policy from the Local Plan is relevant to this development:

- TRANS.1: Meeting the Transport Needs of New Development

4.7 The following local policy documents adopted by the Council are material considerations relevant to the development:

- West Berkshire Supplementary Planning Document Series: Quality Design (SPDQD), (adopted June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Part 4 Sustainable Design Techniques
- West Berkshire Supplementary Planning Document Planning Obligations SPD
- West Berkshire Supplementary Planning Document Delivering Investment from Sustainable Development
- National Planning Practice Guidance (Use of Planning Conditions)
- North Wessex Downs AONB Management Plan (2014-2019)

5. DESCRIPTION OF DEVELOPMENT AND THE SITE

5.1 The application seeks permission for the retention of the existing temporary timber lodge or log cabin as a permanent farm worker accommodation at Bushnells Green Farm, Chapel Row. By retaining the lodge, the proposal seeks for non compliance with condition 12 of approved application 13/03014/FUL.

5.2 The condition required that the temporary agricultural dwelling on the site approved under application 11/02731/FUL (approved 20 March 2012) must be removed within 2 months of first occupation of the permanent worker's dwelling (application 13/03014/FUL). Condition 12 further requires that all associated plant, materials and equipment associated with or resulting from the removal of the temporary dwelling shall be removed from the site within 3 months from first occupation of the permanent agricultural worker's dwelling. Lastly the condition also requires that the site shall thereafter be landscaped.

5.3 The temporary timber lodge has a chalet design and is situated at the access of the existing farmyard. The dwelling is a single storey timber construction and the accommodation is made up of one bedroom, living space, farm office, balcony and rear enclosed garden area. A shed has been added to the timber lodge's garden area.

6. APPRAISAL

The main issues for consideration in the determination of this application are:

- 6.1 Principle of the development – essential need assessment.
- 6.2 The impact on the character and appearance of the North Wessex Downs AONB.
- 6.3 The impact on neighbour amenity
- 6.4 On-site amenity and facilities for future occupiers
- 6.5 The impact on highway safety
- 6.6 Impact on Flooding and Drainage

- 6.7 Other matters

- Community infrastructure levy
- The presumption in favour of sustainable development

6.1 The principle of development.

Proposal for consideration.

6.1.1 In an email dated 25 July 2018 the agent explained that the resubmitted application is based on the essential need and is based on providing permanent and affordable accommodation for the shepherdess. The email stated that:

6.1.2 *"The essential need element pertains to providing permanent and affordable housing for the farm's shepherd and the associated provision needed for her working sheep dogs necessary to handle animal welfare issues. This requirement cannot be met locally in alternative premises near enough to the farm yard to be effective. This is expanded upon in Charles Holt's report.*

"I note that within the Government's revised NPPF published yesterday it says at para 77. "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs" and at para 79. "Planning policies and decisions should avoid the development of isolated homes in the countryside unlessthere is an essential need for a rural worker,....., to live permanently at or near their place of work in the countryside.

6.1.3 The Council received an additional statement from the applicant submitted on 27 November 2018 which stated that the retention of the timber log cabin would provide for health and safety and animal welfare provisions as the applicant cannot find suitable affordable accommodation for the employee within the local area. In the statement the applicant's consultant stated that the farm business has a requirement that a worker is readily available day and night. The letter goes on to say that the welfare of any livestock is always paramount and emphasises clearly that the principle of sight and sound is the core justification for this latest proposal. Officers fully agree that a worker is required at the site day and night, however as will be explained in this report, the Council consider that these needs are being

sufficiently met by the completed main dwelling on the site, which was approved by the Council for this purpose.

- 6.1.4 Bushnells Green Farm is a beef and sheep farm, which has been established for approximately ten years. The principle of the proposed development must be assessed against government guidance set out in the NPPF and relevant development plan policies.

Planning History:

- 6.1.5 In 2008, the Council approved a temporary agricultural worker's dwelling (the lodge) under application 08/01628/FULD (**Proposal Description: Agricultural workers dwelling (temporary permission).**)
- 6.1.6 In 2013, the Council approved the first permanent replacement agricultural worker's dwelling to replace the temporary lodge under application 13/00331/FULD (**Proposal Description: New agricultural workers dwelling to replace existing temporary dwelling.**)
- 6.1.7 In 2014, the Council approved a resubmitted application for a replacement agricultural worker's dwelling to replace the temporary lodge under application 13/03014/FULD (**Proposal Description: Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.**) This application included supporting design and access statement and approved plans that confirmed that the temporary timber lodge would be removed and the land restored to agriculture. These documents are attached as appendices and it is confirmed that this is the implemented scheme.
- 6.1.8 On the 21st January 2016, the Council received a complaint that the "log cabin in the grounds was meant to come down after the occupiers moved into the main property" The complainant confirmed that the occupants had moved into the main property in August 2015, and that there was now somebody else living in the log cabin.
- 6.1.9 In 2016, the Council refused an application for the permanent retention of the temporary lodge under application 16/01782/FULD, the decision was appealed and the appeal was dismissed on 16 May 2017 after an Appeal Hearing. (**Proposal Description: Retention of existing timber lodge as farm worker accommodation. Non-compliance with condition 12 of approved 13/03014/FUL.**)
- 6.1.10 The applicant resubmitted the same proposal on 15 March 2018 under reference: 18/00643/FULD. However as the proposal was similar to that dismissed at appeal on 16 May 2017 and since the new application was received within two years of the relevant appeal decision, the Council declined to determine the resubmitted application by a letter dated 23 March 2018. This decision to decline to determine the application was made under the provisions of Section 70A and 70C of the Town and Country Planning Act 1990.

- 6.1.11 The current submission is accompanied by a legal opinion from Counsel appointed by the applicant. The legal opinion provides that the Council should not refuse to determine the current application as additional information has been submitted, summarised as an increase in stock levels and the acquisition of additional farmland on rental/tenancy agreements. The Council's Development Manager (Gary Rayner) has resolved that the Council should accordingly consider and determine the current application, which is now before the Planning Committee.
- 6.1.12 The revised NPPF was published on 24 July 2018. Whilst the new NPPF includes additional content, the matter of rural housing remains materially the same, albeit the paragraph numbers have changed.
- 6.1.13 Paragraph 77 – 79 outlines the revised NPPF's national policy guidance on rural housing.
- 6.1.14 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Plans should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.1.15 Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- 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;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential property; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.1.16 Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land. The HSADPD has revised some of the settlements and their boundaries within which new housing would normally be permitted. The application site lies outside a defined settlement

boundary, within the context of planning the site is classified as being located within the open countryside.

