

Outline Planning Application for a Rural Worker's Dwelling at

Lower Lane Ends Farm
Cowling
Keighley
West Yorkshire
BD22 0JU

Design and Access Statement and Planning Appraisal September 2022



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Contents		Page
1	Introduction	2
2	Instructions	2
3	Qualifications of Author	2
4	Context and Description of Rural Enterprise	2
5	National Planning Policy	4
6	Local Planning Policy	5
7	National Planning Policy Framework	5
8	Relevant Case Law	6
9	Assessment of Case	7
10	Other Planning Related Matters	9
11	Conclusion	10

- Appendix 1 – Site Plan**
- Appendix 2 – Location Plan**
- Appendix 3 – Farm Plans**
- Appendix 4 – Schedule of Labour**

1 Introduction

- 1.1 This Planning Statement is written in support of an outline planning application for the construction of a permanent rural worker’s dwelling at Lower Lane Ends Farm, Cowling, Keighley. Location and site plans are provided at Appendix 1 and 2. This statement provides the background information needed to consider the justification for the proposal and also provides an analysis of the extent to which the development accords with current Planning Policy. The document contains a number of Appendices which include further supporting information.

2 Instructions

- 2.1 The instructions to prepare this Report were received from Martyn Jennings, the ‘Applicant’, during a meeting at Lower Lane Ends Farm on 10 May 2022. During that meeting detailed information about the agricultural enterprise was noted down together with the personal circumstances resulting in the need for a rural worker’s dwelling. Our instructions are to make an outline planning application for a permanent rural worker’s dwelling to serve the farm enterprise at Lower Lane Ends Farm.

3 Qualifications of Author

- 3.1 This Statement was prepared by Peter Williams. My professional work regularly involves appraising agricultural businesses. This can be in the context of preparing planning applications, drawing up environmental agreements or applying for grant funding. This work gives a good overview of farming practices and ensures a robust knowledge of the requirements of a successful farming business. Much of the same analytical scrutiny required for such work is relevant to appraising the need for a dwelling to serve a farming enterprise.

4 Context and Description of Rural Enterprise

4.1 Context and History

- 4.1.1 The Applicant’s grandfather Nathan Jennings purchased Lower Lane Ends Farm in approx. 1950. At this time, the farm comprised around 60 acres of land and was served by a modest range of traditional farm buildings. The Applicant’s father and mother Ralph and Kathleen Jennings took over management of the farm in 1975 and brought their family up here. Ralph and Kathleen have expanded the land holding and farmyard throughout the last 47 years. This expansion included the purchase of 137 acres of land and the construction of more modern production facilities. The Applicant starting working full time on the farm in 2007 and went into partnership with his father in December 2007. Since then, the Applicant has further expanded the facilities at the farm through the construction of new dairy cow accommodation and silage clamps. The Applicant has also significantly increased the dairy herd from 200 to 760 head.

4.1.2 Lower Lane Ends Farm now comprises a total of 575 acres of land including 125 acres of owned land and a further 450 acres of rented land.

4.2 Production Facilities

4.2.1 Lower Lane Ends Farm has a range of production facilities. They comprise contemporary cattle accommodation, manure/slurry storage, machinery and feed storage space and livestock handling facilities. The Applicant and his family have, over a long period, invested in a number of new buildings at the farm which has resulted in a well-run and tidy farmyard.

4.3 Farming Enterprises

4.3.1 The main farming activities at Lower Lane Ends Farm include a dairy herd of 460 head of cattle, a commercial breeding sheep flock 450 ewes and a store cattle enterprise of around 200 head of cattle.

4.4 Dairy Enterprise

4.4.1 The dairy herd comprises approximately 260 milking and dry cows and 200 head of replacement heifers of varying ages. The Applicant operates an all year-round calving regime which gives rise to a continuous demand for specialist labour. Where possible, the Applicant operates a closed herd whereby the best dairy cows are artificially inseminated with high quality, sexed semen in order to produce replacement dairy heifers. This has enabled the quality of heifers to be improved and the size of the herd to be increased over recent years.

