

NYMNPA
- 1 AUG 2008



Unit 9
Brook Street
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YO25 6QP
Tel/Fax (01377) 255333
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CLIENT
BC & RJ Dixon
Rigg Hall
Stainsacre
Whitby
YO22 4LT

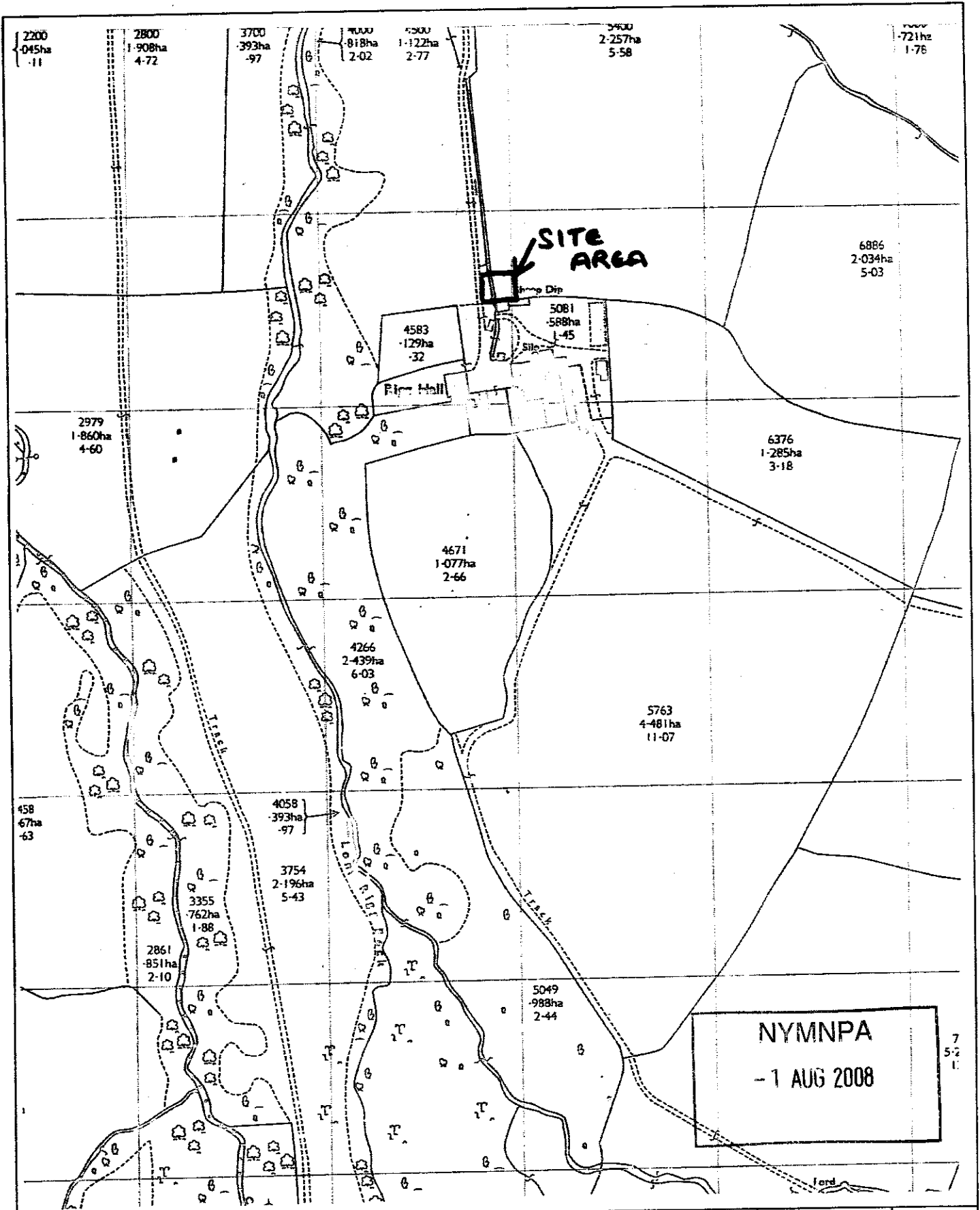
JOB TITLE
Indicative Siting of Agricultural
Workers Dwelling

