

# **Cumberland Council Statement of Case**

**Appeal By:**  
Mr David Horner

**Appeal Reference:**  
6006325

**Local Planning Authority Reference:**  
4/23/2387/0F1

**Proposal:**  
An Essential Farm Workers Dormer Bungalow

**Site Address:**  
Arlecdon Hill Farm, Arlecdon

April 2026

## **1. Decision of Local Planning Authority:**

1.1 Full planning permission was refused for the essential farm workers dormer bungalow on 28<sup>th</sup> November 2025.

1.2 The reason for refusal is as follows:

In the absence of an acceptable demonstrable need the proposed dwelling constitutes non-essential development in the countryside and as such is contrary to Policies DS1, DS2 and H16 of the adopted Copeland Local Plan 2021 - 2039.

## **2. Statement of Case:**

2.1 The case of Cumberland Council is detailed in the Officer Delegated Report.

2.2 A copy of the Officer Delegated Report is appended to the Statement of Common Ground.

2.3 This Statement of Case outlines the Council's stance on the matters in dispute as listed under Part 8 on page 7 of the agreed Statement of Common Ground.

## **3. Council Response to Matters in Dispute**

### **3.1 Is there an Essential Need for an Agricultural Worker to Live on Site Full Time?**

3.2 In order to assist with the assessment of the original planning application and to establish whether there was an essential need for an additional agricultural worker to live on the farm the Council commissioned the Chartered Surveyors and Land Agents AG& P Jackson to carry out an independent appraisal. Their report dated January 2024 is attached in Appendix 1.

3.3 The conclusion reached in the independent assessment is that the labour requirement amounts to 0.75 of a full-time worker. Consequently, there was not a substantiated essential need for a full-time worker on the farm.

3.4 The Appellant subsequently submitted additional details to substantiate their case which reflected the revised livestock numbers on the farm. This additional information was assessed by the Council's independent consultant on 29<sup>th</sup> February 2024. The conclusion reached based on the revised information was that the labour requirement amounts to 0.82 of a full-time worker. Consequently, there was not a substantiated need for a full-time worker. The labour requirement calculation undertaken is attached in Appendix 2.

- 3.5 Following a revision to the DEFRA guidance relating to the number of hours applicable to a number of types of livestock at the end of 2024 ([Changes to Standard Labour Requirement Coefficients - GOV.UK](#)) it was deemed appropriate to ask the independent assessor to review his calculations. His final review based on the latest updated DEFRA figures concludes that the labour requirement is 0.7 of a full-time worker. The revised labour requirement calculations dated 29<sup>th</sup> March 2026 are attached in Appendix 3.
- 3.6 On the basis of these figures the Council do not consider that the labour requirement of Arlecdon Hill Farm is sufficient to require the services of a resident full-time worker. The proposal is therefore in conflict with Policies DS1, DS2 and H16 of the adopted Copeland Local Plan 2021 – 2039 and the guidance set out under paragraph 84 of the National Planning Policy Framework.

#### **4. Financial Viability**

- 4.1 The National Planning Practice Guidance requires the Council to consider the degree to which it has confidence that the farming business at Arlecdon Hill Farm will remain viable for the foreseeable future. The Appellants farm accounts show that the farm has made a loss over the last 4 years up to March 2023. In the subsequent year ending March 2024 the farm has only made a small profit. The financial accounts provided by the Appellant are attached as a separate confidential document for the attention of the Inspector.
- 4.2 On the evidence provided, and following an independent review of the information provided the Council is not satisfied that Arlecdon Hill Farm can currently financially support a full-time worker.
- 4.3 In addition to this the construction of the proposed dwelling is likely to amount to a figure in excess of £300,000. The income from the farm business is not capable of meeting the cost of providing this dwelling. The consideration of whether the income is capable of meeting the cost of providing a dwelling as a material planning consideration is confirmed in a number of appeal decisions. A relevant example of an appeal decision is attached in Appendix 4.
- 4.4 Consequently, the Council is of the view that the farm income is insufficient to meet the cost of providing the dwelling proposed, particularly as the farm has only recently been able to demonstrate a small profit.

#### **5. Alternative Provision of Accommodation on Site**

- 5.1 In considering the planning application as submitted the Council did enter into dialogue with the Appellant to consider whether there was any possibility of an alternative provision on the site. The conversion of an existing stone barn within the farmyard was suggested by the Council as a specific option. This option has been discounted by the Appellant as the barn is subject to a

Stewardship grant which seeks to maintain its current appearance as a traditional stone barn.

- 5.2 The Council are not satisfied with the viability of the proposal as submitted. In cases where viability is in question it is appropriate for the Council to consider whether temporary accommodation could meet the need for a period of time to allow the business to continue to grow and demonstrate its viability. The Council consider this to be a reasonable option as the farm has only recently been able to demonstrate a small profit.
- 5.3 The Appellant has indicated that this option is not appropriate because it would not provide the level of family accommodation that his son and partner require.
- 5.4 Notwithstanding this the Council is of the view that this option could be explored to provide some temporary accommodation to meet the current need on the farm. This option would provide a period of time to allow the business to grow and demonstrate viability.

## **6. Conclusion**

- 6.1 As set out above the labour requirement is insufficient to require the services of a full-time worker permanently on the application site. The Council is also not satisfied that the farm business will remain viable for the foreseeable future. Based on the current situation it is not capable of meeting the costs of the proposed dwelling from the farm income.
- 6.2 On this basis the Council does not consider there to be an essential need which warrants the erection of a new dwelling on the farm as an exception to the adopted policies set out within the adopted Copeland Local Plan 2021-2029 of the guidance set out in the National Planning Policy Framework.

