



Appeal Decision

Hearing Held on 29 July 2020

Site visit made on 22 July 2020

by S Hunt BA(Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/F4410/W/19/3243097

Land North of Almholme Lane, Almholme, Doncaster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Pashley of Pashley and Sons against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/01027/FUL, dated 25 April 2019, was refused by notice dated 25 October 2019.
 - The development proposed is the development of a single dwelling, including access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural workers dwelling at Land North of Almholme Lane, Almholme, Doncaster in accordance with the terms of the application, Ref 19/01027/FUL, dated 25 April 2019 subject to the conditions in the attached schedule.

Procedural Matters

2. The appellant's name, site address and description of development all differ slightly between the application form and the appeal form. The banner heading above sets out the description on the application form. The parties confirmed at the Hearing that all the details as set out on the appeal form are more accurate and it is on the basis of these amendments that I have made my decision.
3. The Council updated me on the status of the emerging Doncaster Local Plan at the Hearing. They confirmed that there are unresolved objections to the relevant policies therefore the Council would not be relying on the emerging plan in their case. In the absence of evidence to the contrary my decision therefore only relates to the relevant policies of the Doncaster Local Development Framework Core Strategy 2012 (CS) and the Doncaster Unitary Development Plan 1998 (UDP).

Main Issues

4. The main issues are:
 - Whether, having regard to local and national planning policies that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at their place of work;

- Whether the size of the proposed dwelling would be commensurate with the established functional requirement of the holding; and
- Whether the proposed dwelling would represent necessary development in an area which is at high risk of flooding and whether it can be made safe for its lifetime without increasing flood risk elsewhere.

Reasons

Background and Policy Context

5. Paragraph 79 of the National Planning Policy Framework (the Framework) sets out that the development of isolated homes in the countryside should be avoided unless special circumstances apply. These 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. Paragraph 83 seeks to enable the sustainable growth and expansion of all types of business in rural areas.
6. Policy ENV5 of the UDP refers to new dwellings in the countryside policy area, which is defined in UDP Policy ENV2. Policy ENV4 part a) supports agricultural uses in such areas subject to a number of criteria including scale, siting and design. CS Policy CS2 sets out the settlement hierarchy, where undefined villages are treated as countryside protection policy area. CS Policy CS3 (part B) goes on to set out the types of development which would be acceptable in the countryside, including agriculture.
7. The holding at Almholme Grange comprises approximately 344 hectares of predominately arable land. The dwelling would be for the appellant together with his wife and two children. I am told that the appellant and his father own the holding which is part of the wider Pashley and Sons multi-generational family farming business. The enterprise also includes a separate holding at Braithwaite Lodge Farm some 4.5 miles away. Together, both parts of the enterprise comprise around 809 hectares of mixed farming land.
8. The land which is currently cropped includes 385 hectares of winter wheat, 56 hectares of spring barley, 162 hectares of oilseed rape, 57 hectares of potatoes, 36 hectares of sugar beet, 20 hectares of beans and 20 hectares of grassland mown for silage. The holding at Braithwaite Lodge is currently stocked with 70 suckler cows with the progeny finished on the holding. No cattle are currently held at Almholme Grange. The buildings at Almholme Grange currently include a recently constructed grain store, a grain dryer shed and a range of general purpose storage sheds. Another large general purpose barn was recently granted prior approval and once constructed would be situated adjacent to the existing buildings.
9. There are dwellings at Braithwaite Lodge Farm and Braithwaite Hall where other members of the family enterprise live, including those who have retired or are planning to retire shortly. The appellant does not live at Braithwaite but in Fenwick, some 15 minutes drive away. There is no existing dwelling at the Almholme Grange holding.
10. The Standard Man Day Analysis indicates a labour requirement of an equivalent of 8 workers to cover the whole enterprise with half of them attributed to Almholme Grange. The Council's agricultural consultant calculated a labour requirement of 6.5 full time workers, increasing to 6.8 if the cow herd is

increased from 70 to 100. I was told at the Hearing that this varies seasonally with more staff being brought onto help at busy times of year, and that the core staff are members of the Pashley family who regularly work long hours of overtime.