DWG. TITLE
Block Plan

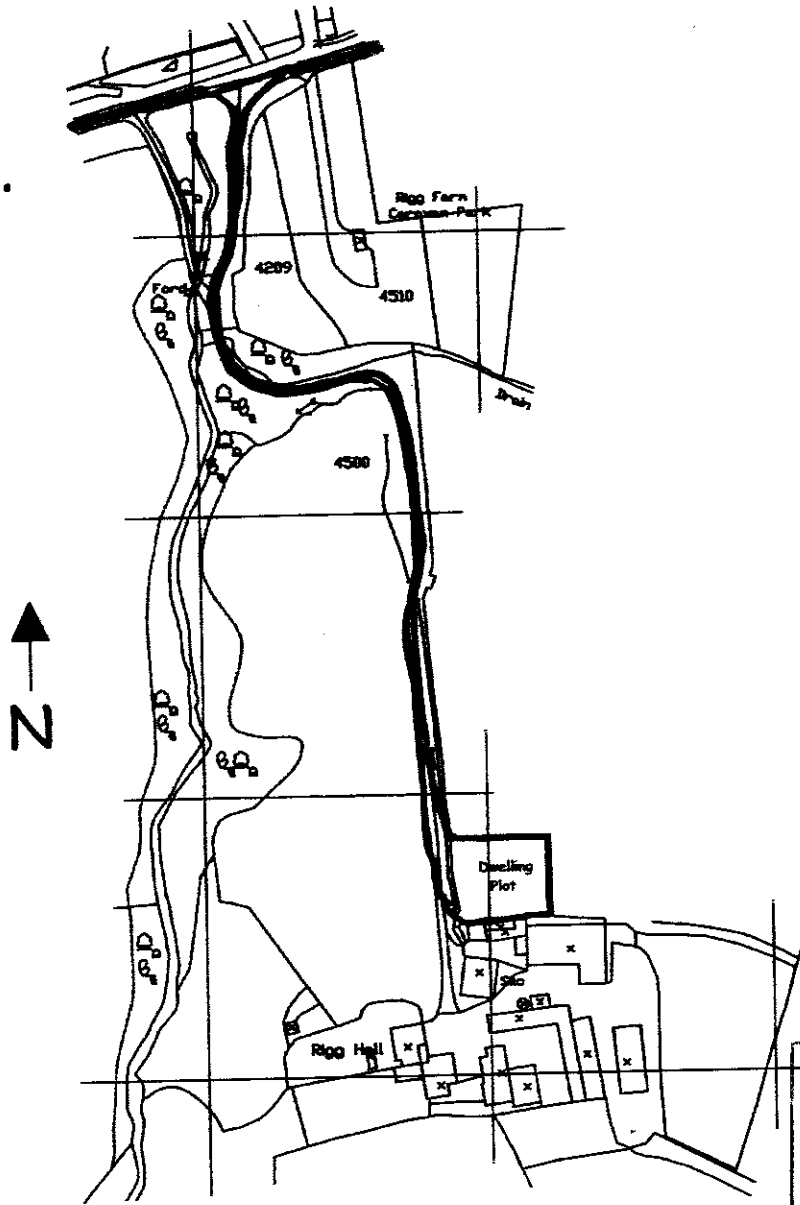
SCALE 1=1000 **DRN-IP**

REVISION

DWG. NUMBER IP/AD/02	DATE July 08
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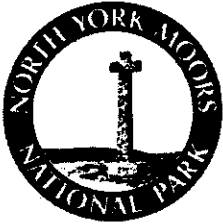
Ian Pick BSc (Hons) MRICS Ian Pick Associates Unit 9 Brook Street Driffield East Yorkshire YO25 6QP Tel/Fax (01577) 255333 Mobile 07702814950	CLIENT BC & RJ Dixon Rigg Hall Stainsacre Whitby YO22 4LT	JOB TITLE Agricultural workers dwelling	SCALE 1=2500	Rev -
		DWG. TITLE Large Location Plan	DWG. NUMBER IP/AD/03	DATE July 08



