

## **NORTHERN PLANNING COMMITTEE – 5 June 2019**

### **UPDATE TO AGENDA**

#### **APPLICATION REFERENCE**

19/0739C

#### **LOCATION**

Land to the west of Pexall Road, Bramhall Hill, Congleton

#### **UPDATE PREPARED**

3 June 2019

#### **APPLICANTS SUBMISSION**

Further to the publication of the Report, the applicant has submitted further evidence in support of their case. These are summarised and responded to below:

##### *1. Tenure of the land:*

##### Applicant's case

New tenancies for farmland can only be entered into as farm business tenancies under the agricultural tenancy act 1995. The majority are now 5 – 10 years fixed terms and then annual rolling agreements.

The land rented by the applicants is split between four different landlords; this provides some mitigation to the risk of losing land. The farm has grown over the last 50 years with different land holdings coming and going, as is common practice. There is nothing to indicate that this will change or that the current arrangements do not provide a long term need.

Each of the four landlords has stated that they are willing to offer the applicants 10 year farm business tenancies to provide additional security.

##### Officer Comments:

The applicants own 26 acres of land; the remaining 173 acres are rented from different landlords on annual tenancies. Multiple landlords reduce the risk of the applicants losing all their rented farmland. However, the annual tenancies offer little in the way of security. It would not be inconceivable for multiple tenancies to finish within a short time frame of one another.

Whilst each of the landlords has confirmed to the applicants that they would be willing to offer 10 year farm business tenancies, no evidence has been provided to confirm this. Likewise, even if this intention were confirmed, this could not be enforced by way of a planning condition or legal agreement.

## *2. Functional need:*

### Applicant's case

A comparable appeal for lambing ewes and Christmas turkeys was allowed, as the Inspector held that the enterprises generated a functional need. The appeal enterprise was smaller in scale than the proposal.

In a recent appeal for a second dwelling on an established dairy farm was allowed, which considered the use of CCTV and shift patterns to manage the livestock. The Inspector found that shift workers and technology would not adequately replace an on-site worker.

Furthermore, whilst the business is viable, it could not afford to pay shift workers to be on stand-by. Whilst the use of technology is a useful aid, it cannot replace the presence of an experienced stockperson who is attuned to the behaviour of the animals. It is unthinkable for a conscientious farmer to leave thousands of animals in a locked building without proper supervision and care.

### Officer Comments:

The first appeal decision relating to lambs and turkeys dates from 2007. There have been significant changes to national planning policies since this time. In the appeal case, the granting of a permanent dwelling on the site, followed on from a previous approval for a temporary dwelling.

A 2013 appeal for a sheep, turkey and beef farm was also allowed. However, in this case, the number of turkeys was substantially more than proposed at Pexall Road (13 500).

Both lambing and turkey rearing are seasonal. Given the seasonal nature of the business, there is not considered to be a year round need for a permanent on-site presence. It is still considered that the business could be adequately managed by shift workers and the use of technology.

## *3. Construction of the buildings:*

### Applicant's Case

The applicants have secured funding to construct the buildings at the new site. However they cannot commence building until they know they can provide the appropriate supervision of the livestock.

The applicants have confirmed that they are willing to enter into a legal agreement. Such an agreement could require the agricultural buildings to be completed before starting works on the house. It could also prevent the occupation of the house until the applicants have taken ownership of a specified number of turkeys at the new site.

#### Officer Comments:

Whilst a legal agreement could be used to tie the construction of the dwelling to the agricultural buildings, it is considered that on its own this would not provide sufficient long term security. Potentially, if works commence but are not completed on the agricultural buildings, the permission for the dwelling could be extant in perpetuity.

Likewise, preventing the occupation of the house until the turkeys have been purchased, could potentially result in the construction of a house, which cannot be occupied, particularly if there is a change in circumstances and the applicants are not able to take ownership of the turkeys.

In the absence of any existing built infrastructure on the site, it is not considered that a legal agreement would offer the necessary assurances in terms of the long term security and viability of the relocated enterprise.

#### *4. Other matters:*

#### Applicant's Case

A similar planning application was approved (18/6016M), where the applicant had been given notice to vacate their farmstead. The application had similar areas of owned and rented land. In approving the application, the officer stated the following:

*'It weighs heavily in favour of the proposal that it is a well established agricultural business and the applicant has no accommodation beyond February 2020 because of reasons beyond their control.'*

#### Officer Comments:

The above referenced planning permission is materially different to the current application, despite the similarities in terms of land tenure. Firstly it related to a dairy farm. Secondly, the agricultural buildings relating to the holding were already in situ.

#### *5. Temporary Dwelling:*

#### Applicant's Case:

The applicants have confirmed that a temporary dwelling would not provide them with the stability and continuity required for their business and family.

A temporary dwelling would not be suitable for the applicant's family (2 adults and 3 children). It would result in the family being split up.

#### Officer Comments:

Officers had suggested to the applicant that a temporary permission may have more potential to be supported given the concerns relating to functional need and long term viability of the enterprise. However, the applicant's concerns are noted and a temporary permission is not being suggested.

## **CONCLUSION**

The supporting information does not overcome the concerns regarding the long term viability of the holding or the functional need. The recommendation for refusal is unchanged.