

# Sanham Agricultural Planning Limited

30 JUN 2011  
AEG

AGRICULTURAL, EQUESTRIAN, RURAL PLANNING CONSULTANTS

Sanham Lodge, Great Dalby Road, Kirby Bellars, Melton Mowbray, LE14 2TN  
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Mr. Saunders,  
Assistant Director of Planning,  
Central Bedfordshire Council,  
Priory House,  
Monks Walk,  
Chicksands,  
Shefford, Beds. SG17 5TQ.

Your ref: CB/11/01889/FULL

Our ref: AGC/JW/MBDC39

28<sup>th</sup> June, 2011

Dear Mr. Saunders,

## **PROPOSED MOBILE HOME - LAND TO SOUTH WEST OF BREAKHEART HILL FARM, FORDFIELD ROAD, MILLBROOK - SACAR LEYS LIMITED**

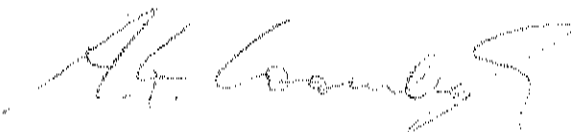
I refer to your letter dated 2<sup>nd</sup> June, 2011 together with enclosures and my subsequent telephone conversation with Annabel Gammell when a full agricultural appraisal including a site visit was requested.

I have now visited the site and met with the Company's Director and Secretary Miss S. and Mrs. L. Staples respectively together with their agricultural consultant Mr. A.H. Elliott and also your Planning Officer Annabel Gammell.

I enclose my agricultural appraisal for your information which I trust you will find straightforward however should you require any clarification or further advice on the agricultural aspects of this application would you please contact myself on 01664 813706.

Thank you for your instructions in this matter.

Yours sincerely



**A G Coombe MRICS FAAV**  
**Sanham Agricultural Planning Limited**



SANHAM AGRICULTURAL PLANNING LIMITEDAGRICULTURAL APPRAISAL FOR A TEMPORARY AGRICULTURAL DWELLING

Application to: Central Bedfordshire Council

Planning Authority Reference Number: CB/11/01889/FULL

Our Reference: AGC/JW/MBDC39

Name of Applicant: Sacar Leys Limited

Address of Farm: Land off Fordfield Road  
South-west of Breakheart Hill Farm  
Fordfield Road  
Millbrook

Date of Application: 6<sup>th</sup> May 2011

Area: 2.4 hectares      Owned: 2.4 hectares      Rented: Nil

Appraisal and Advice

The application is for the siting of a mobile home on the 2.4 hectare (6 acre) application site which comprises 2.4 hectares (6 acres) of land on which is sited two timber stable blocks which potentially provide 13 stables/loose boxes, a purpose built ménage, and approximately 5 acres of agricultural land which is to be used for grazing/range for a small free range poultry enterprise and the provision of grazing for rabbits to be kept on the holding.

The Applicant Company, Sacar Leys Limited, is run by its Director, Miss S. Staples, with financial and managerial assistance from her mother Mrs. L. Staples, who is the Company Secretary, and who also runs Staples Garden Centre opposite the application site.

At the time of my inspection on 21<sup>st</sup> June, 2011 the application holding was stocked with 2 horses, approximately 50 free range hens, 28 breeding does, 6 of which had had litters, and 22 of which were due to have litters in the near future. There was a total of approximately 180 rabbits on the site (this included all of the young with up to 145 of the young rabbits which will be kept and used for breeding.      Cont/d.....

The proposed enterprise has been significantly altered since the time of the previous application in September, 2010, when approximately 150 breeding does were proposed to be kept on the holding, after three years on a free range basis. It is now proposed that the breeding does will be increased to 250 does, and they will be housed when they are due to give birth and also at all times during the winter when they will be kept in hutches in the stables and let out in indoor runs at certain times of the day. The young meat rabbits will also be housed except during the summer months when they will be kept in hutches with access to grass runs.

Planning consent has recently been granted for an additional timber building which is to be sited on the existing stable yard covering the concrete yard between the two stable blocks. This is to house some of the breeding does, the young stock in the winter months when the outdoor runs will not be available due to the weather conditions and lack of grass growth etc., and approximately one third of the new building will be utilised for the killing and processing of the meat rabbits prior to sale.

