




---

## Appeal Decision

Hearing held on 7 August 2018

Site visit made on 7 August 2018

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 24<sup>th</sup> August 2018**

---

**Appeal Ref: APP/N2535/W/18/3200130**

**Low Farm, Northorpe, West Lindsey DN21 4AE**

- 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 Phillip Marris against the decision of West Lindsey District Council.
  - The application Ref 136875, dated 5 October 2017, was refused by notice dated 22 November 2017.
  - The development proposed is a new farmhouse, grain store with drying facility and workshop.
- 

### Decision

1. The appeal is allowed and outline planning permission is granted for a new farmhouse, grain store with drying facility and workshop at Low Farm, Northorpe, West Lindsey DN21 4AE in accordance with the terms of the application, Ref 136875, dated 1 October 2017, subject to the conditions set out in Annex A.

### Background and Main Issues

2. The Council confirmed at the hearing that they have no objection to the proposed agricultural buildings, only to the dwelling. Therefore, the main issues in the appeal are:
  - Whether, having regard to the development plan and the *National Planning Policy Framework* (the Framework) which seek to avoid isolated new homes in the countryside, there is an essential need for a dwelling to accommodate a rural worker; and
  - The effect of the proposed dwelling on the character and appearance of the area.

### Reasons

#### Essential Need

3. Policy LP55 of the *Central Lincolnshire Local Plan (adopted April 2017)* (CLLP) indicates that new dwellings in the countryside will only be acceptable when they are essential to the effective operation of rural operations. Similarly paragraph 79 of the Framework indicates that isolated new homes in the countryside should be avoided. However, it states that one of the few special circumstances for permitting such homes is to meet an essential need for a

rural worker to live permanently at, or near, their place of work in the countryside. This is the only circumstance which is argued in this case.

*a) Operational Need*

4. The site forms part of a farming business operated by Mr and Mrs R Marris and their two sons, one of whom is the appellant. The farming business is run from Cockthorn Farm which is located to the north west of the site between the villages of Scotton and Scotter. The business consists of approximately 335ha of land, the majority of which is owned. This includes a significant land holding surrounding both the site and Cockthorn Farm as well as other land around the villages of Scotter, Scotton and Blyton. I was told that sporadic landholdings are not typical of farms in the area but reflected how the business had expanded over the last 60 years. The business has two properties, one at Cockthorn Farm where Mr and Mrs R Marris live, and a property in Scotter where the appellant lives with his family. It has not been disputed that the scale of the operation requires 3 full time workers or that the business is a successful and profitable enterprise.
5. Although the farm has had some livestock in the past it is now an entirely arable enterprise growing a variety of crops including winter wheat, spring barley, spring beans, oilseed rape, red beet and potatoes. There is a storage building on the appeal site, but due to security concerns only heavy duty trailers can be kept there. All other storage of both crops and machinery takes place at Cockthorn Farm.
6. The expansion of the business, and changes in legislation, require greater storage capacity than currently can be provided at Cockthorn Farm. The ability to expand further at this site is limited by the close proximity of the farmstead to a main gas pipeline, and to the boundaries of the landholding. I observed that the only available space for a building would have a detrimental impact on the outlook from a number of windows on the existing farmhouse. As a consequence, an alternative site is required. The appeal site would enable the operation to have a base for both staff and machinery that would be able to serve the southern landholdings, and so is preferable to a location on any of the northern landholdings.
7. At the hearing it was outlined that the variety of crops grown means that sowing takes place each year between August and March, with harvesting between June and October. Between sowing and harvesting the crops need regular checks to ensure fertilisers and pesticides are applied at the correct time. The application of these is heavily dependent on weather conditions, and so often requires work either early in the morning and/or late at night. The proposed dwelling would reduce the amount of travelling that currently has to be made to check on crops, to move machinery and would also enable more accurate monitoring of the microclimate.
8. Once harvested the grain has to be dried and its moisture content controlled. Even with automated systems I was told that this requires regular checks to be made on the humidity, moisture and temperature of the grain. Changes in the outside weather conditions can also affect the drying and storage process. As such, this often involves work outside the 'normal' working day. The correct drying and storage of grain enables it to be stored for several months so that it can be sold at times when the best price can be achieved.

