
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 30-Jan-2020

Subject: Planning Application 2019/92457 Erection of agricultural building (modified proposal) and cladding of existing building 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB

APPLICANT

G Ahmed

DATE VALID

12-Aug-2019

TARGET DATE

07-Oct-2019

EXTENSION EXPIRY DATE

14-Nov-2019

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dalton

Yes

Ward Members consulted

RECOMMENDATION: Refuse planning permission and authorise the Head of Planning and Development to proceed with enforcement action to wholly remove the unauthorised building.

1. The proposed development is located within the designated Green Belt whereby, as set out in the National Planning Policy Framework, the construction of new buildings, save for certain exceptions, is inappropriate development. The construction of buildings for agriculture is one such exception. Policy LP54 of the Kirklees Local Plan qualifies this in requiring such buildings to be genuinely required for the purposes of agriculture. Information submitted with the application has failed to demonstrate that the building is genuinely required for the purpose of agriculture and therefore the proposal is contrary to policy LP54 a. of the Kirklees Local Plan.
2. The overall siting, design and scale of the proposed agricultural building would cause harm to the essentially open and rural character of the area introducing an urban form which would fail to enhance the character of the surrounding landscape. It would introduce a large and imposing building positioned on the edge of the cluster of existing buildings on the site which would have the effect of expanding the built form into the otherwise open and rural landscape. In this regard, the development does not accord with the aims of Policies LP24a and LP54d of the Kirklees Local Plan

1.0 INTRODUCTION:

- 1.1 This application is brought to Sub-committee at the request of officers for the following reason:

The previous application 2017/93853 for the erection of a mixed use educational and agricultural building was refused by the Huddersfield Planning Committee on the 29th March 2018 for the reason of it being considered inappropriate development within the Green Belt and subsequently enforcement action was taken requiring the removal of the building. An appeal against the planning decision and enforcement notice were also dismissed and the notice upheld by the Planning Inspectorate. This application has been made as a revised proposal to the scheme and officers have determined it should be considered at Huddersfield Sub- committee given the previous site history.

- 1.2 The Chair of Sub-committee has confirmed that for the above reasons for making the request are valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 Hyacinth Farm (20 Wellhouse Lane) is a 5.3 hectare parcel of land located in the Green Belt of Kirkheaton, Huddersfield. The 5.3 hectares are made up of agricultural and domestic land. The agricultural land covers 3.85 hectares and is stated to be used for pasture/grazing, hay making and also includes a '3 bay' timber clad agricultural building, 3 storage containers and the building subject to this application. The domestic land contains the dwelling, a domestic outbuilding and garaging.
- 2.2 To the west of the site are the extensive grounds of the Syngenta chemical works and the Leeds Road commercial corridor. North of the site is a disused stone quarry, with a small area of residential housing to the south of the site.
- 2.3 Hyacinth Farm is located off Wellhouse Lane which is a part-adopted road; there is a public footpath that runs alongside the Eastern boundary of the site where it bounds Dalton Bank Local Wildlife Site.

3.0 PROPOSAL:

- 3.1 This application seeks retrospective planning permission for the erection of an agricultural building and the cladding of an existing building (that being the 3 bay timber clad building to the north of the site).
- 3.2 Works to construct the building subject to this application began around July 2017 are now substantially complete.
- 3.3 The development occupies a total floor area of around 216.75m² split over two levels. The applicant outlines that the upper floor area is used for hay storage and the rest of the floor area, on the lower ground, used as a tractor and machinery storage. Due to the sloping topography of the site the building has a maximum height of 8 metres and minimum height of 4.5 metres.
- 3.4 The walls of the building are constructed from natural reclaimed stone and the dual pitched roof has been finished with new Indian stone slates. The building has been constructed with an inner wall of breeze block and outer wall of natural stone with an insulated cavity in-between.
- 3.5 This application has sought to amend the previous design of the building to include a large bi-fold timber door to the north elevation to facilitate easier access for unloading hay, increased width of doors on the upper level, additional door to the first aid area, timber bi-fold door on the south elevation and to carry out a process of 'strike facing' the quoins and stone surrounds to form rusticated surfaces.
- 3.6 In addition to this the building is host to 6 timber windows spread across the west and east elevations.

- 3.7 The application description includes the cladding of the three bay timber clad building to the north of the site. Details of the cladding have not been provided although it is stated to be carried out in stone to match that of the surrounding buildings.
- 3.8 The applicant has provided justification for the development within a document by Mr Greetham of Expert Agriculture Ltd. dated March 2019 (Appendix 1). The conclusion of the report outlines the following:
- Hyacinth Farm extends to 5.3 hectares and is a grass and stock farm
 - A secure and effective replacement barn is required.
 - The farm has been subjected to arson attacks and theft
 - The extent of the farming enterprise, the farming system and the level of machinery owned justifies a replacement barn
 - Mr and Mrs Ahmed have chosen to build a stone barn for the following reasons:
 - This reflects the structure of traditional barns
 - Access to local stone and a stone mason makes the structure cost effective
 - barn provides storage which is secure from theft and arson, both experiences have featured at Hyacinth Farm
- 3.9 A further supplementary report by Mr Greetham was submitted (December 2019) following receipt of the Consultation response of the Council's Agricultural Consultant. (Appendix 3)
- 3.10 The content of Mr. Greetham's reports have been considered in association with the other documents submitted under this application within the assessment set out below. The reports submitted by Mr Greetham on behalf of the applicant and by the Council's Agricultural Consultant are annexed in full at the end of this report.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2018/92594 - Certificate of lawfulness for proposed outbuilding – granted

2018/91450 – Certificate of lawfulness for proposed outbuilding – refused

2017/94075 - Erection of replacement building – Conditional Full Permission

2017/93588 – Prior notification for erection of agricultural building – Approval of details withheld

2017/93853 - Erection of mixed use agricultural and educational building – Refused by Huddersfield Sub- Committee

2002/91353 – Erection of extension and alterations to existing farmhouse and erection of detached stables/agricultural store – conditional full permission

COMP/17/0208 - Alleged unauthorised erection of building in green belt

Following the refusal of the previous application 2017/93853 by Huddersfield Sub-Committee, enforcement action was authorised by committee members for the service of an enforcement notice requiring the building to be wholly demolished. The applicant appealed both the planning decision and the enforcement notice in which the Planning Inspectorate determined to dismiss the appeal and uphold the enforcement notice.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 A revised site plan, design and access statement and accompanying plans were requested to include the 3 bay timber clad building to the north of the site being subject to the re cladding with stone under this application. The Council has also carried out consultation with its own agricultural consultant Mr Henderson to provide response to the additional supporting agricultural reports submitted on behalf of the applicant by Mr Greetham.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

LP1 – presumption in favour of sustainable development

LP2 - Place shaping

LP21 – Highway safety and access

LP24 – Design

LP52 – Protection and improvement of environmental quality

LP54 – Buildings for agriculture and forestry (within the Green Belt)

National Planning Guidance:

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notices and neighbour letters with the publicity expiring on 7th September 2019. As a result of the publicity 1 representation has been received. The concerns and issues raised are summarised below:

- Design and finish quality is that of a dwelling
- No building on the footprint of the new building subject to this application
- Applicant is not a farmer and does not own the sheep or farm machinery
- Sets a precedent if approved

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC DM Highways – No objection

Health and Safety Executive (HSE) - Do not advise against the granting of planning permission on safety grounds.

8.2 Non-statutory:

Agricultural Consultant (Mr Henderson) – Concluded in summary that it is considered that the design and construction of the building was not intended for agricultural use; is not appropriate for modern agriculture; and that the building is not a reasonable response to the agricultural needs of the Holding. (see full consultation responses in Appendix 2 and Appendix 4).