I calculate that the existing enterprise is very much part-time at present with an existing labour requirement for approximately 0.2 of a full-time person. In addition when rabbits give birth they are left alone, to avoid stress and people's scent which causes the mother to eat its young. As the holding is only stocked with a small number of livestock, and they do not require assistance when giving birth etc. I consider the enterprise does not pass the functional test as set out in paragraph 4 of Annex A to PPS7 as I do not consider it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

Applications for temporary agricultural dwellings are required to satisfy all of the five criteria in paragraph 12 and also paragraph 13 of Annex A to PPS7.

Paragraph 12 of the Annex states "If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:-

1. Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);" - the proposed business plan has been significantly altered since the previous application, and the free range element of the rabbit production enterprise has now been restricted to the summer months only, and also not when the does are close to giving birth or immediately after giving birth. To enable the proposed increased numbers of rabbits to be housed a new timber building is proposed.

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According to Mrs. Staples the Company Secretary this has been ordered. I consider that if and when this building is constructed on the site; this would provide the evidence required in paragraph 12 (i). However, at the present time the criteria in paragraph 12 (i) has not been satisfied.

Paragraph 12 (ii) states "Functional need (see paragraph 4 of this Annex);" - as stated above, I do not consider there is a functional need on this site, and therefore the criteria in paragraph 12 (ii) has not been satisfied.

Paragraph 12 (iii) states "Clear evidence that the proposed enterprise has been planned on a sound financial basis;" - a budget has been provided for the proposed enterprise. However, there have been omissions in this budget i.e. no depreciation or replacement costs for the breeding stock have been included, it is also proposed that the food costs will be approximately two thirds of normal intensive rabbit production i.e. £72.00 per doe for the meat rabbits whereas the ABC Costings book gives a feed cost of £124.49 per doe. The pet rabbits in the budget will apparently only eat £38.20 of feed i.e. approximately one third of actual cost. I consider these reductions in feed costs are excessive when most free range animals/birds etc. eat more food per unit of production than those housed at all times.

I consider the fixed costs of £2,000 per annum which apparently includes water/electricity/maintenance/waste disposal and administration is very low. There is also no provision within the budget for a notional rent on the land which the Applicant states has been transferred to the Company, or a return on any capital invested in the site. - provision has been included for a minimum wage of £13,500 (which apparently excludes the employers' contributions) per worker for the 1.1 workers which will be required to operate the enterprise when it is fully stocked. However, the current minimum agricultural wage is £15,186 per worker per annum which includes the employers' contributions as it is the requirements of the enterprise not those of the individual that are relevant in assessing the needs of the holding. I note that Mr. Elliott considers that this approach is the "traditional assessment approach" - and it has "traditionally looked for -

- (i) A return to unpaid labour at least equivalent to the minimum agricultural wage;
- (ii) A modest return on capital invested;
- (iii) A return to owned land equivalent to the rental value of the land."

He then goes on to quote part of paragraph 8 of Annex A to PPS7, and states in paragraph 4.35 of his report "There was no indication in Mr. Coombe's previous advice to CBC as to how he had applied this aspect of the guidance to his assessment." - in response to this, Mr. Elliott has selectively quoted from paragraph

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8 - what paragraph 8 goes on to say is "Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns." - I do not consider that the keeping of free range hens, and rabbits in wire runs provides wider benefits in managing an attractive landscape or wildlife habitat. In addition, the cost of financing the dwelling is based on interest only repayments on a build cost of £100,000. £100,000 would only build a dwelling of approximately 80-100 square metres which is extremely small. I also consider that the mortgage repayments should include part of the capital sum borrowed i.e. after 20 years the mortgage and the cost of the dwelling should have been re-paid. In conclusion, I consider there is not clear evidence that the proposed enterprise has been planned on a sound financial basis and therefore the criteria in paragraph 12 (iii) has not been satisfied.

