Application Number: ADC/0185/10 Recommendation - Refuse Application

Site: Erringham Farm Mill Hill Shoreham-by-Sea West Sussex

Proposal: One agricultural worker's dwelling (house No. 2 to the east) (outline with access details)

The Application

This application is one of two outline applications for agricultural workers' dwellings on land at Erringham Farm (the other is ADC/0184/10 which is the previous item on this agenda). The site lies within the South Downs National Park. The farmholding comprises 519ha and was formerly arable but has been grazed by cattle and sheep since the 1990s.

The farm is at present served by a large new farmhouse (constructed in 2006 following permissions SU/224/00 & SU/102/01), which is occupied by the applicant and his partner, and there is also No.2 Erringham Farm Cottage, on land acquired in 2001, which is occupied by the applicant's 82 year-old mother. In addition, there is an unauthorised mobile home on the farm, stated to have been in existence for 6 years, occupied by the applicant's daughter, who is the shepherdess at the farm, and her partner.

The site of the proposed dwelling(s) is a former walled garden which is screened by trees and shrubs and which currently contains the unlawful mobile home together with a number of other unlawful structures, such as a greenhouse, kennels and sheds. The buildings are well hidden from view though and are only glimpsed during the summer months in distant views from the public road (Mill Hill) to the west. The site is located to the west of the main farmhouse and to the east of a Dutch barn and other farm buildings. There is an existing access road which leads to 'The Pump House' which it is proposed to use as the access to the proposed dwelling(s).

The application is in outline only with all matters reserved. The application documents suggest that the proposed dwelling(s) would be built to a high sustainable standard (Code Level 4 or 5), with a floor area of around 150sqm.

The application follows the withdrawal of an earlier application for 2 dwellings on land to the north, within Horsham District.

The application is supported by an Agricultural Statement from Derek Scoble, the agent/architect acting on behalf of the applicant, and from CLM, a firm of agricultural consultants. Following the report from the Council's consultants, the agent/architect has provided a supplementary report/rebuttal, together with a letter from the applicant's mother, an update from CLM, a letter of support from the NFU and an appeal decision relating to a case in Yorkshire. A further report from the consultants has also been received, followed by a further response from Derek Scoble. These are referred to in the Planning Assessment below.

Consultations and Representations

South Downs National Park Authority: Object unless the Council is satisfied that there is a genuine on-site agricultural need. Comment that there are already two tied dwellings associated with the holding and state that accommodation within nearby

Shoreham should also be considered. Although the application gives reasons why dwellings within Shoreham are considered impractical, the need for two new dwellings at the farm is still questioned. If need were to be accepted, comment that the proposed siting is acceptable as it is much better related to the existing farm complex and would make use of an existing partly-developed corner of the farm, edged by a number of trees (which should be retained/protected by a condition if permission were granted).

Third Parties: A letter from the occupier of 'The Pump House' states no objection as the dwellings are to be built within the farm complex.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AC1, AC2, AC3, AC7
PPS1 'Delivering Sustainable Development (ODPM 2005)
PPS7 'Sustainable Development in Rural Areas' (ODPM 2004)

Planning Assessment

Policies

The Local Plan shows that the site lies outside the built-up area and in the Sussex Downs Area of Outstanding Natural Beauty. This was re-designated (with boundary changes) as the South Downs National Park in April 2010.

Local Plan policies (AG1, AC1) state that development will not normally be approved in the countryside. AC1 protects the countryside for its own sake from development which does not need a countryside location and resists development that is not required for quiet recreation or related to the essential needs of agriculture. It also opposes the extension of isolated groups of buildings or the consolidation of sporadic development.

In the National Park (former AONB), where there is a particular objective to prevent harm to the landscape which is of national importance, the relevant policy (AC2) states that "*only in compelling circumstances will development be permitted.....any development that would be harmful to the visual quality and distinctive characteristics of the area, particularly the opportunity it offers for quiet outdoor enjoyment, will not be permitted"* and that *"essential need for development for agriculture..... may exceptionally be regarded as compelling"*.

AC2 also states that, where circumstances are regarded as compelling, development will need to be of a particularly high design standard, must be in keeping with the locality and sited so as to minimise noise and visual intrusion. AC3 states that it should conserve and enhance the landscape character having regard to landform and appearance and be sympathetic to traditional forms and materials; the removal of buildings and features which are detrimental will be encouraged.

