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Our ref: **07/26B**
Your ref: **DC/0814** and **0815/10**

The Head of Planning
Adur District Council
Ham Road
Shoreham by Sea
West Sussex
BN43 ~~5HA~~ 6PR.

23 AUG 2010

20th August, 2010

For the attention of: **P. Barnett**

Dear Sir

**Erringham Farm, Shoreham by Sea, for Peter Nye - DC/0814** and **0815/10**

I have studied the report dated the 9th August by your consultants Reading Agricultural. This letter is a summary of my thoughts; the attached five pages of notes show detailed comments.

On this farm, dependent upon the time of year, there are up to 1000 head of cattle and between roughly 1000 and 2000 sheep. The cows are kept outside, weigh about half a ton, are flighty and can be very dangerous when stressed, exactly their mood in emergencies, the more so when they have calves. To care for the cattle in emergencies requires two people or more; the sheep are normally a lesser problem, but Mr. Nye still prefers two people to be on hand.

The applicant wants enough people to live on the farm to be able to deal with these emergencies day and night, every day of the year. There are three stockmen (genderless noun) including himself; he would like a fourth in due course. (These three stockmen and others perform the routine daily tasks, too.)

The tests for new farm dwellings is spelt out in PPS7 Annex A, and in particular for this farm, paragraphs 4 and 7. Para. 4 deals with the functional need, and if it is proven (the report says it is) then para. 7 deals with numbers of people required. But the report fails to analyze and determine those numbers. As it is from those numbers that the number of dwellings needed can be determined, the report is deficient.

The report also fails to consider the representations made to your authority by us, by Mr. Nye's farming consultants CLM and his farm Veterinary Practice, about the need for two people to deal with cattle emergencies, and preferably for sheep too, or to consider the very real health and safety concerns for the stockmen, or to consider the need for a relief stockman to be on-site. Rather the writer seems to have been somewhat mesmerized by the obvious efficiency of the farm management regime to come to the ill-judged conclusion that the farm animals are so well they do not need much attention. She is wrong. And when they do need attention for emergencies (and that is what these planing applications are all about) they need just as many people as any other farm would require, maybe more as the animals are nearly all kept outdoors where control is so much more difficult, particularly because these stock are not used to being handled regularly.

Finally, the author has allowed herself to go beyond what I would consider to be her proper brief, by taking the view that Mr. Nye's elderly, and partly disabled, mother (82) should vacate her home to leave it for a stockman to use, regardless of her age and the health care and family issues involved. (Mrs Nye has written a 'To whom it may concern letter' about herself which is enclosed herewith.) To my mind this is properly an issue for the LPA to take into account, not for an agricultural advisor to meddle with.

It was a pleasure reading this well-written report, but on closer examination it does not investigate all the issues involved, it fails to identify how many on-site stockmen there ought to be, and it overruns into the matter of Mrs. Nye's home which, I think, it ought not to have done. My client is not happy about it, nor I.

There is also the matter of Millie Nye's unlawful mobile home - not a part of these applications, but none the less intimately related to them. She has been in it twice the length of time normally considered appropriate for a start-up farm business, and it is high time she were out of it and in a suitable house. She is doing an arduous job in awful conditions few employees today would accept.

May I leave you with this thought: if these two planning permissions are granted Mr. Nye will have to spend in the order of £500,000 to build the two cottages (say 150m2 x 2 x say £1500/m2 + external works) which would be very valuable for his business management, but of absolutely no other value to him (monetary or any other), for he would not want to sell them, and if he did his market would be severely limited to the few qualifying persons allowed to occupy such dwellings - poor resale value. You may reasonably deduce that his desire is driven by the needs of his business. If he says he needs these dwellings the likelihood is that he does.

Finally, as I said in my supporting statement, Government has encouraged the type of farming Mr. Nye is practising: reversion to grassland and livestock rearing rather than the growing of corn, but in so doing detractors cannot have it both ways - either there is corn and little activity, or there is livestock and all the people needed to look after them.

Why would the LPA want to stymie this successful farmer?