Paragraph 12 (iv) states "The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;" - there are no existing dwellings on the unit, and there are apparently no other dwellings which are suitable and available in close proximity to the site. However, Miss Staples previously lived in Flitwick approximately 1 ½ miles away prior to her moving into a property in Bedford. However, as there is no functional need for a person to be readily available at most times the criteria in paragraph 12 (iv) cannot be satisfied as accommodation in the locality would fulfil any functional needs of the enterprise.

Paragraph 12 (v) states "Other normal planning requirements, e.g. on siting and access, are satisfied." - Again I consider this criteria will be dealt with by the Case Officer for the application, and the Local Highway Authority as this criteria will not affect the agricultural needs of the enterprise.


Paragraph 13 states that Local Authorities should not give temporary permissions in locations where they would not permit a permanent dwelling". - Based on the financial information submitted in the budget I consider it is unlikely that the enterprise would be capable of sustaining the cost of a permanent dwelling in three years' time, and therefore, paragraph 13 of Annex A to PPS7 has not been complied with.

In response to Mr. Elliott's criticism that I did not take various aspects of the previous application into account, I clearly did take the relevant factors into account including the facts that the Applicant had purchased various rabbit hutches, small moveable poultry coops, wire fencing etc., and that the unit was only stocked with a

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small number of livestock. This was found to be the case at the site visit on 21<sup>st</sup> June, 2011 and there were only six does with litters on the site, and the free range element had been found to be unworkable during the winter period with only very small numbers of rabbits on the site.

In conclusion, I continue to ADVISE that there is no agricultural support for the proposed temporary agricultural workers' dwelling as the proposal is unable to comply with all five criteria in paragraph 12 or the guidance in paragraph 13 of Annex A to PPS7.



**A G Coombe MRICS FAAV**  
**Sanham Agricultural Planning Limited**  
**28<sup>th</sup> June, 2011**

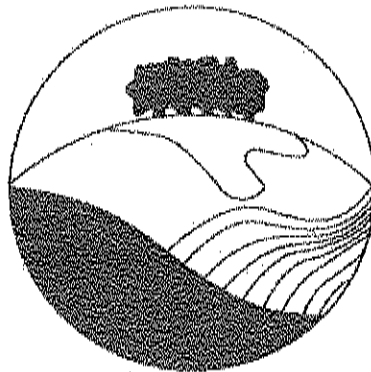
# Reading Agricultural Consultants

**S. Staples, Sacar Leys Ltd**

**Land at Fordfield Road. Millbrook**

**Proposed  
Agricultural Worker's Dwelling**

**Response to Agricultural Appraisal by  
Sanham Agricultural Planning Ltd  
July 2011**



**This report was prepared by:**

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**1<sup>st</sup> July 2 2011**

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**S. Staples, Sacar Leys Ltd**

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July 2011**

## **1. Introduction**

The following comments are a response to the appraisal of a proposal for temporary agricultural workers accommodation on land at Fordfield Road, Millbrook, undertaken by Sanham Agricultural Planning Ltd (SAPL) on behalf of the local planning authority, Central Bedfordshire Council and attached to a letter dated 28<sup>th</sup> June 2011.

The appraisal is framed in the context of the planning policy guidance set out in Annex A to Planning Policy Statement 7 'Sustainable Development in Rural Areas' (2004), and the test for temporary worker's accommodation summarised in paragraph 12. There are four relevant agricultural tests concerned with the genuineness of the proposal, the functional need for it, appropriate financial planning and the availability of suitable alternative accommodation. The SAPL appraisal concludes that in respect of each of these tests the proposal for temporary accommodation the proposal by Sacar Leys Ltd (SLL) fails to meet the necessary requirements.

The conclusions reached by SAPL are fundamentally different to those reached by Reading Agricultural Consultants (RAC) and set out in its appraisal submitted with the planning application. Nothing in the SAPL appraisal persuades RAC to alter its conclusions in respect of the proposed development. In the following comments, each of the SAPL conclusions is addressed.

