

Planning Statement
for an
Agricultural Workers Dwelling
at

Hilltop Farm
Hemingfield
Barnsley
S30 0PZ

Prepared by



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Section 1 Introduction

- 1.1 DesignSpace has been commissioned by Oliver Wright of Hilltop Farm, Hemingfield Rd, Barnsley to prepare a Planning Statement to support an agriculturally tied dwelling within the grounds of the farm.
- 1.2 The residential use of the dwelling would be restricted by a standard agricultural occupancy condition.
- 1.3 The planning statement considers the relevant policy background and other material considerations to the proposal and presents sufficient evidence to conclude an agricultural dwelling at Hilltop Farm is acceptable.
- 1.4 The report is accompanied by appendices which are cross referenced in the body of this statement where appropriate.
- 1.5 The planning statement is structured as follows: section 1 introduces the terms of the application, the applicant and the contributors of the report. Section 2 describes the site its setting and any local policy designations and relevant planning history. During section 3 the farm and its operation will be considered in greater detail with a brief history of the farm from its establishment on the site in the 1950s.
- 1.6 Section 4 describes the proposed development; during section 5 the statutory development plan will be outlined. Section 6 describes a range of material considerations that include national planning guidance, emerging regional guidance, animal welfare legislation, the work of the health and safety executive within agriculture and levels of crime and social intrusion within the locality. All of which support the proposal for an agricultural dwelling at Hilltop Farm. In Section 7 we justify the proposal against the policy and material considerations, before offering general conclusions during section 8.
- 1.7 A design and access statement is provided under a separate cover.

Section 2 Site and Surroundings

Location

2.1 Hilltop farm is located on Hemingfield Road which is a class B highway located off the A6195 Dearne Valley Link Road. Access to the farm is taken directly off Hemingfield Rd. See appendix for location.

Context Characteristics

2.2 The farm stands in 280 acres of mixed grass and cereal crops with some of the land laid to grazing. The farm itself is not entirely ring fenced; however a large proportion of the land is ring-fenced around the farm buildings. The farm is dissected by the A6195 Dearne Valley Link Road and the farm itself is located within the Village of Hemingfield and is approximately 1 mile from the market town of Wombwell. Running alongside the farm is the Leeds-Sheffield Railway line.

2.3 At the heart of the village to the south of the farm are two busy public houses; The Albion and The Fiddlers as well as an Off License/Village Store and Fish and Chip Shop. 1 mile from the Farm there is the Cortonwood Retail Park which attracts a vast amount of customers and passing traffic on the A6195. The farm is also neighboured by The Hillies 9 Hole Golf Course and the adjoining footpaths which attract a large number of walkers and golfers.



1.1



1.2

2.4 The above photograph 1.1 shows the frontage of the farm buildings as viewed from the Hemingfield Rd entrance in the distance the A6195 can be seen with the traditional stone fronted terraced houses of Wombwell in the far background. 1.2 Shows the farm building cluster with the background of the Mellwood Grove estate which was built in the 1970's and is reflective of the current building trends within Hemingfield presently.

Intrinsic Characteristics

2.5 The ring-fenced area of the farm is comprised of cereals and grassland used for feed. The land slopes away from the farm buildings, south to North, and then rises towards Wombwell after being dissected by the A6195. The farm is secured via a wooden post and rail fence and locked five bar gates.

2.6 Other grassland is located at the southern end of the village approximately 0.5 miles from the farm. There is also grassland situated at 2 miles away at Birdwell and Broomhill, as well as at Kimberworth near Rotherham approximately 10 miles away. All of the above grass land is used for haylage and silage which is either sold or used as feed for the cattle kept onsite.

2.7 The developed areas of the farm consist of the Farm Shop, which was converted from the existing dairy and bottling areas; there is a hard standing area for customer's vehicles as well as the entire area around the farm buildings being hard standing. The farm shop resides within a concrete open span general purpose barn, alongside this there is a number of other farm buildings which can be seen in the photographs detailed below.

2.8 Outbuildings and storage areas are shown on the following photographs:



Planning Policy Designations

2.9 Hilltop Farm lies within the southern fringes of the South Yorkshire Green Belt on the Barnsley Unitary Development Plan, wherein it is the policy of the Local Planning Authority to not permit development except for very special circumstances for purposes other than agriculture or other similar activities that are set out planning policy guidance note 2.

Planning History

2.10 The relevant planning history comprises planning application 2007/1024 *The use of part of an agricultural building as a farm shop*, date 14/06/2007

Detailed Consent

2.11 Consent was obtained on 14/06/2007 for the conversion of the existing dairy building and collecting yard into a farm shop with vehicular parking. This approved development represented a diversification away from traditional farming practices as part of an initiative to make Hilltop Farm a viable business. The planning consent was granted on the condition that the shop is only to source produce from within the South Yorkshire region. The photograph below show the farm shop frontage.



Section 3: Hilltop Farm and its Operations

Hilltop Farm and Billy's Hill Farm Shop

3.1 Hilltop Farm is the product of a successfully implemented strategic business plan. This is highlighted below showing the farms growth and evolution over the past 60 years.

- The Farm was purchased in the 1950's by the applicants Grandparents and was run as a mixed arable and dairy farm.
- The farm operated a successful milk retail enterprise until 1982 experiencing significant expansion from its initiation.
- This was superseded by an evolution into the retailing of Haylage to the equestrian community and the fattening of beef cattle which continues to the present date.
- The farm has seen significant growth over the generations rising from an initial 70 acres to currently farming approximately 280 acres, an increase of 400%.
- This is capped by the opening of the Farm Shop during 2007 in partnership with the farm which, as a result, has increased the farms fattening stock significantly to meet the demands of the shop's output.
- The farm shop now supplies the local community with onsite reared beef, eggs and locally sourced high class produce

Agricultural and farm Classification in the United Kingdom

3.2 Farms are classified into groups according to type and size. Sometimes it is useful to classify purely the agricultural component part of the farm, and sometimes it is useful to classify the farm as a whole, which may include other environmental and diversified activities. This means there is a distinction between classifying Farm Businesses and Agricultural Businesses. They are classified to allow farm analysis by sector. At the simplest level they are divided into the following 10 "robust types" for analysis.

1. Cereals
2. General cropping
3. Horticulture
4. Specialist pigs
5. Specialist poultry
6. Dairy
7. Less favoured area grazing livestock
8. Lowland grazing livestock
9. Mixed
10. Other (including non-classifiable)

3.3 Hilltop Farm and Billy's Hill Farm Shop fall into categories 5, 8 and 9. It also receives EC funding under the Single Payment Scheme. Only farmers actively farming at the date each member state introduces the scheme are eligible for an SPS payment.

3.4 The applicant currently manages a herd of cattle for fattening and also a flock of free range hens producing free range eggs.

Cattle

3.5 Although the applicant currently take on their cattle at 6-8 months old and fatten the animals until they are at a suitable slaughter weight, it is their intention to introduce a suckler herd, so as to reduce costs in the production of finished cattle and increase margins for the farm and farm shop businesses respectively. However this approach to farming is not currently viable at Hilltop Farm as there is no 24 hour supervision available everyday of the year as would be required for the successful management of a suckler herd, in terms of profitability and mortality rates.

3.6 The rearing of cattle typically takes approximately 9-12 months this is a significant investment both in terms of time and money with a significant amount of risk in terms of protecting their animal's health and wellbeing.

3.7 The care and handling of the cattle takes a significant portion of the applicant's time up as they require daily checks and feeding. For a record of recent cattle numbers kept at Hilltop Farm please see appendix 11. These records show finished cattle moved off site for culling for use in the farm shop. This is not an exhaustive record of all cattle used in the farm shop as it has been a necessity to purchase additional finished cattle from other local farms to meet consumer demand. Due to the overlapping nature of rearing cattle in batches, it can be seen that in the majority period highlighted there would be approximately 20 cattle on site at any one time.

Crops and Grassland

3.8 There are currently 100 acres laid to grassland of which approximately 70% will be used for haylage and silage. The Haylage is sold into the regional and local equine community and silage is used as the primary nutrition source for the cattle raised on site. The remaining 30% will be baled as hay both in large and smaller conventional bales again for sale into the equine community. Both of these crops are highly labour intensive requiring significant amounts of working hours for their production spread throughout the working year.

3.9 The remaining land is used for the production of Spring and Winter Barley and Barley straw as a by product of the crop. The Barley is sold for malting or used as a feed for the cattle kept on site due to the high levels of nutrition it provides the animals giving them an enhanced shape and stature as they approach slaughter weight and age. This is also a labour intensive crop requiring highly intensive periods of work spread throughout the year.

Free Range Hens

3.10 To meet demand the farm has implemented a flock of 50 free range hens which is to increase to 400 to meet the demand from the shop.

Farm Shop

3.11 Although a new venture in relation to the farm operations, the farm shop now dominates the farms public appearance. Whilst generating a significant retail trade of its own it has caused a marked increase in the retail trade experienced by the farm for its horse and animal feeds.

3.12 Since the Farm Shop's inception it has created 3 full time positions and 1 part time position successfully employing members of the locality and bringing further wealth to the area.

3.13 The opening hours of the shop are 9am-6pm Tuesday to Friday, 9am-5pm Saturday and 10am-3pm Sunday. A typical working day within the shop requires that staff members are in a minimum of an hour before opening and a minimum of an hour after closing, ensuring a typical day within the shop is a minimum of 11 hours. This does not include any farm duties which the applicant has to perform ensuring that the typical working day lasts up to 14 hours and significantly more as is highlighted by the following charts

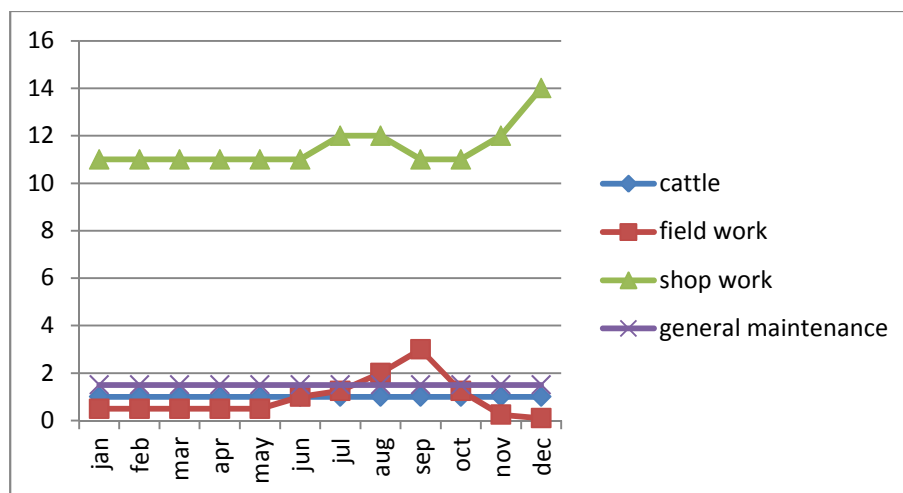


Chart 1.0 Depicting the hourly distributions of the tasks carried out at Hilltop Farm throughout the year

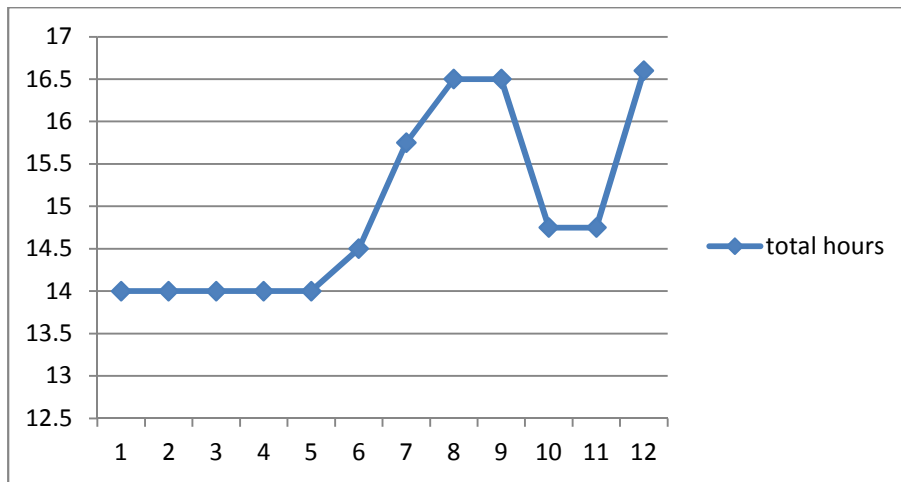


Chart 1.1 Depicting the fluctuations of total workload in hours for typically all tasks carried out at Hilltop Farm

3.14 The above charts show the cross referenced spread of the yearly workloads of the farm and the farm shop each highly seasonally affected businesses and as such the fluctuating pressured working requirements placed upon the applicant.

