



Herefordshire Council
Planning Services
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5 February 2016

Dear Sirs

**Re Planning Application Retention of 2 mobile homes for agricultural workers
Lower Buckholt Farm, Welsh Newton**

The attached application and Agricultural Appraisal seeks to support an application for the retention of two mobile homes on land at lower Buckholt Farm to support an established Dairy Business.

The application is supported by an Agricultural Appraisal which should be treated as Confidential.

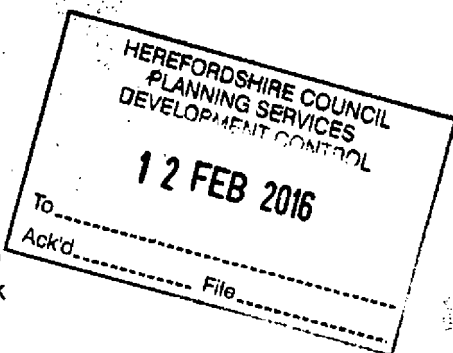
The application follows a refusal by the Herefordshire Council for one mobile home and a standing caravan Ref 150570 and subsequent discussions and a meeting with the case officer and the Councils Land Agent in April last year.

The application was refused on the following grounds:

- The Local Planning were not satisfied that there is an essential need for a third residential unit to serve the enterprise
- The application is not accompanied by sufficient information regarding aspects of the existing business or a unilateral undertaking or other legal agreement waving any future possibility of an application for a permanent dwelling on the site for a permanent building.

The application was accompanied by a detailed planning statement and an agricultural appraisal to support the proposal however in the light of the comments of the Local Authority this has been updated to clarify the position and address the two reasons for

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refusal. Since the refusal of planning permission the applicants have increased the dairy herd further to 360 cattle which has necessitated the employment of a further member of staff. As a result, the application now seeks planning permission for 2 mobile homes on the site to house the staff members and their families.

In planning policy terms, the National Planning Policy Framework requires Local Authorities to promote a strong rural economy, local and neighbourhood plans which should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses.

It seeks to support a wide choice of quality homes with design being a key feature and requires new housing to be located where it will enhance or maintain the vitality of rural communities. It recognises that there are special circumstances where a new dwelling in the countryside can be acceptable, for example to meet the essential need of a rural worker to live permanently at or near their place of work. This policy is reflected in Policies RA3 and RA4 of the recently adopted Core Strategy. This document recognises the importance that agriculture plays in the local economy employing approximately 8% of the population which is significantly higher than the national average and as such seeks to support the development of agricultural enterprises.

Welsh Newton and Llanrothal Group Parish Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 2 November 2015. As this is still at its draft stage this document carries limited weight. Furthermore, there are some discrepancies with the draft Neighbourhood Plan's policy for agricultural dwellings which does not conform with the Core Strategy being considerably more onerous than Policy RA4 in the Core Strategy which has recently undergone examination.

As stated in the Agricultural Appraisal the dairy business is run by Messrs. Edward and Oliver Partridge who both live at Caldicott Farm which is their home Farm. They entered into a 10 year FBT at Lower Buckholt Farm in 2010 and have invested a significant amount of money in the business. The business now milks 360 head and in a time when the dairy business in the UK has suffered significant problems the business has grown significantly to the credit of the applicants.



It is important to note that there is no residential accommodation available on the farm, the applicants rent only the agricultural land and buildings. They do not rent and do not have the opportunity to rent the existing farmhouse and the adjacent bungalow which are occupied by the owners of the farm and their family. Nor is there the opportunity to convert any buildings to residential use under the more recently amended Permitted Development Rights. There is no suitable accommodation to rent in the locality as demonstrated in the accompanying agricultural appraisal. As such the agricultural appraisal justifies the need for 2 temporary dwellings to support the enterprise.

The two mobile homes are sited close to the main farmstead, but out of view of the existing farmhouse. This has been agreed with the landlord. When the first mobile home was located on farm both Ed and Oli Partridge lived in the mobile home, working ~20 hours/day to milk the herd and build up the business to what it is today. With the success of their hard work, they now employ four members of staff and have implemented a successful three times a day milking routine, which runs on approx. 5 hour milking shift (depending on time of day for shift) plus hour wash down. This has resulted in better working hours for all staff and management.

