

# Appeal Statement of Case

## Local Planning Authority

**Town and Country Planning Act 1990**  
**Section 78 appeal against the refusal of planning permission**

**Appeal:** APP/W0340/W/24/3352936 -

**Site:** Rambling Rose Farm Winterbourne Newbury RG20 8AS

**Proposal:** Retention of existing log cabin for permanent farm workers dwelling.

**Date:** December 2024

**Council Reference:** 23/01295/FULMAJ

## Appeal Statement of Case

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# 1. Introduction

- 1.1 This Statement of Case has been prepared in respect of an appeal lodged against the refusal of planning permission under Council reference 23/01295/FULMAJ. For the retention of an existing log cabin for permanent farm workers dwelling at the site known as Rambling Rose Farm Winterbourne Newbury RG20 8AS.
- 1.2 This Statement of Case has been produced by the Council in conjunction with its Agricultural Consultants Kernon Countryside Consultants Ltd who advised the Council during the determination of the application. They are also instructed to act for the Council at the Hearing of this appeal and have reviewed and contributed to this statement of case.

## Reasons for Refusal

- 1.3 The application was refused for the following reason

1. *Reason For Refusal C 5*

*The application site is located within the open countryside, outside of any defined settlement boundary where there is a presumption against new housing subject to certain exceptions including, amongst others, housing to accommodate rural workers where genuine need can be demonstrated.*

*In these particular circumstances, the applicant has failed to demonstrate that the business to which the permanent dwelling would be supported by is financially viable to justify the permanent accommodation.*

*In the absence of satisfactory justification, the proposal would amount to new housing located outside of any defined settlement boundary within an unsustainable location in conflict with the overall aims and objectives of Core Strategy Policies ADDP1, ADDP5, and CS1, the Housing Site Allocations DPD Policies C1 and C5, and the National Planning Policy Framework.*

## Scope of Statement of Case

- 1.4 This Statement of Case has been prepared in accordance with the Planning Inspectorate's *Procedural Guide (Planning Appeals – England)*. It supports the

Council's reasons for opposing the development. The Council's substantive case is set out in the Application Report, which has been provided under separate cover to the Planning Inspectorate. This Statement does not seek to duplicate the Application Report but focuses on responding to the Appellant's Statement of Case, and supplementing the Application Report as appropriate.

### **Procedural Matters**

- 1.5 The Council notes that the appellants statement of case outlines in 5.9

*"The Appellant will demonstrate that the business is financially viable and warrants the retention of the rural worker's dwelling on a permanent basis, as well as evidencing that the remainder of the requirements are met. Further evidence of this will be provided in the proofs of evidence."*

- 1.6 The Council has not been in receipt of any further evidence and would object to new evidence being provided as part of the appeal process. The Council notes that the appellants asked for the appeal to be heard by way of a public inquiry. However, the inspector determined a hearing was appropriate. Due to this an opportunity was given to the appellants by the planning inspectorate (email dated 21/10/2024) to revise their statement of case as the initial statement was produced on the understanding that proofs of evidence would be submitted. The Council notes that the appellant confirmed on the 28/10/2024 that

*"our client (the appellants) has confirmed they are content to rely on the information as supplied."*

- 1.7 The Council notes that the appellant has not sought to clarify any of the issues the Council has raised or provide any evidence or arguments in their statement of case to support why the Council's decision is incorrect.
- 1.8 The Council is entirely uncertain as to the grounds of which the decision has been appealed. The appellant has produced no analysis or produced any of the original application documents into an argued appeal case despite being given the opportunity to do so. It has been assumed that the appellant is relying solely on the evidence submitted during the course of the application.



## 2. Appeal Site and Proposal

### Appeal Site

- 2.1 The application site comprises a parcel of land of approximately 7.5 acres, located to the east of the village of Winterbourne, outside of any defined settlement boundary and therefore considered for planning purposes to be within the open countryside. The village of Winterbourne is a small linear development approximately 3 miles north of Newbury and 4 miles southwest of Chieveley.
- 2.2 The application site is predominantly surrounded by arable farmland with the topography of the land sloping down from south towards the Winterbourne Stream to the north-west. The Winterbourne Bridleway 14 leads to the access of the site on the east side of the road running through the village and Winterbourne Bridleway 15 is located along the northern boundary. The site is viewed from the west against the wooded backdrop of Vauxhall Copse to the south-east of the application site and Mapleash Copse to the south-west. The site shares a boundary with Snelsmore Common which is a site of special scientific interest (SSSI) and is also within the North Wessex Downs National Landscape (formerly Area of Outstanding Natural Beauty) and within the River Lambourn Nutrient Neutrality Zone.
- 2.3 The site currently comprises a log cabin currently used as accommodation by the applicant, 3 field shelters, and a feed store.

### Appeal Proposal

- 2.4 This application seeks planning permission for the Retention of existing log cabin for permanent farm workers dwelling at the Rambling Rose Farm, Winterbourne, Newbury, RG20 8AS.
- 2.5 This application seeks planning permission for the retention of an existing log cabin for a permanent farm worker's dwelling. It is noted that planning permission was granted under delegated powers for application reference 19/02178/FULMAJ for the siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store on 30 April 2020 which expired on 30 April 2023. This current application was submitted on 26 May 2023.

## Planning History

2.6 The relevant planning history of the appeal site is set out in Table 2.1.

**Table 2.1: Planning History**

<b>Application</b>	<b>Proposal</b>	<b>Decision</b>
17/02604/COMIND	Change of use from grazing livestock to private equestrian including grazing of livestock	Approved 13 December 2017
19/02178/FULMAJ	Siting of temporary agricultural workers dwelling, field shelters and feed store	Approved 30 April 2020
23/00312/FULMAJ	To construct a 4 bedroom house on the site and retain the existing temporary agricultural workers dwelling as farm office and visitors facilities	Withdrawn



## 3. Planning Policy

3.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>1</sup>. The development plan is therefore the starting point for decision making. Where a planning application/appeal conflicts with an up-to-date development plan, permission should not usually be granted. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

### Statutory Development Plan

3.2 The statutory development plan for West Berkshire is currently made up of a number of different documents<sup>2</sup>. Table 3.1 sets out those development plan documents that are relevant to the appeal proposal, together with a list of the relevant policies.

**Table 3.1: Statutory Development Plan**

Development Plan Document	Relevant Policies
West Berkshire Core Strategy 2006-2026 (WBCS) <a href="http://info.westberks.gov.uk/corestrategy">http://info.westberks.gov.uk/corestrategy</a>	ADPP 1: Spatial Strategy, ADPP 5: North Wessex Downs Area of Outstanding Natural Beauty CS1: Delivering New Homes and Retaining the Housing Stock CS4: Housing Type and Mix CS10: Rural Economy CS13: Transport CS14: Design Principles CS17: Biodiversity and Geodiversity CS18: Green Infrastructure CS19: Historic Environment and Landscape Character
Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD) <a href="http://info.westberks.gov.uk/hsa">http://info.westberks.gov.uk/hsa</a>	C1 - Location of New Housing in the Countryside C3 - Design of Housing in the Countryside

<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

<sup>2</sup> Full development plan: West Berkshire Core Strategy 2006-2026 (adopted July 2012); Housing Site Allocations DPD 2006-2026 (adopted May 2017); West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (as amended in July 2012 and May 2017); Stratfield Mortimer Neighbourhood Development Plan (adopted June 2017); South East Plan, Natural Resource Management Policy 6 (relating to the Thames Basin Heaths Special Protection Area; Replacement Minerals Local Plan for Berkshire (incorporating alterations adopted in December 1997 and May 2001); Waste Local Plan for Berkshire (adopted December 1998).

## C5 - Housing related to Rural Workers

### Weight to be given to development plan policies

- 3.3 It is a fundamental principle of the planning system that the weight to be afforded to each issue is solely a matter for the decision maker. However, the NPPF provides some guidance on what weight should be given to development plan policies given the status of the NPPF as a material consideration in deciding planning applications/appeals. Paragraphs 218 and 219 state:

*“218. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.*

*219. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

- 3.4 The Council considers full weight should be given to all of its policies relevant to the application due to their consistency the policies have with the NPPF.

### Material Considerations

- 3.5 A number of documents are material conditions relevant to this appeal.
- 3.6 The **National Planning Policy Framework (NPPF)** sets out the Government’s planning policies for England and how these should be applied. The NPPF is a material consideration in planning decision, which should be read as a whole (including its footnotes and annexes).

- 3.7 The **Planning Practice Guidance (PPG)** is an online publication which supplements the NPPF and, as a statement of government policy, may also be material when deciding applications/appeals.
- 3.8 The **Quality Design SPD (2006)** aims to help developers create places of high quality design which are sustainable, secure and accessible to all. The SPD series is made up of 10 documents.
- 3.9 The **Planning Obligations SPD (2014)** was adopted by the Council in December 2014, following a period of consultation which took place in Summer 2014. It sets out the Council's approach for securing contributions and requiring obligations from development, alongside the Community Infrastructure Levy (CIL). This approach is in accordance with national CIL Regulations and the council's pdf CIL Regulation 123 List.
- 3.10 The **Sustainable Drainage Systems (SuDS) SPD (2018)** was adopted by the Council in December 2018, following a period of consultation which took place in Summer 2018. It provides guidance on the approach that should be taken to SuDS in new developments in West Berkshire so as to manage and mitigate surface water flood risk.

## 4. Background of Temporary Permission

- 4.1 In 2019 application reference 19/02178/FULMAJ for the Siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store was approved on the 30/04/2020 This was subject to a temporary permission condition as follows

*“The development hereby permitted shall be for a limited period, being the period of 3 years from the date of this decision. At the end of this period the residential use hereby permitted shall cease, and the log cabin and all materials and equipment brought onto the land in connection with the residential use shall be removed from the land.*

*Reason: This permission has been given to enable the applicant to establish the business in accordance with Policy C5 of the Housing Site Allocations (HSA) DPD 2006-2026, and the NPPF. The site would not normally be considered suitable for a dwelling unless such justification has been provided, in accordance with the National Planning Policy Framework (2019), Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.”*

- 4.2 Appendix 1 is the decision notice for application 19/02178/FULMAJ and Appendix 2 contains the delegated report. The officers report noted that

*“The applicant has stated within his supporting documentation that he owns 7.5 acres of land and an additional 17 acres is rented. The total area being farmed is 24 acres (9.9 hectares). At the time of writing this report, the applicant's livestock comprised of:-*

*- 12 alpacas (for breeding)*

*- 40 sheep*

*- Chickens (producing 75 free-range eggs)*

- 3 horses (French Heavy Horse)”*
- 4.3 The report went on to acknowledge there was a marginal essential need for a full-time labourer on site and therefore a temporary workers dwelling would be justified. The

officers report also confirmed that the applicants Agricultural Consultant at the time *“had produced a sound business plan which would be fully tested over a three year period.”*

- 4.4 The Councils Agricultural Consultants response to application 19/02178/FULMAJ is contained in Appendix 3. The Councils consultant addressed the Financial Sustainability of the business in paragraphs 38-40 noting the following;

*“The applicants’ proposal is for a temporary agricultural worker’s dwelling and have produced a three year business plan in support of the development of their evolving agricultural business. RAC would accept that the projections within the business plan appear to have been produced on a sound financial basis.*

*The business plan identifies that at the end of Year 3 the business will show a profit from the various enterprises within the agricultural business of £18,519. RAC would note that this does not include any labour charges. In assessing the business at the end of Year 3, a notional labour charge of £16,500 would need to be accounted for. RAC accepts that the applicants are looking at other ways of increasing profitability such as additional income for stud fees from one of their alpaca males, sales of pigs, sales of produce from the orchard and sales of honey from bees which is likely to increase overall net profit.*

*If the Council were minded to approve the application for the temporary dwelling for a three year period, then the applicants’ business plan would be fully tested and scrutinised. The applicants should be aware that if approval were to be granted and the business plan was not implement and the agricultural business failed, then the Council are likely to require the removal of the temporary dwelling.”*

- 4.5 The Council’s decision was clear that the financial viability of the business would need to be shown otherwise the temporary dwelling would need to be removed. This is reflected in the wording of its planning condition which is fully justified given the wording of both the local plan and national planning policy. Policy C5 states that *“Where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years. Any permission will be subject to a condition restricting the use of the property to persons employed within the rural enterprise.”*
- 4.6 It should be noted that condition 1 does not stipulate a threshold required to show the business is viable. It does not state a figure in profit but directs the reason for the condition to show financial viability of a business.

4.7 The appellants in a letter from their solicitor dated 05/01/2024 (Appendix 4)

*“It is clear that condition 1 attached to the 2020 Permission was based on the appraisal and reasoning of the 2019 RAC Appraisal in order to ensure the business was a viable proposal and to ensure the Company was capable of sustaining a full-time labourer to the labour charge of £16,500, while also utilising and benefiting from the rural agricultural workers dwelling.”*

4.8 However, the Council disagrees with this statement. The wording of the original condition does not set a monetary threshold but only that the business should be seen as sufficiently viable to accord with policy C5. Setting a monetary threshold in a condition would not be accurate as it does not consider factors such as inflation or external impacts (such as covid or global issues). It is left to the interpretation of the business performance in accordance with C5's requirements. The appellants statement claims that the profit is sufficient to provide a return on labour. It is the Council's case that the profit generated is not sufficient to provide an appropriate return on labour and that the profits shown in the DRAFT accounts appear to have omitted a number of costs.). This subject is explored in more detail in this statement of case.

## 5. Policy Considerations

- 5.1 Policy ADPP1 of the Core Strategy (CS) sets out the strategic framework for development in the district and says that in the open countryside only appropriate limited development will be allowed, focussed on addressing identified needs and maintaining a strong rural economy. Policy C1 of the Housing Site Allocations DPD (HSA) says that there will be a presumption against new development outside settlement boundaries and sets out exceptions. These exceptions include (amongst other things) housing to accommodate rural workers which is set out in HSA Policy C5. This exception is also set out at paragraph 84 (a) of the NPPF as it relates to an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.2 Policy C1 goes on to say that planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.
- 5.3 Policy CS10 of the West Berkshire Core Strategy is supportive of proposals which diversify rural enterprises. The policy supports small and medium size enterprises within the rural area to encourage job opportunities and maintain vitality of smaller rural settlements.
- 5.4 Having regard to the rural worker exception, HSA Policy C5 sets out that:
- 5.5 New dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where:
- i. It is proven as essential to the continuing use of land and buildings for agriculture, forestry or a rural enterprise;
  - ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full-time worker in that location;
  - iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those

being used as tourist or temporary accommodation or existing buildings suitable for residential conversion.

- iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
- v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation;
- vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings;
- vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration;
- viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need.

5.6 Having regard to Policy C5, the applicants submitted detailed information in support of the application which has been prepared by Reading Agricultural Consultants (RAC) and this has been reviewed by the Council's agricultural consultant, Kernon Countryside. There were several assessments by both parties due to changes in the applicant's documents.

5.7 When considering how the need for isolated homes in the countryside for essential rural workers should be assessed, paragraph 010 of the Planning Practice Guidance (PPG) sets out essentially that there is a test of functional need but also the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

5.8 The Council in its consideration of the application at the time of the decision did not raise any issue with the proposed development apart from the issue over whether it had been shown that the business was sufficiently viable to support a permanent dwelling.

5.9 The development does not have an adverse impact on the rural character and heritage assets of the area or impact the wider landscape due to there being no further development. The temporary consent building is retained and unchanged as part of this application. No dwelling has been sold or converted since the temporary condition has been running to the Council's knowledge. The size of the dwelling has been previously



found to be acceptable for the business plans expressed in the temporary consent previously and the building remains unaltered as part of this application. Housing to serve the small holding could not be found in the local area at the time of decision as explored in the various application documents and the council's consultant's responses.

5.10 The Council will discuss the functional need for the dwelling on site below as this frames the business viability section of this statement of case. However, this did not form a reason for refusal at the time of the decision.

### **Functional Need**

5.11 The Council had previously considered the appellants evidence in regard to the functional need to live at the site under application 19/02178/FULMAJ and noted that in 2019 the need to live on site was at best marginal. This led to the temporary consent being granted.