Future Developments

3.15 In a drive to push costs down and increase margins experienced within the Farm and Farm Shop it is the applicant's intention to begin rearing pigs, sheep and cattle on site. This is not currently a viable solution for the farm as there is no suitable habitation on site for the applicant, which would be the requirement for the breeding and rearing of significant numbers of these animals. This is due to the large amounts of monitoring and labour the management of these animals would necessitate.

3.16 This expansion of the farming operations and turnover would ensure livelihood security for the applicant and significant job creation for the members of the local community.

SECTION 4 – THE PROPOSED DEVELOPMENT

List of Drawings - Locational Context - Massing - Materials -Scale - Design - Agricultural Occupancy Condition

SECTION 4: THE PROPOSED DEVELOPMENT

List of Drawings

4.1 The Planning application and this supporting statement are accompanied by a series of architectural drawings, maps and plans. These are provided under separate cover by DesignSpace Architects. For ease of reference, this section refers to the following drawings:

Title	Scale
Location Plan	1:1000
Site Plan & Site Section, Proposed	1:200
Ground Floor Plan, Proposed	1:100
Elevations, Proposed	1:100

Locational Context

4.2 The proposed dwelling is set approximately 18 metres away from the existing farm buildings so as to allow an unimpeded access around the farm buildings and a view across the farm yard and entrance to allow monitoring of the farm frontage.

Massing

4.3 The proposed dwelling is to be sited near to the cluster of existing farm buildings to minimise the visual impact upon the green belt

4.4 The applicant has commissioned an architect designed dwelling that draws its inspiration from the existing farm outbuildings, within which the proposal is to be sited. The architect has strengthened this inter-relationship by deliberately selecting building materials specifically to harmonise with the surroundings.

Scale

4.5 The scale of the proposed two storey dwelling will reflect its surroundings. With a footprint of approximately 125m² it will be subservient to other structures in the hierarchy of farm buildings, the areas of which are:

Workshops and general storage barn	508sqm
Straw barn incorporating farm shop and office	357.5sqm
Corn barn	357.5sqm
Silage barn	434.5sqm
Cattle shed	624.75sqm

Design

4.6 The scheme is a modern interpretation of an agricultural barn. The proposed dwelling is two storeys with a pitched roof, set low into the site.

Proposed Agricultural Dwelling at Hilltop Farm

4.7 The dwelling has three bedrooms and a farm office. As such, it accords with PPS7 Annex A which expressly states that it is the requirements of a rural enterprise that are relevant in determining the size of dwelling that is appropriate.

The building is rendered at its lower level with the upper storey clad with Cedar T&G boards

4.8 Below photographs show the existing farm buildings in relation to the roadside wall, with the building frontage barely rising above wall height. As the building rises into its second storey the land continues to fall away ensuring that any visual impact caused by the dwelling is kept to a minimum.





Agricultural Occupancy Condition

4.9 The proposed development is by its very nature a dwelling with restricted occupancy rights; it is axiomatic that to be eligible, residents have to accord with defined criteria relating to past or current agricultural activity. It will suffice for this to be administered by standard planning condition.

SECTION 5 – PLANNING POLICY FRAMEWORK

Our Countryside: The future (November 2000) - Conserve the countryside which separates the settlements – UDP Strategic Policy framework (Goal A, Goal B, Goal C) - UDP Part I Policies: (Policy ED13: Rural Diversification, Policy GS 7: Development within the Green Belt, Policy GS8, Policy GS9: Visual Amenity, Policy GS13 Areas of Borough Landscape Value) - SPG14: Agriculture and forestry Workers dwellings.

SECTION 5: PLANNING POLICY FRAMEWORK

5.1 The following paragraphs describe planning policies focusing particularly on local land use policies and supplementary planning guidance. We then describe those material considerations that would have a bearing on the determination of the proposed development.

THE DEVELOPMENT PLAN

Our Countryside: The Future (November 2000)

The white paper promoted a vision for rural areas that seeks, inter alia:

- A living countryside, with thriving rural communities and access to high quality public services;
- A working countryside, with a prosperous and diverse economy, giving high and stable levels of employment; and
- A diverse rural economy which respects the environment.

Barnsley Borough Council Unitary Development Plan (UDP) (December 2000)

5.2 A range of key factors are set out which have influenced the UDP Strategy; they include:

ii) Conserve the countryside which separates the settlements.

The Borough's communities have to a large extent retained their individuality as a result of the long standing Green Belt areas which have prevented the uncontrolled outward expansion of the main urban area of Barnsley as well as preventing the coalescence of smaller settlements. The Green Belt has also protected the open character of the extensive rural areas of the Borough which include extremely attractive and scenic countryside, especially to the west of the M1. These areas are valuable not only from leisure and amenity points of view but also in creating a good image for tourists and potential investors.

(Paragraph 2.24, UDP Part 1 Strategy)

UDP Strategic Policy Framework

5.4 The UDP's Strategic Policy Framework has three specific objectives: Goal A, Goal B and Goal C.

Goal A

5.5 Goal A seeks to bring about economic restructuring and encourage greater industrial and commercial activity in the borough so as to increase the scale and range of job opportunities. It contains thirteen policy aims, including:

- A2: To encourage the growth of existing firms.
- A7: To encourage growth and diversification of the rural economy including the provision of appropriate tourism, leisure and recreation related activities.
- A12: To provide a choice of housing opportunities for employers, considering location or expansion in Barnsley, and for their workers.

Goal B

5.6 Goal B seeks to conserve and improve the physical environment for its own sake and increase the attractiveness of Barnsley as a place to live, work, invest and visit. Its twelve aims include:

- B1: To protect the open character of land from inappropriate development in support of sustainable development principles, through the application of Green Belt policies, maintaining and strengthening links between the urban and rural areas.
- B2: To protect and enhance the countryside, valuable landscapes, higher quality agricultural land, and the natural and built environments, particularly nature conservation sites, conservation areas, listed buildings and archaeological sites.
- B6: To seek to ensure that development makes a positive contribution to the quality of the environment.

Goal C

5.7 Goal C seeks to revitalize communities and lessen disadvantage. It also contains twelve policy aims, which include:

- C2 To ensure that the requirements of groups of people with special needs, such as the elderly, those with disabilities and those on low incomes are fully taken into account in land use development and transportation policies.
- C4 To safeguard the identity of communities through the application of Green Belt policies which check the unrestricted sprawl of urban areas and prevent the coalescence of settlements.

- C6 To meet the housing needs and demands of Barnsley people and accommodate limited inward migration to help maintain a stable level of population, by providing:

- a) An adequate overall supply of housing land;
- b) A variety of housing sites in terms of size, type and location;
- c) Housing to meet specific needs such as sheltered and rented accommodation and affordable housing.

UDP Part I Policies

5.8 The Part I policies form the broad framework for the area. They provide the basis for guiding and encouraging, as well as controlling development. Part One Policies of relevance to the proposed development are listed below before being described in greater detail.

- Rural Diversification
- Development within the Green Belt
- Visual Amenity
- Areas of Borough Landscape Value

Policy ED13: Rural Diversification

5.9 Development which leads to diversification of the rural economy will be permitted subject to Green Belt policies and consideration of the impact on residential and visual amenity, highway safety, agricultural land and nature conservation interests.

Policy GS 7: Development within the Green Belt

5.10 Without prejudice and subject to the application of policies GS8 (A, B, C, D & E) and GS9, development will not be permitted unless it maintains the openness of, and does not conflict with the purposes of including land in the Green Belt.

Policy GS8

5.11 Within the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, unless it is for the following purposes:

GS8 (A) Agriculture or forestry

GS8 (B) Essential facilities for outdoor sport, or outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

GS8 (C) The replacement of existing dwellings in compliance with Policy GS8 (E).

Policy GS9: Visual Amenity

5.12 Development within the Green belt, or conspicuous from it, should not by reason of its siting, materials or design result in significant harm to visual amenity of the Green Belt.

Policy GS13 Areas of Borough Landscape Value

5.13 In areas designated as being of borough landscape value on the proposals map, conservation and enhancement of the landscape will be extremely important considerations, subject to Policy GS8, development will be allowed if

- There is no loss of valuable landscape features
- The nature, form and design of the development is sympathetic to the area;
- The overall character and appearance of the area is conserved and wherever possible enhanced

SECTION 6 – MATERIAL CONSIDERATIONS

The operational needs of the farm unit in terms of animal welfare and productivity - The operational needs of the farm unit, in terms of health and safety in the agricultural workplace - Fatal injuries to workers in agriculture (1992-2007) - Planning Policy Guidance - 2006 / 2007 Annual Monitoring Report - National Planning Guidance: (PPS 1 Delivering Sustainable Development, PPS 1 Sustainable Economic Development, Planning Policy Guidance Note 2: Green Belts (New buildings), Circular 11/2005, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas (Agricultural Development, Farm Diversification, PPS7 Annex A) - Circular 11/95: Occupancy conditions - Planning Policy Statement 9: Biodiversity and Geological (Conservation)- Planning Precedent (National Appeals, Local Planning Decisions)

SECTION 6: MATERIAL CONSIDERATIONS

Supplementary Planning Guidance (SPG)

6.1 The Council has prepared a number of guidance notes which explain how the policies in the Unitary Development Plan will be implemented. They serve a dual purpose, as they are intended to help applicants to prepare a planning submission whilst at the same time assisting the Council in making decisions.

6.2 They can also be taken into account as material consideration in deciding planning applications which can be given substantial weight. Of the thirty-one different Barnsley Borough SPG's available, SPG 14 is directly relevant to the proposed second agricultural dwelling at Hilltop Farm.

SPG 14: Agriculture and Forestry Workers dwellings

6.3 SPG 14 supplements Policy GS8 in the Unitary Development Plan. It states that proposals for agricultural and forestry workers dwellings will be determined in accordance with the following principles:

- Agricultural and forestry workers dwellings within rural and Green belt areas will only be permitted where essential need, to sustain a demonstrably viable agricultural or forestry enterprise can be shown:
- Permission will not normally be granted for a new agricultural workers dwelling in cases where a farm dwellings has recently been, or is to be, separated the agricultural land;
- Where new dwellings are accepted solely on the basis of an agricultural or forestry need, the size of the dwelling should be in proportion with the established functional requirement; and

- Where new agricultural workers dwellings are permitted in the countryside they shall normally be sited directly adjacent to existing or proposed farm buildings.