9. It was highlighted that a dwelling on the site would not only facilitate this out of hours monitoring, and enable an accurate assessment of the climate but would enable family members to help out with monitoring work during the day when the appellant was working elsewhere. It would also help to pass on skills and knowledge to the next generation.
10. Consideration has been given to converting the existing barn, but from the appellant's evidence and what I saw on site, it is clear that this would require extensive building works. Moreover, as the storage provided by this barn is required as well as new storage buildings, this would not reduce the quantum of development on the site.
11. All in all, whilst I can appreciate that a dwelling on the site would be both desirable and much more convenient, I am not satisfied that on its own, the operational needs of the business gives rise to an essential need for this, especially given the relative close proximity of both the existing farmhouse, and other farm-owned dwelling, to the site and the various landholdings.

*b) Security*

12. It is clear that an enterprise of this size requires a significant range of valuable equipment and machinery in order to function efficiently and effectively. Secure storage of agricultural chemicals, fuel and fertilisers is also essential, with the latter often requiring storage for lengthy periods of time, as it is bought when the price is lowest. It is also clear that rural crime is an increasingly major issue, and the evidence shows specific problems of theft, arson and hare coursing in the area.
13. Providing security to a scattered landholding is no doubt difficult although the appellant has highlighted that field gates are locked and physical deterrents such as hedges, ditches and bunding have been used to protect fields. At present all equipment, machinery and crops are stored at Cockthorn Farm. Suitable buildings have locks and alarms, and equipment has data tagging. CCTV has also been investigated, but as such footage is apparently rarely beneficial in bringing a conviction it has not been pursued.
14. There are undoubtedly security benefits in having a day and night presence close to buildings used for the storage, a fact confirmed by the police. The experience at Cockthorn Farm is that the on-site presence, whilst not preventing crime entirely, has allowed a rapid response to be made and the loss of goods to be minimised. I appreciate too that the loss or damage of critical machinery at crucial times of the year has the potential to cause major disruption and financial loss to the business.
15. It was highlighted that the railway line and river that form the boundaries to two sides of the landholding around the appeal site provides good 'natural' security to the appeal site as they limit escape routes. Moreover, I observed on my site visit, that the proposed position of the farmhouse would enable natural surveillance over the majority of the immediate landholding as well as the agricultural buildings.
16. Crime prevention and security on its own is rarely sufficient to demonstrate an essential need for a dwelling. However, there are good farming reasons for needing new storage buildings on this site, and the need to provide

adequate security to the equipment and goods stored in them, adds to the need for a dwelling on the site.

*c) Transport and Highway Issues*

17. As highlighted above, all machinery, equipment and fuel is currently stored at Cockthorn Farm. The scattered landholding results in the frequent movement of large farm machinery to, and from, Cockthorn Farm along the public highway. Given the weather dependent nature of farming activities, this can involve the movement of machinery both early in the morning and late at night.
18. I observed at my site visit that much of the machinery is of a considerable size, and that a lot of the surrounding road network comprises quite narrow country lanes. In particular the village of Scotton, which lies between Cockthorn Farm and the southern landholdings, has narrow roads and tight bends which are made more difficult to negotiate by parked cars. The appellant has highlighted that there have been times when it has been impossible to get machinery through this village.
19. I note the Council do not consider that the current traffic movements cause a significant highway issue. However, local councillors expressed the concerns of residents regarding the noise and disruption this causes, as well as highlighting the damage to the road network caused by the frequent movement of agricultural machinery along the roads, and highway safety concerns.
20. I appreciate that the number of traffic movements will vary over the course of the year, and that other farms in the locality will also have to move machinery along the road network. However, in this specific case the scattered nature of the landholdings, and the combination of narrow roads, and an intervening village that is particularly difficult to traverse with agricultural machinery, gives rise to significant problems for the business.
21. Overall, it is clear that the ability to store machinery, fuel and crops at Low Farm would result in a significant reduction in the number of traffic movements required, particularly through Scotton. This would not only bring highway safety improvements, but would be beneficial to the living conditions of local residents and the efficiency of the farming operation. At the same time, I am satisfied that the proposal would not markedly increase traffic movements through the village of Northorpe, as it was indicated that this route is already used at present.