5.12 The originally submitted agricultural justification document April 2023 (Appendix 6) for this appeal was assessed by the Councils Countryside Consultant and their response is found in Appendix 7. This assessment noted that the business on site had not developed in the way in which envisaged from the 2019 application. Therefore, they concluded that the originally submitted business plan had failed to be executed and therefore the site and enterprise did not warrant the need for someone to live at the site as originally envisaged.

5.13 This prompted the appellants to submit a revised business plan during the course of the application updating the stock numbers on site currently and this business plan was considered to be more in line with the originally consented business plan under the temporary permission. The revised business plan (Appendix 5a ) and a further response from Reading Agricultural dated November 2023 (Appendix 5b) noted that on site there was

- 22 Alpacas (12 breeding females and 10 males including 3 stud males, 1 young currently unproven stud male and 6 other males);
- 12 Pedigree Shetland Rams; and
- 4 male goats.

- 5.14 This information led the Council's consultant to conclude that there is an ongoing functional need for a temporary farm workers dwelling on the site given the animals on site and the original business plan (Appendix 8)
- 5.15 The Council's Public Protection Team conducted a visit to the premises on the (18/07/24) in response to a customer's concern for the animals at the site. The officer confirmed the appellants had sold the sheep and goats at this time. There were also 18 Alpacas, and 3 horses left at the property (Appendix 9).
- 5.16 The Environmental Health Worker confirmed the paperwork for the off movements and death of livestock were all up to date and there were at that time no current concerns with the welfare.
- 5.17 It is a concern of the Council that the business plan presented as part of this application does not appear to have been continued due to the removal of some animals from the site. The sheep and goats have been sold according to the Council's Public Protection team and there is no mention of Pigs. These animals all contributed to the business plans of the application to show both a functional need and a viable business. The number of animals on site is in some areas below that of the temporary consent application in 2019. The need for a worker to live at the site has been found to be marginal previously. Given the level of animals has reduced compared to the previously submitted documents it may be appropriate to examine whether there is still a functional need to live at the site. The hearing round tables should explore the current livestock levels at the site.
- 5.18 The Council does acknowledge that the uncertainty raised by refusal of this application and the subsequent appeal may have led the appellants to reducing their animal stock levels but this does contribute to the Council's case that the financial viability has not been sufficiently shown, otherwise you would expect the business to continue trading throughout the appeal process to prove it is viable in the long term.
- 5.19 In addition, the loss of animal stock on site is a consideration for the viability of the business which may be further hindered by having to restock the site in order to meet the business plan. This does not appear to have been factored into the business plans.
- 5.20 The Council is concerned that the appellants case does not update the current livestock numbers on the site. Whilst at the time of making the decision on this application there

was no reason to refuse the application on functional need, an inspector will need to consider the evidence in appendix 9. We have consulted Kernon Countryside Consultants and they are of the opinion that the reduction in sheep and goat numbers will not affect the functional need to live on Site as it is the Alpaca enterprise that generates the need to live on Site. However the level of animal stock on site at the moment must be considered against the viability of the business.

### **Business Viability**

5.21 The appellants had submitted information in support of the application which includes business accounts with redacted copies publicly available to view on the Council's website. The application was originally submitted with Reading Agricultural Consultants Supporting Agricultural Justification Statement April 2023 (Appendix 6).

5.22 This noted that

*“6.16. The accounts show that sales and turnover has increased since 2020 and the latest draft farm profit and loss accounts ending 31 March 2023 show that the business made a profit. The Balance Sheet identifies a positive net worth for the business (assets – liabilities).*

*6.17 The project financial overview for years 4 and 5 which include the increased alpaca breeding herd and sale of alpacas together with additional income from the other enterprises predict an increasing level of profit.*

5.23 This was assessed by the Council's Agricultural Consultant (Kernons). In Kernons original assessment (dated 20th October 2023) (Appendix 7). This report covers Kernons concerns in paragraphs 21 through to 33 which are not sought to be reproduced here.

5.24 However, Kernons concluded that the business was not currently financially viable, and they were not confident that it would become viable in the foreseeable future. In their opinion, the profit shown in the 2023 accounts was not sufficient to cover the full-time labour input of the applicant and they also raised concerns over the level of costs which were considerably down on the previous accounting period despite there being a significant world-wide increase in costs.

- 5.25 The appellants then sought to submit a revised business plan document (Appendix 5a) and a further rebuttal document from the appellants agricultural consultant (Appendix 5b). This set out in more detail what had occurred at the site across the temporary permission period and set out their business plans for years 4 and 5. The business was granted permission in 2019. Year 2020 is assumed to be year 1 and therefore 2025 is assumed to be year 5
- 5.26 The Council again instructed Kernons to review this document and to advise on the explanations given in regard to the years 1-3 during the temporary period and the proposed business plan – year 4 and 5. They have provided the response on the 30<sup>th</sup> November 2023 (appendix 8). They noted the following at paragraphs 10 - 16 of their letter:

*Paragraphs 5.7 – 5.12 of the RAC additional report cover the financial viability of the business. With the exception of the comment that we made about “a significant part of the income is from wool sales”, which were true based on the information submitted, and our comments that the level / number of sales were unachievable, which again were based on the stock levels at the time of our appraisal, RAC have not sought to argue that the profit shown in the 2023 accounts is sufficient to cover the full-time labour of Harry Frampton-Harris.*

*On the basis that no additional information or argument has been provided about the current financial viability of the business it remains our view that the business is not currently financially viable. This appears to be the view shared by RAC as they do not argue the point.*

*Instead, RAC focus on the budgets for the next three years which have again been updated. We concluded that the original budgets that were submitted were not achievable. This was primarily because there were not enough breeding females on Site to achieve the number of predicted sales. This has been in part addressed by the purchase of additional breeding females.*

*The revised budgets show a projected profit of £19,000 in Year 4. Despite RAC’s comments at paragraph 5.10 where it is stated that variable costs are now included the figures still do not make any allowance for all variable costs, in particular there are no allowances for vet and med costs, which we would expect to include routine vaccinations etc. Again, the budgets do not, with the exception of rent which has now been included, include any fixed costs which would include insurance, accountancy, light and heat, water, machinery costs, property maintenance, bank charges etc.*

*Regardless of these omissions even a profit of £19,000 falls some way short of covering a full-time wage. As set out above this level of profit will be reduced once an allowance has been made for fixed costs. It isn’t until Year 5 that a profit, sufficient to cover a full-time wage is predicted. At this point a profit of £40,000 is being predicted. It is likely that this will be capable of covering fixed costs and a full-time wage.*

*It remains our opinion that the enterprise is not currently financially viable, which is the policy test for a permanent dwelling. The budgets indicate that in 2 years-time the enterprise should be capable of covering a full-time wage.*

*In summary in our opinion the business may, if the budgets are achieved, become financially viable but it is not currently financially viable. Therefore, an application for a permanent dwelling is premature and an extension to the temporary consent should instead be granted, should that be sought by the Applicants.*

5.27 The Council subsequently received a letter from the appellants solicitors (appendix 4) setting out where they thought the Councils consultant was incorrect. This letter contained their understanding that the Councils Consultant had undertaken the incorrect calculation for wage and profit to assess the business viability. The Councils consultant's response can be found in Appendix 10.

5.28 It is noted that the solicitor's email (appendix 4) outlines that their appellants are full time workers and are employed for 37.5 hours a week. However, the Council notes that the appellants submitted with the original application a different view on the working hours required for the farm (appendix 11). This concluded that the minimum weekly man hours were 46.5 hours in the summer and 34.5 hours in the winter. It included that the hours would increase with the addition of breeding females. The Council is therefore concerned that the appellants multiple documents outline different working hours required, and it is unclear how many hours a week are needed and how this should be calculated against the wage that should be paid.

5.29 The Councils consultant clearly raises concern with the solicitor's approach in appendix 10 explaining that

*"I also do not accept that the relevant threshold is £17,007 per annum, as Irwin Mitchell claim. That is a daytime rate for 37.5 hours per week for 52 weeks of the year. The nature of an agricultural enterprise that would warrant on-site supervisory accommodation is not a 37.5 hours per week daytime activity. Such an enterprise would not need a dwelling.*

*It is the weekend, evening, middle of the night, out of hours emergency or frequent inspections that mean a dwelling is justified. These activities are not 37.5 hours per week basic wage requirements."*

- 5.30 This view is supported by the appellants own evidence in appendix 11 whereby a variable rate of hours is shown to be required. Furthermore, the previous justification for a workers dwelling on site is based on being able to attend to animals for welfare reasons 24 hours a day. Therefore, showing how the working hours should not be considered as a standard working week.
- 5.31 The advice contained in the responses by Kernon Countryside led the Council to refuse the application.
- 5.32 The applicant's case is based on estimates into the future and one year where a profit is shown. However, the accounts for that year are incomplete accounts. There are issues with the accounts as raised by the Councils Countryside Consultant which throws doubt over the actual level of profit. These do not account for a lot of fixed and variable costs. The appellants case provides different levels of working hours required and is based on a certain number of animals which at the Councils last visit to the site have reduced from the original business plan.
- 5.33 The Council notes that full accounts for both 2023 and draft accounts for 2024 could have been provided to assist the Council given the ongoing nature of the application through a long determination period. The appellant has provided a number of rebuttals to the Councils agricultural consultant but no further business account evidence to assist it in finding a different conclusion.
- 5.34 The Council has considered the application against policy C5 and specifically v.

*“The financial viability of the business is demonstrated to justify temporary or permanent accommodation;”*

- 5.35 The financial viability of the business has not been sufficiently demonstrated as argued in the above statement of case and set out in the Council's decision. The relevant policy C5 supports the need to show the business being viable so that the Council is sure the business will continue into the future and not fall away leaving the potential for a rural workers dwelling with no associated business. This may lead to additional housing in the countryside where there is no justification. Compliance with the Policy C5 has not been shown. There is a clear conflict with the development plan in that the proposed dwelling in the countryside would not be justified or meet the exemptions under C1 and C5 of the development plan.

### **Temporary Consent Option**

- 5.36 The Council had suggested on the basis of the advice it received from its consultants that a temporary consent for two years could be a compromise to build the evidence base for a viable business. This would allow for the changing nature of the business to be considered as expressed in previous documents and to account for issues such as COVID that were beyond the appellant's control.
- 5.37 The appellants declined this offer on several occasions being of the opinion that they have shown a viable business to justify a permanent consent. The Council disputes this view. A temporary consent would have built on the evidence in this appeal and allowed for more accounts information to be submitted. It also could have avoided the need to hear this application at appeal.

## 6. Conclusion

- 6.1 The Council granted in 2019 permission for the Siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store under application reference 19/02178/FULMAJ. This was subject to a temporary permission condition of 3 years to show the business on site was viable into the future.
- 6.2 The proposed application considered as part of this appeal request that the dwelling be made permanent and submitted a number of documents to support this. The Council in conjunction with its countryside consultants reviewed these documents and concluded that there was insufficient evidence to show that the proposed development was a financially viable business to justify permanent accommodation, and it therefore conflicted with Policy C5 of the development plan.
- 6.3 The Council alongside its consultants have closely scrutinised all the documentation submitted. The Council has outlined its concerns and considerations of this information in this statement of case and its delegated report. It has found concern in regard to the accounting information submitted and the evidence submitted to show the business will be viable into the future.
- 6.4 Whilst not an issue at the time of decision it has since become apparent that the livestock on site has been reduced and it is for the inspector to consider whether this would affect the functional need. Furthermore, consideration needs to be given to how the reduction in livestock will affect business viability into the future.
- 6.5 The appellants statement of case provides little clarity or arguments in regard to how the Council is incorrect in its decision on this application. Furthermore, the Councils attempts to positively engage with the appellants with the offer of a temporary consent were declined.
- 6.6 The Council notes a strong local objection to this application and acknowledges the objectors concern in regard to the business account information. The business account information previously submitted has not shown a viable business, has not shown complete accounts and has not shown updated accounts throughout the application process to support the appellant's view. The Councils consultant has advised that the business is yet to be proven viable.



- 6.7 The proposed development therefore fails to accord with policy C5 as the financial viability of the business is not demonstrated to justify permanent accommodation. The application therefore fails to comply with C5 and C1 of the West Berkshire HSADPD and ADPP1, ADPP5 or the West Berkshire Core Strategy (2006-2026).
- 6.8 The Council respectfully requests the appeal is dismissed.

# Appendix 1

Sarsen Designs  
Henrietta Paternoster  
Little Down Cottage  
Great Durnford  
Salisbury  
SP4 6AY

**Applicant:**  
Harry and Thomas Frampton-  
Harris

**PART I - DETAILS OF APPLICATION**

**Date of Application**

28th August 2019

**Application No.**

**19/02178/FULMAJ**

**THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store.

Land at Pebble Lane, Winterbourne, Newbury, Berkshire

**PART II - DECISION**

**In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-**

1. The development hereby permitted shall be for a limited period, being the period of 3 years from the date of this decision. At the end of this period the residential use hereby permitted shall cease, and the log cabin and all materials and equipment brought onto the land in connection with the residential use shall be removed from the land.

Reason: This permission has been given to enable the applicant to establish the business in accordance with Policy C5 of the Housing Site Allocations (HSA) DPD 2006-2026, and the NPPF. The site would not normally be considered suitable for a dwelling unless such justification has been provided, in accordance with the National Planning Policy Framework (2019), Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings listed below:

Location Plan                      submitted with the application

Block Plan  
14.4.2020

RF04BP Rev C dated 26.03.2020 and received on

Temporary Accommodation - front and side views and floor plans dated 22.04.2019

Field shelters RF00507PE2 Rev A dated 8.8.2019

Feed Store RF00507PE1 Rev A dated 8.8.2019

Design and Access Statement dated June 2019

Reason: For the avoidance of doubt and in the interest of proper planning and to ensure that the development is carried out in accordance with the submitted details.

3. The materials to be used in this development shall be as specified within the design and access statement, approved plans and the application form. No other materials shall be used unless prior permission in writing has been obtained from the Local Planning Authority in respect of a planning application.

Reason: In the interests of amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

4. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
  - e) Include attenuation measures to retain rainfall run-off and surface water flood flow within the site (with specific reference to the newly created channel and how the flow within will be slowed to natural levels), and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
  - f) Include plans, photographs, construction drawings, cross-sections and specifications of all proposed SuDS and surface water management measures within the site;
  - m) Include details of how the SuDS and other water management measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
  - p) Include a Flood Response Plan identifying safe access and egress routes to the site and, where appropriate, areas of safe refuge for the occupants. Details of procedures to be followed and provisions to be available should be included within the pack for use during a flood event. The relevant emergency contact details should also be provided.
  - q) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater and the environment from sewage treatment measure discharge) and provide any control measures;
  - v) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system

can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

5. The log cabin shall not be occupied until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority.

The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment.

The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within the first year of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

6. The occupation of the temporary dwelling within the application site shall be limited to a person solely or mainly employed, within agriculture at Pebble Lane (Rose Farm), Winterbourne, RG20 8AS, or a dependant of such a person residing with that person, on the land identified in this planning permission and the dwelling shall not be sold, leased, rented or otherwise separately disposed of as a separate planning unit from the holding known as Rose Farm.

Reason: This permission has been given because the need for on-site accommodation outweighs the planning objections to the development. The Local Planning Authority seek to ensure that the dwelling remains available for occupation in association with the specific needs of the agricultural site and is not disposed of separately. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS1 CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and C1 and C5 of the West Berkshire Council Housing Site Allocations Development Plan Document (DPD).

7. No external lighting shall be installed on site, until details are submitted to and approved in writing by the Local Planning Authority in respect of a formal application to discharge this condition. The external lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the wildlife and tranquillity of the dark skies within the AONB and to comply with policies ADPP5, CS14, CS19 as well as the North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

#### **INFORMATIVE:**

- 1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
- 2 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.
- 3 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development which improves the economic, social and environmental conditions of the area.
- 4 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.
- 5 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- 6 The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

7 The applicant is advised that this planning permission does not in any way allow the public rights of way to be obstructed at any time during the course of the development.