6.4 Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that

"if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any use that relates to the use and development of land is capable of being a material consideration.

6.5 Four broad themes form material considerations in the determination of the proposed dwelling at Hilltop Farm, these are:

- 1 The operational needs of the farm unit in terms of statutory and Regulated animal welfare and farm productivity;
- 2 The operational needs of the farm unit, in terms of health and safety in the agricultural workplace;
- 3 Planning Policy guidance
- 4 Planning Precedent

6.6 The operational needs of the farm unit in terms of animal welfare and productivity

We have seen in Section 3 the time demands placed on Hilltop Farm. These demands are round-the-clock for the majority of the year.

The opening hours of the shop are 9am-6pm Tuesday to Friday, 9am-5pm Saturday and 10am-3pm Sunday. A typical working day within the shop requires that staff members are in a minimum of an hour before opening and a minimum of an hour after closing, ensuring a typical day within the shop is a minimum of 11 hours. This does not include any farm duties which the applicant has to perform ensuring that the typical working day lasts up to 14 hours and significantly more as is highlighted by the following charts

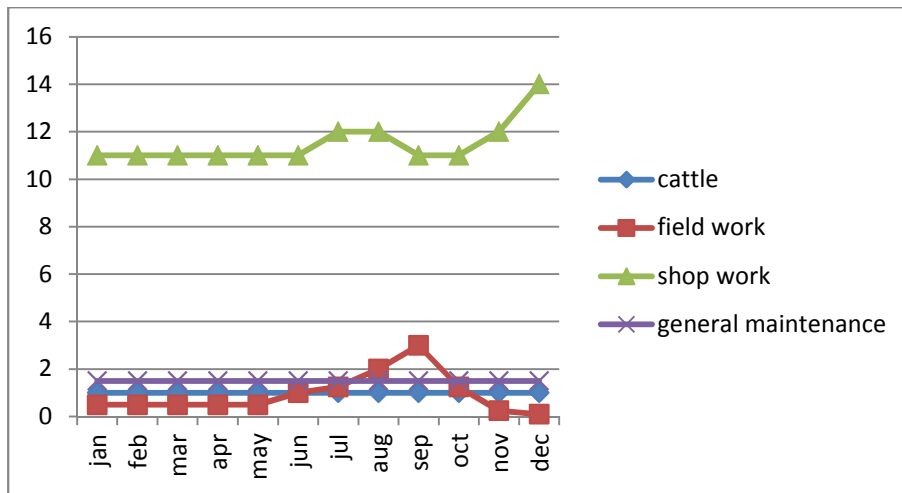


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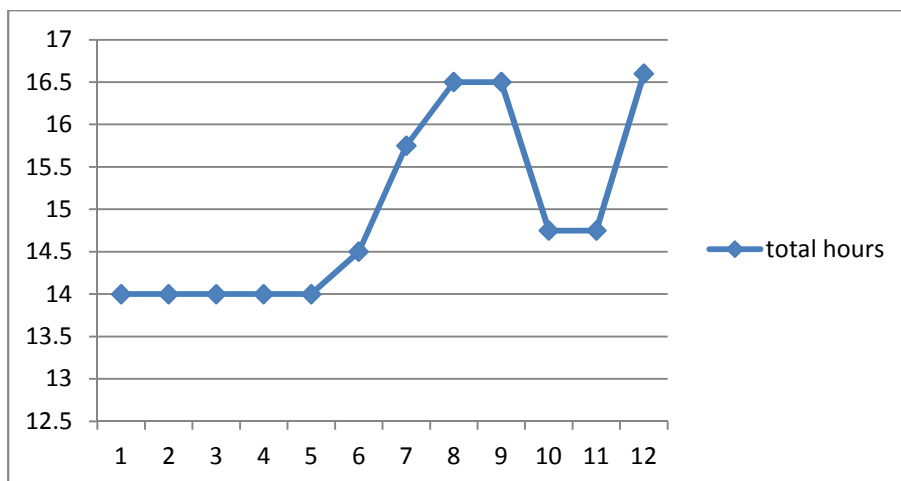


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The above charts show the cross referenced spread of the yearly workloads of the farm and the farm shop each highly seasonally affected businesses and as such the fluctuating pressured working requirements placed upon the applicant.

6.7 Business plan and future developments

Continual development and expansion of existing farm shop. This will be aided and abetted by the expansion of the livestock operations at Hilltop Farm, this will include:

- Establishment of a suckler herd. Initially cow and calf pairings will be purchased to establish the herd, in the region of 10 pairs, these will be allowed to mature and become the basis for the herd; its future growth

and development. (A detailed summary of problems associated with calving beef cattle can be found in appendix 10)

- Rare breed Gloucester Old Spot pigs to be reared and fattened on site. The stocking levels will begin with 3 sows, which due to the relatively fast reproduction rate of pigs will be sufficient to meet current demand for pork in the farm shop.
- Expansion of free range hen flock to meet consumer demand for locally produced free range eggs. This demand is set to increase as caged hen egg production is ceasing and there is not currently a suitable supplier within the area to meet current demand levels. To bring supply in-line with demand the flock size will need to be increased to approximately 400 birds, which will require the addition of 4 100 bird houses to the farm.
- Establishment of fruit and vegetable growing area to meet consumer demand for ethically and locally grown produce. As this is seen as a gap in the current local market due to the lack of quality local fruit and vegetable merchants which have been superseded by the supermarkets. It is anticipated that local consumers will recognise the quality and value provided by such a service as they will receive higher quality, fresher goods with enhanced levels of service quality.
- Expansion of the existing farm shop function of the farm enterprise to create a destination for local shoppers. So as to increase the profile and turnover of the retail side of the business in turn creating skilled jobs for local people.

Existing farm functions will also continue alongside these developments i.e. the production of haylage and cereals.

5 year projection

Year 1 - establish new dwelling and security arrangements, purchase cattle, pigs and chickens, establish vegetable growing area. Profits to increase as a result of the addition of the pigs and chickens as cost of sales will decrease by approximately 50% in these areas; however there will be a significant increase in fixed costs. No profit increases will be seen from the cattle herd until year 3 due to gestation period and growth rates associated with beef cattle. Fruit and vegetable growing area will not significantly affect profit margins until the final third of year 1. Overall profits should increase by approximately 15-20%

Year 2 – A growth in turnover to approximately £200,000 is anticipated. With further expansion across all areas outlined in year 1 including the stock and turnover levels seen within the shop, this increase will generate another part-time position. A full cycle of fruit and vegetable growing will be experienced, in turn increasing margins by 5-10% on the previous year's trading.

Year 3 – The cattle from the herd will be available for slaughter, realising a significant cost saving, dependent upon mortality and the general health of the herd. This should see a 15-20% saving per animal slaughtered and used

within the shop. At this point the cattle herd will have grown to approximately 50 head of cattle.

Year 4 – As stock levels have increased in line with turnover it is anticipated that the extra part-time farm worker will now be required to work fulltime. If the shop is able to enter into another successful expansion phase then it is anticipated that turnover will increase to approximately £300,000.

Year 5 – At this juncture the existing agricultural buildings will be at capacity with a herd size of approximately 80 cattle on site at any one time. As the strategy of the farm is to continue growing and generating wealth for the community, the erection of a new agricultural building maybe required on the existing site to sustain the growth of the business; if this is achieved this in turn will create another position of employment. Turnover within the shop is anticipated to reach approximately £350,000.

Employees

The client currently spends approximately between 10-14 hours per day onsite 7 days per week this time is split between farm and farm shop operations the allotment of this time varies greatly depending on the time of year as both businesses are highly seasonally affected. The farm has 3 other workers 2 fulltime and 1 part-time.

The farm shop has 2 fulltime and 1 part-time employee. All employees are from the immediate locality and as the farm shop continues to grow more employees will be taken on. However at this current juncture the farm is unable to continue growing without the implementation of the business plan outlined, which cannot successfully occur without the establishment of a dwelling onsite. If the business plan is successfully implemented 2 more workers will be employed on the farm.

The workers on the farm have been present for over twenty years. Due to the nature of farm work their roles are diverse and varied but are all centred on the core activities of the farm. The farm shop employs a fulltime butcher and baker as well as a part-time general shop worker.

The growth outlined in the business plan shows only the farm workers that will be taken on. As the farm shop is a direct outlet for the agricultural business, it is anticipated that the work force within the shop will grow to 6 fulltime and 2 part-time employees across the outlined business plan. Therefore the successful implementation of the business plan will lead to the addition of 6 fulltime and 1 part-time position across both enterprises.

Without the erection of an onsite dwelling the business plan will not be able to come to fruition, as a result of an inability to successfully manage the growth of the agricultural side of the business. This in turn will prevent the generation of significant wealth and jobs to the local area and local people, in addition as the shop grows a notable service point will be provided to the local population. This is particularly pertinent as trends are showing that local shops and

market towns are diminishing in their stature, as a result taking wealth away from the local community as large businesses dominate the retail landscape.

The operational needs of the farm unit, in terms of health and safety in the agricultural workplace

6.8 Agricultural holdings, in all their guises, are notoriously dangerous work places. In 1995, the Health and Safety Executive introduced the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) precisely to monitor the nature of serious and fatal injuries. The HSE take these problems very seriously, and many farms and farmers are prosecuted.

Please see Appendix 3: Health & Safety Executive: Agricultural Prosecutions, where we have culled a list of prosecutions over a number of years to illustrate the ongoing problems associated with farming activities; and which are fraught with danger when one is compelled to work alone, especially in the early hours when most sources of potential help are asleep. Such incidents would be avoided at Hilltop Farm, as the agricultural dwelling would mean that nobody would have to work alone at any time.

Alternative Housing

6.9 A search of local housing for sale within the locality has been undertaken; all of the dwellings, highlighted within appendix 7, are located within ¼ mile of Hilltop farm. There are currently approximately 14 properties for sale in the Hemingfield area (correct 7/4/11) fitting within the budgetary criteria for the dwelling at Hilltop farm of £135,000 offering a variety of different sized accommodation, all of these properties are between 5 and 15 minutes' walk to the application site, however only 2 of the properties within the budgetary criteria currently for sale are within sight of the farm, in addition to these properties there is another house for sale on Hemingfield Road (location 1, appendix 9) in close proximity to the site, priced at £299,950 which is beyond the budget outlined for the dwelling at Hilltop Farm. The other houses locations can be seen in appendix 9 (locations 2 and 3 note; property 2 is now sold subject to contract). In addition there is a rental property in Mellwood Grove, in close proximity to the farm however with rental fee of £600 per calendar month this property is beyond the budget available.

Although these dwellings overlook the site they do not provide a close view of the farm buildings cluster and therefore do not address the security issues highlighted in section 6.10 It is clear from the past breaches in security at Hilltop Farm, that the surrounding houses do not provide a deterrent to onsite transgression as the events highlighted section 6.10 have occurred in spite of the various residences overlooking the farm.

In addition to the above concerns regarding sustainable on site security, the properties outlined would be insufficient in the monitoring of livestock kept on site. Particularly as the farm's stocking levels and densities increase, which in turn demands higher levels of animal husbandry. Although properties 2 and 3 overlook the existing cattle shed, sustainable monitoring could only be

achieved through the use of remote wireless CCTV, which is not an acceptable solution due to the significant asset value and welfare issues associated with breeding and rearing cattle, an onsite presence is required to monitor the livestock. More pertinently, reaction times to attending to any animal welfare need would be greatly increased as access would have to be gained to the farm through the secure main entrance located on Hemingfield road. With the above concerns in mind the implementation of the outlined business plan would not be possible as the welfare needs of the increased livestock levels could not be met managing the farm from any of the locations shown in appendix 7.

