



Appeal Decision

Site visit made on 29 November 2022

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2022

Appeal Ref: APP/N2535/W/22/3299080

Hall Farm, Church Road, Laughton, Gainsborough, DN21 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs W Skelton against the decision of West Lindsey District Council.
 - The application Ref 144185, dated 23 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is outline planning application to erect 1no. agricultural dwelling - access to be considered and not reserved for subsequent applications.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline, with all matters apart from the means of access to be determined at this stage and I have determined the appeal on that basis. I have taken the proposed site plan (Drawing No. 241-002 Revision 01) into account insofar as it is relevant to my consideration of the principle of the development on the appeal site.
3. The proposal is for a dwelling for a rural worker. However, a condition restricting occupancy was not included within the list of conditions proposed by the Council. In the interests of fairness, the appellants were invited to comment on a proposed condition in the event of the appeal being allowed and confirmed that they would have no objection to this.
4. Following the submission of their appeal documentation, the appellants submitted a letter dated 29 September 2022 from Dr Lowe of Kirton Lindsey and Scotter Surgery containing medical information. The Appeals Procedure Guide states that all available evidence should be submitted with the appellants' full statement of case and documents received after the time limits will normally be returned. I have, exceptionally in this case accepted the additional information and in the interests of fairness, the Council was invited to comment on it. I have taken it into account only insofar as it is relevant to my assessment of the main issue in this case.
5. The Council has referred me to another planning application for an agricultural worker's dwelling on the appeal site (Reference 144498), which was refused on 12 July 2022, and to the officer report for that application. Whilst that is a material consideration in my assessment of the appeal, I have determined the appeal based on the evidence and the information before me in this case.

Main Issue

6. The main issue in this case is whether there is an essential need for an additional dwelling on the farm to accommodate a rural worker, and whether the proposed dwelling is essential to the effective operational running of the enterprise.

Reasons

7. Paragraph 80 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid development of isolated homes in the countryside, unless 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.
8. Policy LP55 of the Central Lincolnshire Local Plan (2017) (LP) allows residential development in the open countryside where it is essential to the effective operation of agriculture. This is, however, subject to evidence being provided on a number of matters, including the details of the rural operation, the need for the dwelling, the submission of business accounts or a detailed business plan, an assessment of whether other suitable accommodation is available on-site or in the area and details of how the size of the dwelling relates to the enterprise.
9. Hall Farm is located to the east of Laughton, separated from the main built-up area of the village by a small parcel of agricultural land. The appeal site comprises the south-west corner of a larger, open agricultural field and is immediately adjacent to the Hall Farm complex. For the purposes of planning policy, the appeal site is in the open countryside.
10. Laughton Hall and four other farm cottages on Church Road, Laughton were formerly part of the farm holding, but were sold off separately from it prior to the appellants' purchase of the farm in 1986. An agricultural workers' dwelling, 'Aspen Garth', was built in the grounds of Laughton Hall prior to the appellants' ownership of the farm. In 2008, that property was granted a Certificate of Lawfulness to continue its use as a dwelling without compliance with the agricultural occupancy condition, and it is no longer within the farm holding.
11. The current farm site consists of multiple farm buildings, including traditional brick-built barns and larger, modern pre-fabricated agricultural buildings. There are two existing bungalows within the farm site. 'The New Bungalow' was constructed in the 1970s, prior to the appellants' purchase of the farm, and 'The Willows' was granted planning permission in 1990. Both dwellings are restricted to occupation by an agricultural worker, or someone last employed in agriculture.
12. The farm holding comprises approximately 850 acres, of which 200 acres are in the appellants' ownership and 650 acres are rented on a short-term tenancy. Approximately 140 acres of grazing land in the appellants' ownership are located around the farm site. It is operated as a mixed dairy, beef and sheep enterprise, with the farming of livestock for dairy production being the principal business. The farm has approximately 150 dairy cows, managed inside from October to June and partly inside during the Summer. The suckler herd (80 cattle) is housed from October to June for calving and the young stock (100

calves) are housed all year round. The sheep herd (1,200 ewes) is housed between December and May for lambing.

13. Based on the method set out in the John Nix Farm Management Pocket Book, the appellants' Statement of Case calculates a labour requirement for 9.72 full time workers, compared with the current employment of 5.5 workers on the farm holding. The functional need for a worker to be present on the Hall Farm site relates to the supervision and management of calving and attending to sick animals, both of which can occur during unsocial hours, the twice daily milking of the dairy herd, night-time work during lambing and general animal welfare duties. These farm-based activities require the on-site presence of a full-time worker, 24 hours a day.
14. Whilst the appellants have referred to security as an additional reason for needing a dwelling on the site, there are existing dwellings on-site and in close proximity to the farm. As such, this is a matter to which I give limited weight in my determination of the appeal.
15. However, the absence of an on-site worker with overall responsibility for management decisions and to deal with emergencies at short notice would create a risk to animal health and welfare and to the productivity of the dairy business. Based on the evidence before me, I conclude that there is a functional need for a farm worker to be present on the farm site, 7 days a week and 24 hours a day and that it is not just a matter of convenience.
16. To date, this functional need has been met by the appellants who occupy 'The Willows', together with two sons who live off site in Laughton. However, due to a combination of approaching retirement age and ongoing health issues, the appellants intend to retire from the business, but will continue to live on-site. The appellants' third son, Mr R Skelton intends to take over the management role and 24 hour on-site presence and will undertake the twice daily milking of the dairy herd. It is proposed that he would occupy the proposed new dwelling, together with his family.
17. The Council considers that this functional need could be met by an overnight presence by one worker and a daytime presence by another. That would not, however, provide satisfactory arrangements for the overall management of the site and animals by someone who is actively managing the farm business. These changing family circumstances are part of the farm succession process, and based on the evidence before me, an additional dwelling would support the transition of the farm's management to the next generation and would ensure the continued viability of the farm business. This is an important and relevant consideration which is set out in the Planning Practice Guidance¹. The timing of the appellants' retirement is a matter for the farm business to manage, and the lack of a specific date is not a matter which would justify withholding permission for the development.
18. The evidence before me does not include details of the current financial circumstances of the business nor any details of the proposed expansion of the dairy herd, other than the headline figure of £190,000 to increase the size of the herd, to improve the milking equipment and to increase productivity. I saw at my site visit that the new milking equipment is in the process of being installed. The Council has not disputed the appellants' proposed expansion