- 6.1.17 Policy ADPP1 states that only appropriate limited development will be allowed, with a focus on addressing identified needs and maintaining a strong rural economy. The policy also encourages the maximum use of land and infrastructure. The principle of an agricultural worker's accommodation on the holding is in accordance with Policy ADPP1 in terms of promoting a strong rural economy, but fails in being appropriate limited development within the same Policy ADPP1.
- 6.1.18 Policy ADPP5 of the WBCS further provides for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context. The development is designed as a temporary chalet structure which was previously approved on a temporary basis until the completion of the main dwelling, as such it is not considered to accord with the context of the surrounding area and permanent vernacular architecture in terms of design, size and appearance. The timber lodge is of a design and appearance which can be described as functional but is certainly not of high quality or standard worth of retention in the AONB.
- 6.1.19 Policy C 5 of the HSA DPD (Housing related to Rural Workers) states that new dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where:
- i. It is proven as **essential** to the continuing use of land and buildings for agriculture, forestry or a rural enterprise;
 - ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full time worker in that location;
 - iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion.
 - iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
 - v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation;

- vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings;
- vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration;
- viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need.

HSA DPD Policy C5 assessment:

- 6.1.20 (i). It has not been proven that the timber cabin is essential to the continuing use of land and buildings for agriculture or the rural enterprise in this location at Bushnells' Farm. The approved permanent dwelling on the site already fulfils this essential need in accordance with policy. When dismissing the appeal against refusal of application 16/01782/FULD to retain the log cabin on the site, the planning inspector states "*I conclude that while there is a need for a second rural worker to be permanently present on the site for part of the year, I do not consider the need essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or the wider area. Accordingly, I find the special circumstances by paragraph 55 of the Framework are not present and the second permanent dwelling on the site is not essential. It would also fail to satisfy the requirement of emerging Policy C5 of the HSADPD*". In reviewing the current application the Council's agricultural consultant Kernon reaches the following conclusion "*Although in my opinion there is no doubt that the enterprise provides full time employment for two workers, indeed more during the busy lambing season, there is only a need for one of these workers to readily available at most times, with the exception being the short period when ewes are lambing indoors (2/3 months when the need can be met by temporary accommodation such as a mobile home). There is in my opinion no requirement for both workers to live on site.*"
- 6.1.21 (ii). detailed evidence has not been submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the second rural worker dwelling is required for a full time worker in that location at Bushnells Farm. Both the Inspector and Kernon Consultant concluded that the temporary need for a second permanent rural worker's dwelling could be met by a temporary mobile home or other accommodation on site. It is noted that other farms in the district often place small touring caravans in or near fields where lambing is taking place in order to provide temporary accommodation for workers during this period. The placing and removing of these caravans for a short period each year does not require planning permission.

- 6.1.22 (iii). It is not demonstrated that there are no suitable alternative dwellings available or that could be made available in the locality to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries. In addition the approved and completed dwelling had provision for an annex for a student, which has not been included in the building as constructed. This area consisted of a bedroom, shower and WC and was shown on the approved plans as having its own separate external door. No indication has been given as to why it could not be adopted for use by the shepherdess during the two and half months per year when a secondary worker on the site would be essential.
- 6.1.23 (iv). As indicated in some detail elsewhere the financial viability of the business is open to question as insufficient evidence has been submitted to demonstrate the long term financial viability of the enterprise.
- 6.1.24 (v). The size, location and nature of the temporary dwelling is not commensurate with the needs of the enterprise and is not well related to existing farm buildings or associated dwellings. The lodge is located away from the main farm buildings when compared to the main dwelling.
- 6.1.25 (vi). The permanent retention of the cabin will not have an adverse impact on the wider rural character of the area and its setting within the landscape, but does add to the intensification of built form within this sensitive site.
- 6.1.26 (vii). No dwelling serving or closely associated with the rural enterprise has recently been sold or changed from a residential use or otherwise separated from the holding within the last 10 years of the application for a new dwelling or converted from a residential use.
- 6.1.27 The essential need test has not been demonstrated, as such Policy C5 has not been complied with. This will be explored in more detail in this report.
- 6.1.28 Policy C 5 provides supporting text which gives an explanation of the aims and objectives of the policy, whilst providing clarity on the approach to be taken.
- 6.1.29 At paragraph 4.37 the supporting text states that the rural economy plays an important role in the District, in providing employment and in managing the rural landscape. The Council encourages viable agricultural, forestry and other rural enterprises that support the delivery of a wide range of public benefits and sees them as essential to the maintenance of a thriving rural economy.
- 6.1.30 At paragraph 4.39 the supporting text states that the Council's preference for rural workers' accommodation is for such provision to be located in nearby towns or villages or in existing properties near to their place of work, which would avoid the need for new dwellings in the countryside. The Council accepts however, that there may be cases where the nature and demands of the worker's role require them to live at or very close to the

work place. Such instances will be judged on the needs of the workplace and not the personal preferences of the specific individuals.

- 6.1.31 At paragraph 4.43, the supporting text states that the many people work in rural areas in offices, workshops, garages and garden centres but it is unlikely that they will have an essential need to live permanently at or near their place of work. Being, employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need. As clearly explained, the Officers therefore consider that the need for providing accommodation for an additional employee as is in this instance is not itself a functional requirement that indicates an essential need that justifies a second rural worker's dwelling on the site.
- 6.1.32 At paragraph 4.45, the supporting text states that suitable alternative buildings that should be considered before creating a new dwelling unit, are existing vacant residential buildings or buildings suitable for conversion to residential use. Where an agricultural occupancy condition has been applied this will not be relaxed unless it is clear that there is no longer a continuing need for the accommodation in the local area by the persons employed or last employed in the agricultural sector. Appropriate marketing will need to have been undertaken and it will need to be shown that the property cannot meet another local housing need.