9.0 MAIN ISSUES

- Principle of development and Green Belt Policy
- Assessment of applicants case
- Design and Visual amenity
- Other Site Activities and Re-Use of Buildings
- Reduction of Built Form
- Residential amenity
- Highway issues
- Other Matter
- Representations

10.0 APPRAISAL

Principle of development and Green Belt Policy

10.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Policy LP54 of the adopted Kirklees Local Plan sets out the criteria against which proposals for agriculture and forestry in the Green Belt will be assessed, as detailed below. It is against this Policy the proposed building will be firstly considered. The wording of this Policy states that *proposals for new buildings for agriculture and forestry will normally be acceptable, provided that:*

a. the building is genuinely required for the purposes of agriculture or forestry;

b. the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;

c. there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and

d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

10.2 The policy justification for LP54 (paragraph 19.10) says that *'agricultural holdings will occasionally require new buildings and these will be supported provided that they are genuinely required in connection with such enterprise and that the need can be demonstrated. This will depend on the extent and type of the holding in question and will be unlikely to apply to hobby farms, usually defined as those where the enterprise is not the applicant's main, principal or full time occupation or business. It is also unlikely to apply to a building solely for the purpose of providing security for agricultural implements'*.

- 10.3 Paragraph 19.11 continues that when proposals for new agricultural buildings are received the local planning authority will scrutinise the history of the holding to ascertain whether any agricultural or other suitable building has recently been severed from the holding or converted to another use.
- 10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 145 and 146 of the NPPF.
- 10.5 One of the exceptions to 'inappropriate development' in paragraph 145 is the erection of a building for agriculture and forestry. In relation to determining whether or not an agricultural building is inappropriate, the NPPF does not set out any limiting criteria in relation to size or other matters. Although the Agricultural Consultant engaged by the Council concludes that the building is neither appropriate for modern agriculture; nor a reasonable response to the agricultural needs of the Holding, the application is for a building to be used for agricultural purposes and, in relation to the Green Belt, should be assessed on that basis.
- 10.6 The proposal is for an agricultural building. Therefore, the proposal would fall within one of the specific exceptions of paragraph 145 of the NPPF and, for the NPPF alone, would not constitute inappropriate development in the Green Belt.

Assessment of applicant's case: is the building 'genuinely required' for the purposes of agriculture

- 10.7 As set out in paragraph 10.1, the application falls to be assessed against Policy LP54 of the Local Plan. LP54a requires a buildings to be genuinely required for the purposes of agriculture. Over the past 2 years the site has been subject to a number of planning applications, with a retrospective application for an alternative mixed use for the building subject to this application having been previously refused permission and the subsequent appeal dismissed. This application has been made in order to put forward the justification for the building's use solely for the purposes of agriculture, the proposal also amends some of the design issues that were raised by the Planning Inspector in dismissing the aforementioned planning appeal.
- 10.8 The applicant has provided a supporting statement and a supplementary agricultural report by Mr Greetham (Appendices 1 and 3) which details the requirements for the building, the number of animals within the holding and how the land is used along with an assessment of the building's design. The plans show the upper floor of the building to be used for hay and food storage and the lower floor to be used for machinery and tractor store with a first aid room.

- 10.9 It is outlined in the supporting statement that the unit holds a head of over 50 sheep and produces around 750 to 1000 10kg bales of hay per annum. In the statement provided by the Agricultural Consultant Mr Henderson it clarifies that: "The Applicant does not own any livestock but I am advised that the land is used by a 3rd Party to graze sheep between July and February. The sheep are then removed and the grass is grown-on for hay. After mowing/hay making, the sheep are returned".
- 10.10 In terms of the principle of development, consideration needs to be given to the size of the holding and number of animals and whether the farm can provide a sufficient livelihood for it to be the applicant's full time occupation.
- 10.11 The Agricultural Consultant, Mr Henderson's report (Appendix 2) outlines "The Applicant is a successful Head Teacher of a Primary School in the District. In view of this significant full-time commitment, I am advised that he is assisted by his sons and arrangements with adjoining farmers. However, using standard industry labour requirement data, the holding represents only approximately 5% (0.05) of a full time unit. This as disputed by Mr Greetham (see Appendix 3). This concludes that the labour requirement is 13% of one full-time employee. It details the tri-partite agreement with two other farmers to manage the holding with the applicant, growing and harvesting the grass for hay making. There is also an additional farmer who rears store lambs on the holding during winter months. The other farmers own the sheep and use the land at Hyacinth farm for grazing between August to February where the applicant is responsible for overseeing the sheep during this time.
- 10.12 It should be noted that the applicant does not own the sheep being kept on the land for temporary periods throughout the year. Ultimately, the consensus is that the holding represents between 5-13% of a full time unit.
- 10.13 Mr Henderson's report goes on to state in his consultation report that due to the Holding's scale and the nature of the activities, "I do not consider the Holding is being run for trade or business purposes, but is a modest part-time "leisure/hobby/amenity" Holding".
- 10.14 In the applicant's statement (Appendix 3) it is contended that in review of literature from the Department for Environment, Food and Rural Affairs (DEFRA) they do not have a definition of hobby farming as the phrase is "*functionally meaningless*" in the face of the broad range and form of commercial agricultural operations. They were, however, able to confirm that "*commercial*" agricultural is defined within the EU Farm Structure Survey Regulation EC 1166/2008 as "*...more than 5 hectares of agricultural land,...*" It goes on to state that Hyacinth Farm meets DEFRA's definition of Commercial Agriculture as the unit has 50 head of sheep, is located on over 5 hectares of land and holds a DEFRA agricultural holding number 493440538.
- 10.15 Mr Henderson comments (Appendix 4): Whilst DEFRA may not have a definition of hobby farming, DEFRA "returns" include hobby/retired/other profession. Whether one considers the Holding to be commercial or leisure/hobby/amenity, the Holding only extends to 5.3 Hectares, represents only 5 – 13% of a full time unit, and the Applicants principal occupation is as a successful Head Teacher of a Primary School. Also, the Applicants Surveyor has previously commented that he struggles "to think of any farm that operates on 5 Hectares". "So I take it that we can at least agree that this is a small part time Holding".

- 10.16 The Local Planning Authority accepts that in some circumstances it may be necessary for hobby/part time farmer to have the requirement for small buildings to provide shelter and/or storage of hay and foodstuffs for livestock, in this instance the size and scale of the building subject to this application is much greater than would be expected to be necessary for this size of holding. The potential of existing buildings on site to meet the requirement of the holding is further assessed later in this report.
- 10.17 Taking all of the above into account, it is considered that a genuine agricultural need for the building cannot be demonstrated. Therefore the proposal would not accord with policy LP54 a. of the Kirklees Local Plan or paragraph 141 of the NPPF which states that local planning authorities should plan positively to enhance the beneficial use of Green Belts by, inter alia, retaining landscapes and visual amenity. The erection of a new building not genuinely required for the purposes of agriculture would harm the visual amenity of the area and result in new building on formally open land.

Design and Visual amenity and whether the building is suitable for present day/modern agriculture

- 10.18 Turning to the design of the building, this has been constructed with external stone walls and a natural slate roof. The Inspector's decision, pursuant to the appeal against the refusal of application no. 2017/93853, stated that whilst it is perhaps not the sort of light weight agricultural building that may typically be found in a rural area, the natural stone walls and a slate roof are in themselves not unacceptable in this particular location. The materials reflect those used in some of the nearby buildings (including the new building adjacent to the dwellinghouse).
- 10.19 The Inspector's decision letter (2017/93853) went on to state that the use of natural stone quoins, window lintels and cills gave the building a more domestic/urban appearance in this otherwise countryside setting. Furthermore, the inclusion of windows and doors with Upvc frames and steps with railings leading to the domestically proportioned entrance doors does not/would not sit well in its rural environment.
- 10.20 Under the current application the applicant has sought to overcome some of the Inspector's concerns through a number of design changes.
- 10.21 The submitted plan and elevations indicate that there would be two large timber bi-fold doors, one on the south elevation to allow access into the upper floor and one on the northern elevation allowing access into to the lower floor area tractor store. The upper floor doors on the west and east elevations, which are accessed off external staircases, are proposed to be widened to allow easier access for hay storage. The material used for the proposed windows have been altered to be timber and the quoins and stone surrounds are proposed to be 'struck faced' to create a rusticated appearance to the surfaces.
- 10.22 On the western elevation there is a door of 'domestic proportions' which provides access into the area highlighted to be used for machinery and an additional door is to be inserted on the south elevation to allow access to the first aid room.