APPENDIX 1

Agricultural Appraisal prepared by AG& P Jackson dated January 2024

ARLECDON HILL FARM, ARLECDON, CA26 3UW.

REPORT ON A PROPOSED PERMANENT FARM WORKER'S DWELLING.

APPLICATION NUMBER 4/23/2387/0F1

**THIS REPORT CONTAINS FINANCIAL INFORMATION PROVIDED IN  
CONFIDENCE BY THE APPLICANT. THE CONTENTS OF THIS REPORT  
RELATING TO FINANCIAL MATTERS SHOULD THEREFORE NOT REACH  
THE PUBLIC DOMAIN.**

AG & P Jackson  
Chartered Surveyors & Land Agents  
Appleshwaite House  
Wetheral Pasture  
Carlisle  
CA4 8HR

  
January 2024

**ARLECDON HILL FARM, ARLECDON. CA26 3UW.**

**REPORT ON A PROPOSED PERMANENT FARM WORKER'S DWELLING**

**1. Introduction**

- 1.1. Cumberland Council asked, on the 19 December 2023, if I would report on the need for a proposed permanent farm worker's dwelling on land at Arlecdon Hill Farm, Arlecdon. CA26 3UW.
- 1.2. The National Planning Policy Framework [NPPF] last revised on the 19 December 2023, under the section "supporting a prosperous rural economy", states at paragraph 88 that planning policies and decisions should enable:
  - 1.3. a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings:
  - 1.4. b) the development and diversification of agricultural and other land-based rural businesses.
- 1.5. However, paragraph 84 of the revised NPPF will also apply to this application. ie "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- 1.6. a) 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;”
- 1.7. I understand that Cumberland Council’s own policies will also apply to this application.
- 1.8. I will therefore base my report on the advice contained within the revised NPPF. I will consider the following aspects to establish if there is an essential need for a new permanent dwelling on these land holdings in relation to the existing enterprises i.e. 1) Existing functional need 2) Labour requirement 3) Financial viability and 4) The availability and suitability of existing dwellings to meet the existing functional need.
- 1.9. I met with Mr David Horner the applicant on the 11 January 2024 and inspected the farm steading at Arlecdon Hill Farm and the application site. Also present was Mr Horner’s son Tom Horner. The following information was provided by and on behalf of the applicant:-

## **Part 1 – The Existing Situation**

### **2. Land Occupied**

- 2.1. The applicant occupies the following areas of land:-
- 10.92 ha [27 acres] of land, dwelling and farm buildings at Arlecdon Hill Farm, Arlecdon. This property was purchased by the applicant in 1994.

- 34.4 ha [85 acres] of land at the adjacent Routensyke Farm. This land has been occupied on a Farm Business Tenancy for the last 12 years and is expected to be renewed when the current lease ends in 2028.
- About 4.6 ha [11 acres] are rented locally on a seasonal licence.
- The total area farmed is therefore around 50 ha [123 acres]. Of that area, 22% is owned and 78% is rented.
- Support payments are claimed on most of this land under the Basic Payment [BPS], Higher Level Stewardship [HLSS] and Environmental Land Management Schemes [ELMS].
- Mr Horner advised that he is seeking to buy or rent additional land to increase his livestock numbers.

### **3. Livestock**

3.1. The following livestock are currently kept on these land holdings:-

- Up to 170 breeding ewes producing fat and store lambs. These ewes are housed a few weeks before lambing and lamb indoors. They are then turned out to the pastures with their young lambs.
- Up to 30 cattle belonging to a neighbouring farmer are grazed over the summer months on the pastures that form Arlecdon Hill Farm. These cattle are returned to the neighbour to house and feed for the winter months.
- 2 horses.

- If additional land is acquired Mr Horner proposes to purchase his own cattle.

#### **4. Cropping**

- 4.1. This is an all grass farm with up to 12 ha [30 acres] of grassland being cut for hay/silage for winter feed for the livestock. Hay is stored in a building and wrapped silage bales are stored on a hard surfaced area.
- 4.2. The remainder of the farm is in grass for grazing the livestock.

#### **5. Farm Buildings**

- 5.1. At the Arlecdon Hill Farm steading there are the following farm buildings:-
- 5.2. A stone built barn with rendered elevations under a slate/fibre cement roof. It is used as a workshop and for general storage. To the rear is a small single storey range of buildings used as stables and adjacent sheep handling pens.
- 5.3. A former double byre is now used for housing lambing ewes in the spring. Adjacent is a midden area.
- 5.4. A portal steel framed general purpose farm building used for storing farm machinery and for housing lambing ewes.
- 5.5. Concrete and timber framed barns used for storing hay, straw and farm equipment.

**6. Existing dwellings on the holding**

- 6.1. At Arlecdon Hill Farm there is a stone built farm house with rendered elevations. It has 5 bedrooms. There is also a small 1 bedroom cottage in the farm yard.

**7. Labour and Residence**

- 7.1. The applicant Mr David Horner previously worked as Sellafield as a Chartered Mechanical Engineer but has now retired and now works full time at Arlecdon Hill Farm. I understand his health has been poor. He lives with his wife in the farm house.
- 7.2. Tom Horner works at Sellafield as a plant operator. He helps part time at Arlecdon Hill Farm. He lives 7 miles from Arlecdon Hill Farm in Egremont.
- 7.3. Contractors are used for specialist tasks including baling and wrapping the silage, hedge cutting etc.