AC7 states that residential accommodation required in connection with agriculture will only be approved if the Council is satisfied it is essential to the needs of agriculture and, if permitted, will be subject to a condition restricting occupancy to persons employed in agriculture.

The above policies accord with PPS7 which states that new building in the open countryside or outside areas allocated for development in development plans should

be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, so it may be enjoyed by all. Isolated houses will require special justification (including where they replace existing non-residential buildings) and, where the case is made on the basis of essential need for an agricultural worker to live permanently on the site, the advice in Annex A to PPS7 should be followed and the applications scrutinised on the basis of the needs of the agricultural enterprise, not personal preferences or circumstances. Permanent dwellings should not be permitted unless there is a clearly established existing functional need; the need relates to a full-time worker; a financial viability test is met with the unit/agricultural activity have been established for at least 3 years, profitable for at least one of those years and currently financially sound with a clear prospect of remaining so; and the functional need could not be met by an existing dwelling in the area.

PPS7 states that nationally-designated areas such as National Parks and AONBs *have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty.....The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.*

Agricultural Justification

The applicant's agent has provided a detailed supporting statement with their application which sets out their case for additional agricultural dwellings at the farm in accordance with PPS7.

The farm contains large expanses of grazing land with around 800-1,000 cattle and 750 ewes (after lambing there can be some 2,000 plus sheep on the farm). It is argued that the animals require people on the farm both day and night to provide care. The current labour force consists of the applicant, 2 full-time specialist stockmen plus 4 part-time workers. The applicant has identified a need for another full-time stockman and states that there is an immediate need for 3 and, in due course, 4 people to live on the farm. There are currently only 2 workers living on the farm, the applicant and his daughter. The stockman lives in a house in Shoreham but the applicant claims he needs to live on the farm to be immediately available at all times.

The farm currently falls under the ESA (Environmentally Sensitive Areas) scheme which offers farmers incentives to adopt agricultural practices which will safeguard and enhance parts of the country of particularly high landscape, wildlife or historic value. This scheme is due to come to an end in April 2011 when the applicant hopes to enter the farm into the HLS (Higher Level Stewardship) scheme which aims to deliver environmental benefits in high-priority areas. The implications of joining such a scheme are that the land will be farmed more intensively with increased numbers of livestock to cover the deficit which will have resulted from the drop in stewardship income. The applicant argues that more labour will be required to care for the increased number of animals.

The agent has used the Standard Man/Day Method for calculating how many workers are needed based on the number of animals and the hours worked per animal per year. The agent calculates that 7-8 full-time workers are required but at present there are only 3 full-time and 3 part-time workers. A supporting report from CLM states that Erringham Farm has the highest number of livestock in the South East but the equal lowest number of skilled workers resident on the farm.

It is argued that the farm is large, approx 2.5km by 2.5km (1.5 miles by 1.5 miles) and workers have to roam the area twice a day, sometimes more, to check on the animals' welfare. The principal reason to have a stockman housed on site is so that they are available night and day to attend to emergencies such as sick animals, loose livestock or some other issue. Two stockmen are needed to attend to cattle and for safety reasons as working in pairs is safer then one person alone. The farm is isolated and security is a problem.

The stockman, who has been employed for about 5 years, lives 3km (1.8 miles) away in Shoreham. The applicant and his partner live in the main farmhouse and his daughter (the shepherdess) occupies an unlawful mobile home at the farm. The applicant's elderly mother occupies a further agriculturally-tied cottage at the farm. Two new dwellings are sought (one per application), for the stockman and the applicant's daughter. The desire is for a labour force of 4 full-time workers to live on the site. The mother's house, when it eventually becomes available, could house the fourth worker.

The stockman works unpredictable hours and is regularly required to travel back and forth to the farm. The agent argues that he is now needed to live on the farm as he considers 3km to be too distant for someone to be satisfactorily on-call for emergencies, having experienced some difficulties in the past. The applicant also states that his daughter, as shepherdess, is needed on-site at all times to deal with emergencies involving the sheep and that, because she has specialist knowledge of the sheep and he has insufficient time to deal with sheep in addition to cattle, she also must live on the farm.
The agent concludes that the application(s) meets the functional and financial tests of PPS7 and states that the siting of the buildings will be discrete and not adversely affect the character or appearance of the National Park.

