

P/2018/01540
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Mr A Mercer

Application for the erection of a permanent rural worker's dwelling

At

Oak Farm

Maker Lane

Hoar Cross

Staffordshire

DE13 8QR

Agricultural Justification Statement

August 2018

Beechwood Court, Long Toll, Woodcote, RG8 ORR

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1. Introduction

1.1 Reading Agricultural Consultants Ltd (RAC) is instructed by Mr Alec Mercer (the applicant) to undertake an independent appraisal of the need for a permanent rural worker's dwelling at Oak Farm, Maker Lane, Hoar Cross, Staffordshire, DE13 8QR.

1.2 In responding to these instructions RAC has:

- i. discussed with the applicant the need for a rural worker's dwelling at Oak Farm; and has had regard to
- ii. the applicant's agricultural accounts for years ended 30 September 2015, 2016 & 2017;
- iii. the previous planning history of the site; and to
- iv. sources of published information and correspondence relevant to the agricultural activities being undertaken by the applicant.

1.3 The appraisal has been carried out by Alan Bloor, who is an independent consultant in agriculture and rural land use, and an Associate Member of RAC. He holds an Honours Degree in Agriculture from the University of Newcastle on Tyne and has been in agriculture for over forty years and in private practice for seventeen years. He is a Member of the British Institute of Agricultural Consultants. He has a wealth of experience in agriculture. He has been engaged by livestock farmers and local planning authorities to appraise a wide range of agricultural enterprises in the context of planning applications for new rural worker's dwelling; farm buildings and grain stores; the change of use of agricultural buildings; and the removal of occupancy conditions.

2. Relevant Planning History

2.1 The application site (previously known as Cross Hayes Field) has been the subject of the following planning applications:

- a. P/2014/01422 Prior Notification for the erection of an agricultural building to house livestock (Permitted 26 November 2014);
- b. P/2015/01464 Erection of an agricultural building to house poultry with two associated feed bins (Approved 11 March 2016)
- c. P/2018/00840 Prior Notification for the erection of a steel framed and sheeted agricultural building (Permitted 31 July 2018)

3. Background

- 3.1 The applicant, Mr Alec Mercer of Blakenhall Park, Barton-under-Needwood, Burton upon Trent, trading as Packington Poultry Ltd, has been operating from Oak Farm (previously known as Cross Hayes Field) since 2016.
- 3.2 Packington Poultry was established in 2007 as part of Mercer Farming Ltd and formed its own Limited company in 2012, rearing free-range chickens, cockerels and turkeys on a year round basis.
- 3.3 Mercer Farming Ltd was founded in the 1922 operating over 12 farms throughout Staffordshire growing a wide range of arable crops, pigs and chickens. It also operates over a number of farms in Lincolnshire, Nottinghamshire, Derbyshire and Yorkshire. Packington Free Range, a wholesale meat business was established in 2006 as part of the development. The applicant is directly involved in the total farming business (Mercer Farming Ltd, Packington Free Range and Packington Poultry Ltd).
- 3.4 Oak Farm is one of three poultry units operated by Packington Poultry Ltd, the other sites being at Lower Farm, Dunstall, DE13 8BD and Weeford Park Farm, Sutton Coldfield B75 5ST.
- 3.5 Oak Farm currently comprises of three poultry sheds and with permission for a fourth poultry shed (P/2018/00840). The three poultry sheds currently on site can house a total of 37,000 birds at any one time, the fourth building will have a capacity to hold 32,000 birds when completed.
- 3.6 Day old chicks are reared within the poultry sheds at Oak Farm (RAC Photograph 1) until they are three weeks of age when they are moved off site to a free range farm for further rearing (RAC Photograph 2). The buildings are then cleaned out and fumigated to await the next intake of day old chicks. At Oak Farm there are routinely 26 production cycles of chicks reared from day old to three weeks, birds are placed and moved every two weeks (shed 1 one week and shed 2 two weeks later). Current poultry production at the site produces 444,000 chickens annually. When the fourth poultry shed is commissioned this will add a further 384,000 chickens produced annually.

