

## AGRICULTURAL ASSESSMENT OF PLANNING APPLICATION.

### 1.0 REFERENCE

APA/03/0191

- |     |                          |                                                                                                               |
|-----|--------------------------|---------------------------------------------------------------------------------------------------------------|
| 1.1 | Proposed Development     | "Removal of existing temporary agricultural dwelling, proposed new agricultural workers dwelling (permanent)" |
| 1.2 | Planning Authority       | Wiltshire Council Development Management Central                                                              |
| 1.3 | Planning Application No. | PL/2026/01668                                                                                                 |
| 1.4 | Applicant                | Mr O. Hurd                                                                                                    |
| 1.5 | Site Address             | Mill Farm Lodge, Hill Deverill, Warminster BA12 7EF                                                           |

### 2.0 DESCRIPTION

#### Location

- 2.1 The application site forms part of Mill Farm. Mill Farm lies immediately east of the B3095 at Hill Deverill. The farm buildings are alongside housing, with open countryside to the west and east beyond the housing.

#### Land Area and tenure

- 2.2 The farmed area extends to approximately 162 ha (400 acres). The land comprises 56 acres including the farm buildings which is freehold owned by William Hurd; that land is let to William's son, Paul Hurd on a Farm Business Tenancy (FBT). I understand the FBT was for 22 years fixed term; that term has now expired and the means of occupation is now a rolling 12 month periodic tenancy. In addition to the FBT land, Paul Hurd also takes some 350 acres in the locality on annual tenancies. I understand the majority of the arrangements for the 350 acres have subsisted for more than 20 years.
- 2.3 William Hurd is deceased and his estate is in probate. The application represents that William Hurd's freehold interest (above) will be willed to Oliver Hurd, with a lifetime interest for Paul Hurd.

#### Soil Type and Characteristics

- 2.4 The soil at the application site is classified in the Coombe 1 association, which is described as well drained calcareous silty soils.

### 3.0 FARMING PRACTICE

#### Existing

- 3.1 The farm is run as a livestock unit with dairy and beef enterprises. The farm business is owned by Paul Hurd, who is the father of the applicant, Oliver Hurd. The dairy herd is based at the farm buildings and comprises 100 dairy cows. The cows are primarily Holstein Friesian, with some Fleckveih cross. Milk is sold to Arla under a bulk contract. The cows are calved at or close to the farm buildings across the whole year. All milk production is from grass and silage. Replacement dairy cows are home bred with some 20 heifers admitted to the herd annually.
- 3.2 All calves are retained on the unit with the majority reared through as beef cattle. The beef animals are finished at approximately 24 months and sold at Frome Market.
- 3.3 The land is all in grass and used either for grazing, silage or hay.

- 3.4 The farm is run by Paul Hurd and his son (William's grandson), Oliver Hurd. Paul Hurd is approaching retirement.

#### Proposed

- 3.5 No significant changes are proposed to the farming practice.

#### Comments

- 3.6 The farm is a well established livestock business. I understand that Oliver Hurd is responsible for much of the day to day operation and that full control of the business is likely to pass to him in the near future.

#### Buildings

- 3.7 The principal farm buildings adjoin the application site and comprise a range of covered yards, including a milking parlour and dairy. I understand that the cattle are all accommodated on straw which manes slurry is not produces at the unit.

### **4.0 EXISTING ACCOMMODATION**

#### Dwellings owned by applicant

- 4.1 There are two dwellings associated with the farm. The sole dwelling at the farm buildings is the farm house. The farm house is freehold owned and occupied by Paul Hurd. The applicant, Oliver Hurd, and his immediate family live at Mill Farm Lodge. Mill Farm Lodge has planning permission under Council reference 19/11763 to be stationed for a temporary period. The subject proposal is to replace Mill Farm Lodge with a permanent dwelling.

### **5.0 LABOUR REQUIREMENTS**

#### Existing

- 5.1 One unit full time and one unit part time. The full time input is provided by Oliver Hurd, with part time assistance from Paul Hurd. Oilver's partner provides some part time assistance.

#### Anticipated if proposals undertaken

- 5.2 There is no proposal to alter the labour input following Paul's retirement.

### **6.0 NPPF – ESSENTIAL REQUIREMENT**

- 6.1 The planning application for the dwelling is associated with the existing livestock enterprises. The National Planning Policy Framework (NPPF) was revised in 2024. In the context of the application for the proposed dwelling, paragraph 84 of the NPPF states:

“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.....to live permanently at or near their place of work in the countryside.”

- 6.2 Under the NPPF it is therefore relevant to consider the requirements of the current enterprise and whether those requirements present an essential need for a worker to live at or near the enterprises.

