

Comments from Council's Agricultural Advisor

AGRICULTURAL APPRAISAL FOR THE SITING OF A TEMPORARY MOBILE HOME FOR AN AGRICULTURAL WORKER

Local Planning Authority: Central Bedfordshire Council

Local Planning Authority Reference: CB/14/03675

Our reference: AGC/JC/MBDC10/2014

Application Date: 16th September, 2014

Applicant: Mr. T. Simpson

Application Site Address: Poppy Hill Farm
Cambridge Road
Langford

Area: 93.39 hectares Owned: 62.3 hectares Rented: 31.09 hectares

Appraisal and Advice

The application relates to the siting of a temporary agricultural workers dwelling on the application site, known as Poppy Hill Farm which is situated to the South of Langford village, and South of Cambridge Road. Poppy Hill Farm comprises 9.1 hectares (22.5 acres) of owned land on which the applicant Mr. T. Simpson has erected a set of modern portal framed farm buildings, comprising a grain storage building 18.3 metres x 18.3 metres (60' x 60'), a Dutch barn for the storage of hay and straw, 18.3 metres x 9.15 metres (60' x 30'), a general purpose building 27.5 metres x 9.1 metres (90' x 30'), a general storage/general purpose building 11 metres x 12 metres (36' x 40'), and two cattle buildings 9.1 metres x 6 metres (30' x 20') and 27.5 metres x 12.2 metres (90' x 40').

In addition to Poppy Hill Farm the applicant owns a further 4.6 hectares (11.5 acres) to the North of Edworth Road and to the East of the railway line. A further block of land comprising 48.6 hectares (120 acres) is owned and is part of Balls Farm which is again East of the railway to the North-East of Langford village. This latter block of owned land adjoins Bleak Hall Smallholding to the East, which is rented on a three year Farm Business Tenancy (29th September, 2013 to 28th September, 2016) from Central Bedfordshire Council. The rented holding comprises 31.09 hectares (approximately 77 acres) and includes the farmhouse, where Mr. Simpson and his family currently live, and a small set of farm buildings. The house and buildings are adjacent to the A1 dual carriageway.

In addition to the owned and rented land approximately 59 hectares (146 acres) of other land is rented in the area on various short-term or gentleman's agreements. I consider this 59 hectares of other land is insecure, and may not be available to the applicant in the long-term, and should therefore be disregarded for the purposes of

this agricultural appraisal, as it may not be available to sustain the cost of a permanent dwelling in the long-term or in the future.

The existing secure holding is currently cropped as follows:-

- (i) Poppy Hill Farm is all down to grass/pasture,
- (ii) Balls Farm and the 4.6 hectares of other owned land - North of Edworth Road - is currently cropped with winter wheat for the 2015 harvest.
- (iii) The land forming Bleak Hall Smallholding will be cropped with spring barley for the 2015 harvest.

The grassland at Poppy Hill Farm together with other grasskeeping land in the area, supports the existing livestock on the holding, which comprises 23 suckler cows/heifers with 16 calves at foot, 2 bulls, 4 ewe lambs, 1 ram, 2 sows, 1 with a litter of 7, 5 store/fattening pigs, 160 laying hens, 26 laying ducks and 11 geese.

I calculate using standard manday figures (from recognised sources) that the existing secure holding together with the existing livestock enterprises has a labour requirement for 0.78 of a full-time person, with the existing livestock labour requirement being 0.24 of this total. Therefore, I consider the existing enterprise on the secure holding is currently part-time. I also consider the enterprise is unable to satisfy the essential need test within The Framework, or the functional test in Annex A to PPS7.

Applications for agricultural and other occupational dwellings in the countryside are currently assessed under The National Planning Policy Framework (The Framework) which states at paragraph 55 "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." – In addition, The Framework is only supportive of sustainable development, which in the case of agricultural and other occupational dwellings, is taken to mean that the enterprise is financially viable, and able to sustain the cost of the proposed development after the deduction of all costs, in the long-term. In addition to The Framework, most Local Planning Authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7 which, although superseded by the Framework is still considered to be a useful and relevant guide in assessing such applications for agricultural and other occupational dwellings due to the lack of guidance within The Framework.

Paragraph 12 of Annex A to PPS7 sets out five criteria which must be satisfied to justify a temporary agricultural dwelling on an agricultural unit.

Paragraph 12 (i) states "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);" – I consider the large number of buildings erected at the application site by the applicant together with the existing stock numbers on the unit do show clear evidence and ability to develop the enterprise concerned. I therefore, consider this criteria has been satisfied.

