



Appeal Decision

Hearing held on 21 May 2019

Site visit made on 21 May 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2019

Appeal Ref: APP/N1350/W/18/3202281

White House Farm, Sadberge Road, Middleton St George DL2 1RL

- 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 T L Shepherd and Son against the decision of Darlington Borough Council.
 - The application Ref 17/01119/FUL, dated 29 November 2017, was refused by notice dated 19 April 2018.
 - The development proposed is an agricultural worker's dwelling, livestock barn and associated footpath diversion.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural worker's dwelling, livestock barn and associated footpath diversion at White House Farm, Sadberge Road, Middleton St George DL2 1RL in accordance with the terms of the application, Ref 17/01119/FUL, dated 29 November 2017, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is whether, having regard to the development plan and the *National Planning Policy Framework* (the Framework) which seeks to avoid isolated new homes in the countryside, there is an essential need for a dwelling to accommodate a rural worker.

Reasons

3. It is proposed to build a new dwelling and livestock building at White House Farm, which lies in the open countryside between the villages of Sadberge and Middleton St George. At present there is a small livestock building on the site, together with the remains of the former farmhouse; another storage building on the site was destroyed in an arson attack last autumn and is yet to be replaced. The site is isolated from other built development.
4. The appellant company is a farming business operated by Mr C Shepherd, Mrs S Shepherd, and their son Mr M Shepherd. At present the business is run from Raby Farm, located in the centre of the village of Sadberge, and a short distance from White House Farm. It consists of a house and range of farm buildings. It is surrounded by housing and a Scheduled Ancient Monument, that prevent any expansion of the farmyard. Whilst arable farming takes place on the surrounding fields associated with both farms, the main part of the enterprise is an intensive pig rearing business. The pigs are brought into the

- farm at a young age and looked after for approximately 11 weeks before going onto other farms.
5. Whilst Raby Farm is tenanted, and has been farmed by The Shepherds for a number of generations, they own White House Farm, having purchased it in 2016. The existing livestock building at White House Farm is occasionally used for keeping some of the pigs as a short-term measure, but the absence of any dwelling on it, means that it is largely used only for storage. The appeal scheme would allow the expansion of the business, enabling them to double the number of pigs they care for at any one time to approximately 4,000, with around 2,000 being kept at each site.
 6. Policy CS1 of *Darlington Core Strategy (adopted May 2011)* (CS) states that outside the main urban areas and villages development should be limited to that required to meet identified rural needs. In addition, Policies E2 and H7 of the *Borough of Darlington Local Plan 1997 (adopted November 1997)* (DLP) also seek to limit new development and housing in the countryside unless, amongst other things, it is related to agricultural or forestry operations.
 7. Similarly, paragraph 79 of the Framework indicates that isolated new homes in the countryside should be avoided. However, it states that one of the few special circumstances for permitting such homes is to meet an essential need for a rural worker to live permanently at, or near, their place of work in the countryside. This is the only circumstance which is argued in this case.
 8. The Council has not raised any objections to the proposed livestock building. Moreover, it is not disputed that the proposed keeping of that number of young pigs at the farm would be more than a full-time job and would require someone to live on the site, or that the existing business is financially viable. Nothing I have seen or read would lead me to come to a different conclusion in regard to these matters. However, as the enterprise has not been established at this new location yet, the Council consider that temporary accommodation should be provided in the first instance, to ensure it is established and is sustainable in the long term.
 9. To help address the Council's concerns the appellant has provided a Unilateral Undertaking to control the phasing of the proposed development of the site. This would require the livestock building to be largely completed before work on the dwelling was commenced, and that the dwelling was not occupied until the livestock building was brought into use for housing livestock.
 10. I accept that when establishing a new agricultural business that has a functional need for a permanent presence on the site, it is common practice to initially only allow a temporary dwelling to be provided in order to ensure the enterprise is established and proves it is likely to endure in the long term.
 11. However, the proposal does not relate to the establishing of a new agricultural business, but the expansion of an existing one. Moreover, the expansion is not into a new area of agriculture but the growth of the existing pig rearing business, that cannot be accommodated on Raby Farm due to the physical constraints of that site. The current business has been established for a considerable length of time, and it is not disputed that the accounts show it to be a profitable business.