- 6.3 It is my view that the quantity of dairy cows and the practice of year round calving means there is a requirement for an essential presence at the farm buildings at Mill Farm. That essential need is currently facilitated by the freehold dwelling occupied by Paul Hurd but please see my further comments below.
- 6.4 I understand that due to Paul Hurd's ongoing health issues, Oliver Hurd is responsible for close care of livestock and in particular calving.

## **7.0 BUSINESS ASSESSMENT**

- 7.1 There is no express reference in the NPPF to an assessment of either an existing or proposed business which will operate in association with the proposed rural dwelling. It is my opinion that such an assessment is critical to forming an opinion on the continuation of the "essential need". In this case the essential need described and recognised above will only continue through the operation of the business. If the business does not operate on a profitable and viable basis then it will fail and the authority would be left with a dwelling but no "essential need" for its presence.
- 7.2 Following the Government's update to Planning Policy Guidance (PPG), published 22 July 2019, financial viability is now referenced as a consideration when determining the need for a rural worker's dwelling.
- 7.3 The applicant has submitted profit and loss accounts and capital accounts for the four trading periods 2022 – 2025. The accounts for all periods except 2024 show a profit. The level of profit in the 2022 and 2023 profit and loss accounts is in my view sufficient to show viability. The 2025 accounts show a profit which is below the minimum wage. The capital account shows a high level of net assets to liabilities.

## **8.0 GENERAL COMMENTS**

- 8.1 It is recognised that there is an essential need for a person at Mill Farm. The applicant's agricultural case is the same – they argue that there is an essential need for a person at the holding. There is a dwelling at the holding, however, it is freehold owned and occupied by Paul Hurd who I understand is only part time in the business due to impending retirement. It is the applicant's case that Paul Hurd is not able to meet the essential need at the holding. It is further represented by the applicant that the person who can and does meet the essential need is Oliver Hurd.
- 8.2 The former PPS7 required, in assessing the ability to meet the functional [essential] test, that it is necessary to assess whether:
- "the functional [essential] need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned"
- 8.3 In this case the worker concerned is Oliver Hurd. The dwelling which is potentially available is freehold owned and occupied by Paul Hurd. It is the applicant's case that the dwelling is not available by virtue of its occupation by Paul Hurd. That point is substantiated by Case Law. *John Keen v the Secretary of State for the Environment and Aylesbury Vale District Council* QBD 1995 (the Keen case) and secondly *JR Cussons and Sons v Secretary of State for Communities and Local Government* [2008] EWHC 443 (the "Cussons" case) both indicate that existing occupants of rural dwellings who are retired from physical activity in a farm business should not be obliged to leave as part of the operation of the planning system.
- 8.4 It is my view that the circumstances at the farm and the operation of Case Law both indicate that the Mill Farm house is not available to meet the essential need recognised above.
- 8.5 As indicated above (2.2), aside from the farmhouse, the farm business is wholly reliant on the use of land outside of its freehold ownership. The land held on FBT has been in the direct family for many years. It would be reasonable to assume that it is highly unlikely the FBT land will be unavailable for the foreseeable future. The wider use of land on temporary arrangements has taken place for many years. Clearly there is no guarantee that such land will remain available in the future, however, there remains a plentiful supply of

grass keep in the locality. Overall whilst the lack of freehold land is clearly a concern in my view that is mitigated by the family ownership of the FBT land and the supply of short term grassland in the locality.

- 8.6 From the scanned versions of the submitted plans the proposed dwelling scales to a Gross Internal Area of approximately 115m<sup>2</sup>. The NPPF does not offer guidance on the size of dwelling that would be suitable to meet an identified essential need. The former PPS7 (Annex A) identified that a dwelling should be of a size and cost commensurate to the identified functional [essential] need and should not be excessively large or expensive to the farm business.
- 8.7 The proposed dwelling is, in my view, not excessive in relation to the identified essential need. I understand the cost of the dwelling is to be met from retained funds and will not result in a need for third party funding by way of a secured or unsecured loan.

## 9.0 CONCLUSION AND OPINION

The farm business presents an essential need for a full time presence at the holding. The existing dwelling is not available for the worker that meets the essential need. The proposed dwelling is not excessive in relation to the essential need. The business is profitable and close to viability.

I trust the above provides you with the information required. If you require any further information, or clarification on the any aspect of the above, please do not hesitate to contact the writer.

A.M Coke BSc (Hons) MRICS

**Note:** *This Report has been prepared on information provided by the Applicant and or the Applicant's Agent.*

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