Site Security

6.10 The following diary of security breaches date from 2004 to the present day. As can be seen from the events outlined these range from trespass and minor criminal damage to serious crimes such as vehicle theft and threatening behaviour towards farm workers.

2004 – theft of Ifor Williams cattle trailer from site

June 2006 – Theft of pick up truck from farm with minor assault on farm worker

August 2006 – Bottom Field set on fire, 1 acre of straw swaths burnt, unreported – fire extinguished using fire breaks

May 2007 - £500 haylage bales damaged via trespass from youths on bales secured by the Farmplan cattle shed, unreported

September 2007 – 2 acres of straw in Canyon Field set on fire, unreported extinguished via firebreaks

March 2008 – £150 haylage bales damaged via trespass from youths on bales secured by the Farmplan cattle shed, unreported

September 2008 – Applicant confronted three youths trespassing on the farm buildings cluster and is threatened with violent assault

July 2009 - £200 haylage bales damaged via trespass from youths on bales secured by the Farmplan cattle shed, unreported

August 2009 – 2 acres of straw in swaths is burnt in Bottom field, 1 acre of straw in swaths is burnt in the Strong field

May-July 2010 – groups of up to 30 youths trespassing within the farm buildings cluster, up to 5 days per week, damaging approximately £500 of haylage bales in liaison with the local neighbourhood watch scheme the antisocial behaviour cctv van was used to monitor and deter the youths

August 2010 – 4 acres of straw in swaths is burnt in the Strong field

The above diary is a record of the significant events of trespass; crime and loss of earnings experienced at Hilltop farm; however there are weekly instances of unauthorized trespass at Hilltop farm which go unreported or undetected further impinging on the security of the assets held on the site.

Not included in the diary are the daily occurrences of general trespass across the fields and outlying property associated to the farm. These instances of trespass are likely to have a much increased effect on the operations of the farm should livestock be placed into the fields. In many of these cases the trespassers are found to be walking dogs, unleashed, across the property and

as such provide a significant risk to any livestock kept outside. Furthermore, the diary does not cover losses associated to animal stress caused by trespass close to the buildings. As increased stress levels in livestock inhibit their ability to gain and retain weight and condition, as well as being detrimental to their general wellbeing.

As can be seen from the thefts and levels of criminal damage imposed upon the applicant there have been significant losses in terms of asset value as a result of the transgressions outlined, with losses amounting to, in the region of £20,000, from 2004 to present day. It is anticipated that the establishment of a permanent onsite presence will vastly reduce these transgressions and prevent future losses.

The farm shop has recently attained a license for the supply of alcohol for consumption off the premises. The introduction of premium alcoholic beverages provides a high asset value target for potential theft from the site, as stated above a permanent on site presence would provide a significant deterrent to any potential thefts or trespass.

Health and Safety

6.11 As can be seen in appendix 6 there are significant risks associated with working on a farm or within an agricultural environment. The prevention and reaction to any of the hazards posed as a result of working on the farm would be greatly improved as a result of a fulltime presence on the farm, provided through the erection of a dwelling on site.

Planning Policy Guidance

6.12 Material policy considerations include documents concerning the emerging Local development Framework and national planning guidance.

National Planning Guidance

6.13 Central government guidance in the form of Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPS) and Government Circulars set out policies on different aspects of land use planning in England. They may be material to decisions on individual planning applications and appeals.

PPS 1 Delivering Sustainable Development (PPS1)

6.14 PPS1 Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system. "Sustainable development is the core principle underpinning contemporary planning. Its premise is to ensure a better quality of life for current and for future generations. Planning's role within this is to facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, live-able and mixed communities with good access to jobs and key services for all members of the community.

PPS 1 Sustainable Economic Development

6.15 With regard to the sustained economic growth at Hilltop Farm, the Government seeks to promote a strong, stable, and productive economy that bring jobs and prosperity for all. To this end, planning authorities inter alia should consider the benefits of economic development alongside any adverse local impacts, whilst at the same time recognising that local economies are subject to change. To pre-empt adverse change, planning authorities should actively promote and facilitate good quality development, which is sustainable and consistent with their plans. (PPS1 Sustainable Economic Development, Para 23)

Planning Policy Guidance Note 2: Green Belts

6.16

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development."

(PPG2, Para 1.4).

This regional spatial remit is given more specific clarity at Paragraph

1.5: Purposes of including land in Green Belts, where the following five uses are stated:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Within this spatial context, actual land within a Green Belt should fulfil one or more of the following land-use objectives:

- Provide opportunities for access to the open countryside for the urban population;
- Provide opportunities for outdoor sport and outdoor recreation near urban areas;
- Retain attractive landscapes, and enhance landscapes, near to where people live;
- Improve damaged and derelict land around towns; to secure nature conservation interest; and
- Retain land in agricultural, forestry and related uses.

New buildings

6.17 The only circumstances where new building may be allowed are for the following purposes:

- Agriculture and forestry (where permitted development rights have not been withdrawn);
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling in existing Villages and limited affordable housing for local community needs under certain development plan policies; or
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Circular 11/2005: The Town and Country Planning (Green Belt) Direction 2005

6.18 The Green Belt Direction clarifies the arrangements and criteria for referring applications for planning permission for inappropriate development in the Green Belt, as identified in PPG2, to the Secretary of State for a decision on whether to call-in the application for his own determination.

It applies to any application for planning permission involving inappropriate development on land allocated as Green Belt which would involve the construction of a building or buildings with a floor space of more than 1,000 m² or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

It also applies to applications to extend existing buildings if their scale, nature or location would significantly impact on the openness of the Green Belt. This is regardless of whether or not the existing building, or the proposed extension, exceeded the 1,000 m² floor space threshold.

Planning Policy Statement 3: Housing (PPS3)

6.19 PPS3 reflects the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas, informed by the findings of the Affordable Rural Housing Commission. The delivery of housing in rural areas should respect the key principles underpinning this PPS by, inter alia, providing high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages.

Planning Policy Statement 7: Sustainable Development in Rural Areas

6.20 PPS7 sets out the Government's planning policies for rural areas, including the largely undeveloped countryside. It also specifically sets out guidance on agricultural development and farm diversification.

Agricultural Development (Paragraph 27)

6.21 The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. Planning policies in the Local Development Documents should recognise these roles and support development proposals that will enable farming and farmers to: become more competitive, sustainable and environmentally friendly; adapt to new and changing markets; comply with changing legislation and associated guidance; diversify into new agricultural opportunities; or broaden their operations to 'add value' to their primary produce.

Farm Diversification (Paragraphs 30 - 31)

6.22 They also recognise that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, and to this end they recommend that local planning authorities should:

- set out in their Local Development Documents the criteria to be applied to planning applications for farm diversification projects;
- be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas;
- where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may

contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission.

To overcome excessive expansion and encroachment of building development into the countryside, planning authorities should encourage the re-use or replacement of existing buildings where feasible and have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.

PPS7 Annex A

6.23 Annex A is structured to filter out speculative attempts to abuse the concession that the planning system makes for rural dwellings. More generally, however, Annex A is concerned with the incidence of proposed new permanent agricultural dwellings that support existing agricultural activities on well-established agricultural units.

Annex A expressly states that it is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

Such dwellings will be permitted providing *inter alia* that:

- (i) There is a clearly established *existing* functional need, for example, there are essential animal or agricultural processes that may require prompt attention at short notice or a permanent presence is needed to deal with emergencies that could otherwise cause serious loss of crops or products.
- (ii) The need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.

Circular 11/95: Occupancy conditions

6.24 Circular 11/95 states that where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it is necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions.

Planning Policy Statement 9: Biodiversity and Geological Conservation

6.25 PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. In this context biodiversity is the variety of life in all its forms (source: *UK Biodiversity Action Plan*). In moving towards this vision, the Government's objectives for planning include:

- Promotion of sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
- Conservation, enhancement and restoration of England's wildlife and geology by sustaining, and where possible improving inter alia, the quality and extent of natural habitat; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.
- Promote rural renewal by enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

Planning Precedent

6.26 We have identified two distinct forms of precedent that have a material bearing on the determination of the proposed agricultural dwelling at Hilltop farm, these are firstly, nationwide appeals for similar developments around the country and, secondly, planning decisions for residential development in rural areas within the Barnsley Borough.

Local and National Planning Appeals and Decisions

6.27 Several appeals have been identified at a local and national level, most of which are located in Green Belt locations; all can be drawn upon to support the proposed agricultural dwelling at Hilltop Farm.

The most pertinent of these being application 2007/1520 presented by Mr J Bailey, and 2008/0844 presented by Mr J Charlesworth. These examples were for secondary agricultural dwellings, located within the Barnsley region and were approved by the local planning authority. Parallels can be drawn between the above cases and that of the applicant in terms of the agricultural enterprises and the necessity for the erection of dwellings on farm sites.

J Bailey (2007/1520), The Beeches, Hemingfield

The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein there is a presumption against inappropriate development, unless it is for one of the purposes set out in paragraphs 3.4, 3.5, and 3.6 of Planning Policy Guidance Note 2. In the opinion of the Local Planning Authority, the agricultural justification submitted in support of the proposed agricultural workers dwelling fails to satisfy the need and viability tests described in Annex E of Planning Policy Guidance Note 7. The proposed development would therefore constitute inappropriate development contrary to UDP Policy GS8B.

The proposed dormer windows on the rear elevation of the property would be out of character with the proposed dwelling appearing as overly-prominent and discordant features detrimental to the character of the proposed dwelling. As such the proposal would be contrary to Policy GS8B of the Council's Unitary Development Plan and Supplementary Planning Guidance 14.

Following this application Mr Bailey reapplied for erection of a second agricultural dwelling (application number 2007/1520). In terms of the agricultural need for the second dwelling this was justified on the basis of there being approximately 100-120 cattle on site at any one time and the associated management of a herd this size, additionally the needs tending to the farm's 60 acres of crops, farm security and the establishment of a plant hire and contracting business were cited as reasons. With regard to the dwelling the dormer windows from the upper storey were removed and the house was given a floor area of approximately 117m², which was deemed suitable for the aging couple that were intending to move into the property. Following this application planning approval was given with conditions attached.



(the above image depicts the comparable location of the applicants farm marked Y on the left of the image and Mr Baileys property marked X on the right)

When compared to the above example significant parallels can be drawn particularly in regard to the geographic location of the applicants proposed dwelling as it is located within 1 mile of Mr Bailey's property. With regard to the amount of cattle on site it can be seen that Mr Bailey has significantly more. However this is made possible as he already possessed a agricultural dwelling on site which enabled the monitoring of his suckler herd a luxury Mr Wright does not have, however the establishment of a suckler herd is a clear objective of the applicants should he be able to establish a dwelling at Hilltop Farm. In terms of crops Mr Wright has over 4.5 times as much land to tend to with approximately 280 acres in total, showing a significantly increased workload with regard to crops when compared to Mr Bailey. Mr Bailey was unable to cite any specific security breaches however Hilltop Farm has had a significant number of security breaches which are listed in section 6.6 This trend is reflected by the statistics collated by South Yorkshire Police in which they state that there is on average 2115.3 monthly incidents of anti-social behaviour within the Barnsley area and 201 burglaries per month within the area (available at <http://www.southyorks.police.uk/barnsley>) correct 6/7/2010. From the trends highlighted above it is clear that there is a significant danger of trespass and burglary at Hilltop Farm, and as such permanent presence on site would act as a deterrent to possible future crimes therefore protecting the applicants livestock and property. This need has become all the more

pertinent as a result of the establishment of the Farm Shop, as this provides potential thieves with a much more lucrative target in terms of the attraction of potential cash and stock held on premises.