12. Whilst I accept that the enterprise would be on a different site, given the pigs are kept within buildings the entire time, the location of the building is unlikely to make any significant difference to the success or otherwise of the business, especially as they would continue to be cared for in the same way, and by the same people, who are clearly very experienced stockmen. As such, I consider the risk to the business of expanding on a new site is minimal.
13. The financial assessment put forward by the appellant's Farm Business Consultant and agronomist, which takes into account the costs of the new livestock building and dwelling, projects that the expansion of the business would significantly increase profitability. The business has continued for many years, and I see no reason to doubt its continued viability, even if the expansion is taking place on a new site.
14. Furthermore, in order to meet the required animal welfare standards the fitting out of the livestock building would make it far more expensive than an agricultural building that would only be used for storage purposes. It would therefore represent a considerable investment by the business. Thus, although the Unilateral Undertaking does not control the number of animals to be kept in the building, or ensure its continued use for this purpose once the dwelling is occupied, it would not make economic sense to use it other than for its intended purpose and in the long term. It is also clear that the business that supplies the piglets to the enterprise, has the capability to supply additional animals to them and is more than willing to do so.
15. Bringing these points together, taking account of the particular circumstances of this case, and the control over the phasing of the development provided by the Unilateral Undertaking, I consider that the expansion of this existing farming enterprise to White House Farm would require a full time worker to be present on the site at most times, and that this farming need is likely to be sustained in the long term. As such, I am satisfied that an essential need for a new dwelling in the countryside has been established. Accordingly, there would be no conflict with Policy CS1 of the CS, Policies E2 and H7 of the DLP or paragraph 79 of the Framework outlined above.

Other Matters

16. The proposal would require the diversion of existing footpaths that currently run through the farmyard. A plan showing the proposed diversion which has been discussed with, and is supported by, the relevant Council Officer, was submitted as part of the appellant's documentation. This would be subject of a Diversion Order under separate legislation. A condition can be used to ensure that the diversion takes place before any development is commenced.

Conclusion and Conditions

17. For the reasons set out above, I conclude the appeal should be allowed.
18. Although the Council suggested a shorter implementation period of one year, I have imposed the standard condition, as time is required to enable the necessary work required to divert the footpaths. In addition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area conditions are required to control the external appearance of the dwelling and any necessary means of enclosure, although as the materials for the dwelling have

already been specified on the plans, I consider that the submission of further details and samples to the Council is not necessary. The rural location means an agricultural occupancy condition is necessary to comply with national and local policy.

19. In order to ensure the maintenance of the footpath network, a pre-commencement condition is required to ensure the diversion of the footpath takes place in advance of any development and to ensure that adequate provision for users of the footpath is maintained during the construction period. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the wording of this pre-commencement condition was agreed by the appellant in writing. Given the size of the development, and its remote location, I do not consider the other details suggested by the Council to be included in the Construction Management Plan are necessary.
20. The Planning Practice Guidance indicates that permitted development rights should only be removed in exceptional circumstances. In the absence of any specific justification, and as there would be limited visibility of the dwelling, I am not persuaded that it is necessary to remove the rights suggested by the Council.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Steve Barker	Prism Planning
Chris Shepherd	Appellant
Michael Shepherd	Appellant
Robert Sullivan	GSC Grays

FOR THE LOCAL PLANNING AUTHORITY:

Emma Williams	Darlington Borough Council
Dave Coates	Darlington Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Photographs of various instances of criminal damage at White House Farm submitted by the appellant.

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Site Plan Drawing P3456/02; Existing Site Plan showing footpath Drawing P3456/05; Proposed Floor Plans and Elevations Drawing P3456/01; Proposed Site Plan Drawing P3456/03; Proposed Agricultural Building Drawing No 1; and Proposed Agricultural Building Drawing No 2.
- 3) The development shall be carried out using those materials specified on the approved plan Drawing P3456/01.
- 4) No development above ground level shall commence until details of any walls, fencing or other means of enclosure have been submitted to, and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved details, prior to any part of the development being brought into use.
- 5) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 6) No development shall take place until the necessary footpath Diversion Order has been confirmed and implemented, and a construction management plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include details of how a safe and accessible route will be maintained for users of the footpaths during the construction period.