**8. Other Information**

- 8.1. Mr David Horner advised that he proposes to expand the farm by acquiring additional land and livestock which will increase the labour requirement. He is also planning for the future when Tom will take over the running of the farm but Mr and Mrs Horner will continue to occupy the farm house therefore creating the need for the proposed dwelling.

## **Part 2 - Guidance in Relation to the NPPF and the test for essential need.**

### **9. Instructions**

9.1. I am to consider four aspects to establish if there is an essential need for a new permanent dwelling on land at Arlecdon Hill Farm to enable a rural worker to live at or near his/her place of work in the countryside as per the guidance in paragraph 84 of the revised NPPF. These aspects are 1) to assess if there is a functional need for a worker/s to be resident on the holding, 2) to assess how many workers are needed to operate the holding and of those workers, how many need to be resident on the holding 3) to assess if the business is financially sound and has a clear prospect of remaining so and 4) to assess the suitability and availability of existing dwellings to house those workers that need to be resident on the holding. I have therefore considered these four aspects and set out below under each heading the requirements to be met and my assessments.

### **10. ASPECT ONE – FUNCTIONAL NEED**

#### ***i) There is a clearly established existing functional need.***

10.1. A functional need on a farm is the need for a worker to be on hand to deal with instances that need to be dealt with reasonably quickly, particularly those instances that occur outside of normal working hours. An example of high functional need is breeding ewes giving birth. Consideration of this aspect is reinforced by the planning guidance issued by the Government on the 22 July 2019 under “Rural Housing. How can the need for isolated homes in the countryside for essential rural workers be assessed?” [Paragraph: 010 Reference ID: 67-010-20190722]

- This guidance states that considerations that it may be relevant to take into account when applying 79a [now paragraph 84 of the December 2023 revision] of the NPPF could include:- “ Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

10.2. The 170 breeding ewes will lamb each spring. Many of these births will occur out-side of normal working hours and a worker/s will need to be available at some births.

10.3. New born lambs will need special attention for the first few weeks of their lives.

10.4. All the animals on the farm will require regular health checks and some may need treatment, possibly outside of normal working hours.

10.5. Security of the livestock and of farm equipment will be a consideration.

10.6. The functional need on the cattle enterprise will be limited as these cattle belong to others and are only on the farm for grazing purposes over the summer months. If the applicant introduces his own cattle then this will increase the functional need but this is a proposal which may or may not come to fruition.

10.7. Therefore, I am satisfied that there is a clearly established existing functional need on the applicants' land holdings at Arlecdon Hill Farm with the intensity of need being in relation to the periods when animals are giving birth and throughout the year for the remainder of the livestock.

## **11. ASPECT TWO – FULL TIME WORKER**

*ii) The need relates to a full time worker or one who is primarily employed in a rural enterprise and does not relate to a part time requirement.*

11.1. I have calculated the labour requirement on the applicants' land holdings at Arlecdon Hill Farm in accordance with labour requirement figures provided by the Scottish Agricultural Colleges and can confirm that, in my opinion and based on the current enterprises, it has a calculated labour requirement of about 0.75 of a full time worker. The current need therefore does not relate to a full time worker.

11.2. This is currently met by Mr David Horner with help from his son Tom and by the use of contractors for specialist tasks.

## **12. ASPECT 3 – FINANCIAL VIABILITY**

*iii) The unit and the activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.*

12.1. This aspect is again reinforced by the planning guidance issued on the 19 July 2019 under "Rural Housing, How can the need for isolated homes in the countryside for essential rural workers be assessed"

- This states that considerations that it may be relevant to take into account when applying paragraph 79a [now paragraph 84 of the December 2023 revision] of the NPPF could include
- “The degree to which there is confidence that the enterprise will remain viable for the foreseeable future”

12.2. I understand that this existing family business has been established for around 30 years.

12.3. Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. For many years, to establish financial viability, I have required that a net farm income after all expenses such as feed, fertiliser and property maintenance, be at least equivalent to an average agricultural workers minimum wage. However, in October 2013 The Agricultural Wages Board was disbanded and therefore minimum wages are no longer set for the industry. As an alternative source of evidence, figures are produced giving the current gross earnings of agricultural workers at around £25,000 per annum. [Source – Annual Survey of Hours and Earnings (ASHE) published online by the Office for National Statistics November 2022]

12.4. I am aware that the NPPF requires an essential need to be demonstrated but does not specifically require a financial test. It is my understanding that the decision in the judicial review of Northumberland County Council and Embleton Parish Council considered this aspect. In essence this decision stated that the NPPF is less onerous than the former PPS7 and a financial test is no longer relevant, the

only formal test being that of essential need. I have therefore been of the view that a Planning Authority may have regard to the financial position to establish if it is a sustainable business but needs to decide how much weight to attach to those financial aspects.

12.5. However, in my view, the recent guidance referred to in paragraph 12.1 above amends this position and requires consideration of the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

12.6. [REDACTED]

12.7. [REDACTED]

12.8. I therefore very much regret to advise you that, I do not have confidence that this family operated business will remain viable for the foreseeable future and will not

be able to financially support a full time worker based upon the existing enterprises.