Mr P Charlesworth (2008/0844) Broad Close Farm, Silkstone

Similarly to the applicant Mr Charlesworth had also engaged in a Farm Shop enterprise as a form of diversification away from then farms traditional revenue streams whilst also managing his rare breed livestock.

This was made possible by Mr Charlesworth also having an existing dwelling on site, as the application made was for the erection of secondary agricultural dwelling, which was subsequently passed by the Barnsley Planning Authority. Who clearly supported Mr Charlesworth in the diversification and development of his farm and farm shop enterprise by granting the proposed dwelling. Showing a precedent for consent of development of agricultural dwellings within the green belt, as such supporting the expansion of Barnsley's agricultural community.

In contrast to the Broad Close Farm example the applicant does not yet have any dwelling on site or ability to properly monitor an enlarged collection of livestock which is necessary to Hilltop Farm's on-going development.

The fact that the Charlesworth's required the development of a secondary dwelling further highlights the difficulties in running a modern day agricultural business without a significant on farm presence, giving a clear indication of the need for the development of an agricultural dwelling at Hilltop Farm, so the business is able to grow and as such bring more wealth to the local agricultural and surrounding communities. Within its current state the business is in a form of limbo as the applicant is not able to move the business forward without the ability to closely and effectively, manage the enterprise, which cannot be achieved from a location remote to the farm.

The development of the second residential dwelling further enlarged the residential space available at Broad Close Farm from approximately 140m² by another 100m² through the addition of the secondary dwelling to giving a total living area of 240m² of residential space at Broad Close Farm. When compared to the applicant's acreage of 280 acres this figure is over 350% larger than the acreage held at Broad Close Farm (76 acres). Yet the dwelling space required at Hilltop Farm is 175m² over 2 floors.

As such it can be seen that applicant has a clearly defined need for the development of a dwelling on site, so as to successfully manage the expansion of Hilltop Farm, benefiting the local community through employment opportunities created and extra services created for the local communities. To that end the applicant is very much encouraged by the precedence set by the local authority in the case of Broad Close Farm. With the hope of developing a growing business in line with a growing family at Hilltop Farm.

Of the remaining nine examples, two in particular were for third agricultural dwellings. One was successful and shows Planning Inspectorate support for effective rural enterprise that are enjoying sustained commercial growth (Blackstoun Farm, Paisley); the second failed because, although all functional and financial tests were satisfied, it caused visual harm to its setting in an Area of High Landscape Value and adjacent Area of Outstanding Natural Beauty (Manor House, Barnard Castle). Here it is worth considering that the area of green belt in consideration has Hemingfield curtilage directly to the west and the A6195 dual carriageway to the east and is not would be considered as being of high landscape value, in contrast to the example outlined above.

It is not unreasonable of local planning authorities to seek to prevent the abuse of the concession that the planning system makes for agricultural dwellings. One way this can happen is the severance of farmhouses from their agricultural planning unit so that a new "second" dwelling is required.

Indeed, this was the case at Croftside Farm, Stirling, where an additional agricultural dwelling was allowed at a farm complex in Green Belt, where the original farmhouse had been severed from the agricultural planning unit and was occupied by extended non-farming family of the appellant. In addition to this, the appellant owned another dwelling that was poorly located to supervise and serve needs of farm. Despite these circumstances, the inspector found sufficient justification for a new farmhouse at *"this functionally and visually logical location."*

Such concerns do not arise at Hilltop Farm, where the proposed agricultural dwelling would be part of a closely related complex of agricultural buildings, with no prospect of the dwelling being severed from the agricultural planning unit within which they would both be set. This could be augmented under a standard agricultural occupancy condition, as was the case at Westfields Farm, Market Drayton, where an agricultural worker dwelling situated close to a farmhouse in open countryside was allowed and was controlled by occupancy condition, and the inspector opined there was no justification for a planning obligation to prevent severance of existing farmhouse.

The same planning situation was addressed at Lane Head Farm, Belper, where the approved new dwelling was visually acceptable in landscape as seen in the backdrop of the farm group. Once again, the inspector dismissed the local planning authority's attempt to seek a tie on the existing farmhouse, as severance was unlikely close to the group farm buildings with sole farm access. We are of the opinion that the proposed dwelling at Hilltop Farm would also be "visually acceptable in landscape as seen in the backdrop of the farm group."

This point was addressed not only at Lane Head Farm but also at Risingfields Farm, Kineton, where an existing residential caravan at a free range egg production unit in countryside did not cause harm to the landscape as seen in the context of its setting within a farm complex, but a proposed 2 storey

dwelling was deemed more intrusive and harmful to the character and appearance of the area. The proposed dwelling at Hilltop Farm is designed deliberately to reduce the visual harm caused by traditional 2 storey dwellings in the Countryside, as it is sunk into the ground with a significant portion of the building being a single storey, leading to a reduced visual impact, also the materials are carefully considered to blend with the modern agricultural sheds of the farm.

Other examples of workers dwellings in the Buckinghamshire, Yorkshire and Metropolitan Green Belts are shown below. The Buckinghamshire Green Belt case is particularly complex [DCS 100042335] (June 2006). In this example, an agricultural workers dwelling at a pig farm was retained because the planning history outweighed the harm to the Green Belt. Permission was granted in 1995 for a detached dwelling subject to prior approval of reserved matters. Work started in 1996 and was completed in 2002, but without prior approval; they had been submitted without response until 2003. The Inspector decided the development was unlawful, but that the long delay from the planning authority constituted a very special circumstance. The fact that the council was willing to discuss landscaping supported the appellant's assumption of the house being lawful. The appeal was allowed despite the original need for the house having gone as it could still be used for the general needs of farm workers in the area.

The example in the Metropolitan Green Belt [DCS 34794492] (November 2004) was upheld at a second appeal, when a three year temporary permission was granted for a dwelling at a poultry farm on livestock welfare grounds. At the first appeal the Inspector ruled that there was no functional need for a worker to live on the site.

At the second appeal the Inspector ruled that he was not bound by that first decision and that a more up-to-date appraisal showed that the birds needed to be inspected every two hours, and that a failure of the water supply could kill the birds within hours.

The temporary permission described above did not prevail in similar circumstances in the Yorkshire Green Belt [DCS 52262267] (November 2003) primarily because the quail-rearing business in question provided food for falcons and other birds of prey. The appellant wanted temporary accommodation in case the heating or feeding systems failed which could kill the quails and ruin the business.

However, to be defined as agricultural activity, the quails must be bred for direct or indirect contribution to the human food chain, and although there was a possibility of a future mixed use supplying food for humans, the proposed temporary house was dismissed because the Inspector decided the evidence did not show the business had been planned on a sound financial basis. By contrast, of course, the beef produced at Hilltop Farm is bred for direct contribution to the human food chain.

Our client is further encouraged by the degree of precedent within the rural areas of the Barnsley Borough, the principle theme of which is approval for residential development at locations where residential use already exists.

This premise is supported by an appraisal of the Decision Register for the last three years. This shows a relatively high number of farms in the Barnsley Green Belt have been permitted to develop residential space by various means: by conversion of farm outbuildings; by providing accommodation ancillary to the primary residence; by providing agricultural workers' dwellings; or by the construction of new dwellings. These are briefly described below, and are shown in greater detail in Appendix 6.

The policy framework that allows the residential conversion of farm outbuildings is different to that for other forms of residential development in a Green Belt; however, returning to our principle theme, they are examples of new forms of residential development where that use already exists.

We would suggest that some of the approvals to convert farm outbuildings to residential use in the Barnsley Borough countryside arguably are in conflict with the aim of Strategic Policy Framework Goal B to "protect the open character of land from inappropriate development in support of sustainable development principles. *H* (B1, abridged)

Despite this, approvals to undertake residential conversions of farm outbuildings has occurred at fourteen farms in the Barnsley Green Belt over the last three years: at Bromley Farm (2006/1642); Carlton House Barns, Wortley (2007/1182); Carr Head Farm, Stocksbridge (2007/0253); Cat Hill Hall Mews, Hoylandswaine (2006/1128); Cold Bath Farm, Hood Green; The Croft, Hillside, Thurlstone (2006/0267); Daking Brook Farm Cawthorne (2007/1236); Gunthwaite Hall Farm, Penistone (2007/0009); Hill Top Farm, Green Moor (2006/1306); Home Farm, Dunford Bridge (2006/0062 & 2007/0932); Keresforth Hall Farm (2006/0917); Lower Townhead Farm, Dunford Bridge (2006/0133); and Spicer House Farm, Ingbirchworth (2005/2051). Over the same period consent also has been granted for additional dwellings at Highfield Farm, Worsbrough (2007/0500) and Stead Farm, Hoyland Common (2006/1151); for ancillary residential use at Highwood Farm, Darton (2007/0531) and Staney Royd Farm, Stainborough (2007/1039); and for agricultural workers' dwellings at Beech House Road (2007/1520) and Nether House Lane, Langsett (2006/1757).

More significantly, residential development has been permitted in the Green Belt at locations that appear to be unrelated to agricultural undertakings: at Ayton Wood Cottage, Crane Moor (2006/1930) and Far Blackmoor, Oxspring (2006/1935).

Despite the twenty two approvals shown above, we are aware that the local planning authority diligently appraises all proposals for such developments, and that over the same period residential development was refused on four occasions: at Hawthorne Farm, Brierley (2006/0126) where accommodation for a full carer for a disabled person was refused; at Westfield House Farm,

Penistone (2006/0104), which sought to convert a barn to form a dwelling house; at Colliery Farm, Little Houghton (2006/0214) and at Royd Field Farm, Cubley, both of which proposed to erect a detached dwelling.

SECTION 7- ASSESSMENT

National Policy Assessment - PPS 7 Annex A • Health and Safety in the agricultural work place: (Cattle) - Animal Welfare - Commercial need - The Development Plan - Design Assessment

7.1 We first assess the proposed agricultural dwelling against national and local plan policy and planning precedent, before proceeding to offer a design assessment of the dwelling. The policy appraisal also draws on health and safety and animal welfare issues from Section 6, above. It also includes a visual impact assessment in terms of UDP Policy GS9 Visual Amenity. National Policy Assessment

The proposal for an agricultural dwelling at Hilltop Farm will meet the needs of family members engaged full time in the farming enterprise. It will also provide the residential needs of younger and future members of the family, and on this basis accords fully with the PPS1 core principle to ensure a better quality of life for current and for future generations.

The house will allow the farm to be run more efficiently, which will contribute to the farm's continued sustainable economic development; it will allow the farm to be run better to protect the quality and character of the surrounding high quality countryside; and it will ensure the farm continues to flourish and so ensure the farm continues to provide a service to the existing Hemingfield and Wombwell communities. These are all facets promoted by PPS1. In a similar vein, the proposal can be seen to accord with PPS3's requirement to promote high quality housing in rural areas that contribute to the maintenance of sustainable rural communities.

