
Appeal Decision

Hearing held on 6 September 2016

Site visit made on 6 September 2016

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2016

Appeal Ref: APP/R3325/W/16/3147858

Lavender Keepers, Great Pit Lane, Sandford Orcas, Sherborne, Somerset DT9 4FG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Carolyn Tuff against the decision of South Somerset District Council.
 - The application Ref 15/05159/FUL, dated 6 November 2015, was refused by notice dated 19 January 2016.
 - The development proposed is erection of temporary dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the site inspection the appellant indicated that she did not wish to allow all parties present at the Hearing access to her property. To avoid giving rise to prejudice to the interests of parties the Hearing was duly closed and I carried out the site inspection on an unaccompanied basis.

Main Issues

3. The main issues in the appeal are:
 - i) whether the proposal would be an isolated new home in the countryside and, if so, whether there is an essential need for a dwelling to accommodate a rural worker, and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Background

4. Lavender Keepers is a recent enterprise associated with 5.3 ha of land and a large farm building erected under agricultural permitted development rights¹. It was stated at the hearing that the pig rearing business was commenced in July 2015 and currently extends to 40 pigs including 2 sows and 14 piglets, 9 gilts and the remainder of the stock made up of weaners brought in for fattening. The address of the appeal site relates to a separate lavender

¹ Planning application Ref 15/02666/AGN

growing business but as this does not form part of the case for the need for the dwelling I have not considered it further.

5. A business plan provided with the planning application sets out a three-year growth plan involving an increase in the stock to around 100 pigs at any one time. It is a model premised on meat production with provenance and of the highest quality. Organic certified rare breed Tamworth pigs would be outdoor reared and rotated regularly around the land to allow them to dig and root in fresh earth.
6. Correspondence from local businesses provided with the appellant's supporting statement gives an indication of a good demand for such produce. The financial forecast accompanying the business plan shows the enterprise returning a profit by year 2, which is not disputed. I have no reason therefore to doubt that it is planned on a sound financial footing and will endure.
7. The proposed accommodation would be provided in the form of a static caravan situated to the side of the farm building within an excavated bank in the slope of the field. It would benefit from mains water and electricity and utilise a private drainage system. Access would be gained via an existing track leading from an altered entrance off Great Pit Lane.

Essential need

8. The appeal site is located in an open countryside position a short distance outside of Sandford Orcas over intervening agricultural land. At such a position policies of restraint apply, with Policy SS1 of the South Somerset Local Plan 2015 (the Local Plan) focusing development in identified town and rural centres, and Policy SS2 of the Local Plan only supporting new housing in other rural settlements that have access to two or more identifiable key services. In the circumstances the parties agree that paragraph 55 of the National Planning Policy Framework (the Framework) is engaged, which advises local planning authorities to avoid isolated new homes in the countryside unless there are special circumstances.
9. An 'essential' need for a rural worker to live permanently at or near their place of work in the countryside is one of the special circumstances identified under the Framework. At the local level Policy HG9 of the Local Plan sets out detailed criteria to be complied with for new occupational dwellings. Of these criteria, the Statement of Common Ground agreed between the parties identifies only two that are in dispute: firstly, whether there is an established existing functional need and, secondly, whether provision on-site is necessary for the operation of the business.
10. In relation to functional need there are variations in the predicted labour requirement of the enterprise. A calculation² obtained by the Council indicates that when fully operational with 12 sows the enterprise would only require the equivalent of 0.5 of a fulltime worker. However, the baseline data used draws from much larger scale pig farming units that are likely to have a higher reliance on mechanised systems and a corresponding reduction in manual labour demands.