4.5 Store Beef Cattle Enterprise

4.5.1 The beef cattle enterprise involves keeping on the farm the naturally conceived calves which are sired by either an Angus and British Blue bull. These calves are reared on milk before they are weaned onto pasture and concentrate feed. The number of calves kept on the farm each year varies depending on the number of heifers required for the dairy herd and market for dairy cross beef cattle. These cattle are kept on the farm for between 20 and 24 months before they are sold through the local auction marts as strong store cattle.

4.6 Breeding Sheep and Store Lambs

4.6.1 The Applicant keeps a total of 450 head of breeding ewes which include Texal cross and Mules sheep. All of the sheep are mated to a commercial terminal sire such as a Texel or Beltex tup in order to produce a prime lamb. The sheep flock achieves a lambing percentage of around 200% producing 900 lambs each year. All the lambs produced on the holding are sold at prime weight through local auction marts.

4.6.2 In addition to the home bred lambs, the Applicant also purchases approximately 500 store lambs each year to graze the farm during the winter. All the lambs are kept on the holding until prime weight when they are sold through local auction marts.

4.7 General

4.7.1 It is necessary for the Applicant to produce a considerable amount of conserved forage to feed livestock throughout the winter period. During the early spring months the Applicant removes livestock from around 200 acres of grassland to allow a crop of silage to grow. The Applicant fertilises the crop with slurry and farmyard manure to improve crop growth. The first crop of silage from the land is around early June, a second cut taken from around in early August and a third crop is taken at the end of September. The silage is stored on the farm and fed to housed livestock throughout the winter months.

4.7.2 For the avoidance of doubt, the Applicant is responsible for all of the management of the silage crops throughout the year and the majority of the harvesting process. The Applicant grows the crop, manages its growth through a program of manure, slurry, spray and fertiliser inputs. The crops are mown, tedded, rowed up, transported to the clamp and ensiled by the Applicant. The only contract employment used during this time is to harvest the grass using a specialist forage harvesting machine.

4.6 Labour

4.6.1 Martyn and Ralph Jennings are employed by the business on a full-time basis. The farm employs a further 2 full time and 2 part time members of staff.

4.6.2 Whilst Ralph is employed by the business, his age and deteriorating eyesight means that all of the main livestock responsibilities fall to Martyn both during and out of normal working hours. Furthermore, it is his intention to retire from full time employment this year.

4.7 Existing Accommodation

4.7.1 Lower Lane Ends Farm is served by two dwellings; 1. Lower Lane Ends Farm – occupied by Ralph and Kathleen; and 2. Lower Lane Ends Farm Cottage – occupied by Martyn and his family.

5 National Planning Policy

5.1 Since 1947 Development Control Regimes in the United Kingdom have been designed to resist all but essential development outside identified settlement boundaries. The recognition of the particular needs for an exception to this to provide accommodation for agricultural workers saw the evolution of specific policies. These were last and most precisely recorded in Annex A of the Planning Policy Statement 7 which set out functional and financial tests which had to be satisfied in order for

consent to be granted for a new dwelling which would in all cases be subject to an Agricultural Occupancy Condition.