## **2. Intent and ability to develop the enterprise**

The enterprise which the proposed temporary dwelling is intended to support is based primarily on the rearing of meat rabbits. Most of the key elements for that enterprise are in place, the rearing activity has commenced, and produce is being traded. An absent element is a building to provide additional rabbit housing, particularly over the winter period, and a location for associated processing of the rabbits prior to sale. Planning permission has been secured for this building. Despite the level of commitment to the enterprise, SAPL concludes that only when this outstanding building has been erected will the enterprise have shown sufficient intent to meet the requirements of the policy test.

The policy test does not require the erection of the agricultural building in advance of a decision on the ability of the stockperson to properly manage the developing enterprise dependent upon an on-site presence. Indeed it is regularly the position, for example on new intensive livestock units, that there are parallel planning applications for a building and

temporary dwelling on a green field site with the two being interdependent. In the absence of a dwelling, the building and related agricultural enterprise will not proceed. The normal solution to this, if both elements are deemed appropriate, is to attach a planning condition to the dwelling consent which precludes the implementation of that consent until such time as the necessary building is erected and available for use. Notwithstanding RAC's view that SLL has already demonstrated a sufficient level of commitment and intent, such an approach is equally applicable in the current case.

### 3. Functional Need

SAPL states that *"As the holding is only stocked with a small number of livestock, and they do not require assistance when giving birth etc, I consider the enterprise does not pass the functional test as set out in paragraph 4 of Annex A to PPS7 as I do not consider it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times."*

There are two aspects of this conclusion with which RAC would take issue, namely current stocking levels and the proper functioning of the enterprise. In relation to both issues the relevant consideration is not what is currently present on the holding but the scale and nature of the enterprise which would be expected to develop over the period of a temporary planning permission for worker's accommodation. The whole intention of the temporary permission element of planning policy is to enable new enterprises to develop and be tested. It does not, and cannot, relate to situations where on Day 1 a fully-fledged enterprise in terms of scale and nature is in place. To interpret policy in such a way is incorrect.

The proposed enterprise is one based on a breeding population of 250 does. The proposal intends that this be developed primarily through the rearing of the enterprise's own stock, rather than large-scale purchase of stock. Consequently, it will take time to build up the proposed numbers. The fact that the number of animals currently present does not engage a full-time worker is not relevant. The relevant issues are whether the proposed number would do so. If at the end of the period of a temporary consent the enterprise had failed to grow to a scale and nature commensurate with a requirement for a full-time worker, then there would be little prospect of worker's accommodation being retained.

The adjustment to the scale and nature of the rabbit enterprise has been largely in response to the views expressed by SAPL in respect of the earlier planning application. In those views it was implicitly accepted that 250 does required a worker engaged full-time or primarily in the enterprise.

In respect of the husbandry requirements of the rabbit enterprise, SAPL is dismissive of any need for any ready presence of a worker to ensure the proper functioning of the enterprise, largely on the basis that rabbits do not require assistance when giving birth. This is a very simplistic view of the overall husbandry requirements of the rabbit, and specifically suggests that any intervention at parturition is unnecessary or undesirable. Both are inconsistent with accepted husbandry requirements, and the guidance set out in the relevant Defra Code of recommendations for the welfare of rabbits.

Contrary to the SAPL opinion, successful breeding of rabbits is not just a matter of leaving pregnant does alone and trusting to luck. Firstly, while does close to giving birth

should not be unnecessarily disturbed, it is essential that there is early inspection of the nest box after they have given birth. The nest should be inspected and dead and deformed offspring removed, and any young born outside the nest returned to it. The risk of mortality is greatest in the first week after birth, when the young should be monitored and potential fostering arrangements made where the doe is a poor mother or becomes ill. The scale of the proposed enterprise is such that births will be taking place on an almost daily basis in order to generate the necessary flow of offspring to provide the regular output of product.

Secondly, it is a general premise of the Defra animal welfare codes that no livestock enterprises should be established or expanded unless the welfare of the individual animals can be secured. While rabbits are being managed within the existing and proposed buildings, they will be entirely dependent upon human intervention for their well-being. In the absence of an on site presence, the stockperson cannot have a sufficient degree of awareness of conditions on site, including emergency situation such as a fire, or provide regular monitoring of stock consistent the welfare obligations to the animals.