Yours faithfully

[redacted]

Derek Scoble

Encl: Five pages of notes
Copy of the letter to your authority dated 19th August by CLM consultants
'To whom it may concern' letter from Mrs. Desmond Nye about herself

C/c Client
CLM - Matthew Berryman

Comments on the report dated 9 August 2010 of Reading Agricultural addressed to Adur District Council concerning the two planing applications for Erringham Farm - ADC/0184 and 0185/10

Comments by Derek Scoble agent for Peter Nye, the applicant

Report received 16th August 2010

**Page 1**
**Background**
Land holding - By and large correct, but not the whole story.

**Page 2**
Dwellings - In 2000 the land had no dwellings - none. Mr. Nye was granted planning permission for a farmhouse, then a cottage with an occupancy condition came up for sale and he bought it. I have added this because the tone of the report might leave an uninitiated reader with an impression that Mr Nye has *had it easy* whereas the contrary is the case.

Mobile home - correct.

New farmhouse. It would be more informative to have said that the newly granted planning permission was not immediately implemented, not, as stated, because of *personal* circumstances, but because of *financial* circumstances: he had just bought the cottage and more than 200 acres of land. That investment needed to be consolidated before more expenditure was made. When the new farmhouse was eventually completed in 2007, the cottage became available for his mother. The issue of what she owns elsewhere is irrelevant.

What is relevant is that Mr. Nye's mother will be 82 in September 2010, has a mobility disability, and needs to be near her son and grand daughter(s) who assist with her care now, and will have increasingly to do so as she ages. Such arrangements need to be in place in good time, not left until a calamity has occurred. All this is encouraged by Government - *Care in the Community* I think the policy is called.

[ (Derek Scoble) On a personal note, both my mother and mother-in-law died recently aged 91 both in good health but suffering from their age. With that experience I am very conscious of their increasing frailties over the last dozen years of their lives and of the absolute necessity of having family on hand, and later other carers too, initially to keep an eye on them and then increasingly to look after them. To my mind the provisions Mr. Nye has put in place for his mother are necessary and commendable. If she were now living elsewhere keeping an eye on her, and helping where she needs it, would be less practical, and possibly soon it would nct be practical at all. It seems to me that if it comes down to the well being of ones mother or ones livestock then mother must have priority. And in addition to the practicalities, the tranquility of spirit these arrangements must bring Mrs. Nye should not be minimized. A conscious decision to devote a farm cottage for such care does not strike me as an abuse of the system, on the contrary a widow or widower of a farmer is one of the few persons who may occupy such an agricultural dwelling.]

Farm buildings The locked store at Mossy Bottom could have been opened if Ms Scrivener had asked; the building at Holmbush is clearly listed in the supporting statement with all the other buildings. Neither was concealed as the report might have one surmise.

**Page 3**
Beef herd
I have discussed this at some length with Mr. Nye. His comments are:

Para. 2 During the calving period he probably attends the cows three times in a day when he is there, and or others may do so.

Para. 4 Ms. Scrivener has latched onto the fact that the cows themselves mostly calve unassisted, but has missed the point that this is not the only issue: the calves need tagging, there are issues with mastitis, prolapsed cows or other problems. Dead calves have to be dealt with; twins separated and a foster mother found and encouraged. Calving remains a very busy time: cows still need to be looked at

frequently, helped if they are about to calve, and because they are outdoors roaming, when there are problems they are not conveniently in a building next to a crush - they need to be brought in and they can be very dangerous in these circumstances. She has also apparently not appreciated that all the 1st calf and 2nd calf heifers (say 40 of each) require a lot more assistance calving. So the impression given in the report that calving-time is a doddle, requiring little labour, is incorrect.

Sheep flock
Similarly with the sheep. The impression is given that the sheep are left to lamb wild without the need for a shepherd. To the extent that the sheep can lamb themselves they are left to do so, but that is not the end of the story: each sheep still needs to be handled for an udder check and mastitis, and its newly born lambs need a naval spray, tail dock, castration, and on wet days to be brought into the sheep building to dry, warm up and get going. When it snows, as this year, all the sheep had to be fed; and this summer's dry period has caused the need to feed as well - the lambs are late developing and will not mostly be gone by October.

Last para. A decision has been made for 2011 to begin lambing part of the flock in February. That means bringing them in.

Ewe numbers are planned to increase to 1000 in 2011 once the ESA scheme closes.

Pheasants (and horses) The pheasants are mentioned, but not the horses of which there are seven today, two kept stabled.

Staff
bottom of page 3 .....*45 The Avenue, a property* rented by Mr. Nye from his mother.

The stockman George Moir wants to be on the farm. Matthew Berryman of CLM, told me that he does quite a lot of recruiting for farmers and his experience is that it would be difficult to find a replacement stockman willing to live away from the farm - they feel they cannot do their job properly when absent.

