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# Appeal Decision

Hearing held on 12 September 2013

Site visit made on the same day

**by Isobel McCretton BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 November 2013**

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**Appeal Ref: APP/Y2736/A/13/2197766**  
**OS Field 4700, Low Lane, Westow, Malton**

- 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 J Lambert against the decision of Ryedale District Council.
  - The application Ref. 12/00331/FUL, dated 29 March 2012, was refused by notice dated 8 November 2012.
  - The development proposed is a new farm house and redesign of farm building.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the rural area, having regard to national and local policy in respect of development in the countryside and the needs of the enterprise.

## Reasons

3. The appeal site lies on the southern side of Low Lane and to the east of the village of Westow. Access is via a track from Low Lane, past a small timber yard. There is a cattle roundhouse on the site which was granted permission in 2010 and a large barn erected following agricultural prior notification in 2008. There is also a mobile home used by the appellant at calving time.
4. The appellant states that the farm business is spread over 3 sites totalling about 154ha; around 6ha at the appeal site owned by the appellant, 50ha at Haybridge Mill Farm, Skirpenbeck under a farm business tenancy (FBT), and 97ha at Scrayingham on a FBT on a year by year basis. The appellant currently lives in a rented house at Haybridge Mill Farm.
5. It is proposed to erect a 2-storey, 3-bedroom detached dwelling with attached utility/office to the south of the barn. Three of the bays of the barn would be removed and replaced at the other end. The house would be sited with the roundhouse and the modified barn. The buildings are on land which is higher than the adjoining road and so would be seen from both near and distant vantage points. The site lies in the Yorkshire Wolds which is a designated Area of High Landscape Value (AHLV). However sporadic farmsteads are a characteristic feature of the rural landscape. I therefore disagree with view expressed at the Hearing that the dwelling would harm the character of the

AHLV contrary to the recently adopted Ryedale Local Plan Strategy (2013) policy ENV3.

6. Nevertheless, the scheme would represent development in the open countryside where strict policies of restraint apply. The National Planning Policy Framework (2012) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include the essential need for a rural worker to live permanently at or near their place of work. This is reflected in policy Local Plan Strategy policy SP21.
7. No definition of 'essential' is given in the Framework, but the main parties agreed that the functional and financial tests set out in the Annex to the now superseded PPG7: *Sustainable Development in Rural Areas* form a reasonable basis for such an assessment. The functional test establishes whether the enterprise whether the need for a full time worker to live at the site can be justified for the proper functioning of the enterprise, and the financial test addresses the viability of the enterprise and whether it can sustain the cost of the dwelling. If this is not the case then the development cannot be said to be sustainable; promoting sustainable development (economic, social and environmental) is 'golden thread' which runs through the Framework.
8. The main business of the enterprise is cattle breeding, though the business also includes sheep raising, plus arable and fodder crops. Following construction of the roundhouse it is intended to concentrate on cattle production and increase numbers. Calves would be born at the roundhouse throughout the year and after about 2 months would be sent to the other units for fattening.
9. Estimates given for labour are based on the three areas of land. The Council is concerned that, if a dwelling is to be permitted, the business at Westow is able to function as an enterprise in its own right as, although the main cattle rearing building is and would continue to be based here, there is relatively little land to support an agricultural business. It is understandable that the appellant has made what has been a significant investment in buildings on land that he owns rather than rents and this shows a commitment to the enterprise at this site. Similarly it is reasonable that Westow would be the location where he would want to build a dwelling for a stockman as it is where the main cattle rearing building is sited. However, while it is not unusual for farmers to rent land beyond their holding, in this case most of the land is rented. Although there is a comment that the 10 year FBT, i.e. relating to the largest area of land, can be renewed at the end of the tenancy, there is no substantiated evidence of security of tenure for either of the rented acreages in the representations. The Council requested additional details in this regard but none have been forthcoming.
10. The submitted agricultural appraisal shows that there is a need, over the enterprise as a whole, for at least two workers. When considering the planning application for the roundhouse in 2010, the Council queried the fact that it was some miles from the appellant's main farming enterprise at Skirpenbeck, but it was maintained that someone was at the adjoining timber yard every day and that remote supervision was not an issue. A diary for a month (20 Jan – 20 Feb) was submitted which shows that the appellant visited the site on average twice a day. This was noted as not being a typical month, but even so it did

not indicate a need for a continuous presence on the appeal site all the year round at that time.

11. At the Hearing the appellant explained that the roundhouse, which enables safe and efficient handling of the animals by one person, has proved to be very successful. To make best of use of it, cattle production is being expanded and will eventually be doubled and moved to a system of calving all year round. To this end a stockman is needed at Westow as there is a need for a continuous presence on the site, considered essential at calving time, in the interests of the welfare of the animals and for security. It is not practicable or safe to supervise a continuous calving programme remotely and calves are likely to be lost if not properly looked after. The appellant currently uses a mobile home on the site on occasions, but this is disruptive to family life and could not be contemplated on more frequent basis when even more cows have to be looked after with the developing business. The appellant argued that a reasonable house has to be provided to attract an experienced stockman who would be likely to have a family and there are no nearby dwellings for sale or rent which would be close enough.
12. I have taken these arguments into account, but I do not consider that it is clearly shown that the work needed at Westow itself is sufficient to need a full time worker at that site, or that the situation with the care of the herd is very different from the time that the roundhouse was built when it was considered that remote supervision would be acceptable.
13. Turning to the financial aspects, again the submitted information relates to the business as a whole. Although the appellant maintained that the Westow unit alone could support enough cattle to be viable in its own right, nowhere is this set out in the evidence. During the discussion at the Hearing it was apparent that various aspects of the business are not clearly identified. The banks may have been prepared to make loans for the buildings/purchase of the land despite the fact that most of the land is held on FBTs, but the bank is concerned with the security of its investment. That is not the same consideration I have to make. For the purposes of determining whether a dwelling on this land is essential and would be sustainable, the submitted figures do not demonstrate that the enterprise as a whole, and particularly a cattle rearing business solely at Westow, would be profitable and could support the construction of the proposed house.
14. Overall I conclude that insufficient evidence has been provided to clearly show, as required by Local Plan policy SP21 and the Framework, an essential need for a dwelling on the unit which would outweigh the objective of preventing unnecessary development in the countryside.

### **Conclusion**

15. For the reasons given above I conclude that the appeal should be dismissed.

*Isobel McCretton*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Paul Walker	Agent
Rod Cordingley	Surveyor
Joe Lambert	Appellant
Lesley Lambert	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Rachel Smith	Planning Officer
Roger Barnsley	Asset Management Surveyor

### INTERESTED PERSONS:

Robin Graham	Westow Parish Council
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### DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Council's letters of notification
Document 2	Extracts from Ryedale Local Plan Strategy
Document 3	Accounts year ended May 2012

### DRAWINGS:

A1-5	Drawings submitted with the planning application
B1	Previous proposal (withdrawn)