**13. ASPECT 4 – SUITABILITY AND AVAILABILITY OF EXISTING DWELLINGS ON THE HOLDING**

*iv) The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area, which is suitable and available for occupation by the workers concerned.*

- 13.1. Today it is only really necessary for specialist workers to live on or immediately adjacent to rural holdings. This is to be available at most times, in case animals or processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products, or in this case, losses of livestock, particularly in relation to the care of the cattle and the sheep on the holding.
- 13.2. At the present time the existing functional need on this holding is being met by a worker [the applicant] living in the existing farm house. However, that worker has undergone a period of ill health and he may not be able to undertake the more arduous tasks on the farm in the future. He is therefore seeking to prepare for the future so that a worker is available on the farm.
- 13.3. The cottage in the farm yard is small and I believe only really suitable for a single worker. There is currently no garden or rear space to the cottage. It may be possible to extend this cottage either into the existing barn but this may impact on

the terms of the current HLS scheme or to the rear which will involve demolishing the existing stables

13.4. The planning guidance issued on the 22 July 2019 under “Rural Housing, How can the need for isolated homes in the countryside for essential rural workers be assessed” also states that considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF [now paragraph 84 of the revision] could include:- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process

13.5. Clearly the provision of an additional dwelling on this farm will aid the succession process but in my view the farm does not currently provide sufficient work for a full time worker nor does it, according to the accounts submitted, provide sufficient income to financially support a full time worker..

## **14. Conclusions**

14.1. I therefore conclude by advising as follows:-

14.2. At the present time there is a clearly established *existing* functional need in relation to the landholdings that are based on the applicants’ land holdings at Arlecdon Hill Farm.

14.3. I have calculated the labour requirement on these landholdings and can advise that they have a total calculated labour requirement of about 0.75 of a full time worker which includes the use of contractors for specialist tasks.

14.4. I regret that I do not have confidence that the overall business will remain financially viable for the foreseeable future.

14.5. The existing dwelling at Arlecdon Hill Farm is currently suitable and available to house a worker on the farm to meet the existing functional need.

14.6. The provision of an additional dwelling will assist the farm succession process but, in my view, there is insufficient work on this farm to require a full time worker and reported figures indicate it to be financially unviable at the present time.



A G Jackson BSc FRICS FAAV

14 January 2024

#### **Disclaimer**

**The information provided in this report has been obtained from the applicant and published sources. In particular the figures relating to areas of land and livestock numbers are the applicant's figures and have not been verified.**

**In accordance with the recommendations of the RICS, we would state that the report is provided solely for the purpose stated. It is confidential to and for the use only of the party to whom it is addressed only, and no responsibility is accepted to any third party for the whole or any part of its contents. Any such parties rely upon the report at their own risk. Neither the whole nor any part of the report or any reference to it may be included now, or at any time in the future, in any published document, circular or statement, nor published, referred to or used in any way without our written approval of the form and context in which it may appear.**



APPENDIX 2

Revised Labour Requirement prepared by AG& P Jackson – 29<sup>th</sup> February 2024

**Arlecdon Hill Farm, Arlecdon.**

**Current labour requirement.**

<b>Number</b>	<b>Item</b>	<b>Hours per annum</b>	<b>Total number of hours per annum</b>
170	Lowland breeding ewes	5.2	884
32	Gimmer lambs	2.9	93
6	Tups	5.2	31
136	Fattening lambs for average of 4 months	2.9	99
30	Summering cattle for 6 months	12	180
30 acres	One cut of silage	5	150
104 acres	Grassland	1.25	130
	<b>Total</b>		<b>1567</b>
	Add 15% for overheads		235
	<b>Total hours per annum</b>		<b>1802</b>

At 2200 hours per worker per annum = 0.82 of a full time worker.

A G & P Jackson Chartered Surveyors and Land Agents.

Revised 29.2.24

Source Scottish Agricultural Colleges [SAC] Farm Management Handbook 2023/24

## APPENDIX 3

Summary Email prepared by AG& P Jackson Revised Labour Requirement – 29<sup>th</sup>  
March 2026 and 03<sup>rd</sup> April 2026

**Arlecdon Hill Farm, Arlecdon.**

**Current labour requirement.**

<b>Number</b>	<b>Item</b>	<b>Hours per annum</b>	<b>Total number of hours per annum</b>
170	Lowland breeding ewes	4	680
32	Gimmer lambs	2.4	72
6	Tups	4	24
136	Fattening lambs for average of 4 months	2.4	109
30	Summering cattle for 6 months	12	180
30	acres One cut of silage	5	150
104	acres Grassland	1.25	130
	<b>Total</b>		<b>1345</b>
	Add 15% for overheads		201
	<b>Total hours per annum</b>		<b>1546</b>

**At 2200 hours per worker per annum = 0.7 of a full time worker.**

A G & P Jackson Chartered Surveyors and Land Agents.

Revised 29.3.26

Source Scottish Agricultural Colleges [SAC] Farm Management Handbook 2025/26 and DEFRA SLR 2024

**Arlecdon Hill Farm, Arlecdon, CA26 3UB. An application for an essential farm worker's dormer bungalow.**

**3 April 2026. Additional comments by A G & P Jackson, Chartered Surveyors and Land Agents.**

I initially reported on an application for a farm worker's dwelling at Arlecdon Hill Farm on the 14 January 2024. My report stated that, in my opinion, the application failed to meet two essential criteria ie. the land holdings and the livestock carried on them were insufficient to warrant a full time worker [labour requirement] and that the income generated by the farm was insufficient to financially support a full time worker and support the cost of providing the proposed new dwelling [financial situation].

I provide the following comments to assist the Inspector in his/her consideration of these two aspects:-

**1. Labour requirement.**

To assess the labour requirement in terms of the number of workers required to operate a livestock farm such as Arlecdon Hill Farm, an accepted practice involves allocating a number of hours per animal/year or to an operation carried out on the farm. This figure is then multiplied by the numbers of those livestock or area of the operation resulting in a total number of hours required per year. Up to 15% of this total is then usually added to cover other labour requirements eg management, building repairs, dealing with financial support schemes etc. The resultant total number of hours is then divided by 2,200 hours, being an accepted number of hours worked by a full time worker in a year. The resultant figure is the number of workers needed to operate that farm.