In order to properly assess the evidence put forward by the applicant and his consultant and advisers, the Council has sought an independent appraisal from Reading Agricultural Consultants (RAC). Their conclusion is that the existing authorised dwellings at Erringham Farm are sufficient to provide for any identified functional needs of the agricultural unit. The circumstances which surround the occupation of the agricultural worker's cottage by the applicant's mother are such that, in this case, it is considered that the dwelling could be made available for occupation by another farmworker if it was deemed necessary by the applicant. If this second dwelling were not made available to a worker, they consider that the 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.

RAC are satisfied that the farm should continue to operate on a profit-making basis and the financial test required by PPS7 is met. They query the agent's assessment of full-time labour requirements for the farm and consider that there is an identified functional requirement for 3 or 4 workers for a farm of this size and type (rather than 7-8). This view is supported by the number of workers employed by the applicant both currently and historically (3 full time and 4 part time). Furthermore, they do not consider it necessary for all those workers to live on-site.

The applicant's daughter lives in the unauthorised mobile home and wishes to live in a permanent dwelling on the farm. At the time of the application for the main farmhouse in 2000, it was stated that the applicant required a house as he has 3 children (all of whom have now left home). Although disputed by the applicant, there does appear to be a large amount of space available within the main house to enable

it to be partly occupied (with some alteration if necessary) by the mother (or daughter) without the need for a new dwelling to be provided.

The stockman currently lives in Shoreham, 3km (less than 2 miles) away. It is argued by the applicant that this is too distant for someone who is needed on the farm at all hours. However, PPS7 states that *"it will often be as convenient and more sustainable for (farm) workers to live in nearby towns or villages….so avoiding new and potentially intrusive development in the countryside."* It goes on to state that permanent agricultural dwellings should only be allowed providing, among other criteria, that there is a clearly established existing functional need and that *"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."*

RAC have stated that the stockman has lived about 3km from the site for a number of years and has, during that time, been able to provide support to the applicant's enterprise from that location. They do not consider that the circumstances at the farm have changed sufficiently to demonstrate that the stockman now needs to live on site. They further argue that 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. A worker having to travel 3km to get to the site therefore makes a negligible difference.

If the 2 dwellings sought as a result of the current applications were to be built, there would eventually be 4 dwellings available on the farm, which is considered to be excessive in light of the policy in PPS7 and the proximity and availability of dwellings just 3km (1.8 miles) away.

It is considered that, while there may be a functional need for labour to be readily available at most times, the existing 2 authorised dwellings at the farm are sufficient to meet that need. Although the provision of an additional dwelling would be more convenient and make operation of this very large farm easier, the case for one or two additional dwellings on-site is not considered to be sufficiently strong given that there is already a substantial modern farmhouse on the farm. This was built relatively recently and which, at the time of the application, was stated to be needed to provide on the spot attention and security for the livestock. When additional land was acquired, it included the cottage which in the first instance was occupied by the applicant and, after construction of the above new farmhouse in 2006, became occupied by the applicant's mother. It is not accepted that a further house is now essential to provide additional "on-the-spot" care for the reasons given above.

The applicant's agent has responded to this advice and states that the report fails to consider the need for two people to deal with livestock emergencies or the health and safety concerns for the stockmen, or the need for a relief stockman to be available on-site. This view is supported by correspondence received from the NFU and from the farm's vet.

The agent also considers that RAC have gone beyond their remit in taking the view that the applicant's elderly mother should vacate her home regardless of her age or health whereas in the applicant's view she has every right to continue to live there. A letter from the mother states that she is 82 years old with restricted mobility and that she relies on daily help from her son and grand-daughter.

RAC have submitted a second report responding to these comments. They stand by their initial comments and reiterate that whilst the identified labour requirement for

three/four workers is accepted, PPS7 does not support the assumption made by the agent that it is necessary for all of those workers to live on site. They state that any alterations to the development of the enterprise (through new stewardship schemes) should not be used to justify the current applications for 2 new dwellings as the activity at the farm must be existing and well-established, as required by PPS7.