Despite the best efforts of SLL to adhere to the best practice and welfare guidance with relatively small numbers of animals, the inability to safeguard the welfare of the animals from off-site has been reflected in unacceptable levels of mortality in young stock and losses due to external interference. The clear evidence of experience over the past 12 months is that without the ability to deliver an appropriate level of stockmanship consistent with the guidance and regularity requirements, the enterprise will not develop further and will fail.

#### **4. Sound Financial Planning**

In relation to the application of the financial test SAPL has a number of specific points in respect of the financial assessment presented in the RAC appraisal and there is a general difference of view on the interpretation of the application of the test.

In its appraisal RAC set out its approach to the application of the financial test. This drew on guidance provided to local planning authorities in the early 1990s by the then Ministry of Agriculture, Fisheries and Food. This was described as the traditional approach and required viable enterprises to demonstrate a level of profitability which gave an appropriate return to the land, labour and capital employed in the enterprise. RAC indicated that this approach has been generally modified as a consequence of the change in guidance on the financial test introduced in 2004, which required local planning authorities to take a realistic approach to levels of profitability in their application of the test. RAC's appraisal made an adjustment in this respect, SAPL's appraisal does not. The reason given by SAPL for not making any adjustment is that the 2004 guidance relates only to subsistence-based enterprises which provide some environmental benefit. RAC does not accept that interpretation. The change in the guidance is a general statement on the application of the test, and the reference to subsistence enterprises is reference to a particular type of case. To take a different approach would be inconsistent with the key Court of Appeal decisions which preceded the change in the guidance.

The specific points made by SAPL relate to:

- (i) absence of depreciation and replacement costs

The build up of breeding stock numbers will be largely from existing stock. The life of breeding does will be extended by the conservation breeding programme proposed. However, if the depreciation and replacement factors quoted for conventional intensive units in the standard data were applied, there is sufficient in the residual figure in the assessment to carry these costs.

(ii) excessive reduction in feed costs

The reduction in standard feed costs has had regard to actual experience. Those animals in the free range-rearing element of the enterprise receive no supplementary feed, unless there is a perceived health problem. The animals reared to date have achieved the necessary saleable weight without the need for supplementary feed.

(iii) low fixed costs

Again the fixed costs have been derived from actual experience to date.

(iv) absence of a notional rental provision or return on capital

The concept of applying a notional rent on owned land derives from the early MAFF assessment guidance. It is unusual for practitioners to apply this in modern assessments and, in taking the realistic view of profitability now encouraged by policy guidance, it is more usual for a general return on resources used to be sought. In emergent businesses, early returns are unlikely, but it is considered that the proposed enterprise has the prospect of providing such a return. A notional rental factor in the current appraisal would, in any event, be small at £150-200.

(v) incorrect use of minimum agricultural wage factor

SAPL states that the wage factor to be used is that for employed labour, namely £15,186, which includes employer's contributions. The figure, net of those contributions, which applies to self-employed is £13,344. The proposed enterprise is to be managed by a self-employed individual, and only likely to be so. By the end of the period to which a temporary planning consent would apply, it is the intention of the Coalition Government that the Agricultural Wages Board be abolished and with it the minimum wage.

(vi) low build cost factor and interest-only repayments

It is assumed that SAPL has reached its conclusion on build cost by reference to standard data on conventional dwellings. As no information has been provided on the size or type of construction of a potential future permanent dwelling, SAPL's assumption is entirely speculative. However, it is anticipated that if successful a dwelling would be small, of a prefabricated timber construction, and have a build cost at current prices significantly less than the £100,000 factor included in the RAC appraisal assessment.

Although the build cost was shown in the appraisal assessment as carrying a finance charge, this was a conservative approach. In the event of a planning consent, the

dwelling would be financed by the investment of private capital and be met through a future return on that capital.

**5. Suitable alternative accommodation**

5.01 Since SAPL does not consider there to be a functional need for the ready availability of a worker, it is considered that suitable accommodation is available in the local housing stock. Due to her personal circumstances the applicant has moved her residential location several times during the past 12 months. Even at the closest location in Flitwick, it proved impossible to adequately safeguard the well being of even a small number of animals.