RAC Photograph 1 day old chicks



RAC Photograph 2 three week old chicks



3.7 The applicant employs a total of seven full-time employees within the Packington Poultry Ltd business plus 10 part-time staff involved in catching, cleaning poultry buildings and manure removal. In addition, Packington Free Range (meat processing) employs 11 full time staff.

3.8 Mercer Farming Ltd which is run by the applicant is concerned with renewable energy projects, industrial lets and an arable acreage totalling approximately 2,300 hectares (5,680 acres).

4. Proposal

4.1 The application before the Council seeks the erection of a permanent rural worker's dwelling at Oak Farm. The dwelling will be occupied by an experienced rural worker who is directly involved in the management of Packington Poultry Ltd.

4.2 There is no existing residential dwelling at Oak Farm and it is considered that there is now an essential need for a residential presence to ensure the welfare of the poultry is not compromised and for the security of the site.

5. Relevant Policies

5.1 National planning policy guidance for development in the countryside is set out in the revised National Planning Policy Framework (NPPF) (24 July 2018).

5.2 Section 5 of the revised NPPF is concerned with 'Delivering a sufficient supply of homes.' And at paragraph 79 ('Rural Housing') notes:

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

- a) *There is an essential need for a rural worker, **including those taking majority control of a farm business** (emphasis added), to live permanently at or near their place of work in the countryside..."*

5.3 Section 6 of the NPPF is concerned with 'Building a strong, competitive economy' and at paragraph 80 notes:

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

5.4 At paragraph 83 'Supporting a prosperous rural economy' it notes:

"Planning policies and decisions should enable:

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

5.5 The East Staffordshire Local Plan was adopted in 2015 and Principle 1 is concerned with a 'Presumption in favour of Sustainable Development' and notes: *"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always seek to work proactively with applicants to:*

- find solutions which result in the approval of development proposals wherever possible; and*
- secure developments that improves the economic, social and environmental conditions in the area".*

5.6 Strategic Policy 8 is concerned with 'Development Outside Settlement Boundaries' and notes;

"Development outside settlement boundaries will not be permitted unless it is:

- Essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location;....."*

It notes:

"Proposals falling within one of these categories will be judged against the following criteria where applicable":

Which includes:

- *“the detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,*
- *landscaping associated with the proposal takes into account both the immediate impact and distant views of the development,*
- *the need to maintain land of high agricultural value for food production”*

5.7 Strategic Policy 14 is concerned with the ‘Rural Economy’ and notes:

“.....Where a new business enterprise or expansion of an existing one, requires on-site residential accommodation the Council may grant permission for a temporary residential accommodation only (e.g. a mobile home or caravan) or grant permission to be used for residential purposes for a temporary period in order to allow time to assess the viability of the business. When this has been demonstrated, permission will be considered for more permanent residential accommodation.”

6. Appraisal

- 6.1 The applicant’s poultry business is well established at Oak Farm and together with its other poultry farms within Packington Poultry Ltd is a major source of employment in the rural area.
- 6.2 The applicant is also fully involved in other agricultural and non-agricultural activities associated with Packington Free Range and Mercer Farming Ltd.
- 6.3 The Council in approving the applications for the poultry sheds at Oak Farm have accepted the development and expansion of the applicant’s poultry enterprise at the application site. They have supported the viability of an existing lawful business relevant to a rural location.

Essential need for a dwelling

6.4 An assessment of essential need requires:

- i) an evaluation of the risk;
- ii) the risk, frequency and type of out-of hours emergency situations that can arise;
- iii) the scale and losses involved should that emergency situation arise;
- iv) the potential for an experienced on-site worker to identify the problem; and
- v) his or her ability to rectify the problem promptly.

6.5 Agricultural legislation requires that all farm animals are managed in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; freedom to

display most normal patterns of behaviour, and it is accepted that, without good stockmanship, animal welfare can never be adequately protected.

