

Item No 01:-

18/02488/OUT

**Manor Farm
Chedworth
Cheltenham
Gloucestershire
GL54 4AA**

Item No 01:-**Erection of an agricultural worker's dwelling (Outline application) at Manor Farm
Chedworth Cheltenham Gloucestershire GL54 4AA**

Outline Application 18/02488/OUT	
Applicant:	Manor Farm
Agent:	Kernon Countryside Consultants Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Jenny Forde
Committee Date:	10th October 2018
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Essential Need for a Rural Worker's Dwelling
- (b) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

Reasons for Referral:

This application has been referred to Planning and Licensing Committee at the request of Cllr Forde. Cllr Forde considers that there is a need for an agricultural worker's dwelling in this location.

1. Site Description:

The application site occupies an area of agricultural land measuring approximately 0.1 hectares in size. The site is located on the southern eastern edge of the former Chedworth airfield. It lies approximately 60m to the north west of a milking parlour. A Nissen hut also lies approximately 50m to the east of the application site.

The site is located in a relatively open and flat landscape which is primarily set to grass. The site lies approximately 60m to the east of an existing farm track. The farm track joins onto the Chedworth to Withington road. The site lies approximately 150m to the north of the aforementioned road.

Two Public Rights of Way run past the application site. Right of Way KCH16 is a bridleway and runs along the farm track lying approximately 50m to the west of the application site. Right of Way KCH20 extends in a south east to the north west direction approximately 120m to north of the application site.

The site is located within the Cotswolds Area of Outstanding Natural Beauty.

The site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2011-2031.

2. Relevant Planning History:

18/00773/OUT Erection of an agricultural worker's dwelling (Outline application). Withdrawn May 2018

18/02489/FUL Erection of agricultural building for the housing of cattle and retention of existing storage shed and fence. Granted August 2018

3. Planning Policies:

NPPF National Planning Policy Framework
 _DS4 Open Market Housing o/s Principal/non-Pr
 _H5 Dwellings-Rural Workers o/s Settlements
 _EN1 Built, Natural & Historic Environment
 _EN2 Design of Built & Natural Environment
 _EN4 The Wider Natural & Historic Landscape
 _EN5 Cotswold AONB
 _EN15 Pollution & Contaminated Land
 _INF4 Highway Safety
 _INF5 Parking Provision

4. Observations of Consultees:

Landscape Officer: Objection - views incorporated in report.

Agricultural Consultant: Considers that there is no essential need for the proposed dwelling. Report attached.

Environmental Health Contamination: No objection subject to attachment of precautionary ground investigation should any contamination be found on site during building works.

5. View of Town/Parish Council:

None received

6. Other Representations:

The Chedworth Society:

The previous application was withdrawn following adverse comments from the Landscape Officer. The Chedworth Society also objected on similar grounds.

This new application shows the herdsman's house in virtually the same location as the previous withdrawn application and so all our objections to the dwelling remain as repeated below.

A new dwelling should not be considered in this important position based on an outline application with no information. A future detailed design submission is unlikely to overcome previous objections in relation to the impact on the landscape and light pollution.

This application includes an essential farm workers dwelling, but that dwelling already exists and could be upgraded without putting a new structure in a prominent place on open land in an AONB. The current dwelling is still quite close, especially by farm quad bike or similar, and there seems room at Newport for further adaptation for a second agricultural dwelling which would surely follow. This would keep families living away from slurry and machinery.

Housing does not contribute positively and does not conserve or enhance the AONB in this open landscape and agricultural setting.

The existing dwelling is said to be likely that it will be occupied by an assistant herdsman once the new dwelling has been built but this means there is no real current need for 2 dwellings, all employees are housed already, and it is just as likely to be converted to holiday accommodation as have other buildings at Newport Farm.

Manor Farm, whether as trust, owners or other, appear to let more properties in the village than mentioned in the application, not all with only 2 bedrooms.

There still seems no consideration of the use of video links from Newport buildings to the animal area when needed. This seems to lay people the obvious solution and the way most businesses are going. The new barn proposed is very large and should allow space for a temporary office/resting area if needed.

A single-storey dwelling would still stand out totally in the AONB. The footprint would be large to fit a 3 bedroom family house on one level. It would require a fenced garden to keep a family safe within, and result in habitation lighting in an area of total dark skies in the AONB. Garden trees would be introduced as the area is extremely windy from the east. The proposed dwelling and garden curtilage would be immediately visible from the road on the approach to the village. The screening shown is behind the proposed dwelling, to hide the sheds from the house, not the house, garden, cars and lights from the road.

The dwelling is still located next to 'dirty water ponds' described as slurry pits to the Parish Council meeting. If it is a requirement that a slurry pit has to be 400m from any dwelling, then these would surely not have been allowed if the dwelling already existed. Any leakage would be unacceptable in smell, contamination or safety to a family dwelling. It is not a suitable situation for an improved family home. The 300 or more cows would have to pass the dwelling for milking. They are very often seen in fields on the Newport side of the road.

The shared access road looks dangerous. If all machinery is in the machinery shed behind the ponds and dwelling, then it all has to pass the dwelling day and night. Slurry is also very messy on roads when being moved and the public already suffers at times.

All visitors to the farm will be expected to call at the house for the first point of contact, with cows and machinery all around. This access road would have to be signed, upgraded and/or separated, bringing further urban elements into open countryside.

There are also other disused Manor Farm buildings. The old dairy is one of those which could be converted to an agricultural dwelling befitting a respected farm manager. There are many access tracks.

This application is not using up redundant farm buildings before planning to build a new one in an inappropriate position for someone who already has a dwelling nearby. More buildings will undoubtedly follow.

It is noted that examples such as KCC3 for Mobley Farm at Berkeley cannot be relied upon. The extra agricultural dwelling 'needed' for 300 cows was approved but not built and the application lapsed. A new application for building of an executive style house and garden reasonably nearby for use as agricultural dwelling was made 5 years later, when the farm had built several more agricultural buildings and by then catered for 1200 cows.

In summary this application should be rejected if it gives outline permission for any dwelling.

There is no objection to farm buildings, which are necessary.'

7. Applicant's Supporting Information:

Planning Statement

8. Officer's Assessment:

Background and Proposed Development

This application relates to an established agricultural business located on the western side of Chedworth. The farm extends to approximately 324 hectares of which 223 hectares is farmland and 101 hectares ancient woodland. The farmland encompasses the former Chedworth airfield. Prior to 2015 the applicant ran a 150 cow organic dairy unit from a site located on the north western edge of Chedworth. During the winter of 2015/2016 the applicant converted a former grain store on the airfield to a milking parlour. The parlour is able to milk 300 cows in 2 hours. The

new site also contains a cow and calf shed and Nissen hut which is used for the rearing of calves. An open fronted timber clad storage building has also recently been erected. Permission was granted for the aforementioned building and a new livestock building in August 2018 (18/02489/FUL). The application site is located approximately 60m to the north west of the milking parlour building.

In addition to the above buildings, the applicant owns a cottage and farm buildings at a site known as Newport Farm to the south of the application site. A farm manager lives at Newport Cottage on the Newport Farm site. Newport Farm lies approximately 350m (as the crow flies) to the south west of the milking parlour. Newport Cottage is located approximately 550m by track/road from the milking parlour.

The farm runs an organic dairy herd of approximately 300 milking cows. On average, 80-100 heifers are brought into the herd each year. The farm is run by a farm manager and is assisted by two full time members of staff and a part time employee.

The applicant is seeking Outline permission to erect a single dwelling. Matters relating to Access, Layout, Scale, Appearance and Landscaping are reserved for later detailed approval should planning permission be granted. The current application is therefore seeking to establish the principle of introducing residential development onto the site. The proposed dwelling is intended to be occupied by the farm manager/herdsman currently residing at Newport Cottage. The aforementioned dwelling would be occupied by an assistant herdsman.

(a) Essential Need for a Rural Worker's Dwelling

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2011-2031. New residential development in such locations is primarily covered by Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements which states that 'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations'. Paragraph 6.4.3 of the new Local Plan states that 'housing for rural workers' can be acceptable in areas covered by Policy DS4. This is supported by Policy H5: Dwellings for Rural Workers Outside Settlements which states:

'Outside settlements, new dwellings for rural workers will be permitted where:

- a. It is demonstrated that there is an essential need for a worker to live permanently at or near their place of occupation in the countryside;
- b. A financial test is submitted to demonstrate the viability of the business proposed or as proposed to be expanded;
- c. A new dwelling cannot be provided by adapting an existing building on the holding;
- d. A suitable alternative dwelling to meet the essential need is not available on a defined development site within the 17 Principal Settlements or within a village or hamlet;
- e. The proposed dwelling is located within or adjacent to the existing enterprise or other buildings on the holding;
- f. The size of the proposed dwelling is proportionate to its essential need; and
- g. Occupancy is limited by way of planning condition or obligation.'

In addition to the above, it is also necessary to have regard to national policy and guidance when considering the application. With regard to this application, it is of note that the application site is situated outside a settlement and in a location that is remote from facilities and services such as secondary schools, shops, employment or healthcare. The site is therefore considered to be situated in an isolated location in the countryside. Paragraph 79 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless special circumstances apply. One such circumstance can include 'an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'.

In the case of the current application, it is evident that the existing business has been operating for a number of years and has shown a profit in the last three years. It is considered that the proposal relates to a well-established business. A proposal for a permanent dwelling rather than temporary accommodation can therefore be reasonably put forward. The principle issue concerning this application is therefore whether there is an essential need for the additional unit of accommodation.

The existing business milks approximately 300 cows. Milking takes place in the milking parlour approximately 60m from the application site. The farm operates a closed herd and rears its own replacement cows. The applicant's supporting statement states that 'on average 80-100 heifers are brought into the herd each year. There are, therefore, between 400 and 500 head of cattle on the holding at any one time'.

The applicant operates the 'New Zealand' style of dairy farming whereby the cows spend the majority of the year outside. Calving takes place on outdoor straw covered pads at Newport Farm to the south of the application site. The calving takes place over a 10 week period in the spring (February to May). Cows and their new calves are then taken to the Nissen hut lying to the north of the milking parlour next to the application site where they are kept indoors overnight for the first 5 nights. Beef bred calves are taken to the older Manor Farm buildings located on the edge of Chedworth. Calves are typically sold after 5 weeks.

It is evident that calving takes place in a block of 2-3 months. Whilst calving can require a 24 hour presence to care for and monitor the welfare of the animals, it is also a seasonal process. Even if the weeks leading up to calving and the post-calving bulling period are taken into consideration, the whole process is still a seasonal one. The calving does not therefore justify an all year round 24 hour on site presence. Outside of the calving period, the farming activities are more routine and can be undertaken during the course of the working day rather than requiring a round the clock presence. Staff employed on the farm will therefore be present to deal with any emergencies/welfare issues. Moreover, it is also of note that the farm manager already resides in close proximity to both the calving area and the milking parlour/calf rearing barn. It is considered that the existing property at Newport Cottage can meet the essential needs of the existing operation should there be a need for animals to be cared for at short notice outside normal working hours.

It is noted that the applicant has gained permission for a further livestock building which will allow cows to be brought indoors to deal with injuries or illnesses. However, the applicant's supporting statement states that 'the number of animals being treated will hopefully be small at any one time'. The majority of the animals will therefore continue to be kept outside for the majority of the year.

In addition to Newport Cottage, the applicant lives in Chedworth and owns three dwellings in the village. Other properties are therefore located within the vicinity of the site. It is noted that the presence of a further dwelling in closer proximity to the existing milking parlour will improve site security. However, security is not in itself sufficient to justify the erection of a permanent dwelling.

Overall, it is considered that an essential need cannot be demonstrated for the proposed dwelling. The proposal is therefore in conflict with Local Plan Policies DS4 and H5 and paragraph 79 of the NPPF.

