

Town and Country Planning Act 1990 (as amended)

Three Rivers District Council

Outline Planning Application for an agricultural worker's dwelling at The Mulberry Bush, Dawes Lane, Sarratt

Appraisal by Reading Agricultural Consultants

June 2003

1 Introduction

- 1.1 Reading Agricultural Consultants (RAC) was requested by Three Rivers District Council (TRDC) in May 2003, to consider an outline planning application made by Mr T Norris to erect an agricultural worker's dwelling at The Mulberry Bush, Dawes Lane, Sarratt.
- 1.2 This report considers the application in the context of the District Council's development control policies and applies the tests set out in Annex I to PPG7 - the planning policy guidance notes for development in the countryside.
- 1.3 A site visit was undertaken on 9th June 2003 attended by:

Mr T Norris	The applicant
Mr P Williams	Reading Agricultural Consultants
- 1.4 At the meeting details of the current agricultural operations were discussed, along with an inspection of the farm buildings and the land farmed. Consideration was given to the reasons behind the planning application, with a particular emphasis given to the essential need for the dwelling; consideration was also given to possible future developments.
- 1.5 The comments made in this report are based on the information provided by the applicant at the time of the site visit and to the supporting documents submitted with the planning application.

2 Background

- 2.1 Comprehensive details of the activities being carried out at The Mulberry Bush are set out in the documentation submitted with the planning application, and only a brief summary is set out in this report.
- 2.2 Mr Norris purchased this 4.2ha grassland site in 1990 with the intention of establishing a small agricultural holding. At that time Mr Norris was employed as a full-time lecturer in agricultural and horticultural science at a local college and intended that the unit would provide a "hobby-type" business. Following a planning application for the erection of polytunnels (which was apparently refused) an egg production enterprise was established with the purchase of 100 free-range laying birds in 1996 which has been progressively expanded to the current enterprise size of 1,500 birds.
- 2.3 In 2001 the applicant chose to cease agricultural lecturing and concentrate full-time on the agricultural activities established at The Mulberry Bush. In addition to eggs the

unit now also produces free-range poultry meat using the Mastergris breed of chicken. This product is reared from day-old chicks which are delivered to the unit on a fortnightly basis through to slaughter at 12 weeks of age. At present the chicks are reared in batches of 200 with approximately 80 finished and sold each week. Mr Norris advised that the mortality on the unit was considerable higher than for conventional broiler units with rates of up to 20%.

- 2.4 Subject to a successive application Mr Norris hopes to be able to invest in the erection of additional (replacement) poultry buildings as the existing units are coming to the end of their useful lives. Mr Norris hopes also to expand the numbers of birds reared on the unit from 200 per fortnight to 300.
- 2.5 The unit is registered with the Soil Association and all the land is certified as suitable for the production of organic products.
- 2.6 The produce of the farm is sold through various outlets including a small farmshop, which appeared to be in a state of refurbishment at the time of the site visit, and through eight different Farmers' Markets in north London. These include Swiss Cottage, Pimlico, Marylebone and Twickenham. These markets are all conducted on Fridays, Saturdays and Sundays and in order properly to be able to service these markets various part-time labour is employed. These include three general workers, and a specialist butcher.
- 2.7 The dwelling, the subject of this application, is intended to be occupied by Mr Norris who presently lives at 1 Park Cottages, North Hill, Sarratt which he owns. This property lies some approximately two miles distant from the unit, across country lanes: there is no accommodation on agricultural unit at present.

3 Planning Policy Guidance

- 3.1 Policy GB11 of the Three Rivers District Local Plan, which deals with new permanent dwellings for agricultural workers, states that:

1 "Planning permission will only be granted for agricultural and forestry dwellings in the Green Belt where:

i) the functional and financial tests set out in Annex I of PPG7 (Countryside) are completely met;

ii) The functional need cannot be met by an existing dwelling on the site, or any other existing accommodation in the area which is suitable and available;

2 If a new dwelling is proven to be essential to support an established farming activity on an existing agricultural unit, the dwelling will only be permitted if it is of a size appropriate to the established functional requirement and the expected financial income of the agricultural use. The dwelling should be designed and sited so as to have the minimum impact on the openness of the Green Belt, and be well related to existing dwellings or farm buildings.

- 3.2 As this is an application in outline only the second part of the above does not apply. The functional and financial tests however, do apply and seek to establish whether it is essential for a worker to live at or very close to their place of work, and that the associated activities are capable of being sustained for a reasonable period of time.
- 3.3 Paragraph I5 of Annex I to PPG7 states that new permanent dwellings should only be allowed to support existing activities on well-established agricultural units, providing:
- (i) there is a clearly established existing functional need;
 - (ii) the need relates to a full-time worker, or one that is primarily employed in agriculture, and does not relate to a part-time requirement;
 - (iii) the unit and the agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - (iv) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
 - (v) other normal planning requirements, for example on siting and access, are satisfied.

and it is the application of these tests which must be completely met in order to meet the requirements of Local Plan Policy GB11.