10.23 Mr Henderson, in his consultation response (Appendix 2), and following on from an assessment of the requirement for the building itself, highlights how the design of the building is not particularly suited for modern agricultural practice. Mr Henderson comments that “the building as now seen, is broadly of traditional (19th Century) appearance. In my early years of involvement with planning applications (1990) I witnessed the general acceptance of original such buildings being redundant for present day agricultural use and their conversion to residential or other non-agricultural uses. The building is built of cavity wall construction with cavity insulation, domestic style/ dimension door and window openings and the roof is modern in style with domestic timber trusses.”

10.24 In response, Mr Greetham (Appendix 3) highlights that “With respect to Mr Henderson this is the case where farms are large and rely upon mechanisation. In my opinion the building subject to this application is relevant to the size of farm and type of farming system”.

10.25 Mr Henderson points out that consideration of this application is for a new building as opposed to conversion of use of an old building, thus contrasting the case for *continuing to use* existing traditional buildings with *constructing new* buildings of traditional/19thC design and layout”.

10.26 In respect of the detailed design off/for the building Mr Henderson comments (Appendix 2) regarding difficulties that may be encountered with:

- Access doors on each side of the upper ground floor are designed with 5-6 steps off the ground which would make the movement of any agricultural produce hazardous.
- Internally, as constructed the upper floor room height is restrictive if it is to be used for the storage of agricultural produce with lack of ventilation.
- Any ventilation would only achieved by omitting window and door fittings.
- Both the constructed basement (east elevation) vehicular doorway and proposed additional first floor vehicular door (northern elevation) on the Plan prepared by bld Architects 3729-01 are restricted to 2.5m high whereas minimum agricultural door heights would be expected to be 3m to permit safe tractor/equipment access.
- The basement tractor store is a maximum of approximately 4.3m deep whereas I would expect a minimum 5 – 7m.

10. 27 Mr Greetham’s response to the comments above (Appendix 3) are as follows:

- The applicant explained that the choice of building materials was driven by economics
- The access doors being 5-6 steps off the ground assist the handling of hay bales and feedstuffs from trailers in to the barns
- The quantity of produce does not warrant mechanisation

- There is sufficient ventilation and additional ventilation can be provided easily if required
- It is necessary to secure chemicals and tools within a room without external openings to meet site security and safety requirements.
- Mr Henderson witnessed two tractors situated within the basement store and two tractors can be accommodated in the building.

10.28 Mr Henderson's response to Mr Greetham's comments (Appendix 4) are summarised to:

- I note the references to design details, though designing a new building with the aim of manhandling bales up through raised pedestrian doorways, and to avoid the use of machinery, surprises me. In particular, I note the railings on the plans which will hinder, and not assist, off-loading from a trailer as suggested.
- I dispute that reference to door heights for machinery is irrelevant. I do not consider that the fact that tractors can be found which fit in a building is vindication of new building design.

10.29 On site visits carried out by officers, machinery has not been stored in the lower ground floor rooms, these are mainly laid out with worktops and used for storage of tools and other associated equipment rather than machinery as noted on the plans. Furthermore, it is considered that whilst the building may be able to accommodate the applicant's tractors in the proposed storage area currently, as outlined in Mr. Greetham's Reports, it is not considered that the building provides adequate facilities for any future occupier of the land given the comments from the Agricultural Consultant stating that a minimum of 5-7m would usually be expected for this type of storage.

10.30 In addition to the above, it is considered that amendments to the external appearance of the building by carrying out a process to rusticate the quoins and stone surrounds and alter the windows to include timber frames rather than Upvc would not overcome the harm, confirmed by the Planning Inspector, to the character and appearance of the countryside location.

10.31 The Inspector recognised that the applicant highlights that there was once some sort of structure on the site, but the information is limited about this and, in any event, the application development is a new building. He continued that he had not been provided with any reasons why a more sensitive and close knit location for the building was not considered. No additional reasoning has been provided for the building's location under this application. Significant weight is afforded to the previous appeal decision and the conclusion that the development has caused harm to the essentially open and rural character of area.

10.32 The harm caused is compounded by the fact that the large and imposing building is positioned on the edge of the cluster of existing buildings on the site and so this has had the effect of expanding the built form into the otherwise open and rural landscape.

10.33 In conclusion the overall design and construction of the building is considered incapable of modification to be best suited or be a reasonable response to present day/modern agriculture. Furthermore it is considered the development has caused harm to the essentially open and rural character of area and, whilst the building is not conspicuous from many public vantage points, this does not obviate the need to achieve good design. In this regard, the development does not accord with the design aims of Policy LP24 and LP54 of the Kirklees Local Plan.

Other Site Activities and Re-Use of Buildings

10.34 Under the previous application, the applicant applied for the building to be used partially for agriculture and partly for educational purposes. In association with the applicant's role as a Head Teacher, the site is used for a number of days in summer to host a summer club and a number of other ad-hoc days across the year as an outdoor learning facility. This educational use is thought to equate to around 5-10 days across the whole year. This statement is corroborated in part 6 of Mr. Greetham's report March 2019 (Appendix 1).

10.35 The existing 3 bay timber clad building to the north of the site is equipped with kitchen, toilets, showers and classroom facilities to accommodate the educational uses that occur temporarily on site.

10.36 The balancing exercise to be undertaken is to question to feasibility of the use of the existing buildings on the site for the uses that are required within the land. There is an existing building, is this suitable to meet the agricultural needs of the Holding as opposed to the need to erect a further building?

10.37 The large timber clad building that exists on the site has adequate room for storage. Whilst plans of this building do not exist, it is estimated that the building could offer a total area of approximately 196m² of floor space.

10.38 Whilst the three bay timber clad building currently houses equipment and facilities for the running of the ad-hoc school visits, this use is temporary. The applicant has addressed through the application process that the educational use does not run frequently enough to confirm a material change of use to the land.

10.39 The Agricultural Consultant, Mr Henderson, summarised in his report (Appendix 2) that on his site visit, a variety of agricultural machinery had been laid out on the carpeted floor of the existing storage building and, on balance, felt that if the existing storage building were appropriately prepared, then it would meet the reasonable needs of the existing enterprise.

10.40 Mr Greetham responds to Mr Henderson's comments regarding the existing building stating that the store was full of machinery at the time of inspection (Appendix 3). Mr Henderson was shown the difficulties in manoeuvring machinery in and out of this store due to its low height and there was an excess of machinery with no available space to accommodate the same.

- 10.41 This statement from Mr Greetham appears to contradict earlier comments in the supplementary agricultural report where it is stated that the quantity of produce does not warrant mechanisation (see list under paragraph 10.27). The three bay timber barn at the top of the site has better storage space being of an open plan layout and access openings that the building being considered under this application. It provides the same argument that, if amendments can be made to make the building subject to his application useable, then amendments to make the existing building adequate for the purposes currently required on site can also be made.
- 10.42 It therefore has to be considered that as the three bay timber building is only used infrequently throughout the year for the requirements of the educational purposes, the space within that building is not being utilised to its full capacity and as stated by the Agricultural Consultant Mr Henderson, if prepared in the correct manner, could provide facilities for both uses satisfactorily.