(b) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

The following Local Plan policies are considered relevant to the proposal:

Policy EN1 Built, Natural and Historic Environment states:

'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. Contributing to the provision of multi-functional green infrastructure;
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. Seeking to improve air, soil and water quality where feasible; and
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.'

Policy EN4 The Wider Natural and Historic Landscape states:

1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.

2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'

Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'

The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA) as falling within Landscape Character Area 7C Cotswolds High Wold Plateau. This in turn falls within Landscape Character Type High Wold. The LCA states that the High Wold Landscape Character Area "...retains a strong sense of remoteness and tranquillity contributing to its high sensitivity. Wide panoramic views, a high degree of inter-visibility, and limited woodland cover also add to the sensitivity..."

The LCA states that 'isolated development such as new single dwellings' can represent a Local Force for Change. It goes on to state that the Potential Landscape Implications of such development include:

- Visual intrusions introduced to the landscape;
- Erosion of the sparse settlement pattern of the high wold;
- Loss of tranquillity and sense of seclusion;
- Introduction of 'lit' elements to characteristically dark landscapes;
- Upgrading of minor roads and lanes in areas of new development and introduction of suburbanising features such as gateways, kerbs and street lighting;
- Suburbanisation and domestication of agricultural landscape by the introduction of gardens e.g. ornamental garden plants and boundary features, garden sheds, parking areas, lighting and conversion of tracks to manicured drives and ornamental gateways.

The Strategies and Guidelines section of the LCA makes the following recommendations in relation to development such as that proposed:

- Avoid isolated development that will intrude negatively into the landscape and cannot be successfully mitigated;
- Conserve areas of dark skies;
- Oppose new housing on the High Wold (unless special circumstances apply in accordance with Paragraph 55 of the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000);
- Conserve the distinctive rural and dispersed settlement pattern;
- Restore existing stone farm buildings and structures in preference to new built development;
- Maintain the sense of openness and consider the impact of built development on views to and from the High Wold, including the impact of cumulative development;
- Control the proliferation of suburban building styles and materials.

The application site forms part of a relatively flat and open landscape that still retains some of the character and appearance of its former use as an airfield. The landscape is characterised by areas of grassland, expanses of tarmac and former airfield buildings. A small number of agricultural buildings are evident. Small pockets of woodland are also in evidence. There is no real evidence of residential development on the former airfield. A group of houses are present at Newport Farm to the south of the site. However, these are reasonably well screened by existing vegetation and are set back from the airfield. The application site is not viewed in context with the housing at Newport Farm.

The application site occupies the edge of a grassed area and is bordered on two sides by farm tracks. The field is not enclosed by any fencing or vegetation. It forms part of a very open and exposed landscape and contributes to the very distinct character and appearance of the area. The proposed development would result in the introduction of a dwelling and associated garden and car parking onto the land. Due to the lack of any definable boundary to the existing site, any development would inevitably require the segregation of the site from the wider landscape area in which it is located. The introduction of hedgerows, trees, walls or fences would all potentially appear at odds with the flat and open airfield landscape. If boundary planting/fencing was not introduced, then the proposed development would appear very prominent from the road and from the nearby Public Rights of Way. It is noted that the application is in Outline form. However, even if a low key building could be introduced it would still result in a discernible change to the character of the landscape through the introduction of residential activity, light pollution and car parking. It would be at odds with the existing character of the area where such development is notable by its absence.

The Council's Landscape Officer states:

'In my opinion the site reads as part of the wider agricultural landscape and contributes positively to the rural character of the AONB. I consider that the change of use to residential with the introduction suburbanising features such as a domestic garden, encroachment of build form, lighting, parked cars and associated domestic paraphernalia would become a negative feature in the landscape. Furthermore, the activity generated from a domestic dwelling would diminish the rural tranquil character of the AONB.'

Overall, it is considered that the proposed development would have an adverse impact on the character and appearance of the AONB contrary to Local Plan Policies EN1, EN4 and EN5 and guidance contained in Paragraphs 170 and 172 of the NPPF.

Other Matters

Access to the proposed dwelling would be via an existing farm track which opens onto the Chedworth to Withington road. It is considered that the entrance is suitable to cater for the proposed development in terms of width and visibility having regard to Local Plan Policy INF4.

The site is set to grass with a farm track lying to its south. Farm vehicles regularly pass the site. There are no hedgerows or trees within or adjacent to the site. The site is considered not to represent a suitable habitat for protected species. It is considered that the development could be undertaken without having an adverse impact on protected species or their habitat in accordance with Local Plan Policy EN8.

9. Conclusion:

Overall, it is considered that an essential need cannot be demonstrated for the erection of an additional dwelling on the site. The proposed development will also have an adverse impact on the character and appearance of the Cotswolds AONB. It is therefore recommended that the application is refused.

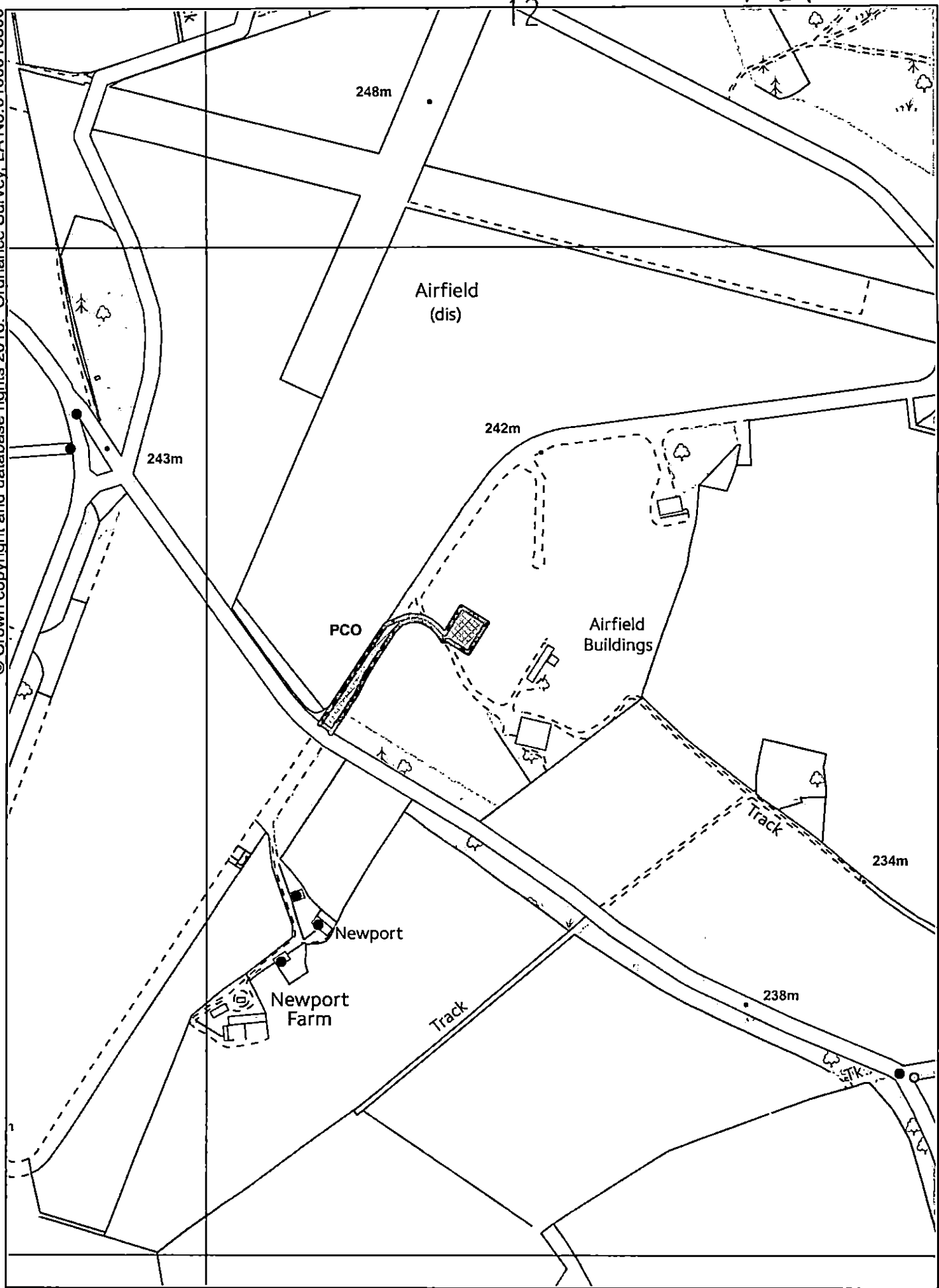
10. Reasons for Refusal:

The application site is located outside a Development Boundary and a Non-Principal Settlement and lies in an isolated location in the open countryside which is remote from services, facilities, amenities and public transport links. The site does not represent a sustainable location for new residential development unless it can be shown that there are special circumstances such as the essential need for a worker to live permanently at or near their place of work. In this instance it has not been demonstrated that there is an essential need for additional residential accommodation on the site in order to deal with the essential care of animals or the needs of the business at short notice. The essential needs of the business can be met by an existing dwelling in the applicant's ownership. It is considered that the proposed development would be contrary to Cotswold District Local Plan Policies DS4 and H5 and guidance contained in the National Planning Policy Framework, in particular Paragraph 79.

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The site forms part of an open and exposed rural landscape and is readily visible from a nearby road and two Public Rights of Way. The proposed scheme would result in the encroachment of residential development into an agricultural landscape where such development is not readily visible. It is considered that the introduction of the proposed dwelling combined with associated garden area, car parking and resultant light pollution would have a detrimental impact on the intrinsic character and appearance of this part of the AONB. It is considered that the proposal would fail to conserve or enhance the natural beauty of the AONB and would be contrary to Cotswold District Local Plan Policies EN1, EN4 and EN5 and guidance in the NPPF, in particular paragraphs 170 and 172.

Informatives:

This decision relates to drawing numbers: KCC2527/05 A, KCC252/07 A



COTSWOLD
DISTRICT COUNCIL

MANOR FARM CHEDWORTH

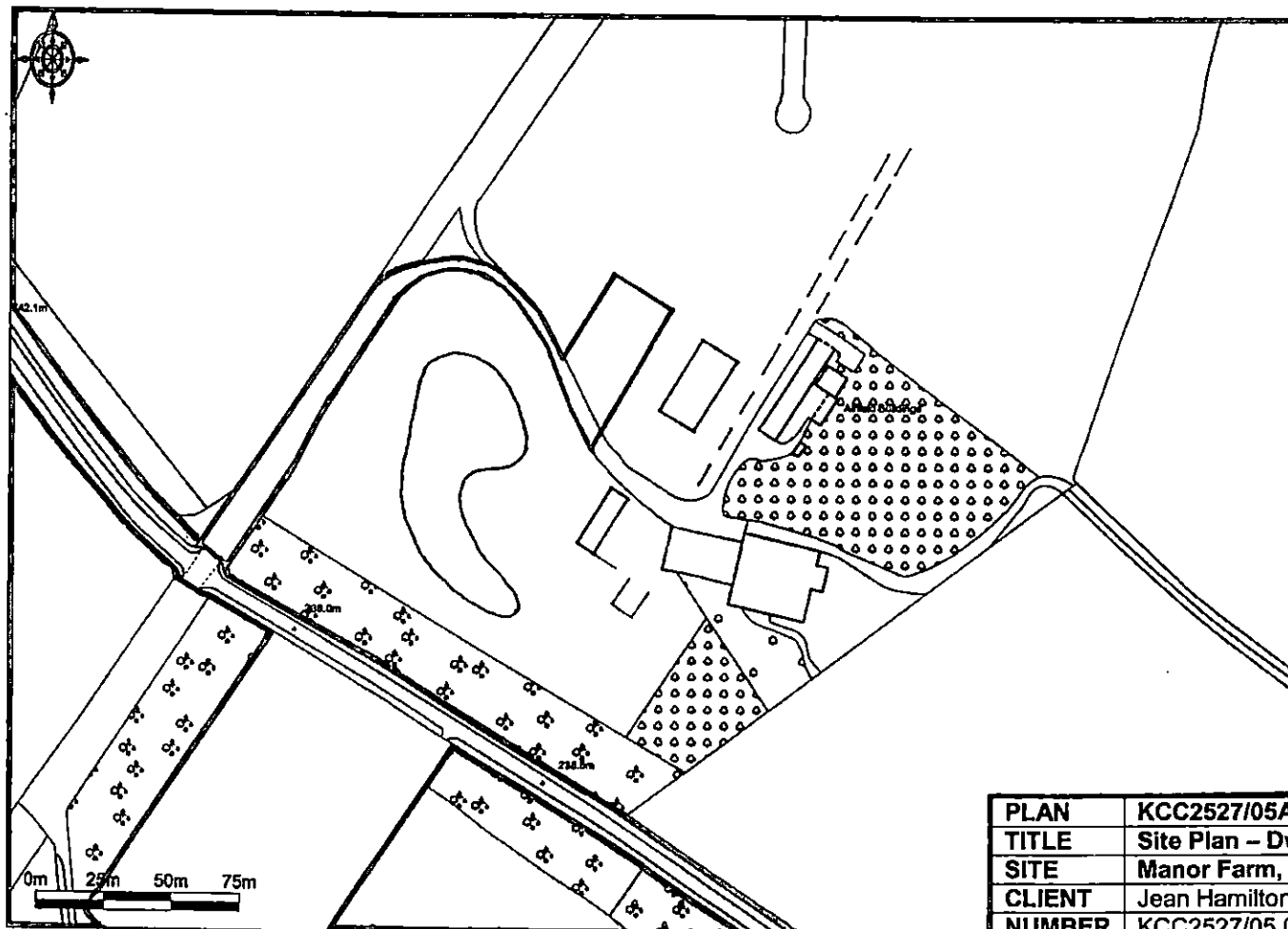
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Department:

Date: 27/09/2018

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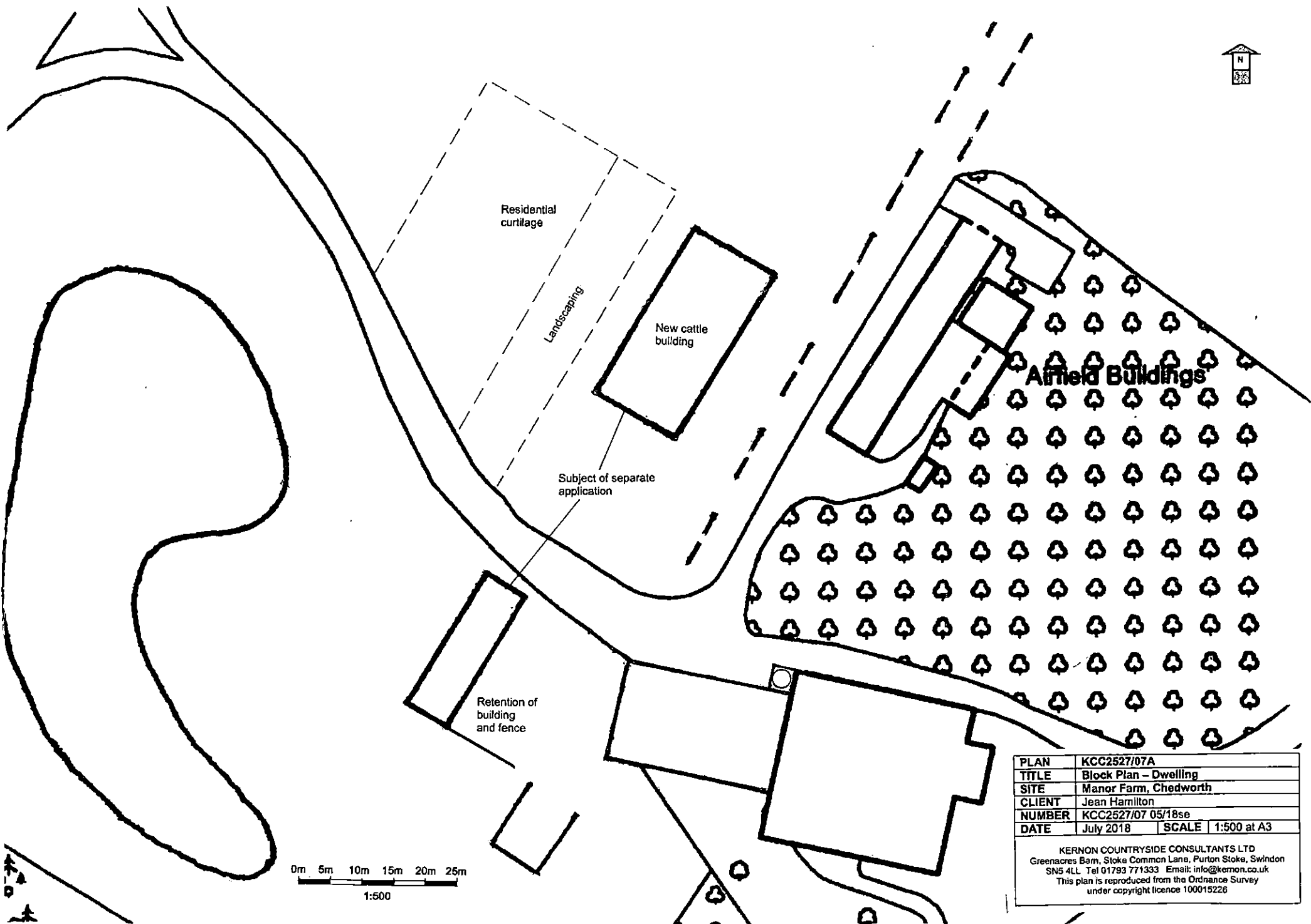
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PLAN	KCC2527/05A		
TITLE	Site Plan - Dwelling		
SITE	Manor Farm, Chedworth		
CLIENT	Jean Hamilton		
NUMBER	KCC2527/05 05/18se		
DATE	July 2018	SCALE	1:2500 at A4

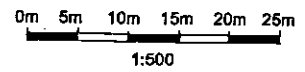
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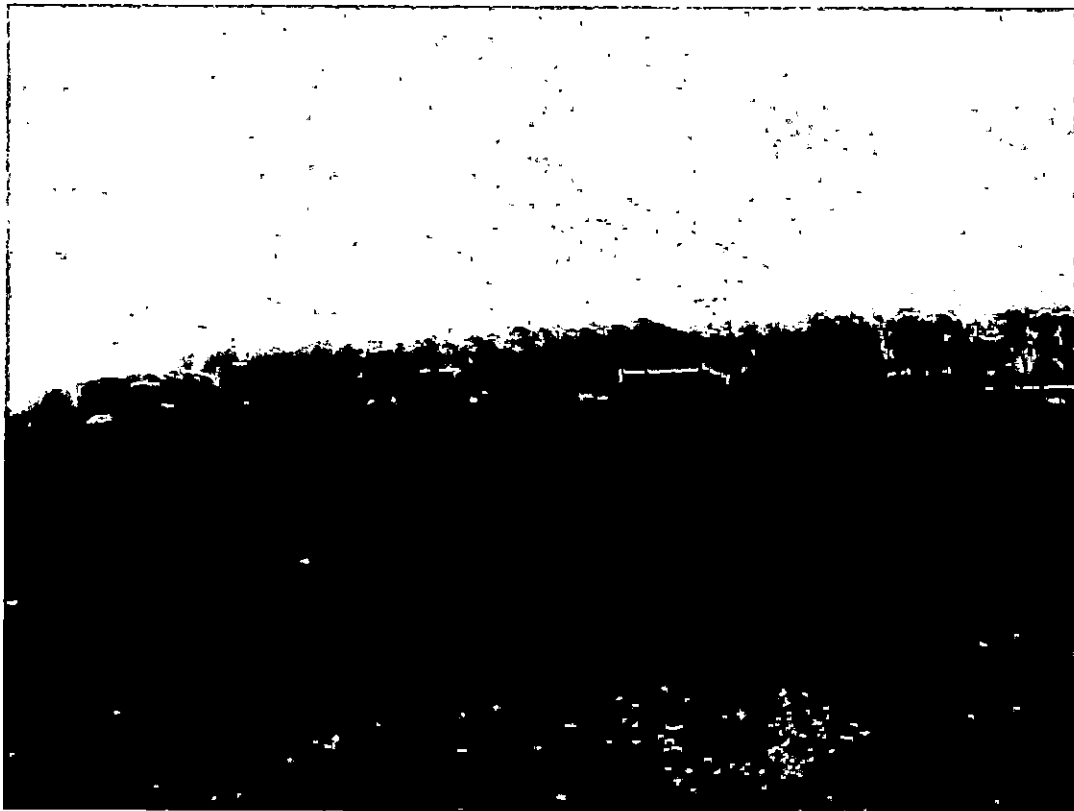


PLAN	KCC2527/07A		
TITLE	Block Plan - Dwelling		
SITE	Manor Farm, Chedworth		
CLIENT	Jean Hamilton		
NUMBER	KCC2527/07 05/18se		
DATE	July 2018	SCALE	1:500 at A3
<p>KERNON COUNTRYSIDE CONSULTANTS LTD Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL Tel 01793 771333 EMail: info@kernon.co.uk This plan is reproduced from the Ordnance Survey under copyright licence 100015226</p>			



Above: View from road

Below: View from Public Right of Way



**MANOR FARM, CHEDWORTH:
HERDSMAN'S DWELLING
AND
AGRICULTURAL BUILDINGS**

SUPPORTING STATEMENT

June 2018





**MANOR FARM, CHEDWORTH:
HERDSMAN'S DWELLING
AND
AGRICULTURAL BUILDINGS**

SUPPORTING STATEMENT

June 2018

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- 9 Summary and Conclusions

Appendices

- KCC1 Boundary of the Holding
- KCC2 Robert Fox's Report
- KCC3 Mr Fox's Report for Mobley Farm
- KCC4 Mr Fox's Report for Hurst Farm
- KCC5 Mr Fox's Report for Llan-y-Nant Farm
- KCC6 Mr Fox's Report for Nupend Farm
- KCC7 Pins Decision 2191064

1 INTRODUCTION

- 1.1 Manor Farm, Chedworth is a substantial organic dairy farm of 324 ha (800 acres). It has in the last few years relocated and doubled the size of its dairy herd, and now operates a 300 cow organic milking herd over 223 ha (551 acres) of mostly grassland.
- 1.2 It is therefore a sizeable farm and of local importance. It is a farm of which the farmers are proud. They have managed to achieve commercial organic dairy farming success whilst improving the populations of golden plover, lapwing, hares and many other species. The farm was selected as an exemplar for Michael Gove, the Secretary of State for Environment, Food and Rural Affairs, to visit earlier this year.
- 1.3 This Supporting Statement accompanies a planning application with three components:
- an essential workers' dwelling next to the main dairy buildings;
 - retention of a machinery store erected recently without having followed the prior approval process;
 - and the erection of a cattle shed adjacent to the proposed dwelling.
- 1.4 This Supporting Statement:
- describes the farm and the enterprise in section 2;
 - describes the proposals and the reasons for them in section 3;
 - sets out the key policy in section 4;
 - assesses the building proposals against the policy in section 5;
 - and the dwelling proposals against the policy in section 6;
 - examining other considerations in section 7;
 - ending with conclusions in section 8.
- The Author**
- 1.5 This Supporting Statement has been written by Tony Kernon. It follows the withdrawal of an earlier application for the dwelling, reference 18/00773/OUT, which was withdrawn to enable us to provide additional information and to apply for additional buildings as a comprehensive application, following the report of the Council's agricultural advisor, Mr Robert Fox.

