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Our Ref: 4978/pb1
Your Refs: ADC/0184/10 and ADC/0185/10

9 September 2010

For the attention of Mr P Barnett

Adur District Council
Planning Department
Ham Road
Shoreham-by-Sea
West Sussex
BN43 6PR

10 SEP 2010

Dear Mr Barnett

Site: **Erringham Farm, Mill Hill, Shoreham-by-Sea, BN43 5FA**

Applications: ADC/0184/10 and ADC/0185/10

Proposal: **Outline applications for the erection of two agricultural workers' dwellings – House No.1 - to the west (ADC/0184/10) and House No.2 - to the east (ADC/0185/10)**

Thank you for your email of instruction dated 2nd September requesting my comments on the additional information submitted on behalf of the applicant, which comprises:

- a letter from Matthew Berryman of CLM dated 19th August 2010;
- a letter from Derek Scoble, with enclosures, dated 20th August 2010;
- a letter from Mrs Desmond Nye dated 20th August 2010;
- a letter from John Archer of the National Farmers' Union dated 31st August 2010; and
- an appeal decision (APP/W9500/A/08/2087370) in relation to Rigg Hall, Stainsacre.

These various communications raised a number of points which need further comment and clarification.

CLM Letter

The additional financial information provided by Mr Berryman is noted. However, I had already concluded that the financial test was met and therefore consider that additional comment is unnecessary.

I note the apparent alterations to the proposed development of the enterprise; however paragraph 3 of Annex A to PPS7 states that:

> *"New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:*
>
> *(i) there is a clearly established existing functional need"*

It is therefore inappropriate to consider any proposed expansion of the enterprise to justify the current application for the two permanent dwellings as the activity must be existing and well-established.

Derek Scoble Letter

Mr Scoble suggests that I have '*gone beyond the tests of PPS7 and made a value judgement about the use/occupation of a farm cottage*'.

However, criterion (iv) of paragraph 3 to Annex A of PPS7 states that new permanent dwellings should only be allowed, providing (amongst other things):

> *"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."*

It is evident that my consideration of the existing dwellings on the unit is entirely appropriate and within my remit as an agricultural consultant to your Council.

Mr Scoble considers that, as the cottage on the site (which has an agricultural occupancy condition attached) is occupied by Mrs Nye, the applicant's Mother, it should not be considered as available for a worker.

Mr Scoble has submitted an appeal decision which supports his view that, as the existing dwelling is currently occupied, it is not available for occupation by a worker. I confirm that I am aware of a number of appeals and indeed case law which have dealt with this matter. However, it is evident from these that this issue must be dealt with on a case by case basis and there is no 'rule' which states that because a property is occupied it is not, therefore, available.

This is an unusual case. The occupancy condition in the s106 agreement is specific and I do not know enough about Mrs Nye's circumstances to comment on whether she complies with the condition. The information I was told was that Mrs Nye moved away from the local area, with her partner, to Northamptonshire for about sixteen years before returning to the Horsham area three years ago. Whether Mrs Nye is living in the dwelling in full compliance is a matter which your legal department may wish to consider.

In any event, the reason for agricultural occupancy conditions is to ensure that the dwellings remain available to those working in agriculture. In addition, the conditions include those previously working in the locality in agriculture or a widow or widower of such a person and to any resident dependants to ensure that no person is displaced from their home upon the retirement or death of a spouse.

This was not Mrs Nye's family home; nor was it the property in which she resided with her, now deceased, husband. In addition, Mrs Nye owns two dwellings within 3km of the application site.

I also note that Mr Scoble states that Mrs Nye's house will eventually become available and can then be occupied by an agricultural worker. It is evident that the use of the dwelling by Mrs Nye is considered to be 'temporary' so that ultimately there would be an agricultural dwelling on the holding which would be surplus to the needs of the enterprise.

Mr Scoble also raises concerns that I have not fully understood the workload and management issues associated with calving cows and lambing ewes. I confirm that I am fully aware of the workloads associated with this element of the enterprise and appreciate that there is an increased functional need at these times.

Mr Scoble makes much of the need for three, or even four, full-time workers at Erringham Farm. I agree that this appears to be a reasonable expectation when the historic labour usage on the farm is considered.

However, whilst the identified labour requirement for three/four workers is accepted, policy does not support the further assumption made by Mr Scoble that it is necessary for all of those workers to live on-site.

Paragraph 7 of Annex A states:

> *"If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant."*

It is clear that once the functional needs of the enterprise have been established, as in this case, it is then necessary to consider how many workers are needed to meet the identified functional requirements.

I consider that Mr Nye is able to provide for the 24-hour supervision of the stock with the additional support of Mr Moir, the stockman, who lives nearby. I understand that there are jobs associated with the stock which require two workers. However, I also consider that the close proximity of Mr Moir ensures that these jobs, even at short notice, can be safely undertaken. Mr Scoble also argues that Mr Moir is not readily available when needed. However, the farm covers an extensive area of up to 3km by 2.5km, which means that even those living on site are not 'immediately' available and most jobs require a vehicle journey. The difference between a worker travelling a further 3km is negligible.

Whilst I appreciate that Mr Nye wishes to be away from the farm at times, I am of the opinion that Mr Moir is able to provide for the welfare of the stock from his dwelling. Alternatively, it may be that Mr Nye provides a caravan for seasonal use which could also be used during lambing time if needed.

I have also taken note of all of the other comments and opinions given within the other letters but consider no response is necessary.

My original conclusion stands:

> *"I consider that the existing authorised dwellings at Erringham Farm are sufficient to provide for any identified functional needs of the unit. The circumstances which surround the occupation of the agricultural worker's cottage by Mrs Nye are such that, in this case, I consider that the dwelling could reasonably be made available for occupation by another farm worker if it was deemed necessary by Mr Nye. If this second dwelling were not made available to a worker, I consider that this enterprise can be supported by a worker living within the nearby settlement of Shoreham-by-Sea, as has been the case for a number of years."*

I trust these additional comments aid in your deliberations.

Yours sincerely

[redacted]

Jill Scrivener