As stated above, the additional accommodation on the farm at No.2 Erringham Farm Cottage is currently occupied by the applicant's elderly mother but she also owns two other dwellings in Shoreham. It is acknowledged that the applicant wishes his mother to live close by as she is arthritic and has restricted mobility. This is clearly a sensitive issue but the applicant accepts that this agriculturally-tied dwelling will eventually become available to a farm worker. It could be made available sooner if the applicant's mother was to move to one of the two houses she owns, just 3km away in Shoreham. The cottage is not her family home and nor was it the property she lived in with her now deceased husband (it is believed that she moved away from the local area for about 16 years before returning 3 years ago). Consequently, the agricultural occupancy condition, which was imposed to safeguard a dwelling for occupation by farm workers or their widow/widower only, and which ensures that no person is displaced from their home upon retirement or death of a spouse, is not being strictly complied with here. In response to the applicant's agent's case and his submission of an appeal decision in Yorkshire, RAC state that they are aware of a number of appeals and Court cases elsewhere in the country relating to the argument as to whether or not an existing farm dwelling occupied by a person no longer working on the farm should be taken into account in assessing need. Their advice is that this matter can only be considered on a case by case basis and there is no 'rule' stating that because a dwelling is occupied it is no longer available. Their view is that the unusual circumstances of the applicant's mother's occupation of this dwelling, mean that her occupation of the dwelling should not be taken into account. Consideration of the existing dwellings on the farm unit is entirely appropriate in the view of RAC and within their remit as agricultural consultant.

A further letter from Mr Scoble states that the future use of the farm is a relevant consideration and, if the application reaches the appeal stage, the new stewardship scheme may well have begun by the time it is considered by the Inspectorate. The issue of the applicant's mother's occupation of the farm cottage is also raised and Mr Scoble reiterates that it is inappropriate for the agricultural consultant to comment that the cottage is available. It is for the LPA to consider the reasonableness and feasibility of moving the applicant's mother to a new home.

Clearly this is a complex matter with arguments for and against the proposal being eloquently made. However, it is considered that the personal circumstances of the applicant's mother should not be used to justify the building of a new dwelling within the sensitive landscape of the National Park. While there is sympathy with her situation and that of the applicant, it would not be impossible to make alternative arrangements so that she could be accommodated within the large four-bedroom farmhouse if the essential agricultural needs of the holding so demanded. The applicant's daughter could potentially move into the cottage (with the unauthorised mobile home removed). The stockman is not considered to be so distant (living in The Avenue) as to justify his relocation to a new permanent dwelling at the farm.

Consequently, within this protected landscape, it is considered that the degree of agricultural need for additional permanent dwelling(s) on the farm is insufficient.

Visual amenity and impact on landscape of National Park

Policy AC1 opposes the extension of isolated groups of buildings or the consolidation of sporadic development as it inevitably leads to further erosion of the rural character of the countryside. However, if the agricultural need for an additional dwelling were found to be over-riding, the proposed site of the new dwelling(s) is reasonably well screened, particularly in the summer months when the trees are in full leaf, and is probably the least harmful site available. The existing buildings on the site can be glimpsed in distant views from the road at the top of the hill to the west. Two-storey dwellings will be more prominent due to their extra height but the site is naturally screened and close to the main farm buildings. The site is less prominent than that of the main farmhouse which is quite exposed in views from the south and west (NB. at the time of the permission for this in 2000, the applicant did not own the farm buildings and this was the site closest to the group of existing buildings).

Residential amenity

The proposal would have minimal impact on the residential amenities of other properties. The adjacent land is in various ownerships, with 'The Pump House' to the south west and 'New Erringham Farm' to the north west being in separate ownership.

Recommendation

REFUSE for reason that:-

1. The proposal is unacceptable in that the site lies within the South Downs National Park and it has not been adequately demonstrated that there is an overriding and essential functional need for an additional agricultural worker's dwelling to be located at the site or that the need cannot be met by better use of existing dwellings at the farm or within the nearby built-up area of Shoreham-by-Sea. The proposal therefore conflicts with policies AC1, AC2, AC3 and AC7 of the Adur District Local Plan and PPS7.

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