2 THE FARM AND RECENT CHANGES

2.1 Manor Farm operates as a large, organic dairy unit. In the last two years the farm has undergone a considerable expansion of the dairy herd, and has relocated the milking parlour from the old and mostly traditional buildings at the original Manor Farm, to a large and modern new milking parlour in the midst of the grassland on the airfield. The enterprise now milks over 300 dairy cows, and operates on a fully organic system.

2.2 In this section I describe the assets of the farm: land, buildings and dwellings, and the current enterprises.

The Holding

2.3 Manor Farm extends to approximately 324 ha (800 acres). Of this approximately 223 ha is farmland, and 101 ha is ancient woodland.

2.4 The majority of the woodland lies at the northern end of the farm. The majority of the farmland lies to the west of the village of Chedworth, and encompasses the WWII airfield. The boundary of the farm is shown on the plan in **Appendix KCC1**.

Farmyards and Buildings

2.5 There are three main locations for farm buildings.

2.6 The original Manor Farm buildings were in full use for the dairy herd until about 2 years ago. They included a 1970s 8 aside milking parlour and it took about 2.5 hours to milk the 160-170 cows. There were a number of traditional buildings used for calf rearing, and cubicle sheds from the 1970s used for housing the cows. The old farmyard is shown below.

Photo 1: Some of the Original Buildings and Silage Clamps



- 2.7 During winter 2015/2016 the farm converted an old grain store up on the airfield, in the centre of the farm, into a modern milking parlour, with a 20:40 swing-over parlour able to milk 300 cows in 2 hours. This farmyard site contains the milking parlour, cow and calf shed, open straw and machinery storage barn and an old Nissen hut, with another beef shed nearby. Some of the buildings are shown below.

Photos 2 to 5: The New Dairy Yard



Feed and machinery store



Collecting yard



Cow and calf barn



Milking parlour

- 2.8 There is an old building some 1200m by road to the north west used for rearing calves, dating from WWII, and shown below.

Photos 6 and 7: The Calf Shed



- 2.9 To the south of the main dairy buildings, 600 metres by road and 400m "as the crow flies", is an old farmyard of mostly traditional buildings with a 1960s Dutch barn, shown below. This is known as Newport Farm.

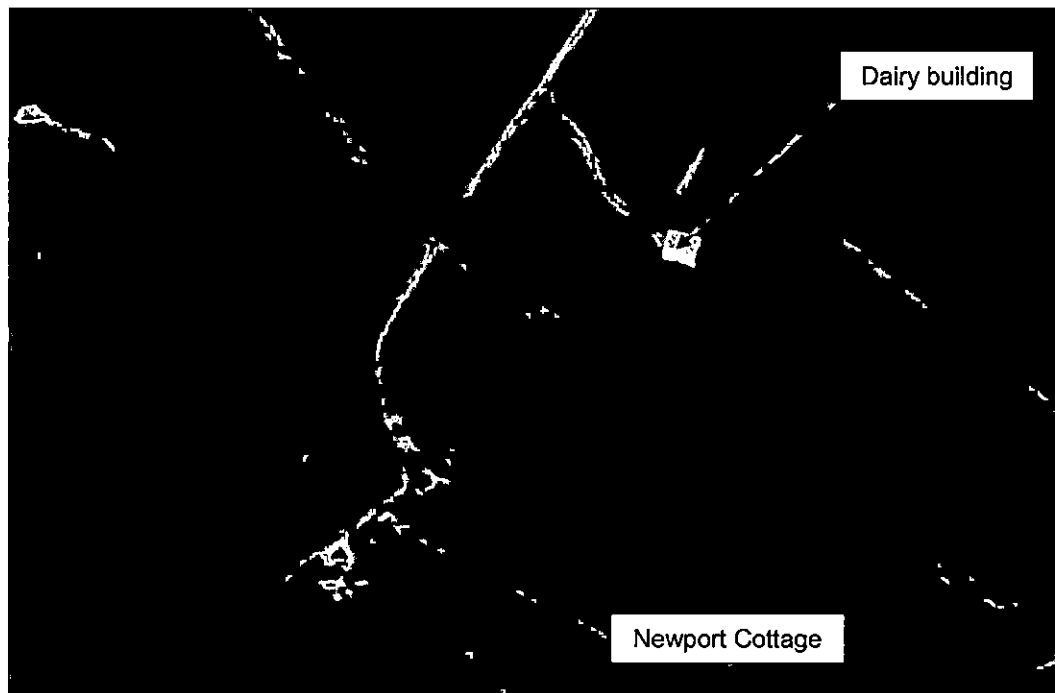
Photos 8 and 9: Newport Farmyard



Dwellings

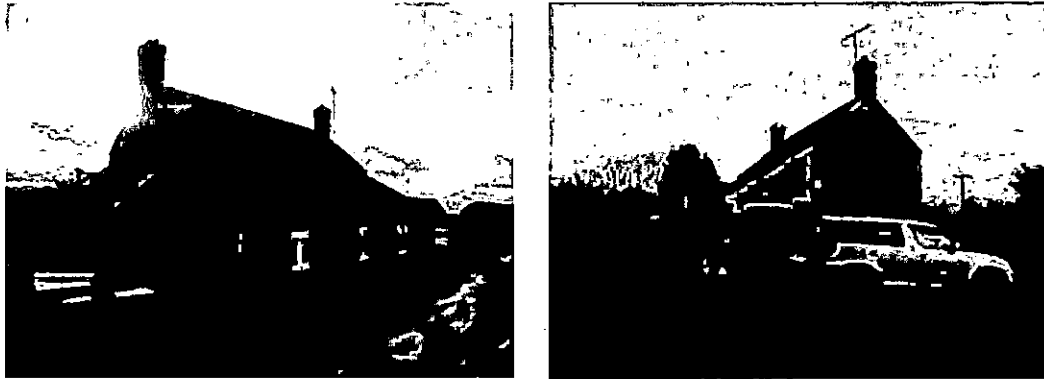
- 2.10 Rob Richmond lives at Newport Cottage, next to Newport Farmyard. This is 570m by road and 330m as the crow flies from the dairy building. It is on the other side of the road, with a belt of mature woodland and another line of trees between, and two neighbours' dwellings, as shown below.

Insert 1: The Farm Buildings and Newport Cottage



- 2.11 There are two residential dwellings adjacent to Newport Cottage, not owned by the farm or the Trust, being Newport and Newport Meadows (a recent conversion). Newport Cottage is shown below.

Photos 10 and 11: Newport Cottage



- 2.12 The Trust has the use of three cottages in the village of Chedworth, within the boundaries of the village and not on the farm.

Ownership and Occupation

- 2.13 The farmland and Newport Cottage belong to a Trust, the JDF Green 1958 settlement. The land is farmed under a life tenancy by Mrs Jean Hamilton, who also occupies the Manor on a similar arrangement, together with No 1 Church Cottage and Lavender Cottage.
- 2.14 Another cottage, Short Crust, is leased by Mrs Hamilton within the village, but is not owned by her or the Trust.
- 2.15 There is a flat at The Manor house which is also used for seasonal/temporary staff.

Enterprises

- 2.16 The farm runs a large organic dairy herd. Across the 220 ha of farmland they also grow arable fodder crops for feeding livestock on the farm.
- 2.17 The farm milks approximately 300 cows. The farm operates as a closed herd and accordingly rears all its own replacements. On average 80 – 100 heifers are brought into the herd each year. There are, therefore, between 400 and 500 head of cattle on the holding at any one time.
- 2.18 The cattle are mostly outwintered. The farm operates a New Zealand system, with cows all calving over a 10 week period from the middle of February to the beginning of May.

The cows are all pregnancy-diagnosed in the autumn and any barren cows are sold when the herd is dried off in mid-December.

- 2.19 The cows are either artificially inseminated or run with bulls. The best cows are AI'd with dairy semen and the others run with beef bulls.
- 2.20 Since the move to the new parlour on the airfield, the cows have been calved outdoors in a large corral on the airfield, or in really harsh weather within the main cattle shed.
- 2.21 All freshly calved cows and their calves are separated from the herd and brought into the large cattle shed next to the milking parlour, shown in Photo 4 above. The cows are typically kept indoors at night for their first five nights and go outside in the day.
- 2.22 The calf shed is away from the milking herd. The dairy-bred female calves are transferred there at about 36-48 hours of age. The beef-bred and male calves are taken to the traditional buildings at the old Manor Farm buildings.
- 2.23 Cows are checked regularly in the run up to calving. Any that are not looking well are moved to the barn next to the milking parlour.
- 2.24 Heifers calve at about 2 years of age.
- 2.25 Calves are sold from about 5 weeks of age onwards, depending upon TB restrictions at the time.

Staffing

- 2.26 The farm is managed by Rob Richmond, a Nuffield-scholar who has been with this farm for 14 years. Rob does most of the milking and is assisted by 2 full-time members of staff, who help with calving and are in charge of the calf-rearing units.

3 THE PROPOSALS

- 3.1 It is proposed to retain an agricultural building and fence, to erect another agricultural building, and to erect a herdsman's dwelling.
- 3.2 The farm buildings are fully designed, the dwelling is not.

Farm Building for Retention

- 3.3 The following building was erected in 2016. It is used for storing straw and machinery and, together with the fence, acts as an important windbreak to the adjacent collecting yard. It measures 24m by 6m.

Photos 12 and 13: Building for Retention



New Farm Building

- 3.4 A new farm building measuring 30.5m by 15m is proposed for the other side of the entrance track, with its rear wall in line with the existing building. This building will provide cattle housing for heifers and space for calving of cows and newly calved cows. It will be built in the following area, with the open side to the south east to protect it from the prevailing weather.

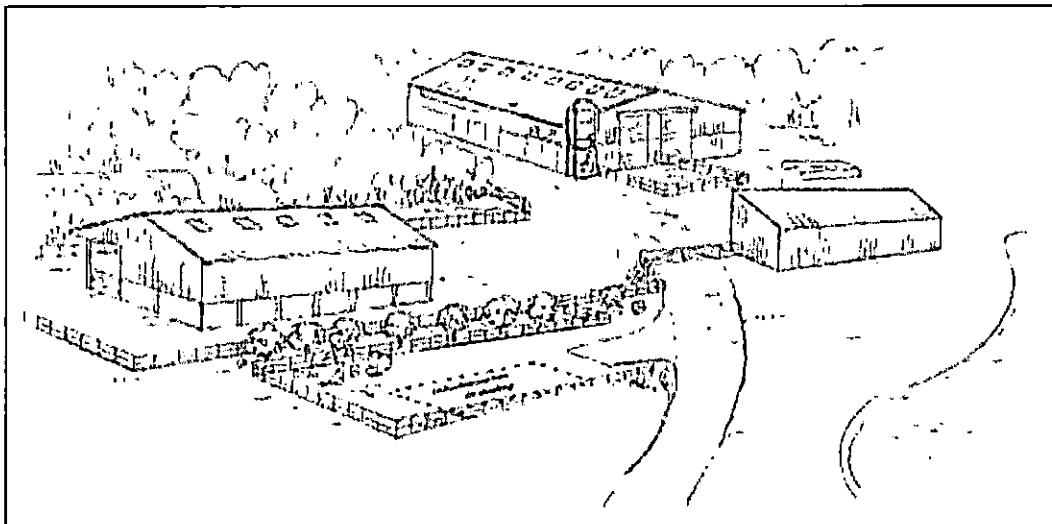
Photo 14: Site for the Proposed Building



Proposed Dwelling

- 3.5 The proposed dwelling will be to the rear of the new cattle shed. It will be the first building passed on route into the farmyard, and consequently will be capable of being accessed by visitors (salesmen, postmen, visitors) without them needing to get near to any animals.
- 3.6 Concern was expressed in connection with application 18/00773/OUT that the dwelling would be isolated from the farm buildings and therefore harmful in the landscape. The following sketch shows how the buildings will all sit together. The dwelling location is shown, close to the existing and proposed farm buildings.

