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Your Ref:
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21 July 2022

S Snook
Sienna's Valley Farm
Huntenhull Lane,
Chapmanslade,
Wiltshire.
BA13 4AS

Application No. **PL/2022/04679**
Proposal: **Erection of rural workers dwelling house**
Location: **Sienna's Valley Farm, Huttenhall Lane, Chapmanslade BA13 4AS**

Dear Miss Snook,

I write further to your email of 20th July 2022 and comments made by Mr Tony Coke (TC), agricultural consultant to Wiltshire Council, regarding the above planning application. I have two issues to cover:

1) the generality of rural workers' dwellings size – and how Planning Inspectors have covered the matter elsewhere; and specifically,

2) how one Planning Inspector addressed this matter in Wiltshire Council in the past – and expressly dealt with Tony Coke's own interpretation of policy. That Mr Coke continues to report in the same, unaltered vein, ignoring the Inspectorate findings is, in my opinion, unreasonable.

At the outset however, I am pleased to note that TC agrees and accepts:

- the business generates an essential requirement for a presence on site;
- the unit will generate a labour requirement of just over one and a half full time units of labour; and,
- the level of profit shown enables viability.

The only concern raised deals with the size of the dwelling.

I have measured the plans and calculate a gross internal area (GIA) of some 162m^2 – which <u>includes</u> 29.5m^2 for the downstairs boot room, utility room, shower room and work room.

TC notes:

> *6.3 The proposed dwelling is, in my view, somewhat larger than warranted by the identified essential need and I would suggest a dwelling in the region of 150m2 GIA would be more commensurate with the identified essential need. In this context it is noted that essential need does not expressly take into account the personal circumstances of the worker concerned. It is beyond the scope of my expertise to offer a view on the applicant's personal circumstances.*

First, I note:

1 there is no reference or guide to the size of a rural worker's dwelling in the NPPF;

2 there is no reference or guide to the size of a rural worker's dwelling in the Planning Practice Guidance;

3 there is no reference or guide to the size of a rural worker's dwelling in Policy 48 of the Wiltshire Core Strategy.

Thus, TC's comments have no statutory or policy basis. Whilst government advice set out in PPS7 (2004) did seek to control the size of rural workers' dwellings, this guidance was revoked in 2012 (following the publication of the NPPF) and has never been replaced – and has no bearing.

TC clearly to work to his own guidance limit of 150m^2 – but this is simply his opinion, it has no status. That said, he does allude to personal circumstances which might be an oblique reference to a comment from the Planning Inspector in the dismissed 2016 appeal decision for the temporary dwelling at the site, where he noted:

> "*The appellant has four children and so a typical two bed farm worker's cottage would not be suitable…*"

and, clearly opened the way for a dwelling larger than might be considered "*typical*".

You advise me that you have four children and need a 5-bedroom house – as shown in the plans. Of these Bedroom 3 is extremely small (5.6m^2); with the others ranging from 13.3m^2 (Master bedroom) to 8.9m^2 (Bedroom 2). This is NOT a large house and is only 8% larger than TC's guide and, if one excludes the boot room, utility room, shower and work room, is comfortably within the guide.

A number of appeal decisions have examined the issue of the size of a rural worker's dwelling including:

APP/L3245/W/21/3276073 Shropshire Council Little Acorns, Adderley Road, Spoonley, Market Drayton, TF9 3SR	208m^2 allowed against 150m^2 which "*is generally considered by the Council to be acceptable*".
APP/E2734/W/19/3232005 Harrogate BC Tatefield Farm, Shaw Lane, Beckwithshaw, Harrogate HG3 1QZ	350m^2 dismissed. "*Examples of other such proposals and dwellings across the country provided by the Council demonstrate this and I note the floorspace range of such properties is broadly between 100–200sqm, including enterprise-related elements such as an office, storage areas and a boot/utility room with a toilet and shower. From my experience, I consider this to be reasonable and about right*".
APP/J9497/W/18/3194784 Dartmoor NPA Headlands, Road to Coxtor Farm, Peter Tavy PL19 9JR	180m^2 allowed "…(*150m^2 of which would be residential and the rest for a farm office, wet room and garage*)"
APP/D0840/A/14/2213218 Cornwall Council Treworgie Farm, Manaccan, Helston TR12 6JB	190m^2 allowed against a Local Plan recommendation of 140m^2. "*I consider that the size of the proposed dwelling is not so large that its size would warrant refusal of the proposal on those grounds*".
APP/T0355/A/08/2063926 RB Windsor and Maidenhead John Torrid Farm, Drift Road, Maidenhead RG10 0QQ	"*That the total floorspace would far exceed the various figures between 100m² and 200m², referred to at the hearing and in the appeal decisions submitted by the Council's consultant, reinforces my view in this respect*".