- 3.4 The functional test should be applied in all cases to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. It should be noted that the test does not expressly test the need for the accommodation to be on-site, only that there is a need for accommodation sufficiently nearby to respond to likely emergencies.
- 3.5 Paragraph I9 of PPG7 states that provided the functional requirement is established, it is then necessary to consider the number of workers needed to meet that requirement, for which the scale and nature of the enterprise will be relevant. Paragraphs I2 and I11 state that the functional requirement must relate to the needs of the enterprise and not to any personal preferences or circumstances of the individuals concerned. Issues relating to security are dealt with at para I8 and whilst these will not normally carry much weight they can contribute to an argument of need.
- 3.6 Importantly, in relation to this application however, requirements arising from food processing (as opposed to agriculture) cannot be used in the justification of a dwelling. The definition of agriculture which is included in PPG7 makes reference to the keeping and breeding of livestock (kept for *inter alia* the production of food) but not to the processes required to convert those livestock into food. In this instance this would relate to the slaughter and butchery activities undertaken on the unit and to the attendance at Farmers' Markets.
- 3.7 Paragraph I10 emphasises that new permanent development cannot be justified on agricultural grounds unless the enterprise is economically viable and capable of being sustained for a reasonable period of time. In order to establish this consideration is given to the financial performance of the unit routinely over a three year period.

- 3.8 Paragraph I11 deals with issues related to the size of the dwelling and notes that the "agricultural dwellings should be of a size commensurate with the established functional requirement". However, as this is an outline application this element of policy does not fall to be considered at this time.

4. The Appraisal

- 4.1 The following appraisal addresses the tests set out in Paragraph I5 of PPG7.

The agricultural unit

- 4.2 The opening sentence of para I5 states that new permanent dwellings should only be allowed to support existing activities on well-established agricultural units.

- 4.3 The Mulberry Bush has been owned by Mr Norris for the last 12 years and has been used for the production of free-range poultry products for at least the last eight. In the context of that opening statement it is considered that this prerequisite is met, and providing the remaining tests are fully met the provision of a permanent dwelling may be appropriate.

The functional test

- 4.4 The functional test (at I5a) requires the establishment of an essential need for the proper functioning of an enterprise for one or more workers to be readily available at most times and cites the case of the delivery of essential care to animals at short notice as an example of relevant circumstances.

- 4.5 Any livestock enterprise gives rise to supervisory demands arising from:

- (i) the general welfare of the animals involved;
- (ii) the management of breeding stock;
- (iii) the management of housed stock.

and agricultural legislation requires that all farm animals are managed in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour and it is accepted that, without good stockmanship, animal welfare can never be adequately protected.

- 4.6 By definition, however, free-range poultry represent a completely different situation to a large intensive housed pig or poultry enterprise, where a stockman needs to be available round the clock to deal with breakdown of controlled environment equipment. At this unit the poultry are fed manually, and when indoors, are kept in buildings which rely on natural ventilation. If there is a power failure there are no controlled-environment systems that will fail or that could have the quick and disastrous consequences possible on more intensive units. On this unit the main risks come from risk of predation (fox attacks) and from unexpected incidents such as the failure (or flooding) of water drinkers, or noise events.

- 4.7 It is relevant to note that this unit has been operated for the part eight years (and at this level of intensity for the past two) without the need for accommodation on the unit and

there have been no recent substantive changes to the nature of the operation in that time. Mr Norris and his wife live in a countryside property (as opposed to in a town) some seven minutes (2 miles) distant from the unit and whilst it would be considerably more convenient to live directly on the unit, there are few incidents that are likely to occur during the night when Mr Norris is absent from the unit that would compromise the proper functioning of the unit. The risk of attack by foxes can be controlled with the use of electric fencing which Mr Norris has not fully installed around the property and other potential risks, such as water flooding, can usually be avoided with careful management and attention to detail. Whilst a presence on site may mean that potential incidents are discovered sooner, it is not considered essential that Mr Norris lives directly on the unit, as opposed to close by, and his existing house is considered sufficiently close for a unit of this scale.

- 4.8 With regard to the issue of security, this is not usually afforded much weight in the debate over essential need, though PPG7 advises that such issues may contribute towards the need for a dwelling. Clearly, the potential loss of stock or farm machinery - and the economic implications - must be balanced against other considerations which in this case include controls on new residential development in the countryside. From the information supplied on site, and that presented in the supporting documentation, it is not considered that there are significant animal welfare issues arising from the potential ingress of intruders.