Insert 2: Artist's Impression of Proposed Layout



- 3.7 Taking account of the Landscape Officer's comments of 12th April in connection with 18/00773/OUT, a small garden is proposed to the rear of the building. The parking would be seen in the context of the active farmyard. Therefore the dwelling would not be viewed as having a prominent domestic curtilage. Simple fencing, or a stone wall, would be used to enclose the area, so as to contain children or pets from the active farmyard area. A mostly single-storey building would be acceptable.
- 3.8 As can be seen:
- the buildings would form a cluster, or typical farmyard;
 - the dwelling would be at the entrance to the farmyard, as is normal;
 - and a mostly single-storey dwelling would be acceptable.

4 PLANNING POLICY

National Policy

- 4.1 The National Planning Policy Framework (NPPF) provides great support for land based and agricultural businesses, requiring local plans to “promote” the development of agricultural businesses (paragraph 28 refers).
- 4.2 In respect of new essential workers’ dwellings, the NPPF sets out in paragraph 55 that new isolated dwellings should be avoided unless there are special circumstances. One such circumstance is where there is an **“essential need for a rural worker to live permanently at or near their place of work in the countryside”**.
- 4.3 The farm falls fully within the Cotswold Hills Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF advises that great weight should be given to the protection of the landscape in such areas.

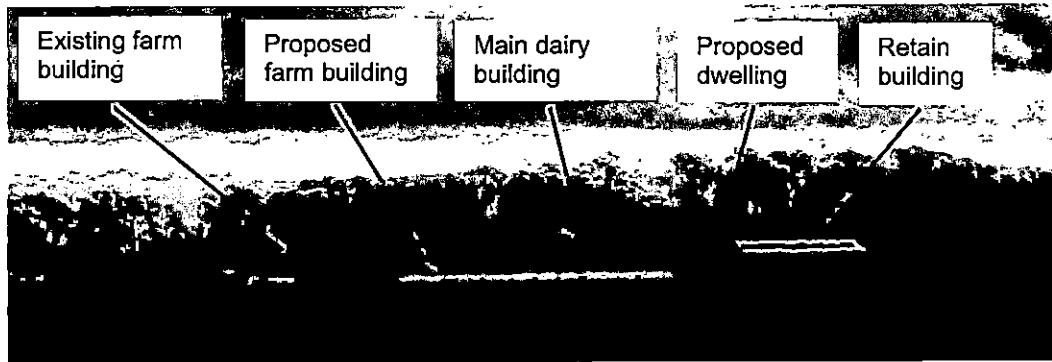
Local Plan

- 4.4 Policy 19 of the Local Plan (2006) allows development outside of settlement boundaries where that development is appropriate to the area, but there is no specific farm building policy. Neither does the adopted Local Plan contain a policy on new essential workers’ dwellings.
- 4.5 The Council has informally adopted the old guidance from the Annex to PPS7 (2004), which itself was replaced with the NPPF, in respect of new essential workers’ dwellings.
- 4.6 The emerging replacement policy, as set out in the Submission Draft Reg. 19 (July 2017), does not have a policy for farm buildings. In terms of new essential workers’ dwellings, policy H5 sets out seven criteria. This policy has been considered by an Inspector and found sound, and is likely to be adopted soon.
- 4.7 The criteria of draft policy H5 are as follows:
- (a) an existing essential need;
 - (b) financial viability is demonstrated;
 - (c) an existing building cannot be adapted;
 - (d) an alternative dwelling within a village is not available;
 - (e) the dwelling is located within or adjacent to other buildings on the holding;
 - (f) the size of the dwelling is proportionate;
 - (g) occupancy is limited by condition.

5 ASSESSMENT: BUILDINGS AND FENCE

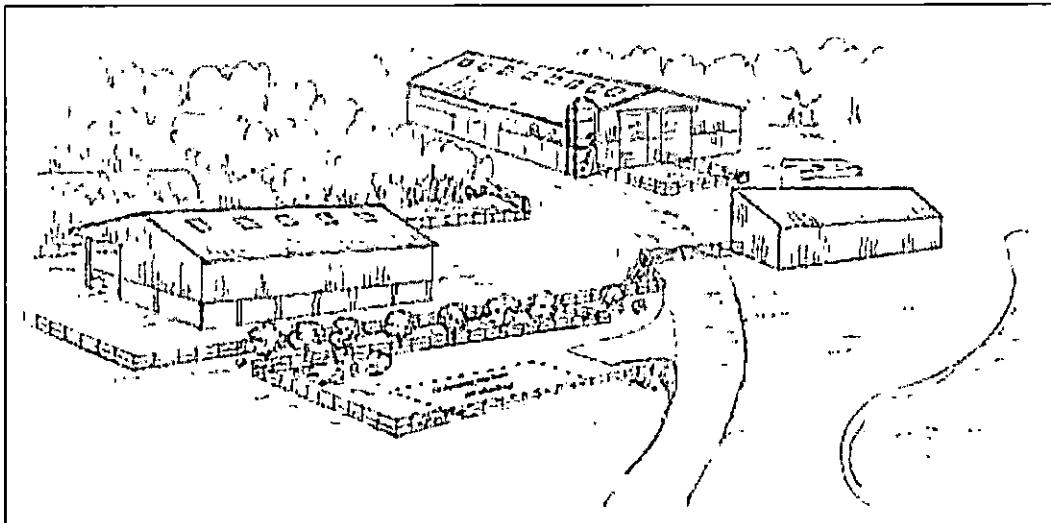
- 5.1 There is no specific policy in the adopted or emerging Local Plan on farm buildings. The NPPF requires local plans, and it must follow development management decisions, to "promote" the development of farm businesses.
- 5.2 There is a clear need for the retention of the open fronted building and the windbreak fence. The building is used for machinery and equipment and the storage of items that benefit from protection from the weather, and which otherwise would have to be left outside.
- 5.3 The cattle shed will provide covered accommodation for cows and heifers in the run-up to calving, and during calving, if the weather is poor. It will provide better space for cows with suckling calves to be housed. It will provide a calving shed when needed. It was particularly acute this year with a very cold spell in the Spring ("the Beast from the East") plus TB restrictions that a large indoor cow and calving area would be beneficial. It was part of the longer term plans anyway, as mentioned in the previous appraisal.
- 5.4 The building will therefore take pressure off the calving pad and provide a bigger alternative in the case of particularly cold weather (such as in late winter 2017 - 2018) or when there are pressures such as animals being retained due to TB selling restrictions (as happened in April 2018).
- 5.5 The buildings accord with the planning policy.
- 5.6 They should also be acceptable in the landscape. The buildings are on the edge of a Second World War airfield, which when it was built would have pulled out all old avenues of trees, stone walls etc., and levelled the ground. Longer views across the old runways reveal the existing buildings (indicated with red arrows below) and the new building is entirely in context, as will be the new proposed cattle shed.

Photo 15: Views Towards the Site



5.7 The objective is to develop the farmyard along the following lines.

Insert 3: Ideas for Farmyard



5.8 Accordingly the proposed farm buildings accord with the development plan.

6 ASSESSMENT: DWELLING

- 6.1 An essential workers' dwelling was applied for earlier in 2018, but that application was withdrawn. This assessment sets out why the dwelling is essential.
- 6.2 I do so following the soon-to-be-adopted Local Plan Policy H5 criteria of:
- essential need;
 - financial viability;
 - existing buildings;
 - alternative dwellings;
 - location of dwelling;
 - size of dwelling;
 - occupancy limitations.

Essential Need

- 6.3 An essential need for a worker to be resident exists where there is a risk of animals suffering which could be identified and alleviated by a farmworker resident on site. What equates to an essential need is a balance, including scale, and the requirement in the NPPF is that the need is for a worker to live permanently at or near their place of work in the countryside.
- 6.4 This is a very substantial dairy herd, one of the largest in the area. It operates on organic principles which means that the use of drugs is minimal and is very carefully controlled, and animal husbandry and identification of problems early is especially important.
- 6.5 Most dairy herds in the UK have a spread calving pattern, with peaks usually in the spring or autumn. With a conventional, British farming system, with the cows calving down mostly indoors and spread over the year, the need for two workers to be readily available at most times to share the workload, would be the normal position for a herd of 300 milking cows.
- 6.6 This unit operates slightly differently to most UK dairy farms, having adopted a New Zealand milking system involving only block calving in one period. The calving currently takes place either outdoors or in the building adjacent to the milking parlour. Young calves run with their mothers for the first two days and are kept in at night in the building next to the milking parlour. The calves are removed to the calf unit at about 2 days old. After five days the cows are typically moved back outdoors.

- 6.7 Any cows suffering from illnesses, injuries, post-calving complications etc. are kept in the big building next to the milking parlour and treated there. These animals are checked at night as well as during the day.
- 6.8 The calving process is monitored carefully. The staff can tell which cows are closest to calving. The herd is block-calved over 2.5 months, and those that are closest to calving are monitored very closely. This necessitates night-time inspections as well as day-time inspections.
- 6.9 Any cows that are not looking their best before calving are separated and, often, brought indoors to be fed and treated pre-calving.
- 6.10 One of the benefits of the proposed new cattle shed is that it will allow for indoor calving, so that at times of really cold or adverse weather, for example, calving can move fully or mainly indoors.
- 6.11 Once the main calving period is finished, the cows are outdoors for most of the time. Only those that have problems or injuries are kept inside whilst being treated. The three months after calving finishes are critical for the dairy, because the cows need to be got back in calf. Therefore the herdsman needs to make frequent checks to see which cows are "bulling", so that they can be isolated after milking for artificial insemination. Cows are in heat for only a few days, and the detection necessitates day and night monitoring.
- 6.12 There are animal welfare issues at other times of the year as well. With at times some 500 head of cattle there are inevitable problems such as illness or injuries in the cows, calves and heifers. There is then a need for the farmers to bring the cows indoors or to isolate the cattle and attend more frequently to them. The existing building and the proposed new building will be used for these purposes for most of the year, albeit the numbers of animals being treated will hopefully be small at any one time.
- 6.13 The milking parlour and associated building remains the heart of the farm. The cows come in to milk twice daily. This is the location for all veterinary work (except in an extreme emergency when a cow cannot be brought back), and for AI and all treatments. It is the area where the operations and daily activities are organised and decided. It is the centre of management for the whole farm, and the location to which any visitors would go.
- 6.14 Despite the relatively short calving period of about ten weeks, there is also the pre-calving period when acute attention is needed and the post calving period when cows are bulling,

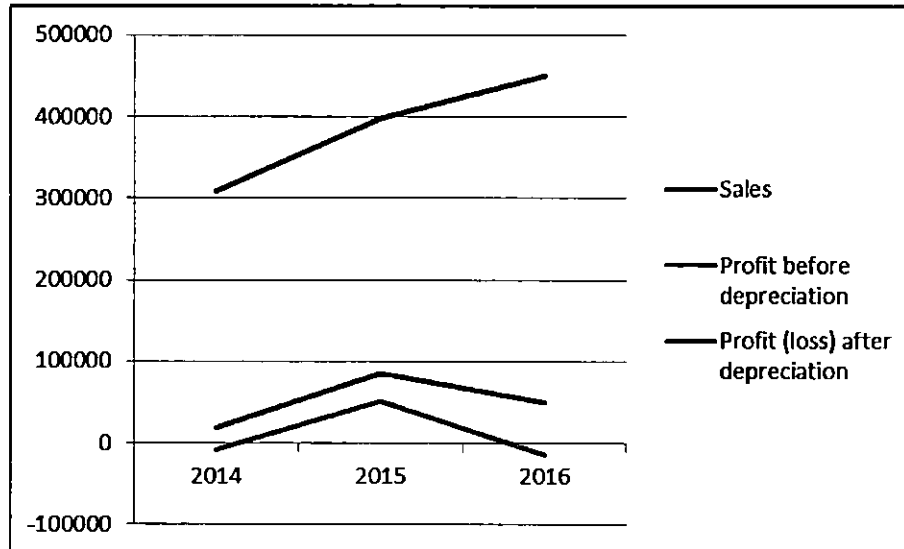
together with the need for attention at other times of the year when there are cattle in for treatment. With this number of cows and this layout, including outwintering (during which time cows still need to come indoors on occasions for treatment), there is a need for a resident worker to be living next to the buildings.