11. The appellant's necessity case relates to the care of both livestock and crops. In terms of livestock, there are plans to expand the cattle herd from 70 to 100 cows. I heard how this is not possible at Braithwaite Lodge alone due to lack of space. The appellant seeks to ensure the space standards required by the major supermarket which the beef is supplied to are properly adhered to.
12. I heard how it is more advantageous in terms of animal health for the progeny beef cattle to be separated from the suckler cows. The appellant's vet has provided a letter which sets out the types of issues faced with finishing cattle such as dietary management and risk of disease (and spread of disease). I was told that the suckler cows would remain at Braithwaite Lodge with the progeny finished at Almholme Grange, housed in part of the range of existing general purpose storage buildings.
13. I was advised that the proposed dwelling would be sited within 'sight and sound' of the cattle so that needs could be attended to quickly. Cows in distress would be likely to be audible as would any breaches of security. I was told how the appellant would be able to do late night checks on the cows and the buildings, which would not otherwise be possible.
14. In terms of crop growing I was told about the long periods of time spent by the appellant working out of usual hours, travelling around the holding and how intense periods are spread over the year for their wide range of crops including combinable crops, potatoes and sugar beet. I was also told how the particular type of potatoes grown required a more intensive irrigation system to ensure a high quality product. I heard about the drum irrigation which requires high pressure pumps running 24 hours a day in the growing period, and about the risk of breakdown that causes serious loss of crops. The siting of the proposed dwelling would be central to the arable fields which surround the farmstead, with a quick response time in the event of emergencies. I heard that the proposed dwelling would be within sight and sound of the grain dryer and machinery, to reduce the risk of power failure and fire. I was told how the appellant would be able to check the surrounding growing land and associated irrigation systems late at night.
15. It is an agreed matter that the Pashley and Son farming business is financially viable now and is expected to remain so, and that the enterprise would be capable of sustaining the cost of the proposed dwelling. I therefore turn to the issue of necessity to live at the farm.

Essential Need

16. The Council cite the provisions of Annex A of the former PPS7 as being a 'yardstick' for determination of this type of proposal and I am directed to an appeal decision¹ where Annex A was referred to as such. However it appears that essential need and use of the Annex were agreed matters in that appeal, and I do not have the circumstances before me as to why that was the case. As current national guidance in relation to rural worker's housing is set out in

¹ Council Statement of Case Appendix 1 : APP/N4720/W/19/3225417 Intake Side Farm, Mill Lane, Hawksworth, Leeds (paragraph 14)

Planning Practice Guidance (PPG)², I am not persuaded that using the 'tests' within the former PPS7 Annex A are relevant or necessary in this instance.

17. The Council maintain that the Almholme Grange enterprise has been, and can continue to, function without the need for a dwelling and 24 hour presence of a farm worker. I agree that care of the existing arable crops alone, and the personal preference or convenience of living on site are not sufficient justification to warrant a dwelling.
18. However, it is here where my view departs from that of the Council. The appeal site is a large self-sustaining enterprise in its own right. Given the expansion plans proposed for the cattle, coupled with the distance between the site and the appellant's existing home and his family at Braithwaite, I am satisfied that the operations here are of a sufficiently large scale to justify it as a separate entity independent of the main residences at Braithwaite.
19. There are other persuasive reasons which only enhance my findings. Security issues include potential theft of products and machinery. I was told that a high value loader, batteries, irrigator solar panels, and diesel from the grain dryer tank had been stolen in recent years and that there are a range of rural crime issues locally. Finishing cows are valuable and there is a desire to keep future cattle safe from potential theft.
20. The Council highlighted that there is no policy basis for a 'sight and sound' test, and that the sounds of cows in distress or a security breach that may not be heard from inside the proposed dwelling which would be constructed to the latest building regulations so would have good insulation properties. That may be so, but the presence of a farm worker at all times including during the night would no doubt have safety and security benefits by virtue of providing a deterrent.
21. The Council also voiced concerns that the siting of the dwelling to the rear of the sheds would mean the dwelling would be less effective in terms of security, and that sight and sound could be improved if it were in closer proximity. This point has some merit, however when I visited the site it was clear that there would be insufficient space to site the dwelling directly in front of all the existing agricultural buildings where the space is used for manoeuvring large vehicles and operating machinery.
22. It was suggested that there are alternative methods of preventing and reducing crime including use of CCTV and alarms. I was told that alarms would continue to be fitted to existing and future buildings. The expense was quoted as a reason for not using CCTV. This is not sufficient in itself to discount such a system, however it is clear that there are limitations to CCTV when the appellant currently lives some distance away from the holding.
23. Paragraph 79a of the Framework specifically includes reference to 'those taking control of a farm business' and the PPG refers to the continued viability of a farming business through the farm succession process. I was presented with a great deal of evidence on this issue and the structure of the family business. There have been long term plans for the younger generation, including the appellant and his cousin, to succeed their fathers and grandfather in taking majority control of the enterprise and responsibility for each holding. I