² Statement of Reading Agricultural Consultants Ltd, June 2016

11. Conversely, a report³ obtained by the appellant shows there to be much higher labour demand on units involving herd sizes of 25 sows, or less. At these scales of enterprise a labour requirement per sow some 3.8 times that of standard man hour calculations is demonstrated, resulting in a labour requirement of 1.75 fulltime workers. The reliability of the underlying data provided by the University of Nottingham was uncontested at the Hearing.
12. While there can be no wholly accurate method of predicting the labour requirements of a new enterprise, I am satisfied that the manual tasks described within the appellant's submissions amount to a labour intensive process that is not comparable with an intensive indoor pig farm. Although previous appeal decisions⁴ have indicated a need for a fulltime worker on enterprises with around 30 sows, on the evidence before me I am satisfied that the need for a fulltime worker is demonstrated.
13. The appellant submits that the accommodation on-site is essential on animal welfare grounds. Each sow is anticipated to farrow twice yearly with a litter of nine piglets. Understandably, there are risks involved. Examples provided to me include poor or no milk supply, difficulties with breathing, and a piglet becoming trapped under the sow. Such incidents would require immediate attention and it was apparent at the Hearing that the parties are in agreement that an experienced worker needs to be on site to attend to the sow at any time during the day and night. The veterinary evidence⁵ provided also supports the need for a worker to be on site to properly monitor the sows prior to and during farrowing, with early days monitoring of the litter being especially important.
14. However, it is not disputed that a new born piglet would be robust after 3 days. Therefore, assuming all 12 sows produced two litters annually and were farrowing at different times, it could be necessary to be available during this risky period for some 72, or so, days per year. With the 7 days per farrowing recommended by the vet amounting to a worst case scenario this would increase to 168 days. Such increased levels of on-site supervision are disputed by the Council but, whether or not required, I do not find the number of days requiring round the clock attention would lead to an essential need to live on-site at all times.
15. My attention has also been brought to the risks to the animals during periods of adverse weather. It was explained at the Hearing that a pig shelter (arc) could be overturned in extreme gusts of winds, leaving the sow and progeny exposed to the elements. Under these circumstances rapid attention to remedy the problem would be required. However, I have nothing before me to explain the frequency of such events. Given the size and shape of the arcs that I saw at my site inspection such events, as would have to be extreme, would likely be infrequent and could be attended to on an ad hoc basis.
16. The planned rotation system would also involve an above ground and moveable water supply pipe which would be at risk of freezing during winter months. From the weather data presented to me such events could occur on 53 days per year. However, while the work involved in defrosting the pipe and/or providing bucket supplied water to the pigs would be time consuming and

³ Agricultural Report on Essential Need prepared by Andersons, March 2016

⁴ Appeals Ref APP/A3655/C/07/2035943 and APP/G1630/A/13/2195695

⁵ Undated letter from Laura Pattinson of Bredy Veterinary Centre

inconvenient it would amount to a standard farming activity that could be undertaken during daytime hours. I do not find such activities would contribute towards the need to be available on site at all times of the day and night.

17. In reaching my findings I am mindful of the significant support for the proposal offered by interested parties, including the Rimpleton Parish Council, and the desire to see suitable rural enterprises prosper in the area, including as expressed within the non-statutory Rimpleton Parish Plan. However, I am required to take an evidenced based approach to the extent to which the proposal accords with the requirements of development plan and national planning policies. Therefore, while I am satisfied that a full time need exists for an experienced worker at the new enterprise it has not been demonstrated that an essential need exists for a new dwelling.
18. As a result, the proposal would not accord with the third bullet point of Policy HG9 of the Local Plan, and paragraph 55 of the Framework. In the absence of a demonstrable essential need the proposal would therefore result in a new dwelling at an isolated location that would conflict with Policies SS1 and SS2 of the Local Plan. This would also bring the proposal into conflict with general Policy SD1 of the Local Plan that seeks accordance with the Local Plan and Framework.

Character and appearance

19. Only the design of the proposed access has given rise to the second reason for refusal. It has already been installed at a location where, from the photographs provided at the Hearing, there was previously a modest field entrance. This has been altered to a wide agricultural access with splays, double gates and a consolidated gravel surface. I also noted at my site inspection that new hedges and other landscape planting had been introduced.
20. The design of the proposed access has been informed by advice provided within a design guide prepared by the Local Highway Authority⁶ with regard to the need for the safe movement of large agricultural vehicles. I have no alternative configuration before me to indicate that a different design would be satisfactory to serve the needs of the enterprise and accord with the requirements of Policy TA5 of the Local Plan to secure safe and convenient access, amongst other things.
21. While the access is appreciably large by traditional rural standards, from the other examples cited in the appellant's submissions, it is not exceptional. Moreover, the efforts to re-establish the hedgerow lost in its formation would, over time and with suitable management, help to assimilate the larger opening into its natural setting.
22. With suitable control over the specification of surface materials, gates and landscaping, as could be secured by condition, I am satisfied that this element of the proposal would accord with the design criteria of Policy EQ2 of the Local Plan to promote South Somerset's local distinctiveness and preserve the character and appearance of the district. My findings under this issue do not however outweigh the harm I have identified in relation to essential need.

⁶ Standing Advice on Highways Development Control, Somerset County Council 2015

Conclusion

23. Overall, I conclude that as it has not been demonstrated that provision for a worker to live on-site is necessary for the operation of the business, an essential need cannot therefore be said to exist.

24. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Miss Carolyn Tuff	Appellant
Mr James Hull	Appellant's Partner
Mr George Cook	Andersons

FOR THE LOCAL PLANNING AUTHORITY

Mr Dominic Heath-Coleman BSc MA	Planning Officer, South Somerset DC
Mr Peter Williams BSc MBIAC	Reading Agricultural Consultants

INTERESTED PARTIES

Mr John Tricker	Chairman, Rimpton Parish Council
Mr Andrew Neill	Rimpton Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of notification letter dated 20 May 2016 informing of submission of the appeal
- 2 Proposed access plans: Entrance to Field ref. Plan 1; Car Parking Area ref. Plan 2; and, Dimensioned Access Drawing ref. Lavender Keepers
- 3 Photographs of existing field access, extracts from Google Earth dated 2016