

Appendix 2 - Initial Independent Consultant Report



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Your Ref: 23/02799/FUL
Our Ref: 10273-Im

19 January 2024

For the attention of Lydia Mather

Planning and Development
West Berkshire Council
Market Street
Newbury
Berkshire
RG14 5LD

Dear Ms Mather,

Site: Watery Lane Farm, Hamstead Marshall, Newbury RG20 0JH
Application: 23/02799/FUL
Proposal: Application for a temporary dwelling for a rural worker

Thank you for your instruction dated 10 January 2024 requesting Reading Agricultural Consultants Ltd (RAC) comments on the above application.

In preparing this response I have had regard to the Planning Statement and Supporting Business Statement (dated November 2023) prepared by the applicant's agent, The Rural Planning Co, and the associated plans.

A confidential Business Case for the applicants' business titled, Watery Lane Farm Ltd, has been provided. The company was incorporated on 10 September 2022 with three named directors, Sophie Evans and Conan MacDermott, the applicants, and Kevin Barbey, the landowner (resigned on 29 November 2023) .

I have viewed the Appeal Statement and Decision for APP/W0340/C/22/3308166 in relation to breaches of Planning Control at the application site, which include the siting of a touring caravan, erection of a new building which contains 2no residential flats, erection of an equestrian building and a building erected not in compliance with the approved plans relating to 20/00770/AGRIC. The Appeal was dismissed and the enforcement notice upheld following variations to the wording in the 15 February 2023 decision.

I have not visited the application site nor discussed the application with the applicant or agent.

Background

1. The application site extends to approximately 8.2 hectares (20 acres) and is owned by Mr Kevin Barbey, [REDACTED] of the applicant Conan MacDermott. It is understood [REDACTED] Mr Barbey has given full permission for the applicants to work and live on the site.



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2. The site benefits from Prior Approval under 20/00770/AGRIC for a storage building measuring 30.6m x 18.5m however the barn that was built measures 36.7m x 18.5m The Enforcement Appeal Decision upheld the breach of planning permission. A further Prior Approval application was submitted by the applicant (ref 23/01635/AGRIC) and the Council determined an application is required. RAC is not aware that any further planning application to retain the 6m extension has been submitted to the Council.
3. The applicants operate an alpaca breeding and rearing enterprise with the intention to develop this over the three year business plan period. They intend to reach 30 breeding females on site which will use their own male studs for breeding.
4. At the time of the November 2023 Business Statement it notes there were 23 alpacas on site and 6 sheep. The alpaca herd includes 12 pregnant females and it is understood that these are due to give birth in Summer 2024. The applicants will also offer off-site stud services with their male alpacas which will be charged at [REDACTED] per mating.
5. The applicants intend to improve the genetic lines of the alpacas, selling some offspring for income and keeping the remainder for herd expansion. The applicants intend to have 32 alpacas on site in Summer 2024 following sales, which are anticipated to include two young males and one pregnant female in Year 1 of the business plan, one young female, six young males and three pregnant females in Year 2 and four young females, eight young males and four pregnant females in Year 3.
6. In addition, all fleeces will be sold for weaving each year providing one of the main sources of income. The applicants are aiming to produce up to 90kg of fibre in the spring of 2024 and this will automatically increase as herd numbers increase.
7. It is detailed that the applicants will keep the male and female alpacas separated for the year excluding the mating season in order to ensure there is no unplanned contact or mating. It is unknown how the applicants will separate the male and female alpacas on the 8 hectare site.
8. The applicants intend to have staggered births and cria will be weaned at around 6 months old, or when they reach 25kg in weight.
9. It is understood that at the time of the Enforcement Appeal, the applicants were residing on site in the unauthorised building which comprised the two residential flats. The Appellants Appeal Statement confirmed that a single flat had been created for Conan and Sophie to reside in. The Statement did not confirm how many alpacas were on site as at October 2022 but it is understood that there were four pregnant females.
10. The Business Statement details that Sophie Evans lives at [REDACTED] (11 miles away). It is not known where Conan MacDermott resides in relation to the application site.
11. Appendix 1 details the daily labour routine when young bottle fed cria are on site. It notes the applicants arrive at the farm at 6am and leave the site at 1am with additional overnight checks for any cria or alpaca requiring additional attention.

Proposal

12. The application proposes the temporary siting of a mobile home to be sited adjacent to the prior approval barn to be occupied by a full-time rural worker – the applicants.

Relevant Planning Policies

13. National planning policy guidance for development in the countryside is set out in the National Planning Policy Framework (NPPF) updated in September 2023.