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<p>Ian Pick BSc (Hons) MRICS Ian Pick Associates Unit 9 Brook Street Drifffield East Yorkshire YO25 6QP Tel/Fax (01377) 255333 Mobile 07702814950</p> 	<p>CLIENT BC & RJ Dixon Rigg Hall Stainsacre Whitby YO22 4LT</p>	<p>JOB TITLE Agricultural workers dwelling</p>	<p>SCALE 1=2500</p>	<p>Rev -</p>
		<p>DWG. TITLE Location Plan</p>	<p>DWG. NUMBER IP/AD/01</p>	<p>DATE July 08</p>



North York Moors National Park Authority
 The Old Vicarage
 Bondgate
 Helmsley
 York
 YO62 5BP

Telephone: 01439 770657
 Email: dc@northyorkmoors-npa.gov.uk
 Website: www.moors.uk.net

08/0598 Pt.1

Grid Ref N291501.05874
Application for Planning Permission.
Town and Country Planning Act 1990

Publication of planning applications on council web sites
 Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.
 If any other information that is provided as part of the application which falls within the definition of personal data under the Data Protection Act and is not to be published on the council's website, please contact the council's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:
 County:
 Country:
 Postcode:

Telephone number: Country Code: National Number: Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:
 County:
 Country:
 Postcode:

Telephone number: Country Code: National Number: Extension Number:

Mobile number:

Fax number:

Email address:

3. Description of the Proposal

Please describe the proposed development including any change of use:

Has the building, work or change of use already started? Yes No

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4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: 0 Suffix:

House name: Rigg Hall

Street address: Stainsacres

Town/City: Whitby

County: North Yorkshire

Postcode: YO22 4LT

Description of location or a grid reference (must be completed if postcode is not known):

Easting: 496648

Northing: 500008

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

6. Pedestrian and Vehicle Access, Roads and Rights of Way

- Is a new or altered vehicle access proposed to or from the public highway? Yes No
- Is a new or altered pedestrian access proposed to or from the public highway? Yes No
- Are there any new public roads to be provided within the site? Yes No
- Are there any new public rights of way to be provided within or adjacent to the site? Yes No
- Do the proposals require any diversions/extinguishments and/or creation of rights of way? Yes No

7. Waste Storage and Collection

- Do the plans incorporate areas to store and aid the collection of waste? Yes No
- Have arrangements been made for the separate storage and collection of recyclable waste? Yes No

8. Neighbour and Community Consultation

Have you consulted your neighbours or the local community about the proposal? Yes No

9. Council Employee / Member

Is the applicant or agent related to any member of staff or elected member of the council? Yes No

10. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

Walls - description:

Description of *existing* materials and finishes:
N/A

Description of *proposed* materials and finishes:
Natural Stone

Roof - description:

Description of *existing* materials and finishes:
N/A

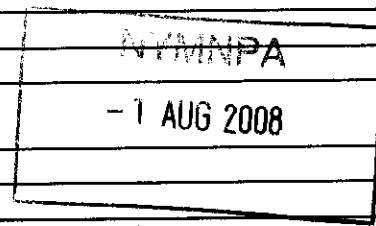
Description of *proposed* materials and finishes:
slate

Boundary treatments - description:

Description of *existing* materials and finishes:
N/A

Description of *proposed* materials and finishes:
Wire stockfence

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement? Yes No



11. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	2	2
Other (e.g. Bus)	0	1	1
Short description of Other			

12. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains sewer Package treatment plant Unknown
 Septic tank Cess pit
 Other

Are you proposing to connect to the existing drainage system? Yes No Unknown

13. Assessment of Flood Risk

Is the site within an area at risk of flooding? Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary. Yes No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? Yes No

Will the proposal increase the flood risk elsewhere? Yes No

How will surface water be disposed of?