8 The applicant's attention is drawn to the fact that private rights of vehicle access must be obtained before the use of footpaths or bridleways to access the development. Failure to do so will be an offence under the Road Traffic Act 1988 s.34

9 Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath / bridleway, which must remain available for public use at all times.

10 No alteration of the surface of the rights of way must take place without the prior written consent of the Rights of Way Officer

Decision Date :- 30th April 2020



**Gary Lugg**  
**Head of Development and Planning**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online using the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



# Appendix 2

# CASE OFFICER'S (JWR) REPORT ON APPLICATION NUMBER 19/02178/FULMAJ



**Site: Land at Pebble Lane  
Winterbourne  
Newbury  
Berkshire**

Member Expiry Date - 12 November 2019

Extension of time agreed - 1 May 2020

Pre-commencement conditions agreed - 4 March 2020

## INTRODUCTION

This application seeks planning permission for the siting of a temporary agricultural worker's dwelling and mobile field shelters with feed store.

The application site is located within the village of Winterbourn which is approximately 3 miles north of Newbury and 4 miles south west of Chieveley. The application site is predominantly surrounded by arable farmland with the land levels ascending from north to south. The Winterbourne Bridleway 14 leads to the access of the site and Winterbourne Bridleway 15 is located along the northern boundary.

The application site comprises of a parcel of land which forms a diamond shape and is approximately 7.5 acres, measuring 265m in length and 186m wide. Vauxhall Copse is east of the application site and Mapleash Copse is west. The application site shares its boundary with Snelsmore Common which is a site of special scientific interest (SSSI) and is also within the North Wessex Downs Area of Outstanding Natural Beauty.

The proposal includes the following:-

Temporary Workers Accommodation - the log cabin will be approximately 9.1m in length x 7.1m in width providing 1 bedroom, kitchen and bathroom facilities. The cabin will be a wooden structure built on posts and can be easily dismantled and remove. The on-site accommodation is required to provide housing for the farm worker.

3 x Field Shelters are proposed on site and will measure approximately 7.32m x 3.66m. The materials to be used in the construction will comprise of wooden cladding which is considered to be in keeping with the character of the surrounding rural landscape.

Large field shelter - The large field shelter will measure approximately 11m x 3.6m and would be constructed with wooden materials to match the other proposed structures.

The application has been proposal for the following reasons:-

- Welfare and care of animals on site

- Daily feeding and animal husbandry
- Provision of security on site for equipment and animals

## PLANNING HISTORY

17/02604/COMIND - Change of use from grazing of livestock to mixed use (private equestrian to include grazing of livestock).

## PROCEDURAL MATTERS

### EIA:

Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such EIA screening is not required.

### Publicity:

Site notices were displayed on 18 September 2019 and the deadline for representations expired on 9 October 2019. A public notice was displayed in the Newbury Weekly News on 12 September 2019.

### CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## CONSTRAINTS AND DESIGNATIONS

Open countryside (outside of any defined settlement boundary)  
 North Wessex Downs Area of Outstanding Natural Beauty (AONB)  
 Snelsmore Common (SSSI)

## PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at [www.westberks.gov.uk/planningpolicy](http://www.westberks.gov.uk/planningpolicy).

- ADPP 1: Spatial Strategy,
- ADPP 5: North Wessex Downs Area of Outstanding Natural Beauty
- WBC Core Policy CS1: Delivering New Homes and Retaining the Housing Stock
- WBC Core Policy CS4: Housing Type and Mix
- WBC Core Policy CS10: Rural Economy
- WBC Core Policy CS13: Transport
- WBC Core Policy CS14: Design Principles
- WBC Core Policy CS15: Sustainable Construction and Energy Efficiency
- WBC Core Policy CS17: Biodiversity and Geodiversity
- WBC Core Policy CS18: Green Infrastructure

- WBC Core Policy CS19: Historic Environment and Landscape Character

The following are relevant materials considerations:

- The National Planning Policy Framework (Feb 2019) (NPPF)
- The Planning Practice Guidance (PPG)

## CONSULTATION RESPONSES

Winterboure Parish Council: support

Highways Authority: No objection

Archaeology: No objection

Natural England: No objection

Housing: No objection

Environment agency: No comment

Public Right of Way: No objection, following repositioning of the log cabin and subject to drainage conditions.

Ecology: no objection, subject to landscaping and biodiversity opportunities.

SUDS: no objections subject to conditions

Trees: no objection, subject to landscaping following discussions with the applicant.

## PUBLIC CONSULTATION RESPONSES

Eight letters of support have been received and a summary is set out below-

- Good use of land
- Community benefits
- Asset to the village and local community
- Small rural businesses vital to the village
- Positive economic and social benefits
- Positive impact on wildlife
- Positive transformation of the site and many benefits to the community

## PRINCIPLE OF DEVELOPMENT

Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates the site as being within the open countryside. This states that only appropriate limited development in the countryside will be allowed. Planning Policy ADPP5 sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) in which the site is situated. Policy ADPP5 permits such development providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the area, ensuring that any development responds positively to the local context.

Policy C1 of the HSA DPD states that there will be a presumption against new residential development outside of the settlement boundaries. An exception to this is housing to accommodate rural workers.

Policy C5 of the HSA DPD concerns housing related to rural workers. It permits rural workers dwellings provided that it is essential to the continuing use of the land and buildings for agriculture, forestry or a rural enterprises. The policy states that detailed evidence must be submitted to show the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrate why the dwelling is required for a full time worker. It should also be demonstrated that no alternative accommodation is available within close proximity to the site. Evidence must prove that the business is financially viable. The size, location and nature of the proposed dwelling must also be

commensurate with the needs of the enterprise; and well related to existing farm buildings. The policy states that the development should have no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape.

The proposed development is small in scale and appearance. The temporary log cabin will be located along the south-eastern boundary and would be partly screened, from the public footpath (WINT/14/2) by existing mature vegetation.

The applicants have submitted detailed information in support of the application and this has been reviewed by the Council's agricultural Consultant (Reading Agriculture). Having assessed this information the Council considered that there is a requirement for a full time agricultural worker to be situated on site at all times.

Where a new dwelling is essential to support a rural enterprises, temporary accommodation will be granted for a period of 3 years. Any permission will be subject to a planning condition restricting the use of the building to persons employed within the rural enterprise.

Policy CS10 of the West Berkshire Core Strategy is supportive of proposals which diversify rural enterprises. The policy supports small and medium size enterprises within the rural area to encourage job opportunities and maintain vitality of smaller rural settlements. The proposal would provide additional job opportunities and stronger rural links to the Winterbourne village. The local residents and Parish Council are supportive of this proposal.

In view of the above the principle of development is therefore acceptable on balance and would accord with Development Plan policies and NPPF.

#### NEED

The applicant has stated within his supporting documentation that he owns 7.5 acres of land and an additional 17 acres is rented. The total area being farmed is 24 acres (9.9 hectares). At the time of writing this report, the applicant's livestock comprised of:-

- 12 alpacas (for breeding)
- 40 sheep
- Chickens (producing 75 free-range eggs)
- 3 horses (French Heavy Horse)

The free range eggs are all harvested and sold locally in the village. The applicants will be breeding with Shetland sheep and will rear the lambs through the winter selling them as hoggets. Sheep and Alpaca fleeces are acquired and sent to the National Fibre Company which is returned as wool and weaved for the production of hats and scarves. The applicant has also acquired a range of agricultural machinery which includes a tractor, chain harrows, grass topper and livestock trailer.

The majority of labour will be undertaken by the applicant, however, additional labour will be hired as and when it is required. The applicant has also established a business website which is regularly updated and used to market the farm and its produce.

Reading Agriculture have assessed the applicant's business plan and supporting documentation. They have concluded that there is a marginal essential need for a full-time labourer on site and therefore a temporary workers dwellings would be justified. They have also concluded that the applicant had produced a sound business plan which would be fully tested over a three year period.

The primary test set out in the NPPF is an assessment as to whether it is essential for a rural worker to live at, or near to their place of work. In this particular instance the applicant is establishing an agricultural business and it is considered essential to live on site in order to develop the farm, as set

out within the business plan, and to provide the management necessary for the production of livestock and animal welfare needs.

From the information provided by the applicant and the report submitted by Reading Agriculture, it would appear that there is a need for a worker to reside on site and therefore the applicant has demonstrated compliance with policy C5 of the HSA DPD as well as the NPPF.

## DESIGN, CHARACTER AND APPEARANCE AND IMPACT ON AONB

Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

The proposed worker's accommodation and field shelters have been designed purposefully and are characteristic of a rural setting, with the proposed construction materials in keeping with the local area. The proposed accommodation will be a temporary wooden structure which will be erected on posts and can be easily disassembled on site. The field shelters are positioned on skids and can be towed around the site or removed if required.

Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character. Particular regard will be given to the sensitivity of the area to change and to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

As part of the application a visibility impact assessment has been submitted. Due to the topography of the land, the site is visible from a number of public view points, including the B4494 (Winterbourne Road) which is located north-east of the site. In addition, two public rights of way (Wint 14/2 and Wint 15) are located along the boundaries of the site, enabling views into the site.

The applicants have engaged in discussions with Council officers and have rearranged the site to ensure that the visual impact of the proposal is minimised. Additional native landscaping has been proposed which would screen part of the proposed development and provide opportunities to increase biodiversity opportunities on site. Whilst the log cabin would be partly visible, the applicants have agreed to paint the building to reduce the impact on the wider landscape. The building has also been repositioned following discussions with the tree officers and public rights of way officer. The Council's tree and ecology officer have been involved in discussions with the applicant to reduce the impact of the proposal on the landscape. The improvements implemented by the applicant, following officers' advice, will improve the biodiversity and landscape of the AONB. Enhancing this special landscape which has been given the highest status of protection. To further protect the tranquillity and dark skies of the AONB, it is recommended that external lighting be restricted and this can be implemented by the inclusion of a planning condition.

Following the amended site layout and additional landscaping, the proposed development is considered to preserve the character and appearance of the surrounding rural area and AONB and would accord with the development plan policies and NPPF.

## NEIGHBOURING AMENITY

The nearest residential property (Downlands House) is located 150m south-west of the application site and as such it is not considered to have an adverse effect on the residential amenities of the neighbouring property. The proposal would accord with policy CS14 and CS19 of the West Berkshire Core Strategy and NPPF.

## HIGHWAY MATTERS

Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highway matters. The proposed development is expected to generate vehicle movements in excess of 2-4 vehicles a day. Two on-site parking spaces have been provided. The highways officer has reviewed the application and raised no objections to the proposal.

The proposal is therefore considered to comply with policy CS13 of the Core Strategy and TRANS.1 of the saved policies within the Local Plan.

## FLOODING AND DRAINAGE

The application site is located adjacent to a flood alleviation site which was approved under planning application 14/00142/COMIND in July 2014. The Council's drainage engineers have been consulted on this application and have been liaising with the applicant to ensure that appropriate drainage measures are put in place to prevent any additional flooding. Following discussions, the drainage engineers are satisfied that the proposal would not have an adverse impact on the surrounding village or flood attenuation measures already in place, on the adjacent site. The drainage engineers have reviewed their consultation response and raised no objections to the proposal provided that a pre-commencement condition for drainage measures is included in the decision.

The Environment Agency were also consulted and raised no comments in respect of this proposal. Subject to the pre-commencement conditions the proposal would accord with policy CS16 and the NPPF.

## ECOLOGY AND TREES

The site is located within an area of biodiversity opportunity. A SSSI lies to the south-east and a woodland lies to the north-east of the site. The Council's ecologist and tree officers were consulted on the proposal and have been involved in discussions with the applicant to improve the site layout, reducing the visual impact of the proposal and ensuring that a comprehensive planting scheme is introduced to encourage biodiversity on site. A planning condition will be necessary to ensure that the proposed landscaping is fully introduced on site. Furthermore, Natural England have also raised no objections to the proposal.

Subject to the landscaping, the proposed development would comply with policy CS17 of the Core Strategy and the NPPF.

## PUBLIC RIGHT OF WAY

The main access to the site is via Pebble Lane. There are two public rights of way which are within close proximity to the application site. Winterbourne bridleway 14 runs along Pebble Lane and leads to the main site access and bridleway 15 which runs along the northern boundary of the site. Following discussions with the applicant, no objections have been raised by the public rights of way officer, however, a number of informatives have been proposed to ensure that the applicant is aware of his duties in respect of these rights of way.

## PLANNING BALANCE AND CONCLUSION

Having taken into account all of the above policies and other material considerations it is considered that the proposal would comply with the development plan and NPPF. It would also contribute to the rural economy providing employment, social and economic benefits. As such the proposed development is recommended for approval, subject to planning conditions.

# Appendix 3



Your Ref: 19/02178/FULMAJ  
Our Ref: 8568-jw

04 November 2019

**For the attention of Janine Wright**

Planning and Countryside  
Development Control  
West Berkshire Council  
Market Street  
Newbury  
RG14 5LD

Dear Ms Wright,

**Site:** Rose Farm, Land at Pebble Lane, Winterborne, Newbury RG20 8AS  
**Application:** 19/02178/FULMAJ  
**Proposal:** Siting of a temporary agricultural worker's dwelling and permanent location of mobile field shelters and feed store

Thank you for your instruction dated 21 October 2019 requesting Reading Agricultural Consultants Ltd (RAC) comments on the above application.

The appraisal has been produced by Alan Bloor, an Associate of RAC.

In preparing this response I have had regard to the following:

- the application form and associated plans;
- a Small Holding Business Plan (undated) produced by Mr Harry Frampton-Harris and Mr Thomas Frampton-Harris (the applicants); and
- a Design and Access Statement (June 2019) produced by Sarsen Designs Architectural Services.

A site visit was undertaken on 31 October 2019 where I met with Harry Frampton-Harris of the applicants. I was able to view the different classes of livestock on site and the location of field shelters and feed store.

I discussed with Harry Frampton-Harris their business plan which was submitted with the planning application and he informed me of a number of additional income streams that are forming part of their evolving agricultural enterprise, these include rearing a small number of pigs for fattening, the use of one of the applicant's male alpaca being used for stud work (clients will bring their breeding female alpaca to the farm to be covered by this alpaca), product of honey from bees, provision of a grassland paddock topping service in the locality and the establishment of an orchard and sale of produce.

I have been provided with a copy of letter from the Rural Payments Agency (11 October 2017) allocating a County Parish Holding Number (02/102/0122) to the business and a letter from Animal & Plant Health Agency (28 October 2018) registering the holding for the keeping of livestock.



Reading Agricultural Consultants Ltd

Registered Office as above

Company No. 3282982

Registered in England



I note that the application site has permission for change of use from grazing of livestock to a mixed use (private equestrian to include grazing of livestock) Ref: 17/02604/COMIND approved 13 December 2017.

## Background

1. The background to this application is provided in the applicants' comprehensive business plan and the Design and Access Statement and only a short account is provided for reference.
2. The applicants own 3 hectares (7.5 acres) of land at Rose Farm. In addition 2.2 hectares (5.5 acres) of adjoining land to the north west of the site is rented from West Berkshire Council and 2.2 hectares (5.5 acres) from the Donnington Hospital Trust and they have just secured an additional 2.4 hectares (6 acres) of rental land between Winterbourne and Bagnor (the rental details have not been provided). The total area being farmed is 9.9 hectares (24.5 acres).
3. The current livestock numbers on site comprise of:
  - 12 alpacas (4 stud males, 2 cria and 6 pregnant females);
  - 40 sheep (15 breeding ewes, 7 lambs (born April 2019), 17 hoggets (sheep between 1 and 2 years old) and 1 ram);
  - 75 free-range poultry producing eggs;
  - 3 horses (Comtois – a French Heavy Horse).
4. The alpacas are to be used for breeding, trekking and the alpaca fleeces for wool. The Shetland breed of sheep produce lambs which are reared through the winter and sold as hoggets. In addition the sheep fleeces are to be used for production of wool. Both the alpaca and sheep fleeces are sent to the National Fibre Company with a mixture of alpaca and sheep wool being returned to the applicants for weaving for the production of hats and scarves.
5. The free-range hens produce eggs which are all sold locally.
6. There are no permanent buildings on site but four mobile field shelters which are used for housing livestock, storage of forage and machinery and a feed store.
7. The applicants have a range of agricultural machinery on site which includes a tractor, chain harrows, grass topper and livestock trailer.
8. The applicants evolving agricultural enterprise is compliant with existing agricultural and animal health regulations and the movement of livestock.
9. I understand that Harry Frampton- Harris provides the majority of the labour requirement on the farm.
10. The applicants have a web site ([www.rosefarmshetlands.co.uk](http://www.rosefarmshetlands.co.uk)) which is regularly updated and used in the marketing of the farm, its produce and its activities.
11. The application site is located within The North Wessex Downs Area of Outstanding Natural Beauty.

