



## Electronic Copy

Mr M Masiwa  
West Berkshire Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

Our Ref: KCC797/vmd  
Your Ref: 18/01470  
28<sup>th</sup> August 2018

Dear Mr Masiwa

### **APPLICATION 18/01470/FULD**

### **RETENTION OF EXISTING TIMBER LODGE AS FARM WORKER ACCOMMODATION AT BUSHNELLS GREEN FARM, CHAPEL ROW, READING, RG7 6DW**

1. Thank you for your consultation dated 26th August 2018, requesting my opinion on the above application. As you will be aware I commented on an earlier application 16/01782/FULD in February 2017. As part of that application I visited the Site and met the applicant.
2. The information considered as part of this appraisal includes:
  - Application forms and application drawings;
  - Addendum Report prepared by Charles Holt dated 12<sup>th</sup> March 2018;
  - Appeal Decision APP/W0340/W/16/3161487 dated 16<sup>th</sup> May 2017; and
  - Legal Opinion provided by Michael Rudd dated 23<sup>rd</sup> April 2018.

### **The Proposals / Planning History**

3. Planning consent (13/03014/FUL) was granted in 2014 for the erection of a permanent dwelling. This dwelling has been constructed and is now occupied by Mr J Plank, his wife and their two small children. Condition 12 of that consent required **“that the temporary agricultural dwelling must be removed within 2 months of first occupation of the dwelling hereby approved”**. However once Mr Plank and his family moved out of the log cabin, in the Autumn of 2015, the farm’s full-time Shepherdess moved into the log cabin
4. It is the applicant / appellant’s case that there is an essential need for both the shepherdess and Mr Plank to live on the farm and accordingly they wish to retain the log cabin as farm workers accommodation.
5. The same proposal was dismissed at appeal in 2017 with the Inspector concluding that **“the essential need for a second permanent on-site presence has not been demonstrated”**. The Inspector comments in detail on the functional need in paragraphs 10 – 12 of the appeal decision.

*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL  
T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

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*Directors - **Tony Kernon** BSc(Hons), MRAC, MRICS, FBIAC **Sarah Kernon**  
Chartered Surveyors - **Verity Drewett** BSc(Hons), MRICS, MBIAC  
Consultant - **Sam Eachus** BSc (Hons)*

6. The Inspector also concluded 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 accommodations either on site or within the wider rural area”**.

### **The Holding and Enterprises**

7. Since I visited the farm in 2017 additional land has been taken on and livestock numbers have increased, however the amount of land owned by the applicant remains at just over 12 hectares. .
8. 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” FBT all of this land is farmed on short-term 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.
9. Stock numbers have also increased and as at 4<sup>th</sup> 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.
10. In summary the Suckler Cow enterprise has increased by 8 cows and the number of ewes lambing has increased by 100, since my appraisal in 2017.
11. In my 2017 report I set out in detail the lambing and calving periods and locations as provided to me by the applicant when I visited the Site in February 2017. No reference has been made to these in the Addendum and therefore I assume that they remain broadly the same. For ease of reference I set out this information below, however please note that the stock numbers referred to are those provided in February 2017 not as per this application.

*“Predominately Native Breeds (South Devon, Hereford and Aberdeen Angus Crosses) Suckler Cow herd comprising of 57 cows and off-spring, of which 41 calve indoors in the Spring (mid. Feb – mid. April) and 16 in the Autumn (mid. Nov – beginning of Jan.). Autumn calving off-spring are sold as strong stores at the end of the summer and the Spring calving off-spring are over-wintered on the farm and then sold in the Spring, this was similar to that level of operation operating when the permanent dwelling was permitted;*

- *Calf rearing enterprise rearing around 70-80 calves per year, these are primarily bought from a local dairy farm and sold on to another farmer once weaned at circa 12 weeks of age. Calves tend to come in batches of approx. 20 – 25 from the local dairy farm during the summer / autumn months before the Suckler Cows need to be housed, with a batch coming approximately every 6 weeks. This level of throughput is similar to that operating in 2013;*
- *Flock of approximately 1500 breeding ewes which lamb between late February and early June. This is a significant increase (more than double) on that which was operated at the time when the farmhouse was permitted. Ewes are lambd in a number of flocks / location depending on their age:*

