



Appeal Decision

Hearing held on 23 September 2009

Site visit made on 24 September 2009

by **Jacqueline North BSc MSc**

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

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Decision date:
2 March 2010

Appeal Ref: APP/N1350/A/09/2105733

Southfield Farm, Great Stainton, Stockton-on-Tees, TS21 1NA

- 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 Messrs S Thompson & Son against the decision of Darlington Borough Council.
- The application Ref 08/00018/FUL, dated 12 December 2007, was refused by notice dated 13 March 2009.
- The development proposed is erection of an agricultural dwelling and associated farm buildings.

Decision

1. I dismiss the appeal insofar as it relates to the agricultural dwelling and four garages. I allow the appeal insofar as it relates to the farm buildings and I grant planning permission for farm buildings at Southfield Farm, Great Stainton, Stockton-on-Tees, TS21 1NA in accordance with the terms of the application, Ref 08/00018/FUL, dated 12 December 2007 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, or areas of new hedgerow to be planted, together with measures for their protection in the course of development. The scheme shall be implemented in the first planting season after the buildings are brought into use or the completion of the development, whichever is sooner.
- 4) Notwithstanding the details shown on the submitted plans, no development shall take place until a plan showing the location of the agricultural buildings has been submitted to and approved in writing by the LPA. Development shall be in accordance with these approved details.

- 5) Notwithstanding the details on the submitted plans the buildings shall not be brought into use until details of the means of vehicular access, including visibility splays and with gates set back from the highway a sufficient distance to allow agricultural machinery to pull off the highway when accessing the site has been submitted to and approved in writing by LPA. The access should be constructed in accordance with the approved scheme prior to the buildings being brought into use and thereafter retained.
- 6) Prior to the buildings being brought into use, the existing access shall be blocked off and a length of hedgerow planted across the blocked off access.
- 7) The buildings hereby permitted shall not be brought into use until a scheme for the storage and treatment of any run-off or effluent has been submitted and approved in writing by the LPA. The scheme shall be implemented in accordance with these approved details prior to the buildings being brought into use and thereafter retained.
- 8) Prior to the commencement of development, details of improvements to the existing footpath to the south of the site, shall be submitted to and approved in writing by the LPA. Development shall be in accordance with this approved scheme and completed prior to the buildings being brought into use.

Main issues

2. I consider that the main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the particular circumstances relating to the operation of the business justify the provision of an dwelling having regard to the policies of restraint which apply to development in the countryside, and taking into consideration the tests in Annex A of Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*.

Reasons

3. The farming partnership of Messrs S Thompson & Son has farmed at Southfield Farm, Great Stainton and Town Farm, Stillington for over 60 years. Mr Stephen Thompson originally took over the tenancy of Southfield Farm in May 1944. Mr Stephen Thompson died in April 2004, his death led to negotiations regarding the continuation of the tenancy and occupation of the farmhouse and agricultural buildings at Southfield Farm. An agreement with the landlord led to the continued lease of the agricultural land but the loss of the farmhouse and farm buildings at Southfield Farm. These buildings have subsequently been sold, and the outbuildings converted for residential use.
4. The partnership owns 199.56 hectares of land, plus a farmhouse and associated farm buildings at Town Farm. This land is mainly in arable rotation but includes an average of 45 hectares of grassland. Livestock activities at Town Farm mainly comprises between 1500 and 3000 store lambs fattened off forage grass then subsequently finished indoors.

5. Southfield Farm lies approximately 2.5 miles from Town Farm. The Appellants own 18.3 hectares of land at this site and lease an additional 67.8 hectares. Much of the land here is also in arable rotation, although there is a small area of permanent pasture, and areas of rotational grassland which support approximately 300 breeding ewes. This is supported by the submitted rotational records. The numbers of livestock have fluctuated as the farm suffered the loss of all livestock through foot and mouth disease, and it has taken time to recover from the impact of this disease and restock.
6. Prior to the death of Mr Stephen Thompson, who lived at Southfield Farm, the labour included Mr David Thompson, his son, living at Town Farm, an agricultural worker living in a cottage adjacent to the farm buildings at Southfield Farm, and another agricultural worker living in Stillington. The agricultural worker living in the cottage at Southfield Farm has since retired, and the cottage along with the other buildings at Southfield Farm are no longer available for occupation by an agricultural worker at the farm.
7. The proposed development consists of the construction of farm buildings, identified on the plans as 1, 2 & 3, the construction of a farmyard, detached agricultural worker's dwelling and four garages together with a new access from the highway.