**Page 4** John Lear (David's brother) and James Grantham also work part time. James feeds one day a week in winter.

Stella Cockayne (Mr. Nye's partner) works part time; she has another job, often abroad, for half her time.

Mr Nye's two other daughters come sometimes to work at weekends - Emma lives nearby in Henfield (not Ditchling), Victoria in London.

**Page 5**
David Lear - lives in Ditchling. (Lambing - goes home) Millie Nye does the rest maybe with a bit of help.

Add part timers:
John Lear (David's brother) School lad getting practical experience - available in school hols.
James Grantham - feeds one day a week in winter, sometimes two days - with help.
Emma and Victoria Nye occasionally weekends

Rest of page 4 - agreed

**Page 5**
Clearly established existing functional need

Para 3. This paragraph is an absolutely incorrect and a misleading quote from my supporting statement:

On the contrary I was at pains to explain in the supporting statement that the Standard Man/Day Methods used were all that I could find for guidance, that the authors stressed quite wide variations from the predicted staffing levels could be expected, that whereas the predicted levels were 7 to 8 full time employees, this farm currently had fewer full time stockmen (three), but that the figures would give some reassurance to the LPA that a considerable labour force is normal. It went on to say that **Mr. Nye wanted THREE on-farm stockmen now and a fourth, who in due course would live in Mrs. Nye's**

**house when eventually it becomes available**, (and incidentally, but not mentioned in that statement, when he himself is older and less able to do so much.)

Moreover, Ms. Scrivener says that *the Standard Man Day method used assumes a labour requirement for standard farm management methods, which are not applicable in this case.*
How does she know that? The ABC book does not say that in its preamble on page 302 of its May 2009 edition, but it does say *that it is possible to argue plausibly for a vast range of figures based on different assumptions.* And I made that clear in the supporting statement.

Para. 4 Agreed, the management system does give rise to a significantly reduced need for labour compared to a stock farm in say The Weald on heavy land where stock are housed throughout the winter, but all the same the stock do not look after themselves, they need people to care for them: **THREE on-farm stockmen now and a fourth, who in due course would live in Mrs. Nye's house when eventually it becomes available.** Sorry for the repetition, but I feel the point has not been assimilated.

Para. 5 The part time workers shown in the table are wrong: they should read

| | | |
|---|---|---|
| 2008 | 5 | Stella Cockayne alternate weeks normally;<br>James Grantham 1 or 2 days a week helps with feeding;<br>John Lear during school holidays (as above); Emma & Victoria Nye occasionally;<br>David Lear for lambing |
| 2009 | 5 | as above |
| 2010 | 5 | as above |

Para. 6 Agreed that the number of staff employed is roughly stable. Nowhere in the supporting statement, nor in the main application forms, has any suggestion been made that a doubling of staff numbers is required or anticipated. A fourth full-time stockman would be preferable and in due course would want to be housed on the farm.

Para. 7
Stella Cockayne works part time, usually alternate weeks, and is often abroad for her other job. It is reasonable to regard her assistance as a help for her partner rather than as a fully functioning on-site stockman.

Miss Nye (Millie) is the full-time shepherd - that's her job. She is not a make-weight able to give *additional help when needed* as suggested. She helps with the cattle and the administration as and when she has time.

George Moir is a full-time stockman housed off-farm. He would be much better housed on the farm. He is not *readily available when needed* as suggested. When he is off the farm he is less available.

The purpose of this application is to have these three people lawfully housed on the farm.

M/s Scrivener has not mentioned, and so presumably has not considered, the submissions we have made with respect to the need for the cattle to be dealt with by a minimum of two people at a time, particularly in emergencies; this is for practical reasons, and for staff safety reasons too. To a somewhat lesser extent this also applies to the shepherd - lesser because sheep are smaller animals easier to handle and not likely to crush someone, albeit that a 200 kg ram can be a problem. In both cases Mr. Nye does not like anyone going off on their own, particularly in the dark, for if they are injured there is no one to call for help.

M/s Scrivener has not mentioned, and so presumably has not considered, the submissions we have made with respect to the need for a relief stockman when others are away. If there is no relief then the workers are more likely to be out alone, and the safety risks for them is greater.