- 5.2 The Coalition Government which came into control in 2010 made substantial changes to the Development Control Regime. The replacement of all existing guidance with the National Planning Policy Framework on 27th March 2012 swept away the tried and tested assessment criteria of Annex A. A further review saw new permitted development rights come into force under Part 3, Class MB from 6th April 2014 introducing the right for agricultural buildings to be converted into dwellings subject to meeting qualifying criteria now reclassified as Part 3, Class Q after a further review of the General Permitted Development Order. The combined effect of these two policy changes is to dilute the assessment criteria against which proposals are to be considered.
- 5.3 Following the Localism Act 2011, the National Planning Policy Framework was published as a fundamental document setting out Planning Policies for England. It is to be taken into account when considering planning applications, planning appeals and when Local Authorities are preparing Development Plans. Existing Local Plans should not be considered out of date simply because they were adopted prior to the publication of the NPPF, however, the NPPF Policies are material considerations which must be taken into account by Local Planning Authorities. Where an out of date Local Plan appears to be in conflict with the intentions of the NPPF little weight can be given to such policies in determining an application.
- 5.4 All Planning Policy Statements were withdrawn on the introduction of the NPPF including Annex A of PPS7 and so its detailed guidance on agricultural workers dwelling has ceased to have any official force. Local Planning Authorities and applicants should no longer look to PPS7 for any authoritative guidance on determining applications for rural workers dwellings. It is a matter of fact that some Local Planning Authorities will still have policies within their Adopted Local Plan that invoke the guidance set out within Annex A of PPS7. However in determining an application Local Authorities are required to take into account the date of publication of such policies and their degree of consistency with the NPPF and weight their importance accordingly.

6 Local Planning Policy

6.1 The Local Planning Policy relevant to this application is contained within the Adopted Craven Local Plan 2012 to 2032. Specific policies relating to this application are outlined in Table 3 below:

Table 3. Relevant Local Planning Policy

Policy	Description	Lower Lane Ends Farm
SP4	<p>Paragraph K of policy SP4 explains that the Council will limit new homes in the countryside away from existing settlements. The policy states that within the open countryside residential development will be supported provided that;</p> <p>a) The proposal would meet the essential need for a rural worker to live permanently at or near their place of work in the countryside</p>	<p>The proposed development would meet the essential need for a rural worker to live on site at Lower Lane Ends Farm</p>

7 National Planning Policy Framework

7.1 Set out below is general policy on the rural economy and specific policy in relation to Rural Housing taken from the NPPF:

7.2 Paragraph 84 of the NPPF states that in order to support a prosperous rural economy 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 rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*

7.3 The main message to be drawn from this policy is that Local Planning Authorities should look to support rural business and promote economic growth. Agriculture is fundamental to the rural economy and the availability of labour to service the industry is a paramount consideration.

7.4 Paragraph 80 of the NPPF states;

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;*

7.5 This application is concerned with the first exception “*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*”. Due consideration has been given to the ability to convert a redundant or disused buildings as permitted by paragraph 79 and indeed the ability to change the use of an agricultural building to residential use under Class Q of the GPDO. In this particular circumstance no such opportunities exist.

8 Relevant Case Law

8.1 Some basic commentary on landmark cases is set out below;

8.2.1 Embleton Parish Council and Anor, v R Gaston [2013]

8.2.2 In *Embleton*, the Court noted that “*the guidance in paragraph 55 of NPPF is significantly less onerous than in PPS*”. The case confirmed that the NPPF sets no financial test by which to judge applications. The judge went on to say that “*I do not accept... that the NPPF requires that the proposal is economical viable. 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*”. *Embleton* went on to examine what constituted suitable alternative accommodation. It was concluded that accommodation available by virtue of an Assured Shorthold Tenancy capable of termination after six months did not offer sufficient security of tenure and therefore could not be considered as capable of serving the identified need.

8.3.1 J R Cussons & Son v Secretary of State for Communities and Local Government and North York Moors National Park Authority [2008]

8.3.2 In *Cussons* the High Court considered the justification for a third dwelling on 110 ha upland livestock farm where the applicant aged 60, had health complaints reducing his capacity for manual work. In the appeal the Inspector dismissed the appeal on the grounds that the existing accommodation could serve the identified need.

8.3.3 The High Court ruled that accommodation may de-facto exist but its availability and suitability must be subject to some scrutiny. The Judge went on to raise the following questions. “*Is it really to be expected that, in the circumstances where a clear need has been established, the applicant must leave his house and presumably buy another house elsewhere for his wife and family? How are the sharing operations to operate in reality in the various hypotheses that the stockman maybe single, married or married with children. Does the house lend itself to sharing? What is the position with regard to common use of bathroom facilities and kitchen accommodation? Does the house*

reasonably lend itself to adaptation? I have only given some indication of the multiplicity of matters that would require rational consideration”.