Dismissal of Appeal under refused application 16/01782/FULD at the same site.

- 6.1.33 As indicated above, the same proposal has been previously considered by a Planning Inspector following an appeal under application reference; 16/01782/FULD. The appeal was dismissed on 16 May 2017 after an Appeal Hearing. The Inspector's assessment and conclusions are key material considerations of significant weight in the interpretation of National and Local planning policies for this specific site and holding. The key outcomes are also explored below.
- 6.1.34 In its Appeal Statement of Case, the Council referred to numerous Appeal Decisions when Planning Inspectors had dismissed appeals for a second rural worker's dwelling, specifically when the essential needs of the rural enterprise are being sufficiently met by an existing dwelling. This is considered the case in this instance.
- 6.1.35 The relevant appeal decision is attached as Appendix 1.

Further West Berkshire policy assessment

- 6.1.36 It is considered that the HSA DPD policies remain consistent with policies in the new NPPF revised in 2018. Paragraph 79 of the NPPF outlines that isolated homes in the countryside should be avoided, unless there are circumstances such as the essential need for rural workers; making the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to the enhancement to the

immediate setting; and where the design is of exceptional quality or innovative nature.

- 6.1.37 Section 4.9 of the HSA DPD generally outlines that 'in the wider countryside, residential development will be restricted to the provision of rural workers accommodation, or the conversion or replacement of an existing dwelling. This is consistent with the NPPF.
- 6.1.38 Policy C1 of the HSA DPD states that there will be a presumption against new residential development outside of the settlement boundaries, with the settlements of Thatcham, Upper Bucklebury, Bucklebury, Woolhampton and Beenham being the nearest identified settlements where new housing will be located.
- 6.1.39 The proposal does not meet Policy C2: Rural Housing Exception Policy as extensions to settlement boundaries and district wide housing supply are being provided through the allocated housing sites within the HSA DPD.
- 6.1.40 Officers consider that the principle of a second separate residential unit on this site remains unacceptable in accordance with the development plan and to prevent the slow encroachment of built form and new dwellings within the countryside and the AONB. This consideration fully supported the attachment of Condition 12 in granting permission for a permanent rural worker's dwelling under application 13/03014/FULD. Indeed the applicant was fully aware of this requirement and acknowledged acceptance of it as evidenced by their statement that the lodge would be removed when the permanent dwelling was constructed. Owing to its location outside of any existing settlement boundary, the proposal fails to comply with the up-to-date framework for housing supply provided by Core Strategy Policies ADPP1, ADPP5 and CS1, and Policy C1 of the HSA DPD, which includes the revised settlement boundaries and the allocation of rural sites for additional housing.

Essential need assessment.

- 6.1.41 Based on information set out in the Charles Holt Addendum the applicant is now farming of the order of 775 hectares (1915 acres), this is an increase of 85 hectares. However with the exception of the land outlined above and 2.8 hectares which is stated to be rented on a "permanent" farm business tenancy (FBT) all of this land is farmed on short-term rental arrangements, with:
- 107 hectares (264 acres) occupied on three year FBT's;
 - 138 hectares on annual FBT's; and
 - 513 hectares on occupied for part of the year on annual licences.
- 6.1.42 Stock numbers have also increased and as at 4th March 2018 comprised of:
- 65 Suckler Cows;
 - 44 young stock;
 - 2 Bulls;

- 76 purchased in dairy bred calves;
- 1600 Ewes;
- 30 Tups (Rams); and
- 1450 lambs.

6.1.43 In summary the Suckler Cow enterprise has increased by 8 cows and the number of ewes lambing has increased by 100, since 2017.

6.1.44 Under the previously refused application, as of March 2016, the enterprise had 52 cows with calves at foot, achieving the calving of some 50 cows per annum.

6.1.45 Full-time labour continues to be provided by the applicant, who works full-time with the livestock enterprise working full-time in the contracting part of the business for the rest of the year. However he does spend odd days during this period helping with the livestock enterprises when needed i.e. shearing, Tb testing, administering vaccinations, sorting sheep to go to market etc. full time labour is also provided by the shepherdess, who currently lives in the log cabin the subject of this application. The applicant's brother is also employed full-time by the business but his workload is primarily focused on the arable and grassland contracting element of the business, which is not included in this assessment.

6.1.46 Following a request by the Council the applicant's Agricultural Consultant provided a response letter dated 27th November 2018, outlining the following key points explaining the needs of the enterprise:

- Applicant considered properties to rent within 3 miles of Stanford Dingley. In the addendum report of 12th March 2018 the applicant considered properties to buy or to rent within 0.5 miles of RG7 60W.
- Applicant did not consider properties at a greater distance (e.g. 5 - 10 miles) distance from the farm, as they do not consider these to be appropriate for a shepherdess on this farm to be able to fulfil their role consistent with good animal husbandry and in accordance with animal welfare legislation.
- Application is based on the availability of properties 'within sight and sound' of the emergencies and eventualities that will occur from time to time on the farm, that will give rise to the need for a further member of staff to live at the farm.
- Applicant states that only properties within 0.5 mile of the farm would satisfy welfare requirements.
- Applicant states that agricultural processes require essential care or attention at short notice and to deal quickly with emergencies that could otherwise cause serious loss.

Essential need assessment.

