
Appeal Decision

Hearing Held on 4 December 2018

Site visit made on 4 December 2018

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 13th December 2018

Appeal Ref: APP/L3245/W/18/3203558

Oakfield, B4386 from Yockelton Ford Heath junction to junction with A5, Cruckton, Shrewsbury SY5 8PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by RJ Randles and Daughter against the decision of Shropshire Council.
 - The application Ref 17/05992/FUL, dated 13 December 2017, was refused by notice dated 8 March 2018.
 - The development proposed is erection of single primary agricultural workers dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. A planning obligation was submitted at the hearing which sought to ensure that the dwelling would only be occupied by an agricultural worker, that no accommodation in addition to that shown on the plans would be created, and that if the dwelling was no longer needed by an agricultural worker and the above restriction lifted, a financial contribution toward the provision of affordable housing would be paid to the Council. This obligation was signed and dated by both parties and I have taken it into account.

Main Issues

3. The main issues are whether there is an essential need for a dwelling to accommodate an agricultural worker and the effect of the proposed garage on the character and appearance of the area.

Reasons

Background

4. Oakfield is an active farm with 250 sheep (comprising 50 lambing ewes and 200 lambs), around 25 calves (approximately half of which are less than a year old and half are between 18 and 24 months old) and a significant arable component including barley, wheat and some vegetables. It is adjacent to Hollybank farm which is operated separately. Until Mr RJ Randles became ill in 2011 he was the farmer at the site and lived in the dwelling, also known as Oakfield, positioned at the front of the farm complex. As a result of his illness

he subsequently moved away from the farm and now lives in Pontesbury. His daughter, Caroline, is his partner in RJ Randles and Daughter and she also lives off site in Minsterley around 15 minutes' drive away. Since 2013 the house at Oakfield has been lived in by Helen, another daughter of Mr Randles, but she is employed elsewhere and is not involved in the farm business. I heard at the hearing that the house is owned jointly by Helen and Mr Randles. Mr Randles turned 70 this year and is gradually reducing his involvement in the farm whilst Caroline simultaneously increases hers such that he can fully retire. In recognition of this, he has not taken a proportion of the profits from the business since April this year.

Essential need

5. Policy MD7a of the Shropshire Site Allocations and Management of Development (SAMDEV) Plan and policy CS5 of the Shropshire Core Strategy (the 'Core Strategy') identify that housing in the countryside will be strictly controlled. However one exception is houses for agricultural workers where there are no other dwellings that could meet the need and where there is an essential functional and financial need. I address these aspects in turn.
6. Part 2.a. of policy MD7a refers to other suitable and available dwellings which could meet the need including any recently sold or otherwise removed from the ownership of the business. It was explained to me at the hearing that the dwelling at Oakfield is not owned by the company RJ Randles and Daughter, consistent with the blue line on the site location plan, and that it is not legally available to the business. I acknowledge this, I recognise that Mr Randles does not have a controlling interest in the house, and I understand the reasons why Helen and not Caroline moved into Oakfield in 2013. However I do not find it credible that a house partly owned by Mr Randles as the retiring farmer, cannot be deemed available to his daughter who wishes to continue in her father's footsteps, particularly when the other owner of that house is such a close relative. Indeed I consider it is circumstances like this that the policy specifically seeks to address. Conversely if it was considered that the house was not available, such an argument could be easily engineered at other farms to justify new dwellings which would circumnavigate the aims of the policy. Furthermore, the ownership boundary plan of 2016 would suggest the house was part of the same holding as the farm at that time, and therefore it would not appear to have been recently¹ removed from the business. I consider therefore that the proposal would be in direct conflict with this part of the policy.
7. I now turn to the functional need. I heard at the hearing that none of the calves are born on site, but that instead they are brought onto the site regularly throughout the year. As young calves they need feeding with milk twice a day. Also, due to their young age, they are susceptible to illness which may need regular medication, and accidents such as getting stuck in gates. With regard to the sheep, although 50 ewes lamb in the spring, the vast majority of the lambs are brought in to the farm. It is not disputed by the Council that during lambing, there is an essential need for a worker to be present on site and Caroline advised that the lambing period lasts for around three months overall. The representation from a local vet also supports the need for a constant on site presence at lambing time.

¹ Defined as 3 years in the Type and Affordability of Housing Supplementary Planning Document (SPD)