Paragraph 12 (ii) states “Functional need (see paragraph 4 of this Annex);” – As stated above, I consider the existing enterprise is unable to satisfy either the essential need element of The Framework, or the functional test set out in paragraph 4 of the Annex. Therefore, this criteria has not been satisfied.

Paragraph 12 (iii) states “Clear evidence that the proposed enterprise has been planned on a sound financial basis;” – The only financial information provided is a brief letter from the applicant’s accountants, stating that “sales in the year ended 31st March, 2014 were 9% up on those for the year end 31st March, 2013 and profit is healthy.” I am unable to assess whether there is clear evidence from this information, or assess whether the application is able to comply with the sustainability element of The Framework. Therefore, I consider these criteria have 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;” - The applicant currently lives at the dwelling on Bleak Hall Smallholding, which is rented from Central Bedfordshire Council on a three year Farm Business Tenancy which does not expire until 29th September, 2016, when it may well be either re-granted for a further period of time either annually, or for a three or five year term. This dwelling is clearly both suitable and available, and it is a condition of Mr. Simpson’s tenancy that he personally resides in the farmhouse. I consider this existing dwelling clearly fulfils the criteria in paragraph 12 (iv) and therefore, this criteria has not been satisfied. In addition, as the secure holding including Bleak Hall Farm is currently part-time with a labour requirement for less than one full-time person, I consider the proposed temporary agricultural dwelling would be a second dwelling on the holding, which is clearly unable to be justified. Furthermore, there are a number of dwellings on the market for sale within the village of Langford some of which are within 500 metres of the application site, and one being on Cambridge Road not far from the entrance to the site. I consider these dwellings, would be capable of fulfilling any essential/functional need for a person to be near the application site as the main need is for a short period of time in the spring when the cows and heifers are due to calve.

Paragraph 12 (v) states “Other normal planning requirements, e.g. on siting and access, are satisfied.” – I consider this is a planning criteria, and will therefore be assessed by the Case Officer for the application, as it will not affect the agricultural needs of the enterprise.

In conclusion, I ADVISE that there is no agricultural support for the proposed temporary agricultural workers dwelling on this part-time unit, as it would be a second dwelling on a holding which has a labour requirement for less than one full-time person and there is no essential need/functional need for either one or two persons to live at or near the holding. In addition there is currently one dwelling on the holding which is occupied by the applicant, and other dwellings in the area, which are on the market for sale, and which are capable of fulfilling any essential/functional needs which currently exist on this unit.

A G Coombe MRICS FAAV
Sanham Agricultural Planning Limited
31st October 2014

Final response from Applicant's Agricultural Advisor

13 NOV 2014

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12th November 2014

Dear Lauren

**Re: Planning Application – Temporary Agricultural Workers Dwelling
Land at Poppy Hill Farm Langford**

Further to your recent e-mail I have now considered the response from Mr Coombe and it is disappointing to see Mr Coombes' response and the matters which he has overlooked in preparing his report.

Within paragraph 3 it is advised that no consideration should be given to the 146 acres of land the applicant is currently farming as this is insecure. I would argue taking this approach would mean that any rented or contracted land could be viewed as not being available for the long term. However, this land must be considered as the applicant has growing crops in the ground, grass crops and arrangements for grazing, all of which are planned and budgeted.

Within paragraph six reference is made to the amount of Standard Man Days required to operate the holding. It is stated that he considers the enterprise is unable to satisfy the essential need test within the Framework later referred to as the National Planning Policy Framework (NPPF). Within the NPPF there is no reference to the essential need relating to a full time worker, nor is there a prescribed test for this. Despite there being no requirement to undertake a labour requirement test, we have completed this to demonstrate that the applicant work on the holding.

Taking Mr Coombes appraisal of 0.78 standard man days and despite NPPF not requiring this assessment, the calculation does not consider additional agricultural contracting work the applicant undertakes nor does it consider the time spent, moving and collecting livestock and time spent selling local produce to local businesses. The applicant works full time on the holding with part time assistance from his family and local people. This calculation should not be seen as a reason for refusing the application.

The applicant has suffered continued thefts and problems on the holding as set out in our assessment and within the last two weeks has had problems with livestock dying during the night as a result of him not being on site to monitor the welfare of his livestock. The incidents occurring at the holding are increasing and the incidents referred to in our report and detailed above clearly demonstrate the difficulties facing the applicant to ensure they run a viable farming business and in my view this is a case where it is essential for the applicant to live on site.



