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SPECIALIST AGRICULTURAL AND RURAL PLANNING CONSULTANTS

23 APR 2014

**AGRICULTURAL APPRAISAL AND PLANNING STATEMENT**

**AGRICULTURAL WORKERS DWELLING AT  
FOX AND RABBIT FARM  
LOCKTON  
PICKERING  
YO18 7NQ**

**APPLICANT: DJ & FK COCKERILL & SON**

**APRIL 2014**

Report Prepared By: Ian Pick BSc (Hons) MRICS  
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**1. INTRODUCTION**

- 1.1 This report has been commissioned by DJ & FK Cockerill & Son of Fox and Rabbit Farm, Lockton, Pickering, YO18 7NQ.
- 1.2 The purpose of this report is to provide an objective appraisal of the agricultural business operated by DJ & FK Cockerill & Son, in connection with a planning application for the erection of an agricultural workers dwelling at Fox and Rabbit Farm.
- 1.3 This report has been prepared having regard to the National Planning Policy Framework. Paragraph 55 of the NPPF provides the national policy basis for agricultural 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 15 years experience specialising in agricultural and rural planning consultancy, whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Ltd.

**2. SITE VISIT**

- 2.1 This report has been prepared following a site visit to Fox and Rabbit Farm on Monday 24<sup>th</sup> March 2014. At the site visit the applicants were interviewed about the current and future operation of the agricultural business.
- 2.2 This report based on the information provided by the applicants, with professional observations where appropriate.

**3. AGRICULTURAL BUSINESS DESCRIPTION**

- 3.1 The agricultural business trades as trades as DJ & FK Cockerill & Son and has an operational base at Fox and Rabbit Farm.
- 3.2 Fox and Rabbit Farm is owner occupied and extends to 162 hectares (400 acres).
- 3.3 The business operates arable and livestock farming enterprises with combinable cropping and a beef breeding, rearing and finishing enterprise. The land holding

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includes 112 hectares (277 acres) of arable, and 50 hectares (124 acres) of grassland.

**Arable Enterprise**

- 3.4 The arable enterprise includes combinable cropping in the form of winter wheat, winter barley and oilseed rape, with 112 hectares (277 acres) of total arable cropping.
- 3.5 The business undertakes the majority of arable operations in hand using their own machinery, equipment and labour. Contractors are used for baling, hedge cutting and muck spreading.

**Beef Enterprise**

- 3.6 The business operates a beef breeding, rearing and finishing enterprise at Fox and Rabbit Farm which extends to 73 suckler cows, plus rearing and finishing of the progeny. The suckler herd includes two elements, a pedigree shorthorn herd extending to 19 breeding females, and a commercial herd of Belgian Blue / Stabiliser Cross which extends to 54 breeding females.
- 3.7 The business operates block calving in spring and autumn. Spring calving is undertaken between January and April, and autumn calving from September to November. The business operates a closed herd system with all replacement heifers bred on the farm.
- 3.8 All calves produced on the holding are reared and finished. The business operates indoor finishing with cattle reaching finished weight at 16 – 18 months of age. All bulls from the commercial herd are sold to the beef trade. Heifers from the commercial herd are selected for breeding quality, and heifer making to grade as retained as replacements for the breeding herd. Surplus heifers are sold to the beef trade.
- 3.9 Calves from the pedigree shorthorn herd are reared on the holding for sale for breeding purposes. High quality shorthorn calves are halter trained and entered into pedigree sales.

**Labour**

- 3.10 Labour for the business is provided by Graham Cockerill on a full time basis. Mr David Cockerill is 70 years of age and is retiring from an active role in the business.



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**Dwellings**

- 3.11 The farm currently benefits from a single farm house. This dwelling is occupied by Mr David Cockerill and his wife. Mr David Cockerill is 70 years of age and is retiring from an active role in the business.

**Financial Viability**

- 3.12 The agricultural business has been established for many years and is financially sound and viable and profitable. Accounts for the year ending 5<sup>th</sup> April 2012 are appended to this report and confirm the financial strength of the business.