8.3.4 The appeal decision was quashed with an acknowledgement that while *“it is true the Inspector in this case recognised that it was not appropriate to require Mr Cussons Senior to surrender occupation of his house, his suggestion that it is quite large and could accommodate permanently or temporarily as needed an additional worker suffers from the same deficiency as the Inspectors decision in the Keen case”.*

8.4.1 Keen v Secretary of State of the Environment and Aylesbury Vale District Council [1996]

In *Keen* the farmer wanted to retire and take on a fulltime stockman whilst staying resident in his farmhouse. The Inspector had turned down the appeal as he construed that the retiring farmer should make part of his house available to the stockman and his family. The Judge quashed the appeal decision stating *“the accommodation may de-facto existing but its availability and suitability must be subject to some scrutiny”.* In the absence of any sufficient material to justify a conclusion it was construed that sub-division of the existing house was not suitable”.

9 Assessment of Case

9.1 In order to satisfy the policy for an isolated home under paragraph 80 the following guidance has been produced (paragraph: 010 Reference ID: 67-010-20190722):

1. 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 an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 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);
2. Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
3. In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Each of the above criteria are considered in more detail below with particular reference to the operations at Lower Lane Ends Farm.

9.2 Evidence of the necessity for an agricultural worker to live at Lower Lane Ends Farm

9.2.1 Lower Lanes Ends Farm has been farmed by the Applicant’s family since 1950. The livestock enterprises and wider agricultural business is fully established and demands a significant labour input throughout the year.

- 9.2.2 Lower Lane Ends Farm is a dairy and sheep unit which carries in the region of 660 head of cattle and at peak times in excess of 1350 head of sheep including lambs. Ensuring that the welfare of these animals is adequately catered for requires significant observation and labour input throughout the year. The management of the dairy enterprise is relatively predictable and routine whereas the sheep enterprise tends to involve a more concentrated periods of high intensity management. Whilst not an essential element of the planning application, a labour calculation for the farm has been prepared and is attached at Appendix 4. The calculation shows a total labour requirement of 22600 hours which equates to 10.27 standard labour units or 10.27 Full Time Equivalent workers. Whilst this is only an indication of the labour requirement it does highlight the significant labour requirement of the enterprise. By their very nature the agricultural operations carried out at Lower Lane Ends Farm are relatively labour intensive and demand particularly long and often unsociable working hours which is how the work is managed at present.
- 9.2.3 The evidence of the necessity for a new agricultural workers dwelling arises out of the animal welfare requirements and effective business management of the agricultural operations of Lower Lane Ends Farm. Much of the justification is based on the calving of 260 dairy cows and 60 heifers together with lambing 450 breeding sheep. The dairy cows are highly productive animals that require close attention to detail and considerable management. The nutrition and management of cows immediately pre and post calving is critical to ensure their metabolism is not disturbed and stress levels are kept to a minimum. The pre and post calving management of dairy cows has a considerable impact on lactation and as a consequence the amount of milk produced. Close supervision of the animals to detect the onset of calving and then manage the birth process is fundamental to founding a successful lactation and producing a healthy calf. The subsequent management of the cow and calf post calving is critical to ensure that feed intake and diet quality meets exactly the cows' nutritional requirements and the calf receives the required colostrum from the cow. Failure to monitor and manage pre and post calving health and feed intake can result in metabolic disorders such as slow fever or milk fever which, if not detected early, can have significant detrimental impacts on the cow's performance. Effective livestock management includes the continual monitoring of dairy cows and prompt treatment of problem cases to prevent occurrences of metabolic disorders.
- 9.2.4 Manging the calving cow is not a responsibility that a single person can effectively undertake. Assisting with the calving process requires at least two people to be safe and protect the welfare of the animal. It is not practical nor ethical for The Applicant to expect a worker to travel from away to assist with calving's as the time delay would, in most cases, be the critical difference between a successful and unsuccessful calving. As with most of the major operations at Lane Ends Farm calving is undertaken by Martyn and his father Ralph. However, due to the retirement of livestock duties, Ralph is no longer able to provide assistance in any livestock management roles. Without the two full-time employees residing on the holding successful calving's would be significantly reduced.

