

SUPPORTING AGRICULTURAL JUSTIFICATION

NYMNPA

14/07/2023

At: High Farm,
Ugglebarnby

Ref: NYM/2023/0158

Cheryl **Ward**
Planning

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Contents

1.0	Introduction	5
2.0	National Park Purposes and Duty	5
3.0	Response to Highways	6
4.0	Justification – Need for the Agricultural Workers Dwelling	8
	Aerial view of High Farm, Ugglebarnby.....	9
	System of Management (operational farm cycle).....	9
	Farm labour requirement.....	10
	A typical day at High Farm, Ugglebarnby.....	10
	Justification in more detail.....	11
5.0	Conclusion.....	14

Table of revisions

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For: Mr R Harland
At: High Farm, Ugglebarnby

Cheryl Ward Planning
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1.0 Introduction

- 1.1 As requested by the applicant, Cheryl Ward Planning has been appointed to respond to the LPAs request for additional justification in support of the 'need' for an agricultural workers dwelling and to address LHA concerns.
- 1.2 The application is for demolition of hay store and conversion of and extension to stone barn to form one agricultural worker's dwelling at High Farm, Ugglebarnby together with the necessary conversion works.
- 1.3 The concerns of neighbours are to be addressed through amended plans showing the obscuring of 1st floor windows – see accompanying plans.
- 1.4 The accompanying plans are prepared by Close, Granger, Gray, Wilkin and can be used to identify what is being proposed for the farm together with the additional supporting justification below.
- 1.5 The application seeks full planning permission under the Town and Country Planning Act 1990 and falls within the North York Moors National Park for planning jurisdiction.
- 1.6 This additional supporting information is prepared by Cheryl Ward Planning, who holds an MSc in Town Planning and is a Chartered Member of the Royal Town Planning Institute (RTPI) and associated ICN and PERN networks.

2.0 National Park Purposes and Duty

- 2.1 The North York Moors National Park was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are to:
 1. **Conserve and enhance the natural beauty, wildlife and cultural heritage of the North York Moors National Park.**
 2. **Promote opportunities for the understanding and enjoyment of the special qualities of the National Park.**
 3. **Whilst achieving the above, seek to foster the economic and social wellbeing of local communities.**

- 2.2 In addition, **The English National Parks and Broads Circular 2010** provides useful guidance on National Parks in general terms. This circular was produced by the Department for the Environment, Food and Rural Affairs (DEFRA) and sets out the government's vision for National Parks. The most relevant section is Section 4 covering National Park statutory purposes, climate change, securing a diverse and healthy natural environment and maintaining vibrant, healthy and productive living and working communities.

3.0 Response to Highways

- 3.1 The applicant's agent has already commented:

"The dwelling is required to allow the son in law and daughter to live on the site. At the moment they live off site and as such need to drive to work on and off the site as required through the existing access.

The new dwelling would not increase traffic. It would not make a difference and possibly reduce it as they would not need to drive in and out of the site to and from work. This is not a general new dwelling".

- 3.2 The primary objective of the accompanying 'Travel Plan' is to demonstrate that there is to be a reduction in the number of single occupancy vehicle trips generated by the site rather than an increase as suggested by the LHA.
- 3.3 One of the main objectives of the future occupiers is that they are keen to minimise the carbon footprint and traffic to the site as well as being able to live at the site achieving these objectives and requiring far less daily vehicle movements.
- 3.4 It is expected that them living at the site will significantly reduce vehicle movements to/from the venue and reduce carbon emissions in the locality. With having a young family there will be school runs etc to be done but in general vehicle movements will be significantly less. We estimate this will be half the amount of journeys (approx. - 50%)
- 3.5 The applicant has provided a 'Journey Comparison' over a weekly period (see accompanying table) which shows a clear reduction in vehicle movements and activity surrounding the entrance/exit to the site.

- 3.6 The above clearly demonstrates that there would be an overwhelming reduction in vehicle movements if the applicants were living at the site. Contrary to the highways recommended it is proven that the development:
- a) will make use of an existing 'in-village' farm access. The village has a 30 mph speed limit.
 - b) is likely to reduce the number of vehicular journeys to and from the application site.
- 3.7 As well as making use of an existing traditional building, **Policy CO12 (4)** requires 'the building has reasonable access to necessary infrastructure, services and facilities'.
- 3.8 In the interests of the application, we wish to point out that it is not a new access, and the existing access is one the applicants are wholly familiar with negotiating in and out of.