**4. THE APPLICANTS PROPOSAL**

- 4.1 The applicant proposes to erect an agricultural dwelling on the holding, which will be occupied by Mr Graham Cockerill as the full time worker on the farm.
- 4.2 Mr David Cockerill is retiring from an active role in the business. Following the retirement of Mr David Cockerill, the existing farmhouse will no longer be available to the business for occupation by an active worker on the farm. The applicants therefore propose to erect a further dwelling.

**5. NATIONAL PLANNING POLICY FRAMEWORK**

- 5.1 Paragraph 55 of the NPPF states that "55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. 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;

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### 6. ASSESSMENT

- 6.1 The applicants business is based on arable cropping and beef breeding, rearing and finishing. The beef finishing enterprise extends to 73 suckler cows plus calves and fattening cattle. Functional need to reside on a holding is principally determined by the nature and scale of the agricultural enterprises operated and the operations which out of necessity have to be carried out to effectively manage and supervise them. The agricultural business operated by the applicant includes livestock which require round the clock supervision.
- 6.2 The business operates a herd of 73 suckler cows, including a pedigree herd of Shorthorn Cattle. Calving takes place in spring and autumn on the holding. 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 the 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.*
  - *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 With a herd such as this, the availability of supervision is essential throughout the day and night during calving for welfare and financial reasons.
- 6.4 The fattening cattle require regular supervision to provide for their welfare, and to ensure any medical emergencies are acted upon immediately. A common problem with fattening cattle is bloat which is fatal without immediate diagnosis and medical attention by a stockman. Pneumonia is also a common problem which requires prompt diagnosis and treatment.
- 6.5 In order to satisfy the financial test for the provision of a permanent agricultural dwelling, it is necessary to demonstrate that the business is financially sound and viable, with clear prospects of remaining so. The accounts for the business are



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appended to the planning application and clearly demonstrate compliance with the financial test.

- 6.6 There is currently one dwelling on the holding at Fox and Rabbit Farm. This dwelling is occupied by the applicant who is retiring from an active role in the business.
- 6.7 On the question of whether the existing dwelling 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 or by subdivision of the existing house. 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.
- 6.8 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.
- 6.9 In 2008 the case of was *J R Cussons & Son v Secretary of State* (2008) EWHC443 was heard in the High Court. In this case, the inspector took a similar approach to that taken in *keen* and stated at paragraph 24 "I accept that it is not appropriate to require Mr Cussons senior to surrender occupation of the house at Bridge Farm in order to accommodate an additional worker". The Court reaffirmed in 2008 that the approach taken in *keen* was correct.

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- 6.10 In 2009, this high court precedent was presented in appeal ref: APP/W9500/A/08/2087370. In this case, a functional need for one worker to reside on the site was proven and it was the case for the appellants that that need could not be fulfilled by the existing dwelling on the farm because it was occupied by retiring farmer. The inspector made the following comments:

“7. The appellants position reflects the findings in *keen v secretary of state for environment and Aylesbury vale council (1996)*, an approach that was more recently confirmed in *JR Cussons and Son v Secretary of State for Communities and Local Government (2007) EWHC252...*

“8. In my opinion these cases can be said to bear on the proposal in front of me. Firstly, the *keen* judgement, confirmed by *cussons*, makes it clear that it is not sufficient for there to be some existing accommodation on site. It is necessary to examine whether than accommodation can reasonably be held to be available”.

- 6.11 The proposed site for the dwelling is adjacent to the existing farm buildings and will form part of the existing building group. It is considered that this siting satisfies the functional requirements of the business.

## 7. CONCLUSIONS

- 7.1 The agricultural business is based on arable and beef breeding, rearing and finishing enterprises. The nature of these agricultural enterprises is such that there is an essential functional need for a livestock worker to reside on the holding in order to provide the requisite supervision of the livestock.
- 7.2 The need to reside on the site relates to a full time agricultural worker.
- 7.3 The business is financially sound and viable with clear prospects of remaining so.
- 7.4 There are no dwellings on the holding which are suitable and available for occupation by the worker concerned.
- 7.5 The siting of the proposed dwelling is adjacent to the farm buildings and satisfies the functional requirements of the holding.

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**April 2014.**