## Proposal

12. The application before the Council seeks the siting of a temporary agricultural worker's dwelling and the permanent location of mobile field shelters and field store.
13. The mobile home (log cabin) measures 6.5m x 8.5m (floor area of 55.25m<sup>2</sup>).
14. The plans show three of the mobile field shelters to each measure 3.66m x 7.32m and one at 3.66 x 11m. The feed store measures 1.12m x 2.45m

## Relevant Planning Policies

15. National planning policy guidance for development in the countryside is set out in the revised National Planning Policy Framework (NPPF) (24 July 2018 and updated February 2019).
16. Section 4 of the NPPF is concerned with Decision-making and at paragraph 55 states:

*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.”*
17. Section 5 of the NPPF is concerned with ‘Delivering a sufficient supply of homes’ and at paragraph 79 it notes:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

  - a) *there is 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;...*”
18. New Planning Practice Guidance (NPPG) titled ‘Housing Needs of Different Groups’ (July 2019) provides some guidance relevant to paragraph 79 of the NPPF in the section ‘How can the need for isolated homes in the countryside for essential rural workers be assessed’?
19. These include:
  - *Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
  - *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
  - *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
  - *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
  - *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*
20. It further notes that: *“Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”.*
21. Section 6 of the NPPF is concerned with ‘Building a strong, competitive economy’ and at paragraph 80 it notes:

*“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt...”*
22. At paragraph 83 ‘Supporting a prosperous rural economy’ it notes:

*“Planning policies and decisions should enable:*

- a) *The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *The development and diversification of agricultural and other land-based businesses;*
- c) *Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship”*

23. At paragraph 172 in Section 15 ‘Conserving and enhancing the natural environment’ it states:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

24. Core Strategy Policy 5 North Wessex Downs Area of Outstanding Natural Beauty refers to the adopted North Wessex Downs AONB Management Plan 2014-19. The approach to new housing within the AONB is contained within the Housing Position Statement (2012) which states:

*“323. (xiii) New isolated homes in the countryside should be avoided unless there are special circumstances. Any such proposed development in the countryside of the North Wessex Downs AONB will therefore be carefully considered in relation to paragraph 55 of the NPPF and in relation to potential harm from visual intrusion and change to the character of the AONB.”*

25. The West Berkshire Core Strategy (adopted 2012) does not include a policy for rural workers’ dwellings but policy CS 10 Rural Economy states:

*“Proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlement. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposals does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.*

*Proposals for appropriate farm diversification will be supported where it can be demonstrated that the proposal will make a long-term contribution to sustaining the agricultural enterprise as a whole.”*

## Appraisal

### Essential Need

26. The primary test set out in the revised NPPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In this case, the applicants are establishing an agricultural business and consider it essential to live on site in a mobile home for a temporary three year period in order to develop the farm as noted in their business plan and to provide the management necessary for the production of livestock and to ensure that the welfare needs of all the livestock is not compromised.
27. There is a legal responsibility under the Animal Welfare Act 2006 to ensure that animals are kept 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.
28. The issue of security is also now acknowledged by Police and Insurance Companies to be an increasing problem in rural areas especially where livestock or machinery are at risk from theft or vandalism – and such risks can only adequately be managed with on-site supervision.
29. Under the Animal Welfare Act 2006 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty to Care to animals which means that anyone responsible for an animal must take reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility for Duty of Care for animal welfare for all the livestock at the application site lies with Harry Frampton-Harris.
30. The Code of Practice for the Welfare of Laying hens and Pullets (2018) notes that:

*“Animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence”* and

*“Stockmanship is one of the most important influences on the welfare of laying hens. A good keeper will have a compassionate and humane attitude, will be able to anticipate and avoid many potential welfare problems and have the ability to identify those that do occur and respond promptly.....”*
31. An assessment of the essential need for a rural worker to live at or near their place of work requires:
  - an evaluation of the risks involved;
  - the frequency and type of out-of-hours emergency that might arise;
  - the scale and loss that could be incurred should that emergency situation occur;
  - the potential for an on-site worker to identify the problem; and
  - the ability of that resident worker to rectify the problem.
32. Details have been provided by the applicants in the Design and Access Statement on what is considered to be the essential needs for the justification of the proposed temporary dwelling at Rose Farm. These can be summarised as:
  - the close supervision, management and daily nutrient requirements of all classes of livestock on site;
  - the close supervision of all livestock during the breeding season and at birthing, in particular it notes areas of potential difficulties with alpacas which RAC would concur with;
  - the close monitoring of the new born animal and ensuring it has received adequate colostrum during the first few hours of birth;

- the close monitoring of all livestock for any health problems and to react promptly to any such issues;
  - the provision of security for valuable livestock from theft of malicious attack or from predators (poultry and protection from foxes); and dealing promptly with unforeseen emergencies.
33. The applicants have provided in the Design and Access Statement a calculated labour requirement for year 3 of their business plan of 341.5 Standard Man Days (SMD), the equivalent of 1.2 full-time workers.
34. RAC would accept the SMD's as noted in the labour calculation for alpacas (British Alpaca Society) but suggests following discussions with Harry Frampton-Harris this does not include the direct labour involved in alpaca trekking or weaving of wool and production of hats and scarves. RAC does question the labour calculation identified for the sheep enterprise and the source of those figures. RAC would note that for lowland sheep the John Nix Pocketbook for Farm Management 2020 (50<sup>th</sup> Edition) provides a figure of 0.5 SMD for lowland sheep and not 4.6 SMD as identified in the applicants calculation.
35. RAC accepts that there are other labour requirements involved in the agricultural business that appear not to have been included in the applicants' calculation which would include grassland management and fencing, and a general overhead requirement of 15%. RAC calculates a labour requirement of 250 SMD equivalent to 0.9 full-time labour unit, but accepts that such figures only provide a guide.
36. Overall I would conclude that there is likely to be a labour requirement for a full-time labour unit as the applicants agricultural business develops, but I would consider it to be a marginal requirement at present.

#### Financial Sustainability

37. There are no specific financial tests in the Core Strategy to assist in the assessment of an application for a temporary agricultural workers' dwelling. The July 2019 NPPG update does provide some guidance for rural worker dwellings and notes an assessment should include: *"The degree to which there is confidence that the enterprise will remain viable for the foreseeable future"*.
38. The applicants' proposal is for a temporary agricultural worker's dwelling and have produced a three year business plan in support of the development of their evolving agricultural business. RAC would accept that the projections within the business plan appear to have been produced on a sound financial basis.
39. The business plan identifies that at the end of Year 3 the business will show a profit from the various enterprises within the agricultural business of £18,519. RAC would note that this does not include any labour charges. In assessing the business at the end of Year 3, a notional labour charge of £16,500 would need to be accounted for. RAC accepts that the applicants are looking at other ways of increasing profitability such as additional income for stud fees from one of their alpaca males, sales of pigs, sales of produce from the orchard and sales of honey from bees which is likely to increase overall net profit.
40. If the Council were minded to approve the application for the temporary dwelling for a three year period, then the applicants' business plan would be fully tested and scrutinised. The applicants should be aware that if approval were to be granted and the business plan was not implement and the agricultural business failed, then the Council are likely to require the removal of the temporary dwelling.

#### Other dwellings

41. The applicants currently live approximately 15 minutes from the application site at Halfway. There are no buildings on site which would be suitable for conversion and RAC is not aware of

any suitable dwelling in close proximity to the site that is available and would meet the essential needs of the enterprise.

#### Mobile field shelters and feed store

42. As part of the application, the applicants seek to permanently locate the mobile field shelters and feed store on the site.
43. The field shelters are small scale and used for housing of livestock on the holding when necessary (including the three horses), storage of forage (hay), bedding, fleeces and agricultural machinery. The feed store provides storage for purchased feed for the poultry.
44. At the site visit it was apparent that these structures were being used for the purposes of agriculture on the holding.
45. RAC would note that such field shelters are commonly seen in a rural location.

#### **Conclusion**

46. The applicants are establishing an agricultural enterprise on their owned land and rent additional land in the locality.
47. The small holding is compliant with the relevant agricultural regulations and movement of livestock.
48. The applicants seek permission for a temporary dwelling on the holding in order for the continued development of their evolving agricultural enterprise.
49. There is considered to be a marginal essential need for a full-time labour unit on the small holding. The temporary dwelling would therefore house an agricultural worker involved in the business.
50. The appellants have produced a sound financial business plan which would be fully tested over a three year period if approval were granted.
51. The mobile field shelters and feed store are structures that are being used for the purposes of agriculture on the holding at Rose Farm.

I trust these comment are helpful in your deliberations.

Yours sincerely



Alan Bloor

# Appendix 4



Your Ref:  
Our Ref: 34250/19232/05498615-1/39868251-2

Patrick Haran  
West Berkshire Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD

Benjamin Holland  
Solicitor  
Direct Dial: 0161 2591637  
Benjamin.Holland@irwinmitchell.com

BY EMAIL ONLY: [REDACTED]

05 January 2024

Dear Mr Haran,

OUR CLIENT: [REDACTED]  
PLANNING APPLICATION: 23/01295/FULMAJ

We write following discussions with West Berkshire Council (the **Council**) regarding an application for planning permission with reference 23/01295/FULMAJ (the **Application**) for the retention of an existing permitted log cabin as a permanent rural worker dwelling at Rambling Rose Farm, Winterbourne, Newbury, RG20 8AS (the **Property**).

From our discussions with the Council, we understand that the planning officer overseeing the Application is currently minded recommending approval of the Application, subject to conditions. One of the suggested conditions relates to the viability of the business that our Client runs from the Property, being [REDACTED] /a Rose Farm Shetland and Alpacas (the **Company**).

### **Background and history**

Our Client has owned the Property for a number of years and subsequently founded the Company in 2015 with the intention to rear animals, including alpacas, sheep, chickens and ducks for meat, eggs, and to utilise the alpacas for alpaca trekking for the public and ancillary sales of fleeces and byproduct from animals. The business has naturally evolved over the years and is now predominantly an alpaca farm with 24 alpacas in total and also comprising 4 Saddleback pigs; 12 Shetland sheep; 4 goats; and 3 horses. The Company sells sheared coats from the animals, as well as meat from slaughter as well as making profits from renting out rams and stud alpacas to cover / breed with other farmers' herds. The Company also now facilitates animal therapy services for local schools for children and adults with mental health issues, special needs and for the wider community benefit. The Company is now focusing on rearing and breeding alpacas.

Our Client and his husband submitted an application for planning permission on 28 August 2019 for the siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store with planning

reference 19/02178/FULMAJ. This application was subsequently granted on 30 April 2020 for a period of 3 years (the **2020 Permission**).

The 2020 Permission was granted as a temporary permission for a period of 3 years in order to “*enable the applicant to establish the business in accordance with Policy C5 of the Housing Site Allocations (HSA) DPD 2006-2026, and the NPPF*”. The reasoning of this condition goes on to explain “*the site would not normally be considered suitable for a dwelling unless such justification has been provided*”.

for completeness, the full text of condition 1 attached to the 2020 Permission is:

*“The development hereby permitted shall be for a limited period, being the period of 3 years from the date of this decision. At the end of this period the residential use hereby permitted shall cease, and the log cabin and all materials and equipment brought onto the land in connection with the residential use shall be removed from the land.*

*Reason: This permission has been given to enable the applicant to establish the business in accordance with Policy C5 of the Housing Site Allocations (HSA) DPD 2006-2026, and the NPPF. The site would not normally be considered suitable for a dwelling unless such justification has been provided, in accordance with the National Planning Policy Framework (2019), Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026”*

During the consultation and prior to the decision of the 2020 Permission, the Council requested comments on the application by an independent party, Reading Agricultural Consultants (**RAC**) who specialise in providing advice on agricultural, environmental and countryside issues. Alan Bloor, an Associate of RAC, produced a report and delivered this to the Council on 4 November 2019 (the **2019 RAC Appraisal**).

The 2019 RAC Appraisal is a comprehensive review of the need for a temporary workers 'dwelling on the Property pursuant to the Application. The 2019 RAC Appraisal identifies that there is a need for a rural workers dwelling on-site for security, due to the remoteness of the Property, and need for a fulltime worker to remain on site. A fulltime worker is required to remain and live on site for the welfare of the kept animals, and the security of the animals and the land. Our client has more recently had their electric fence cut and tampered with multiple times, and their tires punctured in what appears to be, a targeted attack. This comment by RAC was based on the application of the NPPF, the NPPG, the Core Strategy Policy 5 North Wessex Downs Area of Outstanding Natural Beauty, the West Berkshire Core Strategy and policy CS 10 Rural Economy.

The inclusion of condition 1 attached to the 2020 Permission, as set out above, was based on the financial sustainability section of the 2019 RAC Appraisal which refers to the business plan of the Company at the time of the Application which stated the business would show a profit of £18,519 during the third year. On this basis, the 2019 RAC Appraisal provides that “*if the Council were minded to approve the application for the temporary dwelling for a three year period, then the applicants business plan would be fully tested and scrutinised*”.

The 2019 RAC Appraisal goes on to state that the Company would need to evidence at least the accounting of a notional labour charge of £16,500 by the end of the third year of the Permission in order to justify the existence of a rural workers 'dwelling on site, with the view, that, if this criterion is met, it would be likely that the dwelling would be retained.

It is clear that condition 1 attached to the 2020 Permission was based on the appraisal and reasoning of the 2019 RAC Appraisal in order to ensure the business was a viable proposal and to ensure the Company was capable of sustaining a full-time labourer to the labour charge of £16,500, while also utilising and benefiting from the rural agricultural workers dwelling.

The Company achieved a profit after tax of £17,212 in year 3 for the payment of labour services of my Client, therefore reaching the level required by condition 1 as to the viability of the Company, and as such, evidencing the Company is sustainable, and demonstrating the requirement of a permanent rural workers 'dwelling.

## The Application

We are aware, through discussions with the Council, that the planning officer reviewing the Application is currently minded to recommend approval subject to a condition concerning the viability of the Company, similar to condition 1 attached to the 2020 Permission. The proposed condition would require the Company to make £40,000 over the next 3 years, therefore only granting the Application for a further 3 years, and not allowing for the permanency of the rural workers dwelling.

Our Client, in an attempt to assist the Council, obtained a further and updated viability appraisal from RAC, the Council's preferred agricultural consultants (the **2023 RAC Appraisal**)

We are aware, as is evident in the 2023 RAC Appraisal, that the business has changed somewhat from the facts relating to the 2020 Permission. Although this is not a substantial change in relation to the general work the Company undertakes and the animals that the Company holds on the Property, the changes are primarily related to the make-up of the Company and the amount and species of animals that are maintained on the Property.

In order for RAC to produce a comprehensive appraisal of the Company, the Property and the continuing need for a rural agricultural dwelling, RAC attended the Property in 2023. RAC also reviewed the Company accounts, the Company business plan and the previous planning history. RAC concluded that;

1. There is a justified and essential need for the permanent retention of the rural workers dwelling, that will be occupied by our Client, the rural worker employed by the Company;
2. The accounts, updated business plan and projected financial performance demonstrate that the existing livestock enterprise has been established, is viable, profitable and sustainable; and
3. The Application, for the permanent retention of the dwelling is compliant with national and local planning policy.