² PPG Housing Needs of Different Groups : Paragraph 010 Reference ID: 67-010-20190722

understand that there is a lengthy transition process in succession planning as the older generation move towards retirement but are still involved in some way in day to day running of the farming enterprise. The Braithwaite holding has on-site accommodation where the older or retired members of the Pashley family reside, whereas there are no dwellings at Almholme Grange. This issue is not referred to in Policy ENV5 of the UDP, however the more recent wording of the national guidance allows for the type of succession planning that is the case here. I was told that the expansion plans together with the proposed dwelling would ensure that this long established farming enterprise can viably continue within the Pashley family.

24. Turning to alternative accommodation, the original farmhouse opposite the site was severed from the holding several years ago, sold off separately prior to the appellant's purchase of the holding. I was told that the appellant had attempted to purchase the house, as well as the former yard area which previously had planning consent for residential development. I was informed that they were unsuccessful in their bids for these lots, and the Council confirmed that the residential planning permission has since expired. There are only a handful of dwellings in Almholme, none of which are available to the appellant. The properties for sale in the nearby settlement of Arksey suggested by the Council were discounted for various reasons including size, price range, and their location out of sight and sound of the holding. I am satisfied that no alternative accommodation exists locally which meets the needs of the appellant based on the evidence before me.
25. It was discussed at the Hearing whether bringing the finishing cattle onto Almholme Grange would constitute a new enterprise, and as such whether a temporary dwelling should have been considered by the appellant. Whilst the animal husbandry side of the enterprise would be new to this particular holding, it is not new to the appellant and the wider enterprise. It simply involves the expansion and re-organisation of an existing long established and profitable cattle raising business. There is no doubt that the arable farm enterprise is long established and profitable. Consequently, I am assured that the business does not constitute a new enterprise and therefore that it is unnecessary to consider a temporary dwelling first.
26. To conclude on this main issue, I am satisfied that I am satisfied that an essential need for a rural worker to live permanently at their place of work has been demonstrated. There are potential risks to animal health, loss of crops, and theft of or failure of associated machinery. In particular, I have had regard to the family business which is a sizeable, well established and viable mixed farming enterprise which has firm plans to expand the beef cattle business with an identified end user. The growth of the business would be greatly assisted by the provision of a dwelling on the site, with the presence of a farm worker throughout the day and night. The younger members of the Pashley family are in the process of taking majority control of the business so that older members of the family can retire. Given the wording of paragraph 79a of the Framework, the succession planning issue adds significant weight to my decision.
27. The proposal is in compliance with Policy ENV5 of the UDP and in turn the proposal also accords with the relevant sections of Policies ENV2, ENV4, CS2 and CS3 which refer to development in the countryside policy area. Paragraphs 79a and 83 of the Framework are also complied with. The parties differ in

terms of the weight to be given to the aforementioned Policies. They are of some age however this does not necessarily diminish their weight. I have also had regard to the appeal decisions³ before me regarding whether Policies ENV2 and ENV4 of the UDP are out-of-date, however they are incomparable in that they relate to market housing and not an essential rural worker's dwelling.

28. The Policies and the Framework when read as a whole are supportive of agricultural development in the countryside and rural worker's dwellings in isolated locations where an essential need can be demonstrated. Consequently I give the Policies significant weight. The wording of Policy ENV5 is more restrictive than paragraph 79a of the Framework in only referring to agriculture and forestry rather than other types of rural worker, and it does not refer to those taking majority control of a farm business. Nonetheless this does not diminish the significant weight I give to its central thrust that a genuine agricultural reason should be demonstrated for a new dwelling to be permitted.

