



Appeal Decision

Hearing held on 16 January 2019

Site visit made on 16 January 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2019

Appeal Ref: APP/N2535/W/18/3208922

Hall Farm, Thornton Road, South Kelsey, Market Rasen LN7 6PS

- 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 KC & VF Knapton & Son against the decision of West Lindsey District Council.
 - The application Ref 137160, dated 14 December 2017, was refused by notice dated 9 February 2018.
 - The development proposed is to erect a dwelling for an agricultural worker.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. I have determined the appeal on this basis, treating the plans which show the elevations and floor plans of the dwelling as illustrative.

Main Issue

3. The main issue in the appeal is 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.

Reasons

4. 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.
5. Whilst the Framework does not give any definition of what constitutes an essential need, Policy LP55 sets out the evidence that is required to be submitted with any such application. It is not disputed that adequate evidence has been submitted to satisfy criteria a, c, d and e of this policy.

Operational Need

6. The appeal site forms part of the land holding of Hall Farm, a long established farming business now operated mainly by Mr A Knapton and his son Mr T Knapton, with Mr A Knapton's father now largely being retired, although still living nearby. The farm is a mixed arable and livestock business. It has about 90 beef cattle and grows a variety of crops including wheat, barley, beans, sugar beet and fodder beet. The farmhouse where Mr and Mrs A Knapton live is surrounded by a collection of old and new agricultural buildings used for the cattle as well as the storage of equipment, materials and crops.
7. At the hearing I was told that, although checks on the cattle regularly take place during the evening, the majority of their care takes place during the day. However, out of hours work is also required around once or twice a month when animals are taken to, or bought at, market. In addition, crop spraying and harvesting is heavily dependent on weather conditions and so often requires work either early in the morning and/or late at night.
8. In addition to the main farm, in 2006, the business established Hall Farm Park - a farm based visitor attraction. This is located on land about 700m from the main farmyard and has its own access from Caistor Road. This has three main buildings located in close proximity to each other, and it is proposed that the dwelling would be located close to these, on a corner of a field currently used for open storage.
9. This business has a variety of animals including 30 – 35 breeding ewes, around 10 breeding goats, 2/3 breeding llamas, pigs, ponies, donkeys, chickens, rabbits and guinea pigs. These animals are kept in the livestock building on Hall Farm Park and in the immediately adjoining fields. The evidence shows that visitor numbers have grown year on year, with over 30,000 visitors in 2017/18. As well as the general public it attracts school trips and is an increasingly popular venue for sleepovers for groups such as Beavers and Brownies.
10. During the breeding season which lasts from February until April/May, it is clear that regular out of hours work is required, especially as the business brings in between 20-25 cade lambs that require bottle feeding around every 4-6 hours. However, the breeding season is relatively short, and temporary accommodation could be provided on the site during this time. Outside of this time, whilst regular checks on the animals are required to detect signs of illness, and more intensive supervision may need to be provided for animals that become ill, I was not made aware of any routine checks that are required to be undertaken throughout the night.
11. Whilst it was highlighted that maintenance work as well as cleaning needs to take place outside opening hours, neither of these tasks require a day and night presence on the site.
12. Although a separate business, Hall Farm Park is located on the same holding as Hall Farm, and the key personnel are the same. Given the number of animals across the two businesses it is not disputed that a day and night presence on the site is required. Nevertheless, whilst the buildings associated with Hall Farm Park cannot be seen from the existing farmhouse, it is still within easy reach of them and means that there is a presence on the site to provide 24 hour care when that is required, in accordance with animal welfare guidelines.

Moreover, whilst not in "sight and sound" of the livestock on Hall Farm Park and even though two people are generally required to restrain and treat an animal, I was not made aware of any instances where this has prevented adequate care being provided for the animals, in the 12 years the attraction has been operating alongside the farm.