Reduction of Built Form

- 10.43 As part of the application, the applicant has taken consideration of the built form existing on site and rationalised some of the development in order to provide justification and offset the impact of the new building.
- 10.44 The applicant has offered, as part of this application, to remove a poly tunnel which is sited on land forward of the dwellinghouse and 3 shipping containers that are sited adjacent to the three bay timber clad building. The containers hold both recreational materials for the educational use and agricultural tools. A built-form table has been submitted which also outlines where developments have been removed or reduced over the past few years.
- 10.45 In consideration of the shipping containers, in comparison to the erection of the new building, these form a relatively minimal impact on the Green Belt location given they are situated close to an existing development and are of a limited height. It is also usual to see in rural settings the occasional siting of such small containers for associated storage, as they provide secure and relatively cheap accommodation which are fit for purpose.
- 10.46 In relation to the removal of the poly tunnel, this structure does not afford the applicant any storage space which is stated to be the requirement for the erection of the new building and therefore limited weight is given to its proposed removal.
- 10.47 In the built form table submitted within the design and access statement, the applicant highlights that an original barn had been removed from the same location as the new building subject to this application. It is stated this structure was an original pole barn and was removed immediately prior to construction in March 2017.
- 10.48 However, the Council will rely on the comments provided by the Planning Inspector on the appeal in which he outlined that evidence is limited of the structure that stood before and the Inspector was not persuaded that the evidence submitted demonstrated that the appeal building amounted to the *“replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”* (paragraph 145 (d) of the Framework). The applicant stated that *“the replacement building would be of*

the same use as previously and not existentially larger in floor area than the one it replaces". This comment is not substantiated with objective evidence and there is no information relating to the height of the demolished structure. No further evidence has been provided by the applicant in relation to this matter and therefore limited weight is given to its context within the table which outlines the reduction of built form within the site.

- 10.49 In conclusion, it is considered that the reduction of built form outlined by the applicant to reduce the impact of the new building and rationalise development would not alleviate the harm caused to the new building's impact on landscape and visual amenity of the area. The reduction of built form offers minimal compensation and, in fact, the shipping containers are already used on site to provide suitable storage for a variety of tools and equipment.

Residential Amenity

- 10.50 The impact of the development on residential amenity needs to be considered against LP24 of the Local Plan.
- 10.51 It is worthwhile to note, the closest neighbouring residential property within the vicinity of the development is the dwelling of Hyacinth Farm in ownership of the applicant, approximately located 44m to the South of the proposed development.
- 10.52 Given the nature of the proposed use of the development and distance to the nearest dwellinghouse, it is considered that the building would not cause material harm to the amenities of residential occupiers.

Highway issues

- 10.53 This application is for the erection of an agricultural building and the cladding of an existing building, both buildings utilising an existing access.
- 10.54 The site was refused permission as part of 2017/93853 but there were no highways objections
- 10.55 There have been no changes to the building or access that would impact highways or change the previous KC Highways comments, who consider the application is acceptable on highways grounds.
- 10.56 It is concluded that the erection of the building would not have an adverse impact on highway safety and therefore complies with the aims of policy LP21 of the Kirklees Local Plan.

Other matters

Proposed cladding of 3 bay timber clad building

- 10.57 The application description includes the cladding of the three bay timber clad building to the north of the site. Details of the cladding have not been provided although it is stated to be carried out in stone to match that of the surrounding buildings. Whilst the building currently has an agricultural appearance that sits comfortably within the site, the re cladding of the building in stone is not considered to cause detriment to visual amenity or to the openness of the

Green Belt and is likely to tie the building in to other developments within the site. The cladding of the three bay timber barn would be considered to comply with the aims of policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Climate Change

- 10.58 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.59 The applicant has stated that the stone used in the construction of the building is reclaimed and that majority of the labour used in this building were provided a little or no cost. The re-use of materials reduces the consumption of resources but a more significant reduction of resources would have been achieved by the re-use of an existing building on site rather than the erection of a new building.

Representations

- 10.60 The application was advertised by site notices and neighbour letters with the publicity expiring on 7th September 2019. As a result of the publicity 1 representation has been received. The concerns and issues raised are summarised below:

- Design and finish quality is that of a dwelling
- No building on the footprint of the new building subject to this application
- Applicant is not a farmer and does not own the sheep or farm machinery
- Sets a precedent if approved

Comment: these points have been noted and, where raising material planning considerations, are addressed in the report above

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The development fails to comply with Policy LP54a of the adopted Kirklees Local Plan in that the information submitted by the applicant does not demonstrate that the building is genuinely required for the purpose of agriculture. Planning law requires that applications for planning permission be determined in accordance with the development plan; the development is contrary to the adopted development plan and is such recommended for refusal.

- 11.3 The overall design and construction of the building is considered to be incapable of modification such that it would be best suited or be a reasonable response to present day/modern agriculture. Furthermore it is considered the development has caused harm to the essentially open and rural character of area and, whilst the building is not conspicuous from many public vantage points, this does not obviate the need to achieve good design. In this regard, the development does not accord with the design aims of Policy LP24 and LP54 of the Kirklees Local Plan.
- 11.4 Members are requested to accept the officer recommendation and authorise the Compliance Team to proceed with action to remove the building.

Background Papers:

Application and history files.

[2002/91353](#) – Erection of extension and alterations to existing farmhouse and erection of detached stables/agricultural store – conditional full permission

[2017/94075](#) – Erection of replacement building – Conditional full permission

[2017/93588](#) – Prior notification for erection of agricultural building – Approval of details withheld

[2017/93853](#) - Erection of mixed use agricultural and educational building – Refused by Huddersfield Sub- Committee

[2018/92594](#) - Certificate of lawfulness for proposed outbuilding – granted

[2018/91450](#) – Certificate of lawfulness for proposed outbuilding – refused

Current Application Website link [2019/92457](#)

Certificate of Ownership –Certificate A signed

Appendix 1

Agricultural Report
Relating to
Hyacinth Farm
Wellhouse Lane
Kirkheaton
Huddersfield
HD5 0RB

By

Michael A Greetham BSc(Hons) FBIAC MAE
EXPERT AGRICULTURE Ltd



	EXECUTIVE SUMMARY.....	3
1	INTRODUCTION.....	4
2	QUALIFICATIONS	5
3	INSTRUCTIONS AND BACKGROUND	6
4	THE FARM AND THE FARMING SYSTEM.....	8
6	CONCLUSION.....	14

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EXECUTIVE SUMMARY

- 1) Hyacinth farm is an established farming unit.
- 2) It has been owned by Mr and Mrs Ahmed since 2001.
- 3) It has the holding number 493440538
- 4) The farm operates as a grass and sheep unit and the total area extends to 5.3 hectares
- 5) A barn has been constructed within the footprint of a previous barn.
- 6) The barn has been built with local stone
 - a) This is reflects the traditional structure of barns on small farms
 - b) The holding is on the urban fringe and has been subject to arson attacks and to theft
- 7) The farming system requires the secure storage of feedstuffs, hay, straw and machinery

1 INTRODUCTION

- 1.1 Hyacinth Farm is a small farm situated on the edge of the Kirkheaton.
- 1.2 There is a four bedroom farmhouse and supporting domestic buildings.
- 1.3 The farm is operated as a grass farm and effort has been made to preserve the feeling of a small farming unit
- 1.4 A barn is required to allow for safe and effective storage of feed, hay, straw and machinery.