Character and appearance

8. The proposed location of the agricultural buildings is at the highest point on the site. The buildings would appear as a prominent and visually intrusive feature in the local landscape. However at the site visit I saw that the buildings could be relocated in order to reduce their visual impact.
9. The proposed dwelling would be well screened and would not be visually intrusive. If I were minded to allow the dwelling I am satisfied that I could impose a condition requiring a suitable landscaping scheme to further reduce the visual impact of a new dwelling. In addition the proposed access would make use of an existing farm access and not result in any harm to the character and appearance of the area or to highway safety.

The proposed agricultural buildings

10. The proposed agricultural buildings would be sited towards the north of the site. They would be multi-purpose buildings used for indoor accommodation for ewes and lambs, general stock handling and storage of grain and machinery. There are no agricultural buildings at Southfield Farm, and I consider that there is a need for new, appropriately located buildings to assist in the management of the farming business. The visual impact of the buildings can be satisfactorily reduced by repositioning them towards the north, and this could be secured by means of a condition. Accordingly I allow the appeal in respect of the agricultural buildings.

The proposed agricultural worker's dwelling

11. The proposed agricultural worker's dwelling is a three bedroomed dormer bungalow. This would be located towards the southern part of the site between two paddocks and the agricultural buildings and farm yard. Policy H7 of the adopted Borough of Darlington Local Plan (LP) permits new

residential development in the countryside where it would comply with a number of tests. The tests echo Government guidance in Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7).

The tests in Annex A of PPS7

12. Government guidance in PPS7 states that new building development in the open countryside should be strictly controlled. Isolated new houses in the countryside require special justification. Where a new dwelling relates to the essential need for a worker to live permanently at or near their place of work the guidance in Annex A of PPS7 should be followed. Annex A of PPS7 states that new permanent dwellings should only be allowed to support existing agricultural activities providing it satisfies a number of tests.
13. The second test relates to whether this need refers to a full-time or part-time worker, or one who is primarily engaged in agriculture, forestry, horticulture or similar rural enterprise and not to a part-time requirement. A standard labour requirement calculation was prepared using data in the Agricultural Budgeting & Costing Book, November 2007 and based on the existing agricultural activities. This demonstrated that a standard labour requirement for the farm business would be in excess of 3.5 full time workers. Given that there are only 2 full time workers at present, and that there were 3 until one retired, I consider that the need for a dwelling relates to a full time worker and therefore the second test in Annex A of PPS7 is met.
14. The first test requires that there is a clearly established functional need for a dwelling associated with the enterprise. This functional test requires the Appellants to demonstrate that the need exists for one or more workers to be readily available at most times, and if so, whether the nature and demands of the farm work makes it essential for them to live at, or very close to the farm. Guidance in PPS7 advises that such a need might arise if workers are needed to be on hand day and night to provide animals with essential care.
15. The farm in a normal season has approximately 300 lambing ewes. The lambs are born in late winter/early spring; they feed outside on grass in the summer and autumn and are sold in late winter or early spring. I accept that there is a need for someone to be present during the lambing period, including when the ewes are heavily in lamb, and while the lambs are very young. I consider that this need could be met through the provision of temporary / seasonal workers accommodation during the lambing period.
16. For the rest of the year much of the animal husbandry could take place during normal agricultural working hours. The daily checking of animals, provision of food, water and treatments could all be carried out by a worker residing within Great Stainton or in one of the settlements nearby. The erection of agricultural buildings on the site will provide some cover to protect young lambs from adverse weather conditions, reduce the need to transport heavily in lamb ewes and young lambs and provide an area to carry out health checks and administer treatment.
17. I note that the Appellants are concerned about the protection of livestock and equipment from theft, and whilst this may contribute towards the need for a dwelling, it has not persuaded me that a dwelling is necessary on the farm in this case. Much of the land would not be within sight and sound of the

dwelling, and as such the presence of someone on the site would not fully protect livestock and/or equipment. I appreciate that there used to be agricultural worker's dwellings associated with Southfield Farm, however the farm has subsequently managed to operate from the farmhouse at Town Farm and this adds weight to my findings above.