For the avoidance of doubt, I was the "*Council's consultant*" in the last example above (John Torrid Farm) and I can provide any number of examples that allow dwellings of c.160-180m^2.

Appeals that are dismissed at this size are generally those that relate to a specific Local Plan policy that deals with acceptable dwelling sizes, such as New Forest National Park Authority (110m^2) and (the former) North Dorset DC (140m^2).

But it is Point 2 that causes me most concern.

This express matter has been reviewed by a Planning Inspector in Wiltshire in the past and Tony Coke (TC) has not changed his stance accordingly – which I consider unreasonable. I refer to and provide extracts from the appeal decision:

Site Address: Allspheres Farm, Hankerton, Malmesbury, SN16 9LH
Appellant: Miss Klaudia Meeres
Inspector: Helen O'Connor
Decision Date: 27th November 2020
Appeal Ref: APP/Y3940/W/20/3255591

Main Issue

"The main issue is whether the scale of the proposed dwelling is acceptable having regard to the essential needs of the agricultural holding."

Reasons

Paragraph 5

"*The parties agree that the gross internal area (GIA) of the dwelling at present is approximately 137.5sqm. This is arranged mostly on the ground floor with one bedroom provided in the roof space. The proposal, by adding an upper storey would result in a GIA of 203sqm. This would provide three bedrooms on the first floor. It would also provide a farm office, wc and utility room on the ground floor amounting to approximately 38.5sqm2 when measured from the outside of the internal walls*".

Paragraph 7

"*Both parties accept that there is no national or local policy stipulating the size of a rural workers dwelling once the threshold of establishing an essential need is met…"*

Paragraph 8

"*The Council's agricultural advisor*[1] *considers that approximately 150sqm of floor space would generally be sufficient to meet an essential need for a rural worker. At the hearing he expressed it as an objective professional view which allows for a degree of flexibility. This is acknowledged by the Council's reference to it as a rule of thumb rather than a maximum amount. As guidance of limited status, it carries a commensurate amount of weight.*"

Paragraph 9

"…*The Council's agricultural advisor states that the suggested 150sqm floorspace excludes areas such as a farm office and associated utility/shower areas.*"

[1] A (Tony) M Coke of APA Consultants Ltd,

Paragraph 11

"*Excluding the office, wc and utility room would mean that the remaining floorspace of the dwelling would be in the order of 164.5sqm-166.7sqm depending on whether the internal dividing walls are included as floorspace or not. This would be larger than the 150sqm suggested, but moderately so. Moreover, the proposed layout shows rooms that although, generously proportioned, would not be lavish in number or function in terms of a family dwelling. Given that it is often the case that agricultural workers dwellings will, by their nature, be detached, I have had regard to the data in the English Housing Survey 2018 for detached housing. This indicates that the average usable floor area for such a dwelling is 149sqm. Hence, the 150sqm rule of thumb is close to the average for the likely dwelling type rather than being generous, as is asserted by the Council."*

Paragraph 13

"*Although towards the larger end of the spectrum in comparison to these examples, the proposal before me would be broadly comparable in scale. It would not significantly diverge from the approach taken in those cases such that it would be excessively large by comparison. Therefore, overall, I find that the proposal would reasonably align with the rule of thumb floorspace guideline, which in any event, is of limited weight.*"

Paragraph 16

"*The constant nature and long hours associated with an agricultural enterprise are often such that domestic and working life may not always be neatly segregated. Therefore, practical considerations of being able to undertake office work at home rather than in a separate building and changing clothes in an integral utility room would assist in facilitating family life. It is not unusual for rural workers to have children or caring responsibilities. Consequently, the need to strike a balance between work and caring responsibilities would have wider application to many rural workers. Therefore, it is reasonable that this would have some relevance when considering the configuration of the associated accommodation.*"

Paragraph 20.

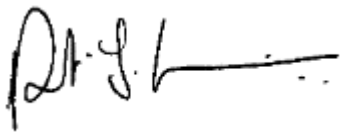
"*It follows, that based on the evidence before me, I am satisfied that the proposal would meet the accommodation needs required to enable workers to live at their place of work in the interests of agriculture and that overall, the dwelling would be of a scale that has been reasonably justified. As such, there would be no conflict with paragraph 79 a) of the Framework*".

For TC adamantly to maintain this 150m^2 reference cannot be sound in the light of the above decision, and he ought to exercise more latitude to the actual circumstances that prevail.

Based on all the above evidence I trust that this will assist the Council in a positive determination of the planning application. The size of the proposed dwelling is NOT excessive and is only marginally greater than TC's personal guide – one that has no policy basis, and should not be relied upon.

I wish you well with the further considerations.

Yours sincerely



Peter J Williams BSc(Hons), FBIAC