2 QUALIFICATIONS

- 2.1 This report is prepared by Michael Anthony Greetham, a Farm Management Consultant and Managing Director in the firm of agricultural management consultants known as Expert Agriculture Ltd.
- 2.2 I was born into a Lincolnshire farming family growing flowers and vegetables. The farm extended to 100 acres and involved 20 enterprises in 14 enclosures. I gained an Honours Degree in Agricultural Science at Nottingham University in 1975. Upon leaving university I spent 4 years as a Farm Manager on an arable and beef farm in North Nottinghamshire, being responsible to an absentee owner for the full management responsibilities of an intensive farm.
- 2.3 In 1979 I joined David Anderson & Company as an Agricultural Management Consultant initially working at the Melton Mowbray office. In 1980 I transferred to the Suffolk office of the firm and in 1984 I became a Partner returning to Melton Mowbray in 1987 to take a national role.
- 2.4 In September 1994 David Anderson & Company changed its trading title to Andersons and the department title to Special Services. In 2001 The Andersons Centre was evolved. This was the original national office, heading a network of regional farm business consultancies. The Andersons Centre own Agro Business Consultants Ltd who publish both The Agricultural Budgeting and Costings Book and The Farm Management Pocketbook. The editors of both of these publications are Partners in The Andersons Centre.
- 2.5 Andersons are recognised as the leading farm business management consultants, operating from six UK offices and a base in Germany. The practice was established 46 years ago. I retired as Senior Partner of The Andersons Centre 2 years ago and established Expert Agriculture Ltd
- 2.6 Throughout my 40 years of practice I have managed and advised businesses on their farming activity, business structure and financial performance including, where appropriate, diversification.
- 2.7 I am the Chief Executive Officer of the British Institute of Agricultural Consultants where I am a Fellow and a member of the Rural Planning Division thereof, a Fellow of the Agricultural Law Association and a Member of the Academy of Experts.

3 INSTRUCTIONS AND BACKGROUND

- 3.1 I am instructed by Mr Gugsy Ahmed
- 3.2 I am asked to address the holding known as Hyacinth Farm.
- 3.3 The postal address is Wellhouse Lane, Kirkheaton HD5 0RB
- 3.4 The farm is a registered agricultural holding number 493440538.
- 3.5 I am asked to provide an Agricultural Justification report and to
 - 3.5.1 Look at the farm and farming system
 - 3.5.2 Comment on the need for buildings
 - 3.5.3 Comment on the structure of the barn which is being erected at Hyacinth Farm
- 3.6 I am not asked to comment on events and exchanges with the local planning authority leading to the partial construction of the farm.
- 3.7 Mr Gulfaraz Ahmed, hereafter known as Gugsy Ahmed, moved to Hyacinth Farm in November, 2001 together with his wife, Margaret.
- 3.8 Mr Gugsy Ahmed is a head teacher at Parkinson Lane Community Primary School, Parkinson Lane, Halifax, HX1 3XL.
- 3.9 Gugsy and Margaret Ahmed have two children, both boys, who have been brought up at Hyacinth Farm. All of the family participate in the farming activity.
- 3.10 The Ahmed family have developed Hyacinth Farm over 17 years to a productive unit growing organic grassland.
- 3.11 I understand that at the time of purchase the farm was derelict. The farmhouse, buildings and the land all required remedial attention.
- 3.12 The immediate priority was to renovate the farmhouse which, I am told, was a significant project.

- 3.13 Farm buildings were in danger of collapsing and had asbestos roofs which had to be removed from the site.
- 3.14 Over time buildings have been demolished or made safe.
- 3.15 The unit is situated on the edge of Kirkheaton. Kirkheaton is a suburb of Huddersfield. The farm has been subject to an arson attack and to the theft of machinery and equipment.
- 3.16 The objective is to establish a small, secure and effective farming unit which reflects the size, nature and character of the area.
- 3.17 The extent of the farm can be seen within the aerial photograph below

Aerial Photograph



- 3.18 The farm boundaries can be identified from the map provided in Appendix I

4 THE FARM AND THE FARMING SYSTEM

4.1 Hyacinth Farm extends to 5.3 hectares, 13.1 acres.

4.2 The farm is owned by Mr Mrs Ahmed and registered at the Land Registry under two title Numbers

4.2.1 WYK 591893

4.2.2 WYK 5001106

4.3 The farm is situated at or about 400 ft above sea level.

4.4 The land is Classified Grade 4 under the Agricultural Land Classification of England and Wales meaning that it is suitable for *growing grass and occasional cereal crops mostly grown under low input systems.*

4.5 The soils are listed by Cranfield Soil and Agrifood Institute as 'Soilscape 6' being

4.5.1 *Freely draining slightly acid loamy soil*

4.5.2 *Suitable for range of spring and autumn sown crops; under grass the soils have a long grazing season. Free drainage reduces the risk of soil damage from grazing animals or farm machinery. Shortage of soil moisture most likely limiting factor on yields, particularly where stony or shallow*

4.6 There is a farmhouse, an adjacent building which was built with the benefit of planning permission for multi-purpose, being part household, part farm and part educational

4.7 There is an existing storage building and three adjacent storage containers. The existing building is low in height and not a substantial structure. It is not large enough for the needs of the farm.

4.8 Mr Mrs Ahmed have built up a wide range of agricultural machinery suitable for growing and harvesting grass and making hay. They also have sheep handling facilities, all of which are suitable for a farm holding of this type.

- 4.9 Hyacinth Farm has the holding number 493440538. It is registered as a 'linked holding' to Holding No 44/344/0758 for livestock movement purposes. This holding is registered to a Mr Dean Askin, Ash House, Bog lane, Upper Heaton HD5 9PW.
- 4.10 The soils at Hyacinth Farm are ideally suited to growing grass. The soils in the two main enclosures are productive. The soils in the fields on to the north-west boundary are higher and less productive but are used for grass and grazing.
- 4.11 After making the farmhouse habitable Mr Mrs Gugsy Ahmed established a farming enterprise at Hyacinth Farm.
- 4.12 The first priority was to get a tractor and supporting machinery to enable the grassland to be made productive. As the grassland was already organic, that is free of inorganic fertiliser and chemicals it was natural to continue the organic status.
- 4.13 There are four main enclosures, three are between 1.0 hectare and 1.7 hectare each of which can be used for hay making providing at least two cuts in a normal season. The fourth, to the north of the holding is just less than one hectare and provides useful grazing and at least one cut of hay.
- 4.14 The farm is staffed by Mr Gugsy Ahmed, his wife Margaret and their two teenage sons together with Mr Offlow, a neighbouring retired farmer.
- 4.15 The machinery that is owned by Mr Mrs Ahmed is
- 4.15.1 Tractor John Deere 1550
 - 4.15.2 4 trailers being a tipping trailer, a flat-bed Bale trailer, a stone trailer and a quad Trailer
 - 4.15.3 Flatbed lorry
 - 4.15.4 Transport box
 - 4.15.5 2 x sprayers (used for spot treatment)
 - 4.15.6 Water bowser
 - 4.15.7 Mower (3 metre)
 - 4.15.8 Windrower
 - 4.15.9 Baler
 - 4.15.10 Sheep handling and shearing equipment

- 4.16 The equipment in para 4.15 allows Mr and Mrs Ahmed to be self-sufficient in field operations.
- 4.17 In 2005/2006 Mr Ahmed purchased a flock of cross bred ewes (Suffolk cross Texel) together with rams.
- 4.18 Free range chickens quickly followed together with a small number of goats.
- 4.19 Having developed a complicated system with sheep, goats and chickens the family took the decision to concentrate on sheep and sold off the chickens and goats.
- 4.20 In recent years the farming system has developed whereby Hyacinth Farm concentrates on hay making and then utilises third party sheep to graze the summer and autumn aftermath while also providing winter keep.
- 4.21 Mr Dean Askin grazes in the summer and autumn, fattening his lambs, while Mr Andrew Warren brings ewe lambs to the farm for winter keep.