- 6.6 The Codes of Recommendations for the Welfare of Meat Chickens and Breeding Chickens indicates: *“that no person should operate or set up a meat chicken or breeding chicken unit unless the welfare of all the birds can be safeguarded. This can be achieved by ensuring that the buildings and equipment, and the skills and ability of the flock-keeper are appropriate to the husbandry system and the number of birds to be kept”*. It also recommends that: *“It is essential that sufficient well-motivated and competent personnel are employed to carry out all necessary tasks. Staff should be well managed and supervised, fully conversant with the tasks they will be required to undertake and competent in the use of any equipment”*.

The Code of Practice goes on to state that in general the larger the size of the unit the greater the degree of skill and dedication needed to safeguard the welfare of the birds.

- 6.7 It is essential that an experienced stockperson watches for any signs of distress, disease or aggression, anticipates any problems and/or recognises them at their earliest stage by identifying the cause and rectifying it promptly.
- 6.8 In this poultry unit all the buildings have automated ad-lib feeders and drinkers, and a controlled environment (temperature and ventilation) to maintain optimum growing conditions for the birds. Any malfunction in the feeding, drinking or environmental controls could have a devastating effect on mortality of birds where there is a lack of heat or where the building overheats. In the event of such failures there is an audible alarm system and the applicant is notified by way of texts to a mobile phone. An immediate response is then required.
- 6.9 There can and will be unexpected problems and emergencies within any large scale poultry unit of this nature. Further, depending on the age of the birds and the nature of the problem, for example complete ventilation systems failure, or large temperature fluctuations within the building or fire/electrical faults, or severe external weather conditions, serious losses of birds can occur very rapidly if the problem(s) are not identified and attended to without haste. It is of note that the applicant has recently had two major incidents, December 2017 and May 2018 due to severe weather, storms and lighting damage which caused the back-up generators not to function correctly and the phone lines to be temporarily out of action resulting in no alarm (text messages) could be sent to the applicant or any member of staff. These two incidents caused serious financial losses to the business resulting in an insurance claims and an interruption in the rearing and supply of finished free-range poultry to Packington Free Range.

6.10 It is generally accepted within the poultry sector that a response time by an experienced worker to any such emergencies in order to assess the nature of the problem should be within approximately 15 minutes of any incident occurring, this is particularly critical during the first three weeks of the chickens growing period when they are reliant on an optimum range of ventilation and temperature controls in the building to maximise their growth rate and feed intake. Poultry are renowned for panicking when such systems fail, it causes birds to huddle together/pile on top of one another causing smothering and serious losses.

6.11 Security is an increasing concern in isolated rural areas with Police and insurance companies noting a significant increase in rural crime and advising farmer and landowners to take appropriate action to minimise thefts and unauthorised entry. The siting of a dwelling at Oak Farm will be deterrent to would be intruders

Labour requirement at Oak Farm

6.12 The labour requirement for the applicant’s poultry enterprise at Oak Farm can be calculated using Standard Man Days (SMD) using the John Nix Pocketbook 2018 (48th edition) RAC Table 1. For each full-time worker, the SMD equivalent is 275 days.

RAC Table 1 Labour requirement

Current no	SMD/ bird	Total SMD	Future no.	SMD/ bird	Total SMD
444,000	0.002	888	828,000	0.002	1656
To include cleaning and catching					
15% management		133			248
Total SMD		1021			1904
Full time labour requirement ÷ 275		3.7			6.9

- 6.13 Whilst it is accepted that these figures are only a guide and no account is taken of the economies of scale a large poultry unit would benefit from, it is clear that at least three full-time labour units are required and that the proposed rural worker's dwelling would be occupied by a full-time agricultural worker employed on the site.
- 6.14 The provision of a permanent rural worker's dwelling at Oak Farm will meet the established essential needs of the large poultry enterprise, ensuring that livestock welfare is not compromised.