14. Paragraph 11 of the NPPF sets out the core land-use planning principles that should be adopted and these expressly include:
- A presumption in favour of sustainable development;
 - Positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change;
 - Provide for objectively assessed needs for housing and other uses;
 - Approving development proposals that accord with an up-to-date development plan without delay; and,
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission.
15. Paragraph 38 requires that decision makers:
- should approach decisions on proposed development in a positive and creative way;
 - work proactively with applicants to secure developments that will improve the economic; social and environmental conditions of the area;
 - seek to approve applications for sustainable development where possible.
16. Section 6 of the NPPF is concerned with 'Building a strong, competitive economy' and at paragraph 81 it notes:
- "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.. ..."*
17. At paragraph 84 'Supporting a prosperous rural economy' it notes:
- "Planning policies and decisions should enable:*
- a) *The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) *The development and diversification of agricultural and other land-based businesses;...*
18. New Planning Practice Guidance titled 'Housing Needs of Different Groups' (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section '*How can the need for isolated homes in the countryside for essential rural workers be assessed?*'
19. These include:
- *Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
 - *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
 - *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
20. It further notes that: *"Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings".*
21. Paragraph 176 et seq states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

22. Policy CS10 of the West Berkshire Core Strategy is concerned with the ‘Rural Economy’ and notes:

“...existing small and medium sized enterprises within rural areas will be supported in order to provide local job opportunities and maintain vitality of smaller rural settlements”

23. The application site is in the North Wessex Downs AONB. Section 4 of ‘The Management Plan 2014-2019’ is concerned with ‘Land Management’ and notes that farmland and woodland dominate the landscape of the North Wessex Downs and that land-based enterprises play a significant role in acting as stewards of the landscape and contributing to an economic balance for communities. In particular at section 4.1 it notes:

“Profitable agriculture can sustain the natural resources that have created rich diversity and natural beauty of the North Wessex Downs. Support for an efficient farming sector is an important means of securing landscape management, as demonstrated thorough the North Wessex Downs”.

Appraisal

Assessment of the Temporary Dwelling

Essential Need

24. In order to demonstrate that there is an essential need for a rural worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available most of the time.
25. An assessment of the essential need for a rural worker to live at or near their place of work requires:
- an evaluation of the risks involved;
 - the frequency and type of out-of-hours emergency that might arise;
 - the scale and loss that could be incurred should that emergency situation occur;
 - the potential for an on-site worker to identify the problem; and
 - the ability of that resident worker to promptly rectify the problem.

26. Legislation requires that all animals are managed in a manner that accords them freedom from thirst; hunger and malnutrition; appropriate comfort and shelter; freedom from fear; freedom to display the most normal patterns of behaviour; and it is accepted that without good stockmanship, animal welfare can never be adequately protected.
27. Under the Animal Welfare Act 2006 and The Welfare of Farmed Animals (England) Regulations 2007 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty of Care to animals which means anyone responsible for an animal must take all reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility or 'duty of care' for animal welfare at the application site will lie with the applicants.
28. A Welfare Guide (2014) for Alpacas and Llamas is produced by the British Alpaca Society which reemphasizes the above Duties of Care and that owners of such animals must have the necessary training and experience. The applicants have that experience.
29. In the case of applicants' livestock enterprises, the essential need arises from:
 - the close supervision, management and daily nutrient requirements of all livestock on the farm either in paddocks or in the shelters, which includes a late evening check;
 - the regular inspection of all livestock whether housed or at grass for any signs of disease or distress and to rectify the problem promptly;
 - the close supervision and round the clock supervision of any alpaca or sheep breeding stock before, at and immediately after birth;
 - alpacas have an average gestation period of 345 days but it can vary from 330 to 370 days which require more attention prior to birthing than sheep or pigs;
 - provision of security for animals from theft or malicious attack; and
 - dealing with unforeseen emergencies such as abnormal weather conditions which can cause distress to all livestock, or a fire.
30. Specific issues for alpacas are set out in the paragraphs below.
31. Mating – alpaca mating is an intricate, managed process and not as straight forward as that for other conventional farm animals. Alpacas are *induced ovulators* and do not display normal signs of heat and therefore require careful preparation and supervision to ensure fertilisation occurs at the right time. It is important to repeat the mating for the following 2 to 3 days to ensure successful fertilisation.
32. Abortions and still-births – these can be due to stress-related factors from 30 days after conception and the presence on site of an experienced stockperson to identify any problems and reduce stress is important.
33. Birthing – alpacas do not have a closely defined gestation period with typical gestation periods varying from 320 to 360 days. With females being able to give birth at any point during this period, it is difficult to predict the timing of the birth with any accuracy and, if assistance is required at parturition, this would only be apparent if the animal was observed by the stockperson to be in some difficulty. RAC accepts that living on site or close by would minimise this risk.
34. Rearing – lack of colostrum and milk for the cria from its mother following birth is not uncommon and the cria may require artificial rearing. This can be time consuming for the stockperson with

the cria requiring 2-hourly feeds day and night for the first two weeks of life, then 3-hourly feeds to eight weeks of age and finally 3-times-daily to four months.