¹ Paragraph: 010 Reference ID: 67-010-20190722

- plans, and, in short, I see no reason to dispute that the business will expand and modernise as anticipated.
19. LP Policy LP55 also requires an assessment of whether other suitable accommodation is available on-site or in the area to meet the need for a rural worker to live at or near their place of work.
 20. At my site visit, I saw that the traditional, brick-built buildings on the farm are used to accommodate livestock and for general purpose storage in connection with the business, and they are not available for conversion to a dwelling. Furthermore, they are cojoined onto other agricultural buildings and would not be easily severable to form a separate dwelling which would provide suitable living conditions in relation to access and amenity space.
 21. The officer report outlines that there were no properties for sale in Laughton, but a number were available for sale in Blyton and Scotter, approximately 2 and 3 miles away from Hall Farm respectively. Whilst that position may well have changed in the intervening period, properties in any of those locations, including Laughton, would not be sufficiently close to Hall Farm to enable a rural worker to be within 'sight and sound' of cattle or other animals on the farm needing attention. As such, they would not meet the functional need advanced in this case.
 22. I have been referred to another appeal decision² and the Keen judgement³ in support of the point that the existing farm dwellings are not available to meet the need advanced in this case. Mr W Skelton's 89 year old mother occupies 'The Bungalow', having retired from the farming business in 2001, and the appellants will continue to live in 'The Willows' on retirement. Both have lived in the dwellings for a considerable period of time, and do not wish to re-locate due to long-standing ties with the farm holding and so that they can continue to provide mutual support within the extended family.
 23. LP Policy LP55 requires an assessment of how the size of any proposed dwelling relates to the needs of the business. Although the application was made in outline with all details of the development reserved for later approval, the proposed indicative site plan together with the appellants' evidence indicates that a detached 5 bedroom dwelling with a separate detached garage is proposed.
 24. The functional need for the accommodation outlined above relates to the needs of the business, rather than the personal circumstances of the individuals. The need for the size of dwelling advanced in this appeal is based on the current personal circumstances of the appellants' son who will be taking over the running of the farm. Those circumstances would be likely to change over time, whereas the proposed dwelling would remain in perpetuity. There is nothing in the evidence before me to confirm the current financial circumstances of the business nor whether it could support the existing dwellings on the site, together with the proposed new dwelling.
 25. Overall, and based on the evidence before me, it has not been demonstrated how the size of the proposed dwelling relates to the enterprise, beyond the personal circumstances of the appellants' son who will take over the running of the business. In these circumstances, I cannot be satisfied that the dwelling as

² Appeal Reference APP/Y2003/W/18/3216854

³ Keen v Secretary of State for the Environment and Aylesbury Vale District Council [1996] JPL 753

proposed in this appeal is essential to ensure the effective operation of the business.

26. The Framework seeks to avoid the development of isolated homes in the countryside, unless there is an essential need for a rural worker to live permanently at or near their place of work. LP Policy LP55 restricts development in the countryside to specific circumstances and sets out the criteria against which such proposals will be assessed. The policy criteria in relation to rural workers dwellings is a closed list, and all criteria must be met to comply with the policy.
27. There are representations in support of the proposed dwelling, some of which outline the functional need in this case, which I have dealt with above. Whilst I note the contribution that the business and family make to the social and economic well-being of this rural area, this does not outweigh my conclusion in relation to the main issue in this case.
28. For the reasons outlined above, I conclude that whilst there is a functional need for an additional dwelling on the site to accommodate a rural worker, the proposal would not comply with the requirements of LP Policy LP55 which requires details of how the proposed size of the dwelling relates to the enterprise. In these circumstances, it has not been demonstrated that the dwelling proposed as part of this appeal is essential to the effective operation of the business.

Other Matters

29. I concur with the Council's conclusion that due to the presence of intervening buildings, the proposed dwelling would not interfere with or harm the setting of Hall Farmhouse to the west, which is a Grade 2 listed building. The requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed building has therefore been met.
30. As the appeal is being dismissed and since it will not affect the overall outcome, I make no further comments in relation to other matters including Flood Risk and Minerals safeguarding.

Conclusion

31. For the reasons outlined above and having had regard to all other matters raised, the appeal is dismissed.

Sarah Housden

INSPECTOR