Sustainable development

- 6.15 The NPPF has an overarching requirement that all development is sustainable and consistent with development plan policies. This is re-iterated in respect of the positive approach to rural development (paragraph 83). Of particular relevance in relation to developing and expanding businesses and their housing needs is the economic dimension of sustainability. This has been a longstanding feature of planning guidance on the assessment of rural workers' dwelling proposals, although no longer specifically identified in national policy. Nevertheless, economic sustainability, or the prospect of it, remains central to the assessment process. Strategic Policy 14 of the East Staffordshire Local Plan requires the assessment of the viability of the business for permanent dwellings.
- 6.16 In this context RAC considers that any assessment of economic sustainability needs to examine how a business/enterprise is able to utilize its resources to function properly and stay in business. A business has to have sufficient funds available to fund its day-to-day trading (cash flow); to be profitable in order to reinvest within the business; and/or, show a reasonable return on capital invested.
- 6.17 The applicant has provided three years of accounts for Packington Poultry Ltd. These can be provided separately to the Council on a confidential basis. The applicant does not have separate accounts for each poultry site. The accounts show turnover (sales of poultry) has increased by almost 40% over the three years for business.
- 6.18 The accounts show the business to have been profitable in each of the last three years, having taken account of all costs associated with the business. The balance sheet shows a positive net worth of the business (assets – liabilities).
- 6.19 It is generally accepted that the build costs of a rural worker's dwelling should be financed by the agricultural business. It is clear the current levels of profit as demonstrated in the accounts would be sufficient to meet the construction charges for the dwelling which would be spread over a normal borrowing period (20 to 25 year mortgage).

6.20 It is clear that the applicant's poultry business is well-established, has been profitable and sustainable over a number of years. The construction and commissioning of the recently approved poultry building will lead to a further increase in the profitability of the applicant's business.

Other dwellings

6.21 There is no dwelling at Oak Farm and there are no buildings on site that are suitable and available for conversion to a residential dwelling. None of the full-time staff involved in the management of Oak Farm live in close proximity to the farm.

6.22 RAC is not aware of any other dwellings in the immediate locality that are available and suitable and would be sufficiently close to the site to meet a response time of 15 minutes.

6.23 It is of note that one of the other poultry sites (Lower Farm DE13 8BD) run by Packington Poultry Ltd has a large farmhouse on site and is occupied by the manager of the site. This site is too far away from Oak Farm (approximately 5.5 miles) and therefore cannot meet the established essential needs at the application site.

Siting

6.24 The proposed location of the dwelling at Oak Farm has been carefully selected in order to maintain a high level of bio-security at this large poultry unit. This is critical to ensure the high health status of the poultry flock. Visitors to the site would be required to park at the dwelling where suitable changing and washing facilities are to be incorporated within the plans for the dwelling together with a farm office. It is well-recognised and accepted that such facilities are applicable on livestock units.

6.25 The location of the dwelling has also been selected to minimise environmental factors such as odour, noise or disturbance from agricultural machinery working within the farmyard.

6.26 It is also considered important when siting a rural dwelling within the confinement of a working farm to ensure there is adequate separation from the working environment for the family living in the dwelling but at the same time be at a distance that meets the essential needs of the unit. There is a need to minimise the risks of incidents/accidents within a busy farming environment particularly when the dwelling is occupied by a family with young children. It is of note that a recent Health and Safety publication has highlighted the risks of incidents and the number of fatalities associated with agriculture (RAC Appendix 1).

7 Summary

7.1 The applicant has an expanding poultry enterprise at Oak Farm which is part of Packington Poultry Ltd.

7.2 The applicant is a major employer of labour in the rural area.

- 7.3 There is an essential need for a residential dwelling at Oak Farm for a full-time rural worker to be readily available at most times to ensure the well-being and welfare of the poultry is not compromised and in addition to provide security at the site.
- 7.4 The applicant's farm business accounts show that the poultry business is profitable and sustainable. The planned expansion and construction of the approved additional poultry building at Oak Farm will add further to the future profitability of the business and its long term sustainability.
- 7.5 There is no other dwelling at Oak Farm or any buildings on site that would be suitable for conversion to a residential dwelling. RAC is not aware of any other dwellings in the immediate locality of Oak Farm that are suitable and available and would meet the essential need of the unit.
- 7.6 The applicant's proposal to site a rural worker's dwelling at Oak Farm is compliant with the NPPF (paragraph 79) and the East Staffordshire Local Plan (Strategic Policy 14).