Michael P. Alexander B.Sc. FRICS FAAV
David H. Sinfield FRICS FAAV

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Chartered Surveyors, Auctioneers and Agricultural Valuers

Within paragraph 6 it is stated that the enterprise must be viable in the long term, whilst the applicant intends on being a viable long term business, at this stage we are seeking a temporary agricultural workers dwelling for a period of 3 years which I consider to be short term, the introduction of the temporary dwelling will allow the applicant to grow the business with a view to establishing a business for the long term. The intention of the temporary dwelling is to allow the applicant to demonstrate they can operate a viable holding through reduced costs, increased animal welfare and security.

Within paragraph 12 it is stated that the only information submitted has been the accountant's letter. Mr Coombe advised during his visit he had seen the accounts and I believe the Council have a copy on their file. Despite the Framework/ NPPF making no reference to applicants having to demonstrate financial justification, the applicant has supplied this information and their chartered accountant has confirmed the applicant's financial position which confirms the business is growing, by enabling the applicant to live on site they will be able to continue to do so.

Having read paragraph 13 of Mr Coombes advice, you are aware that we have supplied a copy of the applicant's Farm Business Tenancy (FBT), for Bleakhall Smallholding the detail of which is incorrectly referred to. For the avoidance of doubt I set out below the appropriate extracts which demonstrate that the applicant can sub-let the dwelling and that he is not bound to live in the property.

Despite the foregoing the applicant has established Poppyhill Farm as the buildings at Bleakhall are not suited to modern day farming requirements and Bleakhall is not within sight and sound of the main farm yard. The applicant is aware that the Council is considering disposing of their agricultural holdings and the applicant is establishing an independent agricultural unit to provide him with security to establish his business.

Paragraph 5.3 of the Tenancy to which Mr Coombes refers states "*The Tenant will reside personally in the main farmhouse on the holding and will use the main farm house as the Tenant's main or sole residence EXCEPT where the Tenant has the express consent of the Landlord to sub-let which may be subject to any terms and conditions which the Landlord deems appropriate*"

As advised to Mr Coombes exception to this is permitted and is expressively referred to in paragraph 8.2 which states "*The Tenant may sub-let any dwelling on the holding (The farmhouse is the only dwelling on the holding) to a third party provided that:*

- i) The sub-letting is by means of a Assured Shorthold Tenancy as defined in the Housing Act 1996 (as amended)*
- ii) The sub-letting is for a term of no more than 12 months*
- iii) The rent is at a full market rent*
- iv) On the occasion of each sub-letting the Tenant provides the landlord with a copy of the sub tenancy.*

The foregoing entitles the applicant to sub-let the property at any time during the Tenancy. They have not sub-let as they have no other dwellings available to them.

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There are currently no properties available within 500m of the application site. Properties available within the village do not allow the applicant to meet the needs of the holding, they are not within sight and sound of the holding and do not allow the applicant to fulfil the functional requirements required to operate the farm.

The nearest property referred is in Cambridge Road which is within a built up area of the village and is for sale with an asking price of £349,950 which for the applicant and his family is unaffordable and presents the same problems they currently encounter with animal welfare and security, again not being within sight and sound of their livestock.

The applicant is currently constrained by the facilities available to him at Bleakhall and has invested in new buildings at Poppy Hill Farm to allow the business to grow to its current level of production, the applicant plans to grow both arable and livestock enterprises and specifically with regard to the livestock business is restricted from doing so without being able to live on site.

The applicant is a young business striving to establish a viable farming unit on his own land, seeking to create a sustainable farming business and one that already provides part time jobs to the local economy and supplies farm produce to local businesses. The farm is well admired within the community and this proposal is supported by the Parish Council and the Ward Councillor. The establishment of the farmyard, and buildings have been approved and supported by the Council.

The NPPF at paragraph 28 advises that planning policies should support the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promote the development of agricultural land based businesses. The temporary consent being applied for meets this criteria.

In considering the application I am aware of a consent granted at Houghton Farm, Hazelwood Lane where the applicant was farming a similar sized enterprise to the applicant, and living approximately 3.4 miles away from the holding. The applicant in this application lives approximately 5.2 miles from the holding (Poppy Hill Farm).

I would ask that you consider the above information and ask that this is included within your report to Committee. The applicant is a genuine applicant that is looking to grow and establish a farm within the community. A three year consent will enable the applicant to demonstrate to the Council that their need is genuine and that they can operate and grow a sustainable business. At present the farm is vulnerable to theft, arson attack and livestock are at risk.

I hope the foregoing is considered in determining the application.

Kind Regards

Yours sincerely,



James Bailey MRICS, MBIAC, MARLA
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