With regard to PPG2: Green Belts, the proposal is an appropriate form of development in the Green Belt that does not undermine the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

In addition to this, the proposed house does not detract from the five purposes of including land in Green Belts: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2 With regard to Circular 11/2205, the proposed dwelling at Hilltop Farm is too insignificant to fall within its remit, which stipulates that proposals with a floor space exceeding 1,000 m², or which would have a significant impact on the openness of a Green Belt, shall be referred to the Secretary of State.

Notwithstanding the proposal's general conformity with key elements of PPS1, PPS3 and PPG2, it fully accords with all of PPS7: Sustainable Development in Rural Areas. In particular, its diversification into the production of high class

meats accords with all the aims of Paragraph 27: Agricultural Development. This is evidence of the applicants' Willingness to adapt to new and changing markets whilst at the same time making their farm more competitive and their operations more sustainable.

It also fully accords with PPS7Annex A, which is concerned with new permanent agricultural dwellings that support existing agricultural activities on well-established agricultural units.

PPS 7 Annex A

Functional Need

7.3 The proposal is for the residential needs of a person (and their family) that are genuinely engaged full time in a successful farm enterprise. The applicant's family has farmed in the Hemingfield area for generations, and the ongoing success of the farm's specialist activities will ensure that the farm will survive for future generations. This success requires that a worker lives at the farm.

Health and Safety in the agricultural work place

7.4 The health and safety needs of the applicant, allied to the round-the clock farming activities, require that one or more people live at the farm. Working with cattle can and has proved fatal on many farms. Generally, it is the male of the species that are dangerous. Cattle are dangerous because of their size and weight.

The following scenarios are potentially dangerous situations that can arise at any time of the day or night and should not be addressed by persons working alone.

Cattle

7.5 When attending a sick cow in a barn, the cattle may trample or kick the farmer, which in extreme cases could cause serious injury or death. Not only is this a threat to skilled farm workers, with over 30% of agricultural deaths for the year 2006/07 being caused by animals. (See Para 6.32), it is also a threat to lay members of the public.

Cattle that escape during the night can be exceptionally dangerous because they become easily scared; Attempts to return them to their barn should not be undertaken by sole workers. Cattle that are being transported to abattoir are usually loaded before 6am; once again, this is a task that should not be performed by one person working in isolation.

Loss of Crops or Products

Many of the list of incidents in section 6.6 that have occurred on the farm over the last 6 years could have been averted with a permanent on site presence; this clearly shows a further functional need *'to deal with emergencies that could otherwise cause serious loss of crops or products'*. PPS7 annexe A

Animal Welfare

7.6 As well as the health and safety aspect, there is also a need to consider animal welfare. There is a clearly established existing functional need to attend to essential animal needs and processes at any time of the day or night. The cattle especially may require prompt attention at short notice.

As has been alluded to by their nature the care and welfare required for cattle and other livestock is very unpredictable and as such the constant presence of the applicant on site would much improve the efficiency and effectiveness of monitoring and caring for current livestock. Whilst also providing the foundation for the establishment of a suckler herd at Hilltop Farm, which with the increases in workload would act as a point of job and wealth creation for the locality, as the applicant expands the business in line with growth seen previously at Hilltop Farm.

Commercial need

7.7 Hilltop Farm is well established and has enjoyed sustained and proven strategic growth over the decades and has always been financially sound. Indeed, the capital expenditure required to launch the farm shop business and to finance the proposed dwelling stems from the business's sound financial management.

Such is the robust nature of the farm enterprise in question, that the proposed dwelling will always be needed by the original business and will always remain part of the planning unit. It would therefore never be sub-divided from the agricultural holding and sold separately from the farmland.

On this basis it would not become part of the general housing stock for local agricultural and forestry workers. To conclude the section on national guidance, the proposed dwelling to improve farm efficiency and promote operational safety also is supported by PPS9: Biodiversity and Geological Conservation. Having other full time workers permanently on site will allow Hilltop Farm to continue to enhance the biological diversity of the wider agricultural holding.

The Development Plan

7.8 Support for sustained growth at Hilltop Farm and its essential dwelling is offered at the local level, where the UDP strategy seeks to increase the attractiveness of Barnsley as a place to live, work, invest and visit. With

regard to land use policies, the proposed dwelling complies with Part 2 Policy (Green Space) and Policies EDI3 (Rural Diversification), GS7 and GS8 (Development within the Green Belt), because it is an agricultural dwelling required specifically to enable key farm workers to live at their place of work. Further, its design, siting and proposed location comply with UDP Policies GS9: Visual Amenity and GSI3 Areas of Borough Landscape Value. In this respect, the proposed second dwelling will ensure that current and future farming activities contribute to the character of the surrounding land, which is of special landscape character and popular for informal recreation.

We are especially confident that the proposed dwelling complies with GS9: visual Amenity in particular, and that, therefore, it can be seen to comply with the other cited locational policies. GS9 states that:

“Development within the Green belt, or conspicuous from it, should not by reason of its siting, materials or design result in significant harm to visual amenity of the Green Belt.”

We now consider visual amenity. The following viewpoints show that the proposed location of the second dwelling would have little visual impact from places accessible by members of the public or for transient and/or remote receptors.

Turning finally to Supplementary Planning Guidance; SPG 14 interestingly makes allowance for agricultural or forestry dwellings where there is no established business. This fact aside, the proposed dwelling at Hilltop Farm is of a size commensurate to the business needs and sited directly adjacent to existing farm buildings and therefore satisfies the criteria set out at SPG 14. This facet is addressed more appropriately at the Design Assessment below.

Design Assessment

7.9 The proposed house is not conspicuous in the Green Belt and therefore the visual amenity of the Green Belt is not harmed. Hilltop Farm stands in the rural/semi urban landscape to the East of the M1 motorway, in land that is designated as Borough Landscape Value.

The scheme is a modern interpretation of an agricultural barn. The proposed dwelling is a two storey dwelling with a pitched roof, set low into the site.

With this in mind, the applicant has commissioned an architect designed dwelling that draws its inspiration from the existing farm outbuildings, within which the proposal is to be sited to minimise visual intrusion. The architect has strengthened this inter-relationship by deliberately selecting building materials specifically to harmonise with the surroundings. The scheme is a modern interpretation of an agricultural barn.

The proposed single storey dwelling has three bedrooms and a study, which is not unreasonable given that many farm workers have young, growing

families. As such, it accords with PPS7 Annex A which expressly states that it is the requirements of a rural enterprise that are relevant in determining the size of dwelling that is appropriate. The single storey aspect of the building will be covered in a buff coloured render so as to harmonise with the farm shop and adjoining buildings. This theme is continued throughout the lower storey as the building rises into its second storey this is clad in cedar shingle to imitate the wood cladding on the workshop and storage buildings closest to the dwelling.

The proposed design of the building is such that when viewed various aspects of the dwelling blends elegantly with the farm buildings to ensure minimum visual intrusion. This is achieved through the elegant use of materials similar to the existing farm buildings and use of the fall of the land on which the house is positioned to reduce the dwellings height when viewed from Hemingfield Road.

Section 9 – Appendices

Appendix 1 Layout and Land



Appendix 2 - Health & Safety Executive: Agricultural Prosecutions

In the four year period comprising 1st April 2001 to 31st March 2002 and 1st April 2003 to 31st March 2004 the HSE took out 106 successful prosecutions. Many of these incidents could easily have occurred at Hilltop Farm; we offer the following by way of example. Please note: The number references are taken from the reports in question.

1. Wales: A farming company was prosecuted under HSW and MHSW following an accident to an employee who fell two metres while climbing a bale stack. No ladders or instructions were provided and no risk assessment had been written despite previous requests. Guilty, conditional discharge.
2. Wales: A farm manager was prosecuted under HSW following an accident an employee who suffered serious injuries to his hand while clearing a blockage on pellet press. The interlock had been defeated two months earlier on the instructions of the farm manager. Fined £500.
22. Home Counties: Pig farming company prosecuted under HSW following an accident to a work experience trainee who suffered head injuries after falling from an ATV. No head protection or training was provided. Fined £1,000.
24. Home Counties: Farmer prosecuted under HSW following an accident to an employee during a lifting operation. While lifting timber onto the back of a lorry, the employee trapped his fingers between two pieces of timber. The farmer had failed to plan or supervise the operation and had not provided any training. Fined £3,500.
45. Yorkshire & North East: Three farming partners were prosecuted under HSW and RIDDOR following an accident to a young employee who was injured while manually feeding baled straw into a forage harvester. There was no safe system of work for manually feeding material into the pick up reel of the forage harvester, no guard on the PTO shaft, no instructions or supervision and they also failed to report the accident. Fined total £12,000.
52. North West: Farming company prosecuted under MHSW and CSR following the fatal accident to an employee who died when he entered a recently emptied pig food tank to retrieve a mobile phone. Company had an inadequate risk assessment for confined spaces and inadequate procedures for entry and rescue. Fined £7,500.
55. Scotland: A farmer was prosecuted under HSW following the death of an employee who fell through a roof while replacing guttering on a cattle shed roof. Fined £7,000.
59. Scotland: Farming company prosecuted under HSW following an accident of an employee who was struck by a falling bale. He was using an industrial loader to remove bales from a high stack. The loader was not fitted with a protective structure and he suffered severe injuries when a bale fell from the stack onto him. Fined £2,500.

KEY:

CONSTR = The Construction (Health, Safety and Welfare) Regulations 1996

COPR = The Control of Pesticides Regulations 1986
CSR = Confined Spaces Regulations 1997
ELEC = Electricity at Work Regulations 1989
HSW = Health and Safety at Work etc. Act 1974
LOLER = Lifting Operations and Lifting Equipment Regulation 1998
MHSW = Management of Health and Safety at Work Regulations 1992
PPE= The Personal Protective Equipment at Work Regulations 1992
PUWER = Provision and Use of Work Equipment Regulations 1998
RIDDOR = Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
SUPPLY = Supply of Machinery Regulations 1992

Appendix 3

Non-fatal occupational Injuries in British agriculture (20 June 2006)

Christine Solomon, Jason Poole, Keith T Palmer, David Coggon

Epidemiology Resource Centre, University of Southampton

Objectives: To investigate the incidence, nature and determinants of non-fatal occupational injuries in British agriculture.

Methods: As part of a postal survey, data on lifetime histories of work in agriculture and occupational accidents were obtained from men between 1933 and 1977 and residing in three rural areas of England and Wales. Incidence rates for different categories of accident were compared with those derived from statutory reporting. Associations with risk factors were explored by Poisson regression, and summarised by incidence rate ratios (IRRs).

Results: Of the 10 765 responders (response rate 31%), 3238 (30%) reported at least one occupational accident at the ages of 14-64 years, leading to absence from work for:3 days, including 1492 accidents that could be linked to a specific job listed in the history of agricultural work. The reported incidence of injuries in agriculture was markedly higher than that derived from statutory reporting, particularly for self-employed farmers. During 1996-2003, the highest rates of agricultural accidents were from handling, lifting or carrying (4.9/1000 person-years), falls from a height (4.6/1000 person-years) and injury by animals (3.4/1000 person-years).

Conclusion: Our findings confirm the substantial under ascertainment of serious accidental injuries in agriculture through statutory reporting, particularly for the self-employed.

Abbreviations:

IRR, incidence rate ratio; LFS, Labour Force Survey; RIDDOR, Reporting of Injuries, Diseases and Dangerous Occurrences Regulation

Appendix 4

Nationwide Appeals

Blackstoun farm, Blackstoun Rd, Paisley

A third agricultural workers dwelling at a livestock farm in a Green Belt flood plain. Low flood risk and a proven functional need for stockman on site. No harm to Green Belt openness due to infill site between existing dwellings.