- A flock of **150 ewes** lamb in March, these are housed a week or so prior to lambing. Once lambed the ewes spend circa 12 hours in individual pens with their lambs to ensure bonding and are then moved to a group pen for circa 24 hours before being turned back out to grass away from the farm. At the time of my site visit (22/2) the applicant still had to empty the shed of store cattle before the ewes could come in. However once the new shed is complete the need to move store cattle will not be necessary;
  - A batch of **300** older ewes lamb from the 1<sup>st</sup> week of April, these are also lambed indoors in a similar fashion to those in the early batch;
  - A third batch of **300** ewes are due to lamb from 3<sup>rd</sup> week of April, these are bought to the paddocks around the farm buildings prior to lambing but will lamb outdoors. Once lambed they will be bought inside for circa 12 – 36 hours and penned as with the earlier flocks;
  - From 1<sup>st</sup> May a further flock of **250** ewes will lamb outside on a block of rented land between the farm and Stanford Dingley. Regular day time checks are made on these ewes, with the first being made at dawn and the last at dusk;
  - From 10<sup>th</sup> May onwards **425** ewe lambs will also lamb outside, again on rented land in a similar management fashion to the earlier outdoor lambing flock. The intention is that these will have finished lambing by early June.
  - This year the applicant also has 60 old ewes to lamb, he had intended to sell these as cull ewes last Autumn but the price was so bad that he kept them and put them to the ram, with a view to selling them with lambs at foot; and
  - There are 73 ewes that have been scanned as not in lamb.
- At the time of my visit there were still 1000 lambs on the holding being finished off stubble turnips / grass, these are sold at a rate of approximately 130 per week (lorry full) from January through to March / April”
12. Full-time labour continues to be provided by the applicant, who works full-time with the livestock enterprise from late November through to the end of May, before 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. and 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 my understanding is that his workload is primarily focused on the arable and grassland contracting element of the business.

### Policy

13. Since my appraisal in 2017 the NPPF has been updated. Although the paragraph numbers relating to planning policy for rural workers dwellings has changed the actual policy remains unaltered.
14. Paragraphs 77-79 of the July 2018 Framework currently provides guidance regarding rural dwellings. The paragraph advises that, **“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”**. New isolated housing should only be allowed in special circumstances such as where **“there is an essential need for a rural worker, including those taking a majority control of a farm business, to live permanently at or near their place of work in the countryside”**.
15. New rural workers’ dwellings should, therefore, be **“essential”** and **“sustainable”**.
16. Whilst this guidance is very brief, in the six years since the NPPF was published it has become clear that all applications need to be considered carefully against the following criteria:

- whether there is an essential need for a rural worker to live on site;
- whether that need can be met by existing accommodation;
- whether the enterprise is financially viable or sustainable; and
- whether other relevant considerations, such as siting and size, are acceptable.

### Re-Assessment

17. **Essential Need?** Whether or not a worker needs to live on site is a matter of judgement based on factors such as the frequency of out-of-hours problems, the ability of a resident worker to identify and address those problems, the severity of loss if they are not addressed and the potential for notification of problems to a worker living off site (by alarms, for example).
18. 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.
19. 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.
20. 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.
21. 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 1<sup>st</sup> January 2018 and 10<sup>th</sup> 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.
22. 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.

23. 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.
24. 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.
25. With regards the weather situation although Sophie's assistance would have been invaluable in my opinion in a situation like this the applicant would have been able to defrost pipes etc on his own and move bales to act as wind breaks. The weather this winter was also an extreme event which will hopefully not be repeated.
26. 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.
27. 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.
28. 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
29. **Sustainability considerations?** Although there is no longer a specific test in the Framework regarding profitability in relation to the provision of agricultural workers' dwellings, the Framework only promotes "**sustainable development in rural areas**" (paragraph 77-79, in relation to housing). Economic sustainability and the ability to carry out the proposals as described must be part of this. An applicant therefore still needs to demonstrate economic sustainability.
30. The addendum report states at paragraph 10.5 that "**the latest accounts for year ended 31<sup>st</sup> December 2016 were included in the previous appraisal and that the accounts showed a profit of £53,886 for Year Ending 31<sup>st</sup> 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 1<sup>st</sup> April – Dec 2014 and 1<sup>st</sup> Jan – 31<sup>st</sup> 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.