- Sustainable drainage system Main sewer Pond/lake
 Soakaway Existing watercourse

14. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

- Yes, on the development site Yes, on land adjacent to or near the proposed development No

b) Designated sites, important habitats or other biodiversity features

- Yes, on the development site Yes, on land adjacent to or near the proposed development No

c) Features of geological conservation importance

- Yes, on the development site Yes, on land adjacent to or near the proposed development No

15. Existing Use

Please describe the current use of the site:

Agricultural land

Is the site currently vacant? Yes No

Does the proposal involve any of the following:

Land which is known to be contaminated? Yes No

Land where contamination is suspected for all or part of the site? Yes No

A proposed use that would be particularly vulnerable to the presence of

contamination?

Application advice

If you have said Yes to any of the above, you will need to submit an appropriate contamination assessment.

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16. Trees and Hedges

Are there trees or hedges on the proposed development site? Yes No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? Yes No

If Yes to either or both of the above, you will need to provide a full Tree Survey with accompanying plan before your application can be determined. Your Local Planning Authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'

17. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? Yes No

18. Residential Units

Does your proposal include the gain or loss of residential units? Yes No

Key Worker Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown			1		

Key Worker Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Houses					
Flats/Maisonettes					
Live-Work units					
Cluster flats					
Sheltered housing					
Bedsit/Studios					
Unknown					

Proposed Key Worker Housing Total

Existing Key Worker Housing Total

Overall Residential Unit Totals

Total proposed residential units	1
Total existing residential units	0

19. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss or gain of non-residential floorspace? Yes No

20. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	1	1	1
Proposed employees	1	0	1

21. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	
Other	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>

22. Site Area

What is the site area? hectares

23. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

N/A	NYMNP
Is the proposal for a waste management development? <input type="radio"/> Yes <input checked="" type="radio"/> No	- 1 AUG 2008

24. Hazardous Substances

Is any hazardous waste involved in the proposal? Yes No

25. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

26. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: First name: Surname:

Person role: Declaration date: Declaration made

26. Certificates (Agricultural Holdings Certificate)

Agricultural Holding Certificate

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

Agricultural Land Declaration - You Must Select Either A or B

- (A) None of the land to which the application relates is, or is part of an agricultural holding.
- (B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Title: First Name: Surname:

Person role: Declaration date: Declaration Made

27. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Date

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DESIGN AND ACCESS STATEMENT**ERECTION OF A DWELLING AT
RIGG HALL, STAINSACRE, WHITBY, YO22 4LT****Introduction**

This report has been commissioned by BC and RJ Dixon of Rigg Hall, Stainsacre, Whitby, YO22 4LT.

Section 42 of the Planning and Compulsory Purchase Act 2004 requires a Design and Access Statement to be submitted with the majority of planning applications. The purpose of this report is to satisfy the requirements of Section 42 of the aforementioned Act.

This report has been prepared to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

This report has been prepared by Ian Pick. Ian Pick is a specialist agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.

Ian Pick has 10 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

The Proposed Development

This application seeks outline planning permission for the erection of a permanent agricultural dwelling, in connection with the suckler cow and sheep breeding business at Rigg Hall.

The applicants business extends to 200 acres of owner occupied land, plus moor rights. The business comprises of a suckler cow and a sheep breeding enterprise. There is currently one agricultural workers dwelling on the holding, however this is unavailable due to the early retirement of Richard and his wife Margaret due to ill health. It is proposed that their son Andrew, who currently works part time at the farm, takes over on a full time basis and occupies the proposed dwelling.

Amount

The proposal is for 1 No. permanent agricultural dwelling, for occupation by Andrew as full time stockman at Rigg Hall.

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Use

The permanent agricultural dwelling will be occupied by Andrew as full time stockman, as essential occupational accommodation in connection with the established rural enterprise.

Layout

The dwelling will be directly adjacent to the livestock buildings and will therefore form part of the building group. The dwelling is to be located adjacent to the existing access on the opposite side to the current agricultural dwelling.