6.1.47 Based on the above submissions, the Council, has formed its assessment of the proposal.

- 6.1.48 The present site is located near to other settlements and villages within a 5 - 10 mile radius and less than 15 minute car journey times. Theale to Chapel Row is approximately 5.88 miles (approximately 10 minute car journey) and Burghfield to Chapel Row is approximately 7.9 miles (approximately 15 minute car journey). In addition other settlements include Stanford Dingley, Upper Bucklebury and the town of Thatcham, with the responsible Veterinary Surgery based in Newbury, which is approximately 8 miles away. If an emergency Veterinary can respond from approximately 8 miles away (20 minutes), it is reasonable to consider that an employee can live approximately 10 miles away, which equates to an approximately 20 minute drive.
- 6.1.49 Policy C5 of the DPD concerns housing related to rural workers. It permits agricultural workers dwellings providing it is essential to the continuing use of land and buildings for agriculture or a rural enterprise. In line with planning practice the Council commissioned an agricultural consultant (Kernon Consultants) to analyse and review the applicant's agricultural justification case, albeit the final decision would rest with the Council and in accordance with the Councils adopted development plan policies. The report's findings are shown below.
- 6.1.50 At paragraph 18 - 19 of the report by Kernon Consultants, it is stated that:

"This application is for a second on-site dwelling. As per my original appraisal (which was based on very similar livestock numbers) although I am satisfied that there is an essential need for one-full-time worker to live on site, I am not satisfied that there is a functional requirement for two on-site workers to be readily available at most times i.e. two dwellings. It remains my opinion that the only period during which there is a need for two on-site workers is during the indoor lambing period which runs from the end of February through to the end of April / early May i.e. a period of at most 2 ½ months. During this period the volume of lambings (indicated by the applicant at an average of 25 a day/night when in full swing) and calvings cannot be covered by only one on-site worker.

It also remains my opinion that the later lambing period (May / early June) does not warrant an on-site worker as the ewes are lambed outdoors and away from the farm buildings / dwellings (albeit less than ¼ mile). The applicant made it clear to me that during the outdoor lambing periods checks are made as it gets dusk and as soon as it is light. As the worker has to travel to the fields on a quad bike the starting point is less important i.e. it could be done from a nearby dwelling. It is not the same as when ewes are lambing in the shed on the farm and a worker can make frequent inspections throughout the night returning to bed in between."

- 6.1.51 At paragraph 20 - 21 the report by Kernon Consultants also states that:

"No information has been submitted to indicate that this is no longer the case and on that basis it remains my opinion that the only period when it is essential for a second worker to reside on site is for a maximum period of two - three months then in my opinion this could be met by some form of

short-term accommodation, such as a mobile home. Indeed such a provision is allowed for under Part 5 of General Permitted Development Order.

The Addendum report sets out at paragraph 7.9 – 7.14 and Appendix 1 circumstances where situations have occurred which “necessitate two people to attend” between 1st January 2018 and 10th March 2018. There were a total of 10. Of these 10 incidents two related to sheep that were away from the main farm and therefore both workers had to travel to attend to them. Therefore as set out above could have been dealt with regardless of how many workers were living on site.”

6.1.52 At paragraph 22 the report by Kernon Consultants states that:

“With regards the other issues, these primarily relate to incidents where cattle needed to be handled, albeit in emergency situations, out of normal working hours. I have no doubt that all of these situations required two workers (if not more) to be able to be adequately dealt with. However when considering whether there is a need to live on Site in connection with livestock, particularly cattle who as highlighted in the addendum report, from a safety perspective generally need to be handled by two workers, it is generally accepted that the on-site worker will be able to identify the problem and then if necessary call for additional help, whether that be in the form of the Vet, an off-site worker or in cases where there is only one member of staff a neighbour who can come and help.”

6.1.53 At paragraph 23 -24 the report by Kernon Consultants states that

“if you were to work on Mr Holt’s theory then every cattle farm that warranted an on-site worker would actually require two on-site workers as any out-of-hours problems would have to be immediately attended to by two members of staff. Clearly this is not what actually occurs and on the majority of farms which have Suckler Cow Herds of this size there would only be one on-site worker who would then have to call for help if and when a problem which necessitated the assistance of two workers arose.”

The case relating to the sheep dog was not in my opinion a case that warranted two on-site workers. The applicant was still on hand to identify any problems that could have occurred and then if a dog was needed on-site (it does not appear that any were identified) the applicant could have called Sophie and her dog in. “

6.1.54 At paragraph 26 - 28 the report by Kernon Consultants states that:

“The applicant has also submitted copies of Sophie’s timesheets which indicate that she clearly works long hours, however these are representative of most livestock workers, many of whom may live off-site. However I have no reason to doubt her commitment to the business, but that in itself isn’t part of the permanent dwelling test.

Another point raised in Appendix 1 of the Addendum report is that “Sophie is 25, works long hours, often in wet and difficult circumstances, in the 4

months that WBC allow her to be on Site she does not want to come back to a mobile home / caravan with restricted facilities. No bath, no central heating, nowhere to dry and wash clothes etc". I would comment that given the long hours and the nature of the work which creates wet and dirty clothes it would not be unreasonable for a washing / drying facility (for clothes) to be provided on the farm. I would also comment that many farm workers spend 3 years in a mobile home whilst they demonstrate financial viability.

*In summary it remains my opinion, due to the set-up of the business i.e. 50 % of the ewes lambing outdoors away from the main farm buildings i.e. not within sight and sound of the resident workers that **there is only a need for one on-site permanent worker a view shared by the Inspector.** However as per my earlier appraisal I do recognise the problems of attracting good staff if you can't offer accommodation."*

- 6.1.55 It is clear from the review by Kernon Consultants that there is no essential need for a second worker to be at the site day and night. The Planning Inspector's conclusions also reaffirm that there is no essential need for a second worker to be at the site day and night. At paragraph 9 of the appeal decision the Planning Inspector states that:

"The Council accepts that the appellants are operating an established agricultural business. It also accepts that the farm is financially viable. However, it disputes the appellants' contention that there is an essential need for two rural workers to be permanently present on the site. In assessing the question of essential need, it is first necessary to consider whether there is a physical need for a worker to be present at most times of the day and night. It is clear that the farm has a need for an on-site presence. However, it is, in the first instance met by the Farmhouse. In order to demonstrate that the special circumstances required by Paragraph 55 of the Framework exist, the appellants need to show that there is an essential need for a second worker to be permanently present on site."