*Conclusion on essential need*

22. Bringing these points together, although in operational terms I do not consider that it is essential for there to be a dwelling on the appeal site, there are good farming reasons why it would be both desirable and more convenient to be able to be located there. The need to provide security to equipment, crops and materials increases this need, and in this case this is enhanced by the good natural surveillance that can be provided from this site to the immediate landholding. Moreover, the proposal would result in a significant reduction in the movements of machinery to and from Cockthorn

Farm, limiting the disruption, danger and damage this causes, and undoubtedly improving the efficiency of the farming operation.

23. Overall, in this case I consider that the combination of these three considerations and benefits that arise from the specific circumstances of this farming operation is sufficient to establish an essential need for a new dwelling in the countryside. Accordingly, there would be no conflict with Policy LP55 of the CLLP or paragraph 79 of the Framework outlined above.

#### Character and Appearance

24. The appeal site is located in gently undulating open countryside. Fields, which are often large, are generally marked by hedges and trees, and small areas of woodlands are interspersed in places amongst the fields. Development is focused within the villages, but sporadic farmsteads are scattered across the landscape.
25. The proposed storage building and workshop would be located adjacent to the existing barn, with the dwelling located to the south, across an area of hardstanding. The dwelling would not be seen from the B1205 to the south, and the high hedges along the side of the road between Scotton and Northorpe restrict views of the site to gaps created by field accesses. Existing vegetation also means there are no views of the site from the public footpath that runs along the access road, and when it diverges from this to cross the fields, views of the dwelling would largely be obscured by the proposed barns.
26. In the light of this, although the design and appearance of the dwelling are not being determined at this stage, I am satisfied that a dwelling and any domestic paraphernalia that may exist around it would not be a prominent feature in the landscape. In those views of it that would be possible, it would be seen in the context of the agricultural buildings, and so appear as a farmstead that is typical in this agricultural landscape.
27. Therefore, I consider that the proposal would not have a detrimental impact on the character and appearance of the area. Consequently, it would not conflict with Policy LP17 of the CLLP which seeks to protect and enhance the intrinsic value of the landscape.

#### Other matters

28. The buildings would be located a sufficient distance from dwellings within Northorpe to ensure that residents would not be affected by noise from the grain dryers. Whilst I note the concerns of the Parish Council regarding the impact on wildlife, there is no persuasive evidence to indicate that the proposal would have a detrimental impact in this regard, and the proposal does not meet the threshold for an Environmental Impact Assessment.
29. Whilst the proposal would result in additional movements along the access road, which also serves as a public footpath, forward visibility along this is good, and so I consider the proposal would not adversely affect the safety of those using the footpath.

### **Conclusion and Conditions**

30. To conclude, although both national and local policy seek to avoid isolated new dwellings in the countryside, in this case I have found that an essential need has been proven for a new dwelling for a rural worker. In addition, the dwelling would not harm the character and appearance of the countryside.
31. For the reasons set out above, I conclude the appeal should be allowed.
32. In addition to the standard implementation and reserved matters conditions, to provide certainty it is necessary to define the plans with which the scheme should accord. To ensure the satisfactory drainage of the site it is necessary to control details of the drainage systems. The rural location means an agricultural occupancy condition is necessary to comply with national and local policy.

*Alison Partington*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Elton Mould	Agricultural Consultant
Philip Maris	Appellant
Gemma Owston	Owston Associates
Josephine Wright	Owston Associates
Andrew Brown	NFU Mutual
Richard Marris	Cockthorn Farm
Cllr Jeff Summers	Councillor - West Lindsey District Council
Cllr Patricia Mewis	Councillor - West Lindsey District Council

### FOR THE LOCAL PLANNING AUTHORITY:

Rachel Woollass	Principal Planning Officer – West Lindsey District Council
Joanne Sizer	Planning Officer - West Lindsey District Council

### DOCUMENTS SUBMITTED AT THE HEARING

1. Note outlining implications of revised NPPF submitted by the appellant.
2. Copies of aerial photographs showing the position of the gas pipeline.

## **Annex A**

### **Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:5000; and Site Plan Scale 1:500.
- 5) No development shall take place until a scheme for the disposal of surface and foul water has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and the dwelling shall not be occupied until the drainage system has been completed, and it shall be retained as such thereafter.
- 6) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.