Scale

The proposed dwelling will be a bungalow and measure 15m by 9m, measuring a floor area of 135 square meters. The proposed eaves height is 2.5m and ridge height of 5.5m.

Landscaping

The site is located adjacent to the existing farm buildings. The proposed dwelling is a bungalow with a low eaves height. The site is completely enclosed by mature hedgerows and the topography of the land, with the farm buildings to the south. The proposed dwelling will be seen in the context of existing built development, rather than as an isolated dwelling in the Countryside.

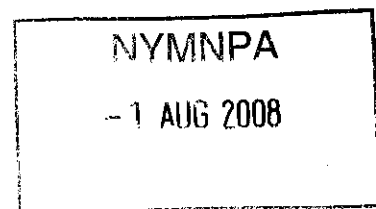
Appearance

The proposed dwelling is a bungalow, with a low ridge height of just 5.5m and will be constructed of natural stone with a slate roof.

Access

Access to the site will be gained by the existing vehicular access from the public highway. This is the only access to the site. Adjacent to the proposed dwelling will be a hard standing area providing parking and turning area.

Ian Pick, July 2008



AGRICULTURAL APPRAISAL

**PROPOSED AGRICULTURAL WORKERS DWELLING AT
RIGG HALL, STAINSACRE, WHITBY, YO22 4LT**

APPLICANT: BC & RJ DIXON

JULY 2008

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1. INTRODUCTION

- 1.1 This report has been commissioned by B.C. and R.J. Dixon of Rigg Hall, Stainsacre, Whitby, YO22 4LT.
- 1.2 The purpose of this report is to provide the case on behalf of the applicant in connection with a planning application for the siting of a dwelling at Rigg Hall, Stainsacre, Whitby, YO22 4LT.
- 1.3 This report has been prepared have regard to Planning Policy Statement 7 (*Sustainable Development in Rural Areas*) dated August 2004. Particular reference has been made to Annex A which provides the Governments planning criteria for agricultural and forestry workers dwellings.
- 1.4 This report has been prepared by Ian Pick. Ian Pick is a specialist agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of the Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.
- 1.5 Ian Pick has 10 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

2. SITE VISIT AND INTERVIEW

- 2.1 I attended a site visit on Tuesday 22nd July 2008. At the site visit the applicant was interviewed about the operation of the agricultural business which is currently operated at Rigg Hall.
- 2.2 This report is based on information provided by the applicant at the site visit, together with professional observations where appropriate.

3. AGRICULTURAL BUSINESS

- 3.1 The agricultural business trades as B.C. and R.J. Dixon. The agricultural business extents to 200 acres of owner occupied land, all which is permanent pasture. The farm has been occupied since the family since approximately 1850.
- 3.2 The applicant has Moor Rights for 200 ewes plus followers and 20 cows at Greystone Hills on Fylingdales Moor.
- 3.3 The applicants business consists of a sheep breeding enterprise and a suckler cow enterprise.

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- 3.4 The farm is under the Entry Level Stewardship scheme and the Single Farm Payments Scheme. The applicant also confirmed that a Moorland Grazing Incentive Scheme, is likely to encourage farmers to keep livestock on the moors. The applicant is the only grazier on Greystone Hill and provides a vital environmental benefit through managing this attractive landscape.

Suckler Cow Enterprise

- 3.5 The applicant currently has 51 commercial cross cows, with 44 calves to date and 2 stock bulls.
- 3.6 The cows calve from December through until March, all suckler bred calves are weaned at approximately 9 months of age and sold as stores through Ruswarp Market.

Calf Rearing

- 3.7 The applicant buys in an additional 40-50 dairy cross calves at a week old which he bucket rears through to 6 months and sells as stores.