My calculations at the time of my report on the 14 January 2024 resulted in a labour requirement of 0.75 of a full time worker. I revised my figures on the 29 February 2024 after being advised of revised livestock numbers. The resultant requirement was 0.82 of a full time worker. Defra revised the number of hours applicable to a number of types of livestock at the end of 2024 and I have revised my calculations on the 29 March 2026 using those revised DEFRA figures. The resultant labour requirement is 0.7 of a full time worker.

Therefore, on three occasions since January 2024 the labour requirement on Arlecdon Hill farm has been assessed at less than one full time worker.

Attached are those three calculations together with the hourly figures set out in the DEFRA assessments.

These calculations provide a guide to labour requirements. In reality Arlecdon Hill Farm has been operated by the appellant as a part time operation for many years alongside his full time employment off the holding. It appears that the area of the farm and the types and numbers of livestock have not increased significantly since the appellant ceased full time work. In addition, it is my understanding that his son, who helps on the farm and for whom the dwelling is proposed. currently works full time off the holding.

## **2. Financial situation.**

The PPG of July 2019 requires a Planning Authority to consider the degree to which it has confidence that the farming business at Arlecdon Hill Farm will remain viable for the foreseeable future. The appellants' farm accounts showed that he had made an average loss on the farm over the 4 years ending March 2023 of £21,555 per year, a total loss of £86,223 over that 4 year period.

In the subsequent year ending March 2024 the farm made a small profit of £4,300. This is substantially below the average farm workers earnings of about £25,000 per year as set out in my report in January 2024. Therefore, on the evidence submitted, I remain of the view that Arlecdon Hill Farm can-not currently financially support a full time worker.

In relation to the cost of providing a dwelling, build costs are now in excess of £2,000/m<sup>2</sup> and rising, latterly due to the recent energy crisis increasing production and transport costs of basic commodities eg cement, concrete, blocks, bricks etc. A modest dwelling of 150m<sup>2</sup> will therefore now cost in excess of £300,000 so an annual charge of 4% on the farm business will equate to £12,000/year. In my experience, a number of appeal cases have confirmed that the income from the farm business should be capable of meeting the cost of providing the dwelling. Therefore, in my view in this case, farm income is insufficient to meet the cost of providing the dwelling.

I have attached the farm accounts for the 5 years referred to and the Inspector's decision in the High Biggins appeal relating to the farm business being unable to meet the costs of the dwelling in that instance.

## **3. Conclusions.**

I therefore conclude that the labour requirement of Arlecdon Hill Farm is insufficient to require the services of a full time worker and that the Planning Authority can-not have confidence that the farm business will remain viable for the foreseeable future nor can it meet the costs of the proposed dwelling from farm income.

A G Jackson. BSC, FRICS. FAAV.

For A G & P Jackson, Chartered Surveyors and Land Agents

Applethwaite House, Wetheral Pasture, Carlisle CA4 8HR.

3 April 2026.

APPENDIX 4

Appeal Decision for Lodge Farm, High Biggins, Kirkby Lonsdale



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## Appeal Decision

Hearing held on 11 February 2025

Site visit made on 11 February 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

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**Appeal Ref: APP/K0940/W/24/3353199**

**Lodge Farm, High Biggins, Kirkby Lonsdale LA6 2NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
  - The appeal is made by Mr Mathew Ireland against the decision of Westmorland and Furness Council.
  - The application Ref is SL/2023/0723.
  - The development proposed is erection of rural workers dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant has submitted a number of revised plans as part of this appeal comprising, Site Block Plan as Proposed; Elevation as Proposed; Ground Floor Plan as Proposed and First Floor Plan as Proposed. The plans show a proposed reduction in size of the dwelling from 313 square metres to 258 square metres. The Council has had the opportunity to comment on the revised plans and it is common ground that the plans submitted with the appeal can be included without prejudice by reason that such represent a minor material amendment to the scheme. I have no reason to disagree with this and I do not find my acceptance of these plans to be prejudicial to any party. I have therefore taken these plans into account in reaching my decision.
3. At the Hearing, the Council requested a copy of the latest 2024 accounts which were provided via the appellant after the Hearing. The Council has had the opportunity to comment on this. Such information does not alter the scheme and my acceptance of this is not considered prejudicial to any party. I have therefore taken this into account in reaching my decision.
4. Concern has been raised by a third party regarding the location of the appeal site. This was checked at the Hearing and the location of the appeal site as set out in the above banner heading is accurate. Biggins Lodge Farm is indeed a separate property.

## Main Issues

5. The main issues are:
- Whether the site would be a suitable location for permanent residential development having regard to the Council's development plan policies governing such proposals; and
  - The effect of the proposed development on the character and appearance of the site and surrounding area, including whether it would preserve the setting of Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building and wider historic grouping within the settlement.