4.0 Justification – Need for the Agricultural Workers Dwelling

- 4.1 This Section of the Statement discusses the justification and requirement for an agricultural worker's dwelling at High Farm, Ugglebarnby (through conversion and re-build of an existing building) in addition to that already submitted by the applicant's agent.
- 4.2 It will focus on **Policy CO10** (Housing in the Open Countryside) which sets out various stipulations relating to the provision of essential agricultural accommodation. These are:
- a) The need for the accommodation cannot be met through the reuse or alteration of an existing suitable building.
 - b) The proposed accommodation is essential to the functioning of a financially sound enterprise that has been established for at least three years.
 - c) The dwelling will be used only in connection with that enterprise; and
 - d) The size and specification of the dwelling is commensurate with the functional need for accommodation.
- 4.3 It is confirmed that the need for accommodation can be met through the re-use or alteration of an existing suitable building, rather than building a 'new' property. It is a genuine request to allow the applicant's daughter and son in law, who (both) work at the farm and wish to reside there for labour intensive reasons, together with safeguarding the viability of the farm now and in the future.
- 4.4 None of the other buildings on the site are suitable as they are either modern farm buildings (where Class Q is not applicable).
- 4.5 One other traditional building on the west side of the yard, (opposite the farmhouse), is at present a) attached to another building and b) the building would not be big enough for the family's requirements. This sandstone barn remains in use for general storage and is very close to the main dairy buildings.
- 4.6 As demonstrated in the imagery below, the building the subject of this application is sited in between the existing farmhouse and a neighbouring residential property on the quieter side of the farm, away from the main dairy buildings and operational area. Essentially it is a good location to convert and provide a second dwelling at the farm due to its close proximity to existing residential uses.
- 4.7 The southern section of the farm is cattle housing, feed areas, external machinery store, bale/fodder storage and silage clamp. This entire section of the farm is far less suitable for residential use and is further from the road and main services in comparison to the proposed site.

- 4.8 The northern section of the farm contains the quieter area of the farm and existing farmhouse which currently supports the entire unit.

Aerial view of High Farm, Ugglebarnby



Fig 1. – High Farm, Ugglebarnby – Building allocations. Source: Google imagery: <https://www.google.co.uk/maps/place/Ugglebarnby,+Whitby+YO22+5HX/@54.4513636,-0.6454208,209m/data=!3m1!1e3!4m6!3m5!1s0x487f1817a6c146e9:0x85ef8056fc00f084!8m2!3d54.452822!4d-0.646394!16s%2Fg%2F11cn3gh61r?entry=ttu> – for illustrative purposes only.

System of Management (operational farm cycle)

- 4.9 The farm is approximately 140 hectares. The following activities take place:

- Milking of cows twice each day.
- There are approximately 172 milking cows and followers. Cows and followers require feeding twice a day.
- Cattle breeding – rearing replacement heifers – all year round.
- Silaging fields for winter feed during the summer months – this is a highly labour intensive operation - outside contractors are not used for this.
- Other tasks throughout the year include: - haymaking, reseeding, routine maintenance such as fencing, machinery repairs and building upkeep and over 40 hours per week of office work and administration, with which their daughter assists.

Farm labour requirement

- 4.10 In addition to the full time workers of Mr Harland and Mr Prudom (2 no. FTE), the farm also provides part time work for 3 other local people and work for many other local businesses and suppliers.

A typical day at High Farm, Ugglebarnby

Time (hrs)	Duty
06:15	Set up parlour.
06:30	Start milking also start to feed calves and youngstock. Ensure all cows collected from field.
09:45	Finish milking and wash down parlour.
10:00	Take cows back to grazing.
11:00	Bed up cubicles and put out silage / feed.
13:00	Visit nearby dry cows and check welfare. Collect any cows due to calve soon from grazing and move them to the calving box.
14:30	Check calves welfare. Check cows for calving.
15:00	Receive cake delivery. Scrape up cubicle area.
15:30 – 16:15	Go for cows for evening milking and set up parlour.
16:30	Start evening milking.
19:30	Finish milking and take cows back to grazing.
20:00	Check young stock and calving cows. Check water and air flow temperature.

T1. – A typical day at High Farm, Ugglebarnby

Justification in more detail

- 4.11 There have been Harlands and their son-in-law's families farming on the North York Moors for many generations. The applicant and his wife have been farming this holding successfully for over 40 years. The farm has expanded substantially under their stewardship, as well as increasing the size of their dairy herd enterprise. The holding is founded on a sound financial basis and has a clear prospect of remaining so for the foreseeable future.
- 4.12 The applicant has demonstrated, through a process of elimination, whether any other accommodation, which may be thought a potential solution, in order to assess whether it is in fact both suitable and available both at the farm and in the locality. No viable alternative has been found on the farm or in the locality due to the lack of affordable housing in the local area.
- 4.13 It further established that where there is an existing farmhouse which is occupied, it cannot be reasonably considered available. Even though it is the home of the applicant, they are not yet at retirement age, and it would not be reasonable to expect the existing occupants of High Farm to quit a family home where they have lived for many years. The applicant has other children, who are married with families, who regularly stay in the main farmhouse for babysitting and social purposes.
- 4.14 This approach is confirmed by *J R Cussons and Son v Secretary of State for Communities and Local Government* [2008] EHC 443. In this case, an Inspector had suggested that there were alternative solutions to the new accommodation proposed. These included that the existing farmhouse occupied by the 'retiring' farmer could also accommodate an additional worker; that the existing farm office could be used on a "temporary" basis at peak periods for accommodation; and that the original farmhouse associated with the farm could be purchased to provide accommodation. Cussons found that none of these potential options had been properly probed to assess their actual suitability or availability, and that in fact none were reasonable.
- 4.15 In this instance, there is a clear functional requirement for Phil and Sarah Prudom to live on the site to manage the day to day running of the farm. It is not reasonable for Sarah's parents (the applicants - who are not retiring) to quit that farm to make room for them. Nor is it reasonable for Mr and Mrs Harland to share a home with them and their young family.
- 4.16 As presented there is no existing accommodation or potential accommodation on site which could reasonably provide a home for Phil and Sarah and their family.
- 4.17 As indicated, a clear and genuine need has been established for an agricultural worker's dwelling and is it appropriate for Phil and Sarah to live at the site on account of the labour intensity at the farm (as described above).
- 4.18 Had this been an application for a simple barn conversion for local occupancy there would have been no need to justify the case, but as the conversion is really only fit for a person working in agriculture (due to its position) at the farm it makes sense that it is sought on this basis.