*The appellants' written evidence refers to the number of Standard Man Days (SMD's) required to operate the farm efficiently and indicates that the labour needs of the holding have increased considerably over recent years, in line with the increased number of animals. Furthermore, during the hearing, I heard evidence from both the appellants and other interested parties regarding the welfare needs of those animals and the amount of labour required to operate a sheep and beef farm of this size. However, while the parties agree that the number of lambs being born between late February and early May would require a second worker to be permanently present on site, between May and June most lambing occurs outdoors and away from the farm buildings. With checks being made at dusk and dawn, coupled with the wide geographical area covered, **I am not persuaded that there is an essential need for a second worker to be permanently present on site during this latter period on animal welfare grounds."***

- 6.1.56 The Kernon suggestion that due to high local accommodation costs separate permanent accommodation for an employee on an agricultural enterprise as part of their employment package in order to ensure the

retention of the worker introduces a new test which would override the established test of essential need. The planning inspector clarified that this approach cannot be part of the consideration. This is confirmed within the supporting text of policy C5 of the HSADPD at paragraph 4.43, which states that being employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need. During the appeal and again in this instance the Council does not agree with the Kernon assessment that retaining rural workers is impossible unless on site accommodation is provided. It is worth noting that the Council disagreed with Kernon consultants on this point during the previous refused application and during the appeal hearing. This disagreement is also acknowledged by the planning inspector in dismissing the appeal. It would then be pertinent to consider where the hundreds of rural workers would reside across the district. In concluding that the business would be likely to fail if the second dwelling were not retained because it is unlikely that suitable, affordable accommodation (either to rent or buy) would introduce an additional test which falls outside of those tests contained in Policy C5 of the HSADPD and the NPPF. The Council consider that if this were to be allowed every agricultural, equestrian or other rural business in the district that requires an additional worker would be able to justify an additional permanent dwelling on the holding even though there is no essential functional need for these workers to live on site. This is contrary to Policy C5 of the HSADPD and the requirements of the NPPF. In addition the Council are concerned that allowing the current proposal would indicate that if the business continues to grow and further staff were to be recruited the applicant may be looking at further dwellings at Bushnells Green Farm.

- 6.1.57 Officers therefore consider that the occupancy condition recommended by Kernon Consultants would fail the planning condition tests within the Planning Practice Guidance, as the condition would not be related to planning requirements of policy, will not be precise and enforceable. In addition the Council do not have the resources to routinely check that any information supplied on sheep and livestock numbers is accurate, it is unreasonable to expect the Council to be able to monitor the sheep numbers on an agricultural enterprise and enforce accordingly.
- 6.1.58 It has been established in case law, that the objective of the NPPF policy is to prevent multiple permanent rural workers' dwellings on rural enterprise sites. Great weight is applied to the essential need test, in accordance with the NPPF and case law. As such the essential need is the definitive test to be applied.
- 6.1.59 Although the log cabin is not isolated from other buildings and dwellings, it is isolated from day to day services such as schools, shops, and transport links. The occupant would not have to travel to her work base but it would be isolated for anyone else who lived with her, it is likely that anyone who lived there would be dependent on a motor vehicle.
- 6.1.60 Officers agree that there is a physical need for someone to be on the site at most times to be within sight and sound to respond to emergencies. This fact is argued by the applicant's agricultural statement and additional information submitted. However Officers, the appeal inspector and Kernon

consider that this physical need is sufficiently met by the approved permanent rural worker's dwelling occupied by Mr Plank, who remains a full time worker on the farm. If Mr Plank cannot perform the physical needs of "sight and sound" then it would be required that the completed dwelling is made available for the worker to perform these functional needs.

- 6.1.61 In the High Court judgement: *Embleton PC v Northumberland CC [2013] EM/NC 361 (Admin)* the Judge noted that *"the NPPF test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there. This legal authority assists in establishing the approach to be adopted in determining whether an essential need exists."* The significant judgement is the determination that a single worker would need to live on the site to meet the essential needs of the enterprise, with regard to health and safety requirements, ensure security maintenance and to raise alarm as required. In this instance the worker would have to be a full time worker.
- 6.1.62 The essential need test also relates to the labour requirements and where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. In this instance a dwelling to meet this test is existing and is tied to the Bushnells Farm enterprise to meet these needs for a full time worker to reside on the farm.
- 6.1.63 The applicant must therefore demonstrate sufficiently that there is an essential need for a second rural worker to live on or near their place of work, being employed by the enterprise will not suffice. As discussed above another aspect of essential need is a functional requirement for a worker to be readily available at most times day or night to check on the welfare of the stock assets and to raise alarm in emergencies and to resolve minor emergencies requiring no additional assistance.
- 6.1.64 National planning policy recognises the need for additional employees for rural enterprises during busy times such as lambing or harvesting. These busy periods are temporary and are adequately accommodated by provisions within the Town and Country Planning General Permitted Development Order (2015) which allow for the temporary stationing of mobile homes for the accommodation of additional employees as required during these periods. This point was again emphasised clearly by the planning inspector in dismissing the previous appeal.
- 6.1.65 Having considered the NPPF guidance and Policy C5 Officers consider that the size, location and nature of the timber chalet cabin is not commensurate with the essential needs of the enterprise, as these essential needs are being sufficiently met by the permanent agricultural worker's dwelling on the site. The large permanent agricultural worker's dwelling provides farm security, supervision and accommodation as evidenced by the statement and confirmed by the appeal decision. Whilst it may be desirable for an additional farm worker to stay on the site, this is not essential. As such the retention of the temporary lodge is not essential for the continued operation of the farm unit. The proposal would create a proliferation of houses in the countryside and an additional dwelling, together with the approved

permanent agricultural worker's dwelling would not be sympathetic to the open landscape of the AONB area.

Financial sustainability.

6.1.66 The Inspector who determined Appeal reference: APP/M0655/A/14/2216149 (emphasis added) was of the view that *"in order to determine whether a need is both essential and permanent it is necessary to establish whether there is a physical need for someone to be on the site at most times (e.g. to care for animals) and that the operation itself has reasonable long term prospects such that it can be regarded as permanent.*

6.1.67 The HAS DPD further outlines that evidence must prove that the business is financially viable. The unit and the agricultural activity concerned have been established for at least three years. As part of the previous planning application and during the appeal, the enterprise appeared profitable (based on the tables within the previous statement). The holding remains reliant on unsecured land and the unverified financial information submitted with this current application which includes a letter from the applicant's Bank Manager indicating that the business cannot afford to provide accommodation. The financial details fail to demonstrate financial viability and sustainability of the farm business and as such the proposed development does not comply with the objectives of the NPPF as should the business fail it would result in two isolated dwellings in a sensitive location within the North Wessex Downs AONB.

