

**COMBINED AGRICULTURAL WORKERS' DWELLING
JUSTIFICATION AND DESIGN & ACCESS STATEMENT**

FOR

**FULL PLANNING APPLICATION FOR THE ERECTION OF
A PERMANENT AGRICULTURAL WORKERS' DWELLING**

AT

FIELD FARM, BESTHORPE ROAD, NORTH SCARLE

Prepared by

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JUSTIFICATION STATEMENT

1. Introduction

1.1 This statement has been prepared to accompany a full Planning Application for the erection of a permanent 3 bed, detached, 2-storey dwelling (the “**Proposed Development**”) at Field Farm (the “**Site**”) for occupation by the existing Farm Manager, Mr Jack Gourley (the “**Farm Manager**”), in connection with the operation of the agricultural farm enterprise on the Site (the “**Enterprise**”).

1.2 The Proposed Development will replace the temporary siting and occupation of a static caravan on the Site pursuant to a temporary Planning Permission granted by North Kesteven District Council (the “**Council**”) on 31st May 2019 (Reference: 18/1417/FUL) (the “**Temporary Planning Permission**”). The Temporary Planning Permission expires on 31st May 2022. The Proposed Development will be sited in the same location as the static caravan on the Site. This location allows the Farm Manager quick and easy access in order to maintain and manage the Enterprise, including emergency care required for animals and crops on Site.

1.3 Since the granting of the Temporary Planning Permission (namely over 2 and a half years ago), the Farm Manager has permanently lived in the static caravan on the Site during this time and occupied it, along with his partner, continually in connection with the operation of the Enterprise. There remains a vital and continuing need for the Farm Manager to be on Site in connection with the continued management, operation and expansion of the Enterprise. Therefore, this is the basis upon which the Applicant has submitted the Application for the Proposed Development to the Council.

1.4 In the context of the Temporary Planning Permission, the Council noted, within its Officer’s Report, that it considered it in the same way as a permanent dwelling (i.e. the same as this Application) on the grounds that the relevant national and local planning policy framework (as detailed further below) does not recognise a distinction between temporary and permanent accommodation. This is an important consideration in the context of this Application.

2. Relevant planning history in the context of the Planning Application

2.1 The Council's Planning Officer's Report, pursuant to the Temporary Planning Permission, concluded as follows:

“Overall, it is considered that the proposed temporary dwelling would allow for the on-site presence of labour which is essential to the effective operation of the agricultural business, both at present and in the future should expansion occur as intended; the need being tied to the supervision of the farms livestock and cannot be satisfied by any other property. The granting of a temporary permission will enable a more comprehensive demonstration of the overall viability of the business in supporting a permanent dwelling. The proposal is therefore considered to accord with Policy LP55, and the aims of paragraphs 79 and 83 of the NPPF. Consultation has been undertaken with the Council's agricultural consultant who has indicated that the essential need test within these policies has been met by the application and has not raised any objection”.

2.2 This justification statement demonstrates that there remains a continuing need, *inter alia*, to supervise the increased level of livestock as part of the Enterprise on the Site and that this cannot be satisfied by any other property on or near to the Site. Moreover, the continued use and operation of the static caravan pursuant to the Temporary Planning Permission over the last 2.5 years in connection with the Enterprise provides a comprehensive, reliable and robust demonstration of the overall viability of the business Enterprise. This supports the need for the Proposed Development, which is underpinned by the evidence set out herein, including the financial accounts for the financial years between 2019-2021.

3. The relevant national and local policy framework in the context of the Proposed Development

3.1 The Site falls within a 'countryside' location as set out within the settlement hierarchy of Policy LP2 of the Central Lincolnshire Local Plan (Adopted 2017) (the “CLLP”). In such locations, unless allowed by other policies pursuant to the CLLP, development will be regarded as being in the countryside and as such restricted to:

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
- renewable energy generation;
- proposals falling under policy LP55; and
- to minerals and waste development in accordance with separate Minerals and Waste Local Development Documents.