- 6.15 The most critical period is for the months of February to May inclusive. It would not be feasible to provide for such a need by requiring a farm worker to live in a caravan on this site for 4 months in the winter each and every year. From May to July frequent checks are needed, including at night, for heat detection and for signs of illness, mastitis etc. Therefore the key period runs from February to the end of July, a six month period.
- 6.16 There are significant advantages from living on site at all times, not just this key period. The presence of a resident worker acts as a big deterrent to would-be thieves. A farm dwelling means that there is a focus for visitors to head to, which prevents visitors arriving and wandering around the buildings in search of staff, with health and safety and biosecurity risks.
- 6.17 A dwelling as proposed means that the manager is on site, able to take decisions rapidly in respect of animal problems, and can be approached easily even if not on duty. It means that there is likely to be a presence on the farm such that if other members of staff are dealing with animals and need help, it can rapidly and readily be called.
- 6.18 A dwelling on site means that there is a person available at all times to deal with visitors and deliveries, and also to deter theft and arson. The presence of a worker on a farm is far and the best way of minimising problems of theft and damage, and arson.
- 6.19 These matters should not be under-played, as they are critical to the smooth operation of a large organic dairy unit. A management presence on the farm enables all staff to be supervised, it enables staff to call for assistance even on the manager's day off, and it provides a focus for all visitors. There have been cases locally (including on this farm) of theft and vandalism, hare coursing and deer poaching, and vehicle abandonment. The farmyard is currently vulnerable because it is unmanned, and as it stores large volumes of milk for human consumption that represents a risk.
- 6.20 Overall, in my opinion, there is an essential need for this unit to operate properly, and with maximum animal welfare benefits, for there to be a resident worker.

Financial Viability?

- 6.21 The farm's accounts are available for review by the Council on request, but for obvious reasons are not reproduced in this report.
- 6.22 The farm's accounts show financial performance over the last three years as follows.

Insert 4: Graph of Financial Performance



- 6.23 I conclude, having reviewed the accounts, that the farm is financially viable. The 2017 accounts are not yet available.

Adapt an Existing Building

- 6.24 There are no existing buildings that can be adapted. The buildings are all in full agricultural use at this location and are modern buildings save for the old Nissan hut, which is used for storage and is poorly placed to act as a farm dwelling.

Alternative Dwellings?

- 6.25 A location in the village will not meet the requirements of the enterprise for a worker to be readily available at most times.
- 6.26 I have given careful consideration to Robert Richmond's existing dwelling. It is 570m from the dairy by road and currently is the only dwelling that can serve the needs of the farm. However, I conclude that it cannot meet the long-term needs because:
- (i) it is too far from the dairy farm, and all inspections will necessitate vehicular travel;
 - (ii) it is visually and audibly screened from the buildings by distance, neighbouring houses and a thick belt of trees and so offers no management or husbandry supervision of the farmyard;

- (iii) it cannot provide the necessary proximity for workers looking after the calving cows, recently calved cows, any injured or ill cows, that could be provided by a worker resident next to the buildings;
- (iv) it does not act as a deterrent to would-be thieves;
- (v) and any visitors would have no idea it was there, even with sign posting;
- (vi) it is only two bedrooms (it is a two up, two down design with a single storey lean-to containing a bathroom and box room) and too small to attract and retain a new herdsman or stockman;
- (vii) it is occupied already by a key stockman;
- (viii) and it is located near to other houses, albeit only two, but the use of farm vehicles will inevitably disturb them on occasions, when being used (as they must be) at all times of the day and night;

6.27 Therefore no other dwelling can meet the need. There needs to be a dwelling next to the main dairy unit.

6.28 There is a need for a dwelling that will provide a family home. Therefore the dwelling needs 3 bedrooms. The cottages within the village are all too small, and as none are owned by the farm they cannot be extended and are listed buildings. In any event, as explained, none could meet the needs of the cattle for a resident worker to be readily available for emergencies and to discharge his/her duties for animal welfare and animal management.

Location of Dwelling

6.29 The proposed location, near the farm entrance and adjacent to the proposed cattle and calving shed, is ideal from a farm management perspective. It will also, in our view, fit well into the landscape when considered with the proposed and existing farm buildings adjacent.

6.30 The dwelling will be seen as a cluster with farm buildings, and as a consequence it will be entirely in keeping with the landscape. The application is being made in outline, so no designs have yet been considered, but either a vernacular or a modern design, giving full consideration to the Cotswold Design Code, would be acceptable to the Applicants. A mostly single-storey design is acceptable.

Size of Dwelling

6.31 This is an outline planning application. Therefore the size of dwelling is not yet known as it has not been designed.

- 6.32 A three bedroomed dwelling is required. The Applicants are flexible over the design, be it single or double storey, traditional or modern.

Occupancy Condition

- 6.33 An agricultural occupancy condition is expected.

Conclusion on Functional Need

- 6.34 Accordingly I conclude that the dwelling accords with all the policy requirements of the new policy H5 and the NPPF.

7 ANALYSIS OF MR FOX'S REPORT ON APPLICATION 18/00773/OUT

- 7.1 In our opinion the dwelling meets the policy tests of the Local Plan.
- 7.2 This application follows an earlier application, which was withdrawn following the report of Robert Fox. His comments on that application are set out in **Appendix KCC2**.
- 7.3 He concludes that this is a financially viable and sustainable enterprise (4.03).
- 7.4 He concludes that there is no essential need for a resident worker, however. This is because he concludes that for the calving period there is "**continual 24/7 attendance**". Accordingly he considers a dwelling to be "**superfluous during this time period, as the person on duty during his or her shift, will be out and about**". (4.01).
- 7.5 He also concludes that Newport Farm Cottage "**plays a 24/7 role with regard the overseeing of the dairy unit**". (4.04).
- 7.6 Mr Fox's visit came at a difficult time for him and it may be that he misrecorded some of the facts. I set out below corrections of fact and an analysis of how he has concluded not-dissimilar applications elsewhere. I would hope that, following this information, planning officers and the Council will be in a position to support this application.
- 7.7 Mr Fox's main conclusion was that there is no need for a dwelling on this farm because, during the block calving period, he understood that the workers run a 24 hour shift system. Accordingly he concluded that there are people working on the farm anyway around the clock, so he concluded that there would be no advantage to be gained from a dwelling on the farm.
- 7.8 We apologise if somehow we gave the impression that is how the farm works. It is not. Therefore the matter needs to be reassessed.
- 7.9 In the weeks before block calving starts, checks of the cows day and night have to increase. Cows in the run-up to calving need to be monitored for signs of calving, or prolapse or other pre-calving problems. That necessitates an increase in night inspections, and any cows or heifers showing signs of difficulty need to be brought indoors for closer monitoring. The new building will help with this.

- 7.10 Once calving starts, the frequency of night checks needs to increase. The farm does not operate a 24 hour shift, but shares the night checks between the workers. The bulk of the obligation at present falls on Rob Richmond. It is too much for one person.
- 7.11 The second dwelling will mean that there is an ability to share the night checks more evenly, and for a second worker to be called out to assist if needed and very rapidly.
- 7.12 Both workers will also have full daytime duties (which this year included unfreezing the parlour every day for three weeks), so neither can do a full night shift. We apologise if Mr Fox misunderstood this due to something we said.
- 7.13 It is essential to get a second person on the unit for this calving period (and at other times, as explained below). The farm does not operate a night shift, nor is one necessary or cost effective, but it does need two people readily available to make the quick and easy checks, and then to be able to assist in the cases where assistance is necessary or an emergency arises.
- 7.14 When the farmers moved the dairy and expanded the herd, they believed that Rob Richmond alone could do that. They opted for outside calving near to his house. The increase in numbers and the problems associated with very harsh weather and TB and other restrictions has shown that it is too much for one person.
- 7.15 Having other staff living in the village sharing the night checks has been tried and does not work. A worker walked off the job mid-way through the calving period in 2018.
- 7.16 The farm needs an additional building to accommodate the growing size of the enterprise, and it needs a second worker living next to that and the existing buildings to be able to identify and deal with the calvings and calves in the building.
- 7.17 It is not just during calving that the additional dwelling is needed. After the 10 week calving period ends, within a couple of weeks AI starts. That necessitates careful identification of when a cow is in heat, which also necessitates night checks for about 8 weeks to identify those cows that are "bulling" (the period in the cycle when they can be successfully impregnated).
- 7.18 Perhaps due to time constraints, Mr Fox did not visit Newport farmyard or cottage. If he had, he could have seen that Newport Cottage cannot oversee the dairy unit. He describes Newport Cottage in his 2.01 as follows: **"the new dairy unit commands a**

central position to the surrounding farmland and incorporates a cottage and some buildings, referred to as Newport Farm (just across the road from the dairy unit)". However, it is not "just across the road". In a straight line it is over 330 metres from the main dairy building. By road and track it is 570 metres. Between the two there is a road and a wide belt of trees. The dairy buildings do not "incorporate" the Newport farmyard.

- 7.19 Nor can Newport Cottage offer any management or security benefits. There are no windows except for that in the entrance that look towards the principal dairy building, as shown below, and no bedrooms look either towards the dairy building or across the farm. Even if windows were added, there is no view through the intervening vegetation and neighbours houses, as is clear in the photos below.

Photos 16- 18: Newport Cottage: the roadside elevation and view towards the farmyard



- 7.20 There is a need for a new dwelling next to the farm buildings.

Other Examples

- 7.21 We have researched other applications for dwellings associated with dairy farms, in particular looking for proximity of the dwelling to the dairy unit, and whether under block calving systems the Planning Inspectorate or in other consultations it has been concluded that no dwelling is needed.

7.22 I cover the results in three key stages:

- how many people need to live on site for 300+ cows?
- is there a need for a dwelling if the calving is over only 3 months or less?
- and does the scale of available dwellings have a bearing on the decision?

7.23 **How Many Workers?** In appendices I attach two reports by Mr Fox concluding that 300+ cow dairy units need at least two dwellings. The reports I attach are;

- (i) Mobley Farm, Berkeley;
- (ii) Hurst Farm, Slimbridge;

7.24 At Mobley Farm, Berkely, the enterprise was 340 cows, so similar to the current application size of 300 cows. Mr Fox's report is reproduced at **Appendix KCC3**. At his paragraph 4.01 Mr Fox concluded that with over 300 calving's it is "**essential that there are two people living within sight and sound of the livestock accommodation, with a third living within an easy commuting distance**". Mr Fox accepted a second dwelling within 2 minutes' walk, as this was as close as the Applicant could get a suitable site (4.04).

7.25 Hurst Farm, Slimbridge (**Appendix KCC4**) was a 320 cow dairy unit, and again therefore comparable. The proposal was a building conversion to form two additional dwellings. There was an existing farmhouse, and the herd manager lived in a cottage "**just across the lane from the farm buildings**" (2.05 refers). Mr Fox concluded that at the farm's current size, two dwellings on site "**covers the present functional need especially with two workers living in the locality who can be called upon if necessary**". The intention was to increase to 400 cows. Mr Fox concluded that at 400 cows one had entered into the "**realms of there being a need for three qualified people living on site**". He also concluded that there was "**a difficulty in being able to employ suitable workers without being able to offer accommodation it is seen as essential in this case to have another dwelling on site**" (4.01 refers).

7.26 It is clear from these two examples, both dairy units of similar sizes to the one at Manor Farm, Chedworth, that Mr Fox has in other cases concluded as follows:

- at 320 cows there needs to be two people on site within sight and sound, and a third within a short commute;
- at 400 cows there needs to be three people within sight and sound.