13. At the hearing various ways the attraction may expand in the coming years were highlighted. These included increasing the number of animals, and the creation of a small caravan and glamping site. It was also stated that there were plans to increase the number of cattle on the main farm. However, no business plan or specific details of these proposals, such as the number and type of animals, the size and location of the caravan site, or the works necessary to facilitate them were provided. As such, I only give these plans limited weight.
14. It was highlighted that at present there are no facilities for staff working at the Farm Park, and that a staff room and office could be provided as part of the house. However, I am not persuaded that the provision of a dwelling is the only way that such facilities could be provided for staff.
15. My attention was drawn to the difficulties in policing this rural area, and the increasing problems with crime. I accept that there would be some security benefits in having a day and night presence on this part of the site, and that it would also enable quick action to be taken in case of a fire. However, overall I am not persuaded that the need to provide security is sufficient to justify the need for an additional permanent presence on the site.
16. Paragraph 79 of the Framework makes reference to "those taking majority control of a farm business". However, whilst this is a family business, with Mr T Knapton fully involved in the running and decision making, there is no indication that at this stage he is taking majority control of the business.
17. Bringing all these points together, whilst I accept that an additional dwelling on the site would be desirable and more convenient, I am not satisfied that the operational needs of the two businesses have established an essential need for this.

Alternative Accommodation

18. Whilst it might be possible to convert the existing livestock shed at Hall Farm Park, this would require the provision of a replacement building as well as the reconfiguration of the entire attraction. As such, I am satisfied that this is not a realistic option. In addition, the appellant has investigated the conversion of a redundant barn at Hall Farm, but found the historic nature of this building gave rise to a number of difficulties.
19. The appeal site is located close to the village of South Kelsey. Whilst this is a relatively small village, both it and the larger nearby village of North Kelsey have a wide range of properties in terms of size, type and price. Whilst I accept these are not within "sight and sound" of the livestock shed on Hall Farm Park, given there is already a permanent presence on the holding, they provide a convenient location with quick and easy access to the site.

Size of the proposed dwelling

20. The indicative plans indicate a 4 bedroomed house with a floor area in the region of 200sqm. The Council have raised concerns regarding the size of the proposed dwelling and how this relates to the enterprise, particularly given that there is already a large farmhouse on the holding. Nevertheless, as this is an outline application with all matters reserved, the scale of the dwelling is not to be determined at this stage. I am satisfied that it would be possible to ensure that an appropriately sized dwelling that provides both for the needs of the occupants and the business, was provided on the site.

Conclusion on essential need

21. Notwithstanding the findings regarding the size of the dwelling, given my conclusions regarding operational need and alternative accommodation, overall I consider that an essential need for a new dwelling in the countryside has not been established. Accordingly, the proposal would conflict with Policy LP55 of the CLLP and paragraph 79 of the Framework outlined above.

Other Matters

22. It was suggested that the proposal would accord with the criteria set out in part F of Policy LP55 of the CLLP which relates to agricultural diversification proposals. However, the appeal scheme is for a new dwelling not an agricultural diversification project and so has to be judged against Part D of this policy not Part F.

23. Hall Farm Park is clearly a popular and educational visitor attraction which also provides an important source of employment for local people. In addition, the location of the dwelling would be such that there would be very little visibility of it from the nearby road network. These factors, together with the support for the proposal from local people and the Parish Council are matters that favour the appeal scheme. However, they are not sufficient to outweigh the harm I have identified would be caused through the development of a new dwelling in the countryside.

Conclusion

24. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Alderson	Brown & Co
Tom Knapton	Hall Farm
Tracy Knapton	Hall Farm
Andrew Knapton	Hall Farm
Cllr Lewis Strange	Councillor - West Lindsey District Council
Cllr Jeff Summers	Councillor - West Lindsey District Council
Jenny Stimson	South Kelsey and Moortown Parish Council

FOR THE LOCAL PLANNING AUTHORITY:

Russell Clarkson	West Lindsey District Council
Richard Green	West Lindsey District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Section 10 from the Secretary of State's Standards of Modern Zoo Practice submitted by the appellant.
2. List of Yearly Farm Tasks submitted by the appellant.
3. Right Move Search of properties for sale and rent in North and South Kelsey dated 15 January 2019 submitted by the Local Planning Authority.