6.1.68 The report by Kernon Consultants outlines that :

"The addendum report states at paragraph 10.5 that "the latest accounts for year ended 31st December 2016 were included in the previous appraisal and that the accounts showed a profit of £53,886 for Year Ending 31st December 2016". I would comment that I have never seen the 2016 accounts, my 2017 appraisal referred to accounts for "the 9 month period from 1st April – Dec 2014 and 1st Jan – 31st December 2015. I understand that these relate purely to the livestock element of the business with the contracting business being separately accounted for. The accounts show a profit in 2015 of just over £20,000 and for the 9 month period in 2014 of just under £20,000 this is after all paid labour i.e. The Shepherdess and lambing assistants and in 2015 includes a Director's salary of £4,000." Further having reviewed the appeal decision it does not appear that the Year End 2016 accounts were submitted at the appeal.

6.1.69 At paragraph 31 the report by Kernon Consultants also states that the accounts submitted are now 2 and half years old and more recent accounts would be required to be able to conclude whether or not the business was still financially sound.

6.1.70 Officers agree that there is a physical need for someone to be on the site at most times to be within sight and to respond to emergencies. This fact is argued by the applicant's agricultural statement. However officers wholly consider that this physical need is sufficiently met by the permanent rural

worker's dwelling occupied by Mr Plank, who remains a full time worker on the farm.

- 6.1.71 It is considered that the financial and sustainability of the enterprise has not been demonstrated to be sound enough to support two permanent dwellings on the site. The business' whole justification is on affordability, it is therefore questionable whether or not the enterprise will be profitable in the long term. This is evidenced as the enterprise is unable to afford provision of staff accommodation requirements through wages or through provision of purchased or rented accommodation as part of an employee benefit. If the business were to fail then two isolated dwellings would remain outside the district's settlements and indeed isolated within the North Wessex Downs AONB countryside.
- 6.1.72 The applicants fail to demonstrate that they have actually actively sought to try and find suitable accommodation to buy or rent over a reasonable period and search area. They only assert nothing suitable is available without providing the robust evidence to support this view that the inspector felt was necessary in paragraph 16 of the appeal decision letter. The only areas where such accommodation may be found are quoted as Reading and Newbury, with no mention of Thatcham, Theale, Mortimer or Burghfield. The additional information shows that most of the land being farmed by the business is scattered about the district and at some distance from Bushnells Farm and in this instance land as far away as Aldermaston Village. This suggests that the case for a functional need for a second farmworker's dwelling at Bushnell's farm is even more tenuous. In addition to the above, the fact that much of the land is farmed on short term tenancies and some of it appears to be in arable use makes it unclear what labour needs are likely to be in the short or long term and what type of labour is needed on each parcel of land. Kernon also assert that there is further difficulty in finding accommodation for the shepherdess and that it would be very difficult to find a property where keeping a quad bike and sheep dog would be allowed. However no explanation has been given as to why the quad bike and dogs could not be kept on the holding when not being used, particularly if the shepherdess lived in reasonably close proximity.
- 6.1.73 At paragraph 16 - 19 of the appeal decision the Planning Inspector reviewed this point extensively stating that:

"the options considered by the appellants relate to the costs of renting or purchasing a property from the worker's perspective. While I accept that this may be beyond the means of a worker on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified. I note that the farm has net assets in the region of £1.546m and have seen no robust evidence which would indicate that it would not be economically viable for the business to purchase or rent accommodation to meet that need.

Furthermore, in view of the limited periods in which two persons would be required to be on site, I see no reason that other temporary accommodation could not be utilised for which permitted development rights already exist. While I accept that this may have a greater impact on the AONB during the

times which it would be on site, by its very nature such harm would be temporary. I do not therefore consider the limited harm to the AONB that would arise from a temporary structure would justify granting planning permission for a permanent rural workers dwelling in the countryside.

Consequently, I conclude that while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or within the wider rural area. Accordingly, I find the special circumstances required by Paragraph 55 of the Framework are not present and a second permanent dwelling on the site is not essential. It would also fail to satisfy the requirements of emerging Policy C5 of the HSADPD.”

6.1.74 At paragraph 12 - 14 of the appeal decision the Planning Inspector also states that:

“It was clear from the site visit conducted that the farm operates over a considerable area. However, travel to these fields in the case of emergencies will mostly be made by vehicle and so the starting point is less important. While it was clear that there will be instances where it might be necessary to transport equipment from the appeal site to an off-site emergency, no robust reason has been provided as to why this could not be performed by the occupant of the existing dwelling. Furthermore, there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of 2 workers.

While I accept that the number of animals has increased considerably and with it the amount of labour required, it is only where it is essential for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. Prior to the erection of the Farmhouse, the current occupant of the Lodge resided off-site. The appellants have not provided any information which would indicate that this arrangement impacted negatively on either animal welfare or the efficient running of the farm. Likewise, although I note the practical difficulties that arise in having a shepherd live off-site, I am not persuaded that these are so great that they make it essential for a second worker to be based permanently on the site. As such, I do not consider that they would provide the special circumstances required to justify a grant of planning permission for a new isolated dwelling in the countryside.

Accordingly, based on the evidence before me, while I accept that there may at times be a physical need for a second person to be present, I am not persuaded that it is essential that they be permanently based at or near the site. In this instance, I concur with the Council that the essential need for a second permanent on-site presence has not been demonstrated.”

6.1.75 The retention of the temporary rural worker's dwelling as a permanent second rural worker's dwelling in addition to the completed permanent rural worker's dwelling on the site is not acceptable in principle policy terms when

considered against National and Local policies as outlined above. The essential needs of the agricultural enterprise are being met by the approved and completed rural worker's dwelling in terms of the health and safety of the animals at the site (site and sound) and security. As the current enterprise operates from a vast area, there is no reason why any additional workers cannot be accommodated within the numerous of towns and villages within a 5 to 10 mile radius. Indeed the Inspector considered that the starting point for the shepherdess is not essential, this remains the case as the nature of a shepherdess' work does not require permanent presence on the site day and night. Furthermore, as noted above, it has not been explained by the applicant why the separate "student" accommodation on the ground floor cannot be adopted for use by the shepherdess during the two and half months per year when her presence on site is essential. Notwithstanding that the principle of development has been considered unacceptable, the relevant material considerations are further considered below.