3.2 Policy LP55 (Development in the Countryside) (Part D: New dwellings in the countryside) provides that:

“Applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;*
- b. The need for the dwelling;*
- c. The number of workers (full and part time) that will occupy the dwelling;*
- d. The length of time the enterprise the dwelling will support has been established; Central Lincolnshire Local Plan - Adopted April 2017 Development Sites*
- e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
- f. The availability of other suitable accommodation on site or in the area; and*
- g. Details of how the proposed size of the dwelling relates to the enterprise. Any such development will be subject to a restrictive occupancy condition”.*

3.3 The National Planning Policy Framework (revised July 2021) (the “**NPPF**”), within paragraph 11, stresses the presumption in favour of sustainable development. In decision making, this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission unless:
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- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.4 Paragraph 60 of the NPPF provides that *"...it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed..."*.

3.5 Paragraph 62 of the NPPF states: "Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies..."

3.6 Paragraph 78 provides that *"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs"*.

3.7 Paragraph 80 of the NPPF provides 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..."*
(emphasis added).

3.8 Paragraph 84(a) and (b) of the NPPF states that *"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; and*
 - b) *the development and diversification of agricultural and other land-based rural businesses"*.
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3.9 Paragraph 126 of the NPPF confirms that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*.

3.10 Paragraph 130 states that *“Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change..”.

3.11 Paragraph 174 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”.

4. Application of the relevant local and national planning policy framework in the context of the Proposed Development the subject of the Application

4.1 Each of the individual policy requirements set out within Policy LP55 (Development in the Countryside) (Part D: New dwellings in the countryside) are set out and considered below in the context of the Proposed Development the subject of the Application.

Details of the rural operation that will be supported by the dwelling;

- a. Field Farm comprises a mixed arable and livestock Enterprise. The farm comprises around 300 acres, 240 of which are owned by the Applicant, TH Gourley & Son. There are a further 60 acres, which are securely rented. This was also the case at the time of submission of the previous Application, as confirmed within the previous Agricultural Statement.
 - b. The Enterprise remains in Natural England Higher Level Stewardship scheme with 80 acres of arable land and 120 acres of grassland. At present, the grassland has some 250 Texel breeding sheep (which represents an increase of 100 ewes over the last 2 years) and 25 breeding cattle with their 50 youngstock followers (representing an increase of 10 youngstock followers since submission of the last Application). Whilst some of the stock is sold privately to butchers across Lincolnshire in supporting the local economy, the majority of the Lincoln Red Beef and some of the lambs are now sold directly from the addition of a small designated farm shop nearby to distribute the meat sales. The business also enjoys some gate sales and delivery sales of their own butchered meats.
 - c. Most of the grain is sold shortly after harvesting. However, there is some capacity for longer-term storage of the grain, which enables sale at more favourable prices.
 - d. Located on the Site are a range of farm buildings. This includes a grain store building (which doubles as a lambing shed when required throughout the year, usually for 5 months of a year), a livestock building and a range of additional buildings utilised for general storage purposes associated with the Enterprise.
 - e. Labour at the Site has tripled since submission of the previous Application, owing to a further increase in the size and level of work generated by the Enterprise. Both the Farm Manager and his partner live in the static caravan pursuant to the Temporary Planning Permission. The Farm Manager's partner now helps him on the Site in order to assist in maintaining and managing the demands of the growing Enterprise. In addition, the Applicant has employed a local (in order to support local employment), full-time Apprentice to further assist the Farm Manager with the operation and management of the Enterprise.
 - f. Given the growth and expansion of the Enterprise since submission of the previous Application, it is anticipated that the stock numbers will only further increase in the coming
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years, in conjunction with the present fencing contracting business and the potential for the future development of a livery business, pursuant to the diversification and growth of the agricultural farm Enterprise, as supported by the NPPF.