5 THE BARN

- 5.1 A replacement barn is required for the holding.
- 5.2 Due previous arson attacks and thefts it is essential that the replacement barn provides safe, secure and effective storage
- 5.3 I exhibit a picture of the devastation of the arson attack in Photograph 1 below



- 5.4 The barn is set within the footprint of what was a pole barn, which is a barn supported by timber posts with a roof, used for storing hay and straw as well as machinery.
- 5.5 The replacement barn is in the process of being constructed using local stone walls and a slate roof.
- 5.6 The barn sits well in the countryside and is reminiscent of the type of barn that would be found on a Yorkshire livestock unit.
- 5.7 Farmers have tended to build new barns as portal framed buildings but this is mainly on economic grounds.

5.8 Mr Ahmed has been fortunate to

5.8.1 Have had stone on the holding from previous farm buildings

5.8.2 Have a cheap source of additional stone

5.8.3 Have access to a stone mason who works for £10 per hour providing skilled labour as long as the Ahmed family carry out the unskilled tasks such as moving the stone to the point of use, providing sand, cement etc.

5.9 The barn has been designed to utilise the natural slope with a lower floor accommodating the oil and fuel store leaving the upper floor for the storage of feed and machinery.

5.10 The barn door can be clearly seen in Photograph 1 below

5.11 A door has been provided at 1.2 metres above ground to allow materials to be on-loaded and off-loaded from trailers and lorries without lifting. This is the system that was utilised in traditional farm buildings.

Photograph 2



5.12 There is a large roller shutter door in the end of the barn to allow access for farm machinery while securing the same given the high incidence of theft from farms that is prevalent at this moment in time.

5.13 Internally the barn has been left open with one dividing wall in the upper floor

Photograph 3



6 EDUCATIONAL USE

- 6.1 As reported Mr Gugsy Ahmed is the head teacher of a primary school in Halifax.
- 6.2 Mr Ahmed understands the educational value of a small farm to young children and also children who suffer from difficult and challenging backgrounds etc.
- 6.3 I understand that educational visits have featured in discussions with the Local Planning Authority (LPA).
- 6.4 However, in my professional opinion I believe that these discussions are potentially misleading and have no relevance
- 6.4.1 The visits cover no more than 15 days in any one year
 - 6.4.2 They consist of one residential visit lasting a maximum of 5 days and up to 10 other days which are not consecutive and are not residential.
 - 6.4.3 This activity is non profit making, it allows the Ahmed family to give something of value back to the community at large
 - 6.4.4 The visits allow children to explore habitats and discover animals and wildlife
- 6.5 It is my understanding that a farmer can carry out an activity where the use of the site for non-agricultural purposes does not exceed 28 days

7 CONCLUSION

- 7.1 Hyacinth Farm extends to 5.3 hectares
- 7.2 It is a grass and stock farm
- 7.3 A secure and effective replacement barn is required.
- 7.4 The farm has been subjected to arson attacks and theft.
- 7.5 The extent of the farming enterprise, the farming system and the level of machinery owned justifies a replacement barn
- 7.6 Mr Mrs Ahmed have chosen to build a stone barn
 - 7.6.1 This reflects the structure of traditional barns
 - 7.6.2 Access to local stone and a stone mason makes the structure cost effective
 - 7.6.3 The barn provides storage which is secure from theft and arson, both experiences have featured at Hyacinth Farm
- 7.7 Any reference to educational use has no relevance in this planning matter

APPENDIX I

Farm Map

Appendix 2

AGRIC BLDG AT 20, WELLHOUSE LN, KIRKHEATON, HUDDERSFIELD, HD5 0RB - G AHMED - 2019/62/92457/W

I refer to the above application and confirm that I met with the Applicant and his Agricultural Consultant and inspected the site on 18 October 2019.

In view of the considerable amount of information previously provided and exchanged in connection with the pre-application enquiry earlier this year, and the information provided with this application, I do not propose to dwell on the background details.

1. I understand that the Applicant acquired Hyacinth Farm in 2001.
2. Including the domestic premises, I understand the Holding extends to approximately 5.3 Hectares. This includes the dwelling, a second "domestic" building, garaging, a "3 bay" timber clad agricultural building, 3 storage containers and the Application Building
3. The Applicant does not own any livestock but I am advised that the land is used by a 3rd Party to graze sheep between July and February. The sheep are then removed and the grass is grown-on for hay. After mowing/hay making, the sheep are returned. (At the time of my inspection on 18 October 2019 there were no sheep on site.)
4. The Applicant is a successful Head Teacher of a Primary School in the District. In view of this significant full-time commitment, I am advised that he is assisted by his sons and arrangements with adjoining farmers. However, using standard industry labour requirement data, the holding represents only approximately 5% (0.05) of a full time unit. (No financial data has been provided, but I would expect this to reflect this.)
5. Due to its scale and the nature of the activities I do not consider it is being run for trade or business purposes, but is a modest part-time "leisure/hobby/amenity" holding which also facilitates the summer camp and other ad-hoc activities.

Turning to the Application Building (Referred to as Dwg no 3279-01b 19/8/19 on the Planning Portal though confusingly the Application Drawings themselves are not referenced differently) :-

6. It is of significance that the 1 page Design and Access Statement of 2017 that was submitted during construction of the building, states that it "will be constructed in accordance with current building regulations and all legislation/guidance pertaining to an educational facility." And that "the building will be accessed primarily by pedestrian traffic using pedestrian doors". This indicates to me that the design and principle intention behind the building was for an educational use with possible modest/casual agricultural use of the partial basement – as per the earlier application.
7. I would contend that the "building regulations, legislation and guidance" pertaining to an educational facility differs significantly from use for agriculture. It is not therefore simply a case that the same building would be constructed for either use.
8. The building as now seen, is broadly of traditional (19th Century) appearance. In my early years of involvement with planning applications (1990) I witnessed the general acceptance of original such buildings being redundant for present day agricultural use and their conversion to residential or other non-agricultural uses. The proposed alterations shown on the Plan prepared by bld Architects 3729-01 do not materially change the building from its current form.
9. Turning to construction, one would generally expect a contemporary agricultural building to be of steel frame construction with concrete block/panel walls, cladding and mild steel/fibre cement roof. But this is built of stone with cavity wall construction and cavity insulation, domestic style/dimension door and window openings. The roof is of new Indian Stone with underfelt on modern style pre made timber trusses. The proposed alterations shown on the Plan prepared by bld Architects 3729-01 do not materially change these aspects.

- a. The access doors to each side of the “main floor/first floor” are designed and constructed 5 - 6 steps off the ground which will make the movement of any agricultural produce in and out of the building hazardous and, even if the door width is increased from the existing 0.9/1m to the proposed 1.5m as shown on the Plan prepared by bld Architects 3729-01, the width and height will be restrictive.
- b. Internally, as constructed the “main floor/first floor” room height is restricting if it is to be used for the storage of hay and agricultural produce, as proposed. This will significantly impact the use of machinery to move produce and is likely to require all stored produce to be man handled.
- c. Any ventilation is only achieved by omitting window and door fittings. Good ventilation is important to remove moisture. For example hay is not completely dry and, when stored, will continue to lose moisture. High humidity in the building can reduce the quality of hay, encourage mould growth and cause condensation which will not only drip onto the hay but also cause problems to the structure itself.
- d. The existing door to the south western “room” is of domestic proportions, though I note the proposal to widen this as shown on the Plan prepared by bld Architects 3729-01. This room is without external openings.
- e. Both the constructed basement vehicular doorway and proposed additional first floor vehicular door shown on the Plan prepared by bld Architects 3729-01 are restricted to 2.5m high whereas minimum agricultural door height would be expected to be 3m to permit safe tractor/equipment access.
- f. The basement “tractor store” is a maximum approximately 4.3m deep whereas I would expect a minimum 5 – 7m, and the basement rooms are particularly restrictive for “machinery” storage. Whilst I acknowledge that there were 2 tractors parked in the tractor store, the issue is that the store should not only be capable of storing the applicants tractors but be reasonably capable of accommodating an alternative owners tractors in the future as the store is intended to address the needs of the Holding not a particular applicant. I would therefore expect the design of a new building to reflect generally accepted standards.
- g. Whilst there were a number of small hay bales and some bags of material and timber stored on the “main floor/first floor” and 2 tractors parked in the tractor store at the time of my visit, I do not consider the building to be materially used for Agriculture.