Scale of the Proposed Dwelling

29. The supporting text to UDP Policy ENV5 (paragraph 5.35) states that new agricultural dwellings should be of a size commensurate with the established functional requirement of the holding. It goes on to say that dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, will not normally be permitted.
30. The Council consider the size of the proposed dwelling to be excessive, and not commensurate with the functional requirement of the holding. Whilst there is some policy basis for this, I give it limited weight. The supporting text for Policy ENV5 refers to now defunct national planning guidance (PPG7). There is no such reference to scale of rural workers dwellings within current national policy and guidance. The Council confirmed that supplementary planning guidance referred to in paragraph 5.35 has not been produced.
31. The proposed dwelling is undoubtedly large. Ordinarily this would cause some concern as being somewhat excessive for a farm worker. However I have already established that there is an essential need for a dwelling on the holding with particular regard to the considerable scale of the family enterprise, which is long established and viable. There is no dispute that the appellant can support the construction of the dwelling in relation to the income sustained in the long term.
32. Additionally, the Council has no objection to the scale of the house in terms of its effect on the character or appearance of the area. I agree that, given its location in relation to existing buildings and its detailed design which is in keeping with other large houses in Almholme, it would cause no material harm in this regard.
33. On being asked what size would be appropriate, the Council submitted that an average 4 bed detached dwelling is 192 square metres, and that the standard size for an agricultural workers dwelling would be 180 square metres. An appeal decision⁴ referred to by the Council cites examples of other agricultural

³ Council Statement of Case Appendix 3 and 4 and Appellant Statement of Case Appendix 5 : APP/F4410/W/19/3240217 and APP/F4410/W/17/3169288

⁴ Council Statement of Case Appendix 2 - APP/E2734/W/19/3232005 Land Comprising Field at 427289 451502 at Tatefield Farm, Shaw Lane, Beckwithshaw, Harrogate

worker's dwellings, where the floorspace varied between 100-200 square metres. In that decision the impact of the proposed dwelling on landscape character was pertinent, which is not the case here, consequently there are few direct similarities that enable me to consider it determinative in my decision. In this case there is little evidence to persuade me that a smaller house would be more appropriate, particularly given that visual impact is not a matter in contention.

34. I conclude on this main issue that the size of the proposed dwelling would be commensurate with the established functional requirement of the holding, in compliance with Policy ENV5 of the UDP.

Flood Risk

35. The site lies within flood zone 3 and is at high risk of fluvial flooding. There have been two known instances of flooding of the site, in 1947 and 2007. The local area flooded more recently in November 2019 and it was clarified at the Hearing that the site was unaffected by this flood event. The area benefits from flood defences and the earth embankments to the nearby Ea Beck and the River Don are maintained to a design standard of 100 years.
36. As a residential dwelling, the proposed end use would be more vulnerable. Given that the siting of the dwelling has a functional need to be adjacent to the existing farm building, and the entire area is covered by flood zone 3, the sequential test has not been undertaken. Nonetheless, a sequential approach to siting has been carried out with the dwelling located to the southern end of the site which was not fully flooded in the 2007 event. and a number of mitigation measures put forward in the Flood Risk Assessment to limit the impact should there be a breach of defences.
37. The Council have confirmed that, if I find that an essential need for the dwelling has been demonstrated, the exceptions test has been passed in accordance with paragraph 160 of the Framework. Wider sustainability benefits required by part a) of the test include meeting an essential agricultural need, the reduction in the need to travel to work by the appellant and associated reduction in emissions, and its appropriate siting adjacent to existing buildings.
38. Further to part b) of the exceptions test, a number of mitigation measures seeking to demonstrate that the development would be safe for its lifetime are set out within paragraph 6.25 of the Flood Risk Assessment. The flood resilience measures include raising electricity supplies, use of anti-flood valves, use of waterproof plaster and solid floors. The Environment Agency have raised no objection subject to a condition including the finished floor level of the building being a minimum of 4.5m and no ground floor sleeping accommodation. It was also confirmed at the Hearing that submission of a flood warning and evacuation plan by condition would be necessary as a further safety precaution, and this was a stipulation in the Lead Local Flood Authority's response.
39. Fordstead Lane, which links Almholme to Braithwaite via Barnby Dun, runs partly through a nearby flood storage area and I noted on my site visit that this road is subject to a number of measures which allow it to close during times of flooding. This occurred for a lengthy period following the November 2019 flood event. The appellant informed me that when this occurs it adds approximately

30 minutes to the journey to Almholme. This adds further weight to their case for an on-site dwelling.