## Reasons

### *Location*

6. The appeal site relates to land located adjacent the northern edge of the settlement of High Biggins. It relates to the steading at Lodge Farm which is located north of and at a significantly lower level to the site with a wooded embankment separating the two.
7. The site is bound to the east by the existing access track and part of the neighbour's domestic boundary wall. To the north by an existing length of post and wire fencing atop the embankment that drops down towards the steading. The site is otherwise open to the west and south. A wooded embankment separates the site from Pit Lane located further to the south. This embankment slopes upwards towards Pit Lane with stone walling atop the embankment.
8. High Biggins is a small rural hamlet. It centres on the junction between Pit Lane and Biggins Lane located to the southeast of the site. The appeal site relates to part of a larger agricultural field and reflects the characteristics of the surrounding landscape through its rolling topography, pastoral fields, trees/hedging and boundary stone walls.
9. The proposed development seeks planning permission for a permanent agricultural worker's dwelling to serve the existing farm business at Lodge Farm which is a holding of approximately 147 acres. It would be accessed through the settlement via an existing access track to the east of the site. The dwelling would be relatively large comprising a 4-bed family dwelling plus additional space required in connection with the operations of the farming business. The principal elevation would face eastwards over the access track.
10. Policy CS1.2 of the South Lakeland Core Strategy, 2010 (CS) sets out the development strategy for the district and explains that development will be concentrated in identified settlements, of which High Biggins isn't one, but that it does allow for development in the countryside where it has an essential requirement for a rural location, is needed to sustain existing businesses, provides for exceptional needs for affordable housing, is an appropriate extension of an existing building or involves the appropriate change of use of an existing building.
11. Policy DM15 of the South Lakeland Development Management Policies Development Plan Document, 2019 (DMP) provides updated local criteria to guide the appropriate location and type of new homes required to meet the needs of rural businesses. It explains that proposals for dwellings in the open countryside

for those working in agriculture or rural businesses who need to live at or near their place of work will be supported where there is a demonstrable essential need in relation to certain criteria. Amongst others, it requires at criteria 3 that the business or agricultural activity has been established for at least three years, has been profitable for at least one of them, is currently financially sound and can demonstrate a clear prospect of remaining so.

12. The business has been running in excess of three years comprising calving cows, rearing stirks and heifers, and wintering sheep. Several previous years accounts have been provided demonstrating an average net profit of 21,105 over the last 3 most recent years. That said, it has only been recently the issue of need for an occupational dwelling has arisen, and only more recently over the last two years have the accounts reflected a meaningful profit. Prior to that and for a number of years, the business has been making very little profit and barely breaking even across some of the years. This change in profitability is therefore striking and unprecedented.
13. The area of land farmed has generally remained the same over the last few years with the number of suckler cows also remaining fairly consistent at around 30-40 cows producing around 30-40 calves. Even taking into account an additional 12 - 15 calves which have been bought in and reared on, it would be reasonable to expect the farm accounts to reflect a fairly stable picture with similar figures each year with some fluctuations in prices for stock and costs.
14. The accounts provided over a number of years show fairly consistent sales although this has substantially increased for the latest accounts on the previous year. The closing stock valuations (livestock reared on the farm throughout the year but not sold by the financial year were fairly consistent but there was a substantial jump for the 2023 year and a further jump for the 2024 year. This has largely resulted in the spike in income for those years. There has also been a significant decrease in associated costs such as feed, bedding, veterinary expenses, repairs and renewals and accountancy fees. This is despite having more stock. Contractor charges don't appear in the recent year's accounts which I believe is done inhouse. However, several other costs are down despite the additional work such as tractor and machinery expenses. The costs associated with renting land also appears to be decreasing over the years while occupying the same area of land.
15. At the Hearing, the appellant explained that there has been a significant increase in livestock sales and stock valuations as well as a reduction in variable and overhead costs such as feed, crop costs, vet and medical, labour machinery, admin etc. I also heard how the increased focus on feed efficiency and generating productive growth of cattle from home grown feed has increased productivity which is set to continue. Whilst I appreciate such factors and do not dispute some of the fluctuations in prices for stock and costs, I am not sufficiently convinced taking into account the above, that this would lead to such a striking upturn in the most recent year's profits in comparison to previous years.
16. The average profit of the business in the last three years was 49% of turnover which is highly impressive as the benchmark target for a business like this would be 20% as per the evidence submitted. I find this to be a more realistic figure in practice which would mean that the average declared turnover would equate to a lower average profit which would be more consistent with that of previous years

and one that can reasonably be expected for this enterprise which has generally remained the same.

17. Additionally, at the Hearing I asked if the net profit provided in the previous year's accounts included a wage for either the appellant or his father who also helps on the farm, and it was confirmed that this did not include any takings. The appellant and his father share the profits/losses although the appellant's father appears to draw a higher figure for a number of the years which I understand is due to the appellant deriving income from work off the holding.
18. The Agricultural Appraisal submitted on behalf of the Council explains that published figures give the current gross earnings of agricultural workers at approaching £25,000 per annum. On this basis, and even considering the average profits, it is difficult to see how the earnings from the business can currently support a full-time worker and annual cost of providing the dwelling without supplementary income being derived from work off the holding.
19. The appellant has submitted a five-year summary business projection, and a more detailed projection was provided at the Hearing. It is the appellant's intention to substantially increase the herd size and thus sales each year. Such a large increase which will see an average herd size of 87 cows by year 5 producing around 76 calves for sale and 11 heifers as replacements for the older cows. At the Hearing, the Council explained that such an increase would require additional labour demands for the farm and thus highly likely to require another full-time worker to carry out duties/look after the livestock. The labour costs as set out in the projections are inadequate to meet the costs of a full-time additional worker or additional contractors labour eroding profits made from the additional livestock. The appellant explained that this would be met by the appellant and his family and that his wife will be bringing income in from off the holding as supplementary. However, as the dwelling would run with the land, it is important to show that a business can support the cost of the dwelling from income solely earned from the farm over the long term and that the work generates the need for a full-time agricultural worker to live on site.
20. The proposed increase in herd would have a large payment associated with the initial purchasing of more stock and would also require more land either by purchase or renting given the relatively small size of the farming enterprise. Such costs would likely be considerably higher than in the projection particularly when factoring in how much additional land would be needed which would likely be double that of the existing. Additional cows would need to be housed over the winter months and the latest building which was granted planning consent some time ago is yet to be fully constructed. All of these would incur significant costs for the farm.
21. Additionally, the size of the dwelling would generate a significant build cost which would also add additional financial pressure on the farm business. Whilst I appreciate that the appellant could arrange a lot of the work himself and thus reduce the overall cost, there would still be a significant cost associated with this. Moreover, whilst such work is being carried out, this would take away time devoted to work on the farm or the appellant's income generating work off the holding. This in turn would have financial implications for the enterprise.