- 4.19 Furthermore, as required by criteria (b) of **Policy CO10**, the proposed accommodation is essential to the functioning of a financially sound enterprise that has been established for at least three years. Functional and financial tests for agricultural worker's accommodation no longer form part of national planning guidance as contained in either the NPPF or National Planning Practice Guidance (NPPG). Rather, the NPPF simply stipulates, at paragraph 80, that whilst isolated homes in the countryside should be avoided, an exception can be made where 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.
- 4.20 As the old stringent tests are no longer nationally required, a more flexible approach which relies on planning judgment is now more appropriate. Notwithstanding this, should an assessment of the functional requirement and financial stability of the subject agricultural business be requested the applicant will be happy to prepare this, although not wholly necessary, particularly when planning policy is supportive of converting traditional unlisted rural buildings in the National Park for 'local need' where no justification of need is required. The proposed occupants also meeting this requirement.
- 4.21 With this information it is fair to say, that High Farm requires 2 full time employees, 3 part time employees and in addition to this assistance by others at silaging time.
- 4.22 Operations at High Farm require a constant on-site presence. For example, the dairy herd require careful supervision and regular inspection throughout the year, plus additional supervision during calving.
- 4.23 The farm, as previously set out, operates one of the very few remaining dairy herds in the Whitby area and breeds their own pedigree heifer replacements. Young cattle require particular care and attention as they come onto the farm, including regular checking to ensure biosecurity and to identify and treat any potential infections at an early stage.
- 4.24 Failure to swiftly identify and treat an infection could result in all of the livestock on the farm becoming infected, leading to a catastrophic loss. Automatic feed systems must be checked and maintained and any interruption to them must be addressed swiftly.
- 4.25 In a unit of this type, high levels of livestock husbandry are essential – only by being among the livestock regularly can spot signs of infection, injury and general malaise be identified and dealt with quickly.
- 4.26 In the event of an emergency such as fire, storm damage or flood damage, staff must be available to ensure the safety of the stock and the ongoing viability of the business.
- 4.27 As the above short summary demonstrates, there is a clear functional requirement for Phil and Sarah to have a constant on-site presence, alongside the applicant. This is because of the high Standard Labour Requirement generated by the activities at High Farm.
- 4.28 The proposed converted agricultural workers dwelling will be used only in connection with the enterprise and through criteria (c), the policy requirement can be dealt with by way of a standard condition.

- 4.29 Through criteria (d) of **Policy CO10**, the size and specification of the dwelling is commensurate with the functional need for accommodation.
- 4.30 In addition, the design as presented demonstrates that this stipulation is met by the proposals, which are commensurate with the functional requirement, whilst still providing a reasonable sized family home with farm office (essential to needs of the farm). The indicative floorplans submitted demonstrate the modest yet functional and comfortable accommodation which could be achieved on the subject site.



Fig 2. – Rear elevation of the building to be converted to an agricultural workers dwelling.

5.0 Conclusion

- 5.1 As this proposal is for an essential agricultural worker's dwelling, the principle of development relies on the requirement for and justification of such a dwelling in compliance with **Policy CO10** (Housing in Open Countryside). Although this method has been applied, it is in essence within a small settlement in the NY Moors National Park.
- 5.2 Compliance with this policy has been demonstrated on the previous pages. This analysis has also had regard for the pre-application advice (ref. NYM\2022\ENQ\18964). The advice was that the Authority would be likely to support the conversion of stone built barns provided buildings are structurally sound and original openings are utilised with support given for rebuilding the concrete block barn to form accommodation provided applicants able to demonstrate an essentially agricultural need for 2 workers on-site (the applicant and his son-in-law).
- 5.3 The applicant has provided more information about the existing buildings on the holding, and whether there is any possibility of converting an existing building on the site. As the previous analysis demonstrated, there are no existing properties/buildings which could reasonably be made available, nor any existing building suitable for residential conversion.

Cheryl Ward Planning

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