Although our Client believed they were assisting the Council in obtaining a report from RAC to submit with the Application, the Council subsequently instructed Kernon Countryside Consultants Limited (**Kernon**) to undertake a desk-based assessment to assess the basis of the Application and specifically the requirement of a rural workers dwelling (the **Kernon Appraisal**). A reply was submitted by RAC and subsequently Kernon to clarify specific points within the 2023 RAC Appraisal and the Kernon Appraisal.

Kernon have not, throughout their investigations, reviewed the correct information, nor do we believe they have correctly applied the relevant calculations. Kernon have concluded that in line with policy, and when applying the relevant policies (as listed above) to the updated business plan, there is a need for a full-time worker to remain living on site, therefore submitting that a rural workers dwelling is necessary in relation to the Application. Further to this, with the growth of the Company, and there being more, and more expensive alpacas residing on site, there is an even stronger argument for the retention of an onsite full-time worker.

Generally, the holding of livestock on farm or smallholding, requires the premises to have a County Parish Holding (CPH) Number. The CPH number is an identifying number for the site and allows the government to record the type and total number of animals the purposes of preventing and controlling disease. As well as making the animals identifiable, the CPH system makes these animals less attractive to thieves. Alpacas are not registerable under the CPH Number, and although are insured under private insurances, there is no official form of identification for alpacas similar to cattle. This, combined with some alpacas 'high price, means they are easier to steal, and as such, their welfare and security is paramount.

The Company's revised business plan sets out that there is a profit of £19,000 in Year 4. Although the Kernon Appraisal states in order to sustain themselves, a self-employed worker, such as our Client would need to earn circa £25,000.

It is our understanding this is the wrong calculation. Our Client is a full-time worker employed by the Company for 37.5 hours per week. The national minimum wage of a full-time worker, at £10.42 per hour, is £20,319. Further, the accommodation offset rate for 2023/2024 is £63.70 per week, and therefore £3,312.40 per annum. Consequently, when calculating the full-time workers salary, including the accommodation offset

that the rural workers dwelling provides, the Company must make a minimum of, and thus pay the worker for his labour, £17,006.60 per annum.

Therefore, not only did the Company make enough money in Year 3 (2023) to satisfy the condition attached to the 2020 Permission, in making a profit above the minimum wage of a full-time worker, it has evidenced the viability and sustainability of the Company.

Kernon, through their appraisal and further reply, agree that the Company accounts and updated business plan, show the making of further profit year on year in the next 4 years. Therefore, based on the Kernon Appraisal there is no justification for the inclusion of a condition that renders the permission temporary based upon the viability of the business.

### **The reasonableness of a further condition**

As the Council will be aware, there is a three part 'test' that needs to be met in order to impose a condition on a planning permission as set out in *Newbury v SSE (1978) 1 WLR 124*, these being;

1. It must be for a planning purpose and not for an ulterior one;
2. It must be fairly and reasonably related to the development permitted; and
3. It must not be unreasonable.

This is also reflected at paragraph 56 of the NPPF which provides that:

*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."*

We would assert that the inclusion of the planning condition proposed by the Council on the granting of the Application, would be wholly unreasonable. This proposed condition is based on the appraisal and further submitted advice from Kernon which, as we have shown above, has not been calculated correctly and the reasoning of the same being wholly unfounded.

Our Client successfully adhered to the viability condition imposed on the 2020 Permission and has comprehensively shown that the Company is financially viable, requires an onsite worker, and produces enough turnover to financially support the full-time worker.

Therefore, it would be wholly unreasonable for the Council to impose;

1. A further condition to assess viability of the Company over the next 3 years when viability has already been proven; and further
2. A condition for viability that is more onerous on the Company.

For the reasons set out in this letter, we request and invite the planning officer to submit his report for the approval of the Application as it is submitted, for the permanent retention of the temporary rural workers dwelling, and without any condition of financial viability of the Company.

If you have any queries as to the content of this letter, please contact the author directly.

Yours faithfully  
**Irwin Mitchell LLP**

# Appendix 5a

## Changes to current business practices from original plan 2019/2020

Year 1 & 2, As you can imagine Covid had a huge impact on our original plan, we were unable to open fully for the first year, only opening when restrictions allowed. The largest change to our plan was moving away from Alpaca trekking, we had regular conversation with the team managing Snellsmore but it became apparent very quickly walking alpacas up to and around the common would not be suitable. Most dog walkers around the village tend to have dogs off the lead and alpacas can be spooked easier kicking out to protect themselves, unlike sheep most dogs will have never been around them before and can react very differently. We soon identified the need so work with children and young adults with autism, offering small intimate family groups, where children could be safe and secure and not over stimulated by the hustle and bustle of a normal open farm.

Over the last few years we have received a lot of repeat visitors and are in the process of working with some local groups in Newbury to see what we could offer,

We also took advice from the council's enforcement officer and have decided to wait before replacing our poultry flock with avian flu continuing to get worse, during the last avian restriction we received a number of fox attacks.

Our main business enterprise is focused on the therapy we offer to children with autism and the breeding and sales of pedigree stud male alpacas.

### Year 3, 4, 5 and 6

As we continue to develop the small holding our focus will be on the breeding and sales of alpacas, with additional small enterprises running alongside.

Year 3 will be a quiet year as we secure permanent residence on the farm, this will give us time to have any building work required (potential new livestock shed, submission of planning will be submitted after the current application is approved). During summer 2023 an additional 11 alpacas were added to the farm taking our numbers to 12 females and 10 males. If planning is granted we will be looking to add an additional 10-15 female alpacas, making a significant investment into the business.

Fattening Pigs, we will be adding 10 new weaners each year to fatten for slaughter.

Beehives, we will be starting with 4 beehives in 2024 and develop our apiary.

Chickens, when we can be sure that avian bird flu is under control we will be adding stock back to the farm.

Year 4, all being well with breeding we would be calving around 10 crias this year, retaining any grey females and selling any males that don't fall into our herd of studs.

Year 5, with 20-25 breeding females on site we will be calving around 20 crias (80% success rate). We will then be developing the other enterprises of the farm.

Year 6, we will see our first young females coming into age and we will look at new bloodlines where required

## LIVESTOCK ENTERPRISES

### Pedigree Alpacas

On average gestation is 345 days although alpaca gestation can vary from 330 to 370 days and there are rare examples of healthy Cria ( Baby Alpaca) being born earlier or later than this. In an ideal world Cria would be born in late spring/early summer although this is not always possible. We have already have 12 breeding females, 2 older alpacas, 4 males for therapy session and 4 stud males at the farm.

We would like to extend our breeding female herd from 12 to (22-27) breeding females, this will be privately funded by ourselves, however this will take time picking from blood lines, fibre quality and colouring also using breeding from the stock we have in place already. Alpacas need a lot of care a attention. Their toenails must be clipped once every month. This is a two-man job for health and safety reasons, Alpacas have 2 very sharp nails one per foot that would normally wear down while trekking in the mountains of Peru. The rear legs of an alpaca are very strong and can cause a lot of damage. Alpacas are used by farmers as a deterrent for Foxes and Dogs. They will protect more vulnerable animals against predators.

Our sales prices are based on alpacas within the standard colour palette, we have had success breeding tuxedo greys also know as Rose Grey, with males achieving sales prices excess of £15,000 to £20,000 each due to this colour only making 1% of the world registered alpacas making them exceptional rare and desirable to owners and breeders, sadly due to the rarity this does increase there venerability to theft. However if we continue to follow these bloodlines our sales figures will exceed what we are expecting.

Alpacas have a very special diet, Alpaca's do eat grass and hay however they main food comes from a mineralised special food that do have to order and buy in especially for them.

### **Pedigree Shetlands**

We will continue to raise our pedigree shetland sheep and move into renting them to smallholders for the tugging season. We have been approached by other smallholder whom do not want to keep a flock of males all year around, this could generate £150-200 per ram.

### **Chickens**

We will be looking to restart our flock of chickens when the threat of avian bird flue has reduced, get numbers back to around 70 (producing 10 boxes of eggs a day. (Sales figures have been left out to to uncertainty around the current situation with bird flu

## **Rare Breed Tamworth Pigs**

We will be looking to also investing in rare breed Tamworth pigs, these pigs are well adapted to native climates, good mothers, sows are fertile, docile temperament, very hardy, grow relatively slower for better tasting pork products, excellent foragers, very intelligent, good for forest and paddock grazing.

To start with we will be buying weaners to rear them until they reach slaughter weight which will be a weight of 500-600 lbs. (227-272 kg) around the age of 6 months old. The meat to be sold in pre order boxes.

## **Honeybees**

As member of the Newbury Beekeepers Society we are planning to introduce initially 3 bee hives in a secluded piece of land near the main holding in Winterbourne. We plan to increase as experience grow and to make the honey available for the public to buy. This will start with our neighbours in Winterbourne and then be offered to the wider community. We plan to install our first beehives in 2024.



Table 1

				Year 3	Year 4	Year 5	Year 6
	Costs						
<b>Alpacas/ sheep</b>	Shearing	25		-300	-750	-1000	1250
	Feed	£12 per bad		-1248	-2496	-3120	-6240
	Hay	£67 a bale		-268	-402	-1340	-2010
	Sales	Males	Average £3000		12000	30000	45000
		Young Females	Average £2000		8000	12000	30000
	Purchases			-22500			-10000
	Tupping				600	600	600
	Wool	Cost			-1200	-1200	-1200
		Sales £9.99			1198.8	1998	1998
	Therapy session	Paid			1200	1200	1200
		Charity		0	0	0	
	total				18150.8	39138	60598
<b>Pigs</b>	Feed	£8 per bag			-1152	-1152	-1152
	Hay	£67 a bale			-335	-335	-335
	Slaughter price	198			1980	1980	1980
	Cost of piglets	200			-200	-200	-200
	Totals			0	293	293	293
<b>Beehives</b>	Cost of set up	Additional hives ands bees			-800		
	Feed and supplies				-200	-200	-200
	Sales	£6 Per jar			2400	3600	3600
	Cost of jars	£1 per jar			-400	-600	-600
	Totals						
					1000	2800	2800
<b>Rent</b>	Donnington			600	600	600	600
	Newtown			440	440	440	440
	Additional land	Estimate					1000
<b>Profit and loss</b>				-1040	19443.8	41191	61651



# Appendix 5b



**November 2023**

**Response to Kernon Countryside Consultants report for West Berkshire Council  
dated 20 October 2023**

**Application - 23/01295/FULMAJ**

**Retention of Existing Permitted Log Cabin as a Permanent Rural Worker's  
Dwelling at Rambling Rose Farm, Winterbourne, Newbury, RG20 8AS.**

**Gate House  
Beechwood Court  
Long Toll  
Woodcote  
RG8 0RR**

**01491 684 233**

**[www.reading-ag.com](http://www.reading-ag.com)**

## **1. Introduction**

- 1.1 Reading Agricultural Consultants Ltd (RAC) is instructed by Harry and Tom Frampton-Harris (the applicants) to provide a response to a report produced by Kernon Countryside Consultants Ltd (KCC) on the instructions of West Berkshire District Council with reference to planning application 23/1295/FULMAJ for *'The retention of the existing log cabin as a permanent rural worker's dwelling at Rambling Rose Farm, Pebble Lane, Winterbourne, Newbury, RG20 8AS'*.
- 1.2 The permanent dwelling is required to house a rural worker to support an existing established agricultural enterprise at the application site.
- 1.3 In responding to these instructions RAC has revisited the site on 7 November 2023 and discussed with the applicants, the increased number of alpacas now on site, providing an updated business plan and budgets for 2024, 2025 and 2026. In addition, the applicants have provided within this response, a correction of a number of factual errors contained in the KCC report.

## **2. Planning History**

- 2.1 The Rambling Rose Farm has been the subject of the following planning application:
  - 19/02178/FULMAJ: Siting of a temporary agricultural worker's dwelling and permanent location of mobile field shelters and feed store. Approved 30 April 2020:
  - 23/01295/FULMAJ: Retention of existing permitted log cabin as a permanent. Awaiting Decision.

## **3. Updated Background and Livestock Numbers**

- 3.1 In addition to the original total land area being farmed by the applicants – 9.98 hectare (24.7 acres) they have access to a further 1.9 hectares (4.7 acres) of grassland at Newtown on a rolling grazing licence.
- 3.2 The updated livestock numbers (November 2023) on the applicants' land holding comprise of the following:
  - 22 Alpacas (12 breeding females and 10 males including 3 stud males plus 1 alpaca being reared as a young stud male, and 6 assorted male alpacas (comprising 4 used as companion males, and 2 older males being cared for);

- 12 pedigree Shetland Rams;
- 4 male pigmy goats;
- 3 horses (Comtois – a French Heavy Horse).

- 3.3 Of the 12 breeding female alpacas, 3 are due to give birth in January 2024 and 8 from July to September 2024. One female alpaca remains to be covered by one of the stud males.
- 3.4 The applicants' agricultural business centres around breeding alpacas and selling quality stud males. The business was first established in 2017 at the application site. In addition, home produced alpaca and sheep fleeces are sold as a mixture of Alpaca and Shetland Sheep mix. The fleeces are sent to the Natural Fibre Company for processing. The applicants do not purchase or sell any wool/fleeces other than their own home-produced product from their own alpacas and pedigree Shetland Sheep.
- 3.5 The applicants have moved away from alpaca trekking and are associated with two Charities (The Yume and InteraKt Community – adults with learning disabilities and autism) who bring various children and adults for therapy sessions involving the livestock on site.
- 3.6 The livestock have access to permanent mobile field shelters located in paddocks and the applicants have a range of agricultural machinery on site which includes a tractor, chain harrows, grass topper and livestock trailer.

#### **4. Revised Business Plan**

- 4.1 Whilst the applicants have already increased the number of breeding female alpacas on the holding during this summer (2023), the intention is to further increase the number by purchasing an additional 10 to 15 over the next two years – 2024 and 2025. This will provide the farm with some 22 to 27 breeding females by 2025 producing approximately 20 cria for rearing and sale.
- 4.2 The current alpaca flock has two young stud Tuxedo Grey alpacas produced from mating one of their white females with one of their solid-coloured males. These are considered rare, and the two young males will be sold in 2024 – their estimated value is £15k- £20k per head.
- 4.3 The applicants small pig enterprise will comprise of 10 weaner pigs reared per annum for fattening, slaughter and processing and sold in pre-ordered meat boxes. The pigs are reared outdoors in two paddocks and are provided with pig arcs for shelter.

- 4.4 The applicants have also been approached by potential clients to rent out one or two of their pedigree Shetland Rams to cover breeding ewes in other small pedigree flocks.
- 4.5 It is currently not planned to reintroduce a poultry flock until current on-going Avian Influenza issues in the UK are resolved.
- 4.6 All labour on the farm is provided by Harry Frampton-Harris with additional input from Tom Frampton-Harris when required.
- 4.7 The applicants currently live on-site in the permitted temporary dwelling – the log cabin. The on-site dwelling has met the established essential needs of the livestock enterprise and ensured that the welfare of all their livestock is not compromised. It has further provided security to the site. This had previously been accepted by the Council.
- 4.8 As a livestock farm, the applicants have a County Parish Holding Number 02/102/0122 and have a Single Business Identifier Number (SBI) 200285689. The SBI is a unique number given to a farmer involved in agriculture.
- 4.9 The applicants have provided revised budgets for 2024, 2025 and 2026 which is attached to this update.
- 4.10 A series of photographs is also provided identifying the alpacas grazing on site.

## **5. Additional Appraisal**

- 5.1 The primary test set out in the NPPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In this case, the applicants have now an established and developing livestock enterprise which has previously been accepted by the Council in permitting the temporary dwelling (log cabin) for a rural worker to live on-site to meet the essential needs of the livestock.
- 5.2 KCC at paragraph 19 of their appraisal (20 October 2023) notes: *“If the applicants were to expand the alpaca enterprise as propose i.e., by 10 -15 female alpacas then there could be a functional need to live on site. However, this need would relate to a proposed increase in the size of the enterprise, not the existing herd size”*.
- 5.3 RAC would note that the applicants have already increased the number of breeding females this summer from 4 and now have 12 breeding females of which 11 are pregnant and due to give birth in 2024 plus 10 males which will produce 11 cria for rearing. Their revised business plan has the purchase of another 10 to 15 breeding females in 2024/2025.