Buckinghamshire Green Belt [DeS 100042335] (June 2006)

An agricultural workers dwelling was retained because the site history and Human Rights outweighed the harm to the Green Belt. Permission was granted in 1995 for a detached dwelling at a pig farm subject to conditions on materials etc. Work started in 1996 and was completed in 2002 but without prior approval of the reserved matters. They had been submitted but without response until 2003. Although the Inspector decided the development was unlawful and that enforcement action was not prevented, the long delay was a very special circumstance and, if the enforcement action was upheld the house would have to be demolished. The fact that the council was willing to discuss landscaping supported the appellant's assumption of the house being lawful. Although the original need for the house had gone, it could still be used for general needs of farm workers in the area.

Land at Lane Head Farm, Alderwasley, Belper, Derbyshire

An additional agricultural dwelling at a 165ha dairy unit in Special Landscape Area (SLA) countryside. Functional need was established and economically viable. The new dwelling was visually acceptable in landscape as seen in backdrop of farm group and not harm listed farmhouse setting. Council sought tie on existing farmhouse but severance unlikely close to group with sole farm access. Encumbering condition would be unnecessary.

Land at Upper LLanrosser Farm, Michaelchuchr Escley, Hertfordshire

A proposed second agricultural workers dwelling In Area of Great landscape Value (AGIV) open countryside was deemed visually acceptable as seen in context of farm complex and farmhouse. Well established beef and lamb holding with need for two full time workers. Presently the appellant and son. Functional need still justifies an additional dwelling despite familial relationship. 3 bed dwelling sought but size not supported by holding as too large for single worker yet accepts that accommodation should not preclude workers with families. Size acceptable as commensurate with functional requirement but overall profit inadequate to meet wage cost of two workers. Long term business viability doubt noting 20 percent of farm rented on annual let and unclear whether business could support costs of an additional dwelling.

Manor House, Hunderthwalte, Barnard Castle, County Durham.

A third agricultural workers dwelling on dairy farm within a hamlet in open countryside. Although all functional and financial tests were satisfied, the proposal caused visual harm to the landscape character of Area of High Landscape Value (AHLV) and adjacent Area of Outstanding Natural Beauty

(AONB). Appeal dismissed also due to potential harm to significant Tree Preservation Order and the proposed siting of development within root protection area and crown.

Metropolitan Green Belt (November 2004)

Livestock welfare justifies agricultural dwelling. At the first appeal the Inspector ruled that there was no functional need for a worker to live on the site. A second Inspector ruled that he was not bound by that first decision. A more up-to-date appraisal showed that the birds needed inspection every two hours, and failure of the water supply could kill the birds within hours. The business had been properly planned so he granted a 3-year temporary permission.

Northwest of Croftside Cottage, Croftside Farm, Plirnhall, Stirling.

Additional agricultural dwelling at farm complex in Green Belt. Extended original farmhouse has been severed and now a separate planning unit occupied by extended non-farming family of appellant. Other dwelling within ownership poorly located to supervise and serve needs of farm. There was sufficient justification for a new farmhouse at this functionally and visually logical location. Offer of restriction by agreement not required as standard condition adequate.

Risingfields Farm, Lightthorne Rd, Warwickshire

Permanent 2 storey agricultural workers dwelling to be sited adjacent to existing residential caravan at a free range egg production unit in countryside. The appellant claimed increasing need given the post-2012 ban on battery farming. Operator experience, investment and commitment given weight as well as rolling contract to supply. Functional need established but long term financial stability in question as it was doubted whether the business was capable of sustaining the proposed dwelling. The Inspector also noted low income, but consistent sales had always delivered a profit over seven year period. It was expected to remain financially sound. Satisfies Annex A of PPS7. No serious visibility harm of single storey mobile home in landscape as seen in context of farm complex but proposed 2 storey dwelling more intrusive, harming area character and appearance.

Westfields Farm, Pinewood Rd, Asley, Market Drayton, Shropshire

An agricultural worker dwelling situated close to farmhouse in open countryside was allowed. Proven functional need. Occupancy can be controlled by condition and there is no justification for a planning obligation to prevent severance of existing farmhouse.

Yorkshire Green Belt (November 2003)

Temporary housing not allowed for quail-rearing business - In two similar cases it was decided that to be defined as agricultural activity, the animals must be bred for direct or indirect contribution to the human food chain. In this case the quails were to be food for falcons and other birds of prey, although there was a possibility of a future mixed use supplying food for humans. The appellant wanted temporary accommodation in case the heating or feeding systems failed which could kill the quails and ruin the business. The Inspector

decided the evidence did not show the business had been planned on a sound financial basis, justifying dismissal.

Appendix 5

Residential Developments in the Barnsley Green Belt

SECOND DWELLINGS

- **Broad Close Farm, Silkstone**
 - Erection of a second agricultural dwelling
 - Planning Application Number 2008/0844
 - Committee consent 24/07/2008
- **Gunthwalte Hall Farm, Penistone**
 - Planning Application Number 2007/0009
 - Conversion of redundant outbuilding into 1bed self contained cottage
 - Delegated Consent 11/02/2007
- **Highfield Farm, Worsbrough**
 - Planning Application Number 2007/0500
 - Erection of 1 block of 3 independant living units
 - Delegated Consent 29/04/200
- **Lower Townhead Farm, Dunford Bridge**
 - Planning Application Number 2006/0133
 - Erection of wooden bungalow
 - Committee Consent 08/10/2006
- **Stead Farm, Hoyland Common**
 - Planning Application Number 2006/1151
 - Conversion of single dwelling to form two dwellings
 - Delegated Consent 20/08/2006

ANCILLARY DEVELOPMENT

- **Highwood Farm, Darton**
 - Planning Application Number 2007/0531
 - Change of use from outbuilding into granny flat.
 - Delegated Consent 13/05/2007
- **Staney Royd Farm, Stainborough**
 - Planning Application Number 2007/1039
 - Conversion of attached barn into granny flat
 - Delegated Consent

AGRICULTURAL WORKERS' DWELLINGS

- **Anchor Farm, Elmhirst Lane, Silkstone, Barnsley**
 - Planning Application Number B/05/0496/DO
 - Erection of farm workers dwelling
- **Land adjacent 5 The Beeches, Beech House Road,**
 - Planning Application Number 2007/1520
 - Erection of an agricultural workers dwelling.
 - Committee Consent /11/2007
- **Land off Nether House Lane, Langsett**
 - Planning Application Number 2006/1757
 - Erection of a bungalow for agricultural worker

- Committee Consent 04/03/2007

CONVERSIONS IN THE GREEN BELT

- **Bromley Farm, Low Bromley, Sheffield**
- Planning Application Number 2006/1642
- Conversion of existing cottage into 2 dwellings.
- Delegated Consent 12/11/2006
- **Carlton House Barns, Wortley**
- Planning Application Number 2007/1182
- Conversion of redundant farm building to 3 dwellings
- Delegated Consent 26/08/2007
- **Carr Head Farm, Stocksbridge**
- Planning Application Number 2007/0253
- Conversion of redundant barn into dwelling
- Delegated Consent 01/04/2007
- **Cat Hill Hall Mews, Hoylandswalne**
- Planning Application Number 2006/1128
- Conversion of attached barn to provide residential dwelling
- Delegated Consent 22/10/2006
- **Cold Bath Farm, Hood Green**
- Conversion of redundant farm buildings to form dwelling.
- Delegated Consent 31/12/2006

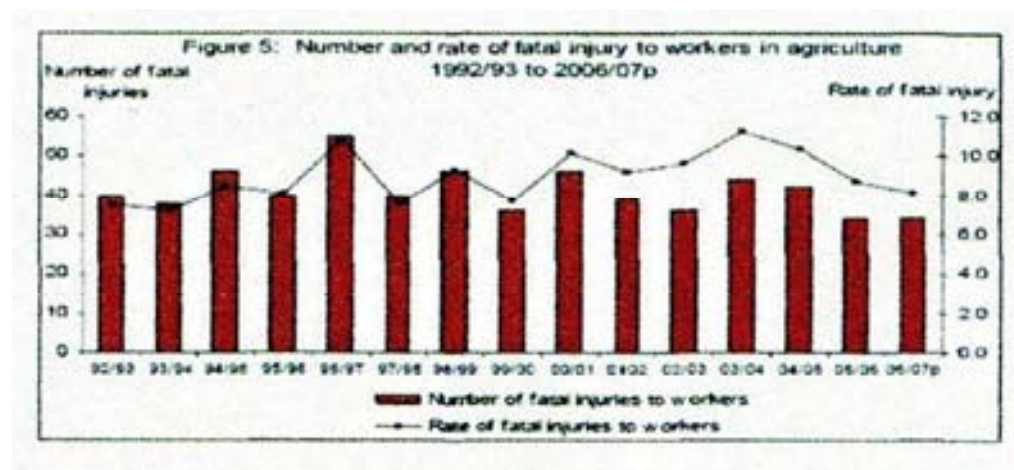
Appendix 6

Fatal injuries to workers in agriculture (1992-2007) (source HSE)

The table below shows that over thirty farm workers have been killed every year in the fifteen years since 1992. Of the 34 fatal injuries in 2006/07, 10 resulted from being injured by an animal. The activities that caused these deaths are all carried out at Hilltop Farm.

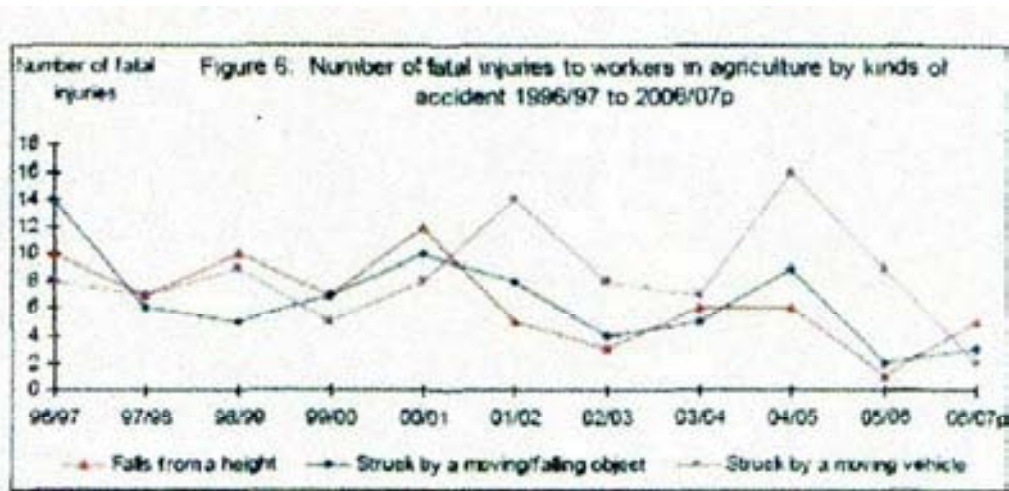
The next table shows the nature of the 30+ fatalities suffered every year by farm workers. Three quarters of all fatal injuries in agriculture during the eleven-year period 1996 to 2000/07 were due to:

- being struck by a moving vehicle (22% of all agriculture fatalities);
- falling from a height (17%);
- being struck by a moving/falling object (17%);
- Contact with moving machinery (10%); and being trapped by something collapsing/overturning (8%).