Sheep Enterprise

- 3.8 The applicant has a sheep flock extending to 270 blackface cross ewes, 112 shेरlings and 260 lambs. The applicant will lamb 382 ewes in 2009.
- 3.9 The applicant has an addition 25 Texel ewes plus followers.
- 3.10 The sheep all lamb indoors during April and May. The ewes are all kept indoors from the end of March until June. The lambs are sold as stores at Ruswarp Market.

Labour

- 3.11 Current the business run by Richard Dixon on a full time basis and Andrew Dixon on a part time basis. Andrew is currently working as a self employed builder and ground worker.
- 3.12 Richard has very bad arthritis in both hips and his wife Margaret needs both knees replacing. Margaret is no longer able to help on the farm due to her ill health. Richard is finding it increasingly hard to manage his stock, he is no longer able to catch or lamb/ calve either sheep or cows. This has meant over the previous few years Andrew has had to help more and more and Richard has had to cut back his stock numbers. Last year the applicant sold 80 ewes as he couldn't cope with the stock numbers. Richards's mobility has now reached a point where he cannot continue to

run the farm. In order to maintain this family business, it is essential that Andrew (Son) takes over the running of the farm.

- 3.13 The applicants existing business has a standard man day calculation of 421 days, see calculation below, which equates to 1.5 full-time workers.

Livestock	S.M.D	Number	Total
Bulls	3.5	2	7
Beef cows	1.68	51	85.68
Calves to 6 months	1.2	50	60
Ewes	0.45	407	183.15
Winter finished store lambs	0.3	285	85.5
Total S.M.D.			421.33

* Figures taken from the Farm Management Pocket Book by John Nix 38th Edition (2008)

Dwellings

- 3.13 There is one 3 bed roomed dwelling at Rigg Hall which is occupied by Richard and Margaret Dixon, who are both retiring.
- 3.14 Andrew currently lives at Stainsacres which is 2.5 miles from the application site.

4. NATIONAL PLANNING POLICY GUIDANCE

4.1 PLANNING POLICY STATEMENT 7 (PPS7), SUSTAINABLE DEVELOPMENT IN RURAL AREAS, 2004

- 4.2 This document provides national Government guidance concerning rural areas. It was issued in August 2004 by the Office of the Deputy Prime Minister.

Sustainable Development

- 4.3 PPS7 states that the core principal underpinning land use planning is sustainable development.
- 4.4 Paragraph 2 of PPS7 provides guidance for policies in development plans *"to sustain and enhance and; where appropriate revitalise country towns and villages...and for strong, diverse, economic activity whilst maintaining the local character and a high quality environment"*.

Housing

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- 4.5 In paragraph 8, PPS7 discusses rural housing need, and states that *"the needs of all in the community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas"*.
- 4.6 Paragraph 10 states that:
"Isolated new houses in the Countryside will require special justification for planning permission to be granted. Where the special justification for an isolated house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS".
 Annex A is addressed in paragraphs 5.10 – 5.16 of this report.

The Importance of the Countryside

- 4.7 Paragraphs 15 and 16 of PPS7 set out the importance of the countryside, and provide guidance for local authorities in the preparation of new Local Development Documents. Paragraph 16 emphasises the significance of the rural economy, and agriculture in particular, and states that the planning system should *"support development that delivers diverse and sustainable farming enterprises"*.

Agriculture

- 4.8 In paragraph 27, the Government acknowledges the importance of agriculture in managing and maintaining the landscape. The aim for planning policy to assist farming and farmers in their managing of agricultural land is also set out here.
- 4.9 Paragraphs 30-32 discuss farm diversification and equine related activities, and specify that local authorities should provide the opportunity in their development plans for farm diversification and equine-related activities to be developed.

Annex A: Agricultural, Forestry and Other Occupational Dwellings

- 4.10 Paragraph 1 of this annex makes it clear that *"one of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable agricultural forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work"*.
- 4.11 This paragraph also states that *"there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work"*.

