

PLANNING APPEAL DECISION

Lead Officer: Heather Morrison, Senior Planning Officer

To inform Members of a recent appeal decision in respect of Springfield Farm, Bigrigg.

Recommendation: That the decision be noted in the context of the National Planning Policy Framework, the Copeland Local Plan 2001-2016 and the emerging Local Development Framework.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 Outline planning permission for the erection of an agricultural workers dwelling on the above site was refused on 6 December last year for the following reason:

"In the absence of proven agricultural need for an additional new dwelling on the holding, given the presence of existing dwellings on the farm which could fulfil this requirement, the proposal constitutes non-essential development in the countryside contrary to adopted Copeland Local Plan 2001-1016 (Saved Policies June 2009) Policies DEV 5 and HSG 5 and the guidance contained in National Planning Policy Framework."

It was our view that sufficient accommodation already exists on the farm holding without the need for an additional new dwelling.

- 1.2 A subsequent appeal against the decision however has been ALLOWED.
- 1.3 In reaching his decision the Inspector was of the opinion that neither of the cottages on the holding without substantial modification would meet the applicants family's needs and as such considered that the essential need for a new dwelling had therefore been demonstrated. He did however not only impose an agricultural occupancy condition on the new dwelling but also imposed one on the existing four bedroom farmhouse which is currently unrestricted. He felt that this was reasonable and necessary given the circumstances to ensure that the existing farmhouse remains as one of the two dwellings to satisfy the accepted need for two agricultural workers to live on the farm.
- 1.4 A copy of the Inspector's decision letter is appended to this report.

Contact Officer: Heather Morrison, Senior Planning Officer.

Background Papers: Planning Application file reference 4/12/2445/001



Appeal Decision

Hearing held on 18 June 2013

Site visit made on 18 June 2013

by **Anthony Lyman BSc(Hons) DipTP MRTPI**

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

Decision date: 18 July 2013

Appeal Ref: APP/Z0923/A/13/2194199

Springfield Farm, Bigrigg, Egremont, CA22 2UT

- 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 Messrs Thompson against the decision of Copeland Borough Council.
 - The application Ref 4/12/2445/001, dated 24 September 2012, was refused by notice dated 6 December 2012.
 - The development proposed is a single dwelling for occupation by a farm worker.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single dwelling for occupation by a farm worker at Springfield Farm, Bigrigg, Egremont, CA22 2UT in accordance with the terms of the application, Ref 4/12/2445/001, dated 24 September 2012, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is made in outline, with all matters reserved for future determination.

Main Issue

3. The main issue is whether there is an essential need for a new agricultural worker's dwelling having regard to national and local planning policies relating to development in the open countryside.

Reasons

4. Springfield Farm is a livestock operation centred predominantly on a dairy unit with a pedigree herd of Holstein Friesian cows. Mr and Mrs H Thompson have run the farm since the late 1960's and, although they still have some involvement, have now largely retired from the day to day farming operations. Most of the farming activities and management of the dairy herd are now undertaken by their son, Mr R Thompson who lives a few miles away in Egremont. The proposal seeks outline permission for the erection of a single dwelling on the farm for Mr R Thompson, his wife and three young children.
5. The National Planning Policy Framework (the Framework) advises that new isolated houses in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policies DEV 5 and HSG 5 of

the Copeland Local Plan (Local Plan) and Policy ST2 of the draft Copeland Core Strategy and Development Management Policies (Core Strategy) similarly restrict development in the countryside unless it is to meet, amongst other things, essential needs such as for agriculture. The emerging Core Strategy has been the subject of public examination and is due to be adopted later this year and therefore, carries some weight.

6. Both the Council and the appellants have submitted agricultural appraisals of Springfield Farm. There is no dispute between the parties that, there is a clearly established functional need for up to three full time agricultural workers in relation to the care of the livestock, and that the farm enterprise is financially viable and is likely to remain so. I have no good reason to disagree.
7. In recent years the farming partnership has invested heavily in the pedigree herd and in a new robotic milking parlour which operates 24 hours a day and which has significantly increased milk yields. Mr R Thompson argues that frequently he has to be on site at night to help with calving which takes place throughout the year, and that he is called out if problems arise with the robotic milker, which must be resolved quickly. The Council do not dispute this and confirm that two full time workers actively involved in the management of the farm should live on or immediately adjacent to the holding. However, the Council consider that sufficient accommodation exists on the farm holding, without the need for a new dwelling.
8. Mr and Mrs H Thompson live in the existing farmhouse. This has been their family dwelling for many years and they do not wish to vacate their home or leave the farm where they still play a reduced but vital role. On the farm there are also two small traditional cottages, which the Council argue could be made available to Mr R Thompson. However, these are small two bedroom cottages which would require substantial modification and extension to accommodate Mr R Thompson and his family. Furthermore, although the cottages are let on short term tenancies and are owned by Mr and Mrs H Thompson, they are held as a separate entity with the rental income not forming part of the accounts of the farm partnership. This is said to be because provision has been made for the cottages to provide an income for the owners' daughter, who has no other involvement in the farm. The Council do not dispute this but argue that family issues should be afforded little weight.
9. Nevertheless, given the undisputed need for an additional worker to live on site, the acknowledged fact that Mr R Thompson would fulfil that functional need and that neither of the cottages without substantial modification would meet his family's needs, irrespective of those dwellings not forming part of the farm partnership, I consider that the essential need for a new dwelling has been demonstrated. The provisions of the Framework and the objectives of Policies DEV 5 and HSG 5 of the Local Plan and Policy ST2 of the draft Core Strategy would be satisfied.
10. Details of houses for sale in nearby villages were submitted at the Hearing. However, none was sufficiently close to satisfy the agreed essential need for an additional worker to live on or immediately adjacent to the farm and would bring no real benefits over Mr R Thompson's current residential location.
11. The proposed property is justified only on the basis of essential agricultural need. It is, therefore, necessary for an agricultural occupancy condition to be imposed, to ensure that it remains available in the future to meet that need.

The existing farmhouse is not subject to such a condition. However, at the Hearing it was suggested that the imposition of an agricultural occupancy condition on that building would be acceptable to the farming partnership. I consider that such an occupancy condition is reasonable and necessary to ensure that the existing Springfield Farmhouse remains as one of the two dwellings to satisfy the accepted need for two agricultural workers to live on the farm. Standard conditions relating to the timescale for the submission of reserved matters applications and the commencement of development will be imposed.

12. The Council suggested a condition relating to foul and surface water drainage from the site. However, I do not consider that such a condition is necessary as a detailed report on this matter was submitted with the application together with details of registering an Exempt Water Discharge Activity with the Environment Agency. At the Hearing the Council also suggested a condition to remove all permitted development rights. Although I understand the Council's concerns, given the nature of the proposal before me, and having regard to the advice in Circular 11/95; *Use of Conditions in Planning Permission*, such a condition would be unreasonable.

Conclusion

13. For the reasons given and having had regard to all other matters raised, the appeal is allowed subject to the conditions imposed.

Anthony Lyman

INSPECTOR

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 begins 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 begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
- 5) The occupation of the existing Springfield Farmhouse shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

APPEARANCES

FOR THE APPELLANT:

Robert J Metcalfe	Agent
John Wilson	Whittaker and Biggs, Chartered Surveyors
Fiona and Rennick Thompson	

FOR THE LOCAL PLANNING AUTHORITY:

Heather Morrison	Copeland Borough Council
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DOCUMENTS

- 1 Sale Particulars for Low Moor End Farm, Ennerdale Bridge
- 2 Details of properties for sale in the area
- 3 Letter of Notification dated 28 May 2013