9.2.5 Lambing extends between mid-March and early May. This period involves intensive stockmanship with considerable hours worked by all members of staff each day. The responsibility of lambing now falls solely on Martyn. Whilst assistance with the lambing sheep is provided during normal working hours the majority of the out-of-hours work is undertaken by him. The significant work load continues into May when all ewes are drenched for parasites and lambs are marked and given routine vaccinations. The majority of heifers are all calved during late spring and early summer which extends the requirement for intensive stockmanship to the end of June. At this point the livestock numbers are running at the highest of the year however most are out at grass and the staff can concentrate on silage making operations before shearing starts in July.

9.2.6 Whilst the majority of heifers are calved during May and June the system of year round calving for the rest of the cows is an effective way of ensuring the continuity of milk supply which is incentivised through the milk contract. This does, however, mean that there is a heightened level of animal welfare required. Not only does the calving of cows require significant monitoring and supervision but the rearing of calves also requires intensive management. As with any young animals, calves require close observation to ensure that their feed intake is sufficient and they do not succumb to illnesses such as pneumonia and scours. It is a regular practice at Lower Lane Ends Farm to check calving cows and young calves at intervals of not less than four hours which clearly requires a member of staff attending these duties at least once during the night. One stockman alone, together with the daily routine tasks, cannot carry out these essential duties during the night.

9.3 Can the need be met by existing accommodation?

9.3.1 There are currently two houses at Lower Lane Ends Farm. The main farmhouse where Ralph and Kathleen live and Lower Lane Ends Farm Cottage where the Applicant and his family live. Neither property can be altered to accommodate an additional full time farm worker. There are no other dwellings within close proximity to the production buildings that can meet the functional need of the business.

9.4 New Enterprises

9.4.1 The farming business is long established and therefore this does not apply to this application.

10 Other Planning Related Matters

10.1 Location

The proposed position for the dwelling is in close proximity to the yard and buildings. This is essential in order to have vigilance of the site and puts the occupant in close connection with the housed animals. The proposed location has been identified to

avoid a mains sewer pipe that runs through the farm approximately identified on the location plan.

10.2 Services

The essential services including water and electricity are located within the vicinity of the proposed dwelling and minimal work would be required to facilitate their connection. There will be no need for any above ground apparatus. In terms of foul drainage, the proposed dwelling will be served by a mains sewer.

10.3 Access

The proposed site benefits from an existing access off Colne Road and no new or redeveloped access will be necessary.

10.5 Site Layout and Appearance

Whilst this application is in outline only, the proposed dwelling would be a modest family home but will include all the necessary features of a principal farmhouse and modern living.

11 Conclusion

11.1 Lower Lane Ends Farm is a family farming operation that has been in the family for 3 generations. The continual expansion of the business through additional land, buildings and livestock demonstrates the commitment and resilience of the current generation. The livestock enterprises undertaken by the Applicant demand considerable labour input throughout the year and there is a clear need for an additional farm worker to reside on site permanently. The siting of the proposed dwelling is appropriate and will meet the essential need of the business. No other dwellings are available that will meet this need and the existing dwellings cannot be altered to accommodate a permanent farm worker. All relevant planning policy has been considered and the proposal meets the same. As such, it is requested that Craven District Council support the application.

Appendix 1

Site Plan

Appendix 2 Location Plan

Appendix 3

Farm Plans

Appendix 4

Labour Calculation