The need for the dwelling;

- a. The Council confirmed, within its Officer's Report for the Temporary Planning Permission, that they were satisfied that there was, at the time of determination of that Application, an 'essential need' for the static caravan to ensure the continued effective operation of the Enterprise and to facilitate expansion of the business.
- b. Both the Agricultural Statement and the Officer's Report, within the previous Application, made note of the previous national policy guidance, namely paragraph 12 of PPS7 (Annex A) during the consideration of the Application. The Officer's Report noted as follows:

"...it is stated that temporary dwellings essential to support a new farming activity should normally be provided for 3 years, the reasoning for which is essentially for applicants to demonstrate that the business is viable, and that there is scope in the longer term for a permanent dwelling".

- c. The Applicant considers that it has demonstrated, including over the last 2.5 years since the granting of the Temporary Planning Permission, that the Enterprise is profitable and viable and that the Proposed Development is essential to the effective operation and continued management of the Enterprise. There is a need for the Farm Manager and his partner to be on hand to supervise the increasing number of livestock since submission of the last Application, as well as the growth of a fencing business and the potential for a future livery business as part of the Enterprise's growth and diversification. The Council's Officer's Report for the Temporary Planning Permission confirmed that this accords with the aims of paragraph 83 (now paragraph 84) of the NPPF, which provides that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.
 - d. The financial statements, prepared by an independent accountancy business (namely, Wright Vigar Limited), for the latest financial year (ended 31st March 2021), not only
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demonstrate an increase in income and overall gross profit from the increased stock numbers, but also demonstrate a huge increase in income from barley crop, which has nearly doubled from the financial year 2019/2020 – 2020/2021. In addition, the fencing element of the Enterprise, pursuant to farm diversification activities, has also assisted with the overall expansion and growth of the Enterprise. The gross profit of the Enterprise has nearly tripled in the last year. This demonstrates that there is a continuing need for the Farm Manager and his partner to live on the Site, in order to be able to continue the existing operations, particularly in the context that the Temporary Planning Permission will expire on 31st May 2022.

- e. The possibility of developing a livery business is still relevant. To date, owing to a number of factors, including the global Covid 19 pandemic, the Applicant has delayed the consideration of commencing a livery operation since approval of the Temporary Planning Permission. Given the uncertainty with Covid 19, the Applicant has focused on the growing stock and crop numbers and ensuring that existing clients and orders during the global pandemic were satisfied and timescales met in the context of the stock and crop orders.
 - f. The Enterprise now has three people assisting on the Site, owing to the growth of the Enterprise, including the increase in stock numbers. The financial gross profit, as detailed further below, demonstrates an increase over the last three years since submission of the previous Application. The Applicant intends to further increase stock numbers and also to progress with the possibility of developing a livery business, subject to Covid-19 and capacity depending upon the current management and future increase in stock numbers on Site.
 - g. The Farm Manager and his partner need to be readily available on the Site if the animals or crops require essential care at short notice. Given stock has increased since the Application the subject of the Temporary Planning Permission was granted, the need to be available at short notice is increasingly important to ensure the welfare of the animals (and the crop quality) are met at all hours. In addition, the proposed livery business would also require a further duty of care, and expectation of paying customers, that their horses would have 24 hour supervision.
 - h. Accordingly, there is a demand for the Farm Manager to remain on Site throughout the year on a wide range of critical Enterprise activities. Recurring duties in every month include, by way of example:
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- Managing storage of cereal crops on a daily basis;
 - Checking and tending to livestock regularly, including in emergencies; and
 - Security on farm.
- i. In respect of frequently recurring duties during unsociable hours, this can include:
- Crop and stock produce going off the Site daily from early hours to late at night, depending upon delivery slots;
 - Irrigation of high risk crops, of which irrigators are running 24 hours per day;
 - Tending to crop/stock emergencies throughout the night; and
 - Harvest work can start at daylight and continue through to dusk, and can sometimes continue throughout the night at very busy times.
- j. The above demonstrates that there is still an essential need for a rural worker, or in this case the Farm Manager, to reside at the Enterprise. Having established an essential need, the Proposed Development is not borne out of convenience but necessity for the future growth and maintenance of the Enterprise. Given the nature of the Enterprise and the activities explained, as set out herein, the continued presence of a worker on the Site is necessary and not simply a convenience for the Farm Manager.