35. Health – livestock should be inspected frequently for signs of illness, distress or injury. It is general accepted by alpaca breeders that alpacas are notorious for hiding symptoms of disease or poor wellbeing. An on-site presence allows for constant vigilance by the stockperson and if serious health issues arise they can be treated rapidly.
36. Unforeseen incidents – these can occur at any time of day or night and cover a wide range of situations from dealing with a young cria caught in stock netting to a dog attack.
37. Security – this is an issue on any livestock farm and the applicant’s farm is no different. However, I am not aware that the applicant has experienced any security issues at the application site.
38. There is no standard labour data for alpaca enterprises but RAC considers that the labour requirement in terms of Standard Work Days (SWDs) for the business are set out below:

	SMD/animal	Size Year 1 (2023/24)	Total SMDS	Size Year 3 (2025/26)	Total SMDS
Alpacas (breeding females)	8	16	128	26	208
Alpacas (other)	4.5	19	85.5	33	148.5
Sub Total			213.5		356.5
15% management & maintenance			32.02		54.47
Total			245.52		409.97
No of workers at 275 SMD/Worker			0.89		1.49

39. Based on these proposed labour requirements for the agricultural business and its development, RAC considers that there is a justified and essential need requiring a full-time worker to be resident on site in order to meet the daily management and welfare requirement of the livestock on site.
40. RAC would note that if the Council is minded to approve the temporary rural worker’s dwelling for a 3 year period, the applicants will need to demonstrate that they have achieved the proposed expansion in livestock numbers as detailed in their business plan for any future extension of the temporary permission or an application for a permanent dwelling is submitted.

Financial Viability and Sustainability

41. The NPPF deals with the concept of sustainable development at a strategic rather than an individual enterprise level. In terms of economic development, it is concerned with contributing to and building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
42. RAC considers that in order for any business to demonstrate viability, it should be generating profits sufficient to provide a return on the capital invested – in agriculture/equestrian a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the national minimum wage; a notional return on land and, provide for the build cost of the proposed dwelling.
43. A Confidential Business Plan has been provided with individual budgets and gross margins for each year. However, the basis for the figures used is unknown as no reference data is provided.

44. For note, RAC would calculate the notional return to land is equivalent to £1,230 (8.2 ha of owned land at £150/ha), the notional charge for a full-time worker at minimum wage is £22,600 and sensitivity analysis for £100,000 invested in the business would be a return of £2,500. If the business is demonstrated to be viable and sustainable after a three year temporary permission period, build costs for the dwelling would be calculated at an interest charge of 4%.
45. The Confidential Business Plan does not take into consideration labour costs for Conan or Sophie working in the business. RAC considers that the business should need to be able to support at least one full time worker.
46. The Confidential Business Plan identifies that the business will be profitable from Year 1 however as detailed, this does not include labour costs or return on investment. In addition, the Whole Farm Forecast in Appendix 2 does not take into account the direct costs within the Breeding and Fleece Gross Margins. Therefore, RAC would recommend the Council seek some clarification on the projections within Appendix 2.
47. RAC would note that if the Council were minded to approve the planning application for a temporary rural worker's dwelling then the applicant's business plan and developing enterprises would be thoroughly tested over the next three years. However, the applicant needs to be aware that if approval were to be granted for a temporary dwelling, then the enterprises need to have developed as proposed and full financial information would be required. This would be fully scrutinised at the end of the three year period where an application for a permanent dwelling for a rural worker is submitted. The business will have to have demonstrated that it is profitable, financially viable and sustainable.
48. In the event that at the end of the three year time period and the applicant's business was not proven to be viable, the Council will have the authority to have the temporary dwelling removed and the land restored to its original condition.

Alternative Dwellings

49. The Business Statement details a search of Rightmove in September 2023.
50. RAC is not aware of any other dwellings in the locality that are suitable and available that would meet the essential needs of the enterprise.
51. A search of Rightmove at the time of writing this appraisal shows 1 property for sale within 1 miles of the application site. It has a guide price of £625,000 which is considered beyond the affordability of a rural worker and is not within sight or sound of the farm to meet any essential need.

Conclusion

52. The proposal before the Council is for the siting of a mobile home to provide accommodation for a full-time agricultural rural worker for a temporary three year period.
53. The applicants will reside in the temporary dwelling. As such the property will be occupied by a full-time rural worker employed in the agricultural business at the application site.
54. The dwelling will be sited in close proximity to the existing building approved under 20/00770/AGRIC. It will meet the proposed essential needs of the developing enterprise and ensure that the management, health and welfare of all livestock kept on the holding is not compromised.
55. RAC considers that the increase in numbers of breeding alpacas on site would lead to an essential need for a full-time worker to reside on site.

56. RAC does not consider at this stage that the Financial Projections included in Appendix 2 of the Business Statement have been planned on a sound financial basis. The Projections do not take into account the Direct Costs associated with the alpacas on site.
57. There are no other suitable and available dwellings in the locality that can meet the identified established essential needs of the farming business.

I trust these comments are helpful.

Yours sincerely