22. There are substantial funds to be incurred by this relatively small size farming business that until the last 2 years has been making very little profit. Whilst I appreciate that some of these associated costs have been factored into the projections going forward, I am not sufficiently satisfied that this has factored in all likely costs which would be incurred. This would inevitably have a bearing on the projected profits. At the Hearing, I heard that the projections were likely a worst-case scenario based on higher interest rates, built in flexibility etc. Even so, I do not find the evidence submitted to be sufficiently unambiguous and convincing to be confident of the viability of the enterprise in terms of sustaining meaningful levels of profitability. Costs/problems may change/arise and thus have a bearing on the overall outcome/profits which are difficult to project for given such large expansion proposals along with the proposed dwelling. I do not dispute the appellant's commitment to the farm business, investments made and expansion plans but the provision of a permanent dwelling on a farm is a long-term commitment where a degree of certainty is needed over the long term.
23. The appellant explained at the Hearing that in order to grow the business, a dwelling was needed onsite, and I appreciate the difficulties of not having a dwelling onsite in order to do this. That said, the Council has previously suggested a non-permanent accommodation on a temporary basis. It is explained that this is where business projections would have their place opposed to assessing a permanent worker's dwelling on proposals that may or may not come to fruition. Whilst not a requirement of policy and looking ahead would indeed require some form of projection basis, the projections in the particular circumstances of this case are based on large expansion proposals where there remains considerable doubt. We discussed the difficulties associated with a non-permanent structure at the Hearing which included the family circumstances of the appellant with small children. Whilst I do not dispute these difficulties, the onus remains with the appellant to present a sufficiently reliable and convincing case for permitting what is an exceptional development in the countryside. I am not sufficiently satisfied that this has been achieved and I am not therefore confident of the ongoing soundness of the business. Consequently, the proposed development cannot therefore be seen to comply with criteria 3 of Policy DM15 of the DMP.
24. Criteria 7 of Policy DM15 of the DMP also requires that the proposed dwelling is normally located within or adjacent to the existing farm or business. As set out earlier, the proposed dwelling would serve the steading at Lodge Farm which is located to the north of the appeal site at a significantly lower level with a wooded embankment separating the two. It is common for farmsteads to have buildings and service areas associated with the farm and a house belonging to the farm along with the surrounding buildings. This cohesive layout defines their overall functional-visual legibility. The proposed dwelling would however sit at an elevated position with its principal elevation facing eastwards over the access track. It would appear distant and divorced from the farm despite sharing an access and thus would fail to relate legibly to the steading. It would lack the appreciable operational purpose of such an occupational dwelling in the countryside as well as its surveillance utility.
25. The Council has previously discussed the possibility of land adjacent the agricultural buildings or nearer the existing buildings should there be the required justification for a farm worker's dwelling. This option was discussed at the Hearing whereby the appellant set out a number of difficulties in providing a dwelling on

this land including operational requirements of the farm, being further from the settlement as well as safety issues for the appellant's small children. Whilst I appreciate such factors and the preference for the appeal site over land to the north, the proposed location is still one which would appear divorced from the farm buildings, lacking the appropriate physical, associative visual legibility of a component of the farm complex. The proposed development cannot therefore be seen to comply with criteria 7 of Policy DM15 of the DMP.

26. Policy CS1.2 of the CS explains that no development boundaries will be identified for the smaller villages and hamlets such as High Biggins. New small-scale infilling and rounding off development will be permitted outside the service centres, in order to satisfy local need across the numerous smaller villages and hamlets scattered across the District. Policy DM13 of the DMP sets out a revised approach to small scale development on the edge of small villages and hamlets, based on a series of criteria. This is to ensure new development is appropriate to the form of the village, enhances or maintains the vitality of the rural settlement and does not result in an unacceptable intrusion into open countryside.
27. To benefit from the provisions as set out in Policy DM13 of the DMP, it is a requirement amongst others, that 1. the scale and design of the proposed development is appropriate to the scale, form and character of the existing settlement, including taking account of the cumulative impact of incremental development. It also requires 3. the site to be well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside.
28. The appeal site primarily relates to part of a larger agricultural field to the north-west of High Biggins which is viewed as part of the surrounding landscape given its matching characteristics. The proposed development would result in a dwelling being introduced into this undeveloped field which would be physically separated from the main rural hamlet. At the Hearing, we discussed the defensible edge of this part of the settlement with the appellant being of the view that this is not clearly defined. However, at my site visit, I found there to be a clear and robust defensible edge to the settlement and a sense of containment which wraps around the properties to the east of the site. Land to the north and west of this built form is viewed in a more agricultural context comprising wider open countryside with the presence of agricultural buildings such as those located at Lodge Farm.
29. The proposed development would be outside of this clear and robustly defensible edge of this part of the settlement despite its relatively close proximity to other properties and thus marks an incursion into the host field and the wider open countryside. The existing access to the east provides accessibility and some physical connection to the settlement and the site does provide for a level of containment due to its boundary features and topography. However, the appeal site is otherwise isolated from the settlement within a parcel of land which is open to the west and south lacking the necessary settlement consolidation and overall landscape containment. As a result, the proposed development would not relate well to the settlement appearing as a visual expansion of High Biggins at the expense of the open countryside. The presence of existing buildings further south would not alter my findings as these are separated by Pit Lane and do not appear to extend into an open parcel of land unlike the appeal site. Their relationship with the settlement is read differently when viewed in context.