18. As such I do not consider that the Appellants have demonstrated that it is necessary for a worker to be readily available at Southfield Farm at most times. This is supported by the standard labour calculation which demonstrates that most of the labour requirement relates to the store lambs at Town Farm, or the arable side of the business, also managed from Town Farm and not to the ewes at Southfield Farm. Accordingly the proposal would not accord with PPS7 or LP Policy H7 in this respect
19. The third requirement is that the unit and activity concerned have been established for at least three years, profitable for at least one of them, and financially sound. The Appellants' family have farmed the land for over 60 years. Submitted accounts demonstrate that the business have been profitable in recent years, is currently financially sound and has a clear prospect of remaining profitable. Accordingly the proposal accords with the third test in Annex A of PPS7.
20. The fourth requirement is that the functional need could not be fulfilled by an existing dwelling on the unit or any other existing accommodation in the area which is suitable for a farm worker and available for occupation by the workers concerned. There is not an existing dwelling on the site and I accept that, at the time of the Hearing, the houses which were available in Great Stainton would not have been suitable for occupation by an agricultural worker due to their cost. However, having found that there is not a functional need for an agricultural worker to live at or very close to the farm, I consider that a dwelling in one of the nearby settlements, such as in Stillington or Sadberge, may be available and suitable. Accordingly the proposal fails the fourth test.

The garages

21. The Appellants propose to demolish an existing garage on the south west corner of the site and replace it with a group of four garages with access of Glebe Road. There was little on-street parking at the time of my site visit although I saw that two out of the four cottages adjacent to the site had a garage. The garages would be very close to the small cul-de-sac of dwellings off Glebe Road, and I consider that the use of the garages could result in conflict with residents accessing and leaving the cul-de-sac. The drivers of vehicles accessing the garages would have to manoeuvre close to the entrance to the cul-de-sac and this would be harmful to highway safety. Although the Appellants claim that the garages will be for the use of local residents, there is no evidence before me to demonstrate that these will be available for the use of local residents and this does not overcome my objections to these elements of the scheme. Accordingly I intend to dismiss the appeal with regard to the garages.

Other matters concerning the appeal

22. Third parties raised a number of issues, including harm to their living conditions due to noise of farm machinery and smells from livestock. Whilst I appreciate that farming activities can cause disturbance, they are part and parcel of living in a rural area. As such it would not be reasonable to refuse planning permission on the basis of disturbance resulting from everyday agricultural activities to residents living opposite a farm.

Conditions

23. I shall impose a condition requiring details of the external materials to be used in the agricultural buildings to be submitted to and agreed by the Council and development to be in accordance with these details to ensure that the agricultural buildings are in keeping with the rural landscape. Similarly I shall impose a condition requiring a landscape scheme to be submitted, approved and implemented.
24. At the site visit I saw that the agricultural buildings could be moved towards the north, and consider that a condition should be imposed requiring a revised siting scheme to be submitted, approved and implemented.
25. I also consider it necessary to impose a number of conditions in respect of the proposed access, to ensure that the access is safe and that the existing access is blocked off and the area along the frontage restored to hedgerow, and a condition relating to the maintenance of the footpath to ensure that there is safe access for people using the right of way. I will impose a condition requiring a scheme for the treatment and storage of effluent and other liquid farm waste to be submitted, approved and implemented to ensure that the use of the farm buildings would not be harmful to the living conditions of local residents.
26. A number of other conditions were requested, but these all related to the agricultural dwelling or garages and therefore are not necessary.

Conclusions

27. I conclude that although there is a need for an additional worker on the farm and that the farm is financially viable, the Appellants have not demonstrated that the need exists for one or more workers to be readily available at most times and that the nature and demands of the farm work makes it essential for them to live at, or very close to the farm. In addition I consider it is likely that accommodation would be available locally that would be suitable for occupation by an agricultural worker. Accordingly the proposal fails to meet the tests in Annex A of PPS7.
28. The Appellants have not demonstrated that the garages would be of benefit to the local community, and I consider that the use of the garages would be harmful to highway safety. I conclude that the appeal should be dismissed in respect of the agricultural dwelling and garages. However there is justification for the agricultural buildings, and I allow the appeal in that respect.

Jacqueline North

Inspector

APPEARANCES

FOR THE APPELLANT:

Nicola Howarth	Mincoff Jackson, Solicitors
S W Nixon	Addisons Chartered Surveyors
MRICS FAAV FNAEA	
Ian Lyle	England & Lyle Ltd
BSc(Hons) MPhil MRTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Emma Wilkinson	Planning Officer, Darlington Borough Council
Councillor Brian Jones	

INTERESTED PERSONS:

Norman Barker	Local resident
Dennis Palfreeman	Local resident

DOCUMENTS

- 1 Supplementary market report in respect of potential alternative dwellings
- 2 Bundle of letters in respect of the rotational record