4.12 Paragraph 3 of the annex outlines the circumstances in which new permanent dwellings should be allowed to support existing agricultural activities on well established agricultural units, as follows:

- "(i) there is a clearly established existing functional need;*
- (ii) the need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*
- (iv) 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; and*
- (v) other planning requirements, e.g in relation to access, or impact on the countryside, are satisfied".*

4.13 The requirement for defining functional need referred to in part (i) is explained in paragraph 4, which also further explains the potential reasons for the requirement for agricultural workers to live close to their place of work. It explicitly cites the following reasons:

- "(i) in case animals or agricultural processes require essential care at short notice;*
- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems".*

4.14 Paragraph 7 states that if a functional requirement is established, it will be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be necessary.

4.15 A financial test is required by paragraph 8 of the annex to demonstrate that the farming enterprise in question is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.

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- 4.16 Paragraph 9 explains that the explains that the size of the dwelling that the unit can sustain should be determined based on the requirements of the enterprise.
- 4.17 The removal of permitted development rights is suggested in paragraph 10 as a means of controlling future development if a new dwelling is allowed for agricultural workers.
- 4.18 The importance of siting of an agricultural dwelling is highlighted in paragraph 11 which states that this should be determined so it meets the identified functional need and is well-related to other dwellings and farm buildings.

5. ASSESSMENT

Paragraph 3(i) & Paragraph 4

- 5.1 Functional need is principally determined by the nature and scale of the existing enterprises operated at Rigg Hall and the operations which out of necessary have to be carried out to effectively manage and supervise the livestock. The agricultural business trading under BC and RJ Dixon is based on livestock breeding and rearing enterprises with a suckler cow herd and sheep flock.
- 5.2 With regard to functional need to reside on the holding, the business currently operates a herd of 51 suckler cows with followers, with the intention to expand. Calving takes place from December through until March. During the dates when cows are due to calve, it is necessary to conduct regular checks of the livestock to ensure the animals receive prompt attention during emergencies, which can otherwise result in loss of calves and more serious emergencies can result in death of the cow and calf. The nature of emergencies which occur when cows are calving include:
 - *Dystocia (abnormal birth), requires manual assistance to correct any malpresentation or to make a diagnosis that the cow is unable to calve herself and requires veterinary assistance.*
 - *Correcting malpresentation often requires a minimum of two people*
 - *A complication of calving is that the amniotic membrane may fail to rupture. The umbilical vessels are ruptured during the process of calving and with the environmental changes which the calf is subjected to, breathing is stimulated. The calf is surrounded by amniotic fluid and hence aspirates and asphyxiates. Livestock workers need to be on hand to assist the calving and rupture the membrane and remove the fluid from the calf's airways to prevent fatality.*

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- *During calving, the dam can rupture her middle uterine artery, this results in profuse haemorrhage, which is life threatening. Immediate assistance is required to prevent fatality.*
- 6.3 The business operates a sheep flock with over 407 breeding animals which lamb in May and June. During the lambing period it is necessary to conduct regular checks of the livestock to ensure they receive prompt attention in emergencies. The nature of emergencies which occur when sheep are lambing include:
- *Dystocia (abnormal birth) requires manual intervention to prevent death of lambs*
 - *Prolapse – uterine / vaginal occurs around the lambing period. Uterine prolapses are life threatening and require immediate veterinary assistance*
 - *Foetal membranes (enveloping the lamb) should rupture during passage of the foetus through the birth canal. This does not always occur. Immediately after delivery the ewe should mother the lamb and this in itself should break the membranes surrounding the lamb. However a proportion of lambs will remain inside the membrane following birth and manual removal of the membrane from the lambs airways is required to prevent suffocation.*
 - *Lambs need to be closely monitored after birth to ensure they are suckling from the ewe and that there are no signs of disease. If lambs do not receive colostrum from their mothers then this needs to be supplemented manually.*
- 6.4 The business controls over 458 breeding animals with followers. The scale of the enterprise is such that, the availability of supervision is essential throughout the day and night during the calving and lambing periods for welfare and financial reasons.
- 6.5 The standard labour requirement for the livestock element of the business is 421 standard man days or 1.5 full time workers, therefore, the need relates to a full time requirement.
- 6.6 The business buys in 40-50 dairy cross calves each year. This includes bucket rearing from purchase at a week old until eight weeks of age. Young calves are very susceptible to disease and other medical problems such as scour, which if not treated immediately can be fatal. The presence of stockmen on site is essential to ensure regular checks of the stock, both day and night and to provide prompt attention in emergencies. During the early stages the calves in this system are fed on milk replacer at very regular intervals.