- 5.4 RAC would therefore conclude that the applicants have increased their breeding herd of female alpacas in line with their original business plan and that there is an established essential and functional need to live on site. The revised business plan increases that number of breeding female alpacas by a further 10 to 15 providing a total of 22 to 27 breeding females in 2025 which will provide some 20 cria in 2026/2027.
- 5.5 KCC at paragraph 8 make reference to a potential new livestock shed being built and that they are not aware of any planning application being submitted. As detailed in the business plan as the alpaca herd numbers continue to grow with the expansion, this will require some further permanent livestock housing in addition to the mobile shelters and the applicants will be submitting plans for a new livestock building once the onsite rural worker's accommodation is resolved.
- 5.6 KCC are satisfied that there are no other dwellings which would be sufficiently close to meet the functional need and that the size of the dwelling is acceptable.
- 5.7 Regarding Financial Sustainability, RAC would note that many farming businesses have been affected by the Covid Pandemic, the cost of living crisis, increased variable costs, (feed, energy, fuel, and labour) due to the war in Ukraine, disease (Avian Influenza) and the applicants' have not been immune from this.
- 5.8 Since the purchase of the land by the applicants (£75k) they have invested in excess of £100k in establishing the alpaca enterprise, fencing the land, purchase of machinery, mobile field shelters and the Log Cabin. They have also planted in excess of over 700 trees around the perimeter of the land holding. It is clear from the level of investment they are in the alpaca business for the long-term.
- 5.9 KCC have questioned the budgets previously submitted but with two Tuxedo Grey males to sell in 2024 which could realise potentially £40k and the possibility of further Greys being born in 2024, 2025 and 2026 the current revised budgets submitted are considered conservative with average sale prices for stud males at £3000 per head.
- 5.10 Variable costs have been included in the revised budgets.
- 5.11 It is of note that KCC state a significant part of the income is from wool sales, the applicants have stated this is not correct and in the revised budgets this reaches £1,200.
- 5.12 It is RAC's view that the applicants' agricultural business is viable and sustainable and providing a valuable service and contributing to the local needs of two Charities.



5.13 The applicants' proposal for the permanent retention of the log cabin for a full-time rural worker to manage the agricultural enterprise and meet the essential needs and welfare of all livestock on the holding is compliant with national and local plan policy.

# Appendix 6



April 2023

## Supporting Agricultural Justification Statement

Retention of Existing Permitted Temporary Log Cabin as a Permanent Rural Worker's Dwelling

At

The Cow Shed

Rose Farm

Pebble Lane

Winterbourne

Newbury

RG20 8AS

Gate House

Beechwood Court

Long Toll

Woodcote

RG8 0RR

01491 684 233

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## 1. Introduction

- 1.1 Reading Agricultural Consultants Ltd (RAC) is instructed by Harry and Tom Frampton-Harris (the applicants) to provide a supporting agricultural justification statement for the permanent retention of the existing temporary log cabin on site permitted to house a rural worker to support an existing agricultural livestock enterprise at Rose Farm, Pebble Lane, Winterbourne, Newbury, RG20 8AS.
- 1.2 In responding to these instructions RAC has:
- Visited the application site in April 2023 and discussed with the applicants the need for a permanent agricultural worker's dwelling and the current livestock enterprises being run from the farm; and had regard to:
    - The previous planning history of the site;
    - The applicants' land holding (owned or rented);
    - The applicants' trading accounts for the last three years;
    - The applicants' business plan; and
    - Sources of published information and correspondence relevant to the agricultural activities being undertaken by the applicants.
- 1.3 RAC is familiar with the application site as it provided the Council with an appraisal of application 19/02178/FULMAJ on the 4 November 2019 (RAC Ref: 8568-jw).
- 1.4 The supporting agricultural justification statement has been prepared by Alan Bloor who is an independent consultant in agriculture and rural land use, and an Associate Member of RAC.
- 1.5 Alan holds a BSc Honours Degree in Agriculture from the University of Newcastle on Tyne and has been involved with agriculture for over thirty years, and in private practice for twenty years; he is a Fellow of the British Institute of Agricultural Consultants. He has a wealth of experience in managing all types of agricultural livestock units and has been engaged by livestock farmers and local planning authorities to appraise a wide range of rural enterprises in the context of planning applications for new agricultural, forestry, equine, horticultural and other rural workers' dwellings; the change of use of agricultural buildings; diversification of farming enterprises; enforcement notices and the removal of agricultural occupancy conditions.

## **2. Planning History**

2.1 The Cow Shed, Rose Farm, the application site has been the subject of the following planning application:

- 19/02178/FULMAJ: Siting of a temporary agricultural worker's dwelling and permanent location of mobile field shelters and feed store. Approved 30 April 2020.

## **3. Background**

3.1 The applicants own the site and landholding at The Cow Shed, Rose Farm which extends to 3.04 hectares (7.5 acres). In addition, they rent 2.2 hectares (5.5 acres) of adjoining land from West Berkshire Council, have a grazing licence for from 1<sup>st</sup> June 2023 to 31 May 2024 for 2.2 hectares (5.5 acres) from the Trustees of Donnington Hospital and a grazing licence for 2.54 hectares (6.3 acres) of grazing land at Bagnor. In total the land available amounts to 9.98 hectares (24.7 acres). Details of the rented land are shown in RAC Appendix 1.

3.2 The current livestock numbers on the applicants' land holding comprise of the following:

- 12 Alpacas (4 breeding females and 8 males including 2 stud males);
- 4 Saddleback pigs (2 males and 2 sows);
- 12 Shetland sheep;
- 4 goats; and
- 3 horses (Comtois – a French Heavy Horse).

3.3 The applicants had a free-range poultry flock but due to the issues with Bird Flu, they have been disposed of. It is anticipated that the flock will be re-established at some stage in the future.

3.4 The applicants' alpaca herd are used for breeding and selling quality males as stud alpacas. In addition, alpaca and sheep fleeces are sold as a mixture of Alpaca and Shetland Sheep mix. (RAC Appendix 2).

3.5 The applicants have updated their business plan (RAC Appendix 3) which briefly describes the problems the Covid-19 pandemic has had on their business, in particular the movement away from alpaca trekking and a movement into farm visits in association with two Charities (The Yume and InteraKt Community – adults with learning disabilities).

3.6 The updated business plan details that the alpaca breeding females will be increased initially to a herd size of 10 to 15 female breeding alpacas over the next year and potentially to 19 over the

coming years, that 10 fattening pigs will be reared for slaughter per annum and sold in pre-ordered meat boxes, and that beehives will be introduced on the farm in September 2023 producing honey for sale. Once the bird flu epidemic in the country is under control and full restrictions are lifted the applicants intend to reintroduce the free-range poultry enterprise with 70 laying hens producing eggs for sale.

- 3.7 The livestock have access to permanent mobile field shelters located in paddocks and the applicants have a range of agricultural machinery on site which includes a tractor, chain harrows, grass topper and livestock trailer.
- 3.8 The application site has water and electricity.
- 3.9 All labour on the farm is provided by Harry Frampton-Harris with additional input from Tom Frampton-Harris when required.
- 3.10 The application site is located within the North Wessex Downs Area of Outstanding Natural Beauty.
- 3.11 The applicants currently live on-site in the permitted temporary dwelling – the log cabin. The on-site dwelling has met the established essential needs of the livestock enterprise and ensured that the welfare of all their livestock is not compromised. It has further provided security to the site. This had previously been accepted by the Council.
- 3.12 As a livestock farm, the applicants have a County Parish Holding Number 02/102/0122 and have a Single Business Identifier Number (SBI) 200285689. The SBI is a unique number given to a farmer involved in agriculture.

#### **4. Proposal**

- 4.1 The applicants' proposal is to retain the permitted temporary dwelling - log cabin on a permanent basis as a rural worker's dwelling.
- 4.2 The applicants will continue to reside in the log cabin ensuring that the management, essential needs, welfare requirements and security of the site is maintained. It will enable the applicants to continue with the development and expansion of their livestock business.
- 4.3 No changes are proposed to the existing structure of the log cabin.

## 5. Planning Policy

5.1 National planning policy guidance for development in the countryside is set out in the National Planning Policy Framework (NPPF) updated in July 2021.

5.2 Paragraph 11 of the NPPF sets out the core land-use planning principles that should be adopted and these expressly include:

- A presumption in favour of sustainable development;
- Positively seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change;
- Provide for objectively assessed needs for housing and other uses;
- Approving development proposals that accord with an up-to-date development plan without delay; and,
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission.

5.3 Paragraph 38 requires that decision makers:

- should approach decisions on proposed development in a positive and creative way;
- work proactively with applicants to secure developments that will improve the economic;
- social and environmental conditions of the area;
- seek to approve applications for sustainable development where possible.

5.4 Section 6 of the NPPF is concerned with 'Building a strong, competitive economy' and at paragraph 81 it notes:

*"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt..."*

5.5 At paragraph 84 'Supporting a prosperous rural economy' it notes:

*"Planning policies and decisions should enable:*

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based businesses;..."*



5.6 New Planning Practice Guidance titled 'Housing Needs of Different Groups' (July 2019) provides some guidance relevant to paragraph 79 of the NPPF in the section '*How can the need for isolated homes in the countryside for essential rural workers be assessed?*'

5.7 These include:

- *Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

5.8 It further notes that: "Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings".

5.9 At paragraph 172 in Section 15 'Conserving and enhancing the natural environment' it states:

*"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

*a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

*b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

5.10 Core Strategy Policy 5 North Wessex Downs Area of Outstanding Natural Beauty refers to the adopted North Wessex Downs AONB Management Plan 2014-19. The approach to new housing within the AONB is contained within the Housing Position Statement (2012) which states:

*“323. (xiii) New isolated homes in the countryside should be avoided unless there are special circumstances. Any such proposed development in the countryside of the North Wessex Downs AONB will therefore be carefully considered in relation to paragraph 55 of the NPPF and in relation to potential harm from visual intrusion and change to the character of the AONB.”*

5.11 The West Berkshire Core Strategy (adopted 2012) does not include a policy for rural workers' dwellings but policy CS 10 Rural Economy states:

*“Proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlement. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposals does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.*

*Proposals for appropriate farm diversification will be supported where it can be demonstrated that the proposal will make a long-term contribution to sustaining the agricultural enterprise as a whole.”*

## **6. Appraisal**

6.1 The primary test set out in the NPPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In this case, the applicants have now an established and developing livestock enterprise which has previously been accepted by the Council in permitting the temporary dwelling (log cabin) for a rural worker to live on-site to meet the essential needs of the livestock.

### **Essential Need**

6.2 In reviewing an assessment of essential need it requires:

- an evaluation of risk;
- the risk, frequency and type of out-of-hours emergency situations arising;

- the scale of potential losses should emergency situations arise;
- the potential for the identification of problems; and
- the ability of a worker to rectify any problems on a timely basis.

6.3 There is a legal responsibility under the Animal Welfare Act 2006 to ensure that animals are kept 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.

6.4 The issue of security is also now acknowledged by Police and Insurance Companies to be an increasing problem in rural areas especially where livestock or machinery are at risk from theft or vandalism – and such risks can only adequately be managed with on-site supervision.

6.5 Under the Animal Welfare Act 2006, it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty of Care to animals which means that anyone responsible for an animal must take reasonable steps to make sure that animal's needs and its welfare are met. The overall responsibility, or Duty of Care, for animal welfare for all the livestock on the farm holding lies with the applicants.

6.6 A Welfare Guide (2014) for Alpacas and Llamas is produced by the British Alpaca Society which reemphasizes the above Duties of Care and that owners of such animals must have the necessary training and experience. The applicants have that experience.

6.7 In the case of applicants' livestock enterprises, the essential need arises from:

- the close supervision, management and daily nutrient requirements of all livestock on the farm either in paddocks or in the shelters, which includes a late evening check;
- the regular inspection of all livestock whether housed or at grass for any signs of disease or distress and to rectify the problem promptly;
- the close supervision and round the clock supervision of any alpaca or sheep breeding stock before, at and immediately after birth;
- alpacas have an average gestation period of 345 days but it can vary from 330 to 370 days which require more attention prior to birthing than sheep or pigs;
- provision of security for animals from theft or malicious attack; and
- dealing with unforeseen emergencies such as a sheep cast (rolled on to its back and unable to get up) or a horse with colic, or abnormal weather conditions which can cause distress to all livestock, or a fire.

- 6.8 The Council have previously accepted there is an essential need on the application site permitting the temporary dwelling 19/02178/FULMAJ in August 2020. There has been no change to the proposed essential need and labour requirements on the farm.
- 6.9 All labour is provided by the applicants.
- 6.10 In addition to the above, the applicants have diversified in providing farm visits during the summer. In 2022 they had over 60 families visit the site and were shown the alpacas and livestock. In addition to these site visits the applicants are working with two local charities with adults who have learning difficulties. It is the intention that applicants will hold visits for the charities where the individual(s) can handle, pet or generally be in the presence of the alpacas and other animals on the farm.
- 6.11 The applicants sell the wool products and introduction of beehives onto the farm will produce local honey for sale. Trees have been planted and a new hedge row installed.

### **Financial Viability**

- 6.12 The NPPF has an overarching requirement that all development is sustainable and consistent with development plan policies. This is re-iterated in respect of the positive approach to rural development (paragraph 28). Of particular relevance in relation to developing businesses and their housing needs is the economic dimension of sustainability. This has been a longstanding feature of planning guidance on the assessment of rural workers' dwelling proposals, although no longer specifically identified in national policy. Nevertheless, economic sustainability, or the prospect of it, remains central to the assessment process.
- 6.13 In this context RAC considers any assessment of economic sustainability as the ability of the business/enterprise to utilize its resources allowing it to function properly; to have the ability to stay in business; to have sufficient funds available to fund its day-to-day trading (cash flow); and to be profitable in order to reinvest within the business or show a reasonable return on capital invested. No business can be economically viable if, over the medium to long term, its expenditure exceeds income. These three aspects are essential to sound business planning.
- 6.14 It is generally accepted that the standard test for a rural worker is that the business should be able to generate sufficient profit to provide a return to land, labour and capital and to be able to finance the purchase/build cost of the permanent dwelling.

- 6.15 The applicants have provided confidential accounts and an updated financial overview for years 4 and 5. These can be provided to the Council on a confidential basis and are not for public disclosure.
- 6.16 The accounts show that sales and turnover has increased since 2020 and the latest draft farm profit and loss accounts ending 31 March 2023 show that the business made a profit. The Balance Sheet identifies a positive net worth for the business (assets – liabilities).
- 6.17 The project financial overview for years 4 and 5 which include the increased alpaca breeding herd and sale of alpacas together with additional income from the other enterprises predict an increasing level of profit.
- 6.18 Retention of the existing log cabin will not incur any build costs and the current and predicted profit levels would be sufficient to contribute to any unpaid labour for a full-time worker.
- 6.19 The applicants' livestock farming and diversified agricultural enterprise is considered to be viable and sustainable now and in the future.

### **Other Dwellings**

- 6.20 The applicants live on site in the permitted temporary dwelling which has allowed them to meet the essential need of all livestock kept on site.
- 6.21 There are no other dwellings on the holding and RAC is not aware of any other dwelling in the locality that is suitable and available and sufficiently close to the application site to meet the identified functional and essential needs and ensure that the welfare needs of all the livestock on site are not compromised.

### **Security**

- 6.22 Issues related to the security of the site continue to be of concern and add weight to the balance of factors that warrant a continued permanent on-site presence at the application site. Theft and attempted theft of livestock can, clearly, compromise the welfare and safety of the animals, and cannot simply be dismissed as irrelevant. It is accepted by Insurers (NFU Mutual) and the Police that rural crime, in particular theft of livestock and machinery, is on the increase. It is accepted that an on-site presence minimises that risk and can deter would be intruders.