- 7.27 Hopefully with the above clarification about the holding operating a normal working pattern, not a 24 hour shift system, the Council will be able to conclude that one worker within sight and sound is a reasonable and essential requirement for this holding.
- 7.28 I attach another example at **Appendix KCC5**, this time from Wales. The different policy is irrelevant. The key point is that the enterprise had 130 cows calving all year round, rising to 150 cows. Mr Fox concluded that **"with the number of all year round calvings and overall stock numbers including mature bulls, there is in my opinion clearly the functional need for two experienced livestock workers to be based at Llan-y-nant"** (see section 7 on page 12).
- 7.29 Consequently in other cases Mr Fox has concluded that:
- at 150 cows two workers on site are essential;
 - at 320 cows two workers within sight and sound, with others nearby, are essential;
 - at 400 cows three workers on site within sight and sound are essential.
- 7.30 At Manor Farm, in the withdrawn application, Mr Fox concluded that nobody needed to live on site as any functional need **"amounts to a seasonal requirement for arrangements to be made for there to be somebody to cover all the periods during the calving period"** (Appendix KCC2, 4.01).
- 7.31 From the analysis above, it is clear that this conclusion differs from his conclusions elsewhere. It can be deduced that:
- (i) if this farm had a longer calving period there would surely be a need for at least two dwellings within sight and sound;
 - (ii) but Mr Fox concludes that because the calving period is only about 10 weeks, and is covered by shift working 24 hours per day, there is no need for a worker at this farm.
- 7.32 I trust that, now that the position at Manor Farm has been clarified, the Council will conclude that a dwelling as proposed is essential. There is no 24 hour shift working during calving.
- 7.33 For completeness, I consider whether or not because the calving period is about 10 weeks, it would be reasonable to meet that need by shift working or a caravan. That is notwithstanding that, in my opinion:
- the key period is about six months, not 10 weeks, running from a few weeks before calving to the end of the AI period;
 - even outside that time there will be animals needing essential care at short notice;

- and there is a need for the worker to be resident adjacent to the existing and proposed new building.

- 7.34 In 2012 Mr Fox carried out an appraisal at Nupend Farm, Hursley. That was a substantial arable farm but with only a modest beef unit of 26 cows, see **Appendix KCC6**. There was already a house on the farm, see 2.04. The report is relevant because the calving period was recorded in section 2.02 as being from January through to March, so a similar time period to Manor Farm. At 4.01 Mr Fox states: **"with regard to the cattle, then there would be some need for there to be a qualified stock person during the calving period which, in this particular case, would be from January through to March. It would therefore be considered quite marginal whether or not there was a functional need for there to be somebody on site at Nupend Farm.**
- 7.35 Overall he concluded at 5.00 that **"it would make sense to have somebody living on site in case of emergencies whether they are technical or welfare related, which could be covered by the existence of Nupend Farmhouse"**. Accordingly whilst Mr Fox did not support a second dwelling on a 26 cow enterprise, he did find a single dwelling on site could meet an essential need. Whilst he described that as "quite marginal", it was, at 26 cows, a twelfth of the size of the unit at Manor Farm.
- 7.36 From this it can be concluded that with a 10 week calving period of a holding with about one twelfth of the numbers of cows that are at Manor Farm, Mr Fox concluded that there was still an essential need for a resident worker. Now it has been explained that the farm does not operate round-the-clock shifts, I trust that the Council can reach a similar conclusion in this case.
- 7.37 There is also a real issue in terms of recruitment, necessitating a three bedroomed not two bedroomed dwelling. Mr Fox did not comment on this in his report. In order to recruit and retain staff, suitable accommodation needs to be provided. The rented cottages are not suitable. Newport Cottage is also only two bedrooms.
- 7.38 It is clear from Mr Fox's assessment for the farm at Llan-y-nant Farm that he considers that the fact that existing cottages are unsuitable for the staff can give rise to an essential need for a dwelling. See **Appendix KCC5**.
- 7.39 One of the farm's workers walked away from the job during calving this year. Another worker has been found, who is now occupying a two bedroomed cottage in the village with his partner and 20 month old child. They require a three bedroomed dwelling.

7.40 The farm has no three bedroom dwelling, nor any prospect of making an existing dwelling larger. It is clear that this can, even in Mr Fox's opinion, give rise to the need for a further dwelling so that a suitable dwelling is available for a key staff worker.

7.41 That has been accepted by the Planning Inspectorate, see **Appendix KCC7**. This Appeal related to a dairy farm in North Yorkshire. It was run by the parents and two sons living together in the farmhouse. Whilst considering the personal circumstances of the sons, who were partially sighted, the Inspector noted the following at paragraph 14:

"Agricultural consultants representing both parties agreed at the Hearing that, irrespective of the particular personal circumstances of the appellants and their sons, it would generally be necessary for at least two experienced herdsmen to live permanently on the site. Furthermore, such skilled labour can be difficult to recruit, particularly in an area such as this where dairy farming is not prevalent. A "tied dwelling" would be an asset to the farm, and would make it more likely that appropriate staff could be recruited if that ever became necessary, thereby helping to ensure the continued success of the business in the long term"

7.42 It is also a matter accepted by Mr Fox in the past. In the 130-150 cow example reproduced at **Appendix KCC5**, Mr Fox stated as follows in 7d). He was commenting on the two two-bedroomed let dwellings (see 4.04). He stated on his page 13:

"The two conversion lets are an important diversification to the farm and provide essential supportive income. They are also considered not to be commensurate for a farm worker who might have a family and require 3 bedrooms. In this case the main worker in relation to the functional need ie Laura is recently married and may well start a family soon".

7.43 Consequently it can hopefully now be agreed that as none of the cottages owned (Newport Cottage) or rented by the farm are three bedroomed properties, a three bedroomed dwelling is essential for the farm.

Summary and Conclusions

7.44 Accordingly on the main issue of whether or not there is an essential need for a resident worker, I conclude as follows:

- (i) in my opinion it is essential that a resident worker is living on site next to the main dairy buildings and calving and calf pens;
- (ii) in other cases of 300 cow units, Mr Fox has concluded that there needs to be at least two people resident on site. In the withdrawn application he concluded that there

was no need for any resident worker because the calving is seasonal and he understood that a 24 hour shift system operated, but he was working on a misunderstanding of how this farm operates;

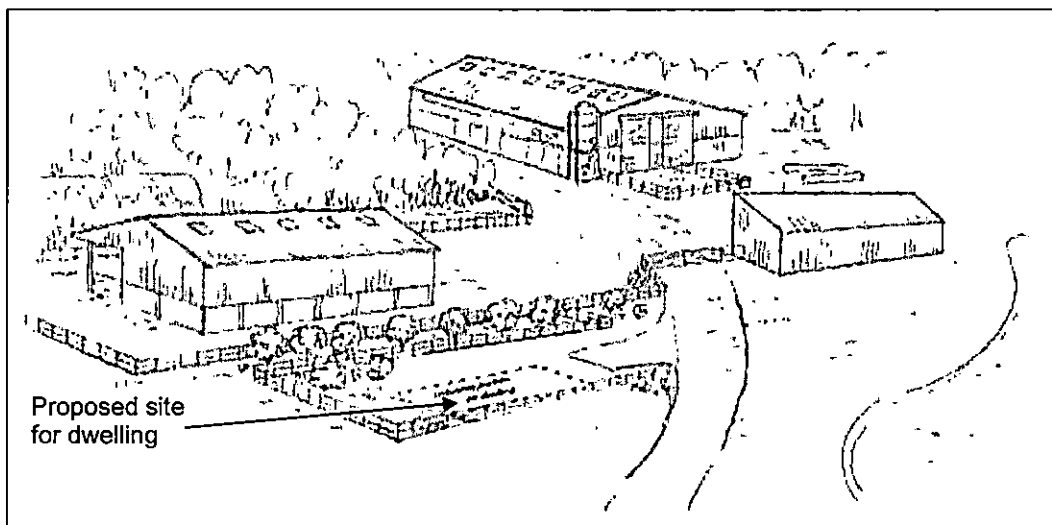
- (iii) in a similarly seasonal block calving beef unit of only 26 cows, he concluded that a resident worker was required;
- (iv) in similarly sized dairy units he concluded that two resident workers next to the buildings were required. Here the Applicants seek just one;
- (v) it is trusted that now the shift system is better explained the Council can reach a similar conclusion in this case;
- (vi) the farm needs to employ and retain skilled staff. A three bedroomed dwelling is needed and cannot be otherwise provided. This has been recognised by Mr Fox as contributing to an essential need in other cases;
- (vii) Mr Fox's earlier conclusion in this case that there is no need for anybody to live on site because the calving is seasonal and because he understood that the workers operated a round-the-clock shift system during calving. Now that is confirmed not to be the case, re-assessment is necessary;
- (viii) and now it is better explained about the other management issues and problems at other times of the year, such as heat detection, illness, injury etc, which have been taken into consideration by Mr Fox on other cases, we trust that the Council will be able to support this application;
- (ix) and security is an important consideration which also adds to the essential need for a resident herdsman year round.

7.45 There is a clear need for this dwelling in this location.

8 OTHER CONSIDERATIONS

- 8.1 During the processing of application 18/00773/OUT, it was confirmed that there were no objections from the following consultees:
- the Parish Council, who supported subject to the dwelling being single storey;
 - Environmental Health, subject to a contamination condition.
- 8.2 There were objections from:
- the Chedworth Society;
 - the Landscape Officer.
- 8.3 The landscape officer described the dwelling as "**within the centre of an open agricultural field and has no containment**", with no agricultural buildings "**in the immediate vicinity**".
- 8.4 It has hopefully been demonstrated in this report that the intention is to erect another agricultural building next to the dwelling. The Applicant is also content to consider a single storey dwelling of vernacular or modern design. The dwelling will form a cluster with the buildings, as follows.

Insert 5: Ideas for the Farmyard



- 8.5 This diagram shows that the dwelling would not be "**within the centre of an open agricultural field**", as described by the landscape officer in her response to planning application 18/00773/OUT. We think she may not have appreciated the proposals for the additional agricultural building (Supporting Statement February 2018, para 4.5) when

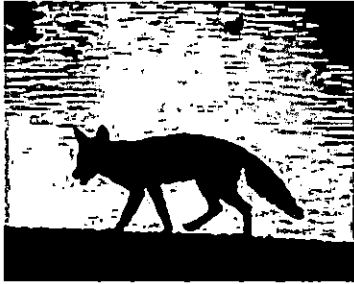
responding. The diagram above will hopefully enable a reassessment and we apologise for not including this in the earlier application.

- 8.6 No domestic enclosures are proposed on the west side of the building, to meet her comments. A small garden, for example to contain children and dogs, would be created between the dwelling and the maintenance track around the cattle shed, with a strip of landscaping between (as shown in the sketch above).
- 8.7 Landscape concerns should therefore be overcome.

9 SUMMARY AND CONCLUSIONS

- 9.1 This application follows withdrawal of an earlier application, which we withdrew so that it could be resubmitted with additional information and with the two agricultural buildings as one package.
- 9.2 There is a need for the farm buildings, which accord with policy. The buildings will be clustered with other agricultural buildings, and therefore appropriately located and laid out in the AONB. They are of an appropriate size and design.
- 9.3 The dwelling will be situated adjacent to the new cattle shed. It will not therefore be isolated in the landscape or isolated from the farm buildings. It can have a mainly single storey design appropriate to its location and setting.
- 9.4 In the earlier application Mr Fox was consulted. He concluded that because the calving period lasted only 10 weeks and because the farm was staffed fully for 24 hours per day from beginning to end of calving, then any dwelling was superfluous even during that period. He concluded that no dwelling was needed outside of that period.
- 9.5 That conclusion was based on an incorrect factual basis and we apologise if somehow we misinformed him. Many dairy farms block calve, even if there are then stragglers calving around the year. This farm, in common with other farms, does not employ round-the-clock workers even during the calving period. We have set out in detail how the farm works, and hope that this will enable the planning officer and Council to reconsider, in line with other conclusions their agricultural advisor has reached elsewhere.
- 9.6 The calving period is not the only time that a resident worker is required. There is an acute period from the beginning of January (a few weeks before calving) to July, when AI finishes.
- 9.7 In two other examples of 300+ cow dairy units in Gloucestershire that we have found, the Council's agricultural advisor has concluded that two resident workers "**within sight and sound**" of the main buildings were required. Currently Manor Farm has no dwelling within sight and sound of the main dairy buildings.
- 9.8 In an example of a beef unit of 26 cows, so less than one twelfth of the size of this herd, the Council's agricultural advisor concluded that a dwelling was required even though calving occurred only from January to March (i.e. a similar period).