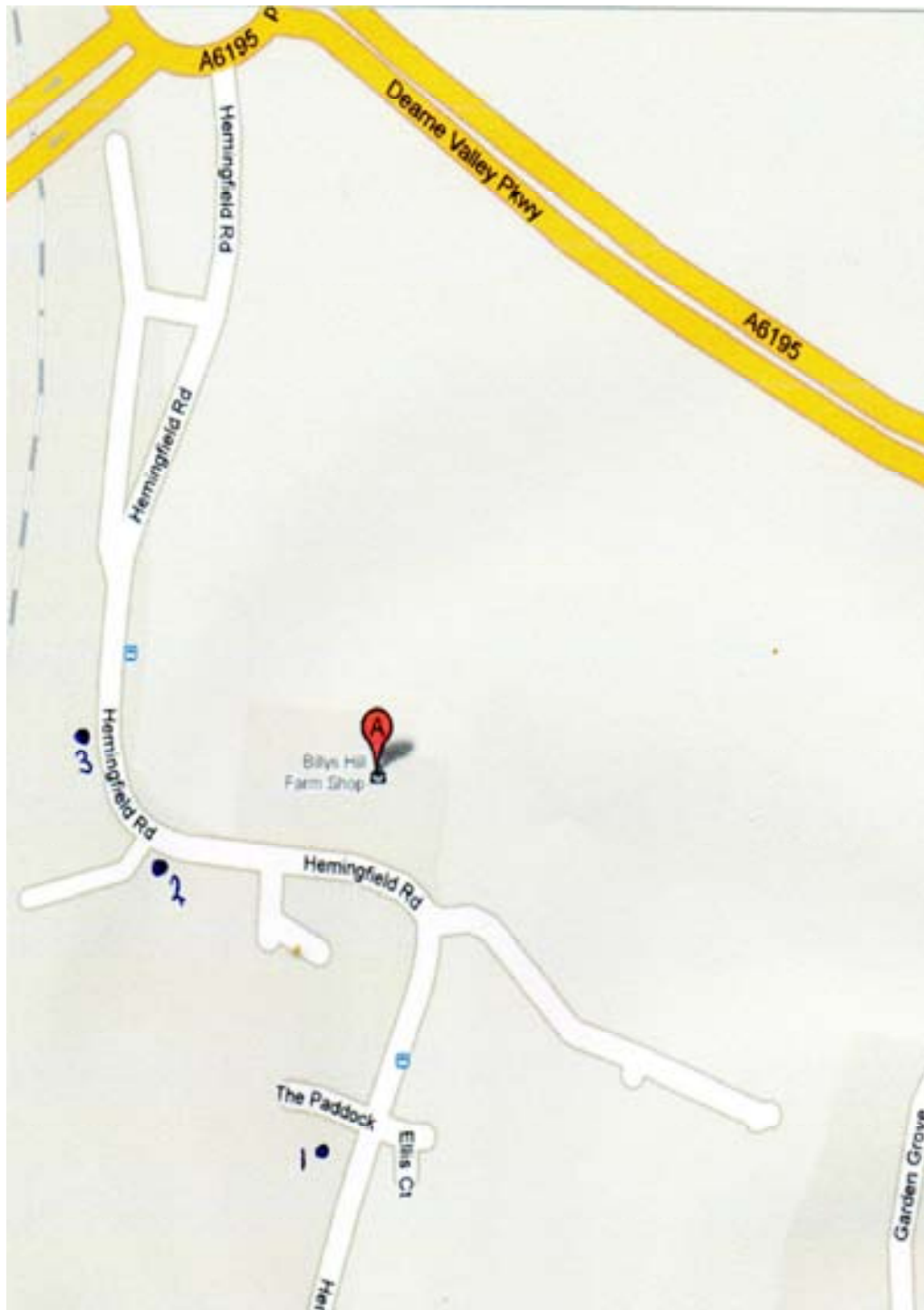
We have no details for the remaining 25%. However, we know that over 30% of deaths for the year 2006/07 was caused by animals. We are therefore of the opinion that animal related deaths for the longer period may be a significant part of that unreported 25%. This assumption is supported by empirical research undertaken by Christine Solomon, who questioned the likely under reporting of non-fatal accidents:

"Our findings confirm the substantial under ascertainment of serious accidental injuries in agriculture through statutory reporting, particularly for the self-employed"



According to Solomon, the incidence of accidents caused by animals for the period 1996-2003 is 3.4/1000 person-years; for handling, lifting or carrying it is 4.9/1000 person-years; and for falls from a height it is 4.6/1000 person-years. (Source: Christine Solomon et al, Appendix 7: Non-fatal occupational injuries in British agriculture)

Appendix 7 – Location map of alternative housing



Property 1 £299,950

Property 2 £85,000

Property 3 £135,000

Appendix 8

Problems associated with calving cattle

Factors causing calving difficulty

About 80% of all calves lost at birth are anatomically normal. Most of them die because of injuries or suffocation resulting from difficult or delayed parturition (calving). Factors contributing to calving problems fall into three main categories; calf effects, cow effects and foetal position at birth.

Calf effects

Heavy birth weights account for most of the problems related to the calf. Birth weights are influenced by breed of the sire, bull within a breed, sex of the calf, age of the cow and, to a slight degree, nutrition of the cow. Shape of the calf may also have a small effect on calving problems.

Cow effects

Several factors associated with the cow influence dystocia, the major ones being her age and pelvic size.

Age

First-calf heifers require more assistance in calving than do cows, because they are usually structurally smaller.

Pelvic area

Pelvic area (birth canal) increases as the female develops to maturity. Thus, a higher proportion of calving difficulty in 2- or 3-year-old cows is due to smaller pelvic openings. Heifers and cows with small pelvic areas are likely to require assistance at calving. However, even heifers with a large pelvic area may need help delivering large calves.

The calf's birth weight and cow's pelvic area have a combined effect on dystocia. Many heifers giving birth to calves weighing more than 80 pounds will have difficulty, even if they have large pelvic areas. Two-year-old heifers tend to have either a pelvis too small or a calf too large to allow them to deliver without assistance. Therefore, calving problems could be reduced by decreasing birth weight through bull selection and/or increasing pelvic area by selecting the larger.

Foetal position at birth

About 5% of the calves at birth are in abnormal positions, such as forelegs or head turned back, breech, rear end position, sideways or rotated. This requires the assistance of a veterinarian or an experienced herdsman to position the foetus correctly prior to delivery. If foetal position cannot be corrected, the veterinarian may have to perform a caesarean section.

Stages of calving (Parturition)

Normal calving can be divided into three general stages -- preparatory, foetal expulsion and expulsion of the placenta or afterbirth. The time interval of each stage varies among types and breeds of cattle and among individuals of the same breed. Although the exact stimulus that initiates parturition is unknown, it does involve hormonal changes in both the cow and foetus as well as mechanical and neural stimulation in the uterus.

Stage 1

Preparatory (2 to 6 hours). During pregnancy, the foetal calf is normally on its back. Just prior to labour, it rotates to an upright position with its forelegs and head pointed toward the birth canal. This position provides the least resistance during birth. Toward the end of gestation, the muscular lining of the dam's uterus increases in size, which aids in delivery.

In the preparatory stage, the cervix dilates and rhythmic contractions of the uterus begin. Initially, contractions occur at about 15-minute intervals. As labour progresses, they become more frequent until they occur every few minutes. These contractions begin at the back of the uterine horn and continue toward the cervix, forcing the foetus outward. Any unusual disturbance or stress during this period, such as excitement, may inhibit the contractions and delay calving.

At the end of the preparatory stage the cervix expands, allowing the uterus and vagina to become a continuous canal. A portion of the placenta (water sac) is forced into the pelvis and aids in the dilation of the cervix. This water sac usually ruptures and the membranes hang from the vulva until stage 2.

Stage 2

Delivery (1 to 2 hours, may be longer in heifer). This stage begins when the foetus enters the birth canal and usually occurs while the cow is lying down. Uterine contractions are now about every 2 minutes and are accompanied by voluntary contractions of the diaphragm and abdominal muscles.

Surrounded by membranes, the calf's forelegs and nose now protrude from the vulva. After the nose is exposed, the dam exerts maximum straining to push the shoulders and chest through the pelvic girdle. Once the shoulders have passed, the abdominal muscles of the calf relax and its hips and hind legs extend back to permit easier passage of the hip region.

The calf is normally born free of foetal membranes (placenta), because they remain attached to the cotyledons or "buttons" of the uterus. This ensures an oxygen supply for the calf during birth. Upon passage through the vulva, the umbilical cord generally breaks, respiration begins, filling the lungs with air and causing the lungs to become functional.

Delivery normally is completed in one hour or less in mature cows. Special

assistance is warranted if this stage goes beyond 2 to 3 hours. First-calf heifers can take 1 to 2 hours, or longer. Proper judgement should be used so that assistance is neither too hasty, nor too slow.

Stage 3

Cleaning (2 to 8 hours). The caruncleocotyledon, or button attachment between the uterus and placenta, relaxes and separates after parturition. The placenta is then expelled by continued uterine contractions. Cows normally expel the placenta within 2 to 8 hours.

Preparing for calving assistance

Normal delivery in cattle should be completed within 2 hours after the water sac appears. If prolonged, the calf may be born dead or in a weakened condition. Since timing is vital to providing proper assistance, frequent observations are a must. Assisted deliveries should not be attempted without proper preparation of facilities and equipment. A clean, well-lighted maternity pen and clean pulling chains and equipment are desirable to reduce bacterial contamination.

Since cervical dilation is completed in Stage 2, assistance can be given too early. However, since final dilation is quite rapid, assistance is often given too late, which is much more serious.

Potential post-delivery problems

Uterine prolapse

This is an inversion of the uterus that can occur when a partial vacuum is formed in the uterus. It is sometimes caused by pulling the calf too rapidly and may result in death of the cow if not treated promptly and correctly. Encouraging the cow to stand soon after delivery will reduce the chances of a prolapse.

Always contact a veterinarian for treatment and necessary drugs. Cull heifers or cows that prolapse because of the probability of it happening again.

Retained placenta

The placental membranes are normally expelled within 2 to 8 hours after birth. Occasionally, however, they fail to separate from the uterine attachment. This condition may pose a health threat to the cow and cause problems in rebreeding. Not all reasons for retained placentas are known, but high incidence may indicate a disease problem. They commonly accompany difficult births, multiple births and short gestations.

There are differing opinions as to the best treatment for retained placentas. Research has shown that manual removal can cause complications that would not have happened otherwise. For cows with no signs of abnormal vaginal discharges, good appetite and good milk production, no treatment may be best of all. If antibiotics are to be placed in the uterus, care must be taken to prevent introduction of bacteria through contaminated instruments or

equipment. Boluses may reduce fertility of the cow. Antibiotics by injection or intrauterine application requires attention to residue avoidance in the sale of the milk or animal for food.

Appendix 10

Accounts

Profit and Loss account for the year ended 30 November 2008

Turnover	£111812
Cost of sales	£77971
Gross profit	£33841
Overhead expenses	£28028
Operating profit	£5813

Profit and Loss account for the year ended 30 November 2009

Turnover	£143788
Cost of sales	£102513
Gross profit	£41275
Overhead expenses	£37733
Operating profit	£3542

Profit and Loss account for the year ended 30 November 2010

Turnover	£153008
Cost of sales	£96445
Gross profit	£56563
Overhead expenses	£36459
Operating profit	£20104

Appendix 11

Cattle movements at Hilltop Farm

Cattle killed for sole use in Farm Shop

2008 – 24

2009 – 25

2010 – 26