The number of workers (full and part time) that will occupy the dwelling;

- a. The Farm Manager and his partner intend to occupy the Proposed Development in order to be able to manage, maintain and hopefully further grow and expand the existing Enterprise. The Farm Manager and his partner will shortly be welcoming a baby, who will also reside with them at the Proposed Development.

The length of time the enterprise the dwelling will support has been established;

- a. As confirmed within the Agricultural Statement for the previous Application, the Enterprise operation has been in operation for many years. It has evolved over time and has been passed through the family from generation to generation. Following the purchase of the Site in 1996, it has been continued to be managed and maintained as an established crop and animal stock Enterprise, with an extensive land holding and range of farm buildings.
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The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;

- a. The Officer's Report for the Temporary Planning Permission confirmed that "*business accounts have been submitted which demonstrate a profitable business, with investment in the site being evidenced in substantial agricultural buildings, present along with fencing and road upgrades*".
- b. The Enterprise remains profitable and has been so during the entire period of its operation by the Applicant. The Enterprise's record keeping, including all outgoings and incomings and the End of Year financial accounts, are carried out by Wright Vigar Limited.
- c. Since submission of the Application for the Temporary Planning Permission, the business accounts demonstrate that the business is becoming more profitable year on year, owing to the expansion and growth of the Enterprise. This is evidenced within the professional accounts, noting income and gross profits for the years 2019-2021, submitted in support of this Application.
- d. As a matter of completeness, Wright Vigar Limited have produced a letter, which is submitted in support of this Application, confirming that, in their professional capacity, the accounts for the year ended 5th April 2021 confirm that the Enterprise can sustain a new dwelling without comprising the ability to meet all normal outgoings of the holding.
- e. We respectfully request that the financial records are not made publicly available.

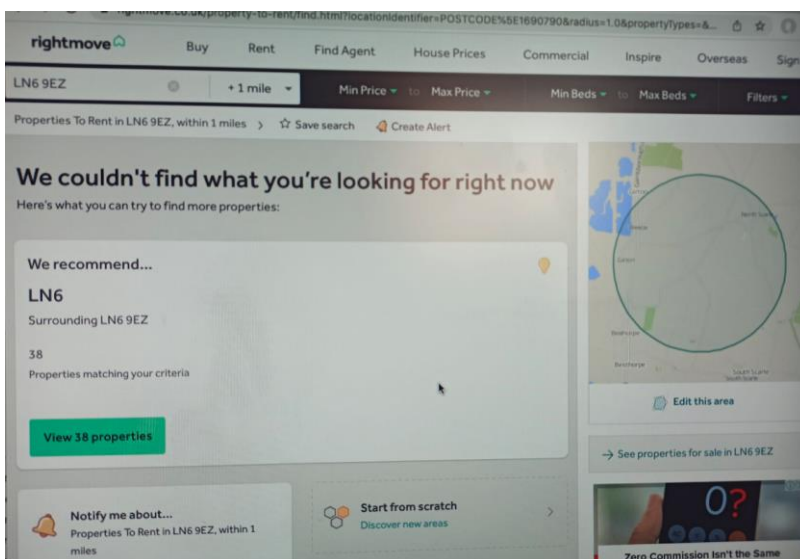
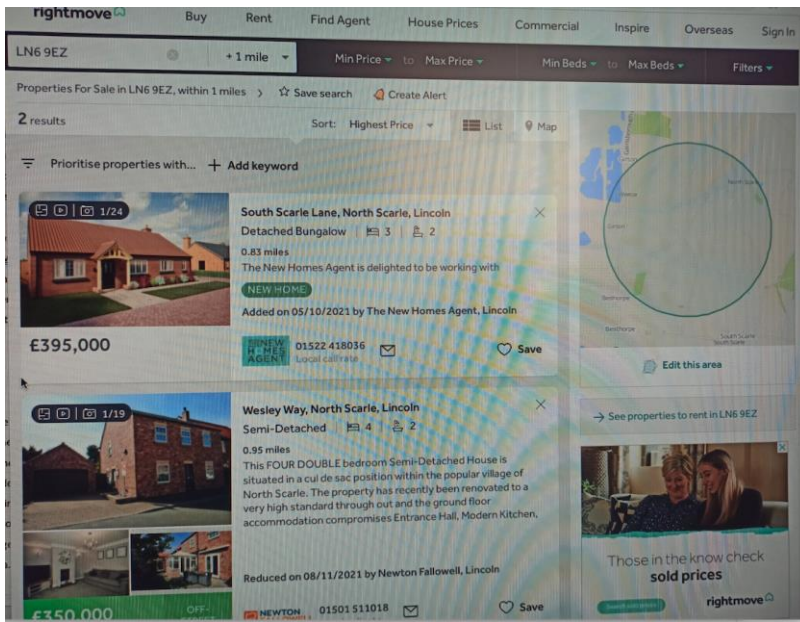
The availability of other suitable accommodation on site or in the area; and