The location of the two existing mobile homes enables easy access to the existing cow accommodation to ensure that a good level of stock monitoring is possible. As the staff these mobile homes accommodate are involved in all aspects of the business, the proposed location also allows for routine night checks on pregnant cows, plus regular monitoring of baby calves and sick cows. Further to this, given that the herd is on a three times a day milking regime with milking commencing at 5am, 1pm and 8pm it will mean that staff are on site as needed for milking. The staff that the mobile homes accommodate are all involved with the 3 milking shifts/day so being close to the dairy is imperative. It should also be noted that the night shift for milking runs from approximately 8pm until close to 12am, so having the staff accommodated on farm makes it a nicer environment when finishing the final shift of the day.

It should also be noted that three of the full time staff who live on site had, until recently, all been sharing the existing mobile home. As two of the employees have young family, understandably this situation was clearly not a suitable accommodation solution so a touring caravan was bought and placed on site to be used by one of the employees; providing a temporary solution. This has now been replaced by a second mobile home in the location of the touring caravan and is occupied by the two remaining employees

The agricultural appraisal demonstrates that the current system supports the four full time employed staff and given the three times a day milking routine in place it is imperative that the workers are accommodated on site to make travel and access to the herd as easy as



possible. The retention of the initial mobile home/caravan as well as the additional caravan will ensure that there is adequate accommodation for all full time workers, whilst giving the business a chance to grow so that long term plans can be put in place for the accommodation of the staff. The plan for the business in 2016 is to further expand the herd to 400 cows by Summer 2016, to ensure continued financial viability of the enterprise and business as a whole. The initial expansion to 360 cows required the existing staff force, but should accommodate the expansion up to 400 cows, with part time and relief staff as needed.

The objectives for this business are:

- 1) To run a profitable dairy enterprise
- 2) To generate value for all partners involved to ensure they are able to build up enough equity to consider building a state of the art dairy facility at Caldicott Farm or look at buying another farm when the lease is coming to an end at Lower Buckholt Farm

It should be stressed that long term, there is no intention to seek permission for another permanent dwelling at Lower Buckholt Farm. The aim is merely to seek consent for the two mobile homes, in order to provide suitable staff accommodation whilst the applicants lease the agricultural land and buildings from Mr and Mrs Davies.

The second reason for refusal related to the need for the applicants to enter into a Legal agreement to prevent a future application for a permanent residential dwelling on the site. This matter has been discussed in some depth and the applicants and their advisers have some misgivings about entering into such an agreement simply because the applicants do not own the land. As a charge on the land it is my understanding that the owners of the land would also be required to enter into the agreement and they may not wish to do so. Indeed, it would seem unreasonable to request such an undertaking when the applicants do not own the land and simply have a business tenancy on it. The issue can simply be dealt with by a condition which would require the removal of the temporary mobile homes at the expiry of a fixed period or upon the applicants ceasing to operate their business from the site. Indeed, when one looks at the use of section 106 agreements it is clear in the NPPF paragraphs 203 and 204 that

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and



- fairly and reasonably related in scale and kind to the development”

Whilst I appreciate that the Local Authority are concerned that the approval of a temporary permission may lead to a request for a permanent dwelling it is surely the case that each proposal should be looked at on its merits. The applicants only have a tenancy agreement on the site and so do not own the land. As such a permanent dwelling would not be acceptable on this basis. Once the tenancy agreement expires there will be no need for the units on site and they will be moved. Should the owners of the site wish to pursue an application for a new dwelling they would have to demonstrate need and long term viability of an existing business via a separate planning application, which would be looked at individually on its own merits and with the same level of scrutiny.

National Planning Policy Guidance on the use of temporary conditions states that they should be used where it is expected that the planning circumstances will change in a particular way at the end of that period. Clearly once the applicants no longer have a tenancy agreement on the farm there will be no need for the units. Secondly, to allay your concerns about the position relating to a permanent consent, the guidance clearly states that there is no presumption that a temporary grant of planning permission should be granted permanently.

A solution would be to impose the following condition, or something similar:

“the mobile homes hereby approved shall be occupied by employees and their families in association with the existing Dairy business run by Messrs Partridge and upon the business ceasing to trade from the site or at the end of the agreed business tenancy whichever is the sooner the units shall be removed from the site and the land restored to a condition agreed with the local Planning Authority.”

I hope that all the areas of concern have now been resolved and should you require any further information please do not hesitate to contact me.

Yours faithfully

Julie Joseph BA (hons) MRTPI
Planning Consultant