On the above basis, I do not consider that the design or construction of the building was intended for agricultural use; is appropriate for present day/modern agriculture; or that the building is a reasonable response to the agricultural needs of the Holding.

You previously asked me to reflect on the existing storage building and if additional accommodation is required ?, and, if so, whether the Application Building would meet this need or what alterations would be required ?.

On my inspection, a variety of agricultural machinery had been laid out on the carpeted floor of the existing storage building and, on balance, I feel that if the existing storage building were appropriately prepared, then it would meet the reasonable needs of the existing enterprise. Even if it did not, the principle need is for hay and possible machinery storage, and I do not feel the Application Building is best suited to this or can be effectively adapted.

Appendix 3

1 INTRODUCTION 3

2 QUALIFICATIONS 4

3 RESPONSE TO Mr HENDERSON’s REPORT ADOPTING PARAGRAPH NUMBERS 5

4 CONCLUSION.....12

1 INTRODUCTION

1.1 This report is provided as a response to the report prepared by Mr Roger Henderson, Leeds City Council relating to Hyacinth Farm, a small farm situated on the edge of the Kirkheaton.

1.2 I provided an initial report in March, 2019. The Executive Summary provided within that report was

- 1) *Hyacinth farm is an established farming unit.*
- 2) *It has been owned by Mr and Mrs Ahmed since 2001.*
- 3) *It has the holding number 493440538*
- 4) *The farm operates as a grass and sheep unit and the total area extends to 5.3 hectares*
- 5) *A barn has been constructed within the footprint of a previous barn.*
- 6) *The barn has been built with local stone*
 - a) *This is reflects the traditional structure of barns on small farms*
 - b) *The holding is on the urban fringe and has been subject to arson attacks and to theft*
- 7) *The farming system requires the secure storage of feedstuffs, hay, straw and machinery*

1.3 The Executive Summary remains a valid and suitable summary of the farm and is relevant to the Application.

1.4 Mr Roger Henderson has visited twice, once in spring, 2019 and more recently On 18th October, 2019. I accompanied Mr Henderson on both visits as did the Applicant, Mr Ahmed.

1.5 The visit in the spring was at a time when there were no stocks on farm being after winter and before stocks of hay had been replenished in June and July.

1.6 The visit in October was timely but issues arise from Mr Henderson's report and these are addressed in the following section.

2 QUALIFICATIONS

- 2.1 This report is prepared by Michael Anthony Greetham, a Farm Management Consultant and Managing Director in the firm of agricultural management consultants known as Expert Agriculture Ltd.
- 2.2 I was born into a Lincolnshire farming family growing flowers and vegetables. The farm extended to 100 acres and involved 20 enterprises in 14 enclosures. I gained an Honours Degree in Agricultural Science at Nottingham University in 1975. Upon leaving university I spent 4 years as a Farm Manager on an arable and beef farm in North Nottinghamshire, being responsible to an absentee owner for the full management responsibilities of an intensive farm.
- 2.3 In 1979 I joined David Anderson & Company as an Agricultural Management Consultant initially working at the Melton Mowbray office. In 1980 I transferred to the Suffolk office of the firm and in 1984 I became a Partner returning to Melton Mowbray in 1987 to take a national role.
- 2.4 In September 1994 David Anderson & Company changed its trading title to Andersons and the department title to Special Services. In 2001 The Andersons Centre was evolved. This was the original national office, heading a network of regional farm business consultancies. The Andersons Centre own Agro Business Consultants Ltd who publish both The Agricultural Budgeting and Costings Book and The Farm Management Pocketbook. The editors of both of these publications are Partners in The Andersons Centre.
- 2.5 Andersons are recognised as the leading farm business management consultants, operating from six UK offices and a base in Germany. The practice was established 46 years ago. I retired as Senior Partner of The Andersons Centre 2 years ago and established Expert Agriculture Ltd
- 2.6 Throughout my 40 years of practice I have managed and advised businesses on their farming activity, business structure and financial performance including, where appropriate, diversification.
- 2.7 I am the Chief Executive Officer of the British Institute of Agricultural Consultants where I am a Fellow and a member of the Rural Planning Division thereof, a Fellow of the Agricultural Law Association, Fellow of the Institute of Agricultural Management and a Member of the Academy of Experts.

3 RESPONSE TO Mr HENDERSON's REPORT ADOPTING PARAGRAPH NUMBERS

- 3.1 Mr Henderson correctly states that the farm was acquired in 2001. It is significant to note (from aerial pictures) that **there has been a significant investment in the infrastructure to include farm buildings, tracks as well as reseeding pasture and providing fencing as well as rebuilding stone walls.**
- 3.2 While Mr Henderson is correct that the farm extends to 5.3 Ha including the dwelling and ancillary domestic buildings. I have measured the domestic element which amounts to circa 1,800sq.m. It is significant to note that that **the farm, excluding domestic elements, exceed 5 ha (12 acres) which is an important factor in recognising the unit as a farm holding.**
- 3.3 Mr Ahmed is a farmer who has addressed the pressures and economies of scale consistent with modern farming by entering in to a tri-partite working arrangement with two neighbours, a Mr Dean Askin and a Mr Philip Offlow. This is a long standing arrangement which works well. The ownership of the sheep is vested in Mr Dean Askin as it is necessary to 'link holdings' for simplification of administrative purposes in the completion of animal movement permissions and notifications. Under the arrangement Mr Ahmed grows grass which is grown and harvested by Mr Ahmed assisted by his family. Grass is harvested as hay that requires storage. Breeding sheep, subject to the tri partite agreement, graze grass on the holding from August through to February. A fourth farmer, Mr Andrew Warren rears store lambs on part of Hyacinth Farm in the winter months. While the sheep are on Hyacinth Farm Mr Ahmed and his family are responsible for overseeing them. **Mr Henderson is not able to say whether there were sheep on the holding on the 18th October, 2019** as he did not walk the land stating that he was satisfied with the land following his previous visit. I understand that a Kirklees Planning Officer (Hannah Thickett) attended w/c 7th October, 2019. **Ms Thickett acknowledges that she witnessed sheep grazing at the time of her visit.** There can be in excess of 60 sheep on the holding.

3.4 While it is recognised that Mr Ahmed is a Head Teacher, the farming system allows him, supported by his family to make the hay and to collect the bales and stack them within the farm building that is the subject of this report. Mr Henderson reports the labour requirement as ‘*only approximately 5% (0.05) of a full time unit*’. The standard industry data that is referred to is produced by my previous practice Andersons and reported in two industry text books. **The actual labour requirement for the holding is 13% and the majority of that is provided by the Applicant.**

	No	per unit	Total
Ewes & lambs	30	5.2	156
Store lambs	20	2.9	58
Grass	5	1.3	6.5
			220.5
Maintenance and Management	15%		33.1
Total			253.6
Industry Total per Man*			1900
			13.3 %

* Farm Business Survey

3.5 Mr Henderson states that the *farm is not being run for trade or business purposes* suggesting that it is a *modest part time leisure/hobby/amenity holding*. The Department for Environment, Food and Rural Affairs, DEFRA does not have a definition of hobby farming as the phrase is “functionally meaningless” in the face of the broad range and form of commercial agricultural operations. DEFRA state that “commercial” agricultural is defined within the EU Farm Structure Survey Regulation EC 1166/2008 as “...more than 5 hectares of agricultural land, 1 hectare of orchards, 0.5 hectares of vegetables or 0.1 hectares of protected crops, or more than 10 cattle, 50 pigs, 20 sheep, 20 goats, or 1,000 poultry’.