Labour requirement

- 4.9 Paragraph I5b deals with the scale and nature of the existing operation and guides that permanent dwellings should only be permitted where there is a need for a full-time worker to deal with the functional needs of the unit.
- 4.10 In order to assess the usual labour requirement on a farm reference is usually made to Standard Man Days (SMD) figures such as those published in the *Farm Management Pocketbook*¹. For laying birds the standard requirement is cited as 0.017 (SMDs for intensively housed hens, and 0.06 SMDs for free-range birds which suggest that the labour requirement for free-range activities is 3.5 times that of intensive, indoor production.
- 4.11 For broiler production there is only one figure cited, being 0.002 SMDs per unit of production. Although the ranging activities are not considered likely to increase significantly the workload for free-range production as opposed to wholly housed, there will be some increase in the labour requirement and RAC consider it appropriate to apply the same 3.5-times factor found in layer production. Thus the SMDs for free-range broiler production would be $0.002 \times 3.5 = 0.007$ per bird produced.
- 4.12 As far as the labour needs of organic production are concerned it is recognised that these can have a greater labour requirement than conventional agriculture and the *Organic Farm Management Pocketbook* suggests that the range can be between 10-30%. On a unit such as this the increase is likely to be at the lower end, as there is no cropping undertaken and no complex mix of enterprises to manage.
- 4.13 The two activities undertaken at The Mulberry Bush comprise 1,500 free-range laying hens and batches of 200 free-range meat birds per fortnight (potentially rising to 300

¹ *Farm Management Pocketbook*, published by the University of London, 2003

should this application be approved). These activities have a “standard” labour requirement of:

<i>Enterprise</i>	<i>Size</i>	<i>SMD/unit</i>	<i>Total SMDs</i>
<i>Free-range layers</i>	1,500	0.06	90
<i>Free-range broilers</i>	5,200	0.007	36
			126
	Plus organic premium (10%)		13
TOTAL			136

- 4.14 Based on the assumption that one worker is able to supply 275 days per annum, this unit has an existing labour requirement of (136/275) c.0.5 labour units, which would rise to 159 (0.58 SMDs) if the meat production enterprise is expanded to 300 birds per fortnight. As noted at para 3.6, above, the labour requirements arising from food processing may not be taken into account in the assessment of labour need. It is considered that the test in terms of scale and nature is not met.
- 4.15 The policy requirement set out in PPG7 requires that the functional need (which RAC does not consider exists) relates to a full-time worker, or one who is primarily employed in agriculture. The calculations above demonstrate that this unit basically has a labour requirement of about half a full-time worker which does not meet the test requiring a full-time worker, nor one who is primarily involved in agriculture – as defined in PPG7 (see para 3.6).
- 4.16 Insofar as the test in PPG7 requires that the functional need relates to full-time agricultural activities, then RAC consider that this test has also not been met.

The financial test

- 4.17 The guidance in PG7, with regard to permanent dwellings for agricultural workers, requires that the unit and the agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.
- 4.18 The accounts that have been supplied with this application state that the “*Surplus of Income over Expenditure*” - taken to mean Net Profit - has risen from c.£8,000 in 2001 to an estimated c.£28,600 in 2003 – though does not make allowance for depreciation or finance charges. The figures for 2003 are presented in a provisional form it is considered that the information is likely to reflect accurately the finances of the unit.
- 4.19 Using the advice of MAFF to LPAs on the subject of financial sustainability as a guide (produced in 1992), it is considered that the financial information presented demonstrates this unit to be capable of being sustained. The profit of c.£14,000 in 2002 would provide a marginal return to the unpaid labour and capital invested, whilst the provisional 2003 figures would clearly provide a reasonable return to the unpaid labour and capital invested, subject to finance and depreciation charges. Based on the information submitted RAC consider the financial test to have been met.

Suitable alternative dwellings

- 4.20 This final test is also not met. As described above, Mr Norris lives in his own property some two miles distant from the unit, or about seven minutes travelling time. Given

that there is no essential need to live directly on site, it is considered that this property is already sufficiently close to meet the welfare needs of the unit. This is, in part, evidenced by the fact that the unit has been established to its present profitable level without the need for even temporary accommodation.

- 4.21 Although it is recognised that the provision of on-site accommodation would be considerably more convenient to the owner, such a provision is not considered essential for the proper functioning of the enterprise, which is the overarching test in policy.

Other normal planning requirements

- 4.22 RAC is not retained to deal with these other aspects - such as siting and access - which fall to be considered by others.

5. Conclusions

- 5.1 Local Plan Policy GB11 notes that planning permission for new agricultural workers' dwellings will only be permitted if all the tests in Annex I of PPG7 are completely met. As far as the application at The Mulberry Farm is concerned, it is concluded that whilst:
- i) the dwelling would support an existing activity on a well-established and viable agricultural unit (Annex I, 5 and 5c);
 - ii) there is no essential need for that worker to live directly on the unit (Annex I, 5a). The owner's existing property is considered located sufficiently close to enable appropriate monitoring of the unit (I5d);
 - iii) the scale and nature of the unit does not relate to a full-time worker (Annex I, 5b).
- 5.2 The application at The Mulberry Farm for permanent accommodation does not completely meet all the tests in Annex I of PPG7 and thus the requirements of Local Plan Policy GB11 are not met.