- a. There are two dwellings located adjacent to Field Farm. The position in respect of these dwellings has not changed since submission of the previous Application. That is, the dwellings have no form of agricultural tie and are both privately and separately owned from the Applicant. They are properties that are not available for occupation by the Farm Manager and, thus, not suitable to meet the needs of the Applicant.
 - b. In terms of availability of alternative accommodation, there is a need for continued on-Site presence which cannot be satisfied by off-Site accommodation. The Enterprise is in a
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remote countryside location, detached from any settlements, and there could be serious consequences to the stock and crops in an event of a time-critical emergency. This concern was acknowledged by the Council within their Officer's Report during the determination of the previous Application. The Applicant contends that the Farm Manager ideally needs to be available on Site in case of emergencies with stock/crops, within a maximum period of 5 minutes (based on previous experience of emergencies on site), in order to be able to attempt to resolve the problem at hand.

- c. Taking the above into account, prior to the decision to apply for the Application for the Proposed Development, the Applicant searched for properties for rent and sale nearby. However, these were very limited and unsuitable. As at today's date, there are still no suitable properties for rent or sale nearby to the Enterprise. For example, images from RightMove as at 18th January 2022 (screenshots below) demonstrate that there are no properties for rent within a 1 mile radius from the Enterprise and only 2 properties to purchase within a 1 mile radius, both of which would be too expensive for the Applicant to buy and must therefore be considered unavailable for the purposes of this Application.





- a. Taking the above into consideration, there is no other suitable accommodation available for the Farm Manager, other than the Proposed Development.

Details of how the proposed size of the dwelling relates to the enterprise.

- a. The Proposed Development will provide space which is suitable and commensurate with the needs of the Farm Manager, who has a partner (who now also assists on the Site) and soon also a baby, whilst also being of a scale, mass, and design which respects and reflects the rural backdrop to the Site. The Proposed Development will accommodate a kitchen and living room space, with a separate dining room, utility room, WC room and 1 bedroom (with

ensuite) at ground floor level, with two bedrooms and a family bathroom at first floor level. A 2 bay carport will be sited adjacent thereto.

- b. Fundamentally, the Proposed Development envisages the development of a modest and sensitively designed 3-bedroom home, which will provide an agricultural farm workers' dwelling for the Farm Manager and his family.

Any such development will be subject to a restrictive occupancy condition".

The Applicant is aware that a restrictive occupancy condition is required against the Proposed Development and raises no objection to the same. The occupation of the Proposed Development will continue to be for the proper management, maintenance and growth of the existing Enterprise adjacent thereto.

5. Conclusion

5.1 This statement justifies that there is an essential need for the permanent presence of the Farm Manager at the Site of the Enterprise in question. The enterprise is financially viable with a long-term future.

5.2 The nature of the enterprise as a whole contains a number of elements to the overall business. These include the arable farming of crops, an increasing number of sheep and a fencing element. As a result, there are a wide range of activities connected with the Enterprise which result in a need for the Farm Manager to reside on the Enterprise Site. Such activities include the irrigation of high value crops, the ability to respond quickly to Site demands during unsociable hours, the management of day to day deliveries to and from the Site and the routine management of the farm animals. The Proposed Dwelling would also assist in providing ongoing security for the Enterprise.