6.2 Impact upon the character and appearance of the site and the AONB area.

- 6.2.1 The Government attaches great importance to the design of the built environment, and securing high quality design is one of the core planning principles of the NPPF.
- 6.2.2 The site is located within a sensitive location within countryside forming part of the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.
- 6.2.3 The log cabin is located as the first building at the entrance to the site and next to the farmyard. It is located alongside a number of other buildings and is visible from the western street scene, the southern and the eastern boundaries of the site. The northern part of the site is set to woodland. The site benefited from an openness prior to the construction of the additional farm buildings, the temporary cabin and the permanent dwelling. Condition 12 remains sound under the new guidelines for attaching conditions set within the PPG. The removal of the log cabin would restore the landscape to an acceptable state of conserving and enhancing the character of the AONB. The two dwellings in situ along with the associated development of fencing, gates, sheds and garden paraphernalia have a significant material impact upon the character and appearance of the AONB.
- 6.2.4 Under Refused application 12/02025/FULD for a New agricultural workers dwelling to replace the existing temporary dwelling - the AONB Board commented that (emphasis added):
- 6.2.5 *"Should the Council come to conclusion that the need tests have been fulfilled, planning conditions are requested to ensure the dwelling is tied to the blue line land of the whole farm and limited to agricultural and forestry workers use only. The existing temporary dwelling should also be removed on occupation of the new dwelling and suitable materials and landscaping*

should be secured also by condition: To ensure the character and qualities of the AONB are suitably protected.

6.2.6 It is considered that as the building is temporary, there are no long term impacts on the character of the AONB area, however this would not be the case if it were permanently retained.

6.3 Impact upon neighbouring amenity

6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Core Strategy Policy CS14 further states that new development must make a positive contribution to the quality of life in West Berkshire. The Council's Supplementary Planning Document 'Quality Design' and Supplementary Planning Guidance House Extensions provide guidance on the impacts of development on neighbouring living conditions.

6.3.2 Given the existing residential context and relationship with the existing farmhouse, the log cabin is not considered to have a sufficient detrimental impact upon the residential amenity of existing neighbouring properties to warrant refusal of the application on these grounds.

6.4 On-site amenity and facilities for future occupiers

6.4.1 According to Part 2 of the Council's Supplementary Planning Document "Quality Design (SPDQD)", the Council considers it essential for the living conditions of future residents that suitable outdoor amenity space (e.g. private gardens) is provided in most new residential development.

6.4.2 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 70 square metres for houses with a single bedroom. The lodge will have a garden area of more than sufficient size to deliver the required number of dwellings to comply with the guidance within the SPDQD.

6.5 Impact on Highways (safety and use)

6.5.1 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.

6.5.2 Policy CS13 states that development generating a transport impact will be required to; reduce the need to travel, improve and promote opportunities for healthy and safe travel, mitigate the impact on the local transport network and the strategic road network, and prepare transport assessments to support planning proposals in accordance with national guidance.

6.5.3 Policy P1 of the HSA DPD states the parking standards for new residential development. The layout and design of parking spaces should follow the

parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets in order that good quality homes and neighbourhoods are created.

6.5.4 The site is in Zone 3 of the parking standards and the Council's Highways Service has reviewed the proposed plans raising no objections, as adequate access and parking is available. It is considered that the proposed development will comply with the criteria contained within Policy CS13 of the WBCS, Policy P1 of the HSA DPD, and the NPPF.

6.6 Impact on Flooding and Drainage

6.6.1 The application site is located within Flood Zone 1, which is appropriate for new residential development. Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

6.7 Other matters

Support

6.7.1 Two Parish Councils and 25 individual supporters have written to the Council in support of the application. The matters raised by the supporters and the Parish Council have been considered and addressed within this report.

Breach of planning legislation

6.7.2 It is also worth noting that the initial planning enforcement query was raised with the Council anonymously. The current application is in clear breach of a planning condition the appropriateness of which was subsequently supported by the Inspector's appeal decision. In clearly indicating that the temporary dwelling would be removed when the permanent dwelling was constructed and occupied and then allowing it to be permanently occupied and in continuing to do so after the appeal to retain the building for the purpose was dismissed, Officers take the view that the applicant has demonstrated a deliberate intent to mislead the Council and to flout planning regulations.

Community Infrastructure Levy

6.7.3 Planning Policy CS5 of the WBCS states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL).

6.7.4 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, residential development of 100m² or more will be liable to pay the Community Infrastructure Levy.

- 6.7.5 The proposal's new gross internal floor space area (GIA) 70.2 square metres, which equates to £12285 (£175 rate in the AONB).
- 6.7.6 As such this application is CIL Liable and the Community Infrastructure Levy liability notice detailing the chargeable amount is to be sent under separate cover. Applicants may claim an exemption (subject to meeting the criteria) from the charge where the required forms for the Assumption of Liability, Exemption request and supporting documentation have been provided to the local authority.

The assessment of sustainable development

- 6.7.7 The NPPF sets out the Government's economic, environment social planning policies for England, with the presumption in favour of sustainable development. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.
- 6.7.8 Economic Dimension: It is considered that future residents of the lodge will make a limited contribution to the local economy. There are no wider economic benefits that result from the proposal.
- 6.7.9 Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact of an isolated dwelling within the open countryside within the AONB has been assessed as part of this application. It is considered that the proposal will result in an isolated dwelling within open countryside, which is contrary to national and local planning policy and will serve to intensify the amount of built form in this sensitive site.
- 6.7.10 Social dimension: It is considered that the proposal makes no contribution to the wider social dimension of sustainable development
- 6.7.11 For the above reasons, it is considered that the proposed development is not supported by the presumption in favour of sustainable development.