## 7. Conclusion

- 7.1 The applicants are seeking permission to retain the existing temporary rural worker's dwelling (log cabin) as a permanent rural worker's dwelling to enable the existing livestock farming and diversified agricultural enterprise to continue its development operating from The Cow Shed, Rose Farm (the application site) in order to meet the essential needs and ensure that the welfare requirements of all the applicants' livestock is not compromised.
- 7.2 Reading Agricultural Consultants has assessed the need for retention of the temporary dwelling as a permanent rural worker's dwelling on the unit and determined there is a justified essential need:
- The rural worker's dwelling will be occupied by the applicants and Harry Frampton-Harris provides the majority of the full-time labour requirement with assistance when required from Tom Frampton-Harris. The rural worker's dwelling will be occupied by a full-time rural worker.
  - The Council have previously accepted this essential need in the permitting the temporary siting of dwelling – the log cabin 19/02178/FULMAJ.
  - The essential needs for the rural worker's dwelling have not changed.
- 7.3 On sustainability it has determined:
- The accounts and revised and updated business plan and projected financial performance demonstrate that the existing livestock enterprise has been established, is viable, profitable and sustainable.
- 7.4 On the availability of any other suitable accommodation:
- There are no other dwellings on the holding and RAC is not aware of any other suitable dwelling that is available and sufficiently close by to meet the identified essential needs and ensure that animal welfare is not compromised (i.e. adjacent).
  - The applicants have met the identified and accepted essential need by residing on site in the temporary mobile home -log cabin.
- 7.5 The applicants' proposal to retain the existing temporary dwelling as a permanent rural worker's dwelling is compliant with national and local planning policy.

# Appendix 7



Mr P Haran  
West Berkshire Council  
Market Street  
Newbury  
RG14 5LD

**Electronic Version**  
Our Ref: KCC3549/VMD  
20<sup>th</sup> October 2023

Dear Patrick

**23/01295/FULMAJ: RETENTION OF EXISTING PERMITTED LOG CABIN AS A PERMANENT RURAL WORKER'S DWELLING AT RAMBLING ROSE FARM, WINTERBOURNE, NEWBURY, RG20 8AS**

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1. Thank you for your consultation request dated 22<sup>nd</sup> June in relation to the above development.
2. This is a desk-based assessment. It is based on information provided with the planning applications, in particular:
  - application forms and plans
  - Supporting Agricultural Justification Statement prepared by Reading Agricultural Consultants dated April 2023;
  - Profit and Loss Accounts for the Years Ending 31<sup>st</sup> March 2022 and 2021; and
  - Draft accounts for Year Ending 31<sup>st</sup> March 2023; and
  - Appendices to the main report receiving by email dated 29<sup>th</sup> September.
3. We have also reviewed the application documents for the initial application for the log cabin as a temporary dwelling (19/02178/FULMAJ). Particular attention has been paid to the Case Officer's report and the Design and Access Statement.

**The Development Proposed**

4. Planning consent is sought for the permanent retention of an existing log cabin, which was granted consent on a temporary basis, as a rural worker's dwelling.

**Policy Basis for this Appraisal**

5. Planning policy relating to essential workers' dwellings is set out in the NPPF (September 2023) at paragraph 80. Paragraph 80 states that "**planning policies and decisions should avoid the development of new isolated homes in the countryside unless . . . . there is 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**".

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T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

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*Directors - **Tony Kernon** BSc(Hons), MRAC,, MRICS, FBIAC **Sarah Kernon**  
Consultants - **Ellie Chew** BSc(Hons), **Amy Curtis** BSc(Hons)*



6. Guidance issued on the online Planning Practice Guidance resource in Paragraph: 010 Reference ID: 67-010-20190722 states that:

**“Considerations that it may be relevant to take into account when applying paragraph 79 a) [now paragraph 80] of the NPPF could include:**

- **evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);**
- **the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;**
- **whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;**
- **whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and**
- **in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.**

**Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.”**

#### **Summary of the Enterprise**

7. Rambling Rose Farm comprises of 3 hectares of owned land along with an adjoining 2.2 hectares which is rented from West Berkshire Council. The applicant also has a grazing licence for an additional 4.7 hectares. The total area farmed extends to just under 10 hectares.
8. The holding benefits from a number of field shelters which were granted permanent retention at the same time as the grant of consent for the temporary dwelling. Appendix 3 of the supporting statement refers to a **“potential new livestock shed”**. However so far as we are aware no planning applications have been made for such development.
9. The applicants run a mixed livestock enterprise which comprises of:
- 12 Alpacas (4 breeding females and 8 males including 2 stud males);
  - 4 Saddleback Pigs (2 males & 2 sows);
  - 12 Shetland Sheep;
  - 4 goats; and
  - 3 horses.
10. The business plan at Appendix 3, states that **“if planning is granted we will be looking to add an additional 10-15 female alpacas”**.
11. The applicants’ initial plans for the business were to develop an alpaca trekking enterprise. However, partly due to Covid this enterprise did not develop instead the

applicants have developed the enterprise to provide farm visits, in conjunction with two charities, over the summer month.

12. Full-time labour on the holding is provided by Harry Frampton-Harris with assistance from Tom Frampton-Harris when required.

### **Dwelling Assessment**

13. **Functional Need.** Paragraph 10 of the PPG notes defines a functional need to live on site as being “**for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime**”. In our opinion you need to consider the likely frequency of the problems which could be experienced, the potential severity of these problems, and the consequent losses that could occur if these problems are not responded to. You must also consider what opportunities there are for identifying any problems if there is an on-site operator and how that on-site worker could respond to any such problem.
14. Prior to granting consent for the temporary rural workers dwelling the Council instructed Reading Agricultural Consultants to review the proposal. At the time that the temporary dwelling was permitted the applicants had planned to develop an enterprise, as per the Case Officer’s report, that was going to comprise of:
  - 15 alpacas, rising to 24 in Year 4;
  - 83 Shetland sheep;
  - Chickens (60); and
  - 3 horses.
15. In assessing the proposed functional need, based on the above stocking, Reading Agricultural Consultants concluded, as stated in the Officer’s Report that there would be a “**marginal essential need for a full-time labourer**”.
16. Clearly the business has not developed to the levels proposed. The livestock numbers have actually reduced since the consent for the temporary dwelling was granted. The current herd of 12 alpacas of which only 3 are breeding females is the same as that on Site in 2019 but is 50% less than the original proposal of 24 alpacas. However, we note that Appendix 3 states that “**if planning is granted we will be looking to add an additional 10-15 female alpacas**”.
17. The flock of 12 Shetland sheep is significantly smaller than the flock of 40 which existed in 2019 and the 83 originally proposed. The flock of laying hens has also not developed, however we appreciate that the on-going situation with Avian Flu would have made it very difficult to develop this enterprise.
18. Even at the originally proposed enterprise size we would share RAC’s opinion, given in 2019, when advising the Council on the temporary dwelling application, that the need to live on site is at best marginal. Given that the enterprise has not developed to close to the scale proposed, it is our opinion that it is not of a size or scale that warrants an on-site worker.

19. If the applicants were to expand the alpaca enterprise as proposed, i.e., by 10-15 female alpacas then there could be a functional need to live on site. However, this need would relate to a proposed increase in the size of the enterprise, not the existing herd size.
20. **Existing Dwellings.** The small-holding is in a relatively isolated location lying at the end of a no-through road. If there was an identified functional need then we are satisfied that there are no other dwellings which would be sufficiently close enough to meet the functional need.
21. **Financial Sustainability.** It is generally accepted that in order to be considered financially viable the business must, in the case of either a sole trader or partnership, generate a profit which is capable of providing an adequate return on any unpaid labour. Or in the case of a Limited Company that the Director's Remuneration along with any dividends are commensurate with a full-time wage.
22. Page 73 of The John Nix Pocketbook 2023 (53<sup>rd</sup> Edition) sets out the cost of a full-time employee as being approximately £30,000. If you were to deduct NI, Employers Liability Insurance, and pension contributions i.e., costs that are not incurred if you are self-employed, as either a partner or sole trader then this reduces to circa £25,000.
23. The Applicants have submitted accounts for Year Ending 31<sup>st</sup> March 2021 and 2022 and Draft Accounts for Year Ending 31<sup>st</sup> March 2023.
24. The 2021 and 2022 accounts show losses even before any allowance for the applicant's labour has been provided.
25. The 2023 accounts show a profit of just over £17,000. However, this profit has been achieved through sales of £17,551.27 and cost of sales of £872.36. Whereas in 2021 and 2022 the feed costs alone were around £3,000. With feed costs and animal welfare costs being so low in 2023, which represents a year when across the board feed prices rose significantly as a result of the drought and high input costs as a result of the war in Ukraine, it would appear that the holding was supporting very few animals. The figures therefore suggest that the applicants may have sold off breeding stock in that year which has inflated the sales figures unrealistically, as it cannot be repeated.
26. Even setting aside the comments made above, a profit of just over £17,000 falls significantly short of a full-time wage of around £25,000. Even working a standard 39-hour week, which is never the case on livestock farms as stock need to be checked 7 days a week, a minimum wage would equate to a wage of just over £19,000.
27. On the basis of the figures presented we are not confident that the business is established as financially viable.
28. The applicants have also submitted budgets for Years 4 and 5 which show projected profits of £32,413 and £48,607. These profits are mainly a result of alpaca sales of £29,000 in Year 4 and £42,000 in Year 5. We question how these levels of sales will be made. Currently the alpaca enterprise has 4 breeding females, 8 males and 2 stud males. The figures show sales of 7 Stud Males in Year 4 and 10 Stud Males in Year 5 along with 4 breeding females in Year 4 and 6 in Year 5. Currently there are only 4 breeding females therefore this level of sales is not achievable.

29. In Year 4 it may be that they sell all the males currently on the holding, retaining just 1 for their own breeding purposes. However, the only females they would have to sell would be the existing 4 females which would leave them with no female alpacas on the holding. Even if the current female alpacas are pregnant they would not be able to produce the 16 alpacas which are proposed for sale in Year 5. Especially if they are intending to double the size of their own herd.
30. Another significant part of the sales income is from wool sales which amount to approximately £6,000 in Year 4 and £10,000 in Year 5. However, the budgets show an allowance for purchasing wool. It would therefore appear that the business is buying in wool to sell on.
31. Further although the budgeted figures make an allowance for the cost of sales i.e., feed there are no figures for other variable costs such as Vet costs. There are also no figures shown for fixed costs such as rent, insurance, machinery costs, water, power etc.
32. In summary in our opinion the budgeted profit figures are not achievable as presented. Additionally, if the applicants are planning to develop the business to a level where there may be a functional need to live on Site then the figures will be even harder to achieve as all breeding female alpacas will have to be retained. Accordingly, any income from the sale of alpacas will likely be minimal.
33. In conclusion in our opinion the business is not currently financially viable, and we have little confidence that it will become financially viable.
34. **Siting and Size.** If it is accepted that there is a functional need to live on site and that the enterprise is financially viable then as the proposal is for the permanent retention of a temporary dwelling we have no concerns about the siting or size of the dwelling.

### **Conclusion**

35. Planning consent is sought for the permanent retention of a log cabin as a rural worker's dwelling.
36. When consent for the temporary dwelling was given it was for a proposed enterprise which was significantly larger than that which is now in operation. Reading Agricultural Consultants were instructed by the Council to assess the temporary dwelling proposal and concluded that there would be at best a marginal need to live on site. The enterprise which is now being operated is even smaller than that which was operating in 2019. In our opinion the enterprise as is does not warrant an on-site worker.
37. The applicants have submitted actual and draft accounts along with budgets for the enterprise. The accounts for 2021 and 2022 show losses. Although the draft accounts for 2023 show profits we question how the level of sales have been achieved with such a low level of costs, in particular feed costs. The evidence presented suggests that breeding stock may have been sold off to inflate sales.
38. Although the budgets show profits in our opinion the projected sales are not feasible especially if the livestock numbers on site are also going to increase. In summary in our opinion the enterprise is not currently financially viable, and we have little confidence that it will become viable in the foreseeable future.

39. In conclusion in our opinion the proposal fails to meet the policy requirements set out in paragraph 80 of the NPPF.
40. We trust that this report provides you with sufficient information to determine the application. However, please do not hesitate to contact us should you wish to discuss the application in more detail.

With kind regards.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Kernon', with a stylized, cursive script.

**Tony Kernon**  
BSc(Hons), MRICS, FBIAC

# Appendix 8



Mr P Haran  
West Berkshire District Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD

**Electronic Version**  
Our Ref: KCC3549/hr  
30<sup>th</sup> November 2023

Dear Mr Haran

**23/01295/FULMAJ : RETENTION OF EXISTING PERMITTED LOG CABIN AS A PERMANENT RURAL WORKERS DWELLING AT RAMBLING ROSE FARM, WINTERBOURNE, NEWBURY, RG20 8AS**

1. Thank you for your email dated November 10<sup>th</sup> which requested an appraisal of the revised Business Plan / Response to our original report, which has been submitted by the Applicants. This report was prepared by Reading Agricultural Consultants and followed a Site visit made on 7<sup>th</sup> November 2023.
2. As you will be aware in our earlier appraisal dated 20<sup>th</sup> October we concluded that:
  - **“When consent for the temporary dwelling was given, it was for a proposed enterprise which was significantly larger than that which is now in operation. Reading Agricultural Consultants were instructed by the Council to assess the temporary dwelling proposal and concluded that there would be at best a marginal need to live on site. The enterprise which is now being operated is even smaller than that which was operating in 2019. In our opinion the enterprise as is does not warrant an on-site worker.**
  - **The accounts for 2021 and 2022 show losses. Although the draft accounts for 2023 show profits we question how the level of sales have been achieved with such a low level of costs, in particular feed costs. The evidence presented suggests that breeding stock may have been sold off to inflate sales.**
  - **Although the budgets show profits in our opinion the projected sales are not feasible especially if the livestock numbers on site are also going to increase. In summary in our opinion the enterprise is not currently financially viable, and we have little confidence that it will become viable in the foreseeable future.”**
3. These conclusions were reached on the basis of the information provided with the planning application which made reference to the following livestock numbers;
  - 12 Alpacas (4 breeding females and 8 males including 2 stud males);
  - 4 Saddleback Pigs (2 males & 2 sows);

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*Directors - Tony Kernon BSc(Hons), MRAC,, MRICS, FBIAC Sarah Kernon  
Consultants - Ellie Chew BSc(Hons), Amy Curtis BSc(Hons)*

- 12 Shetland Sheep;
- 4 goats; and
- 3 horses.

#### **Additional Information Received**

4. As set out above the Applicants have now submitted a revised Business Plan. This revised Plan provides an update on stock numbers. These have increased significantly, with the Alpaca herd doubling, on that which was on Site at the time of the previous report. The stocking now comprises of:
  - 22 Alpacas (12 breeding females and 10 males including 3 stud males, 1 young currently unproven stud male and 6 other males);
  - 12 Pedigree Shetland Rams; and
  - 4 male goats.
5. The revised Business Plan states that of the 12 breeding alpacas 3 are due to give birth in January 2024 and 8 from July – September 2024. The remaining breeding female has yet to be covered.

#### **Re-Assessment**

6. **Functional Need:** The enterprise now operating is significantly different to that which we appraised in our original report with the number of breeding females raising from 4 to 12. The enterprise is also now operating at a level which is more akin to that proposed at the time of the temporary consent. At that stage the enterprise was proposed to develop, by the end of the 3-year temporary period to:
  - 15 alpacas, rising to 24 in Year 4;
  - 83 Shetland sheep;
  - Chickens (60); and
  - 3 horses.
7. In assessing the proposed functional need for the temporary dwelling, based on the above stocking, Reading Agricultural Consultants concluded, as stated in the Officer's Report that there would be a **"marginal essential need for a full-time labourer"**.
8. On the basis of the increased number of breeding female alpacas and the conclusions reached by the Council's consultant when reviewing the temporary dwelling application, we would have to conclude that there was now a marginal functional need to live on site.
9. **Financial Viability.** In our original assessment we concluded that the business was not currently financially viable and we were not confident that it would become viable. In our opinion the profit shown in the 2023 accounts was not sufficient to cover the full-time labour input of [REDACTED]. We also raised concerns over the level of costs which were considerably down on the previous accounting period despite there being a significant world-wide increase in costs,
10. Paragraphs 5.7 – 5.12 of the RAC additional report cover the financial viability of the business. With the exception of the comment that we made about **"a significant part of the income is from wool sales"**, which were true based on the information submitted, and our comments that the level / number of sales were unachievable, which



again were based on the stock levels at the time of our appraisal, RAC have not sought to argue that the profit shown in the 2023 accounts is sufficient to cover the full-time labour of [REDACTED].