5.3 Based upon the evidence set out herein, it has been satisfied that there is an essential need for a rural worker, or in this case the Farm Manager, to reside at the Enterprise. Having established an essential need, the Proposed Development is not borne out of convenience but necessity for the future growth and maintenance of the Enterprise. Given the nature of the Enterprise and the activities explained, as set out herein, the presence of a worker on

the Site is necessary and not simply a convenience for the Applicant. Moreover, the necessity cannot be met by the suitability of any existing nearby properties and the Proposed Dwelling meets the essential needs of the Enterprise and is therefore sustainable development.

DESIGN AND ACCESS STATEMENT

In respect of the Design & Access Statement, we set out below the relevant factors. These are, for the avoidance of doubt, the same relevant factors as considered by the Council in the context of the Temporary Planning Permission, which was also required to be considered in the same way as the current Application (i.e. a permanent dwelling), on the grounds that the revised NPPF and CLLP does not recognise a distinction between temporary and permanent accommodation:

Visual Amenity

Whilst it is acknowledged that the Site is within 'countryside', the Proposed Development will be in the same location as the existing static caravan, which has been there for over 2.5 years. The Proposed Development will be located adjacent to the existing farm and its buildings and is in close proximity to other dwellings. Therefore, the Proposed Development would not appear significantly out of character to the immediate area. Furthermore, the Site has significant natural screening from the north and west by existing vegetation, and from the south by existing buildings. Finally, there is significant distancing from any public rights of way.

Therefore, it is considered that there would not be any significant impact upon visual amenity and that the Proposed Development therefore accords with the relevant national and local policy considerations in this context.

Residential Amenity

The Proposed Development will be sufficiently distanced from any other residential properties and screened by existing agricultural buildings adjacent to avoid any issues of overlooking, loss of privacy and overbearing impact.

The Proposed Development, the subject of this Application, has been designed and sited such that it offers a practical and functional location for access to the Enterprise, whilst also providing a safe location, which will not be detrimentally impacted through noise and disturbance associated with the operation of the Enterprise. The position of the Proposed Development will also continue to offer a good location to allow natural surveillance of the Enterprise from this direction.

No objections or concerns have been raised in respect of the residential amenity, or otherwise, since the siting of the static caravan. Furthermore, the Farm Manager has lived within the static caravan for the last 2.5 years within the limits of an operational agricultural Enterprise and recognises the importance of living in such close proximity to the same for the reasons as specified herein. Accordingly, the Proposed Development satisfies Policy LP26 (Design & Amenity) of the CLLP.

Parking & Highway Safety

The Site has existing access and a parking area to the south of the static caravan. Owing to the fact that the Farm Manager and his partner each have a car, 2 parking spaces with the Proposed Development are proposed, as set out on the submitted plans. This will provide sufficient space to allow permanent parking for 2 cars, one by the Farm Manager and the other by his partner, with the existing parking area to the south of the existing static caravan used for deliveries and guests visiting the Proposed Development for required purposes, such as the postman, deliveries and/or midwife connected with the future baby, for example.

Flood Risk

The Site is located within Flood Zone 2. Accordingly, a Flood Risk Assessment (“FRA”) has been submitted in conjunction with this Application. The Environment Agency raised no objection to the Temporary Planning Permission, the location of which is the same as the Proposed Development, provided the mitigation measures set out within the FRA are adhered to. The Applicant assumes that a similar approach will similarly be applied by the Environment Agency in this Application and awaits the consultation response in due course and the right, therefore, to respond further if necessary.

Conclusion

The Proposed Development is essential to the existing Enterprise on the Site and the continual expansion of the same, in order to oversee the welfare of livestock and crops on the Site. Taking into account this statement, and the accompanying information provided as part of this Application, we submit that the Application should be granted without delay, along with a restriction use condition to use the Proposed Development only as an agricultural workers' dwelling, in accordance with the relevant local policy requirements.

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