- 9.9 It should therefore follow that, based on the 300 cow dairy unit and the farming activities described in this report, the Council will conclude that a dwelling within sight and sound, when none exists at present, is essential. That conclusion would be consistent with other, similar examples provided in this report.
- 9.10 This farm needs to retain staff. It needs a three bedroomed dwelling and it cannot provide one. It needs a dwelling next to the buildings for animal welfare reasons, to deal with frequent out of hours checks and emergencies, and for security and retention of staff.
- 9.11 The proposal accords with the relevant policy.



FOX RURAL

PLANNING & LAND MANAGEMENT

COTSWOLD DISTRICT COUNCIL

RURAL PLANNING APPRAISAL

**PLANNING APPLICATION FOR
AN AGRICULTURAL WORKER'S DWELLING**

AT

**MANOR FARM
CHEDWORTH**

PLANNING REFERENCE –18/02488/FUL

Reference

I have been asked to re-appraise an application for an agricultural worker's dwelling at Manor Farm, Chedworth. I originally met with the applicant and her agent on 17th April 2018 and this appraisal is a desktop exercise, looking afresh at the proposal, relying on information gleaned from that original visit, plus all current and previously submitted documentation.

1.0 Background Information

1.01 Location

The site is situated off a minor road about a kilometre to the north west of Chedworth. OS grid reference - SP041126

1.02 Background and History

Prior to 2015, the applicant ran a c150 cow organic dairy unit from the original Manor Farm, which is situated just on the north-western outskirts of Chedworth. The buildings are mainly traditional or dated and there was little scope for expanding the herd.

The dairy unit was then re-located to the airfield land in 2015, on the site of a grain storage building, and the herd expanded to what it is today.

An application, based on a case made that there is an essential need for a dwelling to be sited adjacent to the dairy unit, was submitted in February 2018 (planning reference - 18/00773/FUL)

Further to instruction from CDC, I visited the site and submitted an appraisal of the application dated 27th April 2018, concluding that there was no essential need for the proposed dwelling.

The application was withdrawn and this application is a resubmission of the same proposal accompanied with new/further documentation in support.

2.0 Present Situation

2.01 Ownership and Occupation

Manor Farm extends to c800 acres, of which c250 is woodland with the remaining c650 acres down to grassland, less an allowance for buildings, yard and tracks. The new dairy unit commands a central position to the surrounding farmland and incorporates a cottage and some buildings, referred to as Newport Farm (just across the road from the dairy unit), with the greater part of the grassland being a former WWII airfield.

Manor Farm I understand is owned by a trust and the applicant has a life tenancy.

2.03 Dairy Farming Enterprise.

The applicant runs an extensively grazed organic herd of 300 Cows.

The soil type being Cotswold Brash has permitted the applicant to out winter cows and followers. Typically, the only time when the cows and heifers are under cover is during milking or for few days just post calving.

This system where the cows spend the majority of the year outdoors is referred to as the 'New Zealand' style. The applicant is able to carry out this system because of the Cotswold Brash soil and is aided with old runways providing perfect areas for feed pads for supplement feeding in the winter, and as outdoor calving pads with straw bedding.

As is typical with this system, the cows and heifers are block spring calved to make maximum usage of the grazing. This takes place over a 10-week period in the spring which happened to coincide with my site visit.



Cows and calves on the calving pad at Newport Farm

The calving takes place on a pad at Newport Farm over c10 weeks, typically from end of February into May. The cows and calves are then taken over the road to a covered area adjacent to the dairy unit, with the calves in the back of a 4x4 Mule and the cow following on foot. This takes a matter of a few minutes and is a distance of c500m, which I witnessed on the day of my visit.

Once the cows and calves are housed they will remain together for a few days before the calf is taken away for rearing, and the cow or heifer entering the milking herd. It is obviously a very busy period of the year.

The herd consists predominantly of Friesians or Dairy Shorthorns.

Beef Shorthorn bulls are put to the c80 heifers that enter the herd each year.

All the calves are reared either in an adapted WW II Nissan Hut or at the old Manor Farm yard. Beef cross calves, and other surplus calves are sold at 3-4 weeks old through Cirencester Market.

The milk is sold to the Organic Milk Suppliers Cooperative (OMSCO).

2.04 Labour

Robert Richmond is the farm manager, who is I understand a Nuffield Scholar with specialist knowledge of grassland management.

The business employs 2 full time general farm workers, with part-time labour employed at busy times such as during the calving period and the applicant and her husband also help out as and when required.

2.05 Buildings and Equipment

On the site of the former grain store there has been developed a steel portal framed umbrella building which incorporates, the 20:40 milking parlour with outdoor collecting yard, covered area for cows and calves, office and staff facility area.

The amount slurry collected is limited since the herd is not housed, and so instead of a lagoon or above ground store, this is dealt using a bio matric system utilising reed bed technique with a final lagoon, from where it is planned the water will in future be re-used for washing down.

There is a 4 bay monopitch open fronted building erected close to the collecting yard, for which the applicant has just received retrospective planning permission as part of application 18/02489/FUL. I understood from the site meeting that it was to be used for calf rearing, but according to the latest application it is to be used for straw and machinery.

The Nissan hut used for rearing calves is situated c800m to the north of the dairy unit, whilst the Newport buildings are across the road about 450m from the dairy unit. The Newport buildings include a Dutch barn and traditional buildings.

The original Manor Farm yard consists mainly of traditional or more recently constructed but dated structures, and is about 1km from the dairy unit.

2.06 Dwellings

Chedworth Manor in the village is occupied by the applicant and her husband. Newport Farm Cottage at Newport Farm is occupied by the farm manager Robert Richmond.

There are three small cottages in Chedworth, two of which come with the life tenancy arrangement and the third is leased independently by the applicant.

At the time of my visit, one was occupied by an ex farm worker whilst the other two were kept for farm workers.

3.00 Proposals

3.01 Area

I am not aware of any plans to increase the acreage

3.02 Future Farming Business

The intention as I understand, is to continue to expand the herd.

3.03 Buildings

Permission has recently been granted for the erection of a 5-bay steel portal frame open fronted livestock building. This will provide housing for followers and cover for newly calved cows. It will also provide an alternative for calving cows on the pad in severe weather conditions

3.04 Dwellings

As per the application the plan is to develop a dwelling near the dairy unit.

4.00 Planning Appraisal

Clause 83 of the National Planning Policy Framework (NPPF) states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses;

In accordance with Clause 79 of the NPPF, planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply including where

“there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”

The reference to the essential need for a rural worker..... to live permanently at or near their place of work, originated from clause 10 of PPS7, which went on to recommend that planning authorities should follow the guidance in Annex A to PPS7.

Despite the status of the NPPF, Annex A of PPS7 provided clear criteria to assess the 'essential need' for a dwelling. This guidance is tried and trusted and continues to be used by professionals and accepted as a process for assessing essential need by planning inspectors, and one which I continue to use.

Also post the publication of the NPPF (2012), Cotswold District Council produced the Informal Guidance on Agricultural/Occupational Dwellings in the Countryside, which largely reflects Annex A to PPS7, namely that such a dwelling would need to be justified as essential based on such matters as a functional need and financial tests.

4.01 Functional Need

The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the year and during the middle of the night, eg calving cows.

During the farming year, the majority of duties other than bring the cows in and milking, would be routine such as handling, sorting, feeding, checking, and treating, which would be carried out during the working day, with a check first and last thing. Of course, under this system, during the vast majority of the year, aside from milking, all livestock will be outside.

However, during calving time there will be need for vigilance and frequent observation. With this particular system the calving period is extremely intensive, with potentially c300 calvings in 10 weeks, or to put it another way, an average of over 4 calvings every 24 hours.

This will involve regular inspections with the responsibility spread between the workers. If a cow is showing signs of imminent calving last thing then this would involve a check at night, or staying on and if necessary providing assistance.

During this 10-week period, the responsibility for checking/observation last thing and potentially again in the night will inevitably be shared, and there would be a functional need for there to be somebody within easy access of the calving cows on site during the night time in case of an emergency, with the ability to call on help if required. In some cases, a vet might need to be called out.

There will also be after birth care for calves in some cases, which again might well involve night time work during this period.

Observation post calving for heat detection (assessing cows coming into season), so that the cows can be AI'd to get back into calve for the following spring is extremely important. As the cows are on a predominantly an outdoor system, spotting 'bulling' cows, would no doubt take place after the milkings, observation last thing might also take place, however I am not aware of it being necessary for night time checks in the fields at night, and of course this not a welfare issue.

There were other reasons given for siting a further dwelling close to the dairy unit. These were so that there was somebody based close to the buildings to receive visitors and deliveries, and for reason of security.

Dealing with security then, to quote Annex A, this can sometimes be a contributing factor towards justifying a functional need when considering potential theft or injury to animals, but is not sufficient to justify a need by itself. In any case outside the calving period the livestock will be out, and during calving there are people continuously about.

Ultimately it is the calving period which takes place over a c10 week period, where there exists a functional need for there to be somebody on hand during the night time which amounts to a seasonal requirement.

The previous examples of appraisals I have carried out that have been submitted by the agent as part of the latest application, may have involved a similar number of cows, however that is where the similarity stops. Each case will have its own uniqueness and the level of functional need will differ according to the farming system.

4.02 Full Time Labour

The calving period actual requirement for there to be somebody based on site present on site is during calving and therefore equates to a part time requirement, with the responsibility shared between full and part-time workers.

4.03 Establishment and viability

A permanent dwelling clearly cannot be considered essential unless the enterprise on which the proposed essential need is based is viable and likely to continue be so into the foreseeable future.

The sustainability of the proposed enterprise will be reliant on the enterprise being able to survive financially, with a minimum requirement to meet cost of a full-time worker to justify an on-site presence.

This is clearly a viable business and likely to remain so for the foreseeable future.

4.04 Other Dwellings

There are 5 dwellings associated with Manor Farm, one of which is deemed potentially unavailable in respect the active management of the farm as it is let to an ex farm worker and possibly on a protected tenancy.

Newport Farm Cottage is situated adjacent to the calving pad and only c500 metres, using the track, from the dairy unit building and proposed livestock building. The Manor and two cottages are within 1000 metres of the calving pad and dairy unit.

Newport Cottage is ideally located close to the calving pad of course, and it would be convenient if there was another dwelling adjacent to the dairy unit. However, in the light of the number of dwellings within short distance the functional need for there to be somebody readily available at night with help on hand appears well catered for.

The siting of a touring caravan on farms, close to where the cows calve, is not uncommon where there are no dwellings available within easy access. In the case of Manor Farm, there are dwellings available, however it would be a useful facility for a worker based in the village who might have to make night time checks.

4.05 Other Planning Matters

The number of bedrooms has been raised as an issue.

It is true that a three-bedroom house is preferable to a two-bedroom house and likely to be more attractive for a worker particularly if that worker comes with a family. However, no example of where this has been an issue at Manor Farm has been put forward. There is also the potential to extend Newport Cottage if it did become an issue.

5.00 Conclusion

In consideration of paragraph 79 of the National Planning Policy Framework, there is no essential need for the proposed dwelling.

Signed _____

Robert Fox BSc (Hons) MRICS FAAV

Date 13th August 2018

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