8. I accept there may be emergency incidences such as animals escaping onto the road, or an animal endangering themselves which, if such occasions occurred outside of normal working hours, could be resolved quicker if Caroline resided on the site. However I would not expect such instances to be common. Furthermore, though I appreciate it is not the responsibility of Helen to act as a 'night watchman' for the farm out of working hours, she would no doubt be aware of any major incidents and would be able to contact Caroline promptly, as would the occupiers of Hollybank farm who, I gather, are also relatives.
9. In respect of the arable side of the business, the vegetables grown, including carrots, potatoes and swedes, are harvested by hand and I accept that this is a labour intensive operation. The growing of barley, wheat and grass also involves time consuming work that, as stated in the Standard Man Days calculation in the appellant's evidence, necessitates a full time worker alone. However the arable side of the business does not generate an essential need for a farm worker to live at the site.
10. I understand that crime has taken place at the site with vehicles, machinery and hay stolen. This is despite the fact that there is already CCTV installed, an active presence on the farm during the day, and with the house at Oakfield being occupied at night. Whilst this is obviously regrettable, I do not consider the presence of a further dwelling and its occupants, in addition to Oakfield, would be likely to act as a materially greater deterrent to criminals.
11. The farm shop on site sells some vegetables grown on the farm, and some other produce, such as eggs and potatoes, from other sources. This is presently not a manned shop and so it uses an honesty box system. I understand takings from here exceed £20,000 a year suggesting this system works very effectively, and I heard at the hearing that the shop also acts as a valued community facility. However, as there is already a presence at the farm during the day to allow re-stocking, and as it is not proposed that the shop would be permanently manned, I do not consider that were Caroline to be resident on the site, this would be of any significant benefit to the running of the shop.
12. Overall, I recognise that there is an extraordinarily large amount of work involved in managing the farm and by reducing the frequent trips back and forth to the site from Minsterley whilst trying to simultaneously raise a family would be an enormous benefit for Caroline personally. Indeed I do not doubt that Caroline will need assistance from farm workers as her father retires, not least because, so I understand, some tasks require two people. In that regard, the Council do not dispute the Standard Man Days figures that show that overall the farm generates a need for two full time workers. Nonetheless, from the evidence before me, whilst I consider there would be functional advantages to the business for Caroline to be permanently resident on the site, I find there is little essential functional need for a worker to be permanently resident on the site, aside from during the lambing period.
13. Turning to the financial aspect, I have been provided with accounts for a 5 year period up to April 2018. These show annual profits varying between roughly £13,000 and £24,000 each year and assets of around £70,000. The profits have been divided equally between Mr Randles and his daughter and these have effectively been their wages. From the current financial year onwards, the profits will exclusively be for Caroline's benefit. Were the profits to continue in a similar vein, or even improve due to the ability to have more lambing taking

- place on site, I would consider the business to be viable and sustainable. Furthermore, as I understand Caroline's partner is employed elsewhere and has an income, she could be supported by her partner too.
14. The accounts do show there is currently little scope to finance the construction of a new dwelling. However, again, with Caroline's partner's support, and as they would have their existing property in Minsterley to sell, I am content that the cost of providing the dwelling, whilst not specified, would most likely be met without endangering the viability of the business.
 15. Nonetheless, I also consider that the business could sustain making modest profits without an on-site residential presence. Indeed it has done so for the past few years. It is the appellant's view that were the appeal to fail, the long term consequence may be that Caroline can no longer financially sustain the farm and so would rent it out to tenant farmers. Whilst this would clearly be regrettable for her and her family, it would benefit another farmer and, despite the comments from Mr Hodges that this would be contrary to the character of the area, I consider any harm to that character would be minimal.
 16. In summary, I believe that the business is viable in the long term and could support the cost of building the development, but I do not consider its viability is reliant on the provision of the dwelling. Moreover, though there would be advantages to having a permanent residential presence throughout the year on site, not least relating to the care of the calves, I do not consider it is essential to the continued successful function of the farm. I am also not satisfied that the existing house at Oakfield could not be available to the business.
 17. I recognise the Council's SPD advises that consideration may be given to farmers who wish to retire on the farm, which would appear to support secondary dwellings at farms in order to sustain them. However that is not directly comparable to this case where the farm has already been operating profitably for some years without an on-site presence. I also note the reference in paragraph 79 of the National Planning Policy Framework to those taking a majority control of a farm business, but this still relies on there being an essential need for a worker to reside on site, which I do not believe there is.
 18. The development would therefore be contrary to policies MD7a and CS5 as described above, and the SPD which supports such dwellings where there is an essential need. I find no conflict with policies MD7b of the SAMDev or CS6 of the Core Strategy as those relate more closely to the design of development in the countryside.
 19. I have considered the examples provided by the appellant of other cases where farm workers dwellings have been granted planning permission. However, notwithstanding that I have no details of the evidence that was presented in support of those proposals; from the information I do have, most of the cases appear to relate to much larger farms in terms of the range of operations and number of animals compared to the proposal before me. Consequently, they are not directly comparable.

Character and appearance

20. The proposals include the erection of a double garage ancillary to the house. It would be modest in terms of its footprint. Its roof, whilst appearing quite large, would not be unnaturally steep or disproportionate to the building below.

Moreover, when seen in the context of the proposed two-storey dwelling and the nearby tall, albeit much shallower roofed, agricultural buildings, I do not consider the garage would appear incongruous. It therefore would not harm the character or appearance of the area and would accord with policies CS6 of the Core Strategy and MD7b of the SAMDev which require development to be well designed, and policies MD2 and MD12 of the SAMDev and CS17 of the Core Strategy which aim to ensure development responds to existing development and local distinctiveness.

Other Matters

21. The submitted planning obligation would ensure, among other things, that were the dwelling to not be needed by an agricultural worker, and its agricultural occupancy restriction lifted, a financial contribution to the provision of affordable housing elsewhere would be made. Although this is a benefit to which I give weight, the weight is only very limited as it is designed to balance the harm resulting from a new unrestricted dwelling in the countryside which would be contrary to policies CS5 and MD7a.
22. I also recognise the support for the proposal from interested parties including local councillors in so far as the development would support the rural economy. Nonetheless, I do not consider the ability of a worker to live on the site is fundamental to that and the vitality of the countryside.

Conclusion

23. Though I do not consider the garage would harm the character and appearance of the area, and I acknowledge the limited benefit of, potentially, a contribution to affordable housing, these matters are substantially outweighed by the lack of essential need for an agricultural worker to live permanently on site.
24. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Caroline Randles	Appellant
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RJ Randles	Appellant
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Stuart Thomas	Berrys
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Mark Morison	Berrys
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FOR THE LOCAL PLANNING AUTHORITY

Philip Mullineux	Principal Planning Officer
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INTERESTED PERSONS

Allan Hodges	Pontesbury Parish Council
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Roger Evans	Local ward councillor
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DOCUMENTS SUBMITTED AT THE HEARING

Planning obligation dated 3 December 2018

Unaudited accounts for year ending 5 April 2018