40. I have already established that the proposed dwelling would represent necessary development. I am satisfied that the exceptions test has been passed in terms of sustainability benefits and that, subject to an appropriate condition, it can be made safe for its lifetime without increasing flood risk elsewhere. As such the proposal would therefore meet the requirements of Policy CS4 of the CS, and the provisions relating to flood risk within section 14 of the Framework.

Conditions

41. I have considered the conditions put forward by the Council and the amendments discussed at the Hearing against the tests set out in the Framework and Planning Practice Guidance. I have carried out some minor editing and amalgamation of the suggested conditions for precision and clarity. I have attached conditions specifying the time limit and the list of approved plans to provide certainty. An agricultural occupancy condition is necessary because whilst it has been demonstrated that the dwelling is necessary for an agricultural worker, residential development would otherwise be unacceptable due to its isolated location.
42. Details of drainage are required in order to ensure a sustainable drainage system which does not increase pollution or flood risk. This is required prior to commencement of development and the appellant has agreed to this. A landscaping scheme is necessary in the interests of the character of the area and to enhance biodiversity. I have removed the requirement to notify the Council within 7 days of completion as this would be unnecessary for a single dwelling in this location. A boundary treatment condition is necessary to preserve the neighbour's living conditions. I have removed reference to the access arrangement in condition 5 as this is shown on the approved layout plan.
43. There is potential for contamination due to the agricultural use of the site and its surroundings, therefore conditions 6 and 7 are required in order to protect future occupants of the dwelling. As agreed at the Hearing, parts of condition 8 relating to marking out are unnecessary. The condition can be deleted and hard surfacing requirements added to the landscaping condition instead. A materials condition is required to ensure that the external surfaces of the dwelling are in keeping with its surroundings in the interests of the character and appearance of the area. The final condition relates to the comments made by the Environment Agency and Lead Local Flood Authority and is necessary in order to reduce the risk and impact of flooding.

Conclusion

44. I am satisfied that the proposed development would accord with the development plan as a whole, and for the reasons given above I conclude that the appeal should be allowed.

Susan Hunt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan	3812-PD-00 Rev C
Proposed Floor Plans	3812-PD-02 Rev C
Proposed Elevations	3812-PD-03
Proposed Block Plan	3812-PD-04 Rev D
- 3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 4) No development shall commence until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. The works shall be carried out as approved and operational prior to the first occupation of the dwelling.
- 5) Prior to the first occupation of the dwelling, a detailed hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing and a soft landscape plan to include: a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936:1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within 5 years of planting shall be replaced during the next available planting season in full accordance with the approved scheme.
- 6) No development above foundation level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. The boundary treatment shall be completed as approved before the occupation of the dwelling.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These

approved schemes shall be carried out before the development is resumed or continued.

- 8) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the Local Planning Authority prior to any soil and soil forming material being brought on to site.
- 9) No development above foundation level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling have been approved in writing by the local planning authority. The dwelling shall be constructed in accordance with the approved details.
- 10) The development hereby approved shall be carried out in accordance with the following flood mitigation measures which shall be implemented as approved prior to the first occupation of the dwelling and retained thereafter:
 - Finished ground floor level of the dwelling set to a minimum of 4.5m AOD;
 - No ground floor sleeping accommodation;
 - Flood resilience measures as set out in paragraph 6.25 of the Flood Risk Assessment (ARP: 15 March 2018) to a minimum height of 5m AOD; and
 - Submission of a flood warning and evacuation plan to be submitted to the Local Planning Authority prior to first occupation of the dwelling.

End of Schedule.

APPEARANCES

FOR THE APPELLANT:

Matthew Turnbull MRTPI	Peacock and Smith
Gareth Glennon MRTPI	Peacock and Smith
Robert Pigg	Agricultural Advisor
Martin Pashley	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

David Richards BA(Hons) MA	Principal Planning Officer
Andrew H Coombe MRICS FAAV	Agricultural Advisor

DOCUMENTS SUBMITTED AT THE HEARING

1. Plans and Elevations relating to prior approval application
20/00517/AGR