7. CONCLUSION

- 7.1 Being employed as a rural worker does not mean that a worker has to live at their place of work. Many rural enterprises have thrived despite not offering employee accommodation as a benefit. The desire to offer a worker accommodation as part of their employment package is an aspiration which falls outside of and is contrary to the test of essential need contained in Policy C5 of

the HSADPD and the NPPF and should be refused as discussed in this report and for the following reasons:

- The proposed retention of the temporary timber log cabin at Bushnells Green Farm is considered contrary to national and local policy, and to established planning case law which includes the specific appeal decision relating to this site.
- The applicants have failed to provide **up to date financial information**;
- It is expected that a viable agricultural holding would pay sufficient minimum wages for a worker to seek off site accommodation or indeed employ more workers in line with the size of the enterprise. Most of these workers do not need to be based at the site permanently, as is the case on the majority of rural enterprises within the district.
- **The failure of the applicants to demonstrate that they have actually actively sought to try and find suitable accommodation to buy or rent.** The application only asserts that nothing suitable is available without providing the robust evidence to support this view that the inspector felt was necessary in paragraph 16 of the appeal decision letter.
- At paragraph 4.45 of policy C5's supporting text, it is stated that suitable alternative buildings should be considered before creating a new dwelling unit, including existing vacant residential buildings or buildings suitable for conversion to residential use. Where an agricultural occupancy condition has been applied this will not be relaxed unless it is clear that there is no longer a continuing need for the accommodation in the local area by the persons employed or last employed in the agricultural .
- **When the approved dwelling was being constructed the shepherdess lived off site and the applicant occupied the log cabin, there is no reason why the shepherdess cannot live offsite again.**
- Officers note that the only areas where such accommodation may be found are quoted as Reading and Newbury, with no mention of Thatcham, Theale, Mortimer or Burghfield areas.
- The fact that the additional information submitted shows that most of the **land being farmed by the business is scattered about the district at some distance from Bushnells Farm** suggests that the case for a functional need for a second farmworker's dwelling at Bushnell's farm is even more tenuous.
- The fact that much of the **land is farmed on short term tenancies** and some of it appears to be in arable use which makes it unclear what labour needs are likely to be in the short or long term.
- The farm enterprise is still reliant on an increase in stock levels as the benchmark and justification for an additional second dwelling on the site.
- The 4 bedroom dwelling currently accommodates Mr Plank, his wife and 2 small children, therefore **the dwelling has a spare bedroom and the bedsit/annex on ground level for accommodating an additional rural worker when required.**
- **Busy periods are temporary and are adequately accommodated by provisions within the Town and Country Planning General Permitted Development Order (2015)** which allows for the temporary stationing of mobile homes for the accommodation of additional employees as required during these periods. Furthermore the applicant has not explained why the separate student accommodation shown on the plans for the approved

dwelling cannot be for use by the shepherdess, either permanently or during the two and a half months per year when there may be an essential need for two workers to be present on the holding. The bedsit has independent access which would limit any disruption to the other occupants.

- Applicant considered properties to rent within 3 miles of Stanford Dingley. In the addendum report of 12th March 2018, the applicant considered properties to buy or to rent within 0.5 miles of RG7 60W.
- **Applicant did not considered properties at a greater distance (e.g. 5 - 10 miles) distance from the farm, as they do not consider these to be appropriate for a shepherdess on this farm to be able to fulfil their role** consistent with good animal husbandry and in accordance with animal welfare legislation.
- The applicant's justification for a second rule worker's dwelling squarely remains the same and the application is considered contrived. The increase in livestock numbers increases the need for additional workers but does not justify a second agricultural worker's dwelling at Bushnells Farm.

7.2 Having regard to the relevant development plan policies, the other material considerations referred to above, it is considered that the retention of the temporary log cabin is not justified and is contrary to national and local policy and should be refused. Officers are strongly of the view that the grant of permission for this proposal would seriously undermine the strategic objectives of the development plan and the NPPF relating to development in the countryside and the AONB.

7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS10, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS5, OVS6 and TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, Policy GS1, C1, C3, C5 and P1 of the Housing Site Allocations Development Plan Document (May 2017) (DPD), and the National Planning Policy Framework.

8. FULL RECOMMENDATION

DELEGATE to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**

8.1 Reason:

1. The NPPF sets out a presumption in favour of sustainable development. In terms of rural workers dwellings the NPPF states that to promote sustainable development in rural areas housing should be carefully located. New isolated dwellings should only be allowed in special circumstances such as the essential need for a rural worker to live permanently at or near their place of

work. As such, a new rural worker's dwelling should be essential and sustainable. The Development Plan states that there is a presumption against new residential development outside of the settlement boundaries and within the countryside. An exception to this is housing to accommodate rural workers. The Council granted planning permission for a permanent agriculture worker's dwelling on 27 February 2014 under application reference: 13/03014/FULD. The dwelling has now been completed is currently occupied and in accordance with the approved plans it consists of four bedrooms, an annex with shower room/WC and a farm office. The completed agricultural worker's dwelling accommodates a full time agricultural worker who lives at the site, as such the permanent agricultural worker's dwelling is considered commensurate with the essential needs of the holding as required by the NPPF. The evidence provided does not indicate that the need for an additional permanent dwelling is essential and therefore justifies overriding the policies seeking to protect the countryside and AONB from inappropriate development. Furthermore it is considered that the site is within a reasonable and practical distance and journey time to neighbouring settlements in the form of towns and villages. As such it has not been clearly demonstrated that no alternative accommodation is available within an acceptable distance to the site or within the permanent dwelling itself. It is considered that the retention of the temporary timber cabin is not essential to the continuing successful operation of the agricultural holding at the site.

In addition no verifiable financial evidence has been submitted to confirm that the agricultural holding is financially sustainable in the short and long term as required by the NPPF.

The proposal is therefore contrary to the NPPF's paragraphs 77 - 79, ADPP1, ADPP5, Policy CS10 and CS14 of the West Berkshire Core Strategy 2006 - 2016 and the Housing Site Allocations Development Plan Document's Policies C1: Location of new housing in the countryside, C3: Design of Housing in the Countryside, C5: Housing related to rural workers and GS1: General site policy.