Para. 8
Paragraph 4 of Annex A of PPS7 says

> *A functional test is necessary to establish whether it is essential for the proper functioning of the the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:*
>
> *(i) in case animals or agricultural processes require essential care at short notice;*
>
> *(ii) to deal ..* (not relevant to this farm)

M/s Scrivener says that there is a functional need, but she goes on to confuse this with dwellings on the farm and who occupies them.

Paragraph 7 of Annex A of PPS7 says

> *If the 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 relevant.*

At the bottom of page 6 M/s Scrivener says that there is a need for more than one full time worker.

But how many? That is a crucial question I believe the LPA needed her to address.

The farmer says he requires three now, and four sometime in the future.

CLM say put simply for today:
1 man/120 cows for 320 - 2.7; 1 /1000 ewes for 750 - 0.75; Relief 1. Total 4.45 say **4.**

CLM say put simply beginning April 2011:
1 man/120 cows for 380 - 3.2; 1 /1000 ewes for 1000 - 1; Relief 1. Total 5.2 say **5** but will cope with 4.

Rather than deal with the crucial issue of how many full time on-site stockmen are needed, she has gone beyond the tests of PPS7 and made a value judgement about the use/occupation of a farm cottage: by implication whether the care needs of an elderly person should be met now and in the future elsewhere, a role it seems to me she is unlikely to be qualified to fulfill and presumably has not been asked to judge. Neither did she meet Mrs. Nye senior.

**Page 6**

Financial Test (PPS7 Para. 8)
This test is considered met.

Concerning reservations about the future, I am enclosing a letter from Mr. Nye's faming advisor CLM, which is self explanatory. Under the new HLS scheme beginning in April 2011 there will be a reduction of subsidy but an allowable intensification of livestock numbers, which is expected to maintain the farm income.

It is also to be noted that there would be an additional 60 cows and 250 ewes growing in numbers later with a consequent increase in stockmen's time to manage of them.

Other existing dwellings

Para. 1 Agreed

Para. 2
Mrs. Nye senior moved in to the cottage in 2007 when it became available. Yes, it is a matter of choice that she occupies that dwelling - at 82 she needs to be there to be cared for by family. As discussed earlier, it is not for an agricultural advisor to adjudicate on such health care issues of the elderly, this is surely an issue the LPA can address itself, and it can take specialist Health Care advice if need be.

Para. 3
We have been at pains to explain that the present arrangements are unsatisfactory, and have been for a long time. In 2007 or sooner, Mr. Nye could not have implemented a planning permission for two new cottages if he had had it, because he was needing to consolidate his hefty investments in the land and cottage purchased in 2001 and the farmhouse built in 2006/7. So he has struggled on. Because he has struggled in the past is hardly a reason for having to continue indefinitely. In the light of this report he is beginning to think he ought to have made a fuss long ago, for apparently (according to the report) he has not made a fuss before so he must have been ok!

M/s Scrivener says that *Mr. Nye Stella and Millie Nye can provide for any emergency.* Well, no they cannot. Stella is absent half the time, and the other two are not always there either 24/7. Mr Moir is 3km away. When there is a problem this arrangement is not always adequate.

Para. 4
The animals do graze all the farm, but they do not graze all of it all the time; the young stock, which are least likely to need emergency attention, are located furthest away, and those likely to be in need of attention are brought closer to home, often in sight and sound of the farmhouse. The premise of M/s Scrivener's argument is unsound. A stockman in a new cottage would be much better placed for emergencies than being 3 km away in Shoreham.

**Conclusion**
The functional need is recognized, but the numbers considered to be required has been dodged. PPS7 Annex A para 7 requires these numbers to be established. And we are not discussing the number of staff required to carry out daily routine tasks, we are interested in the number of people, including relief worker(s), needed to be on hand to deal with emergencies, bearing in mind that the cattle emergences normally need two people or more, and the sheep one or two dependent upon circumstances. The issue is not as simple as M/s Scrivener makes out.

**Last page: 7**
Para 1 - OK

Para 2
M/s Scrivener has failed to assess how many workers are needed. Her conclusion that the existing authorised dwellings are adequate is thus a *non sequitur.*

Rather than stick to the purely agricultural issue of how many people are reasonably required to be on hand night and day, every day, to care for the 3000 maximum (2000 minimum) head of livestock, she has allowed herself to wander into the matter of whether or not Mrs. Nye senior should be required to move off the farm, an issue, I would imagine, she is unqualified to adjudicate upon and which is more properly the duty of the LPA to decide.

Derek Scoble
20th August 2010 (16.00hrs)

[redacted]