31. Therefore the accounts that I have seen are now 2 ½ years old and I would want to see more recent accounts to be able to conclude whether or not the business was still financially sound.
32. In summary there appears to be some confusion as to what financial information was submitted in relation to the 2016 / 17 appeal and accounts. Given that we are now in August 2018 in order to be satisfied that the business was financially sustainable I would need to see more current accounts than what I was provided with 18 months ago.

#### Availability of Other Dwellings

33. In my opinion this is the key issue with this proposal and in my earlier appraisal I concluded **“that given the high costs of either renting or buying accommodation in a rural area, the only accommodation that a stock person is likely to be able to afford will be in either Newbury or Reading and is highly unlikely to be suitable to meet their needs i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.”**.
34. The Inspector was satisfied that buying or renting a rural property may be beyond the needs of an agricultural 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”** and concluded that he had **“seen no robust evidence to demonstrate that it would not be economically viable for the business to purchase or rent accommodation to meet the need.”** (para 16).
35. The March 2018 Addendum provides more information on this point. In particular a calculation of mortgage re-payments etc. is set out along with a letter from the bank regarding the feasibility of servicing a mortgage. I would comment that the property referred to in Chapel Row is no longer advertised for sale and that in my opinion a member of staff could live 5 miles away. However even when you extend the search to 5 miles away you are looking at a minimum price of £270,000 for a property that could essentially be suitable, i.e. parking, garden etc. Even at this cost you would be looking a mortgage payments of £21,500 per annum which could not be serviced by the accounts which I have seen.
36. Therefore on the basis of the information submitted in relation to housing availability and cost etc, which I have fully reviewed and verified by way of my own search, then I am satisfied that in all probability the only accommodation that a stock person or the farm business / Directors would be likely to be able to afford will be in either Newbury or Reading and will be unsuitable to meet the needs of a stock person i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.
37. Section 9 of the Addendum addresses the potential for renting and I would share the view that many rental properties, even if affordable, would be unsuitable for farm workers (due to many not allowing dogs) and also that Assured Short Hold Tenancies do not provide sufficient security of tenure on which to base business decisions.
38. In summary in my opinion if this business is to continue then the only way that it can do so is by the retention of the log cabin for occupation by the shepherdess as neither the business nor the shepherdess can afford to purchase suitable accommodation to live in.
39. I would comment that the need for the shepherdess is bought about due to a very heavy reliance on short-term rented ground and therefore in my opinion if consent is granted to retain the log cabin it should be conditioned to reflect this, i.e. conditioned so that it can only be occupied by a livestock worker employed in connection with the livestock enterprises operating from Bushnells Green Farm as if the short term land

were to be lost which it could be for a variety of reasons there would no longer be a need for a shepherdess.

40. In your letter dated 26<sup>th</sup> July you have also asked that I consider the possibilities of converting buildings on other farms or renting other agricultural tied dwellings. I would comment that as far as I am aware there are no such properties currently available i.e. on the market that could be utilised.

### **Summary and Conclusions**

41. This proposal relates to the retention of a log cabin for occupation by an agricultural worker. There is already one dwelling on Site that is occupied by the landowner, who spends the Winter and Spring months fully employed in the livestock enterprise.
42. Although in my opinion there is no doubt that the enterprises provide full-time employment for two workers, indeed more, during the busy lambing season, there is in my opinion only a need for one of these workers to be readily available at most times. With the exception of 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.
43. There is some confusion as to what financial information has been submitted and at the current time due to a lack of evidence I am unable to conclude that the business is financially sustainable.
44. In terms of other accommodation given the high costs of either renting or buying accommodation in a rural area, the only accommodation that a stock person is likely to be able to afford will be in either Newbury or Reading and is highly unlikely to be suitable to meet their needs i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.
45. In light of the comments set out in the 2017 appeal decision I am satisfied that the applicant has fully explored the potential of purchasing suitable accommodation for a worker and that it is beyond the means of both the business or any employee
46. Therefore in my opinion the only way that the business will be able to continue operating at the current levels is if accommodation is provided by way of the retention of the log cabin, for the shepherdess.
47. Given that the need for the retention of the log cabin arises due to a heavy reliance on the short-term occupation of rented land I would recommend that the consent is conditioned so that it can only be occupied by a livestock worker employed by the business based at Bushnell Green Farm.
48. I trust this provides you with sufficient information but please do not hesitate to contact us if you require any additional information or wish to discuss the application in more detail.

Yours sincerely



**VERITY DREWETT**