Hyacinth Farm meets DEFRA’s definition of Commercial Agriculture as the unit has 50 head of sheep, is located on over 5 hectares of land and holds a DEFRA agricultural holding number 493440538.

Agriculture in the United Kingdom 2017, the Government paper produced annually, states that of the 294,000 farmers, business partners, directors and spouses involved in agriculture **153,000 (52%) were part time workers** (Table 2.5, page 19)

3.6 Mr Henderson refers to the Design and Access Statement of 2017. I understand that it is generally accepted that there was confusion about the role of educational use. In any event

3.6.1 the educational activities at Hyacinth Farm take place on less than 15 days in any one year

3.6.2 There is no water or sanitation to the subject building. These facilities are provided within the other farm building. While there are 'more than one cubicle' such facilities are required within one set of farm buildings to meet modern requirements

3.6.3 The educational activity at Hyacinth Farm is not reliant upon the building subject to this Application

3.7 In my opinion the building regulations relevant to education have no relevance to this application

3.8 Mr Henderson states that he has 'witnessedsuch buildings being redundant for present day agriculture..' With respect to Mr Henderson this is the case where farms are large and rely upon mechanisation. **In my opinion the building subject to this application is relevant to the size of farm and type of farming system.**

3.9 Mr Ahmed explained that the choice of building materials was driven by economics and reference to a steel frame construction is not relevant because of the cost of the same. Many of the materials and the majority of the labour used in this building were provided a little or no cost.

3.9.1 The access doors being 5-6 steps off the ground assist the handling of hay bales and feedstuffs from trailers in to the barns

3.9.2 Mr Henderson suggests that the first floor height restricts mechanisation. It is not envisaged that any machinery will be used. The quantity of produce does not warrant mechanisation

3.9.3 It is accepted that the hay has to be dry before being stored. The small quantities allow this to happen. There is sufficient ventilation and additional ventilation can be provided easily if required

3.9.4 It is necessary to secure spray chemicals and small tools within a room without external openings to meet site security and safety requirements. Hyacinth Farm can be accessed along the northern boundary via a public footpath. There have been incidents of theft, fire and general vandalism at Hyacinth Farm.

3.9.5 Mr Henderson's reference to the height of constructed and proposed vehicular doorways is not relevant. Mr Henderson witnessed two tractors situated within the basement store.

3.9.6 Reference to the depth of the ground-floor tractor store has no relevance, two tractors were accommodated within the store at the time of inspection one with a fore-loader attached.

4 CONCLUSION

- 4.1 A replacement barn is required for the holding.
- 4.2 Due previous arson attacks and thefts it is essential that the replacement barn provides safe, secure and effective storage
- 4.3 The barn sits well in the countryside and is reminiscent of the type of barn that would be found on a Yorkshire livestock unit. Farmers have tended to build new barns as portal framed buildings but this is mainly on economic grounds .Mr Ahmed has been fortunate to
 - 4.3.1 Have had stone on the holding from previous farm buildings as well as a cheap source of additional stone
 - 4.3.2 Have access to a stone mason who works for £10 per hour providing skilled labour as long as the Ahmed family carry out the unskilled tasks such as moving the stone to the point of use, providing sand, cement etc.
- 4.4 A door has been provided at 1.2 metres above ground to allow materials to be on-loaded and off-loaded from trailers and lorries without lifting. This is the system that was utilised in traditional farm buildings.
- 4.5 Mr Henderson refers to the existing storage building
 - 4.5.1 The fact that there was some carpeting left on the floor has no relevance
 - 4.5.2 The store was full of machinery at the time of inspection
 - 4.5.3 Mr Henderson was shown the difficulties in manoeuvring machinery in and out of this store due to its low height
 - 4.5.4 There was excess machinery outside of the existing store with no available space to accommodate the same
- 4.6 Hyacinth Farm meets the definition of a commercial farm, albeit part time
- 4.7 An additional farm building is necessary to meet the farming requirements
- 4.8 Reference to educational use has no relevance
- 4.9 The design of the building is 'fit for purpose' and suited to a small farm.

Appendix 4

AGRIC BLDG AT 20, WELLHOUSE LN, KIRKHEATON, HUDDERSFIELD, HD5 0RB - G AHMED - 2019/62/92457/W – 16/01/2020

I refer to the Applicants Supplementary Agricultural Report of December 2019.

- 3.1 & 3.2 The area of the Holding is agreed at 5.3 Hectares.
- 3.3 Reference is made to the sheep, but the Report acknowledges that the sheep do not belong to the Applicant, and it has previously been stated that the sheep are not on site on a permanent basis.
- From the Report there appears to be some significance attached to whether or not sheep were on site on my visit on 18 October. I am unclear whether the Applicant is claiming that there were sheep on site or the importance of this? However, if it is of such importance then animal movement records can be produced by the Applicant to confirm matters.
- 3.4 I consider the enhanced Labour requirement suggested in the Report is flawed as the sheep are not owned by the Applicant and are not permanently kept on the Holding. (Even if the sheep were to be taken into account, one would need to apportion the labour requirement between the Application site and the other lands used by the sheep owners.) Nevertheless, whether you consider my assessment or the Applicants, there is consensus that the Holding only represents 5 -13% of a full time unit
- 3.5 I note the comments on my reference to the use of the Holding being a modest leisure/hobby/amenity Holding. Whilst DEFRA may not have a definition of hobby farming, DEFRA “returns” include hobby/retired/other profession. Whether one considers the Holding to be commercial or leisure/hobby/amenity, the Holding only extends to 5.3 Hectares, represents only 5 – 13% of a full time unit, and the Applicants principal occupation is as a successful Head Teacher of a Primary School. Also, the Applicants Surveyor has previously commented that he struggles “to think of any farm that operates on 5 Hectares”. So I take it that we can at least agree that this is a small part time Holding.
- 3.6 There may be confusion about the “role of educational use” but there can be no confusion that the earlier Design and Access Statement states that the building was erected/designed for educational use. Clearly the design and construction of the building are relevant to considering its agricultural function.
- 3.7 I consider that building regulations etc relevant to education are relevant to this Application as the Applicants earlier reference to them is an indication of the purpose for which the building was erected.
- 3.8 I am pleased to note agreement that traditional buildings such as this are redundant for present day agriculture, but note that this is qualified by referring to larger farms reliant on mechanisation. The Report comments that it is considered that the building is relevant to the size and type of the Application holding. I have some sympathy with this though, even on small units, Appellants have successfully argued against me that small units still have machinery unsuited to traditional buildings; mechanisation can be even more relevant to small units; or such units use Contractors with larger vehicles. Indeed, the Application site is well mechanised.

Also, I would contrast the case for continuing to use existing traditional buildings with constructing new buildings of traditional/19thC design and layout.

3.9 Reference is made to the low cost of the building, and the cost of the traditional design/construction is portrayed as being for cost saving reasons. However, when the Applicant was asked about the cost he indicated a figure for which I would anticipate a reasonable contemporary steel framed agricultural building could have been provided.

I note the references to design details, though designing a new building with the aim of manhandling bales up through raised pedestrian doorways, and to avoid the use of machinery, surprises me. In particular, I note the railings on the plans which will hinder, and not assist, off-loading from a trailer as suggested.

I dispute that reference to door heights for machinery is irrelevant. I do not consider that the fact that tractors can be found which fit in a building is vindication of new building design.

In summary, clearly, there are differences between the Applicants Surveyor and myself. The Applicants Surveyor considers "that the design of the building is fit for purpose and suited to a small farm" whereas, as I have previously commented, I do not consider that the design or construction of the building was intended for agricultural use or is appropriate for present day/modern agriculture.