30. There may be limited views of the site due to the levels and boundary treatments/landscaping, but the development would still be visible from a number of public viewpoints including from certain points along Pit Lane and from surrounding properties. I cannot agree that a large dwelling in this location would be viewed as part of the existing built-up area or be a logical extension to the settlement. It cannot reasonably be regarded as rounding off development.
31. Reference has been made to other dwellings which have been granted planning permission. However, I have limited details of these approvals particularly the context in which they were approved to be able to comment further. I have determined this appeal based on its own merits.
32. For the above reasons, I conclude on this issue that the site would not be a suitable location for permanent residential development having regard to the Council's development plan policies governing such proposals. It would therefore be contrary to Policies CS1.1 and CS1.2 of the CS and Policy DM15 of the DMP which together, amongst other matters, explain that it is vital to protect the countryside for its intrinsic beauty, diversity and natural resources and also for its ecological, geological, cultural and historical, economic, agricultural, recreational and social value.

#### *Character and appearance*

33. The settlement of High Biggins comprises a number of traditional buildings, including large houses and farmhouses of individual and collective architectural and historic interest. A number of these buildings are located within close proximity of the site including Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building.
34. I have a statutory duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 216 of the Framework also explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
35. At my site visit, it was clear that High Biggins has an impressive character and appearance which is viewed in an agricultural context. The surrounding agricultural landscape and woodland which includes the appeal site therefore contributes positively to the setting of the settlement and the listed farmhouse. It also contributes to the collective heritage asset value of the wider grouping within the settlement including its component designated and non-designated heritage assets. Such convey a discreet and well-defined relationship with and respect for the surrounding countryside.
36. The proposed development would result in an extension of the settlement into the open countryside which would fail to establish a legibly functional relationship with

the related farm steading. This unwelcomed incursion would dilute the well-defined historic relationship with the settlement and the countryside leading to harm to the setting of Biggins Lodge Farmhouse. I recognise that the Granary sits between the appeal site and Biggins Lodge Farmhouse providing some physical separation, but this would not alter my findings as it would still alter the way in which the Farmhouse is read as part of a wider agricultural context.

37. For the above reasons, the proposed development would fail to preserve the setting of Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building. This would result in less than substantial harm to the significance within the meaning of the Framework.
38. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant explained at the Hearing that the public benefits associated with the scheme includes sustaining a rural business and I am aware of local and national support for such. Given the relatively modest scale of the business then such associated benefits would also be modest. I am also not convinced that the land without a dwelling onsite would jeopardise its long-term future particularly given that it has only been recently that the issue of need for an occupational dwelling has arisen having been established for a good number of years. Overall, I do not find the public benefits to be sufficient enough to offset the identified harm to the setting of the listed building to which I have attached great weight given the requirements of the Framework.
39. In a similar way to the above, the proposed development would also affect the collective heritage asset value of the wider grouping within the settlement, including its non-designated heritage assets. As set out earlier, these have individual and collective historic and architectural value, conveying a discreet and well-defined relationship with and respect for the surrounding countryside which would be undermined by the proposed development with harm to the landscape quality and character of the area.
40. The size of the dwelling was discussed at the Hearing, and I understand the reasoning for this is to accommodate the appellant's family which I do not find unreasonable. I appreciate that farmhouses within the district are typically long and narrow although the properties in High Biggins do vary in size and shape. The proposed dwelling has been reduced in size and this, together with its overall design, materials and detailing means that I do not find the dwelling to appear bulky in comparison with others nearby. The absence of harm in this respect is however a neutral factor in my decision.
41. Overall, the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would fail to preserve the setting of Biggins Lodge Farmhouse with barn attached at rear which is a grade II listed building and wider historic grouping within the settlement. It would therefore be contrary to Policies CS1.1, CS1.2, CS8.2 and CS8.6 of the CS and Policies DM1, DM2 and DM3 of the DMP which together, amongst other matters, supports the safeguarding and, where possible, enhancing of historic environment assets, including their characteristic settings and any attributes that contribute to a sense of local distinctiveness.

### **Other Matters**

42. I am aware of the changes made to the scheme in relation to design and position etc as well as noting those matters not in dispute. This would not however alter my findings in relation to the above main issues.
43. Reference has been made to the dwelling being self-build and I am aware of local and national policy providing support for such. Even so, the proposed development would still need to comply with the above relevant policies which this scheme does not.

### **Conclusion**

44. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

*N Teasdale*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Mathew Ireland	Appellant
Mr Harry Tonge MRTPI	Director at MWT Planning
Mr Andrew Suddes MBIAC	Your Farming Future

### FOR THE LOCAL PLANNING AUTHORITY:

Andrew Willison-Holt MRTPI	Principal Planning Officer
Alan Jackson BSc FRICS FAAV	External Agricultural Consultant

## **DOCUMENTS**

Five-year summary business projection submitted by Mr Andrew Suddes.