11. On the basis that no additional information or argument has been provided about the current financial viability of the business it remains our view that the business is not currently financially viable. This appears to be the view shared by RAC as they do not argue the point.
12. Instead, RAC focus on the budgets for the next three years which have again been updated. We concluded that the original budgets that were submitted were not achievable. This was primarily because there were not enough breeding females on Site to achieve the number of predicted sales. This has been in part addressed by the purchase of additional breeding females.
13. The revised budgets show a projected profit of £19,000 in Year 4. Despite RAC's comments at paragraph 5.10 where it is stated that variable costs are now included the figures still do not make any allowance for all variable costs, in particular there are no allowances for vet and med costs, which we would expect to include routine vaccinations etc. Again, the budgets do not, with the exception of rent which has now been included, include any fixed costs which would include insurance, accountancy, light and heat, water, machinery costs, property maintenance, bank charges etc.
14. Regardless of these omissions even a profit of £19,000 falls some way short of covering a full-time wage. As set out above this level of profit will be reduced once an allowance has been made for fixed costs. It isn't until Year 5 that a profit, sufficient to cover a full-time wage is predicted. At this point a profit of £40,000 is being predicted. It is likely that this will be capable of covering fixed costs and a full-time wage.
15. It remains our opinion that the enterprise is not currently financially viable, which is the policy test for a permanent dwelling. The budgets indicate that in 2 years-time the enterprise should be capable of covering a full-time wage.
16. In summary in our opinion the business may, if the budgets are achieved, become financially viable but it is not currently financially viable. Therefore, an application for a permanent dwelling is premature and an extension to the temporary consent should instead be granted, should that be sought by the Applicants.
17. **Other Matters.** You have asked us to comment on the fact that other land is used for grazing and whether this additional land should be accounted for when considering the business plan and if the viability of the business should only have regard to the business solely being run on the land upon which the temporary dwelling was built.
18. We would comment that it not unusual for enterprises to rely upon rented grassland. It is also widely accepted that in most areas there is always the ability to rent additional land. The availability of rented land is generally increasing due to two factors. Firstly, as farmers retire and there is a lack of successor they rent out their land and secondly as properties are bought by non-farming income owners tend to rent out any associated land.

19. On the above basis it would not in our opinion be appropriate to discount the rented land from the Business Plan.

### **Conclusions**

20. Planning consent is sought for the permanent retention of a log cabin as a rural worker's dwelling.
21. Since our original appraisal the alpaca enterprise, which is the main enterprise on the holding, has doubled in size and is now more akin to that which was proposed at the time of the temporary consent. At this size Reading Agricultural Consultants, who were instructed by the Council to assess the temporary dwelling proposal, concluded that there would be at best a marginal need to live on site. On this basis the enterprise now demonstrates that there is a marginal functional need for an on-site worker.
22. Although revised budgets have been submitted there has been no argument made to dispute our conclusion that a profit of £17,000, which is overstated due to a lack of costs being shown, is not capable of covering a full-time wage. It therefore remains our opinion that the business is not currently financially viable which is the test for a permanent dwelling.
23. The revised budgets show that by Year 5 i.e. in another 2 years from now, the business may be capable of providing an adequate return on the full-time labour of [REDACTED]. Accordingly, in our opinion, it may be appropriate to consider an extension to the existing temporary consent to enable the Applicant's time to demonstrate that their budgets are achievable.
24. In conclusion in our opinion the proposal still fails to meet the policy requirements set out in paragraph 80 of the NPPF.
25. We trust that this report provides you with sufficient information to determine the application. However, please do not hesitate to contact us should you wish to discuss the application in more detail.

With kind regards.

Yours sincerely



**Tony Kernon**  
BSc(Hons), MRICS, FBIAC

# Appendix 9

## Matthew Shepherd

---

**From:** Debra Inston  
**Sent:** 24 July 2024 16:49  
**To:** Joanne Withey  
**Cc:** Matthew Shepherd  
**Subject:** RE: SR - 111309 : West Berks Planning Application 23/01295/FULMAJ

Thanks Jo.

Kind regards,

Debra Inston

Team Manager (Development Management)

✉ **Development & Regulation, West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD**

☎ Direct Dial: (01635) 519581

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Please note any advice given in this correspondence is offered in the spirit of helpfulness, is given without prejudice and does not bind the Council to a particular outcome.

---

**From:** Joanne Withey <Joanne.Withey@westberks.gov.uk>  
**Sent:** Thursday, July 18, 2024 3:41 PM  
**To:** Debra Inston <Debra.Inston@westberks.gov.uk>  
**Cc:** Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>  
**Subject:** RE: SR - 111309 : West Berks Planning Application 23/01295/FULMAJ

Hi Debra,

I visited the premises today(18/07/24) and I can confirm they have sold the sheep and goats. There are 18 Alpacas and 3 horses left at the property.

The paperwork for the movements of dead and livestock is all up to date and there are no current concerns with the welfare.

Kind Regards

Joanne Withey  
Enforcement Officer

**Public Protection Partnership**

Tel: 07342088795

Email: [joanne.withey@westberks.gov.uk](mailto:joanne.withey@westberks.gov.uk)

Website: [www.publicprotectionpartnership.org.uk](http://www.publicprotectionpartnership.org.uk)

Facebook: [@PublicProtectionPartnershipUK](https://www.facebook.com/PublicProtectionPartnershipUK)

Twitter: [@PublicPP\\_UK](https://twitter.com/PublicPP_UK)

**Trading Standards  
Service** | Bracknell Forest  
West Berkshire  
Wokingham

A shared service provided by  
Bracknell Forest Council,  
West Berkshire Council and  
Wokingham Borough Council



---

**From:** Joanne Withey <[Joanne.Withey@westberks.gov.uk](mailto:Joanne.Withey@westberks.gov.uk)>  
**Sent:** Wednesday, July 10, 2024 12:09 PM  
**To:** Debra Inston <[Debra.Inston@westberks.gov.uk](mailto:Debra.Inston@westberks.gov.uk)>  
**Cc:** Matthew Shepherd <[Matthew.Shepherd@westberks.gov.uk](mailto:Matthew.Shepherd@westberks.gov.uk)>  
**Subject:** RE: SR - 111309 : West Berks Planning Application 23/01295/FULMAJ

Hi Debra,

I have booked an inspection for next week. The owner has informed me the sheep have been sold (but I will confirm this at my inspection) and the property is being sold. I will let you know the outcome of my visit.

Kind Regards

Joanne Withey  
Enforcement Officer

**Public Protection Partnership**

Tel: 07342088795

Email: [joanne.withey@westberks.gov.uk](mailto:joanne.withey@westberks.gov.uk)

Website: [www.publicprotectionpartnership.org.uk](http://www.publicprotectionpartnership.org.uk)

Facebook: [@PublicProtectionPartnershipUK](https://www.facebook.com/PublicProtectionPartnershipUK)

Twitter: [@PublicPP\\_UK](https://twitter.com/PublicPP_UK)

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**From:** Debra Inston <[Debra.Inston@westberks.gov.uk](mailto:Debra.Inston@westberks.gov.uk)>  
**Sent:** Friday, May 31, 2024 3:17 PM  
**To:** Joanne Withey <[Joanne.Withey@westberks.gov.uk](mailto:Joanne.Withey@westberks.gov.uk)>  
**Cc:** Matthew Shepherd <[Matthew.Shepherd@westberks.gov.uk](mailto:Matthew.Shepherd@westberks.gov.uk)>  
**Subject:** RE: SR - 111309 : West Berks Planning Application 23/01295/FULMAJ

Hi Jo

Just wondered if you'd managed to inspect the sheep?

Many thanks

Debra

Debra Inston

Team Manager (Development Management)

✉ Development & Regulation, West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD

☎ Direct Dial: (01635) 519581

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Please be aware that due to the nature of my work, I may not always be in the office or contactable. In my absence and where your enquiry is urgent please email [Planapps@westberks.gov.uk](mailto:Planapps@westberks.gov.uk) or telephone (01635) 519111.

Please note any advice given in this correspondence is offered in the spirit of helpfulness, is given without prejudice and does not bind the Council to a particular outcome.

---

**From:** Joanne Withey <[Joanne.Withey@westberks.gov.uk](mailto:Joanne.Withey@westberks.gov.uk)>  
**Sent:** Tuesday, May 14, 2024 9:17 AM  
**To:** Debra Inston <[Debra.Inston@westberks.gov.uk](mailto:Debra.Inston@westberks.gov.uk)>  
**Cc:** Patrick Haran <[Patrick.Haran1@westberks.gov.uk](mailto:Patrick.Haran1@westberks.gov.uk)>  
**Subject:** RE: SR - 111309 : West Berks Planning Application 23/01295/FULMAJ

Hi Debra,  
A colleague and I visited the premise a couple of weeks ago. Unfortunately, the owner was not available, but we inspected the livestock (alpacas, horses and goats) and did not have any welfare concerns. The sheep are off grazing at the moment, so I intend on inspect these in the next week or two. He did inform me that he recently (beginning of March) have an alpaca put down by the vet due to ill its age.

Kind regards

Joanne Withey  
Enforcement Officer

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# Appendix 10

**From:** Kernon Countryside Consultants  
**Sent:** 20 February 2024 09:27  
**To:** Patrick Haran  
**Subject:** 23/01295/FULMAJ: Rambling Rose Farm  
**Attachments:** KCC3549 Haran WBC 20.02.24.pdf

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KCC3549

Dear Mr Haran

Please find attached Tony Kernon's additional comments re application 23/01295/FULMAJ Rambling Rose Farm.

With kind regards.

Yours sincerely

**Helen Wright**  
Secretary to Tony Kernon



**Kernon Countryside Consultants Ltd**

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Under the General Data Protection Regulations (GDPR) May 2018, we are required to inform you that by agreeing to engage us to perform the above service, you are happy for us to hold your information. We do not share this with other parties except with your consent as required to ensure the service is performed appropriately.





P. Haran Esq  
Development and Regulation  
West Berkshire Council  
Market Street  
Newbury  
RG14 5LD

Our Ref: KCC3549  
20<sup>th</sup> February 2024

Dear Mr Haran

**23/01295/FULMAJ: RAMBLING ROSE FARM**

I respond to your request of 5<sup>th</sup> February 2024 to make further comments following the receipt, by the Council, of a letter from Irwin Mitchell solicitors dated 5<sup>th</sup> January.

In short the Irwin Mitchell letter stated that in our appraisal of 30<sup>th</sup> November we had not “**reviewed the correct information**” nor had we “**correctly applied the relevant calculations**”.

**Synopsis of our November Appraisal**

In our appraisal of 30<sup>th</sup> November we concluded that the current level of profitability was not adequate to enable us to have sufficient degree of confidence that the enterprise was viable or will remain viable for the foreseeable future.

**The Irwin Mitchell Claim**

Irwin Mitchell concluded that condition 1 of 19/02178 required a profit by year 3 of £16,500 and that the relevant threshold has been met in this application.

The letter also sets out a calculation that the relevant income threshold for 2023/2024 is for 37.5 hours per week at £10.42 / hour, equating to £20,319 less £3,312 for an accommodation offset, equivalent to £17,007 per annum.

**Policy Requirement**

The planning practice guidance suite test is “**the degree to which there is confidence that the enterprise will remain viable for the foreseeable future**”.

Policy C5 of the HSPD PD (2006 – 2026) criterion (v) requires that “**the financial viability of the business is demonstrated to justify temporary or permanent accommodation**”.

**Response to Comments**

The business showed losses in 2020 and 2021.

Profits are shown in 2023 (draft accounts) of £17,212 before labour.

In our opinion, for the reasons expressed in our earlier appraisal, we are concerned that the accounts do not reflect a true operational position. The cost of sales, for example, was just

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Consultants - Ellie Chew BSc(Hons), Amy Curtis BSc(Hons)*

£872, significantly lower than in previous years despite claimed increased stock levels and a high price due to the various conflicts worldwide.

This has not been explained by the applicants. Accordingly we remain concerned that the draft profit level is not realistic. This does not enable us to have confidence of current or future viability.

I do not accept the Irwin Mitchell claim that the previous condition set a threshold of £16,500 for a permanent dwelling. There is no figure in the condition. It simply referred to the relevant policy.

I also do not accept that the relevant threshold is £17,007 per annum, as Irwin Mitchell claim. That is a daytime rate for 37.5 hours per week for 52 weeks of the year. The nature of an agricultural enterprise that would warrant on-site supervisory accommodation is not a 37.5 hours per week daytime activity. Such an enterprise would not need a dwelling.

It is the weekend, evening, middle of the night, out of hours emergency or frequent inspections that mean a dwelling is justified. These activities are not 37.5 hours per week basic wage requirements.

A business is financially viable if it can cover, amongst other costs, the market equivalent for the labour required. That will, as noted above, involve night work, weekend work, out of hours work none of which could be funded at £10.42 / hour.

The accounts show that the business cannot currently meet those costs should it be necessary to pay somebody.

Further, I disagree that a lower threshold is appropriate by deducting a household allowance.

I note that in their April 2023 appraisal Reading Agricultural Consultants at 6.14 stated that **“it is generally accepted that the standard test for a rural worker is that the business should be able to generate sufficient profit to provide a return to land, labour and capital and to be able to finance the purchase/build cost of the permanent dwelling”**.

The enterprise does not currently provide a return on the labour, as assessed before any calculation of returns on land or capital.

### **Conclusion**

Therefore I am not persuaded that our earlier assessment considered either incorrect information or incorrectly applied the relevant calculations.

The NPPF, NPPG and development plan require confidence and evidence of financial viability. That is not currently demonstrated, in our opinion.

Please feel free to contact me for any clarifications.

Yours sincerely



**Tony Kernon**  
BSc(Hons), MRICS, FBIAC

# Appendix 11

## Current man hours required

Working hours on the farm is very much changeable for the time of year, below are the basics on a standard quiet week

Monday to Friday

- Morning – 1 hour feeding
- Evening - 1 hour feeding
- Afternoon/Evening - 1.5 hours checking on animals in rented fields

3.5 man hours per day

Saturday and Sunday

- Morning – 1 hour feeding
- Evening - 1 hour feeding
- Afternoon/Evening 1.5 hours checking on animals in rented fields
- Additional weekend tasks 5 hours
  - Paddock maintenance
  - General repairs
  - Hay delivery
  - Food purchases
  - Mucking out
  - Moving animals

Minimum weekly man hours 34.5 (over winter)

Not including lambing and Calving (Alpacas) as this is very variable depending on numbers and can add up to 24 hour supervision

Additional summer tasks

- Visitors to the farm 3 hours per visit (two people) (6 man hours)
  - We would generally have 2-3 visits per weekend
    - Additional 12-18 man hours

Minimum weekly man hours 46.5 (including summer tasks)

This will further increase with the addition of 10-15 new breeding female alpacas

The balance of hours Monday to Friday and over the weekend will adjust slightly as Harry goes back to part time from his current full time position.

Harry moved to a part time roll when the farm was started and as was currently in this roll when the temporary dwelling was granted, we were both classed as key workers and were required to be at

work full time to delivery food the elderly and vulnerable. I feel very strongly this was the correct thing to do from a moral perspective as we had people that relied on the work we do.

As stated with covid now behind us harry will be moving back to his flexible part time position (home working) allowing for the next stage of our business development and increasing our Alpaca breeding and Stud business that we have been growing over the last 3 year.