



Appeal Decision

Hearing Held on 3 December 2019

Site visit made on 3 December 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2020

Appeal Ref: APP/N2535/W/19/3236327

Park Farm, Caistor Road, Usselby, Market Rasen LN8 3YJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Hay of Hay Farms against the decision of West Lindsey District Council.
 - The application Ref: 139445, dated 14 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is the erection of a single storey agricultural workers dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether there is an essential need for a second rural worker to live permanently on the site.

Reasons

3. Park Farm is an established poultry farm situated adjacent to the A46 (Caistor Road) to the north of the town of Market Rasen. The farm currently comprises four large poultry sheds together with two ancillary buildings housing equipment, and a dwelling house that is occupied by the farm manager.
4. Policy LP55 of the Central Lincolnshire Local Plan 2017 (the local plan) addresses development in the countryside and sets out that new dwellings in the countryside will only be acceptable if they are essential to the effective operation of, among other things agriculture, horticulture, and forestry. It is not in dispute between the parties that the appeal site is in the countryside for the purposes of local plan policy LP55. It is also common ground that the poultry farm is an established and viable business.
5. The Council accept that there is an essential need for a worker to live permanently at the site. This need is currently met by the existing dwelling on the site, which is subject to an agricultural occupancy condition. The proposal is for a second agricultural workers dwelling and it is the essential need for a second dwelling that is disputed.

6. Much of the operation of the farm, such as feeding, access to drinking water, heating and lighting is automated and controlled by computer. It is advised in the appellant's Rural Enterprise Appraisal that the poultry buildings are equipped with alarms that are triggered in the event of a failure of one of the automated systems, or if there are build ups of carbon dioxide or ammonia. I accept that, in the interest of animal welfare, there is a need for a worker to be able to attend the site quickly in the event of the failure of one of these systems.
7. The farm raises seven flocks of chickens a year with each rearing cycle taking 42 days. The farm has two full time workers, the manager and assistant manager, and additional labour is taken on at times when this is required such as at the end of the rearing cycle when the birds are captured and removed from the buildings. The Rural Enterprise Appraisal indicates that there is a period of ten days after the end of each cycle where there are no birds on site, during which time the buildings are cleaned and prepared for the next cycle.
8. The appellant's argument put forward at the hearing was that the essential need is derived from a requirement to provide continuity of staff cover and to ensure that the burden for dealing with out of hours incidents does not fall solely on one worker.
9. No records of the numbers of out of hours alarm incidents were submitted in evidence, however, the appellant advised at the hearing that on average there are an estimated three to four out of hours incidents in each 42 day rearing period. The appellant also advised that smothering incidents, which cannot be alarmed, were rare and that environmental incidents relating to temperature, or elevated levels of carbon dioxide or ammonia, which can be remotely monitored and alarmed, were the most common. During the seven 10 periods when there are no birds present at the site, emergency out of hours call outs generally would not occur.
10. The assistant farm manager, who is the other full time employee at the farm and for whom the proposed dwelling is sought, currently lives in Market Rasen which lies approximately 3 miles to the south of the appeal site.
11. The Council identified that suitable properties were also available for sale in Osgodby, approximately 2 miles from the site, both at the time that the planning application was made and at the time of the appeal submissions. The appellants position is that the workers dwelling needs to be co-located on the farm itself as it is necessary to be within sight and sound of the buildings.
12. The proposed new dwelling would be approximately 100 metres from the nearest existing poultry building. Planning permission has been granted for two additional poultry sheds, the closest of which would be approximately 80 metres from the proposed new dwelling. In the absence of remote monitoring and alarm systems, these distances would allow for visual surveillance of the exterior of the poultry sheds, although not the interior. There were no birds present on the site at the time of the site visit and, consequently, I was unable to hear whether sound from the sheds is audible at the appeal site. Nor was any technical evidence submitted that would assist in determining this. Nonetheless, from the evidence and from the discussion at the hearing, the critical elements of the operation are remotely monitored and alarmed, which makes the argument that the dwelling has, of necessity, to be within sight and sound of the poultry units less compelling.

13. Paragraph 79 of the National Planning Policy Framework (the Framework) refers to the essential need for a rural worker to live at or near their place of work in the countryside. The Framework does not define what is meant by near, however, the wording makes it clear that a rural workers dwelling does not necessarily have to be co-located with the workplace to meet an essential need. Following the hearing site visit, I was able to visit both Osgodby and Market Rasen. The travel time to Market Rasen was approximately 10 minutes and was less to Osgodby. I noted that the roads were generally good and consider that these would be comparable travel times to attend evening or night-time incidents.
14. Based on the above, the frequency of out of hours incidents would not put an undue or unreasonable burden on the worker who is presently resident at the site. In the event that the resident worker was not available, the travel times from nearby settlements, including market Rasen where the assistant manager currently resides, are not so long as to be unrealistic and I have no substantive evidence before me that would indicate that these would result in circumstances prejudicial to animal welfare. Although there are times in the poultry rearing cycle when more regular out of hours working is required as set out in the Rural Enterprise Appraisal, these are for short periods of only a few days and, as they are part of the normal process, this could be planned for in advance. Whilst it would undoubtedly be more convenient if both of the full time workers were resident at the site, on the basis of the evidence that is before me, the frequency of unplanned for, out of hours, working is not so great that it amounts to an essential need for a second dwelling at the site.
15. My attention has been drawn to an appeal decision in the East Riding of Yorkshire¹ which it is claimed is similar to the appeal proposal. This relates to the provision of a second agricultural workers dwelling at a poultry farm of a comparable size to the operation at Park Farm. However, I do not have the full details of this case, particularly in respect of the number of out of hours incidents, which was a determinative factor in that decision. Consequently, I cannot be certain that the circumstances are the same as those before me.
16. I am also aware that the Council have granted planning permission for additional dwellings at other poultry farms within the district. From the information provided, these farms accommodate substantially larger numbers of birds than are reared at Park Farm either presently or in the future following the construction of the two additional poultry buildings that have planning permission.
17. I do not consider that either the East Riding appeal decision or the previous decisions of the Council amount to considerations that indicate a second dwelling should be permitted at the appeal site. In any event, each planning application and appeal falls to be decided on its own merits.
18. I have noted that the Council do not have concerns regarding the design of the proposed dwelling or the effect of the proposal on the surrounding landscape. The Council also accept that suitable access and drainage arrangements can be made. Nonetheless, these factors do not overcome the requirement to demonstrate an essential need for a dwelling in this location.

¹ Appeal reference: APP/E2001/A/07/2038991

19. I therefore conclude that it has not been demonstrated that there is an essential need for a second rural worker to live permanently on the site. The proposal would not comply with the relevant requirements of Policy LP55 the local plan or Paragraph 79 of the Framework.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr I Pick	Ian Pick Associates
Mr J Hay	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms D Peck	West Lindsey District Council Planning
Mr G Backovic	West Lindsey District Council Planning

INTERESTED PERSONS:

Councillor M Bowley	Osgodby Parish Council
Mr R Clarkson	West Lindsey District Council
Ms Claire Bailey	West Lindsey District Council
Ms Anne Banty	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Copy of appeal decision APP/Y2430/W/15/3100597