- 6.7 On a calf rearing unit, the availability of a skilled stockman is essential. Rearing calves is very difficult and without adequate stockmanship, high levels of mortality can occur very quickly.

Paragraph 3ii

- 6.8 The standard labour requirement for the livestock enterprises at Rigg Hall is 1.5 full time workers. Therefore, the functional need to reside on the holding relates to a full-time requirement.

Paragraph 3iii

- 6.9 The agricultural unit and agricultural activity concerned has been in the family for 6 generations, since approximately 1850. The business is financially sound and viable and has a clear prospect of remaining so.

Paragraph 3iv

- 6.10 The farmhouse at Rigg Hall is occupied by Mr. and Mrs. Richard Dixon, Mrs. Dixon has retired and Mr. Dixon is retiring shortly due to ill health, consequently this dwelling is unavailable to the business. There are no other dwellings on the holding and no dwellings in the locality which are either available to the business or would meet the functional requirements of the business.
- 6.11 On the question of whether the farmhouse is available, it is often suggested by local planning authorities that where a dwelling on a holding is occupied by a retired farmer, he might be expected to move away to provide accommodation for an active worker, be it another family member or a manager/ worker brought from the outside. This is sometimes referred to as 'farmer's son syndrome.' The definitive legal case in this issue is considered to be the high court decision in HC280-Keen v SOS & Aylesbury Vale District Council. In that case the planning inspector dismissed the appeal for outline planning permission for a dwelling on the basis that the applicant (a farmer wanting to retire) already resided in a farm dwelling. The Inspector concluded that whilst there was a need for an essential worker to live on the site that identified need could be met by the applicant's present house either by retiring farmer and his wife moving out of the property.
- 6.12 The High Court ruled that the Inspector had acted irrationally because he inadequately applied the test of availability and suitability. Having established the need, the mere existence of a dwelling on the site was not sufficient. It was essential that the availability and suitability of that dwelling be subject to further scrutiny. Essentially, the Keen case lead to

an acceptance that the accommodation needs of a holding should not mean that the retiring farmer should be forced to move out.

- 6.13 The precedent set in HC280 was further reinforced in January 2006 in appeal decision APP/V2723/A/04/1169731 when the inspector stated "the existing farmhouse 'The Homestead' carries an agricultural occupancy condition and in the councils view should remain available as the dwelling that is needed for the holding, despite Mr. Armstrong's retirement. However in my opinion, it would be unreasonable to expect Mr. Armstrong to vacate or share the house that has been his home for so many years, in order to retire and this view is underscored by the HC280 Keen-SOS & Aylesbury Vale Case.

Paragraph 3v

- 6.14 The location of the proposed dwelling is adjacent to the access road and close to the livestock buildings. It is considered that this location will satisfy the functional requirements of the holding.

7. CONCLUSIONS

- 7.1 The nature and scale of the proposed agricultural business to be operated by the applicant is such that there is an essential functional need for a worker to reside on the holding at Rigg Hall. This functional need arises from the necessity for the applicant to provide regular checks of the livestock and provide corrective action in livestock emergencies.
- 7.2 The livestock on the holding have a standard labour requirement in excess of 1 full time worker, based on standard published data. Therefore, the need relates to a full-time requirement.
- 7.3 The business has been established and within the family for 6 generations, and is considered financially sound and viable.
- 7.6 The proposed dwelling is to be located adjacent to the proposed farm access and the livestock buildings. This location will satisfy the functional requirements of the holding.
- 7.7 It is considered that the applicants business fully conforms with the requirements of the Annex A of Planning Policy Statement 7.

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July 2008

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